

Eliminating the Barriers Employers Face in Retaining Attorneys of Color



Study Conducted by:

PARENTEAU GRAVES

Study Designed and Presented by:



Executive Summary: Interviews with Attorneys of Color

TCDIP designed a study to understand the barriers faced by employers in retaining attorneys of color in the Twin Cities, with the end goal of sharing key recommendations with general counsels and managing partners. The consulting firm Parenteau Graves conducted 38 individual interviews with attorneys of color who either are currently working or have recently worked in the Twin Cities. The purpose of the research was to understand their workplace experiences and perspectives and to share this information with legal leaders to help improve how their organizations retain and advance attorneys of color. Participation was entirely optional and completely confidential.

Summary of Key Findings

- **Attorneys of color remain with employers** that offer flexibility and care for attorneys' wellbeing; a demonstrated commitment to diversity, equity, and inclusion (DE&I); mentorship and sponsorship that is reliable and expected; clear pathways to advancement; and opportunities to take on leadership roles and contribute to the firm or company.
- **Attorneys of color leave employers** because of a lack of an authentically inclusive environment; lack of leadership support for DE&I; lack of mentoring, regard for their progress, and support for areas where they need to improve; implicit bias in business practices; lack of work-life balance; lack of advancement opportunities and pathways.
- **Attorneys of color recommend the following to corporate leaders and law firm managing partners regarding how to retain and advance attorneys of color:**
 - Address implicit and explicit bias throughout the firm or corporation: A commitment to DE&I starts with top management, but it also must be valued and embraced by the middle. As one respondent said, **"It's confusing when [DE&I] is touted and valued at the top, but not in the middle where most of the work to advance DE&I needs to happen."**
 - Commit to what it takes to build an inclusive culture and expect significant transformation to make your law firm or corporation truly inclusive. Be conscious of the many points where inclusion can happen: development opportunities, meetings, social gatherings, or projects of significance.
 - Commit to supporting the development and advancement of attorneys of color, ensuring that they have internal champions who can provide access to the same opportunities and challenging assignments that people in the majority enjoy.
 - Listen—really listen. Provide safe spaces for attorneys of color to provide feedback.
 - Do not expect true change if there are no attorneys of color in positions of leadership.
 - Do not place DE&I work exclusively on the plate of attorneys of color. Make certain that all people advancing DE&I are compensated, given that this work cuts into their other work and billable hours.
 - Be clear and transparent about what it takes to be successful.
 - Be proactive. Don't wait until an attorney of color is walking out the door to make a last-minute offer.
 - Recognize the relevancy of this work on future business. Diverse teams are quickly becoming a demand from more clients.



Summary of Interviews with Attorneys of Color

August–September 2022

Overview

In August and September of 2022, Brigitte Parenteau and Kathy Graves from the consulting firm Parenteau Graves conducted individual interviews with attorneys of color who either are currently working or have recently worked in the Twin Cities. TCDIP designed the study with the end goal of sharing key recommendations with senior leaders.

The purpose of this research project was two-fold:

1. To understand the workplace experiences and perspectives of attorneys of color;
2. To share this information with law firm and corporate leaders to help them improve how they retain and advance attorneys of color.

A total of 43 individuals signed up for the interviews, with 38 interviews completed (5 people had schedule changes and were not able to participate).

Participation in the interviews was entirely optional. Potential interviewees were identified by TCDIP's executive committee and staff and contacted by Parenteau Graves. Participants were guaranteed confidentiality; their names will not be published nor will their places of employment.

Demographic Summary of Participants

Do you have a disability?

No	37
Yes	1

What is your gender expression?

Female	23
Male	15

What is your racial identity?

Asian (includes Japanese, Chinese, South Asian, Indian-American, Filipino)	15
Black	13
Latinx/Hispanic	7
American Indian	3

What is your sexual orientation?

Heterosexual	33
Gay or Lesbian	3
Bisexual	1
Prefer Not to Answer	1

How many career moves have you made in the last 5 years?

0 moves	14
1 move	9
2 moves	7
3 moves	7
4 moves	1

How would you characterize your current employer?

Corporation	15
Large law firm	13
Mid-sized law firm	4
Small law firm	3
Non-profit Organization	1
Law School	1
Government/Judge	2

How long have you been practicing?

>1 Year	5
1 - 2 Years	12
3 - 5 Years	8
6 - 8 Years	5
9 - 11 Years	3
12 - 14 Years	1
15+ Years	4

Number of participants who have left Minnesota in last 5 years



What are your practice areas?

Banking/finance	Employment/Benefits	Product liability litigation
Business litigation	Executive compensation	Real estate
Civil litigation	Government	Securities
Class action	Immigration	Sport & entertainment
Commercial contracts	Intellectual property	Trademark
Commercial in-house	Litigation	Tribal finance
Corporate	Mergers & acquisitions	Trusts & estates

Key Findings

Why people have stayed with their current employer

- **Culture & people.** Interviewees cited flexibility and care for attorneys' wellbeing as hallmarks of the environment. They said leadership is supportive and invested in the advancement and success of attorneys of color.
- **Commitment to diversity, equity & inclusion.** Interviewees said their employers are clear and serious about DE&I. Attorneys of color can authentically be themselves and are valued for doing so.
- **Mentorship.** Interviewees said their employers understand the need for and how to sponsor and mentor attorneys of color. Mentors are expected and available in these workplaces.
- **Clear pathways.** Interviewees understood the firm's transparent path to partnership and knew what was expected of them.
- **Opportunity.** Numerous interviewees discussed the breadth and diversity of available work, as well as opportunities to try new areas of law, take on leadership roles, and contribute to the firm/company.

Why people have recently left an employer or Minnesota

- **Lack of an authentically inclusive environment**
 - Many interviewees cited cultures where there was little leadership support for DE&I initiatives and few diverse employees. Several attorneys who had worked at large corporations said there was considerable lack of consistency across divisions related to support for DE&I and, in some instances, open dismissal of the work.
 - A common response was that an "old-school culture" permeated the firm/corporation and there was little openness to diverse voices.
 - Numerous interviewees said that recruiting attorneys of color got solid attention but that retention efforts were minimal. In other words, they felt that firms were performative in recruiting because they lacked a substantive plan for inclusion once the attorney was on board.
 - Several attorneys of color said that they got saddled with most of the diversity-related work, which was not valued or considered in their performance evaluations.
 - Finally, several people who chose to leave Minnesota said that they wanted cities with greater diversity, especially in the legal profession.
- **Lack of support**
 - Several participants cited a strong sense that the firm/corporation did not care about the progress of attorneys of color and that mentoring was not valued by leaders.

- Many people said they received no support in areas where they knew or were told they needed to improve, especially in business development. Several talked about the fact many attorneys of color are first-generation attorneys who lack connections and experience in building a book of business. As one interviewee said, “There’s an ethos of ‘go it alone,’ but we are mostly first generation to the legal field; we don’t have this coursing through our blood.”
- Several interviews said they may have had a mentor but not a champion. In the words of one attorney, “Mentors are important teachers and guides. Champions help you advance, sing your praises in rooms you can’t yet access, and send opportunities your way.”
- **Implicit Bias in Business Practices**
 - More than half of the respondents said that senior white attorneys funneled more work and more important work to young white attorneys than to young attorneys of color, making it difficult for them to build a book of business.
 - Many interviewees said their work cultures had unfair standards for attorneys of color. For example, the same work product is rated more harshly if a Black attorney is believed to have drafted it. One respondent said, “Young attorneys of color have to prove themselves, but white attorneys are just told to ‘just not mess up.’ In other words, the bar is much lower.”
- **Stress from a profit-driven culture**
 - Numerous interviewees cited a lack of work-life balance as the primary reason they left an employment situation. They cited the constant stress to bring in new business and the sense that evaluation was primarily based on profit generation.
 - Several people said that going in-house led to a less stressful position and greater compensation, without pressure to generate business.
- **Lack of advancement opportunities and pathways to advancement**
 - Multiple people said that they left to pursue opportunities to build their own practice, opportunities that were not available with their current employer.
 - Several attorneys noted that partners wanted them to do work for a client but would not share the client with them/give them access.
 - Numerous interviewees said their firms provided no clear path to partnership, so it was difficult to assess how they were doing against unstated expectations.



Recommendations from Attorneys of Color

What corporate leaders and law firm managing partners need to know about retaining and advancing attorneys of color

Addressing implicit and explicit bias is critically important and central to retaining and advancing attorneys of color.

- Have a third party audit the firm/corporation/division to identify areas for improvement and policies and processes that need revamping.
- Require that *all* attorneys have training in implicit and explicit bias, micro-aggressions, etc. Many interviewees noted that this training tends to focus only on associates.
- Pay particular attention to how meaningful work is distributed to attorneys of color. Implicit bias in this area is rampant and damaging.
- Evaluate managers and practice group leaders on their retention and advancement of attorneys of color; reflect accomplishments in compensation. As one interviewee noted, “We need to value accountable leaders of people and culture, not just rainmakers.”
- Make sure that a commitment to DE&I starts at the top and is valued by the middle. One respondent said, “It’s confusing when it is touted and valued at the top, but not in the middle where most of the work to advance DE&I needs to happen.”

Commit to what it takes to build a truly inclusive culture.

- Expect significant transformation to make your law firm or corporation truly inclusive. This is not an easy fix.
- Be conscious of the many points where inclusion can happen: development opportunities, meetings, social gatherings, projects of significance, etc.
- Be willing to be uncomfortable as you learn how to work with people of diverse backgrounds.
- Hiring BIPOC attorneys is not enough to retain diverse talent. Be clear and intentional about what inclusion looks like *after* recruitment.
- Create ways for attorneys of color to build connections, especially if they have relocated to the Twin Cities. Many interviewees, especially transplants, note that the dominant culture may be “nice” or “kind” but it’s not always truly welcoming.
- Recognize that attorneys of color come from diverse backgrounds. Many said that they are first-generation attorneys who were overwhelmed by high-end social and marketing events and networking expectations with clients.
- Encourage leaders to ask attorneys of color about the ways they like to connect. Don’t assume the way it has always been done (e.g., the golf course) is the most welcoming way.

Provide mentors and supportive networks but commit to expanding internal champions.

- Distinguish between mentors and champions; there is a role for each. Mentors are important teachers and guides, but champions help you advance: They sing your praises and tout you in rooms you can't yet access.
- Provide attorneys of color with meaningful mentoring relationships with experienced attorneys; handing off work is not mentoring.
- Use your power and clout to insert attorneys of color in the path of opportunities.
- Create strong, supportive networks that can provide "buoyancy" for attorneys of color.

Listen—really listen.

- Provide safe spaces for attorneys of color to provide honest feedback; follow up on that feedback to keep the communications loop open and active. Being seen and heard is a powerful way to build culture.
- Recognize that attorneys of color may not feel comfortable giving honest feedback when asked. Identify internal champions whom they believe are trustworthy and in their corner.
- Make sure that the voices of all attorneys of color are heard; don't appoint one person and assume that person will speak for all.

Don't expect true change if there are not attorneys of color in positions of leadership.

- Having a person in a position of leadership who is representative of the people you want to retain and recruit is essential.

Do not place DE&I work exclusively on the plate of attorneys of color and compensate people for this work.

- Understand that it is hard for attorneys of color to feel like they can say "no" to serving on DE&I teams when asked yet recognize that serving in this capacity takes attorneys of color away from work that is more valued in the firm.
- Shift from asking attorneys of color to fix the problem. They should not be expected to train other lawyers. Equal participation from white attorneys shows that DE&I work is authentically prioritized.
- Compensate attorneys for their DE&I service because it cuts into their work and billable hours. It must be seen as serious and valuable.

Be clear about pathways.

- Provide transparency and clarity about what it takes to be successful. As one interviewee said, "There is a lot of talk about 'taking control of your career' but not a lot of transparency about options and if I am being prepared for that role."
- Give attorneys of color a clear message that they have a future. Be open and clear about expectations but also be willing to listen to diverging points of view on what may be inequitable pathways.

Be proactive.

- Don't wait until an attorney of color is walking out the door to make a last-minute offer.
- Related to the above, put feedback systems in place that are separate from the evaluation process.
- Be an outspoken ally for attorneys of color.
- Recognize the power of leaders repeatedly acknowledging that DE&I work is serious, real, important, and valued. People at the top have to place the same emphasis on DE&I as the attorneys of color.
- Set goals. This work won't happen overnight, but it also won't happen without solid goals.

Recognize that future business is going to insist on diverse teams.

For law firms:

- Make sure that everyone in the firm understands diversity is increasingly a requirement from clients, and therefore diversity can be a point of distinction and strength.
- Don't include an attorney of color in a pitch unless that person is going to be part of meaningful work for the client.
- Insist that top originators engage diverse people on their teams.

For general counsels:

- Insist on diverse teams and avoid the trap of "This is a really big case and I just need 'my guy' to handle it."





The mission of Twin Cities Diversity in Practice is to attract, recruit, advance, and retain attorneys of color in the Twin Cities through education and collaboration with Member Organizations.

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TCDIP Event
Calendar