

I N S I D E T H E M I N D S

**Building and
Encouraging
Law Firm Diversity**

*Leading Lawyers on Creating and Maintaining
an Inclusive Firm Culture*

2015 EDITION



ASPATORE

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Micro-Inequities,
Intersectionality, Covering,
Diversity, and Talent
Management:
Lessons from One Diverse
Attorney's Experience

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Introduction

Law firms believe they have moved past a debate concerning the value of diversity and are now focused on creating and sustaining inclusive work environments. But these inclusive work environments do not happen organically, and they will remain elusive as long as a firm's diversity efforts are siloed from the firm's other strategic imperatives and as long as diverse lawyers continue to have hushed conversations among themselves about the challenges they face. This chapter explores what can happen when diverse lawyers become their authentic selves, share their stories of difference, and advocate for more inclusion. It also highlights what happens when law firms approach diversity and inclusion strategically with a willingness to hear and learn from those stories.

My twenty-year journey has helped me uncover many lessons about workplace environments, leadership, career ownership, resilience, diversity, and professional development. In this chapter, I offer reflections on the following:

- *Micro-inequities*: The forces of micro-inequities, those cumulative repeated behaviors that devalue, discourage, and impair workplace performance, are real but are not destabilizing if properly addressed.
- *Authenticity*: Resisting the urge to cover and seizing the benefits of authenticity can pay enormous career dividends for the diverse performer.
- *Relationships*: Building strong workplace relationships is vital for decoding and navigating the social and professional structure of today's law firm.
- *Affinity groups*: Law firm affinity groups can be impactful if they have the courage to candidly confront the unmet needs of their constituents.
- *Mentoring*: Mentoring can thrive in law firms, provided we provide time-constrained partners tools to enable their mentorship.
- *Diversity and professional development*: Efforts directed to diversity and professional development are best viewed as sources of competitive advantage for today's law firm, undertaken with the same level of strategic focus witnessed in its commercial objectives.

There are stories of difference, covering, and micro-inequities that never get told or talked about publicly. Minority lawyers, including women, sometimes feel safe enough to share these experiences among ourselves, but hardly ever feel emboldened or impassioned enough to share them with the majority. Why? Because we fear that our stories will be marginalized or that we will be seen as being too sensitive, complainers, or better yet, victims of our own histories.

I know too many seasoned lawyers who still carry the burden of being treated differently, and have attempted to bury their pain, hurt, and disillusionment by keeping silent and simply doing whatever they can to blend into the majority, to assimilate. Therein lies the problem. Unless we as minorities and women start to tell our stories in our own voices and learn how to leverage our differences, a fundamental understanding and support for diversity programs, policies, and initiatives will remain elusive.

Somehow we have all colluded to make stories of differential treatment unspeakable, and by doing so we have given them more power. Their survival feeds off not talking about them. By sharing our stories, we make them a necessary part of the conversation. It is time to peel back the layers of pain and discuss the real stories behind the facade.

There is so much power in storytelling. Because as radical as it may be perceived, stories help us understand the realities people face and endure in their personal and professional lives. They can help us delve more deeply into the mindset needed to overcome would-be barriers and, in the process, understand why diversity and inclusion efforts are important, why these efforts seem to have stalled, and what might be done to reinvigorate them to ensure they meet the needs of those for whom they are targeted.

Embracing Authenticity: We Are Defined by the Challenges We Overcome

I graduated from law school over twenty years ago. In my fourteen years of work as a practicing attorney, first as an associate and then of counsel and later as an equity partner, there have been myriad challenges. One of the biggest challenges for me professionally has been the double whammy of

being a racial minority as well as a woman in a field that is predominated by white men.

Twenty years ago, I was reading and dissecting Kimberlé Crenshaw's work on intersectionality because, as an African-American woman, I felt left out of the discourse. The focus then seemed to be on the impact of women entering the profession in larger numbers than ever before. Then the focus evolved to a discussion about the lack of racial and ethnic minorities, especially in the upper echelons of Am Law 100 firms and Fortune 100 companies. Hardly ever was there a discussion about the specific challenges faced by women of color or other double (or even triple) minorities.

Intersectionality has been defined as “the interplay of race, class, and gender, often resulting in multiple dimensions of disadvantage.” Crenshaw's work in the area of critical race theory was the missing lens I needed. I felt my unique experience as an African-American woman was validated. Later, after leaving the practice of law to become a diversity professional, I felt much the same way after reading the groundbreaking research and work of Dr. Arin Reeves and the American Bar Association on women of color in the legal profession. Dr. Arin Reeves et al., “Visible Invisibility: Women of Color in Law Firms” (2006); the American Bar Association, “From Visible Invisibility to Visibly Successful” (2008).

My first experience with these intersecting identities came very early in my professional career. After having completed the first semester of law school, I interviewed for a summer associate position with a toney Midwestern law firm and began that clerkship the summer after my first year of law school. One of the most exciting things about being a summer associate at a law firm was being treated like a true lawyer in terms of office size and salary. So, as superficial as it sounds, I was looking forward to this. I grew up with both parents, neither of whom had a college degree, but both of whom had very stable government jobs. I knew no one in my immediate family or circle who had his or her own office, was a lawyer, or made anything close to the salaries lawyers made in law firm practice.

On the first day of work, after orientation, each one of us was taken around to our individual offices. As we stopped by each office to drop off each summer intern, we all “ooohd” and “aaahd” at the offices each of us were

to inhabit. They were nice and quite spacious. I was the last person to be shown my office and, unlike my cohorts, all of whom were white and two of whom were also female, I was given a much smaller and less elegant paralegal's office with no fanfare or explanation.

It was a devastating blow to an inexperienced intern who expected that the playing field would be level from the get-go. Though dismayed, I set up my office and went to work. I did not know if I had been given a smaller office because I was the only black, the only black female, or the only first-year law student. I assumed the latter and worked even harder that summer to demonstrate both to myself and to the lawyers at the firm that they did not make a mistake in hiring me. My work was stellar and at the end of the summer I was offered a position for the summer following my second year of law school.

Why, after twenty-plus years of having been out of law school, should this even matter to me? Why do I remember this situation so well all these years later? Because it was the first time in my professional career that I remember not feeling good enough. It was a subtle, devaluing message, a micro-inequity, that did not need to be communicated verbally, but there it was in full view for everyone to see. Every time one of my fellow interns walked past my office or came in to chat with me, what must my physical surroundings have communicated to them? What about the attorneys for whom I worked? I was dogged all summer, if only in my head, by the questions of whether I was good enough to be there, whether I deserved the job, whether I had what it took to be successful, whether I was an "affirmative action" hire, whether they just needed me to pad their numbers. After all, I met two criterion: I was black and I was a woman.

It would have been easy for me to sit in my office drowning in my "first world" problem, feeling sorry for myself. It would have been easy to isolate myself from my co-workers, just keep my head down and try to "do good work." I toyed with complaining to someone, but then I worried about reinforcing the stereotype of the "angry black woman," so I decided to stay quiet. Yet, all these questions circling in my mind, all these unspoken questions that it seemed I, alone, had to deal with, were the background noise in my head. Things I had to willfully ignore and overcome just to do my work.

I told myself I belonged. But, in truth, I felt like a fraud, and now that I look back on it, I was covering. I did not want to stand out any more than I already did. I was the only black, the only black female, the only first-year law student, and the only student from a national law school.

Kenji Yoshino defines covering as toning down a disfavored identity to fit into the mainstream. That summer, I toned down my “blackness” as much as I could. I never told anyone I grew up on the east side of town. I never told anyone my parents were not professionals. I code-switched all day, every day. I had a different tone, demeanor, and language during the day as opposed to when I arrived at my parents’ home weary after a long day of being my inauthentic self. I lived in two worlds. The posh, toney world where I was making a lawyer’s salary, the equivalent of \$4,000 a month, and the world where I would often awaken to the sounds of police sirens and gunfire in the wee hours of the morning.

Cultivating a Mindset of Persistence and Positivity While Building Strong Relationships

In spite of my environment, one thing my parents cultivated in me was a mindset of positivity and persistence. You simply did not quit even when it seemed you were in over your head, and furthermore, a victim mentality simply was not an option in our household. So, that summer, in spite of how I felt inside, I chose to be engaged. I went on the summer associate float trip, a first for me. I cheered my colleagues on as they played in the summer baseball league (I abhor baseball, which is why I did not play). I wined and dined with clients, law firm partners, and my peers. I worked hard, was given plum assignments, much-needed critical feedback, and at the end of the summer, I earned an offer to return the summer after my second year of law school. And that second summer resulted in another earned offer for permanent employment upon graduation.

As I recall, another professional experience with my intersecting identities that still stands out for me happened during the first few weeks as a new associate. After passing the bar exam, I began my career with eight other newly minted lawyers. Because our office building was undergoing renovations at the time, we were all forced to share three conference room spaces as temporary offices for a few months. Thus, there were three

attorneys in each conference room, each with their own desks, telephones, and chairs. I shared my space with two white male peers.

From the first day of permanent employment, I saw a difference in the demeanor of some of the firm's white male lawyers toward me as opposed to my two colleagues. Everyone was friendly to me, of course. I knew many of them from my summer associate experiences. Here is what I noticed though. My two white male colleagues were consistently asked to lunch on an almost daily basis. More importantly, they were offered to tag along at depositions, court appearances, and client meetings. Not once did anyone, either my peers or the partners, think to invite me. I do not think it was intentional, and I certainly did not jump to the conclusion that it was because of my race or sex. I assumed it probably had to do with the fact that they had been hired to work in one practice group (litigation), whereas I had been hired to work in another (immigration/labor and employment).

But the voices in my head that I had attempted to quiet returned. They challenged me: "Why is this happening? Is it only happening to me? How do I find out? Am I being too sensitive? Am I overreacting? Am I a fraud? Do I really deserve to be here?" I had so many conversations with myself during those first few weeks of employment.

I handled that situation as I had been trained, by maintaining a positive attitude and taking charge of the situation. I reached out to two partners with whom I had developed relationships during my prior two summer internships with the firm and I asked for the same experiences and exposure. What I learned from that experience was that as a young lawyer, in spite of your insecurities and self-doubt, you cannot be afraid to step out and ask for what you want because many times, if you do not, you will miss the opportunity to develop professionally. You must take ownership of your career and affirmatively seek the experiences and opportunities that will allow you to grow and develop. And you must align yourself with mentors to get the information you need and sponsors who can advocate successfully on your behalf.

I experienced firsthand that shared affinity breeds familiarity and comfort, which most often directly correlates to a broader range of professional development opportunities for those with the shared affinity. That

realization caused me to take it upon myself to get to know others better. I strove to find opportunities for shared experiences that would help deepen my connections and relationships within the firm. Had I not shared office space with my white male colleagues, I wonder how long it would have taken me to realize I was not getting the same kind of informal learning opportunities. To this day, I shudder to think about the potential cumulative impact on my career.

Reflecting back on these two discrete experiences, the law firm could have done a number of things better. First, the law firm should have assigned me a mentor, both during my summer associate and first-year associate experiences. A mentor could have acted as a sounding board to help quell some of the questions and doubts that were circling in my head and taking up too much space and time. Frankly, this is space and time that could have and should have been dedicated to honing my legal skills. Second, the law firm should have had a better onboarding process. Ideally, this process would have not only identified early experiences that all newly (but especially diverse) lawyers would need to give them a firm foundation, but would have ensured that the opportunities were dispersed more evenly.

Leveraging Differences, Overcoming Micro-Inequities, and Building Confidence

The bigger lesson I took away from my intersecting identities was to learn that I could capitalize and leverage my difference within the broader legal community. I did not have to allow the law firm to define me as a person or determine my value. During the first few years of my practice with the firm, I became active in the local civic and bar community. I helped start a nationally recognized charter school and became board vice president, which fostered my leadership skills. I volunteered to take on pro bono cases through the Volunteer Attorney Project, which helped hone my writing, communication, and advocacy skills. I helped the local African-American bar association establish their inaugural scholarship program for minority law students, which nurtured a budding interest in legal diversity issues. I helped run student mediation programs in local high schools, which improved my negotiation skills. I staffed “Ask a Lawyer Telethons” providing free community legal advice, which refined my critical thinking and analytical skills. In short order, I began to build a reputation for getting

things done outside the law firm which, in turn, increased my confidence and helped bolster my performance within the law firm.

Law firms should encourage all lawyers to build their skills, connections, and relationships both inside and outside the law firm. This is especially important for diverse lawyers who are not likely to inherit books of business from senior lawyers in the firm. In addition to focusing on becoming great lawyers with a firm understanding of the substantive law, diverse lawyers should be encouraged to nurture their networks early and often.

Moreover, law firms should not expect diverse lawyers to look like, sound like, or act like majority lawyers. Diverse lawyers bring different perspectives, backgrounds, and experiences to the table. Law firms need to recognize that diversity will look and sound differently, and thus firms need to give diverse lawyers room to feel confident enough to share those experiences and leverage them to the good of the firm and the firm's clients. Why hire a diverse lawyer in the first place if you just expect them to assimilate and be like every other lawyer in your firm? *See* Verna Myers, "What If I Say the Wrong Thing: 25 Habits for Culturally Effective People" (2014).

In spite of my increased confidence gained from my extracurricular legal activities, the intersecting identities of my gender and age provided fodder for other micro-inequities. Being a young, aggressive woman litigator in a profession dominated by older men was not easy. Many times I arrived in court only to be shown to the court reporter's station or asked if I was the paralegal accompanying the attorney, who obviously had not yet arrived. While six months pregnant with my first child and trying a sexual harassment case for my client, the judge, an older white male, addressed me in open court as "Little Missy." Because I was often underestimated, I compensated with over-preparation. I was extremely knowledgeable about the case law and my client's desires. I knew I had to be twice as good as any white male or female lawyer who opposed me.

I also found that there was not necessarily a natural bond while working for and with senior female lawyers. Our shared gender should have been a commonality that created greater solidarity, but this was not always the case. Sometimes I felt that my weaknesses were purposefully highlighted by

senior women for whom I worked. At other times, I felt something akin to disdain, as if these women believed I did not have to work as hard as they had to work to achieve the very same thing. There was only one African-American female partner in the entire firm at the time. And, unfortunately, she did not want to have anything to do with me. She did not go out of her way to get to know me, she did not attend any firm functions, and when I managed to secure some free time on her calendar to meet with her, she was curt. I was hurt. She would not be the mentor or sponsor I longed for.

Creating Meaningful and Impactful Affinity Groups

Many firms now have strong women's initiatives that are designed to mentor younger women lawyers and be a resource to them as they navigate internal firm politics and learn to be business developers, the key to career progression. I believe that women's initiatives do a disservice to young women lawyers if they do not talk candidly about the challenges women face in a predominantly male environment and equip them to deal with those challenges. Sharing past experiences and positive stories of triumph can be very uplifting and inspiring to younger lawyers. Senior female lawyers should not make it to the top and lift up the ladder when they get there. And law firms do a disservice to young minority lawyers when they bring them into environments where there is little to no representation of them in the senior leadership ranks. It is hard to be what you cannot see.

During my first year of practice, I found myself working primarily for one senior woman in an area of law, immigration, that required much attention to detail, an ungodly amount of paperwork, and very little client contact. Moreover, the partner was so busy that she had very little time to train me. I had participated in an immigration law clinic in law school, but the emphasis was on family law immigration and political asylum cases, not business law immigration.

To be fair, I did not do enough research on my own to know the differences between the various types of immigration law or to understand how the law firm's immigration practice varied from my law school training. I was simply excited to have found a firm in the Midwest that did this kind of work. Moreover, I believed I would be able to use my Spanish-speaking skills (I had majored in Spanish in college), but all of our clients were

French nationals who were either engineers or scientists and needed non-immigrant business visas.

In short, I was not prepared for how mundane the work would be. I was not happy, and my work showed it. I sometimes made sloppy, avoidable mistakes. She obviously had a right not to fully trust my work. But her demeanor and tone toward me made the situation worse. She was condescending more than encouraging, flippant more than informative, dismissive and sometimes just downright mean. Of course, I started to doubt and second-guess myself. I was terrified that I would be crucified during my evaluation, and I realized there would be no one else to acknowledge the things I had done well. My stomach was in knots almost every day; I questioned my decision to become a lawyer. I thought about quitting the practice of law regularly. And I was afraid to talk to others about my experiences. There was no diversity professional or talent manager with whom I could confide. There was no senior diverse female lawyer with whom I could commiserate either. I felt wholly alone.

Seeking Critical Feedback to Develop Requisite Skills

Here is what I learned from that experience. As a diverse associate, you should never give one partner that much power over your career. Work for as many partners as you can, gain as much experience as you can so your work can be judged holistically from multiple angles by multiple partners. Also, working with a broader group of people enables one to build solid relationships across a wide spectrum. These relationships will prove invaluable for continued mentoring and ultimately the sponsorship necessary to earn one's place into the hallowed halls of partnership.

From the law firm perspective, at least in the first couple of years of a diverse attorney's practice, it is helpful to have someone in charge who is looking at who that attorney is working with, what kinds of experiences he or she is getting, and having periodic check-ins. This ensures that the lawyer is getting good work assignments and the critical feedback necessary to develop his or her substantive expertise. Moreover, it allows the firm to catch and correct situations like mine before they de-escalate out of control.

Fortunately, I did not permit this experience to deflate me or extinguish my desire for success. The bottom line was I had simply worked too hard to get where I was, and I was not going to let one person, a few mistakes, and/or my own insecurities derail my career. And my persistence and refusal to be a victim of my own circumstance paid off. After surmising the situation, I got to work. I switched practice groups.

Because I had been a teacher for two years prior to law school, I found a natural fit with the firm's Education and School Law Practice Group. I blossomed and excelled. There were no formal talent management or professional development programs to learn how to take depositions, conduct fact witness interviews, write position statements, respond to discovery requests, or write summary judgment motions or briefs. It was all trial by fire. I learned by watching the partners and then jumping in and just doing it. And I absolutely loved it. I successfully second-chaired jury trials, and I first- and second-chaired a number of teacher termination hearings. I won all sorts of dispositive motions for my clients, and my fact witness investigations led to powerful position statements and even better depositions.

In short, I became the “go-to” young lawyer on my team. I had myriad client opportunities; I helped recruit and mentor new lawyers. I felt like an important and vital part of the team and firm. My evaluations were stellar; I became a top performer. I enjoyed my work because I found it meaningful. I also enjoyed it because I was mentored and sponsored by two senior male partners, one white and one black, who fully trusted me and challenged me. Because I knew they believed in me and wanted the best for me, I sought critical feedback regularly, even when they were busy. As a result, I always knew where I stood and what I needed to do to improve. I simply flourished.

Providing Time-Constrained Partners with Effective Mentoring Tools

There are a few lessons I learned from this experience. One, which should seem obvious today but is not, is that neither mentors nor sponsors have to be the same sex or race as the mentee or protégée. A mentor is simply someone who is willing to share vital information and resources to help you become a better lawyer. A sponsor is willing to put their credibility on the line to support your advancement.

Second, partners should tell lawyers, both diverse and majority, when they are top performers. Firms should identify and invest in those top performers. Provide them with opportunities to deepen their skill sets. Too often, a law firm's professional development opportunities tend to focus on those lawyers who are underperforming or on life support. This drains a firm's resources and, quite frankly, can undermine the firm's diversity efforts.

Perhaps the biggest lesson I learned from my own experience is that law firm partners need to give ongoing critical feedback to diverse lawyers to help them develop and grow. Partners cannot be afraid they will run afoul of discrimination laws if they are candid with diverse lawyers. They do a disservice to the diverse lawyer and the firm if they do not hold diverse associates to the same standards as majority associates. Moreover, partners cannot assume that critical feedback will scare diverse associates away. When a bond of trust between partner and diverse associate has been established, these associates welcome and crave the feedback.

Werten Bellamy, president of Stakeholders Inc., a premier legal consulting firm, has developed the concept of "feed forward." Feed forward "involves developing the practice of actively seeking advice for the future." In essence, Werten urges associates to take ownership of their careers and empower themselves by curating the information needed from partners to successfully "confront new challenges, build new skills, and cultivate new relationships." (Werten Bellamy, "Mentoring Moments: A Matter of Building Windmills," PD Quarterly, November 2014.)

How is this done? By recognizing that partner time to mentor is limited, and associates are encouraged to target a specific developmental need, and then proactively seek the partner's advice via a fifteen- to twenty-minute "mentoring moment" to learn how that partner confronted a similar obstacle, built the same skill, or relationship. This novel concept acknowledges that associates need more than the sporadic informal "feedback" and/or annual formal evaluation to succeed, especially when there are ever-increasing constraints on partners' time and resources because of a law firm's laser focus on productivity and profitability and the client's focus on cost-effectiveness. I know now that my actions in seeking critical advice from my two mentors was nothing more than me employing Werten's "feed forward" concept. And my career took off because of it.

I gave birth to my first two daughters during my third and fifth year of practice and automatically inherited another intersecting identity, that of working mother. During my first pregnancy, I was asked more than once by my male peers whether I intended to return to work full-time after the birth of my child. Frankly, I was shocked by this question the first time I heard it. The working women in my life experiences, admittedly all African-American, had all returned to work after birthing their babies. Why would I be any different? It never crossed my mind that I would not return to work full-time, so that is exactly what I did after the birth of both babies. Of course, representing public and private school districts made my practice a little more predictable. Much of my work consisted of advice and counseling, internal investigations, and motion writing. And there was some downtime in the summer when school was out, as well as over the holiday breaks.

But all of that changed once I became a mom three times over. By that time, I had been recruited away to work for an AmLaw 100 firm as a senior associate. I began doing expert witness development work on product liability cases filed against our clients in Latin American courts. My Spanish-speaking skills, coupled with a prosecutor husband who had a much more predictable schedule, made this my dream job. I often found myself in some exotic location (think Rio, Brazil or San Jose, Costa Rica) pinching my own arm at my incredible good fortune. Not one person asked me how I would travel abroad regularly with two babies under the age of two. I just did it. And, in the process, I had complete professional discretion and autonomy. I was deeply trusted by my peers and partners with whom I worked. I continued working full-time, traveling abroad regularly, and ultimately helping our clients win their cases.

Sponsoring Diverse Lawyers: A Win-Win Situation

When our international work wound down, I transitioned to an of counsel position in the firm's labor and employment practice group and gave birth to my third daughter. That was the first and only time I ever worried about not being able to meet my billable hour requirement. In my mind, two children were manageable, but I feared I would lose balance with three. Soon after returning from maternity leave, I was recruited by a smaller regional firm to help develop their education law practice. I decided to join

the firm as a reduced hours partner. This decision was an easy one for me given that my current firm did not have a way at the time to make partner on a reduced hours schedule.

I was one of two African-American partners in the entire firm and the only reduced hours partner. I helped start the firm's first diversity committee and was an active member of the Women in Business affinity group. I spent nearly five years there focusing on special education matters for my clients. Frankly, were it not for the sponsorship of a senior white female partner (with whom I had worked as an associate at my prior firm) who used her own political clout and book of business to bring me in as a partner (even though I had no business of my own, only subject matter expertise and relationships with her existing clients), I would not have hit the ground running. She sponsored me by slicing off a portion of her business, giving me origination, managing, and working credit, and the opportunity to build the business. In that first year alone, I nearly doubled that business. Fast forward three years later, and I had more than quadrupled it.

More senior lawyers and law firms need to take a lesson from my experience here. Diversity impacted the bottom line here in a big way. I was able to make headway with our urban school district clients that she had not been able to make as a white female. I took a slice of the pie and grew it exponentially so it impacted the profits of our entire group. In no time at all, we went from a small practice of three partners and one paralegal, to five partners, one of counsel, three associates, and multiple paralegals.

It was there I learned to help manage a practice group, make rain, train new lawyers, and all the other skills that are necessary as a full-fledged partner. As a senior female lawyer, I was especially cognizant of my role in helping to mentor and develop younger female attorneys. I could not and would not pull up the ladder as others were climbing behind me. After a while, I found I had more passion for doing this and left the practice of law altogether.

I spent almost four years as the director of strategic initiatives at an AmLaw 100 firm where I was formally responsible for developing diversity programming in seven US offices and two international offices, and where my innovative professional development programs for diverse lawyers were

emulated and ultimately impacted how all firm lawyers were recruited, hired, developed, and promoted.

Approaching Law Firm Diversity Strategically and Creatively

I was recruited by my current firm, Ogletree Deakins, three years ago. At Ogletree, I now have formal responsibility for and lead a combined talent management and diversity and inclusion department. Today, I am responsible for over 700 lawyers in forty-seven offices in five countries.

Ogletree believes that teaching lawyers how to be culturally competent and inclusive is a vital professional development skill necessary to their success in an ever-evolving global marketplace. Ogletree's model of combining both lawyer professional development and diversity and inclusion efforts is a best practice that has proven to be very effective and should be followed by other law firms. One, it ensures that diversity and inclusion are integrated as a major strategic imperative for the firm and not siloed as a stand-alone effort, as is the case in many other firms. As such, the firm ensures there is diverse representation in the professional development programming offered to its lawyers, whether it be legal writing, business development coaching and training, or leadership development programming.

Two, to the extent that diverse groups or individuals in the firm need different or more specific customized training to meet their professional development needs, there is an expert firm resource to address that need. Three, having one department serve as the resource to both diverse and majority attorneys helps the firm to be able to more swiftly and deftly detect, address, and solve gaps in attorney development. Programs, initiatives, and/or policies can be developed, revised, or shuttered as a result of noted trends and best practices.

Ogletree's decision to fully staff and fund a Professional Development and Inclusion (PDI) Department is another best practice other law firms should implement. In just three years, this department has grown from a director, manager, and administrative assistant to a director, two managers, two coordinators, and two administrative assistants. It is one thing to say diversity is a core value, and it is quite another to provide core resources to demonstrate that value.

Over the past four years, Ogletree, through the PDI Department, has created the infrastructure for a fully operational and transformative program. Shortly after joining the firm in September 2011, the department carried out in-person interviews of attorneys in twenty-one offices, at every level and in every demographic, as a springboard to develop a PDI needs assessment/climate survey.

Interviews with over a hundred lawyers at Ogletree contributed to devising an appropriate survey instrument and creating a baseline of accurate information needed to build an effective, sustainable PDI plan. Given that 86 percent of Ogletree lawyers participated in the survey, the results provided a thorough picture of the strengths and challenges within the firm in these two critical areas and allowed the department to create a coordinated, strategic approach to diversity as a business imperative, including integrating that approach in the firm's professional development programs and overall firm strategy.

Accordingly, the 2012–2014 PDI Strategic Action Plan identified specific initiatives in hiring, promotion, development, and advancement of Ogletree's attorneys. It incorporated methods, programs, and best practices that have consistently shown superior results in top-ranked law firms nationwide. Pursuant to the plan, the PDI Department created the administrative and operational infrastructure needed to implement substantive initiatives throughout its forty-plus offices nationwide, which included overhauling the existing diversity committee and creating a smaller, more nimble steering committee of influential shareholders, creating a new professional development committee, creating an ambassador network of committed attorneys in each office for each steering committee, conducting bias training for all lawyers, creating three affinity groups, establishing systems to consistently track and report diversity metrics, and developing substantive programming for our top-performing lawyers, among many other things.

Now that a strong foundation has been laid, the PDI Department, with the guidance of its steering committees and under the leadership of the firm's Board of Directors, has established a new three-year strategic plan for 2015–2017. We will be focused on creating a professional development

framework and learning management system to make the path to success at the firm clearer, not only for diverse attorneys, but for all lawyers.

We will roll out labor and employment benchmarks, develop a core competency framework that will be integrated into our recruiting, hiring, development, and evaluation systems, as well as develop quality substantive programming for the firm's new affinity groups. Moreover, we will continue to offer innovative leadership development and business growth/client development programming.

Conclusion

Looking ahead, our firm will continue to make significant progress in both professional development and diversity and inclusion, not only because we have committed the necessary resources to do so, but because we recognize how very vital both are to the firm's future growth and success. Culturally competent lawyers who are subject matter experts invested in their own and their client's success is a win-win in an increasingly diverse and global consumer market.

And I will continue to do my part to ensure that my unique personal and professional experiences and differences are brought to bear in this process. My past has certainly prepared me. I know now that every time I covered who I really was and every single micro-inequity I have endured because of my intersecting identities has prepared me for this work as Ogletree's first PDI director. I will leverage my past experiences to continue to create transformative, impactful initiatives. For this, I am grateful.

Key Takeaways

- Diverse lawyers must cultivate a mindset of persistence and positivity. Diverse lawyers should shun a "victim" mentality and refuse to allow their personal or professional circumstances to limit their aspirations or squelch their confidence.
- Diverse lawyers should strive to be authentic and leverage their differences, not "cover" them.
- Diverse lawyers need to work for as many partners as possible, never giving one person power over their career.

- Law firms need to provide diverse lawyers with mentors who do not have to be the same sex and/or race as well as sponsors who are willing to invest in their development and put their reputations on the line to help them succeed.
- Law firms must create strong onboarding programs to fully integrate diverse lawyers into the firm's fabric and ensure that developmental opportunities are equitably dispersed early in their career.
- Law firm partners need to give ongoing critical feedback to diverse lawyers to help them develop and grow, and let diverse lawyers know when they are top performers.
- Law firm partners must provide diverse lawyers with feedback outside of the formal evaluation process. By encouraging diverse lawyers to take ownership of their careers and engage in a "feed forward" process, diverse lawyers can seek the critical developmental advice from partners that they need to grow and develop.
- Law firms' professional development resources should be focused primarily on top-performing attorneys.

Michelle P. Wimes serves as the director of professional development and inclusion at Ogletree Deakins Nash Smoak & Stewart PC, one of the nation's largest labor and employment law firms. In her role, she leads the firm's efforts to attract, develop, retain, promote, and advance a diverse group of attorneys across the firm's national platform of forty-seven offices in the United States, Europe, Latin America, and the Caribbean. Additionally, she leads the firm's attorney training and professional development efforts. She is based in Ogletree Deakins' Kansas City office.

Dedication: *It is not easy finding the time to write in the midst of raising three wonderfully talented but super busy children, holding down my day job, and being a wife to a very busy husband who has his own flourishing career. So, I must thank my husband, Brian C. Wimes, for stepping up and handling soccer carpool, volleyball practices, and track meets while I strove to find time in the wee hours of the morning or late evenings to write this chapter. I also want to thank my daughter, Gabrielle, who listened to me read this chapter and offered her critical, keen input. Moreover, I have several colleagues who supported me through this process and offered their invaluable advice, including Laura Rogora, Sisi Hannibal, Michelle T. Johnson, Maria North Morgan, Vickie Yarbrough, and Werten*

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