



Morrison Foerster: The Next Evolution of Diversity, Equity, and Inclusion (DEI): Moving from Values, and Beyond the Business Case, Toward Greater Alignment and Accountability

BY NATALIE KERNISANT

A value un-expressed through action is not a value at all.

When diversity first entered the legal industry’s collective consciousness decades ago, law firms responded by adopting it as a “firm value,” often accompanied by a mission statement articulating the organization’s commitments. Unfortunately, this did little to change the landscape. Without fundamental behavioral change, the well-intended promotion of an organizational value quickly becomes frustrating lip service.

Next, the industry focused on the “business case” for DEI. Armed with studies revealing the financial benefits of diverse and inclusive teams, we acknowledged that although enhancing DEI in the profession is inherently the right thing to do – profit often fuels business decisions. And as a result, law firm clients - inspired by the civil unrest that followed George Floyd’s murder - began to use the research to support their demands for more transparency and accountability around the diversity of the teams working on their matters.

Yet diverse teams alone do not produce the type of innovation, protection against group think, and increased revenue the research suggests, without organizations also creating environments where diverse perspectives are heard, valued, and encouraged. In other words, some measure of equity and inclusion must exist in order to unlock the transformative power of diverse teams. The problem with the business case is that meaningful diversity within a truly equitable and inclusive environment is rare in modern and largely homogeneous workplaces. As a result, the average person has little to no firsthand experience with truly diverse and inclusive teams and how innovative and productive these teams are. For most, the business case remains too theoretical to incentivize sustained action, particularly without practical guidelines on how to bring about and measure the desired benefits.

Aligning Management Systems with DEI to Produce Greater Accountability

How do we usher in change that matches the speed and intensity with which innovation is happening all around us? We may be able to motivate the sustained engagement required to make real progress by intentionally embedding DEI into the fabric of our organizations through reward, recognition, and ritualization.

At Morrison Foerster, the D+I team is working to more thoughtfully align talent management systems with our DEI commitment. Here are a few examples of our ongoing efforts:

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■ **Evaluations:** In addition to asking partners about their contribution to DEI in our partner evaluation process, the Diversity and Women’s Strategy Committees, D+I and L&D teams collaborated to re-design the firm’s success profiles and to include specific DEI competencies on which all associates are evaluated. All evaluators are provided tips on interrupting bias in the evaluation process.

■ **Training:** MoFo offers a robust, four-part inclusive leadership training series, a critical component of the firm’s Elevate Program, which facilitates the broad-based skill development and integration of all attorneys in their first year in the partnership. We also provide all attorneys training on unconscious bias, generational differences, and working effectively across difference.

■ **MoFo Navigate:** Our D+I team launched and manages MoFo Navigate, a level-based approach to mentorship and sponsorship. The program emphasizes that working across difference is a fundamental characteristic of work as we move into the future and thus a critically important skill set to develop.

■ **Pipeline Diversity:** Our D+I team meets with department, practice, office, and firm leaders throughout the year to review diversity data and trends. We aim to ritualize the evaluation of pipeline diversity and encourage collaborative approaches to stem attrition.

■ **Recruiting:** As part of the interviewer preparation, all interviewers are trained on interrupting unconscious bias in the recruiting process.

■ **Billable Hours:** The firm provides 50 hours of billable-hour credit for DEI efforts.

At Morrison Foerster, we strive to be a role model with respect to equity and inclusion by increasing alignment between our talent management systems and the values we espouse. **S**