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Diversity

A New Approach to Diversity and Inclusion Initiatives

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Even in 2015, for some, the case for diversity and inclusion commitment, programming, resources and institutional change must still be made. As noted by Pedro A. Cortés and Teresa Rodríguez in their April 16, 2013, article in *The Legal*, titled "Business, Moral and Political Imperatives for Diversity," historically, organizational commitment to diversity within the legal profession has been presented in one of three ways: as a moral imperative, as a business imperative or as a political/community-relations imperative. When making the argument for continuing and increasing commitment to diversity and inclusion, or D&I, goals and initiatives, however, another rationale has emerged that is being given increasing focus and resources. In addition to all of the articulated reasons, some law firms, like other business organizations, are embracing D&I as an expanded opportunity for leadership development.

D&I Engagement Through Leadership Development

A leadership-development approach to D&I forces organizations to shift from a sole focus on those who may be classified as "diverse" within a predefined metric to a systems-oriented method that includes the participation of everyone. It has been well documented how important it is that organizations, including legal organizations, identify talent from diverse backgrounds for leadership development. And having a strong pipeline of diverse attorney leaders remains critical within an increasingly competitive and globalized market. Diverse attorneys must be included in the leadership pipeline and work must be done to ensure that diverse attorneys are prepared and positioned for that pipeline.

But D&I-oriented leadership development programs cannot end with diverse attorneys. D&I engagement through leadership development must actively utilize all of those lawyers who serve in a leadership or managerial function—whether as a managing partner, a partner-level attorney with team staffing responsibility, a department head in charge of a specialty practice, an office or regional manager, a firmwide committee chairperson or otherwise.

It has been posited by an array of academics, legal practitioners and industry experts that the 21st century practice of law is as much about executing sound business and organizational practices as it is about providing substantive legal expertise. And, although lawyers have learned how to

navigate the billable or business aspect of law, few have had the leadership training required to manage within increasingly complex law firms (and client bases) composed of people from the varied backgrounds and generations present today.

In its 2014 Diversity Best Practices Guide, the National Association for Law Placement included leadership training as a critically important best practice. It highlighted how many legal employers have now recognized the importance of providing additional training opportunities for firm leaders who are charged with implementing D&I goals. But, in an effort to provide practical resources, the publication also noted the work of the American Institute for Managing Diversity and its "Diversity Management Series for Law Firm Leaders." That program, like others that are developing across the country, seeks to provide a diversity-oriented management program that is aimed specifically at law firm leaders. It seeks to provide them with the tools and the skills needed to bring about sustainable improvement in D&I.

Similarly, other organizations have emerged within the last few years which have been deliberate in positioning D&I as a leadership development paradigm. For example, the Leadership Council on Legal Diversity, a national, member-driven consortium, developed an approach to D&I implementation by focusing on bringing together corporate chief legal officers and law firm managing partners. The LCLD, like other emerging D&I organizations, is developing action-oriented D&I programming that is responsive to the needs articulated by these leaders, most of whom may not self-identify as "diverse" under the NALP guidelines. These leaders, however, have recognized how vitally important it is for all leadership within their respective organizations to not only understand D&I but to also have the tools at their disposal to move internal D&I initiatives forward.

From Seminars to Systems and Processes

For too many, the current statistics on the representation of diverse attorneys within law schools and law firms present a bleak picture. And law firm diversity professionals and diversity committee leaders, among others, are often hard-pressed to determine workable D&I approaches that will have real impact or results. In this difficult climate, it is generally agreed that law firms are retooling efforts by increasing focus on the array of inclusion initiatives that promote retention and promotion of diverse attorneys within their ranks, rather than maintaining singular focus on diversity initiatives that seek to open doors of opportunities to those who historically were denied entry.

In their article, "From Diversity to Inclusion," in the Deloitte University Press, Juliet Bourke, Christie Smith, Heather Stockton and Nicky Wakefield, like others, discuss the necessity of moving organizations to a model of inclusion. And although their work makes the important case that fostering understanding and awareness is a fundamental necessity for inclusion, the recommendations do not end there. They offer tangible steps that leaders might take to move from diversity to inclusion by suggesting renewed focus on existing systems and processes.

A leadership development approach to D&I engages management across various spheres to address organizational systems and processes, including recruitment/hiring, compensation, training, career development, performance evaluation, case staffing, and business succession planning. Those that adopt this approach recognize that firm leaders cannot merely become aware of the history, perspectives and theories that are driving D&I programming. Eventually, these leaders must be actively engaged to address these systems and processes that are critical components in moving D&I forward.

Today, within the leadership development sphere, collaborations between scientists, academics,

diversity professionals, business schools, human resources professionals and a host of others have arisen. And diversity professionals within the legal industry have learned to look to other industries and disciplines for guidance in crafting D&I-oriented leadership development. There is much to be learned from others outside of law.

Recently, CEB, which advances the science and practice of organizational management, presented the work of Dr. David Rock of the NeuroLeadership Institute. What Rock and others conclude is that D&I metrics within organizations, including law firms, are not being impacted by general diversity training. As Rock and a host of others argue, in order to have impact, D&I initiatives must focus on enacting prevention and mitigation measures into existing organizational systems and processes.

If law firms or other organizations are going to adopt a method of addressing organizational systems and processes to move D&I forward, the reality is that the leaders who are going to implement those systems and processes must be engaged. A leadership-focused rationale for executing D&I initiatives recognizes the investment in and by these organizational leaders; it recognizes that most lawyers (even highly experienced lawyers) have little or no formal management experience or training; and it requires every organizational stakeholder to take ownership of his or her respective role in fostering a workplace that truly positions all for success.

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Kimya S.P. Johnson serves as Cozen O'Connor's first director of diversity, inclusion and pro bono. She is responsible for the strategic planning and implementation of the firm's diversity and inclusion goals across its 24 offices. Prior to assuming this role, she practiced in the firm's labor and employment group in Philadelphia.

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