



Addressing Bias in Legal Workplaces

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Always exceed expectations through teamwork and excellent client service.

Attorney-Client Privileged

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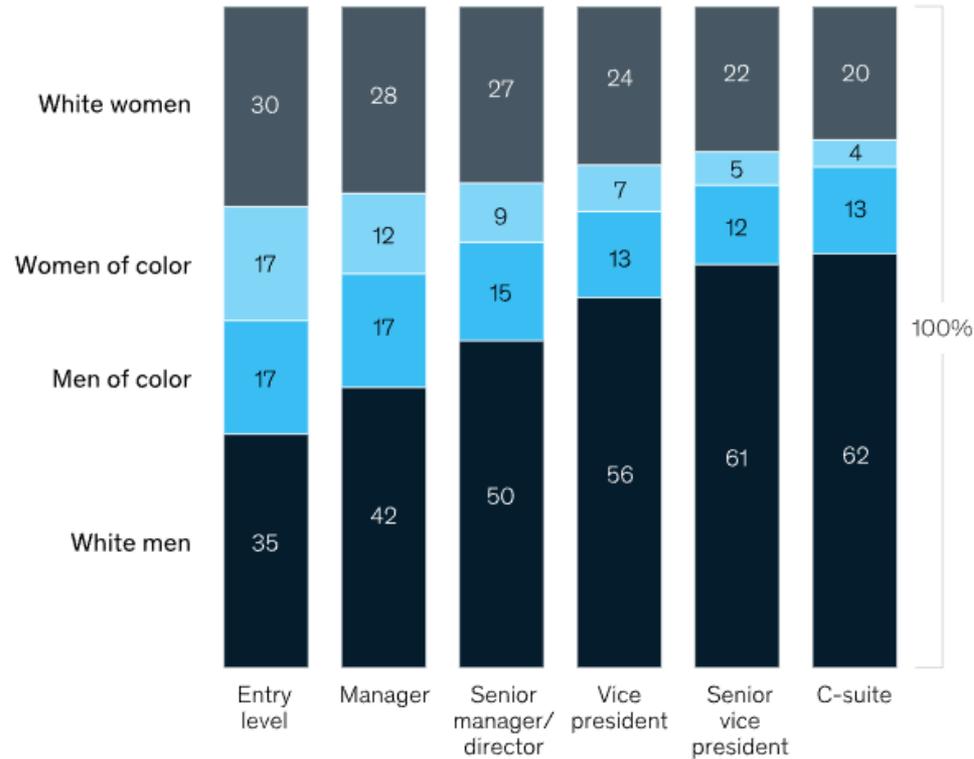
Discussion Topics

- A Review of the Numbers
- The Case for Diversity
- Defining Implicit Bias
- Proximity Bias
- Moving the Needle



Diversity in Corporate America – 2021

Representation by corporate role, by gender and race, 2021, % of employees

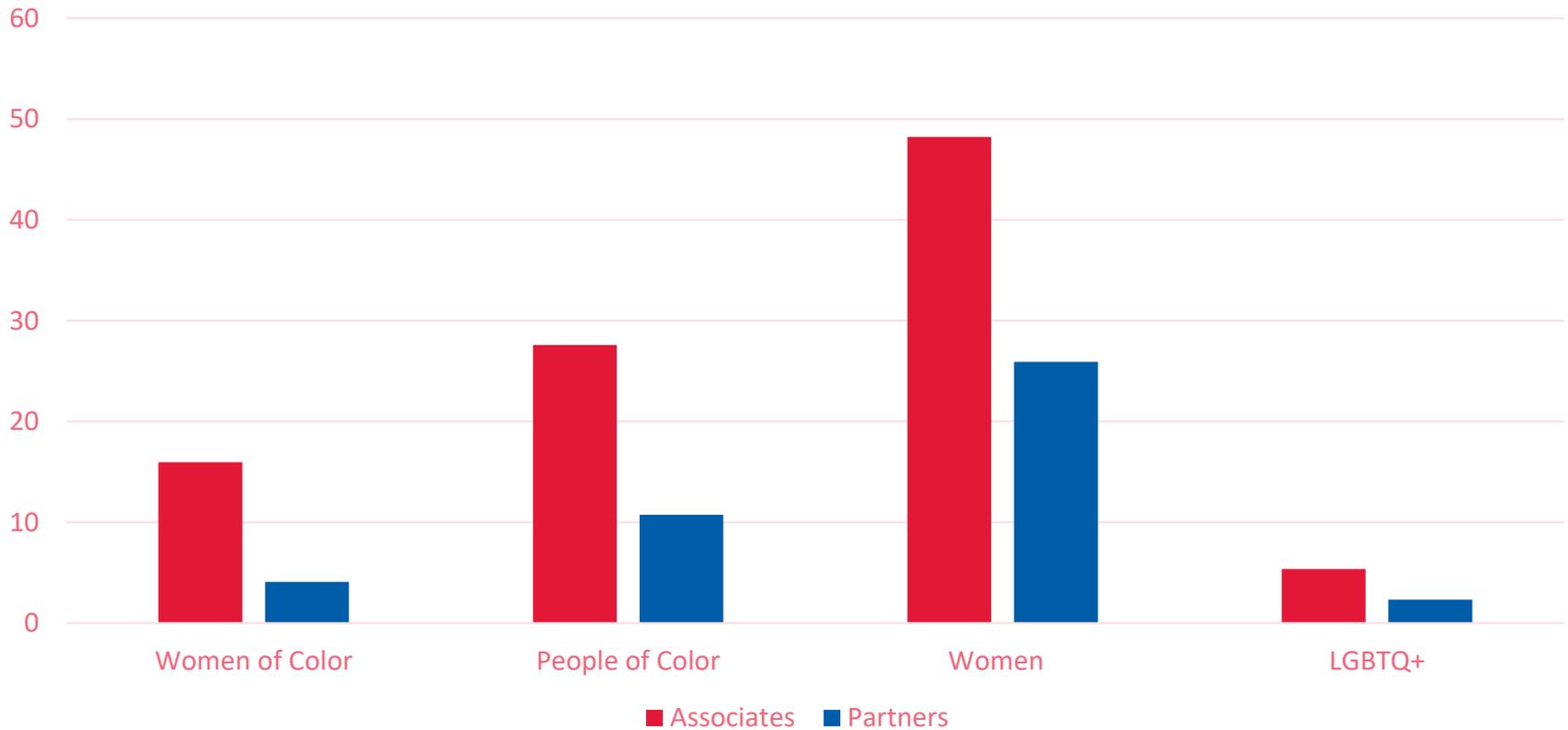


Note: Figures may not sum to 100%, because of rounding.
 Source: *Women in the Workplace 2021*, LeanIn.Org and McKinsey, 2021

McKinsey & Company, LeanIn.org 2021

Diversity in Law Firms – NALP 2021

Percentage in Category



Pandemic Impact on Diversity



In the U.S., workers between the ages of 25-54 are projected to have a strong growth rate and to make up nearly 64% of the labor force in 2024.

1 in 4

In 2020, 1 in 4 women in the U.S. reported that they are considering downshifting their careers or leaving the workforce for reasons related to the pandemic. Key reasons included burnout from juggling work and life obligations.

The Case for Diversity

Benefits of diverse teams

- Better, more creative problem-solving
- More accurate decision-making
- More profitable

Effect on diverse team members

- Authenticity
- Opportunity

Implicit Bias

- Automatic and unintentional
- Lack of experience creates room for assumptions

Affinity Bias

Confirmation Bias

Conformity Bias

Attribution Bias

Race/Ethnicity

Age

Gender

Ability

Sexual orientation

Difference Between Implicit Bias and Illegal Discrimination

- Employment laws prohibit intentional discrimination
- Implicit bias is unintentional

How can we confront implicit bias?

How Can Bias Operate in a Workplace?

Hiring

- Work Allocation
- Performance Evaluations
- Compensation
- Sponsorship

Comparing law firms to corporate law departments

- Stakeholders
- Competitive advantage
- Innovation
- Effect of collaboration

Proximity Bias

- Proximity bias – favoring those we see more often
- Remote work and less centralized departments

Combatting proximity bias

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:**
 - Age Discrimination in Employment Act (allows favorable treatment for older workers)
 - Americans with Disabilities Act (mandates accommodations for employees with disabilities)
 - Bona fide affirmative action plans
- **Avoid making employment decisions based on protected classes.**

Moving the Needle

Individual accountability

Organizational action

Individual Actions to Increase Equity

- Learn about your own bias
- Interrupt your own bias
- Become an ally

Advancing Organizational DEI Goals



Moving Forward

Performative vs. Impactful

- Innovation
- Embedding
- Collaboration

What is working in the industry?

- Leadership efforts
- Investment in diverse and inclusive development time
- Benefit offerings
- What else?

“Diversity is being invited to the party; inclusion is being asked to dance.”

Verna Myers

“A diverse mix of voices leads to better discussions, decisions, and outcomes for everyone.”

Sundar Pichai

“Good leadership requires you to surround yourself with people of diverse perspectives who can disagree with you without fear of retaliation.”

Doris Kearns Goodwin

“Equality is leaving the door open for anyone who has the means to approach it; equity is ensuring there is a pathway to that door for those who need it.”

Caroline Belden



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