

# Top Performance: The Bridge to a Successful Professional Development and Inclusion Initiative

July 18, 2012

How is it that some law firms have what it takes to hire the best and brightest diverse candidates only to see them leave three to five years later? Why does this happen in spite of the law firm's "commitment" to diversity, good intentions, and long-standing investments in diversity and....

How is it that some law firms have what it takes to hire the best and brightest diverse candidates only to see them leave three to five years later? Why does this happen in spite of the law firm's "commitment" to diversity, good intentions, and long-standing investments in diversity and attorney development? How can a law firm go from "well-meaning" to "well-doing"? These are just a few of the questions that must be answered if a law firm wants to not only attract attorneys of color, women, and lesbian, gay, bisexual, and transgender (LGBT) lawyers, but also create and foster an inclusive environment that makes them want to stay and develop into firm leaders.

In the past five to seven years, most law firms have begun to actively pursue some type of diversity program. They have organized firm-wide diversity committees, hired a dedicated professional to direct the firm's diversity efforts, expanded the network of schools and job fairs they attend, and created inclusive policies and procedures (such as alternative work schedule programs and domestic partner benefits), all in an effort to demonstrate their overall commitment to diversity. Yet, the landscape of law firms simply has not changed much. Demographically, the leadership in most large law firms today is still white, heterosexual, and male. Law firms must recognize that a commitment to diversity and inclusion does not automatically translate into inclusive work environments. And, unless more diverse partners become leaders within their respective law firms, and generally in the profession, any progress at the associate level will be difficult to maintain.

What is becoming increasingly clear is that new sightlines are emerging in diversity. These sightlines are less focused on a law firm's overall commitment to diversity but increasingly on the actual performance, expertise, and capabilities of their diverse lawyers. Clients want to know that a law firm can staff its cases and transactions with top performing diverse lawyers—lawyers whom they deem to be indispensable to their matters. And, less experienced lawyers, particularly diverse lawyers, want to be valued and seen as key,

indispensable team players within their law firms. If a law firm is able to meet the needs of both its clients and its diverse lawyers, it will stand out among its competitors as providing true value in a fast changing legal marketplace while creating an inclusive environment that stems unwanted attrition. But, a firm must be willing to make the necessary investments to increase its pool of top performing diverse attorneys who are perceived by both the firm and key clients to be indispensable.

Too many law firms for too long have relied on the age-old mantras, “cream will always rise to the top” or “I know talent when I see it” in determining who gets developed and promoted. However, it is precisely these age-old approaches that have had a negative impact on diverse lawyers. Without developing specific, meaningful criteria to define lawyer success across the board, diverse lawyers particularly suffer in large majority-run law firms. At Ogletree Deakins we are engaged in a process that will undoubtedly increase our pool of top performing diverse lawyers while decreasing the potential for bias, favoritism, and cronyism—barriers that disproportionately impact diverse lawyers, mostly due to unconscious rather than intentional bias.

We understand that to move our law firm beyond mere representational diversity to a true culture of inclusion we have to reframe and retool the diversity and inclusion dialogue such that we engage all lawyers coming up through the ranks and develop them professionally to assume leadership positions. We see diversity and inclusion as a strategic imperative vital to the success of our law firm and the legal profession as a whole—not as an “add-on” that is a “nice to have” and necessary only to meet external client demands. In that regard, we have begun a strategic planning process to design initiatives that we deem imperative to developing top performing lawyers.

### ***Strategic Plan***

This year we conducted a Climate Survey to assess our progress in creating an inclusive work environment for our firm’s lawyers. Over 86% of our lawyers responded to questions seeking information regarding our policies and procedures in the following areas: recruiting and hiring; training and development; work allocation; mentoring; evaluation; and client development. The information from the survey is being used to create a Professional Development and Inclusion Strategic Plan to proactively address how all of our attorneys experience work and life at Ogletree Deakins. A natural outgrowth of this process will be the Success Pathways Project.

### ***Success Pathways Project***

In an effort to candidly assess the criteria that lead to success in our workplace, Ogletree Deakins plans to engage in dialogue with select top performing attorneys (both majority and minority) from our 42 offices. We will seek to better understand the success pathway at Ogletree Deakins by identifying and examining: (1) on-boarding strategies; (2) ways of working; (3) interpersonal/relationship building skills; (4) ways of learning; and (5) the self-investment habits of our top performers and underperformers.

This project will help us to uncover invaluable information regarding: (1) the attributes necessary for early success at the firm (“Gateway Attributes”); (2) the rules of play and rules for long-term success; (3) specific behaviors that create an attorney’s “brand” as well as those behaviors that could lead to an attorney’s “derailment”; and (4) the mindset of a top performer.

This rich body of information will be integrated into our recruitment, new-attorney training, associate development, associate evaluation, and attorney training efforts.

The Success Pathway Project will no doubt be instrumental in changing the direction, impact, and momentum of our professional development and diversity and inclusion efforts. The project will enable us to truly embed diversity into the firm’s strategic priorities, which we believe will take us a long way down the road of moving from well-meaning to well-doing.

## TOPICS

Diversity and Inclusion