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Ten Ways to Avoid a Repeat of the Diversity Recession

With 10,000-strong of its trainees in the market, the Leadership Council on Legal Diversity is hopeful this recession will have less of an impact on minorities than the Great Recession. LCLD president Robert Grey recaps what leaders of member organizations are doing to make sure that's the case.

By **Robert Grey** | June 11, 2020



Robert Grey, President, Leadership Council on Legal Diversity

The national outcry over the murder of George Floyd reminds us, yet again, of the unique challenges faced by African Americans and all people of color in the United States. That also applies to diverse lawyers and women, who must overcome so much more to attain success in the American legal profession, whether in corporations or Am Law 100 firms.

So in addition to the anxiety we all feel about recent events and a global pandemic, I've also come down with something else: an acute case of *deja vu*.

I was working in a Big Law firm in 2008, when the American economy sputtered and stalled.

Everyone in the legal profession today—including the 320 general counsel and managing partners who make up the Leadership Council on Legal Diversity (LCLD)—remembers what came next: a wave of devastating layoffs across the legal industry, which hit minorities and women disproportionately hard.

In the space of a few years, more than 10,000 lawyers lost their jobs, with female associates of color paying the heaviest price. In 2007, for example, 12.8% of fourth-year associates who left their firms were minority women; by 2009, that number had climbed to 15.5%. Even within the partnership ranks, women, who made up 16% of equity partners nationally in 2007, lost half of the jobs during the so-called Great Recession.

Minority partners fared even worse, as cutbacks targeted recent hires and reversed the modest gains in diversity seen in the previous decade. Overall, minority men and women accounted for nearly 21% of attorneys who left their firms in 2009, although they represented just 13.4% of the overall attorney population at those firms.

LCLD was founded in 2009, in the wake of this downward trend.

Along with other organizations, we worked hard to reverse that tide by making diversity and inclusion a priority in the legal community. A decade later, we celebrated our first wave of statistical success: the 10,000 diverse attorneys and law students whose careers we'd impacted through LCLD's various talent development programs. A community of diverse young attorneys primed for leadership by their law firms and companies, they represent a bright, diverse future for our country and its legal profession.

I'm cautiously optimistic that this group of talented individuals will weather the current storm, thanks to the support network they've built for one another, and the awareness, among our member organizations, that diversity begets resilience and success.

Yet for many in our profession, I fear that it's 2008 all over again.

During a financial crisis, firms can easily fall back on short-term solutions and overlook the value of their own diversity efforts. Will history repeat itself? Or will we reaffirm our collective commitment to D&I and find ways to preserve the gains we've made as a profession over the past 10 years?

In recent weeks, I've reached out to LCLD members all over the country to ask how they will ensure that their diversity initiatives—and diverse talent—continue to grow and thrive during this difficult time. Their answers, summarized below, are worth sharing.

1. Check in with your diverse attorneys.

Take time to ask them, personally, about what they're thinking and feeling right now. Their experiences of racism and the pandemic will be different than their majority peers—ask them what your organization can do to support them.

2. Maintain communication.

Embed inclusion principles in firm-wide communications. Direct senior staff to audit technology and communications platforms to ensure that all employees have access to, and receive, information. Pay close attention to how communication norms are different when working remotely as compared to in person.

Create new leadership opportunities.

Make it known that you welcome any and all ideas for how best to get work done, and encourage people to step outside their historic roles in adapting to difficult times. Sponsorship programs, like the one pioneered (<https://www.lclldnet.org/whats-working/2019/10/ellen-dwyer-creating-sponsorship-culture/>) by Ellen Dwyer

at Crowell & Moring, can have a two-fold effect by supporting less experienced attorneys while creating leadership opportunities for diverse attorneys further along in their careers.

3. Support diverse talent by providing relevant resources.

Host panels to explore and discuss the unique impacts of COVID-related environments. Hold virtual “town hall” meetings to address issues that are top-of-mind for your employees. Remember that different socioeconomic groups are experiencing things differently.

4. Showcase diverse talent.

When you lead a video call, make sure that you adjust settings so that you can see everyone’s face (and encourage participants to do the same). Call out diverse team members who may be able to contribute to the conversation but may have difficulty jumping in, and encourage your leadership team to do the same. Seek opportunities for diverse team members to lead discussions and present their accomplishments. Ensure the full participation of diverse associates in problem solving.

5. Continue to articulate the business value of diversity.

Remember that D&I will bring long-term value to business. Now more than ever, our organizations need the best and most creative thinking—and that’s what talented, diverse teams bring.

6. Ensure talent management processes are working.

Everyone needs equitable access to work and professional development resources. If processes have changed with the shift to remote work, make sure bias interrupters remain in place.

7. Look for cost-effective alternatives.

While external D&I initiatives may face budget cuts, there are many ways you can support at a lower level. Options include in-kind contributions, or hosting virtual meetings as opposed to in-person events.

8. Capitalize on the new opportunities a virtual environment provides.

Video conferencing and other technologies provide many ways to keep people connected; for example, you can connect employees from different geographic areas, or provide a platform for needed conversations that might not come up in normal office exchanges. Create regular virtual check-ins that have business and social components.

9. Use pro bono.

While law firms work to ensure an even allocation of client matters, pro bono projects provide another important avenue for training, and can help strengthen relationships and provide a deep sense of satisfaction for those involved, especially in the current climate.

For more practical ideas on making your organization more diverse and inclusive—during the pandemic and all the time—please visit the What’s Working (<https://www.lclldnet.org/whats-working/>) portal on the LCLD website.

Robert Grey, a former president of the American Bar Association, now serves as president of the Leadership Council on Legal Diversity

