Looking Beyond Statistical Diversity

September 19, 2019
The National Law Journal

The legal industry continues to lag behind other industries in diversity. But, in the last decade, our industry has slowly improved, at least statistically. How do we look beyond the statistics and create meaningful change that permeates the upper-echelons of the legal world?

Merriam-Webster defines diversity as "the condition of having or being composed of differing elements." But real diversity in a legal organization goes far beyond simple composition – it hinges on a truly diverse culture that reaches beyond statistical representations. To create this diverse culture, to maintain and improve "statistical diversity" at all levels of an organization, requires focusing beyond numbers to less tangible factors like feelings of inclusion and belonging. For inclusion and belonging to flourish, organizations must create a culture where people of every race, gender, sexual orientation, ability, age and any other identity markers can thrive as an inherent part of the organization's identity and structure.

A good way to assess how well your organization's culture embraces inclusivity and belonging is to look at mentorship and sponsorship. Success in the legal industry often stems from learning from the best, and receiving advice, guidance, and leadership from others. Examining which junior attorneys your senior attorneys provide wisdom and guidance to (mentorship) or go to bat for with their colleagues, promoting their advancement (sponsorship) provides critical insight into your organization's values and culture.

Moving Past the Looking Glass

Often, senior attorneys look to mentor or sponsor those who remind them of themselves. This (usually) unconscious search for someone who could follow their same path leads to someone who looks like the senior attorney. In an industry that is disproportionately white, male and straight, this cycle not only perpetuates the lack of statistical diversity in upper levels of an organization, but also highlights the blind spots in our organizations' focus on inclusion and belonging.

The self-selection of perpetuating demographics through mentorship and sponsorship is an example of the results of implicit bias. In an effort to sort through the incredible amount of information our brains must process every day, our brains unconsciously create pre-programmed categories, processes, and judgments to ease that process. These implicit thoughts and actions are formed by the things that surround us – media, news, societal norms, and experience.

Our implicit biases are formed without intention, but can affect almost all of our actions – especially if we are unaware of how they work. Our implicit biases are not always self-serving, especially if we occupy any non-dominant demographic. For example, as a lesbian who has been married to my wife for almost a decade, I still find myself assuming each new person I meet fits into the status-quo of opposite-sex relationships unless I'm given evidence otherwise. Implicit biases affect us all.

Recognizing our implicit biases is of vital importance. Only once we are aware that we have these biases can we begin the crucial work of correcting those biases on a personal level. Acknowledging and counter-acting these biases allows us to create a more equitable environment around us – one that is more inclusive of all and creates a space of belonging.

This awareness is a critical first step not only for individuals but for organizations. A group of people who all have individual implicit biases work in organizations with structures, policies and cultures that often perpetuate those biases. Only by becoming aware, accepting, and addressing our implicit biases can we start to counteract those biases and improve organizational cultures to value inclusivity and belonging.

Building a More Diverse and Inclusive Culture

How do we, as individuals and organizations, start to acknowledge and address our implicit biases? I serve on my firm's Inclusionary Advisory Committee, and we grappled with this exact question. We began this conversation at our firm in two ways. First, at a kick-off event for our firm's affinity groups, we had attendees take an implicit bias test from Harvard's Project Implicit and had small group discussions to talk about the results. These conversations helped us recognize our biases and created space to have meaningful, often difficult conversations about them. Second, and more formally, we brought in an outside consultant to conduct mandatory, firm-wide implicit bias training. These small group training sessions provided context, open dialogue, and tools to understand and counteract implicit bias. These events created opportunity for ongoing conversations around implicit bias and how it is part of our firm's culture.

Acknowledging and recognizing implicit bias is only the first step, but it is an important one. Implicit bias training is not a "check-the-box" easy solution to challenges around diversity, inclusion and belonging. But it is key to addressing hurdles within our organizations and ourselves to create truly equitable environments.

Understanding that we all have biases, we are better able to hold ourselves and others accountable. When we see who is being mentored and sponsored, we can ask – is this reflective of a culture that values diversity, inclusion, and belonging? And, more importantly, is this who we want to be?

Building a diverse, inclusive, and belonging culture requires hard work, tough conversations, and intense focus. But in an industry focused on representation, advocacy, and, at its core, equality in the law, creating a more equitable legal industry – through diversity, inclusion, *and belonging* – should unite us all. Conversations that recognize the implicit biases we face as individuals, organizations, and as an industry start the process to producing meaningful change. They are by no means the end, but rather the beginning, of our journey to equity.

Meghan Hottel-Cox is a real estate attorney who focuses her practice on land use, working with real estate developers and educational institutions on a range of zoning matters. She is also co-founder of Q City, an LGBTQ+ commercial real estate group in Washington, D.C.