

It's Time for Big Steps Toward Law Firm Diversity

By Joe Drayton

The legal profession must work harder to closer resemble our ever changing and evolving national demographics. The abysmal statistics on diversity in law illustrate the less than surprising limitations of public pledges, collective hand-wringing and even the sincerest mea culpas. We are being confronted by hard evidence that being successful as it relates to diversity and inclusion requires more than good intentions.

As president of the National Bar Association, I know firsthand that the field is trying to promote change, as evidenced from the recent open letter from **170 corporate law department leaders** to direct their legal services spend to law firms that get results on diversity. Still it is far from enough.

The mission of the National Bar Association includes protecting the civil rights of our members and of all citizens. It is therefore our responsibility to help those historically under-represented in the legal profession make significant progress to more closely resemble national

demographics. The brave first-person accounts of minority leaders in law who have described in detail systemic professional challenges make plain the stark contrast in what is required for success. Simply put, there is a significant imbalance in energy and time required by minority attorneys to merely keep pace with White counterparts.

We cannot fulfill the part of our mission ensuring access to justice if we are not providing others a fair opportunity to succeed. Thus, we cannot sit idly by while these inequities stand. Words and edicts are no longer enough.

To change the status quo, lawyers must turn words into action and be bold in ways not seen or experienced in the past. Those who are in power must not be fearful of sharing their power. Those in power must look upstream to the future and understand that the manner in which business is conducted is not sustainable over the long term. Unless and until there are real consequences for not adhering to the diversity and inclusion goals articulated by law firms, change is highly unlikely. For those who want



results, let's start by asking ourselves "why not."

- Why not make diversity and inclusion a top business imperative that is embraced by law firm leadership?

- Why not require that a diverse slate of candidates be considered for all leadership roles and for succession planning within your organizations as opportunities arise?

- Why not create and widely share annual, concrete diversity and inclusion goals that directly tie into annual partner compensation?

- Why not end the narrative that there are not enough talented

Black and underrepresented lawyers to hire and instead increase the time and energy your firm spends conducting outreach and building relationships with diversity student organizations and minority bar associations?

- Why not invest in the diverse talent that you hire, recognizing that Black and underrepresented lawyers often face unique challenges? This includes establishing specialized diversity mentoring opportunities, coaching programs and leadership development opportunities.

- Why not require all lawyers attend robust trainings around implicit bias and inclusive leadership, as a step toward evolving your culture to truly support an inclusive and productive environment for Black lawyers and other historically underrepresented lawyers?

- Why not invest in and empower diversity and inclusion professionals to guide your firm toward de-biasing internal business processes, including inspecting annual reviews for bias, examining work allocation for equitable opportunity, tracking retention and promotion trends and analyzing compensation for pay gaps?

The time has long since passed for baby steps. At the risk of giving deference to a particular company, “Just Do It” expresses the sentiment of the members of the National Bar Association.



Everyone has a responsibility. Those who are law firm rainmakers and leaders, as well as those who lead corporate legal departments and otherwise retain outside counsel or control legal spend, are those with the ability to change the course of history by empowering diverse lawyers and positioning them to grow in number within the profession. It requires courage. It requires holding decision-makers accountable. We applaud those “doing it” and ask that you continue to do so without pause.

The National Bar Association recognizes that progress has both been made and undermined in the many efforts to diversify the legal profession. There are lawyers and legal organizations that prioritize the development and advancement of historically

underrepresented lawyers and incorporate practices aimed at meaningful results. These sincere attempts toward inclusion are appreciated. As meaningful as these efforts are, the National Bar Association cannot ignore that results matter and that there exists little credible explanation for the lack of progress.

We encourage continued action aimed at positive change. We have to put in the work to create our desired result—a legal profession that provides equal opportunity for all. We can get the job done and, together, we will. For those who want results, let’s hold our own feet to the fire.

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