

**LAW DAY ★ 2021**

# Ways forward from a watershed moment

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Officials at Chicago law firms last summer watched — alongside their colleagues, peers and fellow citizens — as demonstrators called for an end to systemic racism in the United States.

Police-involved killings of Breonna Taylor and George Floyd, both Black Americans, sparked national outcry just months into the coronavirus pandemic that altered business as usual for the legal community.

Most, if not all, firms released statements committing to diversity and equity efforts. Professionally designed web pages doubled down on the importance of inclusion in the



Nearly one year later, several firms said progress was achieved — committees and subcommittees focused on developing and implementing new ideas were formed; programming designed to bring attorneys and staff together in safe spaces for conversations was hosted; and opportunities to foster personal and professional growth were created.

Partners and directors tasked with overseeing these projects agreed that the work of law firms to improve in this realm is incomplete.

“No one here thinks that we can address everything in a year, or even five years. I think we’re always going to be asking ourselves what we can do to make sure that our firm looks like the community we serve,” said David R. Brown, managing partner of Nixon Peabody’s Chicago office. “We’ve got to reassess continually and say, are we moving in the right direction? Is there some area where we’re not moving quickly enough, or not moving at all?”

Lack of representation among classes of associates and firms’ partnership ranks is not a new issue. According to a 2020 report on diversity published by the National Association for Law Placement, it has taken 28 years for the share of Black associates at American firms to exceed 5%. And over the same period of time, law firms made “excruciatingly slow progress” in promoting women and people of color to the partner level.

Attorney Michelle Silverthorn, a diversity consultant who counts corporations and law firms among her many clients at Inclusion Nation, said it is “about time” the legal community embarked on efforts to make serious change.

“What I think was great about last summer, and the only good thing that happened out of an awful, tragic, terrible situation, is the shift — the change, the narrative and the dialogue — when it comes to antiracism,” she said. “It is not enough to say that you’re committed to inclusion. It is not enough to say that you are committed to diversity. We want to see your work, and we want to see the receipt.”

The industry’s largest hurdle, Silverthorn added, is that most firms want empirical data proving an initiative will be successful, instead of moving “ahead of the curve” by experimenting with something new.

But for several of Chicago’s most recognized law firms, a willingness to innovate — a phrase used almost universally — is credited for advances in diversity, equity and inclusion over the past year. What differs is how each office internalizes those terms’ meanings.

## Building a team reflective of its community

The core values of Freeborn & Peters are featured on the walls of its five offices — integrity, caring, effectiveness and commitment. Christine E. Hollis, director of Attorney Recruiting, Development and Diversity, said this culture of celebrating differences among the firm’s attorneys and staff is the key to its success.

“Because we have a diverse group sitting at the table looking at the same problem — based on their different experiences, different backgrounds, different environmental exposures and community exposures, different work experiences — we’re going to have better ways to attack a case and assist our clients,” she said.



committees focused on the success and retention of women and minority attorneys and staff working within the firm.

In the last year, it created a mentorship program to further nourish the professional success of its associates and implemented a yearlong unconscious-bias training to develop tangible means of improvement.

These policies, taken together, are designed to ensure those working at the firm are “supported and don’t feel alone,” Hollis said. “Because if we can make sure that they’re not one of a few but one of many, then we can certainly increase the diversity in leadership positions and partnerships.”

She pointed to Freeborn’s statement on Black Lives Matter, calling events of last summer “acts of senseless brutality and racism,” and its firmwide celebration of Juneteenth as evidence of “management’s commitment to these initiatives.”

Juneteenth, observed on June 19, marks the effective end of slavery in the U.S. on that date in 1865.

The pandemic provided both challenges and assistance in realizing the firm’s goal of ensuring its offices reflect the community it serves, Hollis said. Implementing new strategies, such as ways to ensure diversity in summer associate programs, is slower “because nobody knows what the landscape is going to look like.”

But it did bring the topic of systemic racism to the forefront in a productive way.

“As a person of color, as a Black woman, I have lived a different experience than a white male partner who hasn’t had to deal with the kinds of social injustice and unrest that I’ve seen. And I think with the pandemic, when we heard about what happened to Breonna Taylor, everybody was sitting still,” Hollis said. “Everybody was at home, so everybody got to see it, the reality that I have been living for years. It brought out a lot of empathy, so then when we talk about diversity, people are more willing to listen.”

She added that “there is no magic pill” for law firms to improve diversity metrics, “but any way to move that needle forward is worth trying.”

## Encouraging equitable conversations and contributions

Benesch Friedlander Coplan & Aronoff LLP’s “innovative spirit” and team approach is what attracted Barbara A. Lum and Margo Wolf O’Donnell, two chairs of the Diversity, Equity & Inclusion Committee, to the firm in 2018.

First- and second-year associates are free to “really be at the table” because a constraining “feeling of hierarchy” does not exist there, said Lum, a partner in the firm’s Cleveland office. “We have a whole variety of different voices, all on the same team, talking about the same issues and thinking about it at the same level,” she said.

The commitment to equitable contribution is supported “from the top down,” Wolf O’Donnell added. She is a partner in Benesch’s Chicago office and co-chairs its Labor & Employment



In January, the firm merged its women-focused committee with its diversity and inclusion-focused one to form a panel tasked with keeping Benesch on a trajectory of improvement. In the last year, the group doubled the firm's pro bono allowances; expanded its summer program recruitment efforts to include historically black colleges and broadened its support programming for women.

The two also oversee the firm's five employee resource groups. Lum said she is "really proud" of the self-directed bodies, members of which form safe communities within Benesch who can organize speaking and other types of events.

"When we're talking about what the firm will look like in the future, I think we are going to see a lot of leaders and a very diverse pipeline of people who are willing to get out in the community and take on, you know, these big cases or clients," she said. "Just the engagement that I've seen in our subcommittees and groups — the kind of melding — I am really excited to see the education and retention policies that arise out of this collaboration."

Asian-American attorneys and staff, for example, meet to discuss issues they face at the firm, in their work or in their daily lives. Lum, who participated in the resource groups' meetings, said it "has frankly been really nice" to meet her colleagues from across Benesch's offices and discuss shared goals.

Wolf O'Donnell added that involvement in these projects not only assists firm morale but supports business development goals. Strategies developed from new initiatives and projects, for example, are directly applicable to client relations.

"We've been given a big task. [Diversity, equity and inclusion] is a serious and important initiative of the firm as it grows," she said.

## Setting and reassessing meaningful goals

The events last summer that highlighted systemic racism in the U.S. really hit Nixon Peabody's Chicago office hard, Freeborn's David R. Brown said, adding that the Windy City has especially struggled historically with exclusion and segregation.

In addition to advocating for racial justice, Brown hosted an office town-hall meeting for attorneys and staff of all backgrounds to discuss what the firm could do to make improvements. They reviewed long-standing policies and developed practices that "best reflect our intentions and goals," Brown said.

"I felt personally, it was very important for our Chicago office to understand that as a firm, we have an obligation to stand up and say something when something isn't right, and if we don't take that opportunity to lead, it's almost like we're abdicating our responsibility," he added. "We saw an opportunity to draw upon all of our diversity, equity and inclusion efforts — discussions we've had before — and say, everybody's got to be part of the solution."

The firm executed what Rekha Chiruvolu, director of Diversity and Inclusion, called "engagement interviews" to "understand what people's experiences are while they are here and what we can do to address issues in real time."



minorities and 6% lesbian, gay, bisexual or transgender.

That is up from the current 17% of women equity partners, 7% minority and 3% LGBT.

"In my opinion, I don't think a lot of firms are willing to really put themselves out there in that way, so I'm really proud of us for being willing to put ourselves publicly in a position where we may not succeed, but we are willing to do whatever it takes to try to get there," Chiruvolu said.

The firm joined Diversity Lab's "Move the Needle Fund" in early February to guide it on that path. Nixon Peabody "agreed to be a sort of guinea pig," she said, by testing data-driven initiatives to see whether they make the predicted change.

"We have over 500 years of systemic oppression to address, but I think we are on pace to achieve our goal," Chiruvolu said. "That means that every single year, we have to be better than the year before... The work isn't going to be done in five years — we're going to have to keep getting better year after year. There's going to be setbacks, there's going to be disappointments, but I think if we are rising to the challenge and learning from it, I would consider it a success."

## Building genuine inclusion

Seyfarth & Shaw "truly talks innovation," the firm's Chief Inclusion & Diversity Officer Kori S. Carew said. Many of its diversity and inclusion programs were implemented at least 15 years ago, and at the time were designed to "disrupt the status quo."

The firm adopted the National Football League's "Rooney Rule," ensuring that at least one diverse candidate was interviewed for every open position. In the first year the Labor and Employment Department piloted the initiative, there was a 44% increase in the hiring of candidates from underrepresented groups.

Seven years ago, it created a yearlong sponsorship program for associates to be mentored by high-ranking Seyfarth officials to work on professional development. Carew said 70% of those who participated eventually made partner.

"We were very intentional in creating opportunities that were result-oriented, outcome-oriented, as opposed to doing something because it's a fad or what everyone else was doing," she added.

Many of the initiatives implemented to assist attorneys and staff handle the pandemic were "beneficial when we needed to respond to the racial reckoning," Carew said. The firm was "very intent on being responsive, not reactive."

She encouraged practice leaders to make a phone call instead of sending an email, or host a video conference, to replicate a sense of community. The firm was also intentional about work allocation and checking on attorneys' mental health.

They participated in a collaborative designed to provide support and resources to diverse law students and attorneys impacted by COVID-19 and hosted monthly webinars with topics such as resilience, going beyond yoga, effective communication and reaching outlined goals.



be as innovative as they could, and it reduces creativity, it reduces performance, it leads to illness and all sorts of other problems.”

Over the next year, she said she looks forward to celebrating at least 75% of partners improving their inclusion competencies as leaders, because that translates to “an impact on unwanted attrition.”

## Room for improvement

As a member of a growing group of officials at law firms tasked with increasing diversity and inclusion, Seyfarth’s Carew said management across the field needs to increase the authority and support her peers are granted.

“Too often, the key strategic work that we could be doing that could make a difference in an organization is not given as much time and focus as it should,” she said. “Seyfarth has people who are here willing to help me succeed. But many people in organizations where they’re tasked with leading diversity and inclusion are not listened to as the subject matter experts that they are. I sincerely believe that one of the reasons why we have not made as much progress in the profession as we could is that people are not listening to their diversity professionals as much as they should.”

For example, officials might want surveys circulated to attorneys and staff as opposed to letting a diversity officer pilot a new initiative.

But Silverthorn, a diversity consultant, said a “lack of prioritization” is to blame for lack of progress in this realm.

One of her strategies when working with a firm or corporation is to “ask ‘why’ five times.” If the identified problem is that there were not enough Black attorneys making partner, eventually a firm might be able to boil the root cause down to existing firm leaders preferring to work with associates that look like them, thereby stripping that experience from an attorney from an underrepresented group.

“When you talk about what resources you are going to prioritize, you don’t just ask, ‘how am I going to find more Black partners,’” Silverthorn said. “You need to start from a different level.”

But she has noticed tangible change over the last year.

“We have a plan now. We have things we are going to do. We have actions that we’ve already put into place,” Silverthorn said. “We have commitments, and if we don’t have commitments from everyone, at least we have law firms that say we are still going to go ahead because it is the right thing to do.”

Those explicit plans are, she added, what will prevent law firms from having this exact conversation again in 10 years.

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