

Walk the Walk

Screening & Discussion

March 28, 2018



GitHub

IMPLICIT BIAS

Identification and Prevention

Definition of “Diversity”

- The condition of having or being composed of differing elements
- Variety
- Especially the inclusion of different types of people

Source: Merriam-Webster

“Inclusion” is about...

Promoting an environment where people from different cultural backgrounds:

- Are welcomed and treated with respect
- Feel included and integrated
- Are given equal access to opportunities
- Are given opportunities to contribute their ideas and concerns

Implicit Bias

- Everyone has biases, many of which are implicit – that is, attitudes, memories, and stereotypes that are outside of “conscious, attentional control”
- Our biases affect everyday interactions
- Our biases result in unintentional exclusion

How Implicit Bias Shows Its Face

Some examples:

- Perceptions of contributions/performance – attribution of success to the attorney versus external factors
- Level of focus on mistakes
- Remembering mistakes of outsiders longer than insiders
- Excusing mistakes by insiders due to unconscious natural affinity (more likely to personally identify with the fledging attorney and get to “I did that once”)
- Avoiding feedback on mistakes

Impacts of Implicit Bias in Law Firms and Legal Departments

- Fewer client contacts and development opportunities – formal and informal
- Fewer invitations to social events where opportunities may begin to be developed
- More instances of “soft” evaluations which keep mistakes and negative perceptions hidden from the attorney
- Higher incidents of reports that mistakes are held against diverse attorneys while overlooked when committed by non-diverse attorneys
- Fewer opportunities for inclusion on committees and among leadership

Law Firm and Legal Department Best Practices

- Involve senior management in diversity efforts – buy-in from the top is key to success
- Expand recruitment beyond box criteria
 - Interview for leadership and judgment skills, not just top grades
 - Challenge assumptions about law school credentials – broaden the pool of schools where you recruit
 - Include attorneys of color and women in the interviewing and hiring process
- Create and enforce inclusion policies
- Give credit for diversity-related work, and conversely reduce credit for exclusionary behavior

Law Firm and Legal Department Best Practices

- Consistently include diverse attorneys in important meetings, pitches and staffing decisions
- Use outside consultants to generate objective exit interview data on women and minority attorneys who leave
- Make partnership track/promotion expectations and skills matrices transparent
- Cross-sell attorneys to internal/external stakeholders and clients, including women and attorneys of color – make sure everyone knows what they do

Law Firm and Legal Department Best Practices

- Involve women and attorneys of color in all levels of firm leadership
- Make certain counsel and associates have both mentor and sponsor opportunities
- Promote work-life balance
- Support diversity activities inside and outside the firm

Law Firm and Legal Department Best Practices

Take advantage of the diversity dollars you already spend:

- Promote the organizations you already support
- Encourage participation by everyone in diversity events
- CMCP's programs and activities help “level the playing field”

Diversity & Inclusion

Belong to Everyone

Individual Actions Count...

- If you see an attorney you don't know, introduce yourself
- Take someone from another practice area who doesn't look like you, or who has a different style, for coffee or lunch just to get to know them better
- Step out of your comfort zone -- attend a diversity event for a group of which you are not a part
- Watch those with different styles in action

Diversity & Inclusion

Belong to Everyone

- Listen
- We're all either part of the problem or part of the solution...

Make a conscious decision about
which part you play