



New Ideas to Increase Firm Inclusion and Diversity

Despite major efforts and significant progress over the last decade, the legal profession continues to lag behind other industries in diversity and inclusion. Here, we offer some fresh ideas to shake up the system.

Maybe it's all the talk of precedent get in law school, or the pomp and circumstance of courtroom, but lawyers love tradition. Give us a choice between 'sleek and modern' and 'timeless classic' and we'll pick the latter every time. After all, if it's not broken, then why fix it?

Except, when it comes to diversity and inclusion, there's an argument that things are, if not exactly broken, not running as smoothly as they might. According to reports issued by NALP and Yale Law Women, women comprise less than 25% of law firm partners and people of color less than 10%. LGBTQI lawyers have made modest gains in hiring and promotion in recent decades, but still account for only 1% of law firm partners.

Law firms are, by now, aware of the lack of diversity in their ranks and have taken steps to increase inclusivity and equity. From 'institutionalizing diversity' with firm-wide programs focusing on recruitment and promotion, to making hours spent on mentorship fully billable, firms are working hard to ensure that minority attorneys receive the support they need to thrive. Clients are on the case, too, offering bonuses to (or withholding fees from) law firms that fail to meet minimum diversity criteria.

Clearly, however, bigger gains require bigger, more creative steps. Steps that go further to proactively move the needle. Steps like:

- **Industry-wide adoption of the Mansfield Rule.** Named for Arabella Mansfield, the first woman admitted to the bar in the United States, **Diversity Lab's Mansfield Rule** requires participating firms to affirmatively consider women, attorneys of color,

LGBTQIA attorneys and attorneys with disabilities - over 50% of the the available pool of legal talent - for at least 30% of leadership and governance roles, as well as equity partner promotions. Of the more than 100 participating firms, all saw gains in overall diversity of more than 50% across the organization - equity partner down to summer associate.

- **Re-distribution of non-billable work.** Beyond pro-bono projects and firm development initiatives, non-billable work includes much of the administrative tedium necessary to keeping a law firm afloat. Research shows that women are disproportionately more likely to volunteer for (or be assigned) these tasks. Ensuring that everyone pulls his or her weight gives each attorney an equal crack at meeting or exceeding billable hour requirements needed to qualify for bonuses and equity status.
- **Holistic applicant assessment and performance reviews.** Law firms famously focus obsessively on pedigree and performance when assessing candidates, with preference for graduates of specific schools or particular GPAs. Given that neither necessarily correlates with success in practice, law firms would do well to identify other characteristics of top performers - ones that aren't as susceptible to systemic bias. Likewise, taking the challenges faced by attorneys of color and women, such as implicit bias and stereotyping, into account when assessing performance, rather than relying non the billable hour alone, places everyone on an equal playing field.

During these uncertain economic times, some firms may feel tempted to avoid big changes or, worse, ignore the disproportionate effect of your 'new normal' on women and minorities. Crisis has a way of making the prudent cautious and curbing enthusiasm for risk. We hope that, instead, firms choose to, in the words of Kori S. Carew, Esq., chief diversity and inclusion officer at Seyfarth Shaw, 'double down' on efforts to ensure that the legal profession continues to make advances in representation.