



Advancing Equity and Inclusion in Legal Workplaces

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Purpose and Overview

- **State bar associations focus on diversity, inclusion and bias**
 - Missouri requires completion of three ethics credits each year, one of which must cover topics addressing cultural competency, diversity, inclusion, or implicit bias
(MO Bar Rule 18.05(b))

- **Job outlook preparedness**

Disclaimer

- **Executive Order 13950 – issued Sept. 22, 2020, by Pres. Trump**
 - Restricts federal contractors and grant recipients from promoting “divisive concepts,” “race or sex stereotyping” or “scapegoating.”
- **This presentation is not intended to:**
 - ascribe character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex; or
 - assign fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.
- **This presentation is not a workplace training that uses “divisive concepts,” as defined by the Executive Order.**
 - This presentation is meant to comply with the Missouri Bar Association’s CLE requirement to provide education regarding the elimination of bias.
 - AT is not promoting divisive concepts.
 - Content designed to inform and foster discussion about pre-conceptions, opinions, or stereotypes that people—regardless of their race or sex—may have regarding people who are different from them.



EXPLORING THE DATA

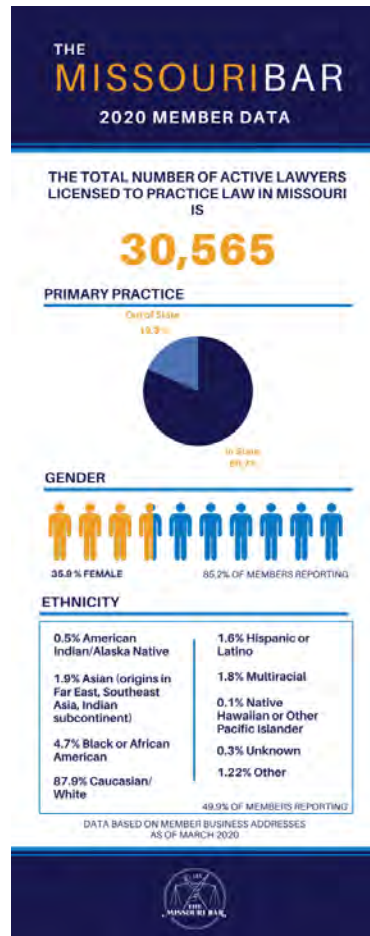
Job Outlook Statistics

Quick Facts: Lawyers

Number of Jobs, 2019	813,900
Job Outlook, 2019-29	4% (As fast as average)
Employment Change, 2019-29	32,300

Reference: Bureau of Labor Statistics Occupational Outlook Handbook Published Sept. 1, 2020

Missouri Lawyer Statistics



Reference: Missouri Bar Association

Projected Employment

Missouri	United States
12,220	823,900
2016 Employment	2018 Employment
13,510	874,000
2026 Employment	2028 Employment
11%	6%
Percent change	Percent change
660	45,700
Annual projected job openings	Annual projected job openings

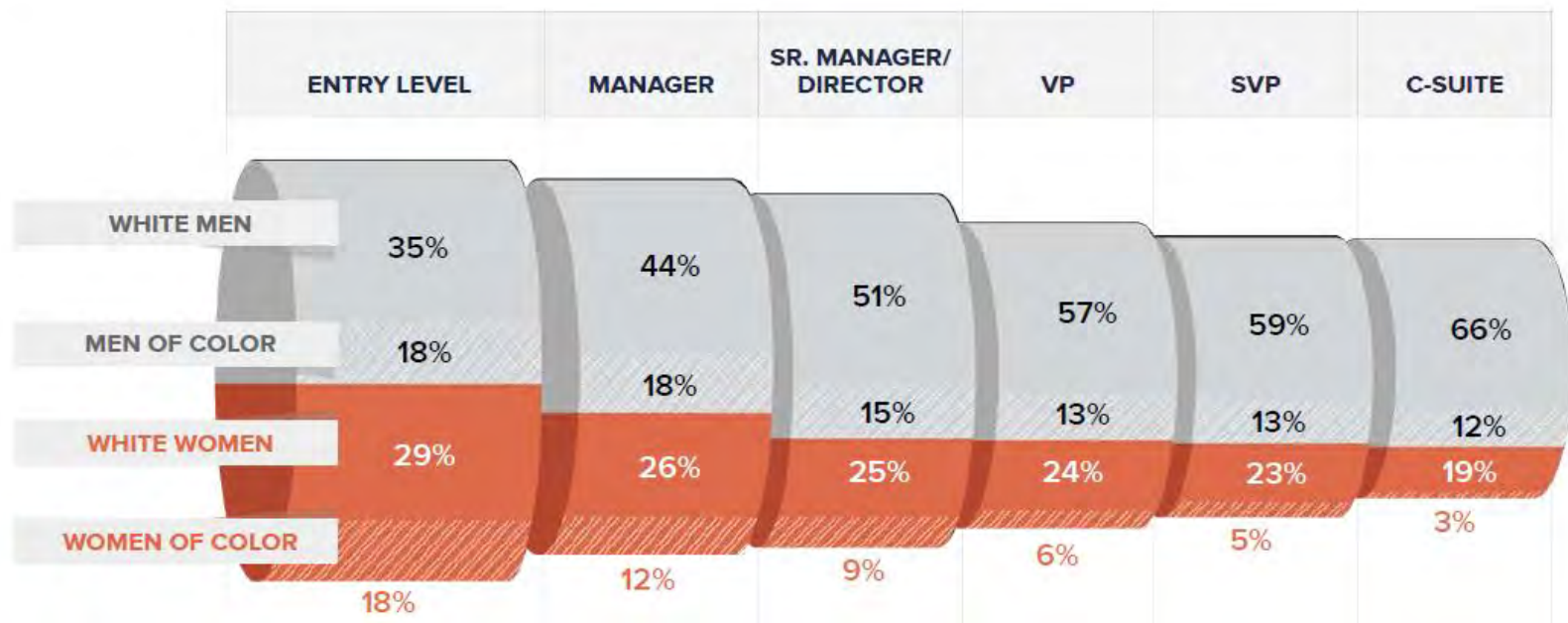
Reference: U.S. Department of Labor CareerOnestop Data

Diversity in Corporate America

REPRESENTATION OF CORPORATE PIPELINE BY GENDER AND RACE

■ MEN ■ WOMEN

% of employees by level at the start of 2020



McKinsey & Company, LeanIn.org 2020

Diversity in Law Firms (NALP 2019)

PARTNERS

Women
Partners
24.17%

People of Color
Partners 9.55%

Women of Color
Partners 3.45%

ASSOCIATES

Women
Associates
46.77%

People of Color
Associates
25.44%

Women of Color
Associates
14.48%



ANALYZING THE DATA

What the Statistics Show

- **Why is diversity at the entry level not translating to positions with greater authority?**
 - Lack of “stickiness”
 - Statistics are a data point, not an answer
 - Statistical focus strengthens diversity in hiring but does not groom for leadership
- **Diversity = a variety of backgrounds, styles, perspectives, values and beliefs different people bring to the groups and organizations with which they interact.**

What the Statistics Show (cont'd)

- To advance diverse representation in the legal profession, inclusion will continue to be important.
- Inclusion = Ensuring all lawyers, including diverse lawyers and women, get opportunities to grow and be heard.
 - Getting opportunities on challenging matters
 - Getting exposure to internal and external clients
 - Getting financial credit for work
 - Opportunities for leadership

DIVERSITY



INCLUSION



Exploring Implicit Bias

- “Mental shortcuts that fill in gaps in knowledge with similar data from past experiences and cultural norms.”
 - We all do this. It is not unique to one category of people.
- Assumptions can alter behavior.
- The less experience a person has with someone or something, the bigger the leaps in assumptions the person may tend to make.
- Types of bias:
 - In-group bias
 - Confirmation bias
 - Hindsight bias
 - Prove-it-again bias

How Can Bias Operate in a Workplace?

- **Assumption: The workplace is a meritocracy – the best and brightest workers reach greater levels of success.**
 - Are opportunities to succeed equally distributed, or does bias play a role in who receives key assignments and projects that lead to advancement?
- **Opportunity gaps can inhibit a person's progress:**
 - Hiring
 - Assignments
 - Performance evaluations
 - Compensation
 - Sponsorship

Creating Equity in Access to Work and Opportunities for Advancement

- **Understand your implicit bias**
 - We all have it; understand where you have bias so you can interrupt it
- **Introduce bias interrupters into the talent review cycle**
 - Implement structured interviews
 - Broaden recruitment efforts
 - Ensure key committees are inclusive
 - Provide training
 - Monitor work allocation

A Closer Look at In-Group v. Out-Group

■ In-Group v. Out-Group

- Exclusive group of people who typically share a common interest or identity (can be around ethnicity, common work experience, age, religion, geography, affiliations, socio-economic differences, etc.)
 - Occurs as people seek similarities or similar experiences
 - Tend to identify more closely around similarities
 - Differences may come out during inter-group contact
- **In-group members may get the better assignments, greater opportunity for advancement**

What is Imposter Syndrome?

- Imposter syndrome can be defined as the feeling of being inadequate – even despite contrary evidence. It's always doubting yourself and thinking you are a fraud. You don't belong; you are not good enough.
- Members of out-groups are more likely to experience this

Tools and Strategies for Advancing D&I

- **Implicit bias training**
- **Look for ways to introduce implicit bias interrupters**
- **Track metrics under self-critical analysis review**
 - Maintain attorney/client privilege
- **Measure your organization's progress against aspirational goals**
- **Create a program around allyship**

Allyship

- **Act of being an ally**
 - Offers supportive association with another person or group
 - Builds relationships based on trust, consistency and accountability
 - Provides assistance and support in an ongoing effort, activity or struggle

Allyship Actions

- Listen and learn
- Choose and use supportive language
- Educate yourself about implicit biases and microaggressions
- Pay attention to your position
- Be intentionally inclusive
- Empower others
- Understand your role
- Speak up – intent v. impact

Blocks to Allyship

- Fear of making mistakes or saying the wrong thing
- Feeling that because of your characteristics or background you cannot be a leader of D&I

Moving Forward

- Learn about your own implicit bias
- Track metrics under self-critical analysis review
 - Maintain attorney/client privilege
- Measure your organization's progress against aspirational goals
- Explore creating an allyship program
- Continue the discussion



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