



How Does Inclusiveness Differ from Diversity in the Legal Profession?

Diversity efforts in the legal profession are:

- Mostly viewed as fixing it for or helping “them” – attorneys belonging to underrepresented social identity groups, including racial/ethnic minorities, women, LGBT (lesbian, gay, bi-sexual, transgender) people, and disabled individuals;
- Focused heavily on compositional diversity and “getting the numbers up” or “reloading” through recruiting efforts;
- Responsible for surface-level efforts that do not address the underlying causes for higher attrition rates in private practice for diverse attorneys; and
- Focused on “outsourcing” diversity and inclusion to a committee or an individual without adequate support systems for creating real change.

Inclusiveness involves a systemic shift in how we view and address our diversity challenges. Inclusiveness is about:

- Valuing every person in the organization because of the different backgrounds and perspectives they bring to the table;
- Removing hidden barriers to opportunity and success that exist within the organization which have greater negative impact on diverse attorneys (women, racial/ethnic minorities, LGBT people, disabled individuals);
- Making changes in the organization – cultural, structural and behavioral – that create a work environment that is inclusive, rather than exclusive;
- Embedding organization-wide practices throughout the organization so that everyone has some responsibility for developing and sustaining an inclusive workplace, as opposed to assigning one committee or one person the responsibility for all diversity efforts; and
- Empowering all employees to contribute fully as opposed to leaving their identity at the door each day and spending time either hiding their identity (i.e. LGBT lawyers who are not “out”) or making others feel comfortable with their differences.

The negative side effects of focusing on diversity alone include:

- Alienating majority attorneys and staff because they think diversity efforts do not include them since they are not diverse (as well as giving “unfair” advantages to diverse attorneys);
- Spending too much time and resources on recruiting and getting diverse attorneys in the door and not enough on retention (the door is a revolving door and diverse attorneys leave at staggeringly high rates because the environment works to exclude them in many ways);



- Failing to address the underlying reasons for higher attrition rates among diverse attorneys as analysis tends to be surface level; and
- Causing diverse attorneys to feel tokenized and cynical about whether their organization values them for anything other than their diversity status.

Table 1. Differences between Traditional Diversity Efforts and Inclusiveness Initiatives

	Diversity	Inclusiveness
Leadership	<ul style="list-style-type: none"> • Comprised mostly of “the choir”; members are mostly or all diverse • Diversity Committee has no real power to make any changes in the organization • Involvement with senior management is sporadic and superficial 	<ul style="list-style-type: none"> • Comprised of organizational leaders and other influential people in the organization, including diverse staff and attorneys but also majority attorneys and staff, particularly those who are change-agents in the organization • Selection of Inclusiveness Committee members is highly strategic and based on a number of factors that will ensure sustainability and success • Includes a skeptic (or two)
Scope of Work	<ul style="list-style-type: none"> • Diversity Committee is solely responsible for all diversity activities • No one else in the organization has any responsibility for diversity efforts and few people pay any attention to the work of the committee • Committee members are given no credit for their work 	<ul style="list-style-type: none"> • Inclusiveness Committee analyzes issues and devises strategies but directs others in the organization in their work to embed inclusive practices and procedures throughout the organization • Everyone in the organization has some responsibility for diversity and inclusiveness which are included in job duties and compensation decisions • Committee members are rewarded for their work through bonuses, credit for billable hours or other recognition • Organization management is knowledgeable about the committee’s efforts and provides full support • Committee members are strategically placed throughout the organization and act as ambassadors for inclusiveness as well as liaisons for the Inclusiveness Committee throughout the structure of the organization
Programs	<ul style="list-style-type: none"> • Heavy focus on recruiting • May have a mentoring program that has limited effectiveness • May have some affinity groups • May equate serious diversity efforts with cultural celebrations 	<p>Engages in all traditional diversity efforts <u>PLUS</u></p> <ul style="list-style-type: none"> • Recognizes that every organization has hidden barriers to success for diverse attorneys – structural, cultural and behavioral • Develops mission, vision, and case statements outlining the need for greater diversity and inclusiveness that are directly tied to business imperatives for the organization • Develops a comprehensive communication strategy led by the organization’s leader(s) regarding committee work and efforts • Surveys all attorneys to uncover hidden issues and barriers and delves deeper into the issues by conducting interviews and focus



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	<ul style="list-style-type: none"> • Provides financial support for external diversity events, including job fairs, specialty bar organizations and conferences - but few majority attorneys actively participate in those events • Diversity is not seen as integral to the organization's business goals and diversity is put on the back burner when other business priorities heat up 	<p>group sessions</p> <ul style="list-style-type: none"> • Evaluates all policies and procedures to ensure inclusiveness (i.e., in the evaluation process, work assignment system, networking and business development opportunities, client contact, promotions, professional development, formal and informal social opportunities) • Directs all departments, committees, divisions in their work to actively address and remove barriers to success • Engages in training – targeted skills training, diversity awareness training, anti-bias training – to educate all members of the organization about diversity and inclusiveness • Tasks all organizational committees with goals related to making the organization more inclusive and holds them accountable • Sets goals for improvement throughout the organization and institutes accountability measures with timelines • Includes diversity and inclusiveness as a substantive topic at all organizational meetings • Presents awards for inclusive practices • Leadership and succession initiatives include gaining skills in effective communication across differences
<p>Assessing & Training</p>	<ul style="list-style-type: none"> • Inadequate assessments • Superficial trainings 	<ul style="list-style-type: none"> • Awareness of the dominant culture and its impact on diverse attorneys and staff • Engages in training to make changes to the culture of the organization • Engages in diversity dialogues to break down barriers based on difference • Engages in training regarding unconscious bias and micro-inequities to impact some of the behaviors that cause exclusion • Spends time and resources engaging white men in the issues and creating allies and champions