

## Formal steps need to be taken to acknowledge unconscious bias

Commentary by Esperanza Segarra and Leslie Richards-Yellen

As many law firms can surely attest, implementing a firmwide diversity program requires a significant investment in time and money. However, a firm's failure to demonstrate that it is objectively diverse and actively promoting a diverse environment can be a turn-off to current and prospective attorneys and clients and have a much bigger effect on the organization's bottom line. Implementing the right number, type and mix of efforts is key.

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Effectively implementing a diversity program first requires strong and regular demonstrations from firm leadership that diversity is of the highest priority in recruiting and retaining talent. A highly active diversity committee, several members of which serve on the firm's executive and management committees, is an effective way to further this objective. So, too, is the designation of an attorney to lead and monitor the firm's diversity and inclusion efforts and who works closely with the firm's chair and personnel matters. If the firm has effectively done its job of hiring qualified lawyers, the membership and leadership of firmwide committees should reflect the organization's diversity. This will help ensure that all of the firm's diverse constituencies are effectively identified, heard and reached.

Next comes the hard work of recruiting and retaining attorneys to achieve a diverse workforce. This is becoming increasingly challenging as to women lawyers in particular. In 2011, a National Association of Law Placement survey found the percentage of women attorneys decreased. A National Association of Women Lawyers report found the same and also that leadership opportunities for women lawyers are also diminishing.

First, and most basic, the firm must actively seek to hire and retain a qualified, diverse workforce. Beyond this, highly effective means to attract and retain a diverse workforce include:

- \* A formal mentoring program;
- \* A formal internal training program to provide attorneys with practical professional assistance, transmit the firm's core values, such as diversity, inclusiveness, mentoring, skill development and tolerance, and encourage mentors and mentees to learn more about collegiality, diversity and work-life balance, and improve the mentoring relationship;
- \* An attorney life committee to serve as the firm's inclusion vehicle and monitor attorney mentoring, training and evaluation; and
- \* Policies designed to retain and develop talent.

Internal mechanisms — including the diversity committee and a regularly implemented diversity and in-

clusion survey — should be in place to monitor firmwide diversity initiatives and further the promotion and development of women and other attorneys in diverse categories.

The law and law firms have addressed the issue of outright bias for years. But law firms also must address the pernicious problem of unconscious bias, which has been proved to be pervasive and persistent in society at large, and to claim women and other diverse attorneys as victims in higher numbers at law firms than other categories of lawyers.

Formal steps to educate the firm's attorneys about unconscious bias will serve to eliminate the so-called "glass ceiling" by ensuring that decision makers truly are as objective as possible at the hiring and promotion stages. Recognizing the documented impact of unconscious bias on wom-

en and diverse attorneys should be coupled with a formal policy of actively providing extra mentoring to such attorneys — from day one with the firm — to help ensure that they are as well-trained as possible and remain on track for promotions at the appropriate stages of their careers.

Affinity groups are also a highly effective means to further the firm's commitment to inclusiveness and bring together the organization's various diverse constituencies. These groups offer members an opportunity to bond while simultaneously further developing and refining the firm's diversity efforts. For example, a women's affinity network will bring together women from throughout the firm's offices, lending to the desirable goal of a firm without walls and helping to foster the collaborative thinking best suited to address this

constituency's interests. The group should regularly facilitate discussions that simultaneously lend to the development of women in the firm through interaction with peers at all levels, and enhance cross-marketing and familiarity with the work of others and thereby lead to the forging of relationships that otherwise might not occur.

If the number and scope of these efforts to achieve a diverse workforce are any indication, the task is a tall one. But as we have found, the payoff — for our clients, our communities and our firm — is more than worth it.

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