



# Advancing Equity and Inclusion in Legal Workplaces

JUNE 10, 2021

Meshach Y. Rhoades

Sarah Roe Sise

Sonji Young

*Always exceed expectations through teamwork and excellent client service.*

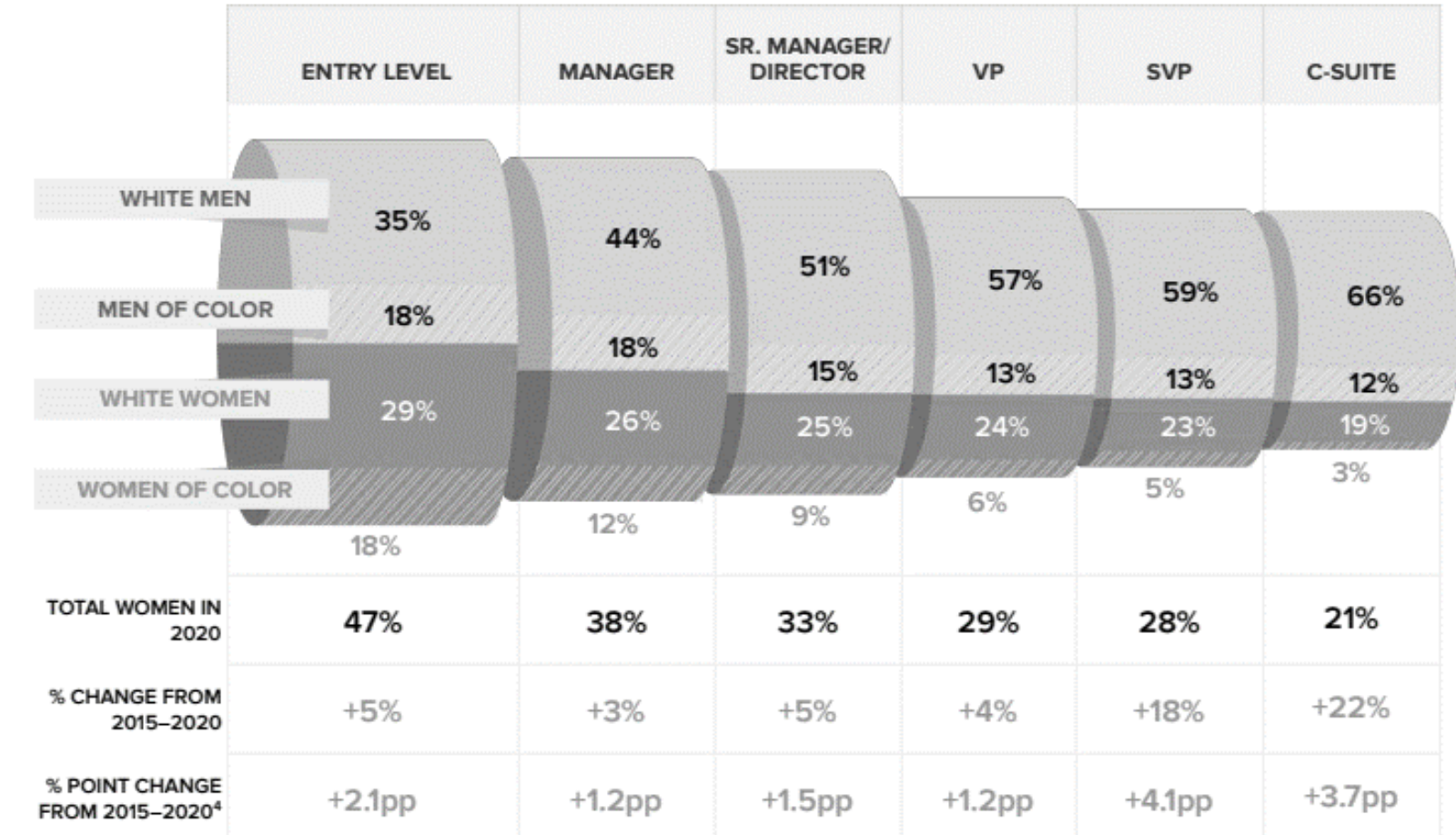
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# Diversity in Corporate America

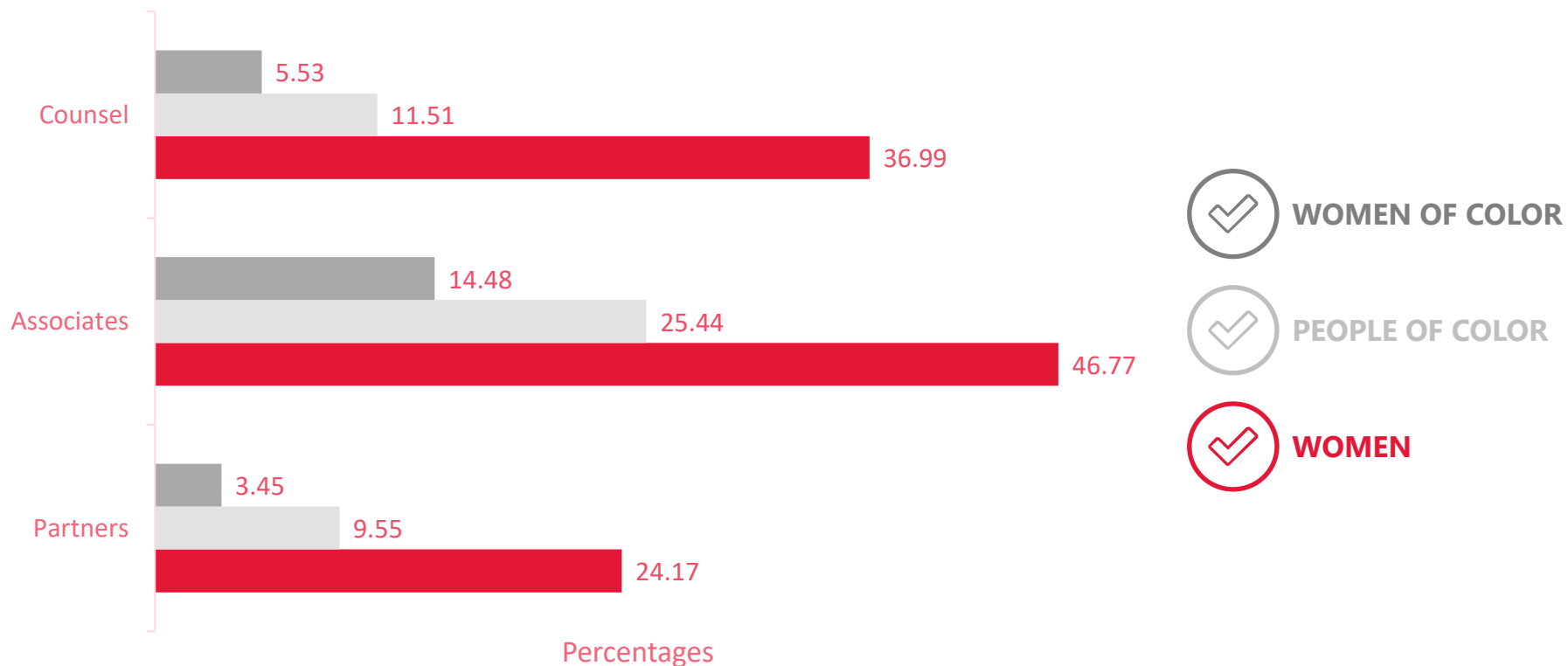
## REPRESENTATION OF CORPORATE PIPELINE BY GENDER AND RACE

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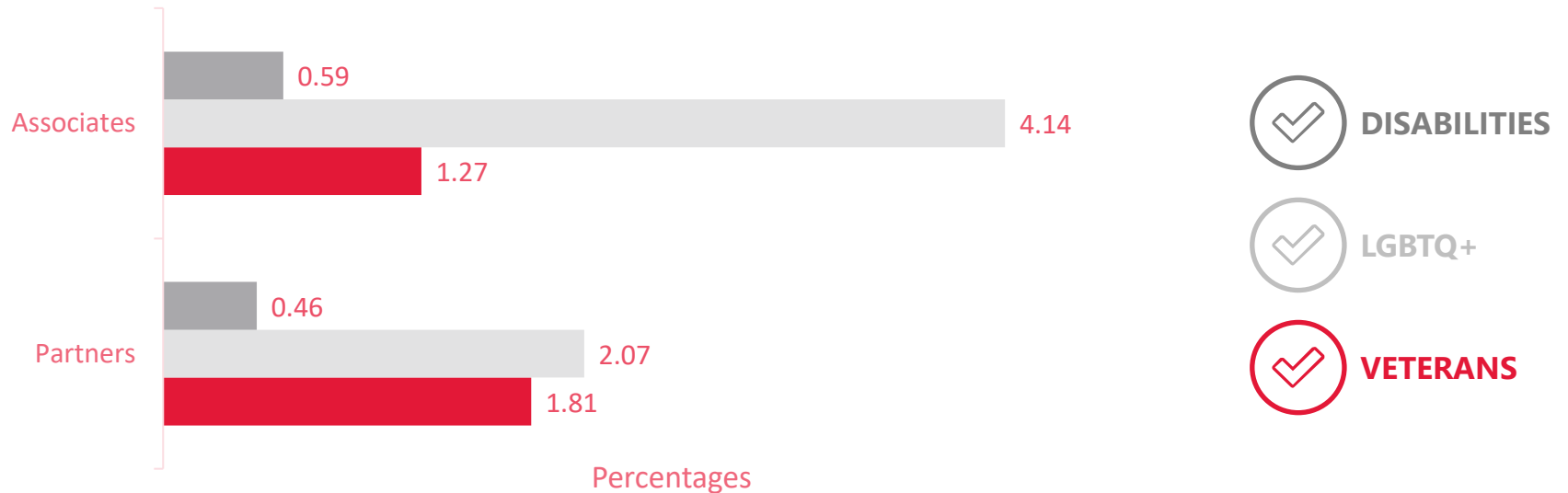
% of employees by level at the start of 2020



# Diversity in Law Firms (NALP 2019)

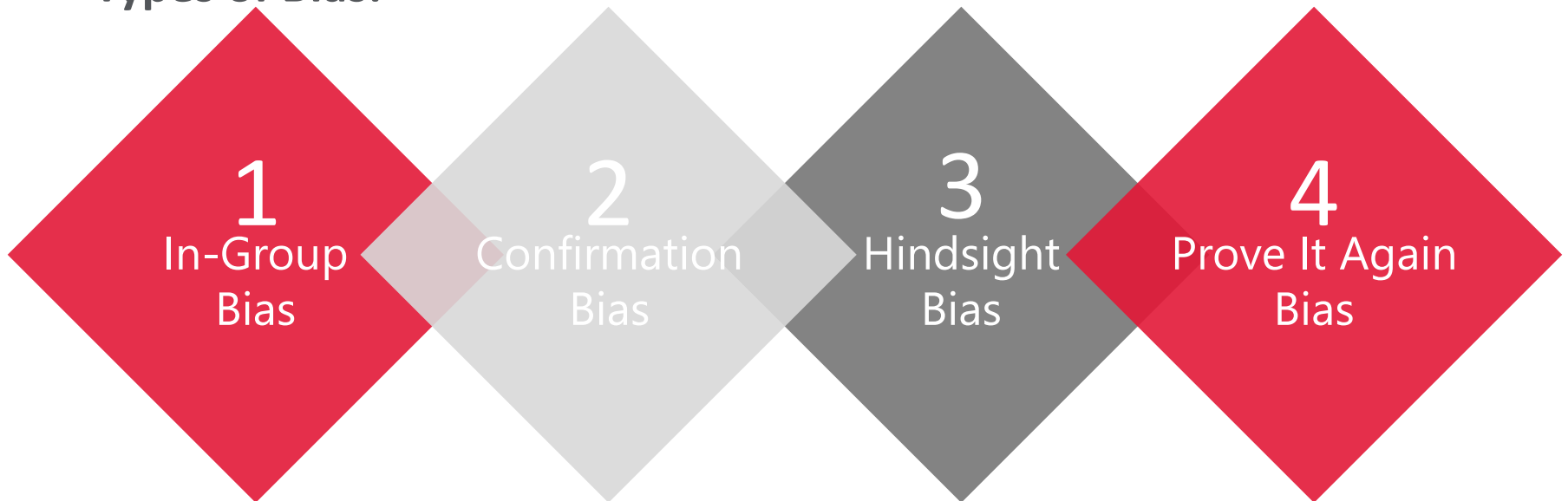


# Diversity in Law Firms (NALP 2019)



# Exploring Implicit Bias

- “Mental shortcuts that fill in gaps in knowledge with similar data from past experiences and cultural norms”
- 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:



# Context for Understanding Implicit Bias



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Attention to implicit bias has exploded in recent years, but it is not a new concept.

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Researchers have essentially labeled this familiar notion with different titles over the decades in which discrimination has been studied.

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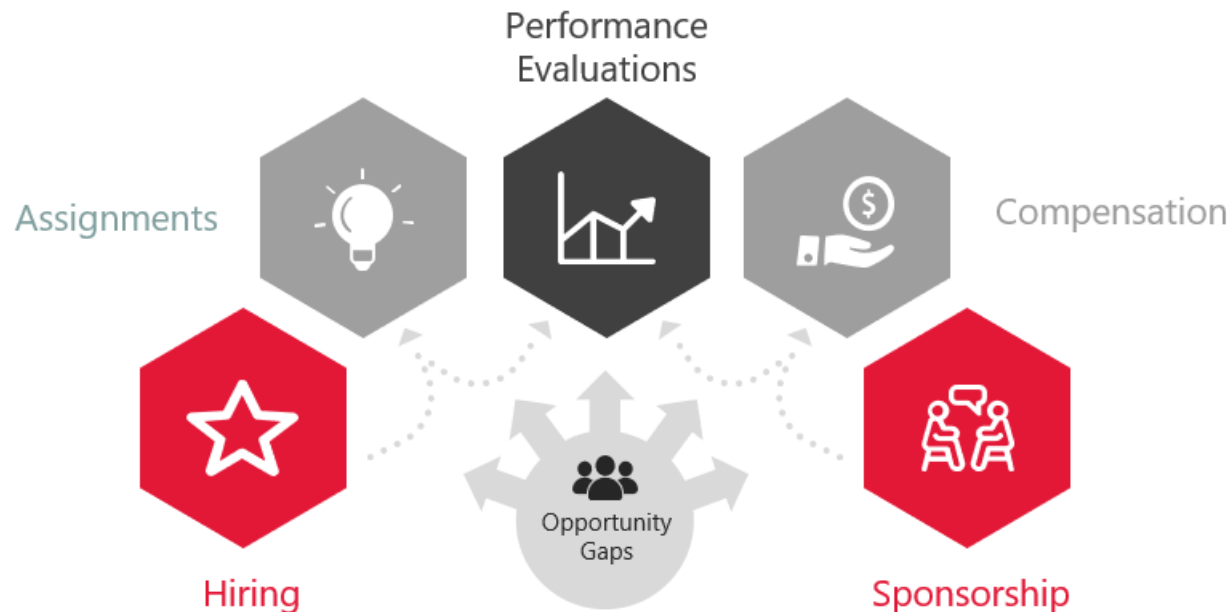
Implicit biases are the product of learned associations and social conditioning. They often begin at a young age, and most people are unaware that they hold them. Importantly, these biases do not necessarily align with personal identity. It's possible to unconsciously associate positive *or* negative traits with one's own race, gender, or background.

# Differences Between Implicit Bias and Illegal Discrimination

- Employment laws have prohibited intentional discrimination for decades.
  - Refusing to hire someone based on race.
  - Choosing to fire someone because the person reached a certain age.
- Implicit bias is different, yet it has been recognized as an obstacle to achieving equity. What makes it different?
  - Well-intentioned behavior?
  - Unknown to the actor?
- Employment discrimination laws may have shaped the way we think about bias in some unhelpful ways.
- Confronting implicit bias includes recognizing that the law merely sets the floor—not the ceiling—for behavior and that unfairness can arise from small acts of disrespect or distrust that lead to disparate opportunities or results.

# How Can Bias Operate in a Corporate 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 in each step of an employee's relationship can inhibit that person's progress:**





# Creating Equity in Access to Work and Opportunities for Advancement

- **Awareness is the key to understand your implicit bias.**
  - Implicit Association Test
  - Affect Misattribution Procedure
  
- **Stereotype activation is automatic, so introduce office-specific bias interrupters into workplace.**
  - Use metrics
  - Small adjustments to existing business systems
  - Assess, adjust and repeat

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

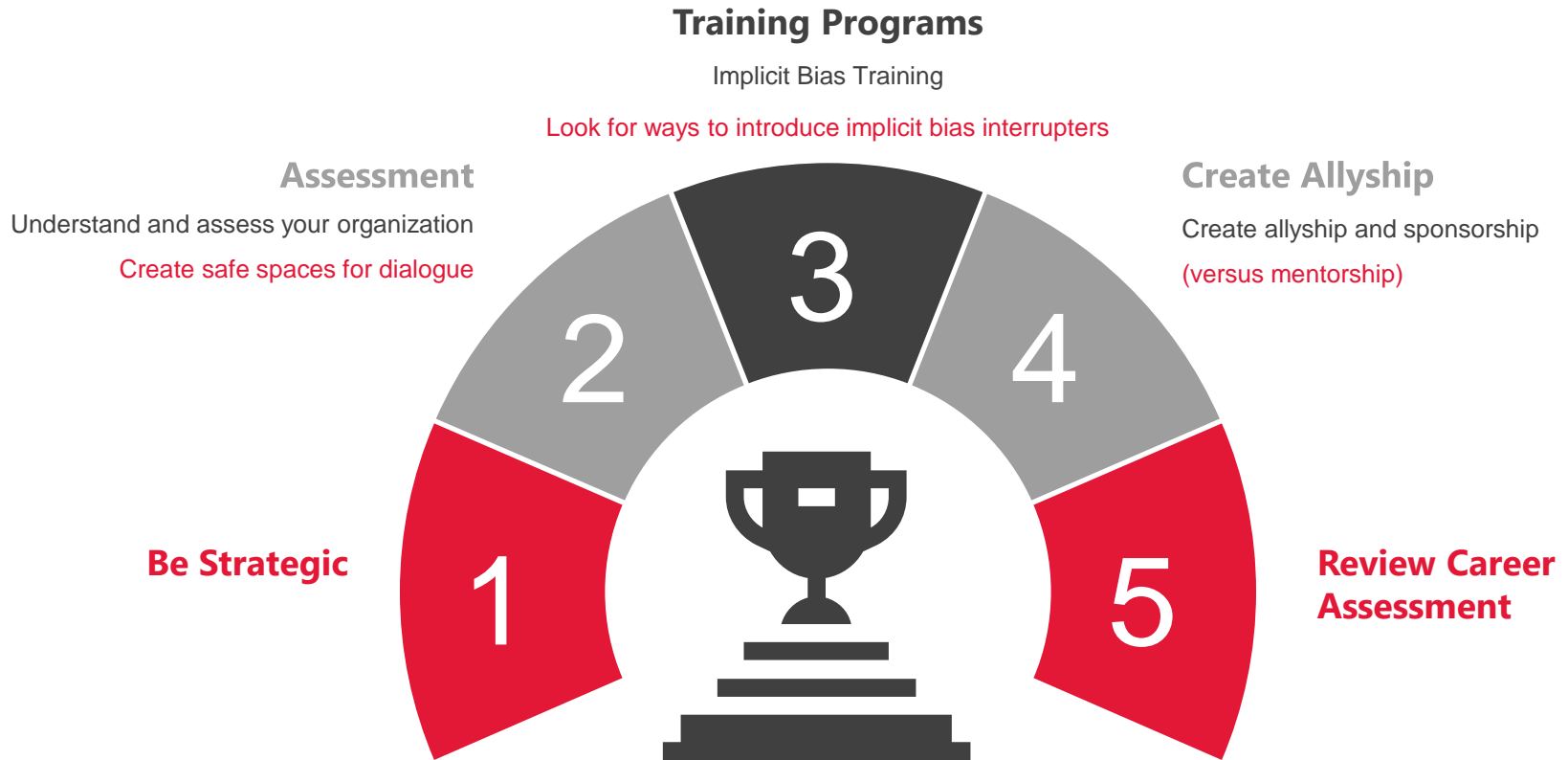
## ▪ In-Group v. Out-Group

- Exclusive group of people who typically share a common interest or identity (can be around race, gender, ethnicity, common work experience, age, religion, geography, affiliations, socioeconomic 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 tend to get the better assignments, greater opportunity for advancement**

# What is Imposter Syndrome?

- What do Supreme Court Justice Sonia Sotomayor, Serena Williams and Tom Hanks have in common?
  - They have all admitted to struggling at one point with Impostor Syndrome — that feeling of not being smart enough, being terrified of making mistakes and worried about being exposed as a fraud, despite career attainments or expertise.
- **Members of Out-Groups are more likely to experience Imposter Syndrome.**

# Tools and Strategies for Advancing DEI



# Countering Implicit Bias Without Creating “Reverse” Discrimination Liability

- Employment discrimination laws are generally neutral and written to protect people of all races, genders, religion, etc.
- **Limited Exceptions:**
  - ADEA (allows favorable treatment for older workers)
  - ADA (mandates accommodations for employees with disabilities)
  - Bona fide affirmative action plans
- **Avoid making employment decisions based on protected classes.**

# Allyship

- **Act of being an ally**
  - Offers supportive association with another person or group
  - Builds relationships based on trust, consistency and accountability with underrepresented or marginalized individuals and/or groups of people
  - 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 Micro-Aggressions
- Pay Attention to Your Position/Privilege
- 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 a non-diverse employee cannot be a leader of DEI



# Moving Forward



**Learn about your own implicit biases**



**Track and analyze the data**



**Explore creating an allyship program**



**Continue the discussion**