

DORSEY & WHITNEY LLP¹

Type: Denver office of national law firm

Size: 575 attorneys world-wide; 38 attorneys in Denver

Joined Inclusiveness Network Program: September 2009

[Dorsey & Whitney LLP](#) is the one of the largest law firms in the United States with 19 offices in the U.S., Europe and Asia-Pacific. The firm's home base and its largest office is Minneapolis, with more than 300 lawyers. The firm offers services in more than 50 different areas of legal practice.

Decision to Join the Inclusiveness Network

Dorsey has a firm-wide diversity committee with representatives from many of their offices. Since each office faces its own unique diversity challenges, there is a lot of freedom for each diversity partner to experiment with projects, committees, and programs. In this way, local partners drive diversity issues at their own office and come together once a year to hear about one another's successes and challenges.

Lisa Osman, a partner in Denver, was appointed as the Denver representative to the diversity committee in 2009. She decided to explore the feasibility of implementing CLI's inclusiveness program by attending various CLE programs offered by CLI in the summer of 2009. The prospect of forming a new committee in the Denver office and testing the program for the firm at large "didn't scare me off," says Ms. Osman. She saw that there was an interest and a need for this type of committee in the Denver office but felt the road map offered through the Inclusiveness Network program would be very beneficial. Practically speaking, she also knew that her committee shouldn't try to reinvent the wheel. As Osman remembers, she wanted the firm to be focused and to make a difference. "I wanted the committee to be substantively effective." If there was a manual that could guide them, help them set specific goals, and keep them on a track, she wanted to take advantage of that. It didn't make sense not to leverage the existing efforts by CLI. Knowing that other large firms were participating in the Inclusiveness Network program who would share their experiences and accumulated knowledge also attracted Dorsey to the program.

After letting senior management know that she was thinking of joining the Inclusiveness Network, she was given the go-ahead. "Our firm is open to good ideas, so letting a local office participate in the Inclusiveness Network and then, if it works, seeing how to share tools from the program or policy in other offices, was a natural decision. It allows people to be creative," said Ms. Osman.

Forming the Diversity Committee

¹ This case study is excerpted from the CLI's 450 page, step-by-step inclusiveness manual – *Beyond Diversity: Inclusiveness in the Legal Profession* – which is available by subscription at www.legalinclusiveness.org.

Dorsey & Whitney took full advantage of their status as one of the newest Inclusiveness Network organizations by learning as much as possible from the earlier experiences of the other organizations. Additionally, Ms. Osman spent considerable time reading the CLI inclusiveness manual and was very deliberative and strategic in setting up the diversity committee from the outset.

As the Denver office diversity partner and co-chair of the Denver based diversity committee, Ms. Osman decided to include both attorneys and support staff as members. She made sure that people were chosen from every section of the firm. Her co-chair is a white male partner at the firm. He was chosen intentionally, so that the committee would have representation from the litigation practice group as well as some male leadership. The committee includes three partners, several associates, administrative support staff, and the regional director. The committee members include men and women from a variety of backgrounds and ages. Of particular importance to the co-chairs was having diverse members – both attorneys and staff - so that the committee could tap into the different perspectives. Ms. Osman thought it was important to have direct participation by staff and not just rely on the regional director for their input so that hidden issues would (hopefully) be revealed. Ms. Osman also selected members who could serve as liaisons to other firm committees and practice groups in order to communicate throughout the firm. Everyone they asked to serve on the committee enthusiastically agreed to do so.

This enthusiasm carried over into the initial meetings where the committee spent substantial time engaging in team-building exercises to develop the level of trust necessary to deal with the difficult issues they expect to encounter in their work to create a culture of inclusion. This foundational work was particularly important in making sure staff members feel comfortable enough to contribute freely and speak candidly. Ms. Osman has noticed, however, that she and her co-chair still need to actively encourage staff members to speak up during the committee meetings in order to overcome their reservations. This technique also serves to prevent the attorneys in the room from dominating the conversation – a common, but inadvertent, pattern.

The team building efforts involve having members take turns talking about themselves - both in the professional context and in a more personal way - in order to find connections among one another that may not be readily apparent on a day-to-day basis. Each meeting begins with one, open-ended question for everyone to answer, (e.g. 'What are you passionate about?', 'Why do you want to be on the diversity committee?', 'Talk about one experience in the diversity area that motivates you to participate.'). By building trust and talking about tough issues, the committee is hoping to lead by example. "If we can't all sit around this room and talk about these things, how can we expect the rest of the firm to be able to do it?" asks Ms. Osman.

The committee has yet to give itself a name. All the members are brainstorming for a new name that incorporates the full breadth of what the committee hopes to address, without relying on words like diversity or inclusiveness. The committee will take a vote on the best name

at an upcoming meeting after doing some brainstorming and deliberation. The name of the committee is important to its members because “diversity committee” has historical context associated with it for many people. It’s also important because they want the name to convey the importance of inclusiveness to each member of the firm.

Gathering Information

The committee has decided that it isn’t ready to tackle a survey yet but will do so soon. They are still laying a foundation, gaining credibility and building a reputation in the firm. Some of the committee members are skeptical about what kind of impact they can really have; thus, part of sending out a survey means convincing themselves that they have the power to address the issues that will inevitably arise.

In the meantime, they have created a ‘mini-survey’ of only 2 questions for themselves: one thing they like about the firm’s culture and one thing they don’t like about the culture. This will allow the committee to begin to identify issues that they will need to address down the road in a firm-wide survey. One of the co-chairs collected and compiled all the responses and presented the responses to the committee. In this way, the committee hopes to test the waters and see where they stand on the issues as a group preparing them for the issues that might arise when a real survey is launched. The co-chairs feel that they have to establish a baseline of where everyone thinks the firm is currently. The first question they hope to answer is how far apart are people’s perspectives on this issue?

Challenges

One of the biggest challenges is the fact that the Denver office has only two diverse attorneys. Ms. Osman recognized this as an issue in forming the committee: “We have very few diverse attorneys and they have to be brave when they serve on the committee.” Diverse attorneys at Dorsey’s Denver office can’t ‘hide’ because there are so few of them and it is difficult for the younger of the two attorneys to talk about the issues openly, especially with partners in the room. The co-chairs are making an effort to ease any fears about speaking up by spending more time with the diverse attorneys outside of meetings.

The co-chairs also wrestle with how to remain inclusive when confidential issues or issues involving only the attorneys arise in committee meetings. For example, an associate compensation issue came up at a committee meeting and the topic generated some heated discussion. While the associates were careful not to reveal any specific details, there was still an air of discomfort in the room during the discussion, primarily because staff was present. While the co-chairs feel that some topics are not appropriately addressed with staff, they also don’t want the staff to feel excluded. The co-chairs will likely form a subcommittee comprised of attorneys to deal with these kinds of issues and explain to the staff members the need for the subcommittee to deal separately with sensitive and confidential issues.

Next Steps

The committee's next task is writing a case statement. Although the firm already has a mission statement that addresses diversity, the committee doesn't feel obligated to stick to it but instead feels it can create a new one that goes further to interpret inclusiveness in its own way. The newly-formed case statement subcommittee consists of four people who are working on the first draft which they will later present to the rest of the committee for feedback and approval. All formal and informal committees like this one include one of the co-chairs.

The committee's progress has been focused on building a foundation for its inclusiveness initiative. In order to keep momentum, the committee plans to set a timeline for progress on a more short-term level. At the same time, the co-chairs are trying to keep the bigger picture in mind. Imagining how their committees' efforts will be integrated into the Denver office and to be shared with the law firm at large is important to making lasting change and legitimizing the work. "We have to be in sync with the broader firm but we're not there yet. We haven't created enough in Denver to report back to the firm as a whole, but that's okay," says Ms. Osman. She is fully cognizant of the fact that this is a marathon and sustained success depends on building a solid foundation.

2010 Case Study Update Highlights

Since December 2009, Dorsey & Whitney has completed its mission statement, crafted a descriptive name for its inclusiveness committee, formed a subcommittee to draft and launch a survey for the Denver office, created a strategy for communications, and changed leadership of the committee. The Committee has analyzed the survey responses and developed a list of themes which they identified from the responses. The Committee is in the process of developing an action plan to address the survey themes, starting with a training session for attorneys and staff for the Denver office (Q1 2011).

Inclusiveness Committee

The Committee continues to meet monthly. The ten members include three partners, four associates, and three staff members. Lisa Osman stepped down as co-chair in order to encourage other members of the committee to become more engaged. She found that she was "pulling too many oars" with respect to the committee's work and taking on too much of the responsibility for strategic thinking and planning. Katina Banks, a new partner, has taken her place as co-chair. She is excited about the work:

"As a smaller office of a large firm, our lawyers and staff share a familial camaraderie, but that does not necessarily translate into personal or professional connectivity. Being a part of CLI's pilot program has given us the confidence and the tools to take real action around the discrete issues of inclusiveness and diversity in our office. We have already seen an increase in awareness of such issues since we joined the pilot group."

The Committee met several times before announcing their existence to the rest of the firm. Committee members wanted to lay the foundation for their work before “going public.”

Mission (or Case) Statement

One of their first tasks was to write a mission (or case) statement:

Dorsey & Whitney is an inclusive community of diverse professionals that work together as a team to provide high-caliber legal services of exceptional quality. We recognize that each member of our team is unique, is worthy of our investment, and has a valuable and important role to play in delivering excellent client service. We have an expectation of mutual respect and value the different talents, skills, experiences, viewpoints, and opinions of our team members. We strive to be conscious of opportunities to promote these values within the Dorsey community, with our clients, and within the community that we work and live.

Once this mission statement was in place, they turned to the question of what to call their Committee.

Name of the Committee – Denver F.A.M.I.L.Y. Council

The name of the Committee was finalized in January 2010 and announced by an email from the managing partner. They chose the name “Denver F.A.M.I.L.Y. Council (DFC),” with each of the letters in FAMILY having a specific meaning and relationship to their inclusiveness initiative, as follows:

- F – Friendship
- A – Acceptance
- M – Mentoring
- I – Inclusiveness
- L – Loyalty
- Y – You!

The DFC included “You!” as a way of signaling to everyone in the firm that each person would have individual responsibility for providing input and participating in the inclusiveness efforts, as opposed to a traditional diversity committee which did all of the work. The managing partner also encouraged everyone in the firm to participate in the forthcoming survey and to communicate with members of the DFC.

Communication Strategy

The DFC spent some time developing a communication strategy. All communications to the rest of the firm come from the managing partner, including the email announcing formation

of the Committee and more recently, announcing an office-wide meeting in January 2011, at which time the survey results and themes will be communicated to the office . The DFC also created a logo around “FAMILY” in order to brand the initiative. The DFC now uses the logo as a part of all of their announcements and created stationary that they use for their announcements. They try to use different initials and words from the “FAMILY” name for highlights related to their work as another way to draw attention to their efforts.

Another key part of the communication strategy included selecting one person from each of the other committees and practice groups at the firm to serve on the DFC. Those people could then take the information from the DFC and infuse it into the work of the other committees and practice groups.

Finally, the DFC uses the daily intra-office events e-mail to keep people apprised of cultural holidays and events.

After the DFC was formally announced, there was a definite “buzz” in the office and members of the Denver office can feel the genuine effort expended in forming the committee and the work they have undertaken.

Survey

The DFC formed a subcommittee to develop a survey instrument. They used survey samples from the other members of the Inclusiveness Network to tailor a survey to their firm. The survey included 39 multiple choice questions and 4 open-ended questions. The DFC intended for this to be a more general survey – to identify issues and to be followed by another, more specific survey at some point.

The link to the anonymous online survey was distributed to everyone in the firm by email in June 2010 only after the managing partner sent out a pre-announcement encouraging everyone to participate.

The DFC asked minimal demographic information – position, gender, and age - since the firm only has two diverse attorneys. Lisa Osman has a good relationship with these two attorneys and planned to have an informal discussion with them that would be confidential, in order to identify any hidden issues and save them from being readily identified in the survey results.

Other survey questions focused on attitudes about inclusiveness as well as many of the structural barriers identified in the national research. Survey respondents were asked about:

- the importance of diversity and inclusiveness,
- satisfaction with the firm as a place to work,
- inclusion and respect at the firm,
- whether diverse individuals at the firm were equally likely to be included in informal gatherings,
- whether work assignments were assigned equitably,

- whether they have a sponsor or mentor who supports them,
- the nature of mentoring and professional development,
- whether they understood promotion criteria and receive regular, meaningful feedback, and
- whether evaluations are free from bias.

Over 20 attorneys and 16 staff members responded to the survey. Most of the survey results could be categorized as positive; there were only a few responses that indicated hidden issues. The DFC has reviewed the survey, and put together a list of the themes coming out of the survey responses. The DFC is in the process of developing an action plan to address the survey themes, starting with a training session for attorneys and staff for the Denver office (Q1 2011). The DFC's goal is to have a concrete set of activities for each of the themes, as well as a timeline in which to complete these activities.

DFC Receives Firm Award

The DFC was the recipient of Dorsey's Diversity Award for 2010. This award represents a firm-wide recognition of the DFC's efforts to promote inclusiveness and diversity, not just within the Denver office, but also to serve as a catalyst for similar efforts on a firm-wide basis.

Flexible Work Arrangements

Dorsey & Whitney is committed to attracting and retaining talented lawyers who, along with a strong commitment to the practice of law, have life circumstances that create a need or desire for a flexible work arrangement.

Types of Flexible Work Arrangements

- Reduced Hours Expectation. Enables associates to reduce their hours expectation to accommodate family or personal needs. Involves a commensurate reduction in compensation and, depending on duration, may affect the timing of that associate's consideration for partnership.
- Flexible Full Time. Provides associates with greater latitude in determining their work schedules while working full time. May include variations in starting and ending times or in hours worked in a day, e.g. working full time in less than five days.
- Telecommuting. Provides associates with the flexibility to work at home during part of the work week to accommodate family or personal needs.

Challenges

Time is one of the biggest obstacles, even though the attorneys are given non-billable credit for their work on the committee. The Denver office does not have any specific attorney or staff member designated to coordinate diversity and inclusiveness efforts, so DFC members must tackle all of the administrative tasks. They are trying to ensure that all committee members are fully engaged in the work and that everyone has assigned tasks.

Cornell Moore, Co-Chair of the firm-wide Diversity Steering Committee, has recognized that the “challenge is to act upon our beliefs – to make the time commitment that is necessary for us to succeed.”

Tucker Trautman, the managing partner has commented on the work of the DFC: “Dorsey’s Denver Office is fortunate to have a group of hard-working, dedicated and talented staff members who appreciate that our success is only as good as our teamwork and the individual efforts of each member of the team.”

The DFC found the survey was time-consuming, especially for those on that sub-committee because they were also attending regular committee meetings. The committee leadership is trying to do this in a sustainable way, not “biting off too much at once.”

DFC members are still excited about what they are doing but some of the associates have missed a couple of meetings which impacts the information flow to the other committees and practice groups, since they are the liaisons.

2011 Case Study Update Highlights

Dorsey’s Denver Office has continued its momentum with respect to diversity and inclusiveness. After reviewing all that they had accomplished in the past year, the firm’s FAMILY Council Co-Chairs were surprised by all that they had done. Initially, they thought they might not have accomplished much since they had deliberately adopted a “baby steps” approach to the inclusiveness initiative, addressing only one or two things at each monthly meeting. They did this deliberately so that the inclusiveness initiative did not become overwhelming. The Council Co-Chairs firmly believe that inclusiveness is a never-ending process so making continuous but measured progress is the only way it can be sustained.

Highlights of the firm’s work in 2010-2011 include:

1. Creation and implementation of an action plan to address the most salient issues from the office survey.
2. Establishing new subcommittees to tackle: 1) evaluations, 2) recruiting, and 3) relationship-building.
3. Recruiting several non-committee members in the firm to serve on the subcommittees in order to spread the work of inclusiveness throughout the office.
4. Embedding inclusiveness in regular communication vehicles in the firm.
5. Participating in CLI’s Train-the-Trainer program.
6. Providing basic diversity training sessions for the partners, associates, and staff in separate meetings.

Changes in the Committee

The Council continues to meet regularly – once a month. After the survey was completed, the Council formed three subcommittees to address recruiting, evaluations, and relationship-building. The latter was named the “More Fun” Subcommittee. It is mostly made up of attorneys and staff members, many of whom were recruited from outside the Council. Recruiting non-Council members was deliberate as it was viewed as a way to get others in the firm involved in the Council’s work. The “More Fun” Subcommittee is in charge of planning social events within the firm, as well as pro bono community service opportunities, which give staff and attorneys opportunities to socialize and form relationships.

One of the regular social events that the “More Fun” Subcommittee has planned is a “Bagel Thursday” for all staff and lawyers. Additionally, the subcommittee initiated a monthly “Happy Hour” where everyone is invited. Since there was no budget for this event, individual partners in the firm have offered to pay for the event each month. The Council sees the lack of budget and the individual partners stepping up to pay as a plus since it is more meaningful to the staff when partners pay for the event themselves as opposed to the firm sponsoring it. The first time the “Happy Hour” was held, however, the staff didn’t really realize they were invited even though the invitation said that everyone was invited. Staff had to be encouraged to attend at first but they now realize these events do include them and attendance has been strong.

The “More Fun” Subcommittee also plan volunteer events that involve the entire office, including a school supply drive where attorneys and staff helped organize supplies and put them in backpacks. They are also planning a clean-up project along the South Platte River which is nearby.

These events help integrate everyone in the office and provide many more opportunities for people to get to know each other on different levels. The “More Fun” Subcommittee has been a “new ball of energy” in the office and provided a lot of positive energy for the Council and its work to embed inclusiveness throughout the office.

The Recruiting and Evaluations Subcommittees are beginning to form. Each will address important areas of concern that cropped up on the internal survey. These issues will be more difficult to address than development of relationships through fun activities and training. The Council wanted to gain some early and quick “wins” by focusing its attention on the “More Fun” Subcommittee but it is now turning its attention to the more difficult issues of recruiting and evaluations.

Gathering Information and Implementing an Action Plan

After the survey was completed in 2010, the FAMILY Council identified three main areas of concern from the survey responses: 1) communication of policies and goals, 2) continued building of an inclusive environment, and 3) job satisfaction. Specific concerns within these three main themes were identified and proposed responses were outlined for each (see table

below). The FAMILY Council formulated an action plan to address the three main areas of concern:

1. Secure Leadership Buy-In
 - a. Training session for partners
 - b. Commitment to take action (e.g. Shook Hardy list of activities) and support plan
2. Establish Accountability for Diverse and Inclusive Workplace
 - a. Include diversity and inclusiveness as part of evaluations for staff and attorneys
3. Address Specific Issues by Sub-committees
 - a. Develop job descriptions/candidate criteria for hiring policy and formal communication process
 - b. Review flexible schedule policy and work-life balance options for staff/attorneys
 - c. Re-energize events and activities currently in place
 - d. Develop process for regular dialogue regarding associate career development with appropriate associate responsibility

The first step for implementing the plan was to gain buy-in from leadership. The Council Co-chairs presented the survey findings to the partners at a meeting. They “laid it on the line” with the partners, indicating that if diversity and inclusiveness were important to the firm, there were some things that had to be addressed. The reactions were mixed with some people reluctant to acknowledge there were issues related to diversity and inclusiveness. This was understandable to the Council Co-chairs since there is generally a lot of camaraderie in the office. Some of the partners asked questions about the difference between diversity and inclusiveness. Others were unclear about how diversity and inclusiveness affected them. These questions led to a more open discussion about the issues and what they all wanted the office to look like generally. The discussion also led to a decision to engage a consultant to conduct diversity training for everyone in the firm.

The next step was presenting the survey results to the rest of the office. The FAMILY Council scheduled an office-wide meeting. To maximize attendance, food and drinks were served. The Co-chairs reviewed the major areas of concern revealed in the survey, as well as the action plan for addressing the issues.

Communication

One of the issues raised on the survey was communication; people in the firm want more information about diversity and inclusiveness, what the Council is doing, as well as more transparency about firm policies and goals.

Some staff members also indicated they want more communication concerning the cases that they work on. The attorneys get so busy they often leave staff members out of the loop on case developments. The Trademark practice group doesn't have these issues since the entire group meets weekly.

Additionally, the firm has instituted a practice where the FAMILY Council Co-Chairs make monthly reports at partnership meetings. Additionally, the Council's work is included as a topic at all associate and staff meetings.

Training

The local Denver consultant who conducted CLI's Train-the-Trainer program in the spring of 2011 was engaged by the firm to facilitate their training program. The FAMILY Council Co-chairs decided, after reading the relevant chapter in the manual and speaking with the consultant, that separate trainings for partners, associates and staff would be the best course for the first round of training. These sessions occurred in the summer of 2011 and the Council is in the process of getting feedback from each of the groups.

The Council is also considering having mixed groups do some of the initial exercises together. They think it would be beneficial for staff and associates to hear about some of the partners' backgrounds and vice versa. Staff members, in particular, are often not privy to stories about where partners grew up and think that they are all from privileged backgrounds when that isn't always the case. The Council is considering whether to have the two people who received the "Train-the-Trainer" training from CLI (a partner and the regional director) conduct these mixed group sessions. The Council is also working with the consultant to develop a second round of trainings on cultural competency which will take discussions to the next level and past the surface-level or "minimization" stage.

Challenges

The biggest challenge for Dorsey's FAMILY Council continues to be time. To try to manage this issue, the Council Co-chairs have been intentional in their efforts to avoid taking on too many new projects at once. They haven't discussed whether they can approach firm leadership about allowing Council members' time to count toward billable hours or giving some other incentive to ameliorate this issue. They don't think that is feasible, given that the national office sets those kinds of policies. They do plan, however, to share Shook Hardy Bacon's action list (or a modified version) with the partners to see if completion of action items can be added to evaluations. They believe that might create some incentives.

Another challenge is really conveying to others in the firm the importance of the diversity and inclusiveness initiative, especially since the day-to-day culture of the Denver office is very collegial. Going below the surface and understanding why female and diverse attorneys leave is sometimes hard to convey since those reasons are largely hidden to most in the firm.

Achievements

The Denver office is proud of its efforts. One of the Denver FAMILY Council Co-chairs is a member of the firm-wide diversity committee and he frequently contributes interesting

developments on the monthly meeting calls. Additionally, the Denver office won the firm-wide award last year for its diversity and inclusiveness efforts.

Council leadership is also proud that they have been successfully implementing their action plan by establishing the “More Fun” Subcommittee and completing the first round of trainings. They have seen some definite changes in terms of morale and everyone in the office (particularly staff) feeling included.

Value of Being a Part of the Inclusiveness Network

The inclusiveness manual has been a great resource. The Council referred to the section on training and hiring a consultant before hiring the local trainer and implementing the training program. They also value their participation in the Inclusiveness Network meetings; particularly in collaborating with people in other organizations who are struggling with some of the same issues.

2011 Dorsey & Whitney (Denver Office) Action Plan

Theme	Concerns	Proposed Responses
Communication of Policies and Goals	Unclear goals of diversity/inclusiveness initiatives	Meet with attorneys and staff to explain diversity/inclusiveness goals. Provide training sessions and have full partner buy-in and attendance to foster full participation.
	Possibility of lowered standards for diverse candidates (e.g. affirmative action)	Provide outline or summary of job description and candidate criteria for those participating in resume review and interviewing process, so that a standard basis is used to vet candidates.
	Unclear hiring processes	Formal communication process within office and firm to ensure hiring decisions involve all appropriate stakeholders.
Continued Building of Inclusive Environment	Feeling isolation of employees	Provide partners with Shook Hardy-type of list of activities to promote inclusive environment and require action Invest in relationship-building with employees at and across all levels.
	Apparent lack of appreciation of employees	Plan activities that bring employees together and also involve spouses/partners/SOs/families. Provide special events or gifts that show appreciation to employees (e.g. holiday party, administrative assistant day acknowledgement, gift certificates, Dorsey gear) Enhance partner participation in such activities/events
	“Boys Club” appearance	Include women attorneys and staff in invitations to lunch or coffee
Job Satisfaction	Lack of work-life balance	Review work-life balance options available to staff/attorneys.
	Limited opportunities for staff promotion	Expand roles and responsibilities. Train staff on new skills.
	Lack of mentors for staff	Provide mentors/champions for staff.
	Not enough feedback	Provide more regular performance feedback and more explicit performance criteria for associates.
	Lack of commitment or interest in associate development	Introduce opportunities for regular communication with partners/mentors about progress in core competencies.