

CONSTRUCTING A MORE DIVERSE AND INCLUSIVE LAW FIRM: A PRIMER

Threshold questions:

What accounts for gender, racial and ethnic inequalities in law firms?

Who is responsible for addressing them?

Which proposed solutions would be worth the cost?

1. Leadership: What does diversity and inclusion mean in the context of your firm (gender; visible minorities; people with disabilities, etc.)?

- (a) Why does it matter to your firm's success (diversified markets; global business relationships; productivity, attracting top talent; talent management; increased job satisfaction, more profitability)?
- (b) What training have you done amongst your colleagues to promote a more diverse and inclusive work environment?
- (c) Do you have a diversity and inclusion committee? If so, what does it do?
- (d) The barriers to inclusion are different for various groups – maybe we should discuss that a little bit
- (e) Discuss Diversity and inclusion in the context of your clients and requests they are making of you in this regard
- (f) How do you address unconscious racial bias?
- (g) What do your statistics look like for diversity (percentage of associates; partners, etc).

2. Firm Culture/Education and Training:

- (a) Do you have a code of conduct? How do you disseminate your policies? What do you do at your firm to legitimize the discussion about diversity and inclusion?
- (b) When there is a problem, how does your investigation process work? How do you deal with confidentiality? How many complaints have there been (culture of silence)?
- (c) How do you endeavour to address the power imbalances in your firm? How do you prevent people from feeling vulnerable and risking their careers which have only just begun? Lawyers are confrontational and demanding, particularly of their subordinates – how do you deal with the if you can't take the heat get out of the kitchen mentality

- (d) Harassment and bullying: what internal policies do you have to deal with harassment? Are you prepared to give examples of behaviour that is no longer acceptable at your firm?
 - (e) Do you have open conversations about diversity and inclusion?
 - (f) Gender Neutral Language
3. Describe your recruitment/ hiring practices:
- (a) How have they changed to respond to challenges associated with diversity and inclusion.
 - (b) Do you use self-identification during your recruitment process? Thereafter?
 - (c) How does your interview process work? Who is on the review panel? Do you have standardized questions?
 - (d) Do you do blind selection?
3. Professional Development, Advancement and Retention
- (a) Do you have retention challenges specifically related to your diversity and inclusion initiatives?
 - (b) What has been your response to those challenges?
 - (c) Do you specifically allocate diverse groups into specific roles with clients? What else do you do to remove barriers to promotion?
 - (d) Do you have specific diversity groups within your firm? DO you have a diversity committee (if not, why not?)
 - (e) How do you leverage your diverse groups?
 - (f) How do you accommodate differences?
 - (g) How have you revised your evaluation systems? Have you changed your annual performance review forms?
 - (h) How do you ensure that your diverse associates are getting the requisite skills training, career coaching and client access?
 - (i) Do you make your practice group heads accountable?
 - (j) Networking opportunities?
 - (k) How do you mentor your racialized lawyers?

4. Compensation:
 - (a) Have you modelled your compensation systems in any way to respond to your diversity and inclusion initiatives?
 - (b)
6. How do you measure the success of your diversity and inclusion initiatives?
 - (a) Do you do surveys? What did you think of the survey process? Positive side effects? Negative side effects? How did you decide what to survey? Describe how you addressed confidentiality and privacy concerns (anonymous answers?). Was participation voluntary? What kind of response did you get? Did you do it yourself or hire an outside firm? Where do you collect, store and who summarized the data? What was your communications plan like? How did you: avoid doing harm? Obtain informed consent? Protect the respondents' privacy? What did you do to increase the response rate to the survey?
 - (b) If you do measure diversity, do you share the information?
 - (c) If your surveys have identified problems, can you say what you have done to address those problems?
 - (d) Describe the process of analyzing the results of a survey – did you have benchmarks against which you did your analysis? Who reviewed the results?