

PRESENTED AT

15th Annual Advanced Texas Administrative Law Seminar

September 3-4, 2020

Austin, TX

Deliberate Diversity Intentional Inclusion

C. Dominica McGinnis

Chris W. Kirby, JD

Author Contact Information:

C. Dominica McGinnis or

Chris W. Kirby, JD:

BridgeField Group

Austin, TX

Coach@TheBridgeFieldGroup.com

512.838.3078

Table of Contents

Table of Contents

| | |
|---|-----------|
| Section 1 Background | 2 |
| Defining Diversity | 2 |
| Business Case for Diversity & Culture | 3 |
| Diversity Doesn't Work Without Inclusion..... | 3 |
| Why Diverse Professionals Leave | 4 |
| Diverse Reality | 4 |
| Section 2 Recommendations | 9 |
| Section 3 Conclusion | 11 |
| Section 4 About the Authors | 13 |
| Section 5 Works Cited | 15 |



Inclusive Diversity

Abstract

How do you successfully diversify your firm before it begins to lose valued clients, opportunities, and talent? By now it should be clear that the demand for diversity isn't going away, and firms that fail to make lasting changes that yield actual results will struggle to remain competitive. This spotlight on diversity transcends the law space and is a major focus of professional services firms nationwide. Since the percentage of female, millennial, and ethnically diverse GCs, managers, and influencers continues to rise, the need to create a more inclusive culture is critical to firm success. Moreover, clients and internal personnel are looking for firms to do more than just "check the box" with a diversity committee, more affinity groups, or additional diversity recruiting. They want to see real change. While clients want to see lasting improvement for the diverse at every level within the firms they hire and retain, those very lawyers are equally interested in the sort of genuinely inclusive organizations that foster long term career success. This paper explores how to build the inclusive relationships needed to attract, retain, and support diverse professionals.

Problem Statement

The key to diversity is inclusion, and the key to inclusion is genuine relationships. We will focus on how the majority culture and the diverse can begin to intentionally build genuine relationships.

Background

Defining Diversity

We define diversity as being different than others in your surroundings in some significant way. Those differences may be inherent like ethnicity or acquired like educational background. Differences can also be visible and unable to be hidden like age or invisible like political views. For the purposes of this paper, we will focus mostly on ethnic and gender diversity in the workspace.

Business Case for Diversity & Culture

We won't spend much time here laying out the business case for diversity, but it does need to be mentioned. Diversity is a subset of firm culture. According to Korn Ferry, firms with a high-performing culture increase employee performance by 40%, client satisfaction by 18%, financial success by 4.5x, and decrease employee turnover by 14%. Diversity is a leading indicator of firm health because the culture of a firm affects the diverse first, most, and hardest. If you have a firm that performs well with diversity and inclusion, then you have a culture that performs well on every front.

It's critical to note that simply making a team more diverse is not necessarily enough to see the benefits. Diverse teams must find ways to work together productively, and often the best ways of working may seem counterintuitive. For example, research suggests that when people with different perspectives are brought together, people may seek to gloss over those differences in the interest of group harmony — when, in fact, differences should actually be taken seriously and highlighted (Grey, David, et al.).

Diverse teams that learn to communicate well, work through challenging situations, and allow for difficult conversations outperform homogenous teams. This holds true in diverse professional relationships as well. Colleague and client relationships that do not gloss-over challenging moments are stronger and develop a higher level of trust – a foundational element of success by any definition.

Diversity Does Not Work Without Inclusion

When firms think about solving the “diversity challenge”, they often think in terms of recruiting. Indeed, many firms, whose leadership have made diversity a priority, have instituted practices like the Mansfield Rule, training, and metrics to ensure a more diverse pool of candidates is considered. Yet diversity training, policies, and practices have been almost universally ineffective at making significant, lasting changes. Several Harvard Business Review articles reveal why: diversity doesn't work without inclusion.

Deloitte studied 1300 employees and this idea of belonging, of feeling included – what we would call inclusion. Fully eighty percent said it was important. Almost 40% said they would leave for more inclusion. Twenty three percent already had. (30% of that was Millennial in demographic). Here's the most interesting point — 71% choose

Also available as part of the eCourse

[Answer Bar: Young Attorney Challenges \(Ethics\)](#)

First appeared as part of the conference materials for the
15th Annual Advanced Texas Administrative Law Seminar session
"How to Ethically Build Diverse Relationships in the Legal Profession"