



# Making Diversity and Inclusion Awareness Training Work in the Law Firm

by Verna Myers

**WHAT'S THE SINGLE BIGGEST** obstacle to making diversity and inclusion awareness training work for law firms? Is it the instinctive resistance to allotting so much time for a distinctly “non-billable” activity? Is it the fact that many lawyers, trained and paid to be “knowers,” are reluctant to plunge into situations where they need to admit *not* knowing? Is it the profession's traditional distaste for anything “touchy feely”?

In fact, it is none of these challenges, real as they are for many firms. The biggest barrier to the success of diversity training is actually the widespread belief that *the training itself is the solution*, that simply investing in the right training will cure whatever ails a firm when it comes to diversity. Unfortunately, the truth is that even the most powerful, well-designed, well-attended training program is really just the first step in a process of change. Just as you would never expect one workout with a personal trainer to “solve” a weight loss problem, it's unrealistic to expect that even a firm-wide training will be a panacea. That first session is vitally important – but it won't make a lasting difference unless it's part of a deeper, systemic change. A thoughtful, provocative training program can provide people with a forum for introspection and an “ah-ha” moment, but the value of those insights is quickly lost when people return to their desks and encounter the day-to-day of a firm that has done nothing to change its systems, policies and practices to further these

revelations and support new ways of relating to each other.

At Verna Myers Consulting Group (VMCG), whenever a firm calls us to do a training program, our first question is, “What is your goal for the trainings?” Typically, firms are pursuing a large goal, like improving their retention of minority hires. Understandably, management believes that if people in the firm were more aware of the impact of their attitudes and actions, they would act differently – which would in turn create an inclusive work environment where everyone would feel connected, integrated and respected.

It's a lovely idea, driven by the best intentions. But, as we regularly tell our clients, this inclusive new workplace will



never evolve from a bundle of workshops alone. To succeed, a training program must be part of a larger diversity initiative – a comprehensive, strategic, long-term cultural change process – that is *well in place* before and after the training itself.

Fortunately, the experience of many firms who have taken this deeper, strategic approach to diversity and inclusion suggests a clear, well-defined path to success.

### Establishing an Initiative

Before you begin any firm-wide diversity and inclusion awareness program, your firm needs to take the following important steps:

- Develop support for the diversity initiative from firm leaders who are willing to be vocal and visible about its benefit to the firm;
- Assemble a strong and informed diversity committee to guide the initiative;
- Undertake a diversity needs assessment (usually conducted by an outside consultant) to learn more about perspectives, experiences, strengths and challenges regarding diversity and inclusion; and
- Create a multi-faceted action plan that details specific actions the firm will take to improve its policies, communications, practices and systems.

An important note: Wherever possible, staff should be included in all aspects of the firm's diversity initiative, including training. The firm's environment and culture is influenced and experienced by *everyone* who works there, not just the lawyers. What's more, in most firms the staff represents far greater racial and ethnic diversity than the attorneys, a fact that raises certain key issues and highlights some important perspectives.

### Starting First with Functional Awareness and Skill-Based Trainings

A major focus of any diversity action plan is the education and training of the firm's partners and employees. Although training across the organization is essential, in our experience it's best to start the process with those responsible for shaping systems and practices.

These trainings include workshops with firm leadership, diversity committees, hiring committees and/or on-campus interviewers, evaluation or associate's committees, staff managers, mentors, and so on. The goal: to help these groups think about how diversity issues and goals fit into their professional objectives and responsibilities. What do you need to know about difference to be an effective interviewer? How do you eliminate bias from evaluation and feedback processes? How do you effectively mentor when your mentee is of a different race or gender? How do you respond when a candidate asks why the firm has no Black partners? As a practice group leader, what do you do when a female associate tells you that, despite her seniority, your most productive corporate partner prefers working with male associates and gives her only administrative tasks?

## Integrating Diversity Components into All Trainings

Firms that understand diversity well also work to integrate diversity components into *all* of their training programs, including orientations for summer associates, new attorneys, mid-level and senior associates, new partners and staff. This step sends a crucial message: that diversity is not a one-off activity or a vitamin we take dutifully every three years. Rather, as an organization we embrace our diversity and inclusion goals in everything we undertake to do. When you include diversity components in such “standard” programs, the firm as a whole learns to think of inclusion as a shared institutional value, and individuals feel encouraged to operate on this knowledge on a daily basis.

## Sponsoring Voluntary Programs before “Mandatory” Training

Before you launch mandatory diversity and inclusion awareness training across your firm, it helps to “till the ground” by creating voluntary opportunities for people to discuss diversity issues or learn about differences. Examples range from brown bag lunches about diversity topics to speaker series that feature prominent individuals from diverse backgrounds or experts who tackle particular diversity topics. Everyone in the firm is invited – but no one is forced to attend. Your diversity committee may also feel inspired to sponsor a book group, start a diversity library or screen movies or videos on diversity themes. These kinds of events keep diversity on the radar, generate interest and a positive buzz, help people to see diversity in terms beyond just the firm, and provide non-threatening settings for learning about difference. When the programs are done well, the participants become ambassadors to those who don’t choose to attend.

## Getting the Communication and Logistics Right

Once you have taken the steps to establish a diversity initiative and prepared the ground for firm-wide training, your most important challenges are communication and logistics. To start with, your firm needs to assign a staff of people responsible for scheduling and coordination.

Communications about the training should be well-thought out and creative. First and most important, the managing partner needs to send a clear, whole-hearted memo that explains the goal and importance of the workshops, how they are a part of a comprehensive long-term initiative to promote diversity and inclusion, the value of diversity to the firm – and the expectation that everyone will attend. One firm advertised the training by putting small blurbs or humorous teasers about diversity in the firm newsletter for several weeks in advance. Some firms circulate diversity articles. Whatever creative ideas your firm can use to pique interest and to shape expectations will help participants enter the



training in a receptive mood.

Since achieving real inclusion can be a matter of deep cultural change, you need to focus intensely on ensuring good attendance. Offer ample notice of the program. Schedule the sessions over a period of weeks so that even people on vacation or in the middle of trials or closings have no excuse not to attend. In our experience, the process goes faster, you encounter fewer dropouts, and you spend less time rescheduling if your firm assigns each person to particular sessions (rather than having them sign-up on their own). In addition to sending lots of advance reminders, the program coordinator should be present at each training

to be sure people are showing up and to make last-minute scheduling changes. Also, be prepared to schedule make-up sessions (though don’t tell people about their existence beforehand). Even with the best coordinated process, you will probably need to reschedule 5-10% of the participants.

The physical space you assign for your workshops also influences their success. Ideally, you’ll want to use an open space that allows participants to work easily in small groups, such as a multi-purpose or training room, especially one with built-in audiovisual capacity. The firm’s cafeteria is another option. By contrast, diversity workshops don’t work as well around a large conference room table; participants tend to feel they are there to hear a presentation rather than to participate in an interactive workshop. A big central table also makes multiple small-group conversations awkward. If your firm’s main conference room features a large, irremovable table, however, you can still have great success using smaller, nearby conference rooms when it’s time for small-group work.

Although it seems silly to say so, offering participants ample food and beverages is also very important, especially if you’re asking them to attend during the breakfast or lunch hour. Food keeps the blood sugar up – and this simple act of hospitality also signals that the firm wants people to have a comfortable and enjoyable experience.

## Setting the Size and Composition

Ideally, each session will have no more than 30 people and run for about four hours. Why so long, as our clients ask us incredulously? Because talking about diversity issues is difficult, and to do it effectively, people need the psychological space and practical opportunity to express their thoughts. With too many others in the room, most people will hesitate to share their personal thoughts; the session will tend to be dominated by a few personalities, and it’s hard to give everyone a real chance to speak. It also takes time for most people to “get the hang” of talking about private feelings on difficult topics in front of their colleagues. Despite our clients’ protests, we insist that our trainings be four hours long – and tactfully point out that, in the world *outside* law firms, diversity awareness sessions run at least a full day, and sometimes as much

as three. While we recognize the primacy of billable hours, in our experience lawyers especially need time to move beyond an intellectualized approach to the abstract question of diversity, to put down their defenses, cynicism and apprehensions, and to realize that talking about inclusion is not about getting the right answer. They also need time to participate in exercises and discussions that help make the concepts vivid, concrete and personal. At the end of our training sessions, people often remark how fast the time went – and how they wish the session could be longer.

In your first attempt at compulsory diversity training, we strongly advise that you don't try to assign partners, associates and staff to the same sessions. Why? Because in most firms, there is a real divide between staff and attorneys, and between associates and partners. It's hard to be open and honest when your supervisor or someone with the power to fire or demote you is in the room. It's equally hard to be critical of the firm or to say things that you think might put you in a bad or questionable light. On the flip side, partners find it hard to talk in front of staff and younger attorneys about the diversity issues that are really bothering them. (And certain partners may sometimes say things that you really wouldn't want any employee to hear!) Having the participants not mixed by status also allows us to design a more specific training; for instance, what we say to partners about their role in promoting diversity is quite different from what we might say to associates or staff. There are exceptions to this rule, of course: one is the smaller firm or office, where the firm routinely mixes people across status lines every day. A few firms may also find that they can include associates and staff in the same workshops. But as a general rule, mixed groups are not the way to start.

Our clients often ask us to justify this deliberate separation – aren't we in the *diversity* and *inclusion* business, after all? By having separate groups, aren't we just reinforcing the notion of difference based on status? Well, no. What we're doing is reflecting the reality of status divisions in every single firm we have been privileged to work with. (Our clients know those divisions are there, or they wouldn't have hired us!) To pretend that status lines can be willed away or that they wouldn't distort the dynamics of a conversation on such a difficult subject is naive. It's also counterproductive. *Of course* there are a few secretaries who have

been at the firm so long that they run the place and speak their minds without fear. There are also outspoken associates. But they are not in the majority, and we construct our trainings in favor of the *least safe* person, not the most.

Having said that, however, our goal is to get your firm to a place where people can talk about tough issues across the barriers of status. Once everyone has some basic awareness, common language and skills, they can begin to have constructive discussions *across* status lines – and at that point, people up and down the ladder learn a tremendous amount by having to consider and respond to other people's perspec-



tives and experiences. With this in mind, we recommend that, in the weeks and months after the training, you offer facilitated opportunities, open to everyone, to come together and continue the firm's conversation on diversity and inclusion.

### Developing the Content for Workshops

To ensure that the sessions will be compelling, relevant, challenging and enjoyable, we start by working with a small group of knowledgeable people from the firm to shape the content. As you choose your own diversity consultants, look for those who understand specifically how to work with law firms (as

opposed to other kinds of corporations) and who "speak the language" in ways that your attorneys will recognize and respect. To capture participants' interest and endorsement, you should also be sure that the training itself will be creative, concrete, and inescapably interactive.

Here are a few elements every diversity awareness program should include:

- defining diversity and inclusion;
- clarifying the value of diversity to the organization;
- increasing awareness of one's own and others' cultures and world views;
- understanding stereotyping, assumptions and bias (especially unintentional and unconscious bias);
- considering how diversity issues manifest themselves in the work environment; and
- beginning to learn skills to promote diversity and inclusion on the personal, interpersonal and institutional level.

Your workshops will be especially effective if your consultant knows your firm well enough to pull in examples that reflect your firm's particular structure, issues, strengths and policies. (Such examples and direction often emerge as you and your consultant develop your diversity needs assessment and action plan.) Not surprisingly, lawyers especially enjoy looking at fact patterns and hypotheticals that allow them to spot issues and craft solutions; when the fact patterns come from your own firm, it helps participants move from the conceptual to the concrete.

We also find it quite helpful to make sure that every training includes someone from the firm's diversity committee or the firm diversity administrator. These diversity leaders can add to the discussion about the firm, offer feedback about each session, and if necessary, troubleshoot. Also, all participants should be asked to complete evaluations of the training, so future sessions can be modified and improved.

Even if your firm does all the work necessary to prepare for trainings, you will still have to deal with skepticism and cynicism. Typically this relates to people's doubts about the firm's true commitment to diversity, but also stems from the fact that diversity has become such a buzz word. Some people feel the subject has been exhausted and they know all they need to know. Others have had a negative experience with a poorly executed training. To combat

this defeatist tendency, partners need to know that *their* attitudes toward, and participation in, the trainings are essential to the program's success. They should make sure that, if at all possible, their associates are able to attend the training as scheduled. Often, we conduct partner sessions first, so they know what the trainings are like and can speak enthusiastically about them. Having partners go first also sends a signal of commitment.

### **Going Beyond Training Programs**

I end by emphasizing my opening idea: your firm-wide diversity and inclusion awareness trainings cannot be the first or last step in your firm's diversity and inclusion journey. Cultures and behavior don't develop overnight – and they don't change overnight. With an

action plan in place, your firm can continue to execute the changes in policies and practices that will encourage participants to change their attitudes and behaviors. Accountability and incentives have to be part of that change. People have to see that doing things differently and better will be rewarded, and "old" behavior will be challenged.

Your firm should also continue the education process through steps like sponsoring deeper discussions about specific modules of the training, pulling together managers or practice group leaders to consider further steps they could take, distributing articles for people to continue to explore issues, and supporting activities external to the firm that increase awareness. We also would love to see firms distribute evaluation forms three and six months

after a training, to learn what people have retained and what if anything they are doing differently as a result. With these measures in place – and with the understanding that diversity and inclusion is a life long process – all members of your firm will take responsibility for being the change they want to see.



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