Walk the Walk
Screening & Discussion
March 28, 2018
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