

## **Beyond Diversity: Inclusion in the legal workforce**

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The business climate of the 21<sup>st</sup> century is increasingly diverse. In order to succeed in this environment, law firms must take active steps to mirror the business culture of the present and the future – not rest blindly in the culture of the past.

Corporate counsel of Fortune 500 and other corporations have signed a pledge demanding that the law firms they hire increase the diversity of their ranks or risk losing them as clients. In spite of this challenge, law firms are not doing a very good job.

When it comes to diversity, the legal profession ranks far behind all other professions. According to data gathered in the last census, only 9.7 percent of attorneys nationally are members of minority groups. In Colorado, the number is a scant 6.9 percent.

At the same time, members of minority groups now account for 24.6 percent of doctors, 20.8 percent of accountants and auditors, and 18.2 percent of those teaching in colleges and universities. Why is the legal profession so far behind?

“For many years, law firms have been trying to address the issue of diversity by adopting piecemeal measures designed to recruit and hire – but not retain – minority lawyers,” said U.S. Magistrate Judge Kristen L. Mix.

“Instead, they need to look deeper – to change the very cultures of their law firms from the ground up,” said Mix. “Most law firm cultures evolved to ‘include’ the traditional category of lawyers – white heterosexual males. This needs to change.”

Mix addressed diversity in the legal profession at an educational meeting of the Mile High Chapter of the Association of Legal Administrators ([www.milehighala.org](http://www.milehighala.org)), held in Denver March 20 at The Adams Mark hotel.

Mix spoke in support of the Colorado Campaign for Inclusive Excellence ([www.colegaldiversity.org](http://www.colegaldiversity.org)), created recently as the education and action arm of the Dean’s Diversity Council – a group of leaders from both law schools as well as all sectors of the Colorado legal community (including 28 law firms).

CCIE and DDC share the mission that, by the year 2016, all Denver metro law firms and corporate legal departments will have successfully developed and implemented initiatives

that create cultures of inclusion – where attorneys of all backgrounds succeed without regard to gender, race, religion, national origin, disability or sexual orientation.

“As far as we know,” said Mix, “CCIE is the first organization in the United States to adopt this mission and support it with an aggressive action plan.”

### *A three-pronged effort*

CCIE working groups focus their efforts on three problem areas: fewer minority students in the law-school pipeline, difficulty recruiting minority graduates to predominately majority law environments, and – especially – difficulty retaining minority lawyers.

“On the pipeline front,” said Mix, “the number of minority students currently applying to law school is actually decreasing – which means that law firms and law departments have a smaller pool of graduates from which to select.”

Something in our culture is telling diverse high school and college students that the field of law is not an option – while other professions are.

“One way to address this problem is to support programs that introduce high school and college students to the law – hopefully igniting a spark,” said Mix.

These include programs like scholarships, college prep workshops, mentoring, summer internships and career networking.” The law schools at the University of Denver and the University of Colorado are active participants in this effort.

“On a less structured level, each of us can personally embrace the values of inclusive excellence – modeling them in our families and demonstrating them through our activities in local schools and community groups,” said Mix.

On the recruiting front, law firms and law departments will strive to attract minority lawyers (graduates and laterals) to the Denver area by maintaining a higher “inclusive” profile at local and national law schools, local and national minority recruitment fairs and local and national minority bar associations.

“In the future, a reputation for inclusiveness will be necessary in order to recruit the best law school graduates – majority as well as minority – to your law firm or your law department,” said Mix.

“The Millennial generation is the most racially and ethnically diverse in U.S. history. One of every three is a person of color and interracial friendships are the norm. Millennials not only tolerate diversity – they embrace it and value it. They will seek out inclusive workplaces and boycott those that are not.”

On the retention front, more than 40 percent of minority lawyers leave law firms after three years, 60 percent after four years and almost 80 percent after five years. When asked why they left, the most common response is a non-inclusive culture.

“The term inclusive excellence is a new paradigm for the legal profession and moves beyond mere numerical goals to embed practices and philosophies that encourage true diversity in every aspect of a law firm or legal department,” said Mix. “These practices and philosophies will attract diverse attorneys and encourage them to stay.”

CCIE has developed a set of best practices that define inclusive excellence in a law firm or law department. These best practices were recently published in a handy workbook: *Beyond Diversity: Inclusiveness in the Workplace*. It is based on a program developed by The Denver Foundation for the local nonprofit community.

The comprehensive manual is a practical how-to guide for law firms and law departments that covers:

- Creating an inclusiveness committee;
- Training of committee members and retaining consultants;
- Defining what inclusiveness would look like and creating a case statement;
- Collecting and analyzing information about the existing culture;
- Creating the blueprint for a new, inclusive firm or department culture; and
- Implementing the blueprint and measuring progress.

Appendices to the manual include useful exercises, sample documents and resources.

“True cultural shifts happen when best practices coincide with firm cultures that embrace and value people from different backgrounds,” said Mix. “They happen when decision-makers recognize that these differences add value – making organizations more innovative, creative, responsive to clients and competitive in the marketplace.”