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How Some BigLaw Firms Are Moving The Needle On Diversity

By Jack Karp

Law360 (July 25, 2022, 11:02 AM EDT) -- Improving diversity among its attorneys proved to be a continuing challenge for BigLaw last year, with some of the largest firms earning negative scores on Law360 Pulse's newest Diversity Snapshot ranking and only 16.5% of surveyed firms meeting or exceeding Law360's benchmarks.

Making strides on diversity, equity and inclusion is hard work, said Natalie Kernisant, chief diversity and inclusion officer at Morrison Foerster LLP, which topped the Diversity Snapshot ranking of firms with more than 600 attorneys. "It's a marathon and not a sprint."

Despite the challenges, some BigLaw firms are growing more diverse, with firms like MoFo, Wilson Sonsini Goodrich & Rosati PC and White & Case LLP coming in at or near the top of Law360's rankings for firms with more than 600 attorneys, while Fragomen, Del Rey, Bernsen & Loewy LLP and Cleary Gottlieb Steen & Hamilton LLP are some of the midsize firms scoring high.

Law360 Pulse talked to diversity professionals at several of the firms making visible progress on diversity about what they're doing that's working and what lessons they've learned in the process.

Engaged Leadership

Commitment and engagement from firm leadership is one of the most important and effective elements of improving a firm's diversity, say experts.

Firm leaders need to show up to diversity events, amplify diverse voices within the firm and engage with attorneys from different backgrounds, according to Kernisant at MoFo.

MoFo's chair, for instance, attends nearly all of the firm's diversity-related events and encourages other firm leaders to make diversity a priority, Kernisant said.

"That goes a long way, not only for him to educate himself and raise awareness around some of the issues that these communities face, but also just in terms of symbolism for the firm and making it a priority," she added.

White & Case's executive committee meets regularly with practice and regional leaders about their groups' progress on diversity, even down to the granular level of checking in about the career development of individual associates, according to the firm's vice chair, Dave Koschik.

The same is true at Wilson Sonsini, where the firm's managing partner and chairwoman are both vocal supporters of diversity and inclusion efforts and make sure to have conversations about those efforts with leadership, said Allison Blixt, senior director of professional development and diversity, equity, and inclusion at the firm.

"They don't just say, 'Here, DEI team, you do this stuff,'" Blixt said. "It's something that they talk about, that they ask questions about."

Career Development Opportunities

A disproportionate level of attrition among female attorneys and attorneys of color is one of the biggest obstacles to improving firm diversity, according to Binoy Dharia, chair of White & Case's Global Diversity Committee.

There are multiple reasons for that attrition, but one may be the fact that associates may leave if they don't see people who look like them in their firms' partnership and leadership ranks, Dharia said.

That attrition is being exacerbated by the competitiveness of the current job market, according to diversity professionals.

"We've seen competition not just from other law firms but from other industries, offering young lawyers, and particularly women and lawyers of color, great career opportunities," said Cleary's chief talent officer, Shaunna Jones.

So improving diversity means making sure female associates and associates from diverse backgrounds have ample opportunities for promotion, mentorship and sponsorship, these experts say.

White & Case's women's sponsorship program pairs partner sponsors with the firm's female associates to cultivate a gender-balanced pipeline for partnership candidates, according to Dharia. In May, the firm began a similar sponsorship program focused on minority associates.

Wilson Sonsini alternates annually between its Women's Leadership Summit for the firm's female attorneys and a Diversity Summit for its racially diverse and LGBTQ attorneys, according to Blixt. The summits offer leadership programming, networking opportunities and a chance to connect with lawyers from across the firm.

Cleary recently launched a Summer Associates of Color Networking Series that features partner-led sessions on building pathways to leadership, communication and management, career development and sponsorship, according to Jones.

And Fragomen makes sure its panel that evaluates candidates for promotion is made up of women, partners of color and members of the LGBTQ community, according to Kanaan Generette Oliver, that firm's global director of diversity, equity and inclusion.

"Programs alone don't move the needle," Koschik at White & Case said. "We've got to spend time really focused on every single individual in the firm."

Inclusive Culture

Making sure a firm is welcoming to minority and female attorneys is also key, say diversity professionals.

Many of the firms that are making progress on diversity have worked to create vibrant networks of affinity and ally groups.

Attorneys in Fragomen's African American Attorney Inclusion Network get together to discuss professional development and best practices and provide additional insights for the firm's DEI efforts, according to Oliver.

Wilson Sonsini's affinity groups include both attorneys and staff, which is unusual for law firms, said Blixt. They're also open to allies.

"But we're very specific about your role as an ally is to listen and learn, not to be the loudest voice in the room," Blixt said.

MoFo created a "really active" allies network as a counterpart to its affinity program, according to Kernisant. The allies network brings more people into the diversity and inclusion conversation and helps raise awareness about inequity and unconscious bias in the legal industry.

Training is also key to fostering an inclusive culture, said Oliver. So Fragomen's training curriculum focuses on inclusive leadership, unconscious bias and the importance of allyship.

All of the firm's partners and senior leaders have participated in inclusive leadership workshops, according to Oliver.

The pandemic has made creating this inclusive environment both easier and more difficult, diversity professionals say.

On the one hand, the rise of virtual meetings has allowed firms to consistently bring together minority and female attorneys from across different offices and locations, making it easier to maintain affinity and ally groups.

On the other hand, the lack of informal connections caused by remote work can particularly impact minority attorneys who may have fewer connections to begin with.

"Those things become harder in a virtual space," said Kernisant.

Valuing Diversity Work

Firms should also acknowledge the importance of diversity work, these attorneys say.

MoFo provides attorneys at the firm with 50 hours of billable credit for work they do to support the firm's commitment to diversity and inclusion, according to Kernisant.

"Many people dedicated a lot of time but didn't feel like the work was valued at the same level as some of the other things that they do at the firm," she said. The billable hours credit has been important "both symbolically but also in terms of real reward and acknowledgement."

Valuing the work that goes into improving diversity also means making sure a firm's DEI department has the resources and people it needs, diversity professionals say.

Both Wilson Sonsini and MoFo have grown their diversity teams to include multiple professionals, according to Blixt and Kernisant.

Wilson Sonsini now has a director of diversity who started just recently, and its diversity team includes three full-time staff as well as Blixt.

Kernisant, who was the only diversity professional at MoFo when she started, now has a department with three managers and a specialist.

"You'll get far more out of attorneys if you're supporting them with the correct administrative framework," Kernisant said. "I've seen a huge shift in how much we can do and how impactful we can be by adding the right framework around our efforts."

Focus on the Long Term

Whichever of these elements law firms choose to focus on, those looking to improve diversity and equity at their firms should remember that these efforts take time, experts say.

DEI practices in the legal industry are constantly evolving, and firms need to be willing and able to adapt to the changing needs of diverse employees, according to Oliver.

"What worked five years ago when law firms' diversity efforts were nascent simply won't cut it today," she said.

It also means combating diversity fatigue, say several DEI professionals.

Attorneys can be very busy, and many are still adjusting to the changes wrought by the pandemic, Kernisant pointed out. So motivating and engaging lawyers who have a lot on their plate to continue to focus on diversity can be a challenge.

But it's a challenge that has to be met if firms want to keep their attorneys engaged in efforts to make the law more diverse and inclusive.

"That's really the biggest thing — don't look for that magic wand because it doesn't exist," said Dharia. "You have to do it step by step and it'll take time. It may take years. But ideally the goal of all of this is that we don't have these conversations 10 or 15 years down the line."

--Editing by Pamela Wilkinson, Kerry Benn and John Campbell.