

The United States Law Week

More Carrot, Less Stick Needed to Boost Legal Diversity: Panel

By Sam Skolnik

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- Collaboration between firms, general counsel work, panelists say
 - Corporations have “a lot of leverage”: in-house counsel Johnson
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Increased collaboration between in-house counsel and their outside law firms will be needed to make permanent gains in law firm diversity, according to a group of attorneys and civil rights advocates.

That means setting concrete diversity and inclusion goals—and giving both sides proper incentives to see them realized, said the group of attorneys and civil rights advocates at the “Partnership in Diversity” panel discussion on Tuesday at the National Museum of African American History and Culture in Washington.

In other words, more carrot and less stick may be the answer, they said. Some corporate law departments, like Intel Corp. and Switzerland-based pharma giant Novartis AG, have taken punitive approaches like threatening to reduce payments, or cut firms out of the work mix entirely if they fail to hire and promote sufficient numbers of diverse groups.

Law firms’ inability to make consistent gains in their diversity and inclusion efforts has been a chronic sore spot for many corporate clients. They have increasingly told firms that they need to become more diverse—or else.

Threats may be a way to get everyone’s attention, but it’s less clear if they’ll have long-term impact, Robert Grey, president of the Leadership Council on Legal Diversity said.

“If you’re both not in it to win it, you’re both going to lose at the end of the day,” Grey said.

Bank of America Deputy General Counsel Amy Littman echoed the sentiment.

“We need to view these relationships as symbiotic,” said Littman. The event was co-sponsored by the bank and McGuireWoods, and was moderated by the firm’s chairman, Jon Harmon.

Still, corporation counsel need to acknowledge that “we are the ones with a lot of leverage,” said Mark Johnson, executive vice president and chief legal officer for Jasper, Indiana-based office furniture maker Kimball International.

That means sometimes wielding a bit of stick still might make sense. Corporate counsel needs to be direct with outside law firms regarding diversity targets and goals, Johnson said.

Grey concurred about the need to be specific about goal-setting.

“What gets measured gets done,” said Grey. “We’ve got to hold folks to account.”

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