

Upgrading the Track: Forging a Path to Success for Minority Attorneys

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Agenda

Why Diversity Matters

Biases

Four Challenges

Mini Hackathon

Holland & Knight

Why Diversity Matters

Diversity & Inclusion = Better Solutions

- Diverse teams bring **different information, opinions, and perspectives**
- Studies have demonstrated that diverse teams are **more accurate** and make **less mistakes**
- Racial and ethnic diversity promotes **better critical thinking**

“A diverse team supported by an inclusive environment that values each individual will **outperform** a homogenous team every time.”

- David Taylor, CEO, President, and Chairman of Procter & Gamble Co.

Sources:

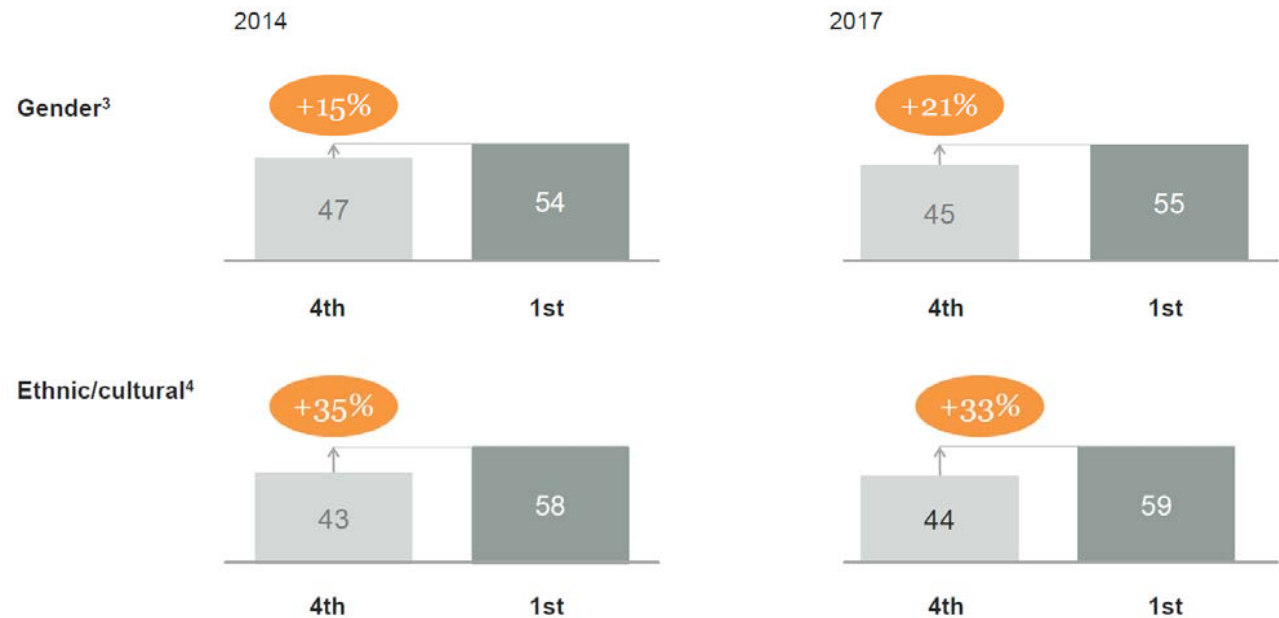
- Katherine W. Phillips, *How Diversity Makes Us Smarter*, Scientific American (October 1, 2014)
- Sheen S. Levine and David Stark, *Diversity Makes You Brighter*, The New York Times (December 9, 2015)
- Dieter Holger, *The Business Case for More Diversity*, The Wall Street Journal (October 26, 2019)

Diversity & Inclusion = Enhanced Financial Performance

- Companies in the **top-quartile for gender diversity** on their executive teams were **21%** more likely to have **above-average profitability** than companies in the fourth quartile
- Companies in the **top quartile for ethnic/cultural diversity** on their executive teams were **33%** more likely to **outperform on profitability** than companies in the fourth quartile

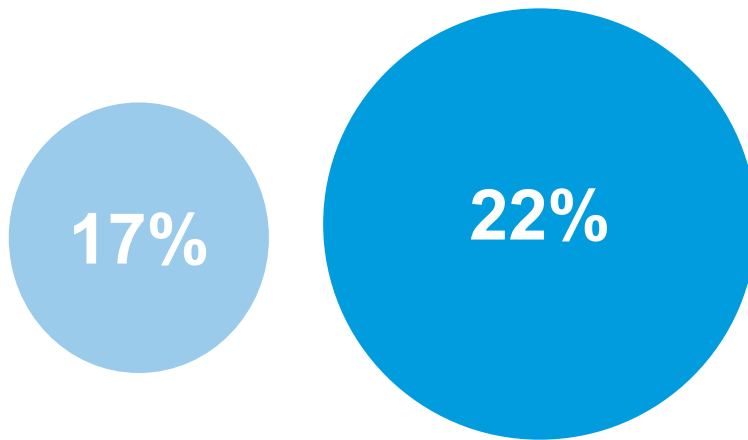
Likelihood of financial performance above national industry median by diversity quartile.

Financial performance = average EBIT margin

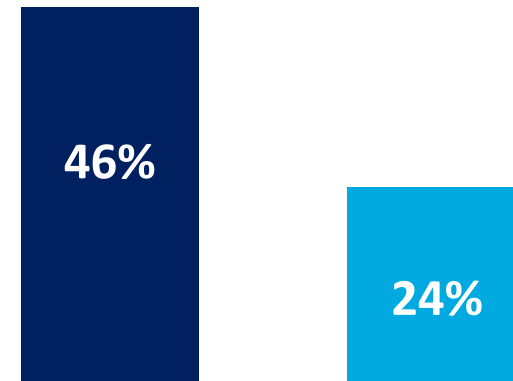


Source: McKinsey & Co, *Delivering Through Diversity* (January 2018)

Law Firm Demographics



Minority lawyers represented **17%** of lawyers employed by firms in 2017, but **22%** of the attorneys who left their firms. These are the highest reported percentages in **11 years.**



46% of white attorneys are partners, compared to only **24%** of minority attorneys.

Source: 2018 Vault/MCCA Law Firm Diversity Survey

A Story

Unconscious Bias

We are exposed to as many as 11 million pieces of information at any one time, but our brain can only functionally deal with about 40

Source: David DiSalvo, *Your Brain Sees Even When You Don't*, Forbes (June 22, 2013)

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What are Unconscious Biases?



Hidden reflexive judgments that shape our perceptions

Formed by experiences, beliefs, values, and associations

“Cognitive shortcuts” that make up 70-75% of our thoughts

Dispelling the Myths: Unconscious Biases ...

Are only held by
some

FALSE

*Everyone has
unconscious biases.*

Are intentionally
discriminatory

FALSE

They happen
without intention or
awareness.

Are inherently bad

FALSE

Biases can be
positive or negative.
Bias is a necessary
trait for survival.

Common Types of Biases

Bias	Description
Confirmation Bias	Paying more attention to information that confirms your existing beliefs and disregarding information that is contradictory to those beliefs.
Attribution Bias	More favorable assessments of behaviors and circumstances for those in your “ ingroup ” and less favorable assessments for those in your “outgroup.”
Affinity Bias	Gravitating towards and developing relationships with those who are more like you .
Availability Bias	Relying on easily accessible information to enable quick decisions and judgments , and avoiding challenging fact-checking and analysis.

A Detrimental Effect

- Unconscious biases can have a detrimental effect
- They may unintentionally impact:
 - **Perception** – how we see people and perceive reality
 - **Attitude** – how we react towards certain people
 - **Behaviors** – how receptive/friendly we are towards people
 - **Attention** – which aspects of a person we pay most attention to
 - **Listening** – how much we actively listen to what certain people say
 - **Micro-affirmations** – how much or how little we embrace people in certain situations

Four Challenges

1. Limited Room to Fail

- Failure is **critical** to growth, innovation, and success
- Underrepresented attorneys are **highly scrutinized** for errors and sometimes held to a **higher standard**
- With limited room to fail, underrepresented attorneys are **less likely to take risks** and **less likely to try stretch opportunities**

35%

Prove It Again (PIA): a pitfall where underrepresented groups are often forced to prove themselves over and over

Women of color, white women, and men of color report “**Prove it Again**” bias at a higher level – **35%** higher than white men

75%

75% of black women reported dealing with “**Prove it Again**” bias

Source: 2018 Vault/MCCA Law Firm Diversity Survey

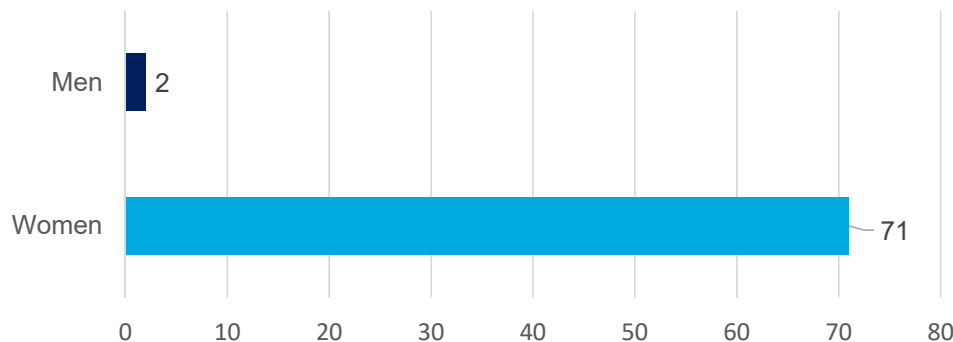
2. Inconsistent, Irregular, and Biased Feedback

Underrepresented attorneys have **less access** to consistent feedback and that feedback is often **rife with potential bias**.

Gender Bias

A study of performance reviews from companies of all different sizes found that women were more likely to receive **personality criticisms** than men.

Personality Criticisms in Reviews



Racial Bias

Identical memo sent to law firm partners at various firms. Half of the partners were told the associate was **white** and half were told he was **black**.

4.1 out of 5.0	3.2 out of 5.0
“generally good” “has potential” “good analytical skills”	“need lots of work” “can’t believe he went to NYU” “average at best”

3. Limited Access to Critical Information

- Underrepresented attorneys often **lack regular access to critical information and social capital**, which **stunts their professional growth**
- Growth in organizations is **accelerated** by access to critical information
- In the workplace, people tend to trust and connect with those who are **similar** to them
- Because minority attorneys are **not often adequately represented** in leadership, they are disadvantaged

99% | 70%

99 percent of interviewees received **70 percent** of the jobs they held over their lifetimes with the extra help of friends or family members who could give them inside information, use influence on their behalf or offer them opportunities, such as jobs or promotions, not available to others.

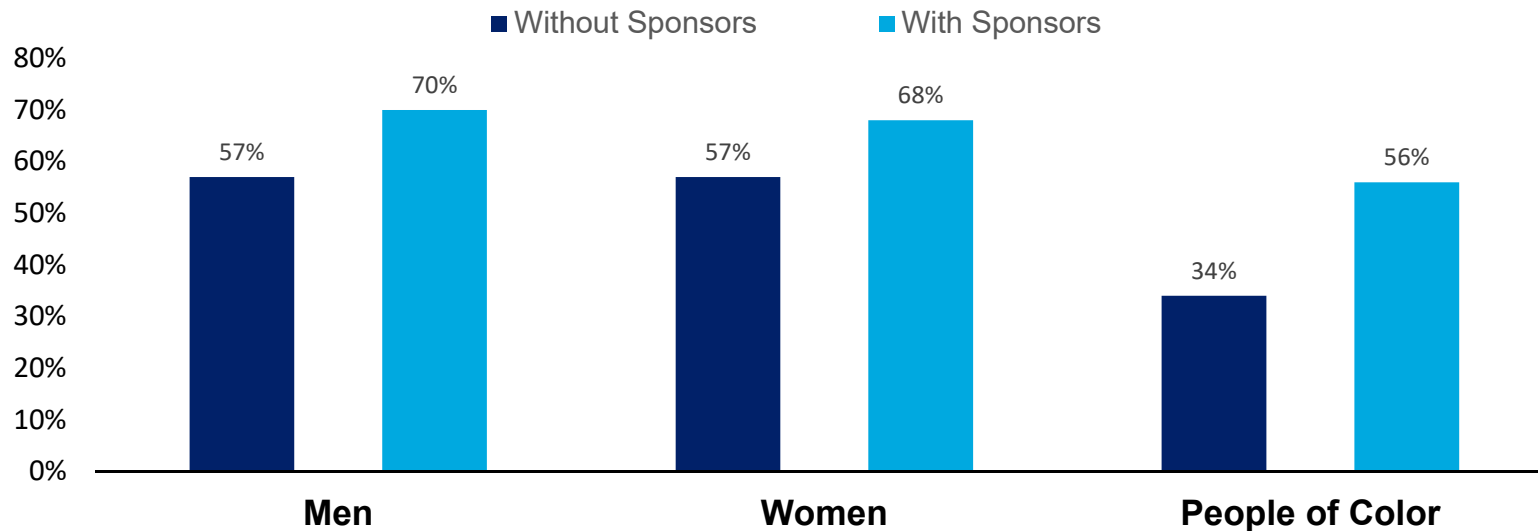
Sources:

- "People Share More Information with Colleagues of Similar Cultural Backgrounds," *Harvard Business Review*
- "Diversity and Authenticity," *Harvard Business Review*
- "If Diversity and Inclusion is Working, Why are White Men Still Getting the Best Jobs?" *DiversityInc.*

4. Lack of Meaningful Investment and Sponsorship

Sponsorship occurs when an influential leader within an organization **advocates for, protects, and proactively develops** his/her protégé. Underrepresented individuals generally have less access to organic sponsorship relationships.

Employees Who Are Satisfied With Their Rate of Advancement



Mini Hackathon

Mini Hackathon

- **Hackathon:** a competitive event in which groups work together to “hack a problem” with the goal of developing a solution
- **Hack the Challenge:**
 - You will be divided into **four groups**
 - Each group will have a **facilitator** and will be **assigned one of the four challenges** to hack
 - Each group will have approximately 60 minutes to **discuss the challenge and prepare one or more solutions**
 - Each group will then return here and will have a couple minutes to “**pitch**” their **solution to Robert White (CMCP)** who will serve as the judge
- **Ground Rules for Discussion:**
 - **Speak Your Truth:** be open about your thoughts and feelings
 - **Be Vulnerable:** be prepared for uncertainty, risk, and emotional exposure
 - **Listen for Understanding:** listen to others to understand, not necessarily respond
 - **Experience Discomfort:** discomfort can create space for learning and growth

Our Facilitators



Stacey Wang
Partner, Holland & Knight

Assigned Challenge:
Irregular and Inconsistent
Feedback

Room: 1



Marie Maurice
*Director, Ivie McNeill Wyatt
Purcell & Diggs*

Assigned Challenge:
Lack of Meaningful
Investment and
Sponsorship

Room: 2



Lucas Bailey
*Senior Counsel,
Peacock/NBC Universal*

Assigned Challenge:
Limited Access to Critical
Information and Social
Capital

Room: 3



Anne Haley
*Managing Assistant City
Attorney, Los Angeles
Office of the City*

Assigned Challenge:
Limited Room to Fail

Room: 4