



CONVERSATION STARTERS

Diversity Reporting

“What gets measured gets done.” Those words have launched myriad efforts to figure out how to make the legal profession more inclusive. One of the approaches employed is to have internal and external reporting of diversity and inclusion efforts by in-house law departments and the firms they engage.

Company A: Diversity is a leadership issue in our company. We are scored on it. We measure our internal diversity efforts and we discuss the results internally. We also measure the diversity efforts of our law firms and we share that information with them in an anonymous fashion. We have created programs to support our law firms. One such program provides for a financial bonus for firms that meet their diversity goals.

Company B: We have consolidated the bulk of our legal work to a handful of law firms. We use the MCCA diversity reporting survey to gather data. If a firm is too small to fill out that survey, we do our own detective work to gather data. We create charts and graphs from the data to share what we are learning about how our firms compare to each other and the national average. The charts (without identifying information) are shared with the firms so that they know where they stand. Our GC and the head of our Diversity Council lead this discussion.

Questions to consider:

- What is the purpose of diversity reporting?
- What are our company-specific goals with diversity reporting?
- What are we actually measuring?
- Who is designing our surveys? Do we know that they are producing what we want?
- Carrot or Stick—what works and when?
- Gaming the system—where there is a rule, there is a lawyer who can find a clever way to bend it. What has been your experience?

Partnering with Law Firms

Engaging outside law firms as partners in various aspects of a company’s business is a common practice. Such programs often create a win for the corporation, a win for the law firm, and a win for the individual law firm partner or associate.

Company A: We use CLE programs as a tool to showcase diverse lawyers who do NOT already have a relationship with the company. We ask their firms to pick two or three diverse lawyers to present on a topic of their choice to the law department.

There is no guarantee of future work. Some of the folks do great and some just do OK. Everyone gets to have dinner with our GC the night before the event and then meet members of our legal department at the event. Work has been sent to lawyers introduced to the company through this program.

We also do a Diversity Roundtable where we bring in our top 20 or so law firms and bring in national caliber speakers who address firm and law department lawyers on current issues in diversity and inclusion. We require the relationship partner to attend this program and encourage them to invite a diverse attorney we do not currently know.

Company B: We try to use our business to help attorneys who are in the “red zone”—being pushed to develop a book of business. We try to support them by having the firm send diverse lawyers to present a CLE program on a topic of their choice. We ask for lawyers who don’t have a relationship with the law department. This gives that lawyer an opportunity to shine in his/her area of expertise that is also important to our company.

Company C: We use secondments to meet our internal staffing needs (big projects, parental leave, etc.). The program provides us with access to diverse attorneys to support our work. We have not had any challenges getting firms to supply us with top talent. We rarely hire a secondee. However, when we do, the firms generally are very supportive.

Company D: We try to use our relationships with our firms to create change for their diverse attorneys. For instance, we ask them about diverse lawyers working on our matters. We ask about milestones needed to be reached to make partner, what the firm is doing to make sure the milestones get met, and what our company can do to support that effort. We find that firms are very good at talking about their efforts to advance diverse attorneys in an abstract level and very poor at talking about it when it comes down to specifics.

A new thing that we are doing to support diverse lawyers is asking firms about their billing credit allocation. We are just starting out on this path and will be interested to see if it has an impact.

Questions to consider:

- Is there a link between your diversity reporting program and your partnering program?
- What’s in it for the company/law department and what’s in it for the law firm?
- How do you leverage an event/activity to accomplish more than one goal?

Internal Talent Development

It is great to push our law firms to up their game and do more to develop diverse lawyers. Our purchasing power is a significant factor in that effort. The tougher question is how do we (and why do we) drive internal talent development so our own diverse lawyers have every chance to succeed?

Company A: Our goal is to create a level playing field—we want everyone to have a chance to succeed. Our theory is that if we identify and address performance gaps (non-substantive gaps often the biggest challenge), our colleagues can be positioned to succeed in pursuit of their career goals. Understanding a person's gaps gives us the opportunity to find a new opportunity within our company. We will also support someone moving to another company. While we don't want to lose talented contributors, we are more concerned about supporting our colleague's continued development.

Company B: We have a very intentional advancement process. Our GC believes in moving people around to new roles. We are committed to doing well in this area. At the same time, it is not a super transparent process for us.

Company C: We have a Talent Council that helps people think about their career plans. We connect people to mentors and have a formal development program. We also take advantage of industry opportunities to develop our people. Our GC also pushes us to move into new areas within the department to expand our skills and experiences.

Questions to consider:

- Is our bite up to our bark? (Do we walk the talk internally as well as we talk it externally?)
- What is the stated purpose of our internal talent development program?
- Are we learning from other staff and/or line units within our company?
- How do we leverage internal and external opportunities to support professional development?

Going Global

Corporate growth has done a lot more than creating new customers in new markets. It has also created legions of lawyers in foreign countries who now work for U.S.-based companies. Incorporating these talented individuals into the law department is easier said than done, especially when language adds to cultural, gender, and other barriers.

Company A: We are a global company with offices around the world. However, we function in a top-down manner. Our local offices often don't feel included. We are now sending executives to offices in other countries. We are trying to focus on developing synergies in each of our markets but in a market-specific manner so that each location has a localized approach.

Depending on our market we may be focused on an ethnic minority group, a particular generational group, socio-economic group, and/or gender may be our focus. Regardless, we strive to be a global organization rather than a U.S.-centric one.

Company B: Our company is growing and we have more and more international attorneys, paralegals, and other support staff. We instituted quarterly meetings to share business updates, have some fun, and keep in touch. We have added videoconferencing capabilities so our legal team in other countries can participate in these meetings.

We also started a program to ask our new colleagues in other countries to make short videos about themselves that are shared with those colleagues in the U.S. This has been a really interesting experience as people have taken very creative approaches to creating these videos. We have learned a lot about our incredibly talented colleagues.

We have also begun to use a cultural assessment tool that helps our people analyze their work style and compare it to work styles of colleagues in other countries. We found this assessment at one of our clients and have embraced it.

Questions to consider:

- What does “inclusive” mean in a global enterprise?
- Do we move beyond Title VII categories or is that still the primary focus?
- Does technology help or hinder these efforts?
- How do we stay “global” and not “U.S.-centric”?