

Working Across Differences

Pathfinders Program 2017



LEADERSHIP
COUNCIL
ON LEGAL
DIVERSITY

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Introduction

- People do their best work when they feel valued, respected and included
- Not enough to just focus on doing good work – paying attention to “how” we work together matters
- When people feel marginalized, it can result in:
 - decreased morale, engagement, and productivity
 - strained interactions and breakdowns in communication
 - increased attrition



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Why Care

Working effectively across differences:

- Promotes a sense of team/inclusion
- Leads to increased engagement and better work product
- Enhances your leadership skills
- Accelerates the professional development of junior team members
- Expands your bench-strength and pool of support or “go to” associates



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Objectives

- Explore how different social identities may influence work interactions
- Increase awareness of how unconscious bias can impact the work/assignment process and other interactions
- Provide tools and strategies to promote working more effectively across our multiple differences



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Guidelines

- Participate
- Respect different points of view
- Be open to learning
- Assume others mean well
- Preserve confidentiality



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HOW DIFFERENT IDENTITIES MAY INFLUENCE WORK INTERACTIONS



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Dimensions of Diversity



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Interacting Across Differences

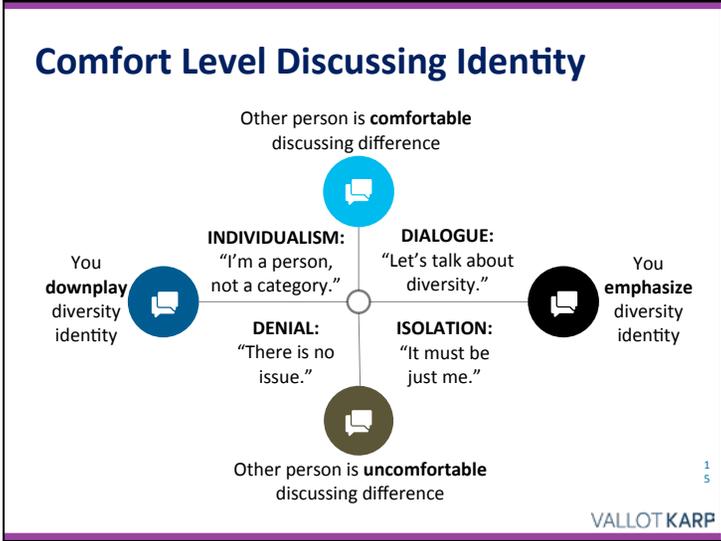
Form groups of 3 and discuss 1 or 2 of the following:

1. When you were growing up...
 - What were the early messages you received about “Who is/ isn’t trustworthy?”
 - What criteria do you use to make that determination today?
2. How might you expand your “in-group” at work?
 - How is your current in-group “similar” to you?
 - How is your current in-group “different” from you?
3. What are the situations where you deliberately and actively seek out opportunities that will expose you to new people, new ideas, and new places?



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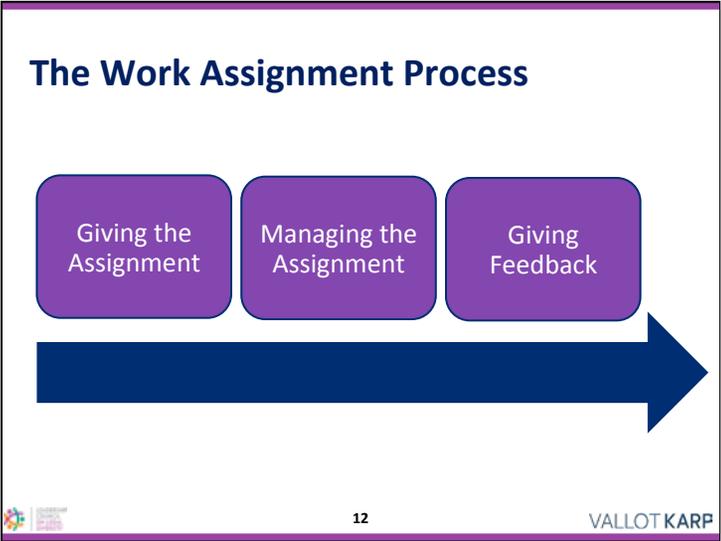


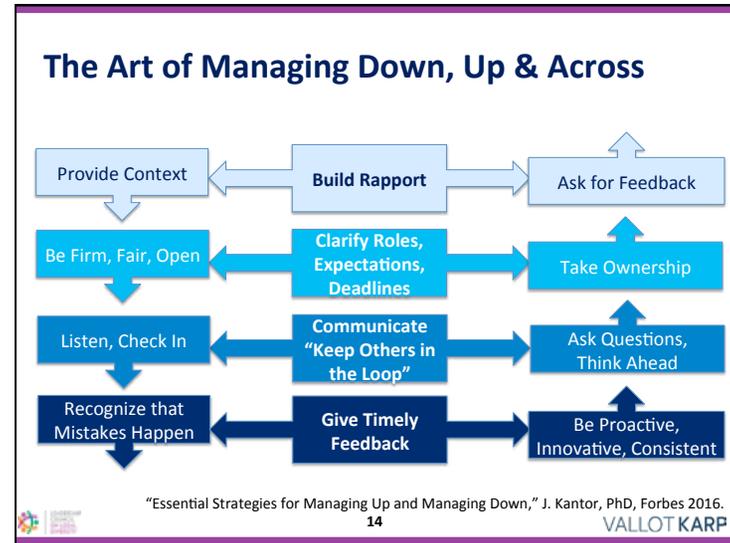
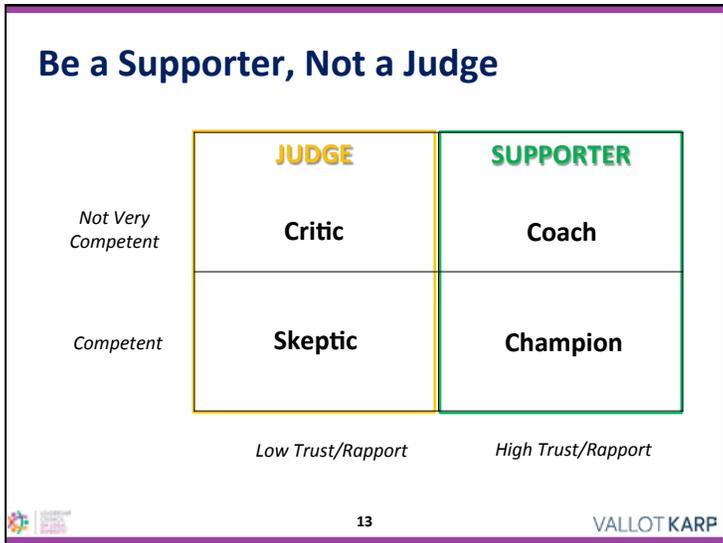
- ### Interacting Across Differences
- Step out of your comfort zone
 - Be open, curious and persistent
 - Look for commonalities
 - Acknowledge differences and use them as learning opportunities
 - Take responsibility for building and maintaining relationships across difference
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WORKING ACROSS DIFFERENCE

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- ### When Giving Work Assignments
- Consider what assumptions you are making about an associate's competency and what biases might be operating
 - Rotate administrative tasks – don't allow anyone to "opt out"
 - Be deliberate in giving the assignment:
 - Explain the context/big picture
 - Discuss possible approaches
 - Make it safe to ask questions
 - Be clear about your timeline and deliverables
- Bottom line: *What am I doing to increase the likelihood of getting a superior work product?*
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- ### When Managing Work Assignments
- Whenever possible, include junior associates on conference calls and in meetings
 - Keep juniors "in the loop" about any updates/changes
 - Make yourself accessible for questions
 - Periodically check in to see how the work is progressing
 - View your role as a Coach/Mentor to all junior attorneys
- Bottom line: *What am I doing to enhance this attorney's professional development?*
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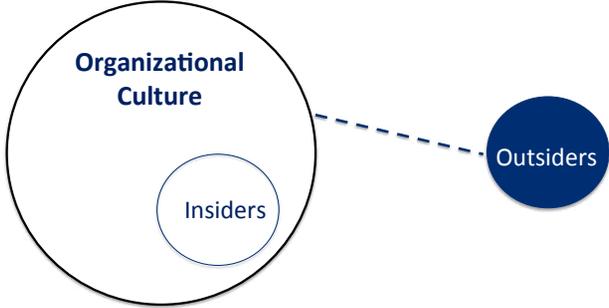
WHAT CAN GET IN THE WAY

- Insider/Outsider Dynamics
- Unconscious/Implicit Bias



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Insider/Outsider Dynamics




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Insider/Outsider Dynamics

A time when you felt “different” or like an “outsider”



- How did it make you feel?
- How did it affect your behavior?



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Insider/Outsider Dynamics

Frequent Reactions of Outsiders

- Self-conscious
- Uncomfortable
- Isolated
- Reluctant to make contact
- Second guess oneself
- Hesitance to offer suggestions/ideas
- Reluctant to ask for help or assistance
- Feeling you have to work twice as hard to fit in



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Insider/Outsider Dynamics

Ways to Check Your Behavior
Whom do you...

- Chat with?
- Offer assistance?
- Share the unwritten rules with?
- Give the benefit of the doubt?
- Offer to help out?
- Give candid feedback?
- Solicit their opinion?
- Sit next to at meetings?
- Invest in building a relationship with?

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Conscious vs. Unconscious Bias

Conscious bias

A preference FOR or AGAINST a person or group that one is aware of

Unconscious/Implicit bias

A preference FOR or AGAINST a person or group – that one is not aware of – but that is nevertheless communicated through statements or actions

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Many Dimensions of Bias

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Implicit Association Test

Harvard Study (www.implicit.harvard.edu) shows that although people report little or no conscious bias:

- 75% of test takers showed some implicit bias in favor of a particular identity group
- IAT test-takers with higher levels of implicit bias are more likely to make biased employment decisions
- “In-group favoritism” – in effect – results in excluding those who are different from us
- The conscious desire not to be biased does not eliminate unconscious bias

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How Bias May Affect Giving/Managing the Work

“Halo” Effect

- Mistakes are treated as learning opportunities
- You are easily accessible and available
- Give stretch assignments and offer coaching/guidance
- Praise their work to the partner/senior leaders

“Horn” Effect

- Mistakes equated with lack of competency
- Available only on “need to see” basis
- Some tendency to assign ministerial work
- Frequently refer to mistakes or missteps

J-F Manzoni and J-L Barsoux, “The Set-Up-To-Fail Syndrome” HBR, March-April 1998.



The Impact of Confirmation Bias

Type of Error	“Caucasian” Thomas Meyer	“African American” Thomas Meyer
Grammar	2.9 out of 7	5.8 out of 7
Technical	4.1 out of 6	4.9 out of 6
Errors in fact	3.2 out of 5	3.9 out of 5
Overall Rating	4.1	3.2
	<i>“generally good writer” “has potential” “good analytical skills”</i>	<i>“needs lots of work” “he went to NYU?” “average at best”</i>



2014 Nextions study involved 53 partners from 22 law firms
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How Asian/Pacific American Bias Shows Up

- In 2016, Asian and/or Asian/Pacific American (APA) associates were 12.95 % of all associates but only 3.96% partners in major law firms*
- Only 31 of the Fortune 1000 companies have an Asian GC
- Lack of promotions into leadership roles is linked to biased assumption that Asians “don't fit the popular image of a leader” (e.g., lacking in communication skills/not assertive enough)



Major law firm: 701+ lawyers, “2016 Report on Diversity in U.S. Law Firms,” NALP, 2017 and “Where Are the Asian American Partners?” Vivian Chen, The American Lawyer, 2017



How The “Double Bind” Operates



When women are decisive and assertive... they are often seen as abrasive, too ambitious, and **“less likeable”**

When women are supportive and collaborative... they are often seen as likeable, but **“less competent”**

Catalyst: The Double Bind Dilemma for Women in Leadership: Damned If You Do, Doomed If You Don't.

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How LGBT Bias Shows Up

- 81% of heterosexual employees feel that “LGBT people should not have to hide” who they are in the workplace
 - *Yet...70% of heterosexual employees believe “it is unprofessional” to talk about sexual orientation at work*
- Concern about bias may lead LGBT employees to engage in “covering” behavior:
 - Not raising LGBT issues/concerns
 - Not affiliating with other LGBT people
 - Not bringing partner to events
- 53% of LGBT employees nationwide are in the closet

Sources: HRCF study “The Cost of the Closet and the Rewards of Inclusion” 2013; K. Yoshino and C. Smith, “Uncovering talent: A new model of inclusion” Deloitte University 2013.



Same Behavior/Different Interpretation

	MEN/WHITES	WOMEN/POC
Success	Individual Skills – “Has what it takes”	Lucky Break – “Had help from others”
Mistakes	“Part of the learning curve”	“Doesn’t have what it takes”
Assertive Behavior	“Knows his stuff”	“Needs to be less abrasive”
Hesitance	“Thoughtful”	“Lacks confidence”
Performance Reviews	“Doing a great job” [Ranked 5 out of 5]	“Doing a great job” [Ranked 4 out of 5]
Promotions	“Has potential”	“Doesn’t have a proven track record”

“Fair Measure: Toward Effective Evaluations” 2nd edition, ABA Commission on Women



TOOLS & STRATEGIES



Ways to Counter/Interrupt Bias

- Recognize the human tendency to operate on “automatic pilot” and categorize people
- Don’t assume that just because you don’t see/experience bias, it doesn’t exist
- Be willing to listen to concerns raised about potential bias and/or stereotyping
- Don’t attack the messenger – be attuned to the fact that there may be gaps in how you and others experience your firm/organization



Engage in Self-Reflection

Ask yourself:

- How might my values, beliefs and/or preferences be influencing my behavior and sending unintended messages?
- What assumptions am I making about a particular individual or group?
- What if my assumptions are incorrect?
- Do I feel uncomfortable around, or avoid, certain groups of people?
- What are things I say/do that may inadvertently leave people feeling excluded and/or result in undermining their success??



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Ways to Support Others

I notice that...

- “You hesitate before pronouncing my name”
- “You forgot to include Zoe on the conference call invite”
- “Sang, you looked like you were about to add something to the discussion

I wonder if...

- “I may offer you a method to help remember the pronunciation”
- “I might forward the invitation on your behalf”
- “We might hear from Sang next”



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Things to Remember

- It is important to focus not only on getting the work done but also on building relationships and promoting inclusion
- Effective management requires being more intentional about your interactions with colleagues, junior attorneys and those who are more senior, especially across difference
- Each organization/firm’s commitment to excellence and becoming a meritocracy requires everyone to look for ways to identify and interrupt hidden biases that may impact work interactions



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Going Forward

Commit to one action:

Identify one specific thing you will commit to do to apply something you’ve learned from this discussion



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Thank you!

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