

DIVERSITY
EQUALITY
INCLUSION

WITHOUT
LEADERSHIP
BUY-IN,
LAW FIRM DEI
EFFORTS
STAND TO FAIL

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“Differences challenge assumptions.”
—Anne Wilson Schaef

Reprinted with permission from Hinckley Allen, the original article appeared in Law360. While the article has a law-firm focus, the principles and organizational DEI steps apply to any company, association, group or business navigating and establishing DEI initiatives.

The above quote from this clinical psychologist is one of my favorite quotes because it says so much with so few words.

It seems like the past couple of years or so have marked a turning point in terms of how law firms and organizations, in general, are focusing on diversity, equity and

inclusion goals and initiatives. Some cynics will say that we have been here before with little to show for it; however, most objective observers will agree that it feels just a tad different this time around because there has never been such an intense focus on DEI issues as there is right now.

The main reason for this also seems abundantly clear: George Floyd. Ahmaud Arbery. Breonna Taylor. Jacob Blake. There are more names that can be added to this list, but you get the point.

However, as much as the recent focus on diversity initiatives has been propelled by these sad and tragic events, we cannot allow the cadence of our diversity initiatives to be anchored to tragedies. Granted, these tragedies have captured some necessary attention in the short run, but the concern is that this attention could soon fade away until the next tragedy.

So those of us in the DEI space in law firms and legal departments must be able to pivot and focus all our efforts toward the advancement of more self-sustaining diversity strategies, so that we can ensure long-term solutions to the global concept of DEI in our law firms and legal departments.

So how do we go about doing that in a law firm, and what will it take?

First, let me get this out of the way: Diversity is hard. Really hard.

It takes resilience, resolve and a tenacity of purpose at the organizational level. To that end, a law firm's DEI strategies must command the full attention and support of the top leadership in the firm — specifically the managing partner, members of the firm's executive committee, its practice group chairs and other top decision-makers.

If it lacks this buy-in from the leadership level, it does not stand a chance to succeed in the long run. End of analysis. Full stop.

Top leadership must be the foundational component and the main driver behind a firm's diversity initiatives. DEI initiatives cannot be effective and self-sustaining without everyone in the organization — including those who are indifferent to diversity and inclusion — knowing that the firm is fully committed to those initiatives. It should not be a guessing game. The firm's commitment cannot be perfunctory; it must be unmistakably clear and unequivocal.

SO HOW DOES THIS ORGANIZATIONAL COMMITMENT MANIFEST ITSELF? FOR EXAMPLE, IF THE FIRM'S DEI COMMITTEE IS MADE UP OF:

- The managing partner.
- The chief operating officer.
- The chief talent officer.
- A representative or two from the executive committee.
- A selection of other senior management level personnel.
- A number of committed partners and associates.

THEN ITS STRENGTH IS IN THAT COMPOSITION, AND THE FIRM WILL SURELY HAVE A FIGHTING CHANCE OF:

- Challenging assumptions.
- Changing perceptions — internally and externally.
- Increasing its representation of diverse attorneys and nonattorneys.
- Most importantly, figuring out what it takes to keep them.

The infusion of top leadership personnel as part of a firm's DEI committee also has another collateral effect: it increases efficiencies and eliminates inertia by drastically decreasing the timeline between when a DEI initiative is first proposed to the time that it is finally implemented.

When those who have a say in running the firm are themselves members of the DEI committee — who also incidentally played active roles in the discussion and approval of those DEI initiatives in real time at the committee level — then there is no need to waste more precious time — additional emails, telephone calls, zoom calls, more zoom calls — just to bring others up to speed in order to proceed with or fund that initiative.

The inertia is therefore eliminated, and worthy DEI initiatives get implemented faster.

Once this foundational leadership is cemented and becomes part of the firm's DNA, then the other nitty-gritty components of DEI — recruitment, hiring, retention, mentorship and sponsorship, just to name a few, will then confidently take shape and hopefully evolve and succeed.

Implementing effective diversity initiatives is hard; making them self-sustaining and enduring is even harder. However, with the unmistakable support of a strong and active leadership structure, these challenges will become more manageable.

Aspirational goals will become operational and achievable, which in turn will result in decreasing DEI fatigue, frustration and apathy all around. This will hopefully create a culture within the firm that is conducive to diversity, equity and inclusive goals.

HERE ARE A FEW PRACTICAL STEPS THAT FIRMS CAN TAKE TO STRENGTHEN THEIR DEI COMMITTEES:

- Reassess the composition and makeup of the committee so that it includes, in addition to partners and associates, a representation of the following top-level management personnel: managing partner, COO, chief talent officer,

practice group chairs, and the chief business development and marketing officers.

- Ensure that the committee meetings are scheduled such that they do not conflict with other important firm meetings — such as the executive committee, practice group or practice group chair meetings. Change the starting time of the meeting if you have to in order to ensure optimal attendance. Who shows up for these meetings is more important than who is actually on the committee.
- The committee should not be so large that members just blend into the background.
- Each member should not only have a say on the issues but should also be given the requisite time to offer their perspective on those issues.
- Do not schedule meetings if you do not have anything new to talk about or if you do not have any new updates on ongoing action items. Consider meeting every other month to allow smaller subcommittees or ad hoc committees to get things done during the months that the entire committee does not meet — conversely, urgent situations that demand all hands on deck should be promptly scheduled.
- The DEI committee should not be a theoretical debate club where important diversity-related issues go to die. No one on the committee is going to be presented a trophy for being an oracle. The issues should be thoroughly debated, but the committee should not lose sight of the ultimate objective: the prompt rollout and implementation of its initiatives.



Noble F. Allen practices in litigation, including civil and business litigation, premises liability/insurance claims defense, and commercial landlord/tenant law, including commercial lease litigation and evictions. He also is the

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