Diversity in Practice: Retention Best Practices

“There is no one solution for eradicating barriers within law firms; neither is there one formula for establishing a truly open and diverse profession...”

Pamela J. Roberts, Chair, Commission on Women in the Profession – From Visible Invisibility to Visibly Successful

Diversity in Practice: Best Practices for the Advancement and Retention of Attorneys of Color

Best Practices Working Group – Retention

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Executive Summary

The Best Practices Working Group was established to review the current best practice materials from a variety of sources and use that information to recommend best practices for Diversity in Practice member law firms and law departments. The working group reviewed the following documents:

1. Sustaining Pathways to Diversity®: The Next Steps In Understanding and Increasing Diversity & Inclusion in Large Law Firms www.MCCA.com
2. From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms www.MCCA.com
4. Sage (Self-Audit for Gender Equity) best practices, Minnesota State Bar Association Committee on Women in the Legal Profession
5. Creating Pathways to Diversity®: A Study of Law Department Best Practices
In each of these reports and/or summaries, there were common themes for retention of diverse lawyers (in our case, specifically diverse lawyers of color):

- Diversity must be considered a strategic objective and be included in the organization’s strategic plan
- Diversity goals, initiatives and accomplishments must be communicated throughout the organization, and the goals and objectives must be measured
- The organization’s leadership, starting from the top, must be committed to diversity and demonstrate that commitment through ongoing support and evaluation of the organization’s diversity efforts

We believe that in order to retain lawyers of color, our members must move from a compliance model to a model of inclusion. The Creating Pathways to Diversity® study states that “[c]reating a culture of inclusion where employees’ differences are valued and respected has proven to be one the best ways to retain a diverse, productive workforce.” This theme was prevalent throughout all the materials we reviewed.

Attached are our suggested best practices; they are focused on (1) the Process, (2) the Procedures, and (3) the Policies needed to make the implementation of any best practices a reality. We seek to recommend best practices applicable to both law firms and corporate law departments; therefore, there are some practices that may be unique to one organization and not the other.

**Implementation**

Once the final draft has been approved by the working group, we will be asking key constituent groups to review and provide feedback. Once we are comfortable with the document and have received buy-in from several member organizations to work through the suggested practices, we will be presenting the document and a roll-out plan to the Board. This plan will be based upon the information we get from the groups we have asked for input and will result in a recommendation to the Board for their approval. The only way that this or any best practices pledge can be effective is if we have organizations willing to work on their retention, based on this plan. We understand that without these pilot organizations and measurements of success, we will not be providing our members with a working, useful document.
# Successful Strategies for Advancement of Attorneys

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<th>1. <strong>Build a Foundation of Diversity</strong></th>
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<td><strong>Understand the unique issues facing lawyers of color and women in your organization.</strong></td>
<td>1. Host facilitated dialogues with internal constituents about key issues involving race and/or gender.</td>
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<td>2. Conduct an internal survey focused on identifying issues facing lawyers of color and women. Results should be reviewed by a designated committee and/or management team and action items built into diversity strategic plan with accountability for achieving desired outcomes.</td>
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<td>3. Provide facilitated audit of the organization’s culture.</td>
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<td>4. Hire outside consultant to conduct surveys, individual interviews and focus groups to understand and make recommendations.</td>
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<td><strong>Understand regional and national diversity trends and how they relate to your organization.</strong></td>
<td>1. Actively participate in Bar Association programs, diversity organizations and CLEs.</td>
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<td>2. Regularly attend Diversity Conferences focused on multicultural issues, workplace equity, communicating across differences, etc.</td>
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<td>3. Subscribe to online and/or print publications focused on diversity and inclusion and make them generally available.</td>
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<td>4. Promote regular involvement in activities within Diverse communities, including participation by employees on Boards which addresses issues facing key constituencies. Recognize and reward this involvement.</td>
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<td><strong>Commit Resources to Organization’s Diversity Efforts.</strong></td>
<td>1. Designate a Diversity Committee, Diversity Partner, Diversity Professional or a team of key individuals to create a budget and annual action items. Goals and accomplishments should be annually reported to the organization’s management team.</td>
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<td>2. Collaborate with other organizations who have already adopted retention best practices to identify opportunities for sharing and partnership.</td>
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Create tools and provide support for management and department heads to enable them to address the needs of attorneys of color.

1. Create diversity leadership programming for department heads and key leaders. This curriculum should include:
   - cultural competency training
   - cross-cultural communication
   - giving feedback across gender, racial and religious lines
   - mentoring across gender, race and religious lines
   - understanding the role white men play in diversity

2. Diversity metrics, staffing levels and success/challenge stories should be regular agenda items at leadership or management committee meetings.

3. Require annual or bi-annual reporting from leadership on the outcome of their efforts focused on diversity (see appendix for example).

4. Tie compensation (or create bonus opportunities) to the successful performance of goals designed to support the advancement of attorneys of color and women.

2. IMPLEMENT BEST PRACTICES

   **Attorney Evaluation and Professional Development**

1. Build systems of self-advocacy into the attorney evaluation process by providing employee input. Provide training to evaluators to ensure evaluations are given in an open, constructive and unbiased manner.

2. Develop a self-evaluation system for all lawyers through which they can communicate to the organization their perspectives regarding their annual objectives, accomplishments, challenges, and other self-advocacy items that provide attorneys with a meaningful voice in their evaluation process.

3. Set annual goals for all attorneys that support the development of core competencies and recognize the development value of internal/external leadership roles, such as on diversity committees or minority bar associations.

4. Develop and implement a leadership development curriculum within the organization that focuses on teaching less experienced attorneys core competencies, such as communication, conflict resolution, team management, and other skills in addition to the substantive legal skills they are already required to master.

5. Identify and communicate “core competencies” for the various seniority levels and practice areas within the organization, including specific expectations for partnership or other advancement.

6. Create consistent opportunities within the organization for lawyers to have conversations with leaders regarding what the organization expects from them, how promotion decisions are made, and how the partnership election or advancement process works.
7. Put intervention structures in place to identify, communicate and address performance problems early. Include opportunities for the employee to provide input.

8. Integrate business development skills-building into all areas of an attorney’s development in the organization:
   a. For law firms, involve less experienced attorneys on pitch teams and strategically plan for greater involvement and communication with clients early in their careers.
   b. For corporate law departments, identify key business clients and opportunities to gain exposure with those clients through specific work assignments.
   c. Integrate business development skills into all formal training programs.
   d. Create specific client development training workshops for senior attorneys to hone those skills in preparation for partnership or advancement.
   e. Invest in business development coaches who can work with individuals on a more extensive basis to build better networks and translate contacts into clients.
   f. Identify clients who share the firm’s commitment to diversity, and explore ways to partner with those clients to create greater visibility and exposure to the attorneys of color in the firm.

2. IMPLEMENT BEST PRACTICES (continued)
| Development Opportunities | 1. Create an effective Diversity Committee or similar leadership structure with meaningful participation by members at all levels of the organization, including leadership. Conduct clear strategic planning regarding diversity issues, and devote adequate resources to effectively execute the strategies and measure progress.  
   a. Create and maintain a visible and working role on Diversity Committee for key leaders and ensure that the composition of the committee is inclusive and not strictly comprised of attorneys of color or attorneys at a particular level of advancement.  
   b. Develop a strategic plan for the diversity initiatives with clear annual goals which are result-oriented. The goals should be reviewed regularly by leaders and then reported as part of the overall strategic plan reporting for the organization.  
   c. Form an external advisory board, such as Twin Cities Diversity in Practice, comprising leaders from the community, academics or clients to whom the legal employer will report periodically on its diversity efforts (like Twin Cities Diversity in Practice). Create external accountability.  
   d. Create a compensation system that recognizes individual contributions to the organization’s diversity efforts and involvement in external diversity organizations or initiatives. |

3. CREATE AN ACCOUNTABILITY SYSTEM
| Measurement Tools and Tracking Results | 1. Create accountability mechanisms by which practice group leaders are responsible for monitoring and correcting work flow imbalances with practice groups. |
| | 2. Develop clear measurement tools to track how work is being distributed within various sectors of the organization. |
| | 3. Develop concrete measurement tools through which attorney movement/ progress can be tracked, analyzed, and measured. |
| | a. Track lawyers of color hires and departures by practice area, seniority, office and any other criteria that may be unique to organization. |
| | b. Recognize the value of maintaining good relationships with less experienced lawyers who leave the organization, regardless of the reason. Successful outplacement efforts will help build stronger long term relationships. |
| | c. Develop and implement an effective exit interview process where candid information is obtained about why people leave and where they go. Perform an additional exit interview six months after the attorney leaves, when he or she may be more willing to be candid about reasons for leaving. |
| | d. Create a role for a key contributor to track the above statistics on a monthly or quarterly basis to identify and correct emerging issues with associates at an early stage. |