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THE
LEADERSHIP INSTITUTE
FOR
WOMEN OF COLOR ATTORNEYS, INC.

LEADERSHIP CONFERENCE

MARCH 22-24, 2023

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A CONVERSATION WITH JACI LEE, VICE PRESIDENT AND GENERAL COUNSEL OF FLYNN RESTAURANT GROUP

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WOMEN PARTNERS AND GENERAL COUNSELS SPEAK OUT!

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1. Work hard
2. Find allies-it is not possible to attain the 2.5% simply by working hard. Aspiring women of color must find allies in their law firms in order to excel.
3. Advocate for Yourself (and not isolate yourself)
4. Do not let the odds deter you.
5. Give back.

ABA REPORT "FROM VISIBLE INVISIBILITY TO VISIBLY SUCCESSFUL: Success Strategies for Law Firms and Women of Color Attorneys in Law Firms" PP.14-16

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1. "Believe in yourself, and do not let anyone shake your belief in yourself."
2. "Give excellence. Get success."
3. "If you can't find mentors, you have to make mentors."
4. "It takes a village to raise a lawyer."
5. "Network, network, network."
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7. "Take care of yourself."
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Key take-aways:

1. “A diverse team is a more effective team; it has a broader base of experience . . . and the client gets a better product.”²⁷
2. “You can’t get the best work without the best talent.”²⁸
3. “This is a talent business. You need to cast the net broadly.”²⁹
4. “The client base is changing and if we don’t change with it, our bottom line will be impaired as a result.”³⁰
5. “We’re in the human capital business. [Diversity is a way to get] the best people and the best decision making.”³¹

Best Practices pp. 2502-2506 (these pages summarize what the authors have identified as the best practices for law firms that are committed to diversifying their legal staffs.

Under Section A. “Commitment and Accountability,” the authors suggest institutionalizing diversity is key to achieving a diverse legal workforce and one way to achieve this is by rewarding diversity performance (e.g., the number of diverse attorneys a practice manager hires and promotes to junior, senior and equity partner) as part of their bonuses. In short, tie compensation to diversity efforts which corporations have done for years.

A critical mass of women and minorities must be on management and compensation committees to effectuate change.

A. Commitment and Accountability

The first and most important step toward diversity and inclusion is to make that objective a core value that is institutionalized in organizational policies, practices, and culture. The commitment needs to come from the top. An organization’s leadership must not only acknowledge the importance of diversity but also establish structures for promoting it and for holding individuals accountable. To that end, leaders need to



take every available opportunity to communicate the importance of the issue, not just in words, but in recruiting, evaluation, and reward structures.

“What doesn’t work is when leaders talk about the value of inclusion but fail to make it more than the seventh, eighth, or ninth priority,” said Christie Smith, managing principal of Deloitte University Leadership Center for Inclusion.¹⁸⁹ So too, Miriam Frank, vice president of recruiters Major, Lindsey & Africa, saw “some companies purport to put it at the top of the list, but when push comes to shove, other qualities will creep up the ladder.”¹⁹⁰ By contrast, true commitment from an organization’s leadership can help stave off frustration or “diversity fatigue” that occurs when lawyers feel that programs are simply window dressing. What also does not work, according to Smith, are programs and initiatives around diversity without leadership expectations tied to [them]. . . . There are a lot of well-intentioned leaders who have abdicated responsibility to a few in the organization rather than making diversity and inclusion the responsibility of every leader in their organization. . . . [They] have stated values around inclusion but [they] don’t live up to those values.¹⁹¹

To institutionalize diversity, a central priority should be developing effective systems of evaluation, rewards, and allocation of leadership and professional development opportunities. Women and minorities need to have a critical mass of representation in key positions such as management and compensation committees. Supervisors need to be held responsible for their performance on diversity-related issues, and that performance should be part of self-assessments and bottom-up evaluation structures.¹⁹² Although survey participants were divided in their views about tying compensation to diversity, most research shows that such a linkage is necessary to demonstrate that contributions in this area truly matter. Performance appraisals that include diversity but that have no significant rewards or sanctions are unlikely to affect behavior.¹⁹³

Pressure from clients to hold firms accountable is also critical. Such initiatives need to include not just inquiries about diversity, which most clients make, but also follow-ups, which occur less often. Good performance needs to be rewarded; inadequate performance should carry real sanctions. This kind of pressure ensures that “regular partners have to think about it.”¹⁹⁴

B. Self-Assessment

As an ABA Presidential Commission on Diversity recognized, self-assessment should be a critical part of all diversity initiatives.¹⁹⁵ Leaders need to know how policies that affect inclusiveness play out in practice. That requires collecting both quantitative and qualitative data on matters such as advancement, retention, assignments, satisfaction, mentoring, and work/family conflicts. Periodic surveys, focus groups, interviews with former and departing employees, and bottom-up evaluations of supervisors can all cast light on problems disproportionately experienced by women and minorities. Monitoring can be important not only in identifying problems and responses, but also in making people aware that their actions are being assessed. Requiring individuals to justify their decisions can help reduce unconscious bias.¹⁹⁶

C. Affinity Groups

Affinity groups for women and minorities are extremely common, but data on their effectiveness is mixed. Survey participants generally agreed with research suggesting that, at their best, such groups provide useful advice, role models, contacts, and development of informal mentoring relationships.¹⁹⁷ By bringing lawyers together around common interests, these networks can also forge coalitions on diversity-related issues generate useful reform proposals.¹⁹⁸ Yet their importance should not be overstated. As one senior vice president put it, “[There’s] only so much progress you can make by talking to people just like you. [You are] preaching to the choir.”¹⁹⁹ The only large-scale study on point found that networks had no significant positive impact on career development; they increased participants’ sense of community but did not do enough to put individuals “in touch with what . . . or whom they [ought] to know.”²⁰⁰



D. Mentoring and Sponsorship

One of the most effective interventions involves mentoring and sponsorship, which directly address the difficulties of women and minorities in obtaining the support necessary for career development. Many organizations have formal mentoring programs that match employees or allow individuals to select their own pairings. Research suggests that well-designed initiatives that evaluate and reward mentoring activities can improve participants' skills, satisfaction, and retention rates.²⁰¹ However, most programs do not require evaluation or specify the frequency of meetings and set goals for the relationship.²⁰² Instead, they permit a "call me if you need anything" approach, which leaves too many junior attorneys reluctant to become a burden.²⁰³ Ineffective matching systems compound the problem; lawyers too often end up with mentors with whom they have little in common.²⁰⁴ Formal programs also may have difficulty inspiring the kind of sponsorship that is most critical. Women and minorities need advocates, not simply advisors, and that kind of support cannot be mandated. The lesson for organizations is that they cannot simply rely on formal structures. They need to cultivate and reward sponsorship of women and minorities and monitor the effectiveness of mentoring programs.²⁰⁵

E. Work/Family Policies

Organizations need to ensure that their work/family policies are attuned to the needs of a diverse workplace, in which growing numbers of men as well as women want flexibility in structuring their professional careers. To that end, organizations should ensure that they have adequate policies and cultural norms regarding parental leave, reduced schedules, telecommuting, and emergency childcare. Most of the organizations surveyed had such formal policies. But existing research shows a substantial gap between policies and practices. One study found that although over 90 percent of law firms reported having part-time policies, only approximately 4 percent of lawyers actually use them.²⁰⁶ Those who choose reduced schedules too often find that they aren't worth the price. Their hours creep up, the quality of their assignments goes down, their pay is not proportional, and they are stigmatized as "slackers."²⁰⁷

Surveying lawyers and collecting data on part-time policy utilization rates and promotion possibilities are critical in educating leaders about whether formal policies work in practice as well as in principle. Too many organizations appear resigned to the idea that law is a 24/7 profession.²⁰⁸ Too few have truly engaged in the kind of self-scrutiny necessary to develop effective responses. As one survey participant noted, his firm's policies were "a work in progress." Other leaders need to take a similar view, and to subject their practices to ongoing self-assessment.

F. Outreach

Organizations can also support efforts to expand the pool of qualified minorities through scholarships, internships, and other educational initiatives, and to expand their own recruiting networks. The ABA's Pipeline Diversity Directory describes about 400 such initiatives throughout the country.²⁰⁹ Many survey participants were undertaking such programs in recognition of their long-term payoffs. Some organizations had also cultivated contacts with organizations that support diverse talent. As one general counsel noted, "[I]f we are creative and think outside the box about the skills and experience needed to succeed in a position, we can find more qualified talent, including qualified diverse talent, for the pools from which we hire."²¹⁰

CONCLUSION

Implementing these practices requires a sustained commitment and many leaders expressed understandable frustration at the slow pace of change. What is encouraging about this study, however, is that such a commitment

ABA REPORT “FROM VISIBLE INVISIBILITY TO VISIBLY SUCCESSFUL: Success Strategies for Law Firms and Women of Color Attorneys in Law Firms”

EXECUTIVE SUMMARY

https://www.americanbar.org/content/dam/aba/administrative/women/visibly_successful.pdf

1. Grow and sustain active outreach to women of color through the firm’s recruiting efforts.
2. Develop concrete measurement tools through which progress can be tracked, analyzed, and measured.
3. Develop various channels throughout the firm in which inclusive formal and informal networking can occur and connect the networking activities to foster greater dialogue between persons of varied backgrounds, ethnicities, and races.
4. Develop quantitative measures for tracking and analyzing the flow of work within all the practice groups in the firm and hold leaders of practice groups accountable for ensuring that work is distributed in an equitable and unbiased way.
5. Create general categories of skills and knowledge that younger lawyers can use to monitor their own success.
6. Build systems of self-advocacy into the attorney evaluation processes and ensure that attorneys who are evaluating other attorneys are trained to evaluate in an open, effective, and unbiased manner.
7. Integrate business development skills-building into all areas of an attorney’s development in the firm.
8. Develop a succession-planning strategy for the firm that integrates the inclusion of senior associates and junior partners in key firm management committees.
9. Create an effective Diversity Committee or similar leadership structure by ensuring meaningful participation by firm leadership, clear strategic planning around diversity issues, and adequate resources to effectively execute the clear strategies.

HOW TO KNOW WHEN IT'S TIME TO GO; STEPS TO RE-STRATEGIZE YOUR CAREER AND LAND YOUR DREAM JOB.

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ABA ARTICLE ON BEST PRACTICES TO RETAIN WOMEN OF COLOR "Walking Out the Door"

After conducting focus groups and individual interviews of more than 100 experienced women lawyers, both practicing and no longer practicing, we conclude that it is not a single factor that pushes women to consider leaving the practice of law. Instead, it is the accumulation of a number of factors that become strong motivations for changing law firms, moving to inhouse counsel jobs, or leaving the profession altogether.

Women thrive when they have challenging work and colleagues they respect and admire, and when they are valued members of their firms. Unfortunately, too often pay and promotion disparities are built into the evaluation and compensation system of law firms. This unfair treatment leaves women feeling undervalued and resentful at being treated unfairly. The hypercompetitive environments at large law firms today compound these disparities and diminish the positive aspects of law practice such as challenging work and relationships with colleagues. The reward structure of law firms encourages individualistic environments where lawyers are compelled to promote themselves rather than their team members, their practice groups, and even their firms. As a result, women feel increasingly isolated from their colleagues, and the isolation

felt by women of color is particularly acute. Many women partners also referred to the continuing presence of sexist and racist behavior and ever-increasing billable hour requirements, even for partners

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