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Attys Make An Impact With New Firm Credits For DEI Work

By **Aebra Coe**

Law360 (April 6, 2023, 1:33 PM EDT) -- Some law firms began offering billable hours for attorneys' diversity, equity and inclusion work beginning in 2021.

For many lawyers, reaching their law firm's yearly billable target is absolutely vital and is linked to performance evaluations and to compensation. However, lawyers have struggled for a long time to find enough hours in the day to both meet those targets and also contribute their time to advancing DEI either internally or in their wider communities.

Enter the billable credit for DEI work.

While some law firms have done so for a long time, the practice of offering billable credit for DEI work became much more common in 2021, with some law firms adopting the policy amid talent wars and an increased focus on retention.

The policy changes opened up the possibility for more attorneys to do vital DEI work, and also provided credit to those who had already been doing so without credit in the past.

Here, attorneys at four law firms that made the change talk about how they have used the credits to make an impact on their communities.

Morrison Foerster

In early 2021, Morrison Foerster LLP partner David Kaufman kicked off a partnership between the law firm and the New York City Urban Debate League, making use of the firm's newly launched DEI billable hours policy to make a contribution within the wider New York City community.

"The demands of BigLaw practice can conflict with our attorneys' deep commitment to supporting the communities in which we work and live whether it's through pro bono, DEI, or community service," Kaufman said. "Providing credit for DEI hours has eased this conflict, giving such work standing comparable to pro bono work for which hours credit has been a longstanding practice at MoFo."

Alongside two colleagues, of counsel Gerardo Gomez Galvis and senior associate Jocelyn Greer, and with the support of a number of others from the firm, Kaufman laid the groundwork to provide volunteer support for a series of debate tournaments in South Bronx District 7 — one of the most financially challenged districts in the nation.

The law firm's attorneys served as judges during the tournaments and also took the opportunity to speak with students between rounds about their debate performances, their career aspirations and general questions about college, law school and working as a professional.

"As a diverse lawyer, it was extremely rewarding for me to dialogue directly with a group of middle schoolers who, as is evident from our discussions, were eager to absorb everything they could from our interactions," Greer said. "Doing so not only permits us to use the DEI billable hours credit to spur on individual debaters, but also to contribute to the larger goal of diversifying the legal profession."

The firm has sponsored, and its attorneys judged, two debate competitions so far, and in May it will host a championship debate competition among four districts in the Bronx and Brooklyn at its New York office.

Fox Rothschild

In 2020, Fox Rothschild LLP associate JT Schuweiler started a partnership between the law firm and Lunar Startups, a Minneapolis-based accelerator program that focuses on underrepresented Black, Indigenous, people of color, LGBTQ+ and women entrepreneurs. Through the partnership, associates in the firm's Minneapolis office provide up to four free hours of general corporate work per month to each of the organization's cohort startups.

When the firm began offering attorneys credit for up to 50 billable hours per year for DEI work in 2021, Schuweiler said he felt the firm was not only acknowledging his efforts but also endorsing something unique.

"The time I invested in launching and fostering this partnership for a program that would advance the firm and our local community was now counted," he said. "We were laying important groundwork for creating a program that was an extreme boost for each of the cohort startups."

And the benefits extend beyond the individual companies the organization supports, according to Schuweiler. The Lunar Startups cohort members have raised \$4.6 million dollars in capital to date and earned revenue of \$11.9 million, but they have also created 105 new jobs in Minneapolis, he said.

After three years, the partnership is thriving and will continue into the foreseeable future," Schuweiler said. "All my administrative and management time is now recognized and supported by the firm as DEI hours."

K&L Gates

K&L Gates LLP partner Loly Garcia Tor has made use of her law firm's diversity and inclusion hours in a variety of different ways, including mentoring junior associates, conducting mock interviews with law students, having a role on the executive board of the New Jersey Women Lawyers Association, and planning diversity-related events in the firm's Newark office.

But Tor says the most professionally and personally satisfying work she has been able to do is helping to plan and attending K&L Gates' first diverse lawyers retreat. After the original plans for the retreat were delayed by COVID-19, more than 200 diverse lawyers from K&L Gates' U.S. offices gathered in November for a multiday, in-person retreat.

"I was on the planning committee for the retreat, and I loved working with colleagues from across the firm to create something collaborative and supportive for our diverse lawyers," she said. "I believe the retreat had a significant impact on our associates, in particular our junior associates, who saw firsthand the firm's commitment in their success and to D&I."

The goals of the retreat were to build a stronger community of diverse lawyers within the firm and to empower their internal and external market success by offering business development focused programming, she said.

"I feel that we have gone a long way to achieving these goals," she said. "The time I spent with our team helping to plan the retreat counted as credited hours, which showed me that the firm values each individual's contribution to D&I and stands behind its D&I commitment."

Marshall Gerstein

Marshall Gerstein & Borun LLP technical specialist Michael Silver has served on the Emerging Leaders Council for Lambda Legal in Chicago for the past two years.

Recently, Silver worked with the ELC to organize its first summer social that included two panel speakers discussing national and state topics on LGBTQ+ policies and legislation. The event also included performances by drag queens and artists and raised funds to support the Chicago division of Lambda Legal.

Silver's planning in the summer social has led community members and law firm professionals in the Chicago area to see him as a resource to help those in need, and he has had people reach out to him as a resource since he took on the role.

At Marshall Gerstein, Silver is a member of the firm's diversity, equity and inclusion committee and its recruiting committee and was integral in developing the firm's internal DEI programming, including organizing the firm's first ever Pride Month luncheon.

"Working to spread awareness of current LGBTQ+ issues and legislation has been extremely gratifying," Silver said. "I find that people are incredibly receptive and thankful for the opportunity to learn about, and experience, different parts of LGBTQ+ history and culture. It's honestly a lot of fun too."

--Editing by Nicole Bleier.