



1 meeting

## ManagingPARTNER

The essential guide to strategic practice management ⓘ denotes premium content | Jul 13 2009

sosconnect



### Feature

posted 19 Mar 2009 in Volume 11 Issue 9

## Diversity: more than cut and paste!

By Sasha Scott, managing director, Inclusive Diversity

When looking at law firms' values on their literature and websites I am encouraged by how many of them encompass diversity and inclusion. The values from some law firm sites I have looked at mention emotive words like 'individuality', 'integrity', 'ethical behaviour', 'collegiality', 'openness' and 'loyalty'.

All great words, and if translated into action plans and initiatives, this can end up pretty expensive too – especially disseminating the knowledge-management piece around what these values actually look like in terms of behaviour.

However, as with many internal policies and initiatives on diversity, inclusivity and corporate responsibility, at times there is a significant disconnect between the policy and the practice.

The London Underground warning 'mind the gap' comes to mind. The challenge for the legal sector in 2009 and beyond is that the gap needs to be narrowed in order to leverage off internal diversity, and benefit from an inclusive culture for commercial advantage.

The last quarter has been bleak, the global economy is in melt down, we hear daily news of more redundancies across sectors, and 'the world as we know it has changed' has to be the most overused phrase of the past year.

Does this mean that the legal and financial sectors will drop the diversity ball? Was it all just a 'nice to have', rather than viewed as a business imperative, after all?

I think not, and the key reason for this is client revenue and engagement.

### Revenue and client expectations

Clients of law firms from both the public and increasingly the private sectors have rising and more demanding expectations of their law firms.

This is why we see a client-driven demand for diversity information from the FTSE-100 sectors, financials and professional services. This demand is also altering in terms of exactly what clients want to see from their law firms.

- It is not merely a 'box ticking' exercise that, post tender, is placed aside, or as one partner said to me, where 'all we do is cut and paste';
- Clients want to see demonstrations of inclusivity and diversity and CSR, as increasingly this is seen as falling under the same umbrella;
- This has been exemplified by Tyco's relationship with Eversheds, which has been well documented, and Inclusive Diversity has spent time with clients of law firms, engaging with their lawyers on facilitating a deeper understanding of what these chosen legal providers do around diversity, as well as the client trying to understand the challenges the lawyers themselves face. These challenges typically hinge on work/life balance and integrating flexibility. It illustrates how this area is progressing;
- The bottom line is that if a law firm fails to win a client or retain a client for reasons of diversity and inclusivity, that hurts;
- This is where shared values come into play. Clients insist that they are well understood by their suppliers. It makes clear business sense; the mindset being 'if it's important to us, it should be to them'.

Legal p  
by Ar

FD

Elder

AD

Leg  
Mar

KIM

The second, equally important reason diversity can strengthen a law firm and its internal culture is the people therein. I passionately believe that one of the major challenges law firms face lies in becoming more inclusive. The structure of hierarchy and status is, in essence, at odds with a collegiate environment.

The status in many firms is perpetuated by the partnership, and here again we can witness the 'gap'. This is why moving forwards, law firms need to assess the obstacles they face to creating a more inclusive culture internally, where all staff, lawyers and support staff alike are valued for what they contribute to the business and who they are. The economic context makes all of us feel more vulnerable and less secure. There are real issues in the Square Mile and beyond surrounding motivation now the financial 'carrot' has been shredded. All businesses need to retain their smartest people, and indeed get more out of them with fewer resources. That is where inclusive initiatives can add value.

### **Diversity networking**

Over the past five years we have seen numerous magic and silver-circle firms embrace the idea of network groups. These have focused on three main strands of diversity in most cases, namely women, multi-faith and sexual orientation.

When assessing the business case for establishing such networks the women's group is a straightforward one. Why are approximately 60 per cent of training contract applications from women (and therefore a disproportionate of women entering law firms at this stage), but at partner level the numbers still look dire? The woman's group can hopefully start to examine the reasoning and issues behind this by listening to women in different roles and then hopefully responding to their needs. This response will take time, as well as the emergence of more positive role models, mentoring programs and culture change, but we are starting to see encouraging progress.

From a multi-faith perspective, again the rationale is easy to understand. In order for a law firm to get the most from its internal talent it must understand whether there are any particular issues or needs it needs to meet. There are also advantages in being better able to connect with an increasingly diverse client base (the Middle East being an example), as well as being more visible around role models, which in turn aids recruitment.

The sexual orientation groups, or LGB as the groups are more commonly referred to (lesbian, gay and bi-sexual) appear to meet with the most internal resistance. This is usually very subtle but can still be identified. It seems there is a struggle in accepting a network internally that supports LGB employees, and a sense that this is not really a business need. However understanding and appreciation of sexual orientation is imperative - such groups can provide important support and networking opportunities to the LGB community within the legal sector. The support, merely by being there, and having senior champions, sends a message to existing employees, and indeed possible new talent, that being 'out' at work is entirely acceptable and possible.

Why is this important? According to Tim Hailes, JP Morgan managing director and associate general counsel: "The ultimate goal for any employer should be to create a working environment that allows its employees to exceed their own expectations of personal development.

"I believe the employees that are best able to do this are those that can be themselves at work. If being gay is part of who you are, there should be no reason your working environment should make you want to hide the fact."

According to Stonewall people who are 'out' at work are 30 per cent more productive. There are also other rich benefits associated with LGB networks, such as networking, developing role models, business-development opportunities, and partnering with clients off-deal on similar issues.

However, I have come to notice a visibility, or indeed lack of visibility around women. Most LGB groups are comprised of gay men. There are even fewer women who are prepared to come out within law firms. Surely this does not mean there are no gay or bisexual women working within the legal sector. It must be more complex than that, with national stats pointing towards an average six per cent of the population being gay.

Again, we return to internal culture. A culture that makes it seem unacceptable to 'put your hand up twice', once for being a woman and then for being a lesbian. In addition, women who are gay or bisexual within the legal community often say they have more in common with women's groups that they do LGB groups. For them, the issues are also often around personal development and career progression.

The other key inhibitor to coming out at work if you are female is a sense of alienation and loneliness. This may change with the emergence of female role models at senior levels within firms who say - by being themselves - that it's fine.

I see a lack of such women prepared to come out. Those that do display many of the values mentioned at the outset; 'integrity', 'openness' and 'individuality'.

Never has the business case been more compelling for law firms to maintain the momentum behind inclusivity initiatives and reconnect values with behaviour. Naturally this has to start at the top.

*Sasha Scott is the managing director of Inclusive Diversity. She can be contacted at: [sasha@inclusivediversity.co.uk](mailto:sasha@inclusivediversity.co.uk)*

Copyright ©1994-2009 Ark Group Ltd All rights reserved. No part of this site or the publications de  
herein  
may be reproduced in any form without the permission of Ark Conferences Ltd, Registered in Engla  
2931372.