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Feature

Focus on Diversity

***142 DIVERSITY IS A JOURNEY, NOT A DESTINATION**

Creating a Sustained Effort to Make the Legal Profession More Inclusive

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Last January, the State Bar's Task Force on Hiring, Retention and Promotion of Minority and Women Attorneys in Large and Medium Size Law Firms and Corporations issued a broad range of recommendations to increase diversity in the legal profession.

Perhaps the most important point the task force's 21-page report made was that diversity is a process, not an event. Simply by sponsoring a diversity conference, or making a special effort to recruit minority students, or holding a women-only retreat won't create a more diverse workforce anymore than going to the weight room two or three times will give you toned biceps.

No, the ones with the truly toned biceps are the ones who go to the gym regularly, for years and years, even in the face of few results and dueling priorities. Likewise, law firms and corporations looking to attract more women and minority lawyers need to commit to a sustained program of recruitment, retention, development, and promotion of women and minority attorneys.

Included among the task force recommendations were several "macro" and ongoing initiatives, including expanding the State Bar's mission statement to include a commitment to diversity. Here's how the mission statement now reads:

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, *and promote diversity in the ad-*

ministration of justice and the practice of law. [emphasis added]
So, diversity included in the mission statement. Check.

Additionally, the task force called for regular columns focusing on diversity issues to run in the *Texas Bar Journal*. As this column made it into print, we can check that off as well.

Of course, those two things, in and of themselves, will do little to help law firms accomplish their diversity goals. Perhaps the best motivation will come, not from the task force report, but from the clients who keep the profession afloat. In 2004, more than 100 chief legal officers at some of the country's largest and most recognizable corporations gave this ultimatum: Improve your diversity or you may risk losing us as clients.

The 2004 "Call to Action," which has so far been signed by almost 120 chief legal officers, says that "the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers, and the communities where we do business.

[W]e pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidence a lack of meaningful interest in being diverse.

Among the signatories are the chief legal officers of such top-tier companies as American Airlines, 3M, Fannie Mae, *143 PepsiCo, Wal-Mart, Wells Fargo, and Bear Stearns. (The full Call to Action and the list of signatories can be found at www.clocalltoaction.com.)

Clearly, law firms face an uphill battle increasing diversity. According to a 2006 survey published in *Texas Lawyer*, the percentage of minority lawyers in Texas' largest firms was 11.1, up slightly from 10.7 in 2005. Minorities comprised 6 percent of the partnership ranks, up slightly from 5.6 percent in 2005, and they comprised 15.8 percent of the associates, compared with 15.5 percent the previous year.

Women accounted for 30.7 percent of Texas' largest firms, down slightly from 31.1 percent in 2005. Women made up 17.6 percent of the partners and 42.8 percent of the associates, compared with 17.1 percent and 42.2 percent, respectively, in 2005.

The scorecards published regularly in *Texas Lawyer* and other publications may be discouraging, but they keep the pressure on firms to deliver. And they add to the diversity drumbeat, which must be prolonged and consistent if we're ever to see real change.

I should note, of course, that diversity scorecards don't always tell the full story. That survey was based on 2006 numbers; since then, many firms have stepped up their diversity and inclusion efforts.

That's because it takes a steady drumbeat to keep lawyers' attention. Given the pace of the practice--being on-call 24/7, 70-hour workweeks, and instant access through BlackBerrys and other devices--it's easy to see why the

legal profession hasn't made diversity its priority. When you're moving at 100 miles per hour just trying to keep your head above water, ensuring you're doing all you can to promote and develop your minority and women attorneys just doesn't seem that pressing.

One of the most promising developments I've seen recently is the trend toward firms hiring chief diversity officers to oversee their diversity and inclusion efforts. In the case of Andrews Kurth, my firm, not only did we hire a senior-level attorney, Elizabeth Campbell, as our chief diversity officer, but we also made diversity her full-time job, rather than having her balance the position with client service.

Likewise, many firms have begun women's initiative committees. These groups provide mentoring, networking, and marketing opportunities for women lawyers, as well as devising and implementing policies to help lawyers (male *and* female) better juggle their competing work/family priorities.

The Andrews Kurth Women's Initiative Team hosts quarterly luncheons, has mentoring circles, and holds informal networking and marketing events. The firm also sponsors an Executive Women's Retreat twice a year at a high-end resort for its female lawyers and clients. The goal is to give the attorneys a comfortable, non-business atmosphere to get to know our clients. It's like golfing, only less excruciating.

Achieving the goal of a more diverse legal profession is an important one. Making sure that women and minorities have a place at the table is the right thing to do. Just as important, however, it's becoming something our clients expect from us--and rightly so.

If we are to deliver on that expectation, it's going to take more than a couple trips to the gym.

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