LAWYERS' TOOLKIT FOR DIVERSITY & INCLUSION

Report of the DC Bar Communities Diversity & Inclusion Working Group
Best Practices Subcommittee

Contents

Introduction

In January 2021, the DC Bar Communities Committee established the Diversity and Inclusion ("D&I") Working Group ("Working Group") as a subset of the Program Development Subcommittee of the Communities Committee. The purpose of the Working Group was to focus on the discussion and creation of diversity measures and initiatives that can be disseminated out to the general Communities membership.

As a part of the Working Group, the Best Practices Subcommittee ("Subcommittee") was established. Its focus is to prepare a summary document of diversity and inclusion best practices in the legal industry. The goal of this summary is to create a tool that DC Bar members can share with others on how to best address D&I initiatives to promote changes and will be posted on the Leadership Resource portal for Communities members to access. Its members include Melody Alemansour, De'Ana Dow, Charlie Lemley, Charles Lowery, Cathy Scheineson, and D'Ontae Sylvertooth.

Throughout 2021, the Subcommittee conducted research and held a series of meetings with various diversity and inclusion experts including individuals, nonprofits, and individuals. It also conducted research and reviewed the various diversity, equity, and inclusion ("DEI") resources in the legal community.

This report summarizes the Committee's research and includes a review of the definition of DEI, how to use diversity and inclusion metrics to measure DEI progress, recruiting and retention goals and processes, creating a culture of inclusion and belonging in the workplace, DEI training programs including sponsorship, mentorship, and allyship, and available DEI resources.

The ABA concluded: "This Report unfortunately confirms much of what we already know; more progress is urgently needed and the MDS and its use by consumers of legal services is so critically important."

Quite simply, just as the ABA found through its Model Diversity Survey, there is much more work to be done. Regardless of the various Diversity, Inclusion, and Equity definitions used (of which there are many), the lack of diversity throughout the legal profession is problematic. However, through creative and novel approaches to recruitment, hiring, and retention and new approaches to creating a culture of inclusion and belonging, progress can be made. Measuring this progress enterprise-wide and by workforce using key D&I metrics is key— data and analytics do not lie. Finally, there is an abundance of national, state, and local bar resources available to any company or organization interested in moving forward.

Defining Diversity, Equity, and Inclusion[1]

Over the years, discussions regarding diversity increasingly have expanded to include related factors that typically fall under the umbrella of "equity" and/or "inclusion." Today, the combined terms Diversity & Inclusion or Diversity, Equity, and Inclusion typically are used interchangeably to identify committees, initiatives, and practices employed to foster diversity in the profession. Thus, the Diversity & Inclusion Working Group could be called the Diversity, Equity, and Inclusion Working group without changing the meaning or the mission of the group.[2]

However, there is not universal agreement on precisely what these terms mean, either separately or when used together. We researched and reviewed definitions from various sources throughout the profession and beyond, and below we have provided some of the more useful or authoritative ones. No single definition is best for every situation, so we encourage you to review the definitions below and to think carefully about how best to define these terms in addressing specific issues.

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[1] The definitions of Diversity, Equity, and Inclusion have been derived from various sources including:

- Deloitte's 2021 DEI Transparency Report
  (https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/dei-transparency-report.pdf)

- Deloitte's 2021 "The Equity Imperative: The Need for Business to Take Bold Action Now"
  (https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/us-the-equity-imperative.pdf)

- George Washington University, Office of Diversity, Equity and Community Engagement
  (https://diversity.gwu.edu/diversity-and-inclusion-defined)

- McKinsey & Co., "Diversity Wins – How Inclusion Matters"
  (https://www.mckinsey.com/~/media/mckinsey/featured%20insights/diversity%20and%20inclusion/diversity%20wins%20how%20inclusion%20matters/diversity-wins-how-inclusion-matters-vf.pdf)

- The Association of the Bar of the City of New York Statement of Diversity Principles
  (https://www.nycbar.org/images/stories/pdfs/diversity/statement-of-diversity-principles.pdf)

- University of Iowa, Making a Paradigm Shift from Diversity to Diversity, Equity, and Inclusion, 2019-2021 (https://diversity.uiowa.edu/sites/diversity.uiowa.edu/files/2021-05/DEI%202%20pager%20Goals_Definitions%20updated_0.pdf)

- University of Michigan, Office of Diversity, Equity & Inclusion
  (https://diversity.umich.edu/about/defining-dei/)

- Why Diversity, Equity, and Inclusion Matter, Independent Sector, October 6, 2016
  (https://independentsector.org/resource/why-diversity-equity-and-inclusion-matter/)

[2] These are not the only terms that are used or interpreted differently in the D&I context. The Working Group is well aware that terms such as "Black" and "African-American," "Hispanic" and "Latinx," etc., are used by various people under a variety of circumstances. The Working Group does not mean to endorse any of these terms over the others, so when reporting on current practices and statistics, we generally use the terms used in the materials that are quoted in that regard.

Definitions of Diversity

There are several ways in which the definition of "Diversity" could be approached. It is possible to either generally refer to personal characteristics, list specific characteristics, or a combination of the two approaches. Examples of possible definitions are set forth below:

- *Diversity includes the characteristics with which individuals are born and gain through experience, both seen and unseen, that make individuals both different and similar.*

    o *Diversity is all the ways in which individuals are personally and professionally unique.*

- *Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability, and marital and parental status.*

    o *Diversity is not about quotas or different standards.*

- *Diversity refers to all aspects of human difference, social identities, and social group differences, including but not limited to race, ethnicity, creed, color, sex, gender, gender identity, sexual identity, socio-economic status, language, culture, national origin, religion/spirituality, age, (dis)ability, military/veteran status, political perspective, and associational preferences.*

- *Diversity is used to describe individual differences (e.g., life experiences, learning and working styles, personality types) and group/social differences (e.g. race, socio-economic status, class, gender, sexual orientation, country of origin, ability, intellectual traditions and perspectives, as well as cultural, political, religious, and other affiliations) that can be engaged to achieve excellence in teaching, learning, research, scholarship, and administrative and support services.*

- *Diversity is all the ways in which people differ, encompassing the different characteristics that make one individual or group different from another.*

    o *While diversity is often used in reference to race, ethnicity, and gender, we embrace a broader definition of diversity that also includes age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language, and physical appearance.*

    o *Diversity could depend on where an organization is located geographically.*

    o *A definition of diversity could also include diversity of though, ideas, perspectives, and values.*

- o *A definition of diversity could also recognize that individuals affiliate with multiple identities.*

Equity

There are several ways to approach the definition of "Equity." Examples of possible definitions are set forth below:

- *The outcome of diversity, inclusion, and anti-oppression wherein all people have fair access, opportunity, resources, and power to thrive with consideration for and elimination of historical and systemic barriers and privileges that cause oppression.*

- *Equity is the fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.*

  - o *Improving equity involves increasing justice and fairness within the procedures and processes of institutions or systems, as well as in their distribution of resources.*

  - o *Tackling equity issues requires an understanding of the root causes of outcome disparities within our society.*

- *A commitment to a policy of equal opportunity for all persons and do not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status.*

  - o *Equity refers to fair and just practices and policies that ensure all community members can thrive.*

  - o *Equity is different than equality in that equality implies treating everyone as if their experiences are exactly the same.*

  - o *Being equitable means acknowledging and addressing structural inequalities — historic and current — that advantage some and disadvantage others.*

  - o *Equal treatment results in equity only if everyone starts with equal access to opportunities.*

- *Equity is a deliberate action to intentionally cultivate fair and impartial access to and support through individual, institutional, and structural opportunities.*

Inclusion

There are several ways to approach the definition of "Inclusion." Examples of possible definitions are set forth below:

- *Inclusion also translates into a stronger focus on company culture, creating a space where employees are enabled to leverage their unique strengths and work in the ways that suit them best.*

- *The term inclusion is used to describe the active, intentional, and ongoing engagement with diversity -- in people, in the curriculum, in the co-curriculum, and in communities (e.g., intellectual, social, cultural, geographic) with which individuals might connect.*

- *Inclusion is the act of creating environments in which any individual or group can be and feel welcomed, respected, supported, and valued to fully participate. An inclusive and welcoming climate embraces differences and offers respect in words and actions for all people.*

  - *It's important to note that while an inclusive group is by definition diverse, a diverse group isn't always inclusive.*

  - *Increasingly, recognition of unconscious or 'implicit bias' helps organizations to be deliberate about addressing issues of inclusivity.*

- *Committing to pursuing deliberate efforts to ensure that a workplace is a place where differences are welcomed, different perspectives are respectfully heard and where every individual feels a sense of belonging and inclusion.*

  - *By building a critical mass of diverse groups and creating a vibrant climate of inclusiveness, it is possible to more effectively leverage the resources of diversity to advance our collective capabilities.*

- *Inclusion is a commitment to being intentional with efforts to create an environment in which everyone feels valued, is able to contribute as their authentic self, and experiences a sense of belonging, and where differences are embraced for a unified mission.*

- *Inclusion refers to a workplace where individuals are and feel respected, feel valued for their skills and perspectives, have a sense of belonging, and are able to fully participate and achieve to their potential.*

  - *While diversity is essential, it is not sufficient.*

> - *An organization can be both diverse and non-inclusive at the same time, making the practice of creating inclusive environments necessary for success.*

Surveys and Data Regarding Diversity, Equity, and Inclusion in the Legal Industry

The Committee reviewed key sources of data and information regarding the legal community as follows.

Findings from the 2020 Report on Diversity in U.S. Law Firms--National Association of Law Placement, Inc. (NALP)

 The 2020-2021 NALP Directory of Legal Employers ("NDLE"), which provides the individual firm listings on which these aggregate analyses are based, includes attorney race/ethnicity and gender information for nearly 101,000 partners, associates, and other lawyers in 883 offices, and for over 6,700 summer associates in 592 offices nationwide. The NDLE is available online at www.nalpdirectory.com.

Partners-In 2020, women, people of color, and women of color all made small improvements in representation at the partner level, and Black partners overall finally surpassed two percent (2%) for the first time since NALP began collecting this data. <u>Despite these increases, less than four percent (4%) of all partners are women of color — a figure that remains abysmally low due to the significant underrepresentation of both women and people of color at the partnership level and a pattern that holds true across all firm sizes and most jurisdictions. Black and Latinx women each still account for less than one percent (1%) of all partners, at 0.80% and 0.90% respectively, in 2020.</u>

- Equity Partnerships-In 2020, the percentage of women and people of color who are equity partners increased; however, both groups are still considerably underrepresented. <u>Predictive modeling, using the last five years of ALM data, suggests that — at the current slow rate of progress — the largest 200 firms in the country as a group won't mirror the law school diversity percentages for women and racial minorities in the equity partnership until 2057 and 2084, respectively, unless drastic changes are made immediately</u>.

- Counsel-The proportion of people of color and women of color among counsel has, for the most part, increased over the nine-year period in which NALP has been collecting data exclusively for counsel, with one small dip in the percentage of women of color in 2017. <u>However, at just 11.72% and 5.80% respectively, representation of people of color and women of color among counsel is still quite low and only slightly better than the percentages at the partner ranks</u>.

- Associates-The percentage of Black or African American associates surpassed 5% for the first time since NALP began collecting data and the share of associates who are Black women (3.04%) finally exceeded the 2009 figure of 2.93%. <u>Eleven years later, representation of Black or African American women at the associate level has increased by just one-tenth of a percentage point (.1%).</u>

- LGBTQ Lawyers-while the percentage of lesbian, gay, bisexual, transgender, and queer (LGBTQ) lawyers has steadily increased over the period since 2002 when NALP first began compiling these figures, LGBTQ summer associates have seen the most dramatic growth.

- Summer Associates-the representation of women and people of color in the summer associate ranks compares much more favorably to the population of recent law school graduates and reached new all-time highs in 2020. Women accounted for over half of all summer associates (53.62%) for the third year in a row.

- Lawyers Overall-representation of women, people of color, and women of color among lawyers overall was up, reaching new historic highs. People of color had the greatest year-over-year gain (1.0 percentage point) since NALP began compiling figures for lawyers overall.

The NALP data related to growth in the categories of partners, counsel and associates seems discouraging and slow. However, the data on summer associates is somewhat encouraging and "suggests the likelihood of continued advancement in diversifying the associate ranks in the years to come. The representation of women, people of color, and LGBTQ individuals among summer associates in 2020 is more on par with, and in fact slightly exceeds that, of the most recent law school graduating classes."

American Bar Association (ABA) Model Diversity Survey

In August 2016, The ABA passed Resolution 113. It urges legal service providers to expand and create opportunities for diverse attorneys and urges the buyers of legal services to direct a greater percentage of legal spend towards diverse attorneys. In the report supporting the Resolution, the following goals were stated:

- Increase diversity at all levels within the legal profession which will make the legal field a more appealing profession for diverse individuals;

- Increase in the number of diverse attorneys and remediate the issues of implicit bias in the legal profession; and

- Encourage corporate clients to use a Model Diversity Survey in procuring and evaluating legal service providers.

The Model Diversity Survey is the primary tool to implement Resolution 113. The purpose of the survey is to serve as the standard for law firms' reporting of their diversity metrics. The benefits the survey has are data uniformity, time efficiency, and trending year over year in aggregate and for individual firms.

2020 ABA Model Diversity Survey

The ABA Model Diversity Survey ("MDS") was distributed for three years (i.e., 2017, 2018, 2019). Thus, this 2020 report entails methodology reported for three separate databases. Participants for this survey were approximately 197 firms in 2017, 372 firms in 2018, and 276 firms in 2019. Its findings include:

FINDING 1 Firm leadership overwhelmingly consisted of White men relative to White women and racial, LGBTQ+, and disability minorities of any gender identity.

FINDING 2 Growth ratio calculations (i.e., Hires+ Promotions/Attrition) suggests that representation of minority groups (racial, identity, LGBTQ+, disability) is growing at the bottom levels of Associates, but is declining at the higher levels of Non-Equity and Equity Partners.

FINDING 3 Attrition rates were substantially larger for non-White attorneys (e.g., nearly three times larger for African-American/Black and Hispanic/Latino attorneys) relative to White attorneys.

FINDING 4 The percentage of White Associates promoted to Equity Partner was slightly higher than the percentage of White Associates promoted to Non-equity Partner, whereas the associates of all other racial groups displayed larger percentages for promotion to Non-equity Partner. This pattern was also evident in the differences between male and female Associates. The percentage of male Associates promoted to Equity Partner was slightly higher than the percentage of male Associates promoted to Non-equity Partner, whereas this pattern was reversed for female Associates.

FINDING 5 Minority males and females consistently ranged between 0% to 2% of the top 10% highest paid attorneys in law firms.

FINDING 6 LGBTQ+, Disability, and the racial categories of Pacific Islander & Native American/Indigenous, are largely missing from law firms or underreported in firm demographics, hiring, promotions, attrition, and compensation. Most frequently, the average percentages were at or near zero for most of the analyses.

FINDING 7 Firm size matters. Even within the same year, there were considerable fluctuations between firm sizes. Some of these fluctuations made sense as in larger average percentages were often reported among firms with 1 to 20 attorneys. Because the relatively fewer numbers in these firms, any demographic group is likely to make up a higher proportion, often resulting in extreme percentages for a given firm. There were also some fluctuations between firm sizes within a given year that was not readily explainable.

The ABA concluded: "This Report unfortunately confirms much of what we already know; more progress is urgently needed and the MDS and its use by consumers of legal services is so critically important."

In addition, in its MEMBER DIVERSITY, EQUITY, AND INCLUSION PLAN, the ABA also noted: "lack of diversity continues to be a key challenge in the legal profession." The challenges identified include, but are not limited to:

- Over the past decade, the percentage of female lawyers has increased slowly. It stood at 31% in 2010 and is now at 37% in 2020.

- Nearly all people of color are underrepresented in the legal profession compared with their presence in the U.S. population. For example, 5% of all lawyers are Black/African American—the same percentage as 10 years earlier—but the U.S. population is 13.4% Black/African American.

- While there are no reliable statistics on the total number of LGBTQ+ lawyers, LGBTQ+ lawyers represent less than 3% of lawyers in 910 law firms surveyed.

- While there are no reliable statistics on the total number of lawyers with disabilities in the legal profession, lawyers with disabilities represent 0.55% of lawyers in 697 law firms surveyed.

Diversity and Inclusion in Recruiting and Retention

Many of the people we heard from and the materials we received and reviewed addressed current practices in recruiting and retention.[3] Obviously, the amount of diversity in the profession – or in any particular firm or other group of lawyers – will depend ultimately on who is hired (recruitment) and who remains at the time diversity is measured (retention). In that sense, everything else in this

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[3] This section relies on many of the sources previously identified in footnote no. 1, and so full citations are not repeated here. Many thanks to Rashida MacMurray-Abdullah for providing many of the materials the working group relied upon along with her invaluable insight, and to Wiley Rein for sharing information and real-world examples of these D&I practices.

report could be viewed as falling under one of these umbrellas because recruiting and retention both depend largely on whether our profession and our workplaces are equitable and inclusive.

Having reviewed the latest practices employed in recruiting and retaining lawyers and other professionals, we have identified a number of practices that appear to be widely acknowledged as effective, well-supported by research, or otherwise worthy of consideration by anyone seeking to improve their recruiting and retention efforts. Given the overlap between recruiting and retention, we have not attempted to pigeonhole the practices under one label or the other. Instead, the practices identified below are grouped according to the source from which we obtained them unless otherwise noted.

From numerous sources

- Include women and minorities in creating programs with cultural sensibilities.

- Create shadowing programs with equity partners.

- Provide women and minorities more opportunities to work as lead attorneys on significant cases.

- Establish coaching connections, mentorship and sponsorship arrangements, etc. that emphasize the importance of finding the right match and level of engagement to help each individual advance within the organization and the profession.

- Proactively monitor each person's development and advancement in order to identify flat or downward trends and create tailored interventions to help them achieve their goals.

- Establish and invest in strategic collaborations and alliances with diverse organizations to help support, recruit, and retain diverse talent. Examples include the National Bar Association and its local affiliates, the Washington Bar Association and GWAC, and other national and local diverse voluntary bar associations such as the Hispanic Bar Association of DC, the Asian-Pacific American Bar Association of DC, etc. Also form relationships with student chapters of such organizations in order to maintain the pipeline of talent coming out of law school.

- Diversify and train recruiting teams to reach more diverse candidates.

- Engage in nontraditional recruiting, including recruiting from different law schools and from various programs that focus on lawyers already in practice such as the Leadership Council on Legal Diversity ("LCLD") or various programs that help lawyer reenter the practice of law after taking time off to raise children.

Recommendations from the "Written in Black and White" study

- Develop an "interruption mechanism" to make associate assignments and evaluations more objective and less subjective. For example, one law firm created an Assignment Committee comprised of 3 partners through whom all work assignments were made and all work flowed back to the partners who needed the work done. When the work was evaluated, the partners evaluating the work did not know which associate had completed the work, which avoided the risk of unconscious bias affecting the evaluations process. Key to get buy-in from all partners.

- Raise and maintain awareness of the risk of unconscious bias through various means that can be implemented on an ongoing basis. Examples include:

  - Distribute the "Black and White" study (or similar materials) to all senior lawyers and ask them about their reactions and perspectives. Ask them how they would recommend making the evaluation process more subjective or otherwise make changes to reduce the risk of unconscious bias affecting evaluations.

  - Implement regular training on unconscious bias. The existence of the training may be as important as the content of the training – whatever the content, the training helps to raise and maintain ongoing awareness of the problem and provides tools for interrupting biases.

  - When soliciting evaluations from supervisory attorneys, include guidance on avoiding bias in evaluations – this raises awareness and offers helpful tools for evaluators.

  - If the employer offers writing assistance to associates, do not single out racial/ethnic minorities since doing so might reinforce negative stereotypes.

Sample law firm "bias interruption" mechanism

- Interrupting Bias in Performance Evaluations - train those who evaluate performance of others in the types of unconscious biases that may affect evaluations, and send short, clear reminders whenever asking them to perform evaluations. Types of biases include:

  - Recency Bias: The employee's most recent positive or negative behavior becomes the core focus of the review rather than accounting for the full picture or evaluation period.

  - Spillover Bias: Performance from the last evaluation period spills over and skews the current evaluation; could result in failing to acknowledge recent notable improvements in behavior.

- Halo Effect: Rating an employee highly throughout an evaluation based on 1 or 2 areas where they perform really well.

- Horn Effect: Rating an employee poorly throughout an evaluation based on 1 or 2 areas of weakness.

- Similarity Bias: Tendency to provide better or more favorable ratings to employees who are most similar to the supervisor (i.e. similar personality or interests).

- Confirmation Bias: Pays more attention to behavior that arms his/her established beliefs about the employee and ignores contradictory data.

- Stereotyping: Preconceived idea that attributes certain characteristics to a group of people (i.e. feedback may be based on perceived personality traits that are rooted in gender, racial or other stereotypes –bossy, abrasive).

- Powerful Bias Interrupters (for training and reminding those who are asked to evaluate the performance of others):

  - Give evidence (from the evaluation period) to explain and back up your rating.

  - Make sure to give everyone – or no one – the benefit of the doubt.

  - Don't insist on likeability, modesty, or deference from some but not others.

  - Don't make assumptions about what mothers – or fathers – want or are able to do.

  - Give honest feedback to everyone who is evaluated – otherwise some groups won't get notice of problem in time to correct them.

From Deloitte's 2021 DEI Transparency Report (adapted to the legal profession)

- Provide ongoing training on unconscious bias, particularly in connection with the annual evaluation process.

- Encourage and support "affinity groups" and the like created by employees.

- Evaluate all firm leaders on how they fared in maintaining a diverse, equitable, and inclusive work environment.

- Provide leadership training on topics that impact equity and inclusion, including unconscious bias, authenticity, collaboration, etc.

- Strengthen leadership accountability for DEI.

    o Put leaders and managers at the heart of the DEI effort.

    o Strengthen inclusive leadership capabilities among leaders and managers.

    o Hold all leaders accountable for progress on DEI.

- Promote openness and tackle microaggressions.

    o Uphold a zero-tolerance policy for discriminatory behavior.

    o Actively build the ability of managers and staff to identify and address microaggressions.

- Establish norms for open, welcoming behavior and ask leaders and employees to assess each other on how they live up to that behavior.

    o Foster belonging through unequivocal support for multivariate diversity.

    o Build a culture in which employees feel welcome to bring their whole selves to work.

    o Ensure that managers and leaders communicate and visibly embrace their commitment to DEI in all forms.

- Build connections with diverse individuals and support employee resource or affinity groups to foster a sense of community and belonging.

    o Focus on advancing talent into executive, management, and other leadership roles.

    o Develop and maintain a robust business-driven case for DEI and ensure that it is well-accepted – be thoughtful about which forms of diversity to prioritize.

    o Set thoughtful data-driven targets for representation of diverse talent.

- Strengthen leadership accountability for DEI.

    o Enable equality of opportunity through fairness and transparency.

    o Ensure a level playing field in advancement and opportunity – pursue a true meritocracy.

o   Deploy analytics tools to build visibility into the extent to which promotions and compensation criteria are transparent and fair.

o   De-bias promotions and compensation processes and work towards meeting diversity targets across long-term workforce plans.

Fostering a Culture of Inclusion

Any organization, whether a volunteer group, a law firm, or any other place of business, should want to create and instill within its culture, a sense of belonging.

Work cultures should allow individuals to feel a sense of belonging, that their opinions are valued, and that they are free to be their *authentic selves*. Such inclusion should include race, ethnicity, gender, sexual identity, and religion. These traits are often protected by some sort of policy, statute, or regulation. For instance, organizations and employers normally have an anti-discrimination or anti-harassment policy, and often spend time, effort, and money on ensuring that their workplace understands these policies.

What is sometimes missing is an understanding of what it means to actually feel included or feel a sense of belonging. Having the hard conversations within your organization is essential in understanding where you currently are (with inclusivity), where you want to be (with inclusivity), and how to get there (with inclusivity). One organization's take is to "focus on creating a meaningful talent experience for all professionals, striving for a diverse, representative workforce, and promoting processes that provide even more opportunities for all of [its] professionals."[4]

What is, and how individuals interpret, *inclusivity and belonging* is subject to change and is dependent upon a multitude of factors, such as the individual's own background, the field the person is in, and the desired impact. As a starting point, the organization must define **inclusion** for its organization. The National Association for Law Placement ("NALP") suggests that organizations "[c]reate a diversity, equity, and inclusion vision statement embodying the [organization's] commitment [to diversity and inclusion] and disseminate [the statement] both internally and externally."[5]

For instance, Deloitte defines diversity as "[t]he characteristics with which we are born and gain through experience, both seen and unseen, that make us different and similar."[6] While many organizations have dedicated time, resources, and effort on diversity and inclusion; however, for

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[4] Deloitte, 2021 Diversity, Equity, and Inclusion (DEI) Transparency Report, located at https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/dei-transparency-report.pdf (last visited September 30, 2021).

[5] NALP, Diversity Best Practices Guide, 2020 Edition, at 9, located at https://www.nalp.org/uploads/2020_DiversityBestPracticesGuide.pdf (last visited September 30, 2021).

[6] Deloitte, 2021 Diversity, Equity, and Inclusion (DEI) Transparency Report, at 29.

many, diversity and inclusion is often stymied by not working towards equity. Again, only by way of example, Deloitte defines equity as "[t]he outcome of diversity, inclusion, and anti-oppression wherein all people have fair access, opportunity, resources, and power to thrive with consideration for and elimination of historical and systemic barriers and privilege that cause oppression."[7]

Diversity without equity will more likely amount to ***words without action***. If individuals feel undervalued, underused, overly-supervised, or often relegated to the background, the organization suffers. The organization suffers because differing opinions and perspectives are lost. Creativity is muffled, which can result in a decrease in productivity. At the end of the day, an organization may not reach its full potential if individuals feel that their existence, value, and contributions are appreciated. One simple way of making people feel seen is to learn who they are. Everyone, but especially the leadership, should spend time and effort in knowing who works on your team. This includes simple things such as learning how to properly pronounce their names, spelling their names correctly in written communications, and recognizing their strengths. Equity is about giving power to all players to be their best.

Diversity and Inclusion must strive towards the achievement of equity. The exchange of ideas is important. It is necessary. It is a key ingredient for success for any organization. Organizations must shy away from shunning opinions that appear to be driven by emotion and current events. Take for example, the recent events that have forced Americans to have frank and open conversations about the state of race relations. Some organizations who tout their Diversity and Inclusion programs were silent during this time, perhaps fearful of losing money or investors because a statement may seem as if the organization is taking a side. This approach, for many, is synonymous to having a lack of equity. Why? Because voices on such important issues are relegated to the background.

By way of example, Seyfarth Shaw LLP, an international law firm, has spearheaded "The Belonging Project." According to their website, this is:

> [A] national effort to support and build community among diverse law
> students, attorneys, and their allies to combat the impact of COVID-19 on
> diversity in the profession. It brings together legal industry partners to
> provide tools, resources, and programs to support the continuing personal
> and professional development of diverse legal talent.[8]

Pivoting back to equity, this same law firm was not shy about allowing its members to express themselves concerning the civil unrest related to current events. On its Inclusion & Diversity website, it opens with the following:

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[7] *Id.*

[8] The Belonging Project, located at https://www.seyfarth.com/the-belonging-project.html (last visited October 8, 2021).

> For us, 'inclusion and diversity' are more than aspirational words. They
> are at the forefront of our firm's client- and talent-centered culture. We
> drive our efforts through tangible action, continuous improvement, and
> constant learning. Our goal is to create a culture in which people can bring
> their authentic selves and unique experiences to the work we do every day.
> We do so for two simple yet powerful reasons: our people matter, and we
> excel when we cultivate belonging, inclusion, and diversity.[9]

In fact, on this same page you can find open letters pertaining to Anti-Asian Hate, the January 6, 2021, insurrection, the death of George Floyd, and anti-semitism. Examples such as these push the needle from *simply words* to *action*...it is emblematic of pushing towards equity.

The business case for diversity, inclusion, and equity is simple. According to a 2019 Thomson Reuters Forum report, "[t]he world's most successful law firms are profitable because they deliver superior value to clients."[10] According to this study, law firms that "staff diverse teams receive more money, and clients relying on these diverse teams experience better legal outcomes."[11]

Some examples of ways of achieving diversity, inclusion, and equity include:[12]

- ○ **Affinity Groups**: Perhaps look at permitting a certain amount of hours a month towards billable hour requirements so attorneys can fully engage these groups.
- ○ **Diversity Committees**: Create working groups with authority to effect change, ensuring that managing partners are part of such committee.
- ○ **Ferret Out Complacency Systems**: Find ways to promote productivity without using the same glass ceiling systems within the organization.

While these are only suggestions, there are additional resources available in this document in the DEI Resources section.

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[9] Seyfarth Shaw LLP Inclusion & Diversity website, located at https://www.seyfarth.com/about-us/diversity-inclusion/index.html (last visited on October 8, 2021).

[10] Dr. Evan Parker, "Racial and Ethnic Diversity: A Multiplier for Law Firm Profitability," Thomson Reuters Forum Spring, 2019.

[11] *Id.*

[12] Legal Innovators, "Restoring Lost Hope: How to finally achieve meaningful diversity and inclusion in the legal industry," Whitepaper, located at https://www.legal-innovators.com/how-we-work/diversity-and-inclusion/ (last visited October 8, 2021).

Measuring Progress: Diversity & Inclusion Metrics

Developing guidance for a more diverse and inclusive workforce and environment must begin with a top down/bottom-up assessment of the organization. Examine the organizations resources, abilities, strengths and present challenges. Data and analytics do not lie. A thorough, careful and responsible audit of the organization's personnel/human resources/human capital will be instructive. D&I metrics allow organizations to better demonstrate, assess and track outcomes and progress.

A full-fledged top-down/bottom-up review of an organization's workforce will shine a light on the organization's progress/success or failure at creating a diverse and inclusive workplace. D&I metrics have been developed and used effectively as a comprehensive tool to track and evaluate progress. An organization and its leadership (Board of directors and executives) can then be held accountable for success or failure in D&I.

What gets measured gets done. How do you measure whether diversity efforts are having an impact? CEB, Inc. ("CEB") developed a chart entitled "The Diversity and Inclusion (D&I) Metrics Universe", which provides a compilation of metrics collected by multiple organizations to demonstrate D&I outcomes and progress.[13] Key D&I indicators are built into this assessment tool and metrics can be adapted to your organizational needs and prioritized based on your D&I strategy. The metrics are designed to help an organization assess the metrics tracked and report those findings. It is important to recognize that these data present lagging indicators that you cannot realize for a period of time, i.e., months in some instances and year over year in others.

The CEB chart presents metrics for five categories: Enterprise-wide, Workforce, Resource Groups, Leaders, D&I and HR Function. For purposes of this D&I best practices guide for law firms and lawyers, select metrics are captured in two categories: Enterprise-wide and Workforce. The CEB chart is supplemented by information gained in interviews with Bernard Guinyard, a D&I professional with extensive experience in diversity, organizational strategy, change and training.[14]

Enterprise-Wide

Inclusive Policies - Firms and organizations should increase the number of inclusive policies. Does the organization have a culture of inclusivity? Consider whether the firm or company has provided a seat at the table for minority attorneys so that their voices are heard. Related to this indicator is the question of whether the firm ensures that high profile minorities are visible in their

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[13] CEB Inc. (formerly Corporate Executive Board) is a consulting company providing products and services to business leaders in IT, finance, HR, customer service and support. Gartner purchased CEB in 2017.

[14] At the time of the interview, Bernard Guinyard was the head of Diversity and Inclusion at Goodwin Proctor LLP. Mr. Guinyard brought a data-oriented and collaborative approach to driving D&I initiatives. He fostered employee engagement that led to a more inclusive culture and implemented programs that embedded D&I practices into the firm's culture, systems and process. Mr. Guinyard is a former board member of the Association of Law Firm Diversity Professionals (ALFDP).

role. These inclusive policies will empower mid-level and junior level minority attorneys and foster greater retention rates. In addition, to create a culture of inclusion, organizations should expand the demographic coverage of existing policies for example to cover transgender rights, and parental leave for adoptions.

Representation is paramount. If minority attorneys are not in the room, they have no impact. Firms should monitor that minority attorneys have equal access to clients, quality work assignments, committee appointments, marketing efforts and firm events. In addition, firms and organizations should develop actionable items to support a strategy for getting diverse people in the door. Other considerations for an inclusive workplace include: Allowing more nuanced and thoughtful decisions and actions, not just checking a box; Exhibiting mindfulness around social justice concerns and developing programs that demonstrate care and concern, e.g., discussion groups, opportunities to voice fears and concerns of a person's community; and developing outreach and recruiting programs without bias and with targeted goals for minority participation.

Thought Leadership – An organization recognized for its leadership and success with D&I programs and initiatives speaks volumes and is a source of pride. Consider whether the firm or organization has a D&I training program. If so, what percentage of leaders participate in D&I training? Do firm leaders attend D&I specific events and, if so, how many? Has the firm sponsored or hosted D&I specific events or programs?

A firm that has effective D&I programs and initiatives should expect and value recognition for its achievements. Has the organization received recognition or awards for its achievements with D&I programs and initiatives, such as "best of" D&I companies/firms/organizations, or receiving similar citations in publications for D&I achievements? Does the firm provide accommodations for publications on D&I by senior leaders. The number of legal articles published on D&I is another metric to capture in measuring enterprise-wide outcomes and progress in D&I.

Supplier Diversity – Commitment to diversity should expand beyond the firms/organizations to the companies with which they are doing business on a contract basis. Assessing what percentage of the business is going to diverse suppliers and the amount spent with diverse suppliers is another enterprise-wide metric for D&I progress. Consider whether the firm has a policy in place to increase supplier diversity or whether the policy improved from the previous year. For corporations using outside counsel, determine whether the outside counsel team working on the corporate account is diverse. Also, determine how much the firm/organization spends with suppliers that support diversity.

Performance Management – Measuring allows for accountability. Consider who in the firm is holding people accountable. Firm/organization leaders should meet on D&I matters and hold each other accountable. Candid conversations should occur that are not designed to "out" people but to alert leaders of problems identified in the organization related to diversity and fairness. What is the percentage of leaders achieving D&I goals across the firm? That percentage should be a key performance indicator within the firm for senior management compensation.

HR Function – Dedicated human resources and a budget for D&I functions are imperative and fundamental to a commitment to increased diversity. Hiring an experienced D&I professional in a senior executive position with clear and meaningful authority to develop and execute diversity initiatives is an essential element to D&I success. Diversity chiefs must be placed in top leadership positions. Without that seat at the table, these diversity professionals have limited influence and authority to drive change. Additional metrics for consideration are whether the firm/organization has increased the total budget and the full time employees (FTEs) in the D&I function and whether there is a budget allocation for specific activities, e.g., resource groups and affinity groups for diverse employees.

Workforce

Diverse Representation – Data on the percentage of diverse talent at all levels of the organization is a critical metric for measuring progress. Conduct an assessment of the overall workforce to measure the percentage of diverse talent out of total workforce representation, the percentage of diverse talent out of total senior leadership, and finally, the percentage of diverse talent out of total board representation. It is worth noting that the percentage of Black lawyers between 2009 and 2019 remained the same, below 4.66%. Women and minorities must be more than simply the worker bees. Law firms and Bar Associations need to promote women and minorities to equity partners and executive positions.

Recruiting Metrics – To increase the number of minorities in the workforce, the recruitment process must be unbiased and include tools to target and entice minority candidates. Assess the minority representation among candidates in the recruitment process by measuring the percentage of diverse candidates in the total pool, the percentage of diverse candidates receiving interviews, the percentage of diverse candidates extended offers, and the percentage of offer acceptance from diverse candidates. Consider whether the firm or organization has diverse candidate slate requirements.

Women and minorities often are shut out of positions because of differences with the decision makers in charge of hiring. Consider shining a light on the HR interview process. Evaluate what is being done and what could be standardized. The pathway to diversity must be intentional and on purpose and include the consideration of an applicant's race and ethnicity. Life experiences and cultural background are assets too and are part of a candidate's attributes.

Internal Talent Mobility – It is important to track whether diverse lawyers are progressing by measuring the increase in the number of diverse candidates promoted. An increase in diverse workforce promotions and diverse senior leader promotions is an indicator of diversity progress. Capturing this metric with positive results shows success in advancing diversity and inclusion at the firm/organization and sends a clear message of commitment to diverse lawyers eager to advance in their careers. The opportunity for upward mobility is a factor in retention rates. Likewise, the lack of upward mobility can trigger departures. Succession plans should have a diverse slate of candidates, as well as diverse internal candidates for open roles.

Training and mentoring programs position diverse employees for upward mobility. Note that success cannot be discerned for a year or two or longer, for example, when a diverse employee gets the promotion or makes partner.

Encourage regular/monthly check-ins with leaders and non-leaders. For leaders, inquire about sponsorship, mentorship, and allyship efforts. Determine whether they have checked in with mentees and individuals with whom they have established a sponsorship or ally relationships. For non-leaders, inquire whether their mentors, sponsors, allies are communicating regularly and providing the professional guidance needed to be successful.

Turnover – Turnover rates for diverse lawyers is a key indicator of satisfaction with the workplace environment. Significant turnover rates can be strong indicators of a workplace lacking a culture of inclusion. High turnover rates also can be triggered by failure to recognize valued employees and a job well done. Measure whether there is a decrease of diverse employees and diverse senior leaders with less than and more than 2 years' tenure. Also consider whether there has been an increase or decrease in voluntary and involuntary turnover for diverse talent. Include whether the turnover rate is equal between people of color ("POC") and non-POC. Consider conducting exit interviews to root out the problems departing diverse lawyers confronted that may have contributed to the decision to leave.

EEO Tracking - The number of equal employment opportunity or D&I-related complaints provide a view of an organization's success at providing a fair and equitable environment for diverse employees. Where there are government mandated or suggested diversity statistics, assess the percentage of achievement within those guidelines.

These metrics and methods to assess impact on diversity are not intended to find fault, but to alert people to a problem with diversity and fairness in the workplace. Be vigilant and hold leaders accountable when change is not happening within the organization. It takes time to undo the long history of bias and discrimination in the workplace. You will not see physical indicators right away, but over time, with intentional and well-defined initiatives to increase diversity, the data should change and begin to reflect a more diverse and inclusive organization. Resources: Diversity & Inclusion Training Programs and Initiatives

Legal Community Response

American Bar Association

American Bar Association-Goal III. ELIMINATE BIAS AND ENHANCE DIVERSITY

To address the issue of bias, in 2008, the American Bar Association (ABA) House of Delegates adopted Goal III. ELIMINATE BIAS AND ENHANCE DIVERSITY. Its objectives are to:

1. Promote full and equal participation in the association, our profession, and the justice system.

2. Eliminate bias in the legal profession and the Justice System.

The tenets of ABA Goal III were drawn from what was previously known as ABA's Goal IX, which was "[t]o promote full and equal participation in the legal profession by minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities."

The **ABA Center for Diversity and Inclusion in the Profession** is the central ABA Business Unit responsible for advancing Goal III within and outside the ABA and is comprised of the following entities:

- **Diversity and Inclusion Center**-the central entity responsible for advancing ABA Goal III, including enhancing collaboration and communication amongst its constituent Goal III entities. It is comprised of the Chairs/leadership for the other Goal III entities and engages in a significant number of activities to advance Goal III within and outside the ABA, including providing guidance and support to ABA entities and partnering closely with the National Affinity Bar Associations

- **Diversity and Inclusion Advisory Council**-focuses on enhancing Goal III collaboration and communication across and outside of the Association. It is comprised of ABA Member Practice Groups, Goal III entities, other ABA entities, and the National Affinity Bar Associations.

- **Coalition on Racial and Ethnic Justice**-focuses on developing and supporting initiatives and research to address social justice issues that stem from the intersection of race and ethnicity within the legal system. It is comprised of 10 ABA Presidentially appointed members, which includes the Chair.

- **Commission on Disability Rights**-focuses on developing and supporting initiatives that advance the full and equal participation by persons with disabilities in the legal profession and advocates for the rights of persons with disabilities in all aspects of society. It is comprised of 12 ABA Presidentially appointed members, which includes the Chair

- **Commission on Hispanic Legal Rights and Responsibilities**-focuses on developing and supporting initiatives and research to educate lawyers to serve, promote civic responsibility within, and address legal challenges facing the Latino community in America. It is comprised of 10 ABA Presidentially appointed members, which includes the Chair.

- **Commission on Racial and Ethnic Diversity in the Profession**-focuses on developing and supporting initiatives and research to increase racial and ethnic diversity and inclusion in the legal profession. It is comprised of 12 ABA Presidentially appointed members, which includes the Chair.

- **Commission on Sexual Orientation and Gender Identity**-focuses on developing and supporting initiatives and research to secure full and equal participation by LGBTQ persons in the ABA and the legal profession. It is comprised of 12 ABA Presidentially appointed members, which includes the Chair.

- **Commission on Women in the Profession**-focuses on developing and supporting initiatives and research to secure full and equal participation of women in the ABA and legal profession. It is comprised of 12 ABA Presidentially appointed members, which includes the Chair.

- **Council for Diversity in the Educational Pipeline**-focuses on developing and supporting initiatives and research to increase diversity in the educational pathway to the profession. It is comprised of 10 ABA Presidentially appointed members, which includes the Chair.

Other ABA Initiatives include:

- Member Diversity, Equity, and Inclusion Plan--This Diversity, Equity, and Inclusion Plan provides guidelines to lead the ABA to achievement of Goal III as it applies to the Association itself, and thereby to ensure full and equal participation in the Association by All members.

- Model Diversity And Inclusion Plan For ABA Entities- ac comprehensive plan that

- could serve as a model plan that all ABA entities could use as a guideline to increase participation of racial and ethnic minority, women, disabled, and Lesbian, Gay, Bisexual and Transgender (LGBT) ABA members.

- General Counsel Letter-to the chief legal officers of the Fortune 1000 companies to request their assistance in implementing ABA Resolution 113 to Help Promote Diversity in the Legal Profession and to participate in the Model Survey.

- Diverse Speakers/Authors Directory--uses ABA Connect houses to create a customized Speaker Profile and market speaker experiences and skill sets to more than 3,500 ABA entities seeking speakers around the country and the world.

Federal Bar Association Diversity Statement

The Federal Bar Association ("FBA") supports the full and equal access to, and participation by, all individuals in the Association, the legal profession, and the justice system regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, disability, or any other unique attribute. The FBA recognizes that achieving diversity in the legal profession requires the Association's continued effort and commitment. The FBA is committed to diversity throughout the Association.

FBA Action Plan for Diversity, Equity, and Inclusion ("DE&I Action Plan")

With this plan, the FBA makes five core commitments to action that guide our path forward:

1. Membership – We commit to increasing the diversity of the FBA's membership and the diversity of the

federal legal community as a whole.

2. Leadership – We commit to increasing the diversity of the FBA's leadership and the diversity of leadership

in the federal legal community as a whole.

3. Infrastructure – We commit to integrating our commitment to diversity, equity, and inclusion in the way the FBA and the federal legal community operates. For the FBA, this means diversity, equity, and inclusion will be a priority in the operations of every part of the organization.

4. Partnership – We recognize the rich opportunities to learn from and collaborate with Affinity Bar organizations and others who bring unique perspectives and bold and thoughtful leadership to the imperative of diversity, equity, and inclusion. We will seek active partnership and engagement with these organizations to support our mutual work to advance diversity, equity, and inclusion in the FBA and the federal legal community.

5. Communication – We will integrate our commitment to a diverse and inclusive legal community in all internal and external communications.

State Bar Diversity Initiatives

The Association of the Bar of the City of New York

Background-The Association has issued a Statement of Diversity Principles, designed to affirm the commitment of New York City area law firms and corporate legal departments to diversity goals that have specific time targets and milestones for achieving diversity. The Association and its members have long been committed to fostering diversity in the legal profession. These Diversity Principles continue the Association's diversity initiatives and build on the goals subscribed to in 1991 and 1998. The Association approaches diversity as an inclusive concept encompassing those groups that have been traditionally underrepresented in the profession. Through increased diversity, the legal profession can more effectively address societal and individual needs by bringing to bear more varied perspectives, experiences and knowledge to the practice of law and the administration of justice. To date, the Statement has 163 signatories – 140 law firms and 23 corporations.

The Association of the Bar of the City of New York and the signatories hereto remain committed to fostering diversity in the legal profession. Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status. With greater diversity, we can be more creative, effective and just, bringing more varied perspectives, experiences, backgrounds, talents and interests to the practice of law and the administration of justice. A diverse group of talented legal professionals is critically important to the success of every law firm, corporate or government law department, law school, public service organization and every other organization that includes attorneys. Diversity is not about quotas or different standards. Rather, the opportunity to increase diversity should be one important consideration in the decision-making process. We want to hire, retain and promote our lawyers based on each of our unique criteria, while simultaneously maintaining our commitment to diversity. To this end, we pledge to facilitate diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations. We believe that all members of the bar should participate equally and fully in our profession. We recognize that achieving diversity is an evolutionary process that requires a continued renewal of our commitment to strategies of inclusion. Accordingly, we reaffirm our commitment to the following principles and best practices. We further agree to participate in Association programs designed to measure our progress in pursuit of these principles.

New Jersey State Bar Association

Diversity and Inclusion Action Plan

The purpose of this Diversity Action Plan is to set forth realistic goals, metrics and reporting mechanisms to ensure that the NJSBA fulfills its commitment to advancing diversity and inclusion internally as set forth in its Statement of Diversity and Inclusion as well as in the Bylaws. NJSBA leaders are expected to promote diversity and inclusion within the Association as well as in the profession.

The NJSBA Executive Committee shall distribute this Diversity and Inclusion Action Plan to the NJSBA leadership and make it available on the NJSBA website. The NJSBA shall annually review and evaluate its progress in achieving increasing diversity by monitoring and tracking the participation of diverse attorneys in its leadership, the selection of CLE speakers and collaboration with the New Jersey diversity bar organizations. This includes reviewing the number of articles published in the New Jersey Law Journal and other NJSBA newsletters/publications by individuals of diverse backgrounds and/or addressing diversity and inclusion subject matters. The NJSBA shall also encourage the active participation of Bar Leadership in its efforts to promote diversity and inclusion.

It offers dozens of examples that leaders can use to demonstrate the type of activities they are doing **t**o advance the goals of diversity and inclusion in their professional and personal lives. Each year all NJSBA leaders, including trustees and chairs and co-chairs of the association's sections, committees and division—those people whose hard work and dedication to the profession have led them to the leadership of the association and will continue to help the profession evolve—will be expected to submit an individual diversity and inclusion action plan checklist. https://tcms.njsba.com/personifyebusiness/Portals/0/NJSBA-PDF/miscellaneous/2019TrusteeDiversityChecklistUpdate.pdf

DEI Initiatives

- **Legal Innovators-**Legal Innovators is improving hiring, pricing, diversity, and inclusion in the law by prioritizing opportunity, training, and mentorship for today's junior legal talent. Legal Innovators recruits and hires high-quality junior legal talent — including many from traditionally underrepresented backgrounds — for a 2-year work-based learning program. They receive extensive training from experts in business and the law, as well as mentorship from more senior lawyers. During their program, junior legal professionals take on substantive work from employers in Big Law and corporate legal departments. https://www.legal-innovators.com/

- **The Belonging Project**-A national effort to support and build community among diverse law students, attorneys, and their allies to combat the impact of COVID-19 on diversity in the profession. It brings together legal industry partners to provide tools, resources, and programs to support the continuing personal and professional development of diverse legal talent. https://www.seyfarth.com/the-belonging-project.html

- **Diversity Lab**-An incubator for innovative ideas and solutions that boost diversity and inclusion in law. Experimental ideas are created through our Hackathons and piloted in collaboration with more than 150 top law firms and legal departments across the country. We leverage data, behavioral science, design thinking, and technology to further develop and test the ideas, measure the results, and share the lessons learned. https://www.diversitylab.com/

- **The Move the Needle Fund ("MTN")**-The first collaborative effort designed and funded with $5M — by Diversity Lab and four trailblazing law firms — to test innovative initiatives to create a more diverse and inclusive legal profession. In collaboration with Diversity Lab, the four founding law firms are: (1) investing more than $5M over five years; (2) setting aggressive, public firm-specific diversity goals; (3) experimenting with innovative, research-based methods to achieve them; (4) measuring the outcomes; and (5)

sharing the results — including the successes and failures — with each other and the community. https://www.mtnfund2025.com/

- **National Association of Minority and Women Owned Law Firms**-Founded in 2001, is a 501(c)(6) nonprofit trade association comprised of minority and women owned law firms and other interested parties throughout the United States. Many corporations and public entities interested in diversifying their outside law firm ranks focus almost exclusively on the utilization of minority and female attorneys at majority firms. Yet the available data strongly suggests that these efforts have not resulted in greater diversity in the legal profession. It is NAMWOLF's view that the most effective way for corporations to increase diversity in the legal profession is to increase their retention of minority and women owned law firms. https://namwolf.org/about-namwolf/

Document Appendix

-https://www.americanbar.org/content/dam/aba/administrative/diversity-inclusion-center/2020-aba-diversity-high-level-overview.pdf

-The Law in Black and White Podcast. https://www.legal-innovators.com/podcast/

-Legal Innovators White Paper, "Restoring Hope."
https://f.hubspotusercontent40.net/hubfs/6241148/Legal%20Innovators%20Whitepaper%20-%20Restoring%20Lost%20Hope%20(Sept.%202020)-2.pdf?__hstc=233546881.a287bba664880143e7e98265de08305c.1641167163630.164116716363030.1641167163630.1&__hssc=233546881.25.1641585339387&__hsfp=3090268638

-Evan Parker, PhD, "Credible Commitments to Legal Diversity," Legal Evolution, September 2, 2019. https://www.legalevolution.org/2019/09/credible-commitments-to-legal-diversity-114/

Conclusion and Recommendations

Two things are for certain: Diversity matters, and more work is needed to improve diversity and inclusion. Lawyers are uniquely positioned to significantly impact diversity throughout multiple industries. Through interaction with clients as outside counsel, work as corporate in-house counsel, and through various professional associations, lawyers' influence reach far and wide. Commitment and accountability at the highest level of the law firm or organization begins the journey to a more diverse and inclusive workplace. And as a profession that is inextricably linked with the concept of justice, we should do more to make our profession and our society truly diverse, equitable, inclusive, and just.

It was this commitment and the desire to see accountability in the legal profession that motivated the members of the D.C. Bar's Diversity and Inclusion Working Group's Best Practices

Subcommittee to spend months researching the topic, listening to experts in the field, and working on this document. We come from varied backgrounds, age groups, demographics, and professional aspirations. We used these varied experiences to work cohesively, respectfully, and equitably to produce this final product. We hope this assists in your journey to a more diverse and inclusive workplace.

Finally, it is important to recognize that the journey to a more diverse and inclusive workplace is an evolutionary process that will take commitment and a great deal of effort. One key to success is to keep the momentum moving forward and not lose sight of the desired outcomes, despite the setbacks that may be confronted along the way. Moreover, this will take a village and a lot of hard work but the benefits are immense.

We recommend that the D.C. Bar Communities utilize this toolkit on its website for volunteer leaders and outside organizations to access and take advantage of its resources. Additionally, we would recommend that the D.C. Bar consider using the toolkit as it deems appropriate for its larger organizational needs and objectives. Most importantly, whether they use these resources or others, we urge everyone in the DC legal community to adopt a sense of urgency about the lack of diversity and inclusion in our profession and to make real progress in D&I their top priority.