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NY Legal Marketers And Recruiting Executives Learn How To Embrace Diversity As Part Of A Balanced Strategic Marketing Plan

By George C. Miller

On February 15, 2007 over 70 Metro New York marketing and recruiting professionals gathered at The Association of the Bar of New York City to hear a panel of diversity experts present a program entitled "Diversity: How Firms Deliver What Clients Want." The program underscores the importance members of the Legal Marketing Association Metro New York Chapter and their firms are placing on diversity and inclusion and how effective implementation of diversity initiatives impacts both recruiting and client development strategies.

The program was presented in three segments by **Russell Harris**, Diversity Initiatives Manager of the law firm of Mayer, Brown, Rowe & Maw LLP where he has held administrative positions for the past 14 years; **Tommy Shi**, Corporate Development and Transformation Officer for Mercedes-Benz USA, LLC. He served as counsel in the legal department for 11 years before undertaking his current position three years ago with responsibility for developing and implementing MBUSA's diversity strategy; and **Kelly N. Burrello**, Senior Consultant & Director of Research for the Diversity Training Group, a Washington, DC area consulting firm specializing in the design and implementation of comprehensive diversity programs for a variety of enterprises, including law firms.

Highlights of the three-panelist program were: (1) establishing the differences between Equal Opportunity

Employment (EEO), Affirmative Action (AA) and Diversity; (2) providing tips on how to jump-start a law firm diversity program; (3) discussing the mission and functionality of a diversity committee/program; keeping an organization energized and focused on the goal and how to educate the Partnership.

Russell Harris described the importance of defining diversity and inclusion to include GLBT, the disabled, gender differences and ethnicity as a first step to developing a mission and objective for a firm Diversity Committee. He described the attainment of diversity at all levels of the organization as crucial to, and a natural result of, building a cohesive, successful law firm. He went on to say that Mayer, Brown recruits, develops and promotes the highest caliber lawyers, and that his firm is committed to providing its lawyers with opportunities to realize their potential regardless of race, religious beliefs, ethnicity, gender or sexual orientation.

Mr. Harris described the importance of *internal marketing* as the cornerstone for development of a successful diversity initiative that includes training and education for non-diverse attorneys; diversity updates/newsletters that include events in all offices, and the importance of holding diversity events in all offices as well, that include all attorneys, not just the diverse attorneys. He also stressed the importance of holding diversity retreats open to all attorneys to ensure the message of diversity and inclusion reaches the widest audience.

He emphasized the importance of keeping diversity on the agenda of every major partners' and/or associates' meeting, and to present an annual report to the firm's leadership addressing the firm's

progress (or lack thereof) toward enhancing diversity.

From the standpoint of external marketing initiatives, Mr. Harris spoke of the value of ad campaigns, firm web sites, press releases, brochures and client pitch teams, and the importance each has in communicating the firm's commitment to diversity. He noted that ad campaigns should be inclusive and "capture the heart of the firm's mission statement and the heart of the organization." He noted that firm web sites should include a calendar of all internal and external events, a spotlight on all diverse attorney achievements and awards and should be maintained with constant updates. He urged use of press releases to spread the firm's diversity message through all available avenues, including announcement of major events, involvement in bar association and law school panels and participation in job fairs. He also noted the importance of having a diversity brochure to be used at client presentations, job fairs and diversity-related events, including recruiting activities.

He concluded with the importance to be placed on client pitch teams, particularly those being made before diverse GCs. He said "the teams should include diverse partners and associates, and that a diverse team should be maintained throughout the life of the deal/matter."

Representing the corporate client perspective, **Tommy Shi** of Mercedes-Benz USA (MBUSA) acknowledged that MBUSA recognizes that their customers do not look like their customers of 20 (even 10) years ago. They need to be addressed in the manner in which they wish to be addressed, both in MBUSA advertising, as well as at the dealership level. MBUSA is aware of the changing

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demographics of the country and the corresponding buying power of “emerging markets.” At MBUSA, the in-house legal department is one of the most diverse areas of the company, demonstrating an overall diversity strategy and the strong case for diversity in all aspects of the company’s business – both internally and externally.

Fortunately, there is also a growing trend of GC’s taking action against those firms that fall short, including firing firms who don’t follow through on their diversity promises. “The climate is clearly heading towards one where having a diversity statement and token diversity attorneys will not be enough – deeper action must be required in training, retaining and promoting diverse attorneys at law firms”. More than ever, GC’s are looking behind the façade, asking about the actual staffing of the matter, who is getting billing credit and what are attrition rates of diverse attorneys. Shi also noted that “It’s a small in-house community and you can bet that GC’s talk to each other”....Word will quickly get around as to which firms are “legitimate” in their diversity efforts. Firms have to realize that most corporations and their legal departments are publicly committed to diversity as part of their business strategy.

Mr. Shi said that law firms need to be sincere in their diversity efforts and suggested that firms be aware of and participate in the diversity bar associations – the National Bar Association, the National Asian Pacific American Bar Association and the Hispanic National Bar Association, to name a few. These organizations have annual and regional conferences and events and represent great opportunities for firms to meet and genuinely interact with diverse attorneys and GCs. “It’s all about personal relationships, much like any other client endeavor...the more that you can genuinely discuss diversity topics and more importantly learn about diversity issues – the better you can deliver on your diversity commitment”.

Shi concluded by saying “there are a lot of resources out there for firms to truly understand what it takes to make a genuine commitment to diversity – firms just

have to seek out the resources and walk the talk”.

Kelly Burrello of the Diversity Training Group began her presentation by addressing the issue of “what drives a law firm to establish a diversity program.” She pointed to a desire to increase the number of women and minorities in its attorney ranks; the desire to create an inclusive workplace and the important external driver which is the fact clients expect representative talent from all walks of life. In interviews with attorneys, Kelly has heard comments such as “we don’t have any partners of color,” or “because I am a female I feel like I am not being treated fairly, like one of the guys. A blind eye is turned towards the men – but for females we are held to a higher standard.” She went on to say that attorneys leave law firms because there is no support, no training and no mentoring.. She says that “clients are driving the push for diversity. They are holding firms accountable to ensure that an equal number of women and people of color are working on their cases”.

Ms. Burrello stressed the importance of understanding the difference between EEO/Affirmative Action and Diversity. She pointed out that EEO/AA is government initiated; legally driven; is quantitative; is problem focused; assumes assimilation among its participants; has a strictly internal focus and is reactive.

Diversity on the other hand, is voluntary and firm driven; is productivity driven; is qualitative; it focuses on opportunities; it assumes integration; focuses on both internal and external issues and it is proactive. She went on to say that EEO/AA responses were inadequate for a variety of reasons, including the fact that EEO/AA does not recognize the “true” value of diversity in practice; does not educate the firm’s partners, attorneys and staff about individual differences and cultural sensitivities and does not satisfy the client’s desire to have a diverse group of attorneys working on its behalf.

Kelly said that jump starting a successful diversity program must include: committed firm leadership; a firm wide assessment/audit; development of a

strategic plan; internal and external communication of the firm’s strategy and plan. The important elements of the plan should include shaping the firm’s image in local, regional, national and global markets; the sourcing and recruiting of both first year and laterals; the development of all attorneys (not just minorities or women); the upward mobility of all attorneys; the development and nurturing of an inclusive workplace culture; the development of a minority or diversity supplier procurement program and the marketing of diversity efforts both internally and externally.

A successful diversity program should be developed and executed for long term change and should include clear goals and benchmarks to be used as a means to measure progress, including business progress as it relates to the impact a diversity program has on the bottom line.

Among the best practices of a successful diversity program are the firm’s showcasing its initiatives to current and potential clients; the establishment of internal mentoring programs for associates and an external mentoring program that coordinates with law school faculty to groom minority law students. Another best practice is to ensure the firm has established a centralized program to ensure that all its attorneys receive equitable opportunities to work on choice assignments.

As a marketer, there are important points to consider when reaching out to sell the firm to potential new clients. Has the firm won the Thomas L. Sager Award? How inclusive is the firm in ensuring assignment of work process? What is the composition of the pitch team? Who are the firm’s “up and comers” and how will you retain them? Do you have a real formal mentoring program in place and do you have diverse bench strength?

Other considerations include: measuring how the firm is honoring its internal change agents; outreach to diverse bar associations; participation in minority clerkship programs; participation in diverse scholarship programs. Does the firm have an outreach (goodwill) strategy and plan?

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