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MORE DIVERSITY REQUIRES MORE INCLUSIVE LEADERS LEADING BY EXAMPLE IN LAW ORGANIZATIONS

Donald J. Polden*
Leah Jackson Teague**

I. INTRODUCTION

This Article addresses several critically important issues facing the legal profession—first, the need for greater efforts to enhance diversity and inclusion in law firms and legal organizations; and second, the need for better leadership by lawyers in effecting meaningful change in the composition of the legal profession. In this Article, we argue that while there have been impressive, positive steps taken to make law firms more supportive of the diverse workforces that they employ, more must be done to address the challenges of insufficient diversity of professional staff in law firms and other law practice organizations and, equally disappointing, the insufficient efforts to enhance inclusion of members of groups underrepresented in the legal profession. Institutional goals of diversity and inclusiveness are different concepts that require different initiatives and planning, but both are fundamentally important to all types of law organizations—law firms, corporate counsel offices, government law departments, legal education—and to the future of the legal profession.

The Article begins with an examination on why diversity and inclusion efforts are important to the legal profession.1 Normally, we would not think that this topic would be controversial, but the facts are that law firms are woefully behind on efforts in both of these areas. Part III examines the reasons why vision-driven leadership is critical to the success of any effort to enhance diversity and meaningful sense of

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* Dean Emeritus and Professor of Law, Santa Clara University School of Law.
** Associate Dean and Professor of Law, Baylor University School of Law.
1. See infra Part II.
inclusion in law practice settings. Part IV of this Article considers the results of law organizations'—principally law firms'—efforts at enhancing diversity including recent survey results published by National Association of Law Placement ("NALP") on changes to law firm diversity. Part IV also describes some of the reasons that diversity efforts have failed or have not resulted in appreciable gains to the law firm environment. Part V of this Article considers the importance of leadership to the success of the diversity effort and how law firm leaders can advance goals of greater inclusion and diversity in their organizations.

The fundamental lesson of this Article is about the instrumental importance of leadership to the advancement of goals of great diversity in the profession. This message reflects the statement of leadership expert Peter Drucker that, "[o]nly three things happen naturally in organizations: friction, confusion, and underperformance. Everything else requires leadership." This is particularly true of the pursuit of greater diversity and inclusion in law organizations and the profession. Our goal in this Article is to contribute to the pursuit of these important objectives.

II. WHY DIVERSITY IS IMPORTANT TO THE LEGAL PRACTICE ENTERPRISE

Much has been written about the benefits to an organization which embraces inclusive diversity. "For decades, companies have put intentional effort into hiring and promoting on the basis of diversity." In a survey of human resource executives, fifty-five percent of respondents reported "that their employers' policies promote diversity and inclusion, and both issues are rated as an important issue by 69% percent of execs, according to a Deloitte study." Such a strong response "suggest[s] that building diversity throughout an organization is becoming more of a 'must do' than a 'nice to do' for both ethical and business reasons." As a 2018 Forbes article posits, "[i]s there still anyone out there who

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2. See infra Part III.
3. See infra Part IV.
4. See infra Part IV.
5. See infra Part V.
8. Id.
9. Id.
doesn’t think that workplace diversity is a good thing.”¹⁰ And yet, we as a society are still struggling to create and sustain diverse workforces.

Within the legal profession, law firms, law schools, and other legal employers are responsible for the employment of hundreds of thousands of people. Lawyers serve as guardians of society and advocates for justice and equity. For these reasons and more, the legal profession should establish its own commitment to diversity, inclusion, and equity, and we should be leading the way in creating models of inclusive diversity committed to achieving equity in the workplace.

A. Distinction Between Diversity, Inclusion, and Equity

While this Article focuses on the benefits of increasing diversity by creating an inclusive environment, the ultimate goal should be to achieve equity. “‘Merriam-Webster’s ‘simple definition’ of equity is ‘fairness or justice in the way people are treated.’ But then, what exactly is fairness? How do we define justice?’”¹¹ If our view of fairness and justice are “shaped by each individual’s worldviews and experiences, then the definition may be a perpetually moving target.”¹² So where do we start? We suggest coming to a common understanding of the terms “diversity,” “inclusion,” and “equity” and then applying those to the task of enhancing diversity and inclusion in law organizations.

“Diversity . . . is a numerical representation of different types of people.”¹³ Jennifer Brown, the author of Inclusion: Diversity, the New Workplace, and the Will to Change, distinguished diversity by stating it is the “who and the what: . . . who’s being promoted, who we’re tracking from the traditional characteristics and identities of gender and ethnicity, and sexual orientation and disability—inherent diversity characteristics that we’re born with.”¹⁴ “[D]iversity equals representation” in the workplace.¹⁵ “Diversity is the range of human differences, including but

¹². Id.
¹³. Id.
not limited to race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, and political beliefs.”16 “A lot of companies consider lifestyles, personality characteristics, perspectives, opinions, family composition, education level or tenure elements of diversity, too.”17 Diversity is that which makes us unique from one another.

Inclusion is “the how”: “the behaviors that welcome and embrace diversity.”18 Inclusion is “the action or state of including or being included within a group or structure.”19 “[I]nvolved and empowerment, where the inherent worth and dignity of all people are recognized,” will create an environment of inclusion.20 “If you are a great leader for inclusion, you have figured out how to embrace and galvanize diversity of voices and identities.”21 “[I]nclusion involves an authentic and empowered participation and a true sense of belonging.”22

“[I]nclusion may be a definite step toward equity . . . but even those who feel included may not experience equity.”23 Equity is not diversity or inclusion. “It describes something deeper and more complex. It is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go.”24 Equity is “each of us reaching our full potential.”25

Equity is not the same as equality. To be equal, every person “has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform.”26

An analogy often used is, “Diversity is being invited to the party. Inclusion is being asked to dance.”27 During the conference, Leading Differently Across Difference: A National Conference on Training Lawyers as Leaders, a speaker went one step further and added that

20. Diversity and Inclusion Definitions, supra note 16.
23. Id.
24. Id.
25. Id.
26. Id.
27. Sherbin & Rashid, supra note 15.
“equity is being asked to plan the dance.”28 We add several other thoughts for consideration:

- Equity is the goal. Diversity is the first step. Inclusion is the effort and actions necessary to move toward the goal.
- Diversity is the policy that sets forth procedures. Inclusion is the environment necessary for a policy to become a practice.
- Equity is winning the game. Diversity is picking the team. Inclusion is all the training and practice that is necessary to get ready for the game.
- Diversity is an organization’s value statement. Inclusion is the culture that effectuates the value.

In an article published in Forbes, Paolo Gaudiano approaches the diversity argument differently than most by suggesting organizations not focus on diversity as a goal; rather, organizations should expect diversity to stem as a result of the organizations’ positive actions to be more inclusive.29 Increased diversity will occur when an organization is inclusive.30 Diversity should be used as a tracker rather than an end goal.31

B. Culture of Inclusive Excellence and Diversity Produces Benefits

A great deal of the research in this field comes from the corporate world, although increasing meaningful information and studies are being generated in higher education and law.32 Study after study extol a wide variety of benefits gained from achieving diversity.33 Increasing workplace diversity is a good business decision.34 As discussed below,

30. Id.
31. Id.
33. See CATALYST, supra note 32.
benefits include: more innovation, improved creativity, enhanced performance, better decision-making, better problem solving of complex tasks, greater collective intelligence, and increased profits.\textsuperscript{35}

The World Economic Forum published an article titled, \textit{The Business Case for Diversity in the Workplace Is Now Overwhelming},\textsuperscript{36} in which its author claimed that “[t]he moral argument [for diversity] is weighty enough, but the financial impact - as proven by multiple studies - makes this a no-brainer.”\textsuperscript{37} Research shows “a direct correlation between high-skilled immigration and an increase in the level of innovation and economic performance in cities and regions.”\textsuperscript{38} Singapore is cited as a great case study due to it being one of the “most innovative, disruptive and prosperous urban centres in the world.”\textsuperscript{39} “The coming together of people of different ethnicities with different experiences in cities and societies is a key driver of innovation.”\textsuperscript{40} By embracing diversity through autocratic measures that produced “a well-integrated populace that values meritocracy more than race or religion,” Singapore is enjoying success as “one of the globe’s heavyweight financial centres.”\textsuperscript{41}

A 2017 study conducted by Boston Consulting Group also "suggests that increasing the diversity of leadership teams leads to more and better innovation and improved financial performance.”\textsuperscript{42} Companies with below-average diversity scores only reported twenty-six percent average innovation revenue, while companies with above-average diversity scores reported about forty-five percent average innovation revenue.\textsuperscript{43} Why is this relevant to the legal profession? We in the legal industry face tremendous disruption and are in need of innovation.\textsuperscript{44}

\textsuperscript{35.} See infra Part II.B.
\textsuperscript{37.} Id.
\textsuperscript{38.} Id.
\textsuperscript{39.} Id.
\textsuperscript{40.} Id.
\textsuperscript{41.} Id.
\textsuperscript{43.} Id.
A particularly interesting finding described in a *Harvard Business Review* article, *Why Diverse Teams Are Smarter*, is that “nonhomogeneous teams are simply smarter.” It continues, “[d]iverse teams are more likely to constantly reexamine facts and remain objective. . . . [They] encourage greater scrutiny of each member’s actions, keeping their joint cognitive resources sharp and vigilant.” In inclusive environments, employees with a variety of different perspectives and life experiences come together for a common purpose: success in the field by encouraging creativity and increasing profitability. If employees know that they are respected and feel included, they will be more encouraged to speak up and share ideas.

As found in a study of 4100 employees, inclusivity enhances performance. “Teams with inclusive leaders are 17% more likely to report that they are high performing, 20% more likely to say they make high-quality decisions, and 29% more likely to report behaving collaboratively.” Additionally, “a 10% improvement in perceptions of inclusion increases work attendance by almost 1 day a year per employee, reducing the cost of absenteeism.” Research also shows that employees view “an inclusive culture as a crucial component for their career advancement.”

Another benefit of diverse work teams is that employees “become more aware of their own potential biases—entrenched ways of thinking that can otherwise blind them to key information and even lead them to make errors in decision-making processes.” Scientists think the diversity of the team means more careful processing of information and questioning of assumptions, subsequently resulting in more innovation.

A Gallup study found that an inclusive environment results in fewer “discrimination and harassment reports—90% of those who say they are not treated with respect report at least one of 35 different discrimination

[45] Rock & Grant, supra note 34.
[46] Id.
[50] Id.
[51] Id.
[52] Foutty et al., supra note 47.
[53] Rock & Grant, supra note 34.
[54] Id.
or harassment experiences at work." 55 In an inclusive environment where employees feel they are treated fairly, "they’ll be motivated to provide excellent service, which leads to satisfied and committed customers." 56 Satisfied and committed customers create loyalty to the company. "In most industries, companies that are the loyalty leaders have a compound annual growth rate that is more than twice that of their competitors." 57

All the arguments seem to realize that the sheer action of picking diverse candidates will not solve the problems without more action to ensure that the new hires feel comfortable, valued, and respected in their positions. 58 "Diversity without inclusion is a story of missed opportunities, of employees so used to being overlooked that they no longer share ideas and insights. But diversity with inclusion provides a potent mix of talent retention and engagement." 59 Without inclusion, "the crucial connections that attract diverse talent, encourage their participation, foster innovation, and lead to business growth won’t happen." 60

As lawyers, we pride ourselves on our collective intellect, ingenuity, analytical skills, and our decision-making. How much better and more effective can we be if we gained the benefits of increased productivity and creativity through participation in an inclusive environment?

C. Inclusion Helps with Generational Challenges in Law Firms

Without a doubt, diversity includes generational differences. The transfer of power from one generation to another is not a new phenomenon, but there are unique aspects to millennials that require law firm leadership to pay more attention to inclusivity. 61 Creating an inclusive environment can help to bridge the generational gap between millennial associates and the Baby Boomer senior partners who are leading many law firms. Like with all efforts to create a more inclusive environment, it begins with attempts to understand one another.

57. Id.
58. Sherbin & Rashid, supra note 15.
59. Id.
60. Id.
Young lawyers "are the first generation . . . to grow up with technology," which makes working remotely not only possible but perhaps more productive.62 Technology also makes it difficult to protect family time, and so they try, which creates tension in the workplace.63 "Millennials are also the first generation unmotivated by purely financial gain."64 For previous generations, financial rewards were enough to demand long hours and lots of billable hours.65 Not so with millennials. They want to find purpose and meaning beyond money.66 "Millennials also expect more from management – 'they don’t want bosses – they want coaches.'"67 They also do not have the same loyalty to employers as previous generations.68 They are open to "job hopping," which puts more pressure on leadership to invest in spending time to coach them.69 "The new normal is for Millennials to jump jobs four times in their first decade out of college."70

Young attorneys want to feel included, welcomed, appreciated, and valued—a far cry from the desires of today’s managing senior partners—when they were associates, they were grateful to find employment since support from parents ended at graduation from college, if not before.71 An offer from a prestigious law firm was like earning a ticket on a ship to the new promised land. Today’s young associates see many opportunities for passage to wondrous new adventures, and they are not afraid to jump from one to another if they like the direction the new one is headed.72

The challenge facing law firm management is to create a supportive environment for associates who may have different values and goals but who also are committed to delivering the services desired by the clients. The associates need to understand the "why." They want a voice in the "how." These are not unreasonable requests, but they are different. They take time out of a day that is already stretched razor-thin and measured by six-minute increments. All the while, the law firm managers must manage the never-ending and increasingly complex demands on the

62. Id. at 86.
63. Id.
64. Id.
65. Id.
66. Id.
67. Id. at 87.
68. Id. at 88.
69. Id.
70. Id.
71. See id. at 85-86, 89-90.
profession, including economic pressures, increasing client demands, disruptions, and stresses arising because of technological advances and competition from non-legal competitors.\(^73\)

Yes, diversity is important; however, it is more important to focus on establishing and maintaining a healthy environment where diverse members can thrive and contribute positively to the organization. Hiring or accepting diverse people does not achieve the objective. Inclusion is more than simply getting someone’s foot in the door and receiving a job or position. Inclusion will enable diverse associates to be successful. Inclusion is bringing those diverse lawyers into a room and inviting them to give their input. Inclusion is important because people do not want to stay at a place where their presence and input is not valued. If an organization does not have an inclusive atmosphere, expect a revolving door. When those diverse hires/admits perceive the environment to be unwelcoming, or even hostile, they tend to go somewhere else.\(^74\) The top priority then becomes hiring more placeholders.\(^75\) More time, money, and energy is wasted.

**D. Inclusive Work Environments Strengthen Ethical Behavior**

Leaders who want to succeed in their organizations should place a premium on expressions of respect and value of their members. It is no more complicated than the concept of love thy neighbor—sometimes taught in ethics classes as the universal “Golden Rule.” “‘Treat others as you would want to be treated,’ the Golden Rule is short, succinct and powerful.”\(^76\) Practicing the Golden Rule will help you not only succeed in business, but also develop a more inclusive work environment: “Treat your customers right and they’ll be happier, more likely to come back—and more inclined to recommend you to friends and family. Treat your workers fairly, and they’ll be motivated to provide excellent service.”\(^77\)

Living by the Golden Rule will also help you protect one of your most valuable assets as a lawyer and a leader—your reputation: “Profits

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75. See Bourke & Espedido, supra note 49.

76. Hayden, supra note 56.

77. *Id.*
can be lost and regained, but rebuilding a damaged reputation—that's far more difficult.  

Reputation is earned through the simple, age-old concept of the Golden Rule: treat others as you yourself would want to be treated. Each time you live up to the Golden Rule, your reputation is enhanced; each time you fail, it is diminished. And the mathematics of long-term financial success—revenues, profits, cash flow—square perfectly with this scorecard.

III. WHY LEADERSHIP IS ESSENTIAL TO THE SUCCESS OF DIVERSITY AND INCLUSION EFFORTS

The creation and implementation of an effective diversity plan for the organization requires skilled and committed leadership. Even in more hierarchical organizations than law firms, complicated initiatives such as a fully developed plan to create a more inclusive workplace environment and increase the diversity of the workforce will face not insignificant headwinds. The effects of those headwinds in law organizations are discussed in the next part of the Article, but it is important to note that many of them do not result from overt bias or discrimination in the workplace. Rather, those efforts may be resisted because of perceptions that they are too expensive or unnecessary or because of implicit bias on the part of some of the key individuals from whom “buy-in” is most needed. Indeed, some studies of the effectiveness of diversity efforts have concluded that institutional efforts to enhance diversity may “simultaneously produce more conflict and employee turnover as well as more creativity and innovation.” These mixed or paradoxical reactions to efforts to enhance diversity within organizations suggest the importance of sound diversity management practices and, more importantly, strong and committed leadership of the diversification initiatives.

78. Id.
80. See infra Part IV.  
81. Reichheld, supra note 79.  
82. Thomas Kochan et al., The Effects of Diversity on Business Performance: Report of the Diversity Research Network, 42 HUM. RESOURCE MGMT. 3, 5 (2003). The authors, researchers, and experts in human resources and management were asked by a national group of industry chief executives and human resource professionals to examine the relationship between gender and racial diversity practices and firm performance. Their report highlights that many exemplary diversity-management practices have mixed reactions from employees and executives within those industries.
One of the most important aspects of the leadership function is a clear understanding—a vision, in the leadership parlance—of the goals, objectives, or aspirations of the diversity initiative. They must be clear, unambiguous, and directly related to key institutional, and sometimes existential, goals. According to research collected and summarized by Marianne Coleman of the Institute of Education at the University of London, "[T]here is recognition of leadership for diversity, which would increase the range of people who are leaders, and leadership with diversity, to ensure that leadership is beneficial to everyone and the organization as a whole."\(^8^3\) Both initiatives are important and useful to law organizations, but they are different, and a leader seeking change must understand the difference and articulate the desired goals to the organization. The importance of leadership in creating a more diverse and inclusive leadership structure and in leading toward a more diverse workforce cannot be understated: leadership matters. And leadership matters in law firms, corporate counsel offices, government legal departments, and nearly all the myriad settings that lawyers perform client and organizational representation and service.\(^8^4\)

There are many definitions or descriptions of leadership and, similarly, for the leadership that lawyers demonstrate when called upon to lead or when assuming a leadership role. A useful statement is that leadership is "a process by which an individual or a group influences others to achieve positive and ethical change."\(^8^5\) Stanford's Deborah Rhode and Amanda Packel describe leadership as fundamentally a relationship between people that has as has positive change or movement as its purpose.\(^8^6\) The environmental or situational aspects of leadership are the commonly recognized need for change and the recognition that change can occur only through inspired, shared collective action.\(^8^7\) If an organization does not need to change, if it is doing just fine, then the organization does not need a leader; a good manager will do. However, when change or action or significant institution movement is needed, leadership is necessary. The attributes and skills of effective leaders are what organizations need to utilize to effect the change they seek, and

\(^8^3\) Marianne Coleman, Leadership and Diversity, 40 EDUC. MGMT. ADMIN. & LEADERSHIP 592, 592 (2012).
\(^8^5\) Polden, supra note 84, at 902.
there are a core of widely recognized skills, abilities, and attributes of successful leaders to inspire others to effect that change. 88

Barry Posner and Jim Kouzes, authors of The Leadership Challenge, have identified five "practices" of exemplary leadership: effective leaders inspire a shared vision for change, model the way for others in the group, challenge the status quo in order to effect change and move their followers or constituents forward, encourage and enable others to act to achieve the vision for change, and encourage the hearts of those who follow them. 89 These practices thoughtfully capture the essence of effective leadership irrespective of industry or organization and, if implemented by a law firm leader, can move the organization toward success in creating a more diverse workforce and a more inclusive workplace environment.

Lawyers in leadership roles who envision the need for change in their organizations' paths toward workplace inclusiveness must possess or develop the skills and abilities to articulate the need for that change and lead others toward achieving it. Roland Smith, of the Center for Creative Leadership, and Paul Bennett Marrow, an attorney and arbitrator, concluded, as a result of a substantial survey of law firms, that top-performing and effective lawyers "are more visionary, provide their teams with much-needed perspective, and engage associates and peers in critical discussions and decisions." 90 They are able to accelerate their firms' transformations in order to overcome the significant challenges to law organizations generally, and certainly in the past decade when the effects of the recession dramatically constrained most law organizations. 91 Moreover, the survey identified several competencies of highly successful lawyers—the type who are asked to lead their firms—and those included leveraging differences, driving innovation, and change leadership. 92 These are the attributes and abilities that law firms need in their leaders to implement meaningful change.

Leadership matters and, as an important recent survey shows, law schools are increasingly offering leadership development courses and programs with the purpose of preparing lawyer-leaders for the future of

88. See id. at 1609-10.
91. Id. at 33-34. Smith and Marrow write that law firm leaders "with the highest probability for success create a plan for development, share that plan and receive feedback (both internally and externally)." Id. at 36.
92. Id.
the profession and law organizations’ success.93 This trend suggests the strong possibility that law firms, corporate counsel offices, government law offices, and other law organizations will be led by lawyers trained for leadership. Further, this suggests that law organization leadership for workplace diversity and greater inclusion in law practice opportunities will continue to strengthen the legal profession.

IV. HOW TO ASSESS EFFECTIVENESS OF CURRENT LAW ORGANIZATION LEADERSHIP FOR DIVERSITY

As a general statement, law organizations—principally law firms—have been only moderately successful in enhancing workplace diversity in recent years even though there are frequent calls for great diversity in the legal profession. Several recent studies have reported some successes and improvements in law firm climate for minority and women lawyers, but that growth is slow.94 This Part examines NALP data on changes in diversity at major law firms in the past decade and other evidence of law firm efforts to increase diversity in their ranks of partners, associates, and other professionals.95

NALP provides periodic surveys of gains in representation of women and people of color at major U.S. law firms, including the recently published 2019 Report on Diversity in U.S. Law Firms (“2019 NALP Report”).96 Some of the significant findings in the 2019 NALP Report include: representation of associates of color has continued to increase since 2010 from 19.53% to 25.44%,97 while the gains in representation of women associates, including women associates of color, were much more modest—although, in 2019, the percentage of women associates was 46.77% and the percentage of women of color associates was 14.48%.98

In the twenty-seven years that NALP has been collecting information on law firm diversity, law firms have made “incremental—though very slow—progress” in increasing the presence of women and people of color in the partner category.99 In 2019, people of color

93. Teague, supra note 84, at 645-47.
95. See infra Part IV.
97. Id. at 5.
98. Id.
99. Id.
accounted for 9.55% of partners and women accounted for 24.17% of partners in major firms.100 The 2019 NALP Report continues that “over the period of time that NALP has been reporting these data, the gains for women and partners of color have been minimal at best.”101

Representation of women, people of color, and women of color among lawyers as a whole increased somewhat from 32.97% in 2009 to 36.33% in 2019, and “representation of lawyers of color as a whole rose nearly nine-tenths of a percentage point in 2019, to 16.98%.”102 The 2019 NALP Report also describes changes in representation of many other groups of lawyers (lawyers with disabilities, LGBT lawyers, summer associates, and others) and the growth in representation of those groups among lawyers as a whole varies by category with some trending upward though not significantly.103

In addition to the 2019 NALP Report, other studies and reports confirm the trends and overall representation percentages among all U.S. lawyers.104 The American Bar Association’s National Lawyer Population Survey of 2007 reported that just thirty percent of the legal profession were women.105 In 2017, the percentage of women in the legal profession rose only to thirty-five percent over the decade.106

The ABA report also concludes that the numbers paint an even bleaker picture with respect to racial and ethnic diversity: Only four percent of active attorneys identified as Black or African American or as Hispanic or Latino in 2007; a decade later, in 2017, those numbers rose only slightly to five percent.107 During the same period of time, the U.S. Census Bureau reported that in 2016, Black/African Americans made up 13.3% of the total U.S. population, and Hispanic/Latino individuals made up 17.8% of the total U.S. population.108

The studies and reports have attributed the slow growth in gender, racial, ethnic, and other characteristics representation of lawyers to various factors, including bias in the workplace,109 minority and women

100. Id.
101. Id. at 6.
102. Id. at 7.
103. Id. at 7-8.
105. Laffey & Ng, supra note 32.
106. Id.
107. Id.
108. Id.
lawyers' inability to find adequate access to mentors in the firm or law profession, and insufficient pregnancy leave and family support policies at many firms. Lawyers leading firms need intentional leadership to advance the mission of inclusion. There is important evidence that firms are promoting that mission through firm culture, personnel policies, retention, and attorney support policies (such as maternity leave and partnership policies recognizing maternity and paternity leaves).

Two of the most helpful institutional changes that firms have implemented in recent years are creation of positions for chief diversity officers and diversity committees. According to a survey by the Minority Corporate Counsel Association ("MCCA") of large U.S. law firms, about half of those firms have created a position of chief or firm diversity officer. The MCCA survey of the AmLaw 200 law firms reported on the primary responsibilities of diversity managers, including "to develop and promote diversity goals and strategies, implement short-term and long-term diversity plans, and work with the recruiting committee." Other important duties reported by diversity officers at the survey firms are promoting awareness within the organization about the important impacts of diversity efforts, supporting law school and local bar association minority organizations, implementing and monitoring organizational objectives and strategies on diversity goals, and representing the diversity and inclusion mission at law firm management meetings.

The MCCA survey results also showcase the growing use of diversity committees at major law firms. These committees commonly include partners, associates, management committee members, and administrative managers. This group could lead the diversity function operating as a team or can be a major source of support and guidance for the chief diversity officer and, in all events, is a partner to the law firm.

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om/news/article/43_percent_of_young_female_florida_lawyers_have_experienced_gender_bias_st.
110. See Laffey & Ng, supra note 32.
111. Weiss, supra note 109.
113. Id.
115. Grant, supra note 112.
116. Id.
leader who is responsible for leading the vision for greater diversity and inclusion at the firm or law organization.

Leadership for the diversity effort in the legal profession includes organizations and associations such as MCCA.\textsuperscript{117} Another important group is the Leadership Council on Legal Diversity, an organization of more than 320 corporate chief legal officers and law firm managing partners who are collectively and individually leading efforts to create a "truly diverse U.S. legal profession."\textsuperscript{118} The growth of such a national organization dedicated to enhanced diversity in the profession will contribute to the gains in diversity and to providing leadership for these efforts.

The foregoing analysis suggests that there is clear evidence of widespread commitment among law organizations, especially larger law firms, to great diversity in the organization’s professional ranks.\textsuperscript{119} Diversity of women lawyers and lawyers of color is greater than a decade ago, and many firms have institutionalized the diversity and inclusion efforts through creation of the chief diversity officer position and/or a diversity committee of key lawyers in the firm.\textsuperscript{120} But when compared to national populations of women and persons of color, the results of these efforts seem somewhat fledgling. Perhaps the most accurate summary of the trends and results of diversity efforts is the fact that law organizations are headed in the right direction, but they must initiate, or redouble, their efforts to advance critical goals of increased diversity and inclusion in their organizations. Much more needs to be done to create a legal profession and a law practice industry that is truly inclusive and offers meaningful professional opportunities to an increasingly diverse U.S. people.

V. HOW EFFECTIVE, ETHICAL LEADERS ADVANCE THE DIVERSITY INITIATIVES THROUGH EFFORTS FOR GREATER INCLUSIVENESS IN THE WORKPLACE

As discussed above, countless studies establish the benefits of diversity and inclusion.\textsuperscript{121} It is in everyone’s best interest for firms and leaders of firms to achieve goals of great diversity and inclusion. Many are trying. Yet a gap still exists between organizations’ commitment to diversity and the experiences of employees. “So, where does this

\textsuperscript{117} Id.
\textsuperscript{119} See supra Part IV.
\textsuperscript{120} Grant, supra note 112.
\textsuperscript{121} See supra Part II.
disconnect come from? Many leaders know the right things to say to convey a commitment to inclusion, but are still stumbling on how to advance inclusion through their everyday behavior.\textsuperscript{122} Step one is to evaluate the current work environment within the organization.

\textbf{A. Determining if You Have an Inclusive Environment}

"Employees in inclusive environments feel appreciated for their unique characteristics and are therefore comfortable sharing their ideas and other aspects of their true and authentic selves."\textsuperscript{123} In \textit{Requirements for a Diverse and Inclusive Culture},\textsuperscript{124} authors Ella Washington and Camille Patrick suggest three steps in identifying whether an organization is inclusive and diverse.\textsuperscript{125} First, an organization should ask the people who make up the organization "about the environment, the culture and workers' feelings about them."\textsuperscript{126} Next, the organization should listen to the responses carefully and thoughtfully before taking action.\textsuperscript{127} "Listening carefully to employees' answers and thoughtfully laying them alongside quantitative data will illuminate the bigger issues in many cases."\textsuperscript{128}

In a \textit{Gallup} study of the most productive workplaces around the world, they found three essential characteristics related to an inclusive culture.\textsuperscript{129} First, "[e]mployees are treated with respect. . . . [E]mployees must be treated with and treat others with civility and decency."\textsuperscript{130} Second, "[e]mployees are valued for their strengths."\textsuperscript{131} Third, employees should believe that their "leaders [will] do what is right."\textsuperscript{132} More specifically, inclusive leaders "intentionally create an environment where employees feel they can safely express themselves and where specific concerns can be raised with transparency and confidence."\textsuperscript{133}

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\item \textsuperscript{122} Foutty et al., \textit{supra} note 47.
\item \textsuperscript{123} Washington \& Patrick, \textit{supra} note 7.
\item \textsuperscript{124} \textit{Id.}
\item \textsuperscript{125} \textit{Id.}
\item \textsuperscript{126} \textit{Id.}
\item \textsuperscript{127} \textit{Id.}
\item \textsuperscript{128} \textit{Id.}
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\item \textsuperscript{130} \textit{Id.}
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\item \textsuperscript{132} \textit{Id.}
\item \textsuperscript{133} \textit{Id.}
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B. Suggestions for Becoming an Inclusive Leader

Creating diversity programs is not effective if inclusion is not experienced in the workplace. A commitment to diversity must begin at the top, but a pronouncement alone, even when accompanied by a demonstrated personal commitment by the leadership, is insufficient. To change a culture and create a new environment, all members must understand why it matters to the organization and how it can benefit all those who are part of the organization. For true acquiescence, people need to know "why should I care—what's in it for me?" Changes will occur when there is broad recognition of the why and how, followed by a system of accountability and assessment, lived out in daily behavior of the leadership. Research tells us that actions speak louder than words.134

A number of studies offer suggestions to leaders looking for success as an inclusive leader.135 Commonly emphasized as an essential beginning point is the intention of the leader. Inclusive leaders, by word and by deed, commit to and embrace diversity and inclusion. As Jennifer Brown suggests, "[i]t's so important as leaders that others see us do this."136 "People want their leaders and peers to display inclusive behaviors on a daily basis."137 "The behaviors of leaders (be they senior executives or managers) can drive up to 70 percentage points of difference between the proportion of employees who feel highly included and the proportion of those who do not."138 When a leader embraces these traits, people tend to gravitate toward them.139 Undoubtedly, leaders play a significant role in creating an inclusive environment. Therefore, inclusion should be recognized "as a distinct leadership skillset to be developed and prioritized" by leaders.140

In The Six Signature Traits of Inclusive Leadership,141 Deloitte identified what distinguishes inclusive leaders from their counterparts:

134. Foutty et al., supra note 47.
135. Id.
137. Foutty et al., supra note 47.
138. Id.
139. Arruda, supra note 14.
140. Foutty et al., supra note 47.
authenticity, and empower each other’s well-being.\footnote{142} [(2)] Courage: Engage in tough conversations when necessary.\footnote{143} Identify opportunities to be more inclusive, take ownership and engage others.\footnote{144} [(3)] Cognizance of bias: Be aware of unconscious biases so decisions can be made in a transparent, consistent, and informed manner.\footnote{145} [(4)] Curiosity: Listen attentively and value the viewpoints of others.\footnote{146} [(5)] Cultural intelligence: Seek out opportunities to experience and learn about different cultures and be aware of other cultural contexts.\footnote{147} [(6)] Collaboration: Create teams that are diverse in thinking.\footnote{148}

Other studies through the Center for Talent Innovation identified the following six behaviors of inclusive leaders: “ensuring that team members speak up and are heard; making it safe to propose novel ideas; empowering team members to make decisions; taking advice and implementing feedback; giving actionable feedback; and sharing credit for team success.”\footnote{149}

Juliet Bourke and Andrea Espedido surveyed more than 4100 employees looking for specific actions that leaders can take to be more inclusive.\footnote{150} They identified seventeen discrete sets of behaviors, which were then “grouped into six categories (or ‘traits’), all of which are equally important and mutually reinforcing.”\footnote{151} The six traits are:

[(1)] Visible commitment: They articulate authentic commitment to diversity, challenge the status quo, hold others accountable and make diversity and inclusion a personal priority. [(2)] Humility: They are modest about capabilities, admit mistakes, and create the space for others to contribute. [(3)] Awareness of bias: They show awareness of personal blind spots as well as flaws in the system and work hard to ensure meritocracy. [(4)] Curiosity about others: They demonstrate an open mindset and deep curiosity about others, listen without judgment, and seek with empathy to understand those around them. [(5)] Cultural intelligence: They are attentive to others’ cultures and adapt as required. [(6)] Effective collaboration: They empower others, pay
attention to diversity of thinking and psychological safety, and focus on team cohesion.  

Juliet Bourke and Andrea Espedido continue with offering four steps to take for leaders to become more inclusive:

Know your inclusive-leadership shadow: Seek feedback on whether you are perceived as inclusive, especially from people who are different from you. This will help you to see your blind spots, strengths, and development areas. It will also signal that diversity and inclusion are important to you. Scheduling regular check-ins with members of your team to ask how you can make them feel more included also sends the message.

Be visible and vocal: Tell a compelling and explicit narrative about why being inclusive is important to you personally and the business more broadly. For example, share your personal stories at public forums and conferences.

Deliberately seek out difference: Give people on the periphery of your network the chance to speak up, invite different people to the table, and catch up with a broader network. For example, seek out opportunities to work with cross-functional or multi-disciplinary teams to leverage diverse strengths.

Check your impact: Look for signals that you are having a positive impact. Are people copying your role modeling? Is a more diverse group of people sharing ideas with you? Are people working together more collaboratively? Ask a trusted advisor to give you candid feedback on the areas you have been working on.  

Similar advice is offered by LinkedIn Talent Blogger, Samantha McLaren. The four steps suggested by McLaren were: (1) "[u]nderstand your people and play to their unique strengths," (2) "[b]e curious about the lived experiences of others," (3) "[a]cknowledge your mistakes, even if your intentions were good," and (4) "[b]e willing to put in the hard work."

The Deloitte study offers three suggestions to leaders that will not only create an inclusive environment but, more specifically, are believed by employees to be accelerators for their personal career advancement. First, leaders should create an environment in which the

152. Id.
153. Id.
155. Id.
156. Foutty et al., supra note 47.
employees feel accepted and comfortable in their work environment.\textsuperscript{157} Second, leaders should be willing to advocate on behalf of the employees.\textsuperscript{158} Finally, inclusive leaders should encourage authenticity.\textsuperscript{159}

Within the legal profession, similar advice is given. Groups working within the American Bar Association to support the work within bar associations offer advice to bar leaders.\textsuperscript{160} "Diversity and inclusion . . . takes persistence, innovation, and a deep commitment."\textsuperscript{161} Being an inclusive bar leader requires effort to reach out to people, to listen to their concerns and desires, and to actively engage diverse members.\textsuperscript{162} A goal should be to create "a culture of welcome" where bar associations "are a welcoming place for all members."\textsuperscript{163}

With intentionality and effort, leaders can both alter their behaviors and try to garner a set of skills that will allow them to be more effective in creating a culture for inclusion. Among the most important behaviors/skills are developing effective relationships with members of the organization. People want to be respected and valued.

VI. CONCLUSION

The legal profession—and its constituent groups, law practice organizations, and professional associations—have been answering the national call for greater inclusivity in workplaces and for greater diversity in our organizations. The movement toward greater diversity in law has occurred because leading lawyers, judges, and policy-makers have created shared visions for more inclusive workplaces and have articulated many sound reasons for enhancing diversity, from it being "the right thing to do" to the strong case that more diverse law firms are more productive and responsive to clients’ expectations and requirements, all of which can impact the bottom line.\textsuperscript{164} Clearly, leadership has mattered in improving gender, race, ethnic, and other forms of diversity. However, more needs to be done and that will require

\begin{thebibliography}{99}
\bibitem{157} Id.
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leadership by these same lawyer leaders and a new generation of law firm and law organization leaders. This Article, and others in this important issue of the Hofstra Law Review, describe the importance of the effort, how to lead the effort, and the significant societal and institutional gains that we might expect from our success.