



MCLE: 1.0 hr Recognition and Elimination of Bias

Allyship in the Time of the Anti-DEI Movement



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DISCLAIMER

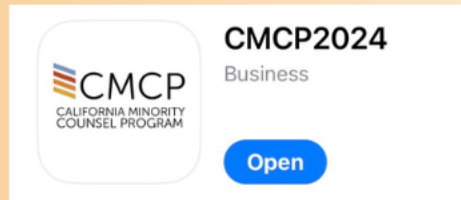
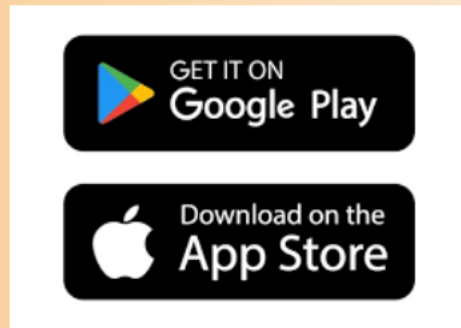
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IN THE INTEREST OF PROVIDING A SPACE FOR ROBUST CANDID CONVERSATION AND DISSENTING VIEWS ON SENSITIVE TOPICS, WE RESPECTFULLY ASK ATTENDEES TO EXERCISE RESPECT FOR OTHERS AND TO MAINTAIN CONFIDENTIALITY DURING AND AFTER THIS SESSION.

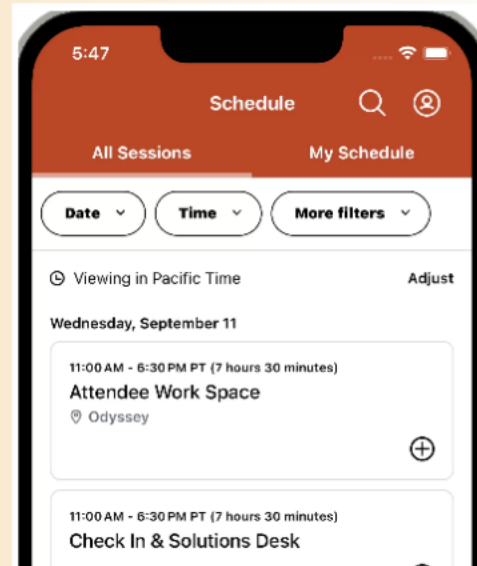


MCLE CREDIT

1. OPEN THE MOBILE APP AND LOG IN



2. CLICK ON "SCHEDULE"



3. SELECT THE SESSION (EXAMPLE ONLY BELOW)

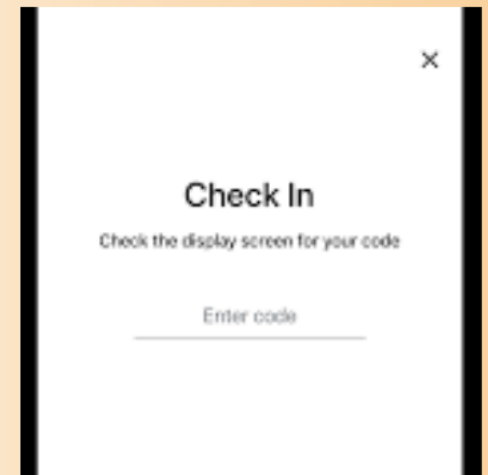
2B Mapping (or Maneuvering) the Maze: Navigating California Employment Law Changes in 2024

Thu, 9/12, 2:00 PM - 3:15 PM PT
1 hour 15 minutes

Centennial D
+Add to calendar

Remove session

4. "CHECK-IN", AND ENTER SESSION CODE (SEE TABLE SIGN)





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[DATE]



Agenda



1. Allyship

- What is an ally
- Why is being one important
- Workplace benefits of allyship
- How do you become one
- Examples of allyship

2. Microaggressions

- Common microaggressions
- Respond to microaggressions
- Taking accountability for offensive language

3. DEI Opposition

- Communicating and framing the benefits of DEI

What is an ally?

“We view allyship as a strategic mechanism used by individuals to become collaborators, accomplices, and co-conspirators who fight injustice and promote equity in the workplace through supportive personal relationships and public acts of sponsorship and advocacy. Allies endeavor to drive systemic improvements to workplace policies, practices, and culture.”

- Tsedale Melaku



Why is allyship important?

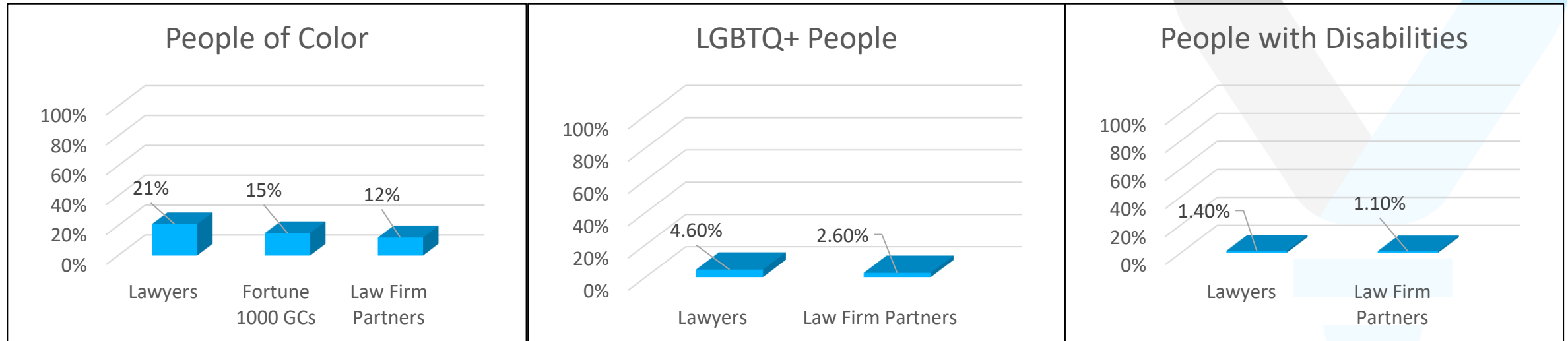
Emphasizing DEI in the workplace is more important now as many people will not get those same opportunities and chances in their higher education due to recent law. Allyship bridges the gap between those of differing communities, allowing for more mutual understanding and inclusivity into the environment, thus working to level the playing field and destroy systematic barriers for people of different backgrounds and different amounts of privilege. This opens up the opportunity of success to so many more individuals who have the capability to alter the industry for the better and just need the platform to do so.



Stats show a need for allyship

Women made up almost 50% of law school classes in 2000, but today fewer than 28% of law firm partners are women.

For other groups, today:



Marginalization in law

"I find that I can't engage if everyone around me is a straight male. Women – and Black women, women of color and Trans women in particular – have always had to carry the burden of 'speaking up' (educating; defending; fighting; protecting; loving). In some cases they have carried this burden for hundreds of years and in the face of mounting discrimination and blatant misogyny/misogynoir" ([Allies in Action](#))

"I definitely notice exclusion on a daily basis, especially within the elite academic and legal spaces where I spend most of my time at the moment. The most significant exclusion that I notice in these spaces is the exclusion of working class and poor women's perspectives and voices, especially those who are women of color" ([Allies in Action](#))



The benefits of allyship

- Creating a diverse environment aids in inspiring and granting employees the confidence that leads to **increased performance and ambition**
 - "Of the 52% of Gen Zs and millennials who feel empowered to **drive change** within their organizations, 89% of Gen Zs and 90% of millennials say they feel a sense of belonging" ([THE DELOITTE GLOBAL 2022 GEN Z & MILLENNIAL SURVEY](#))
 - "36 percent higher likelihood of **outperformance on EBIT margin** for top quartile companies for ethnic and cultural diversity on executive teams" ([McKinsey & Company](#))
- Helps employee **retention**
 - Creating a safe environment allows employees to feel more welcome and valued
 - Employees feel more connected to the culture and their coworkers, encouraging them to stay
- A more diverse community has economic benefits
 - Emphasis on DEI creates a larger pool of diverse contributors with unique talents, leading to a more meritocratic environment



The benefits of allyship

- Diversity in thought makes way for **innovation**
 - Multiple perspectives at the table increases **critical** and **divergent** thinking
 - Helps **problem-solving** as more approaches and strategies are discussed
 - Different perspectives also allow for more **aware/effective decision making**
 - Different backgrounds may be able to better understand and thus help appeal to the different markets that may be considered by a business
 - "Inclusive decision making leads to **better business decisions up to 87 percent** of the time" ([Cloverpop](#))
- A tighter sense of community helps with internal conflict
 - Feeling safe allows people to properly voice their discomfort or concerns, allowing for less miscommunication/assumptions and more efficient conversations as honesty replaces hostility



The Ally Continuum



BYSTANDER

GOAL

APATHETIC

Does not understand and/or recognize the issues underrepresented groups face nor how they feel

AWARE

Understands how marginalized groups may feel and what they face but does not take concrete action to support these people

ACTIVE

Supports marginalized groups when asked to directly by someone else but not on their own volition

ALLY

Actively seeks out ways to provide opportunities and support to marginalized communities even when not asked

Why is being active not enough?

- A lack of individual initiative feels performative
 - employees will see all efforts regarding DEI and allyship to be ingenuine
 - This may result in a lack of dedication to the work and a lack of genuine connection as they do not truly feel recognized or respected
 - May embed distrust into the overall work culture
 - Employees may not feel safe with their coworkers or environment as it feels very inauthentic which can affect employee retention



How do you become an ally?

Be an active listener	Research and understand	Take accountability	Take action
<p>Give those who do not have the platform, the opportunity to speak their mind in all settings. Acknowledge their experience instead of trying to poke holes into it. Support them and encourage them to speak out in spaces they may not have previously had a voice in.</p>	<p>Do research at home about the communities you may not belong to and understand your privilege. Be curious, ask questions to help your genuine understanding. Deeper understanding leads to a more mindful environment that feels more welcoming and approachable for all.</p>	<p>Taking accountability for when you offend someone or a community through your actions is pertinent to helping them feel recognized and for internalizing why certain words or actions may be derogatory towards others.</p>	<p>Use the privilege or power you have to take concrete actions that would benefit underrepresented communities. This could be many things like defending them from bigotry in the office or making resources more accessible to them.</p>

Examples of allyship in and outside of your discipline



Working with someone who identifies as a minority and informing their boss that their work was excellent and should be rewarded or acknowledged. You can take it a step further and even ask to work with this individual more for future projects to emphasize their skill.

Circling back to an idea a woman had during a conversation after she was dismissed or ignored by peers. If you agree, you can speak up and defend her opinion so she does not feel as isolated and can feel safe to continue to speak up.

Calling out derogatory language in conversation, even if no one of the targeted group is within earshot to notice. By making the people around you stop regardless of the context or who is hearing, you are able to authentically improve the overall consistent work culture.



**What
are common
microaggressions
you have heard in
the workplace?**

Common microaggressions

Asking a woman, "Are you sure?" every time they make a decision	By asking if a woman is sure every time they make a move, it implies you do not think they are smart or capable enough to understand what to do
Telling a person of color that you "don't see color"	Not seeing color suggests you are not willing to recognize or acknowledge the oppression around you and the privilege you have
Using "your people" when referring to a community	"Your people" otherizes the community and generalizes everyone who belongs in that group, diminishing their individuality and enforcing a stereotype
Telling someone they are "too woke"	You dismiss their feelings, even if it is a joke, and imply that their ideals are not worth considering or taking seriously.

Why wrong?

Accountability for bad behavior

Acknowledge how they feel	Take the feedback	Apologize
<p>Acknowledge that their feelings are valid and that they have a right to feel offended when faced with language that is discriminatory.</p>	<p>Allow them to tell you why it hurts or why you should not say the phrase or word. Keep an open mind and let them educate or clarify with you why it is harmful.</p>	<p>Take full responsibility and do not force forgiveness. Make sure to not center yourself, but the person you hurt instead.</p>

The DEI opposition

As law firms and companies incorporate DEI efforts, they face the threat of backlash and even legal threats, often under the guise of DEI efforts being called unconstitutional

- Companies like Harley-Davidson and John Deere have recently backtracked on DEI efforts, including Harley-Davidson saying it would no longer “participate in HRC scoring” for sponsorships and affiliations, in response to “negativity on social media”
- The American Alliance for Equal Rights has been opposing law firms’ and other companies’ diversity programs and affirmative action policies, filing lawsuits against them and advertising those lawsuits on its website
- Nonprofits and other groups, like Silicon Valley’s now-dissolved Girls in Tech, face increasing challenges such as lack of donors, companies distancing themselves from DEI initiatives, and executives being distrustful of such initiatives



Responding to DEI opposition

"DEI takes away opportunities from qualified people that are considered of the 'majority'"

- DEI does not take any opportunities away from the privileged, it instead offers opportunities to those who systematically do not have them, thus leveling the playing field
- Broadening the industry allows for more opportunities of innovation and success
 - Ex: Mindy Kaling

"DEI is reverse discrimination"

- This system helps create a more equitable space for everyone that actually works to undo the consequences of past discrimination by granting those who are disadvantaged the opportunities to be on equal level with those with a history of privilege



Pursuing DEI programs in the face of law

The main target for anti-DEI laws is public schools/higher education and government-funded programs (e.g., the Small Business Association, which facilitates government contracting to small disadvantaged businesses)

- Private practice is still affected by these policies, as these laws have opened the door for the DEI opposition to now challenge the private sector
- Emphasize meritocracy, which also leads to the pursuit of DEI because a larger pool of diverse talent entails reaching exceptional talent across *all* communities



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Questions?



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UP NEXT (12:00 PM)

CMCP Recognition Luncheon Celebrating CMCP's 35th Anniversary

Centennial Ballroom