



Small Law Firm Diversity Survey

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THE LAW**



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What is the role of small law firms in promoting diversity in the legal industry?

It is well-established that law is among the least diverse of all professions. In contrast to Biglaw, in the world of smaller legal practices there is a notable absence of diversity committees, mentorship programs, sensitivity training, pipeline initiatives, affinity groups, and all the other public indicia that firm resources are being applied to the promotion of diversity. However, there are countless small law firms that have been started by and/or managed by women and diverse attorneys whose achievements are largely unrecognized by the ABA and the industry generally.

We sought to better understand the solo and small firm community's perspective on diversity and inclusion. Therefore, we fielded a survey asking solos and small firm practitioners to share their insight on the following topics (among others):

- Whether all law firms, regardless of size, should consider issues of diversity in recruiting, hiring, and staffing decisions
- Whether diversity is a competitive advantage for small law firms
- Is it inappropriate for potential clients to consider a small law firm's diversity when making hiring decisions?

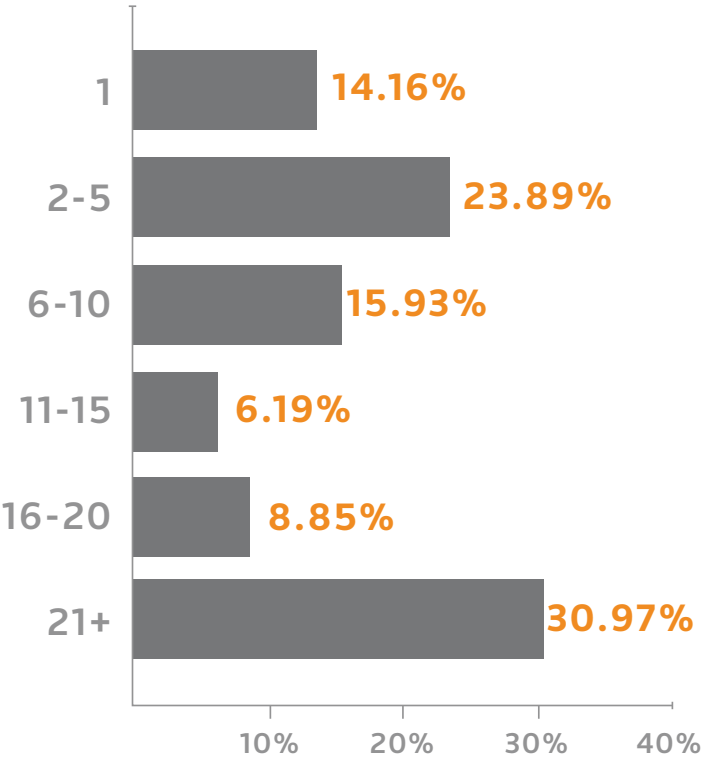
Our survey was structured as a series of propositions about which respondents would express a degree of agreement (from "strongly agree" to the opposite). Our findings reveal, if not exactly a consensus, very widespread sentiment in favor of the ideas that law firms should consider a diverse candidate pool in recruiting and that diversity is a competitive advantage for small law firms. As for the latter proposition, our respondents gave two different (although non-contradictory) interpretations of the idea of "competitive advantage." As the comments below demonstrate, for some the "advantage" in diversity lay in the improved legal strategic thinking that a range of individual perspectives promotes. For others, "advantage" is derived from a public-facing image that aligns with client values and expectations.

Please read on for our full findings.

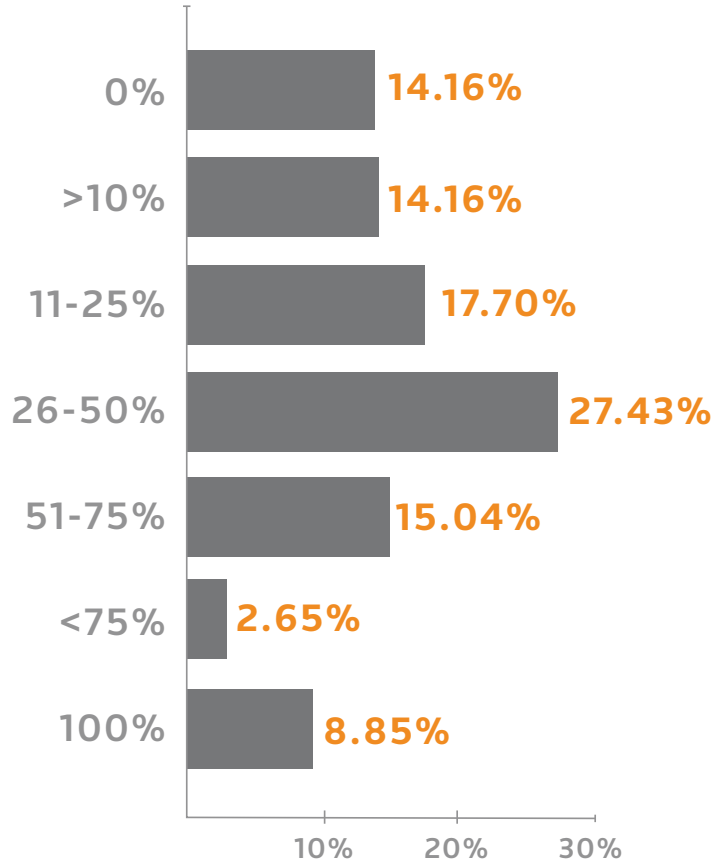


Respondent Demographics

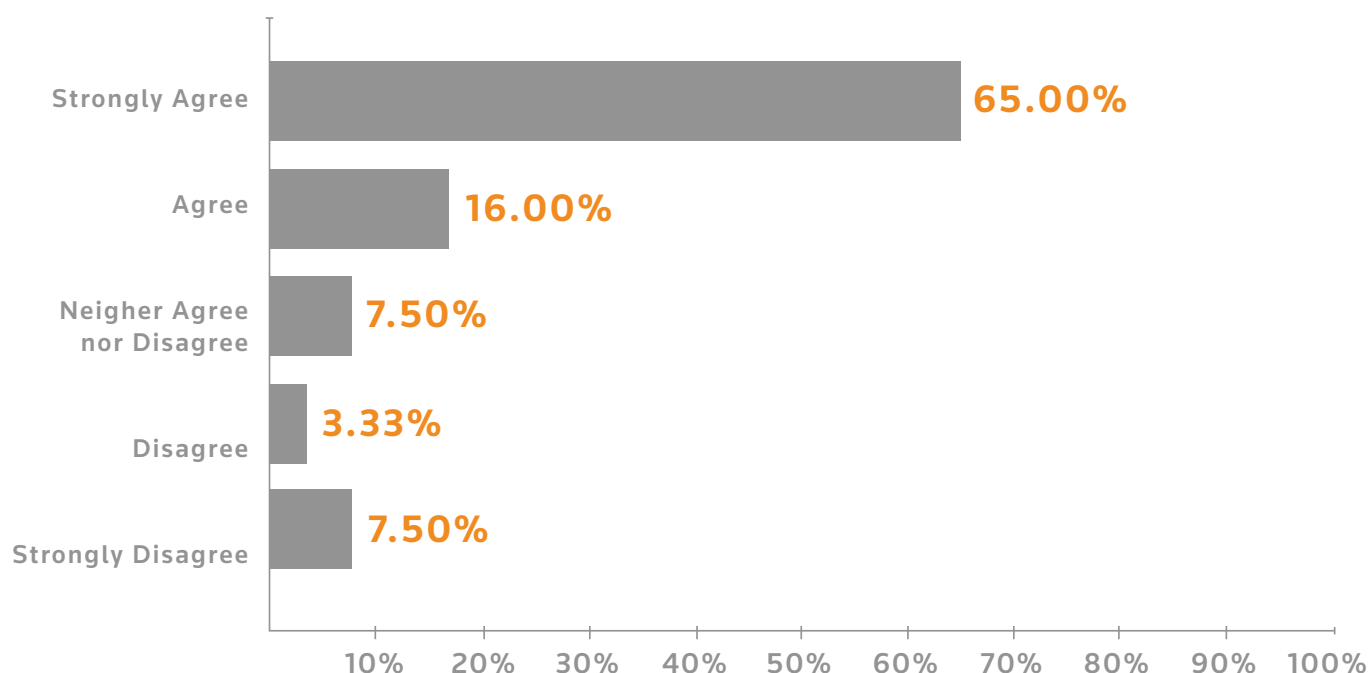
HOW MANY ATTORNEYS WORK FOR YOUR LAW FIRM?



APPROXIMATELY WHAT PERCENTAGE OF ATTORNEYS AT YOUR FIRM ARE WOMEN OR MINORITIES?



“ All law firms, regardless of size, should consider a diverse candidate pool in recruiting, hiring and staffing decisions. ”



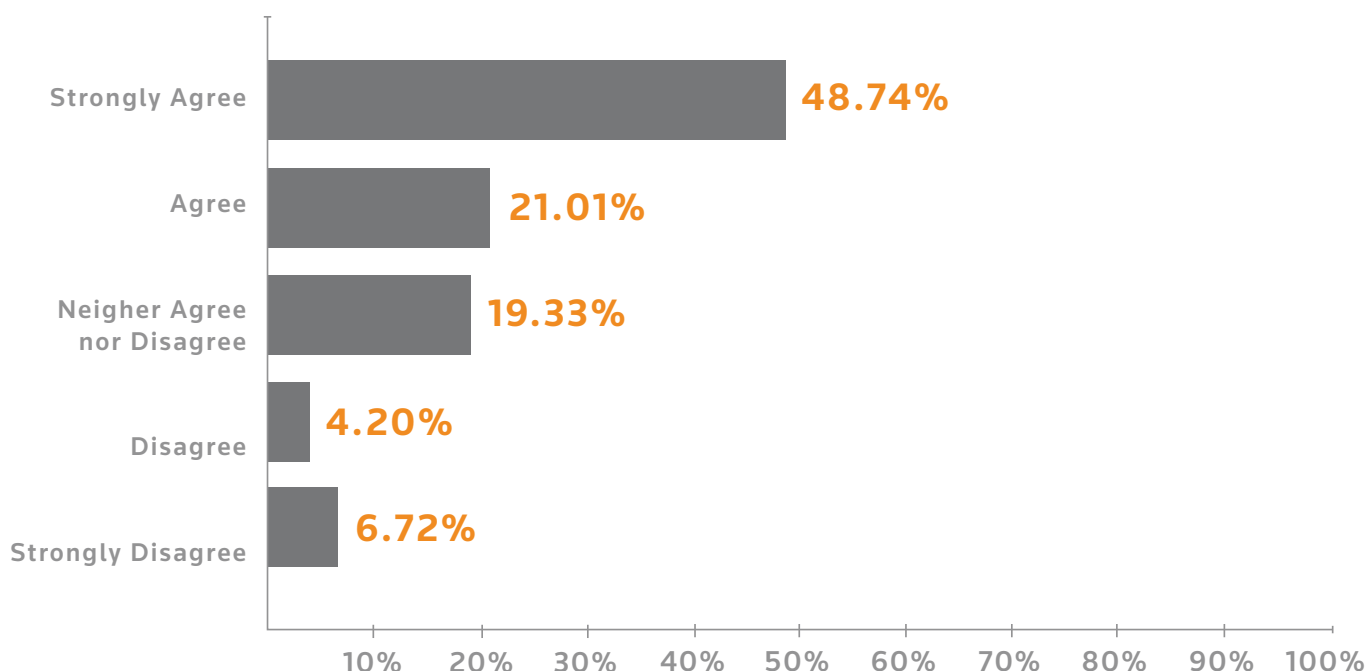
REPRESENTATIVE COMMENTS “FOR”

- It is an ethical imperative, especially in the current political environment.
- They offer a different perspective. Less tunnel vision.
- Diverse attorneys mean better all-around service provided to the clients.
- A team of lawyers with diverse backgrounds will most likely be able to approach issues and situations from different perspectives. I have also repeatedly witnessed how clients prefer lawyers who understand their culture, language, and background. In other words, when a client can identify with his/her lawyer, there seems to be a better chance for a long-lasting relationship (provided that there is quality in the lawyer's work, of course).
- Diverse backgrounds mean that problems are likely to be viewed and considered in different ways. That can only help client service. Beyond that, it is simply the right thing to do.

REPRESENTATIVE COMMENTS “AGAINST”

- Identity politics BS! Nothing to do with the practice of law or serving clients.
- Where is the evidence that diversity benefits a firm's bottom economic line? Apart from virtue signaling.
- What nationality or religion you are should NEVER play into who gets the job. It should totally be based on who is qualified.
- I don't see any intrinsic value in diversity for diversity's sake. I do think it is smart to hire people that your current an/or potential clients will want to work with.

“ Having attorneys or staff from diverse backgrounds is a competitive advantage for small law firms. ”



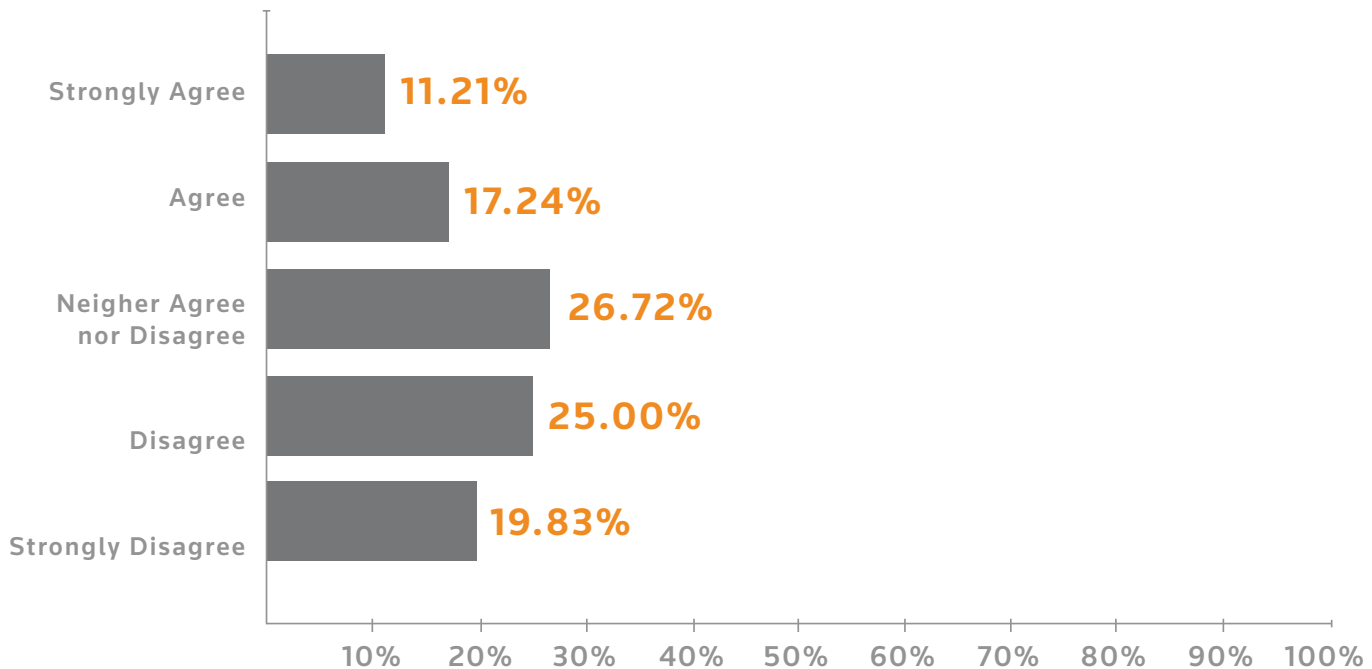
REPRESENTATIVE COMMENTS “FOR”

- This is a two-way street & clients have embraced these values of inclusion and diversity.
- It is easier to brainstorm with other attorneys in a small firm and therefore easier to access the benefits of a diverse workforce.
- Diversity of thought is important because people look at problems and find solutions in different ways. You want a team that can find the BEST solution and if everyone is the same/thinks the same way, then you'll never be presented with options for the best solution.
- Diverse backgrounds mean that problems are likely to be viewed and considered in different ways. That can only help client service. Also, this will be attractive to diverse clients.
- On a purely business basis, more and more clients are demanding that attorneys who staff their files reflect the diversity of the community they serve.

REPRESENTATIVE COMMENTS “AGAINST”

- Still too many racist/intolerant clients for this too be true.
- Our clients, of our 4-lawyer firm, are generally paying fees from their own pocket and want the best results. They actually live the MLK goal of judging us by the content of our (performance) not color of skin. We are largely immune from the “PC” factors that have infected the government, larger companies and the ABA, and which put Trump in office.
- No evidence at all supports this proposition.
- People should be judged based upon the content of their character, scholarship and willingness to work hard. Skin color should never be an advantage or disadvantage.

“ It is generally unnecessary for small firms to pursue formal diversity initiatives because they are already operating with diversity inclusion. ”



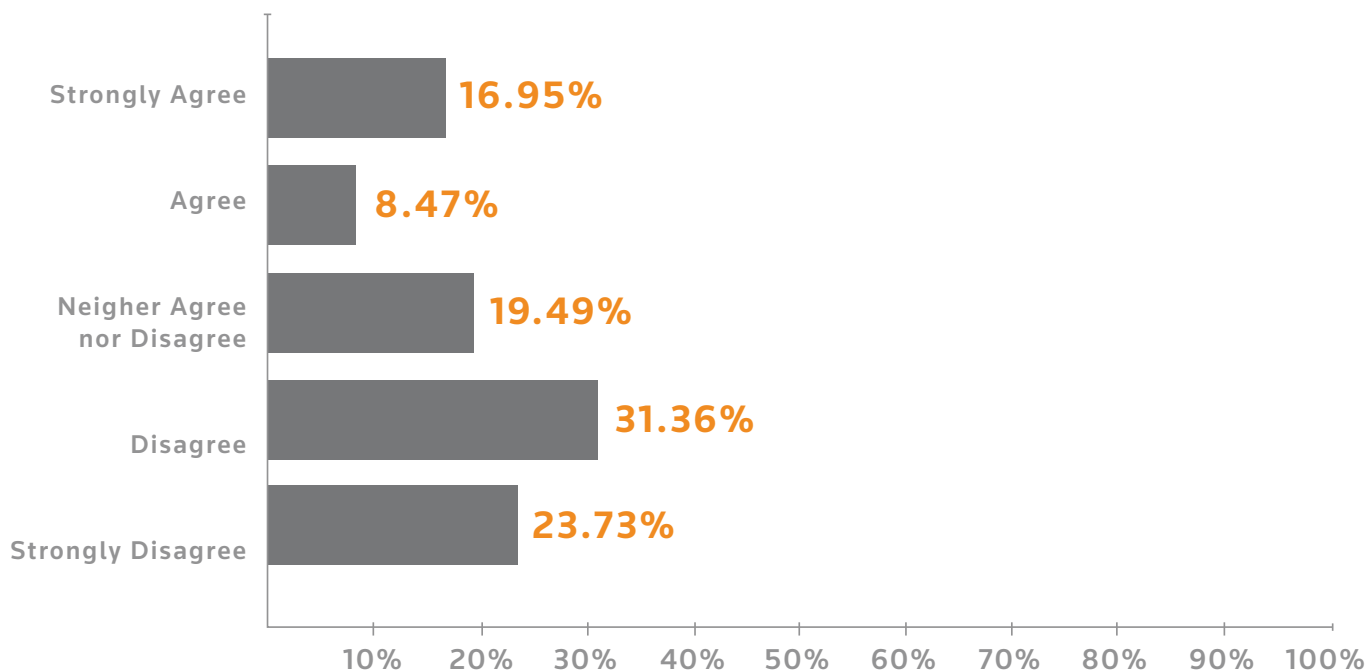
REPRESENTATIVE COMMENTS “FOR”

- Small firms have to find the diversity initiative model that works best for their size and budget. They should not neglect it altogether. For women and minority owned firms, it is still essential to consider diversity. A firm of all-white women is not diverse.
- The level of formality of everything at a small firm is a step down from Biglaw. Diversity & inclusion efforts do not need a hulking structure to be effective but given the lack of diversity professionals ensuring that the firms eye is on diversity & inclusion, the partnership and leaders at a small firm must take the lead. [C]iving lawyers accountability and responsibility for diversity and inclusion efforts is a great leadership and management skills development tool.
- Every firm should pursue formal D&I initiatives as they aid in personalizing any existing efforts.

REPRESENTATIVE COMMENTS “AGAINST”

- Strongly agree with everything up to ‘BECAUSE’.
- They don’t need formal initiatives because they’re only hiring who is available within their budget.
- What does this newspeak mean?
- The idea of a formal diversity initiative makes no sense in small firms that make every decision on the merits. We post our openings at Law School Placement Offices or with staffing agencies for non-lawyers, then we consider every candidate on the merits and pick the best person.
- A 2-person firm has to worry about survival and relevance, give me a break.

“ It is inappropriate for potential clients to consider a small law firm’s diversity when making hiring decisions. ”



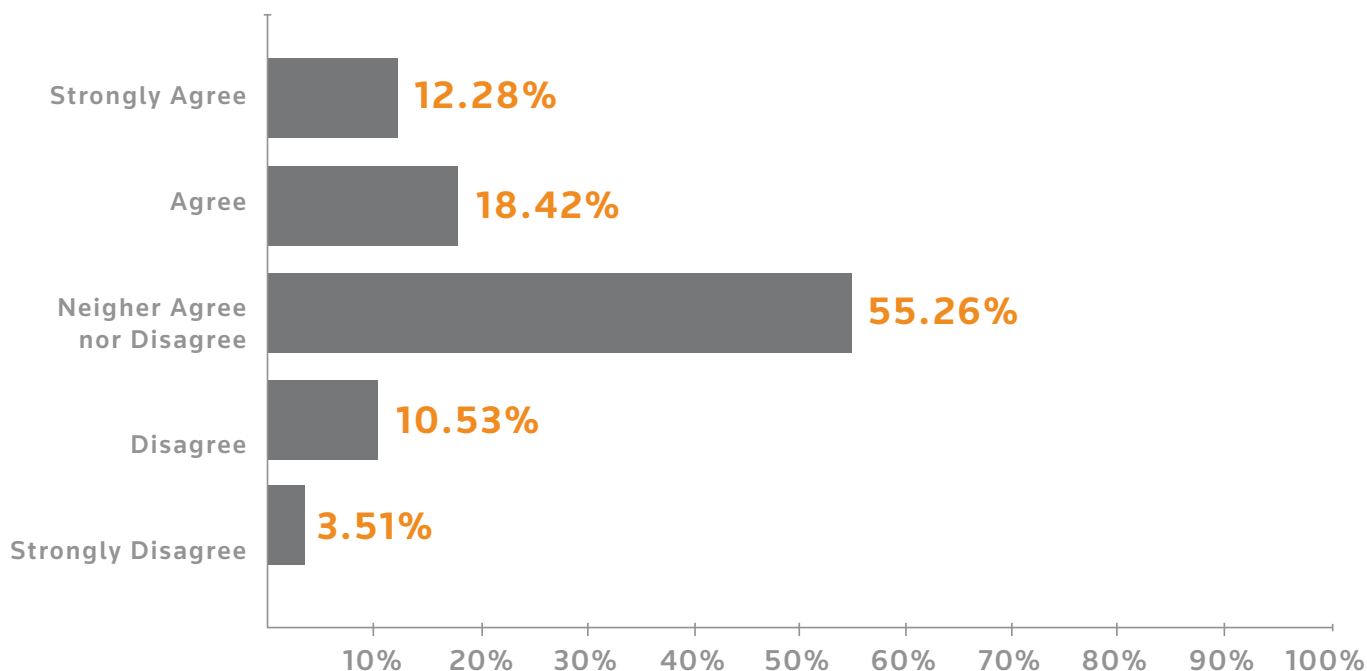
REPRESENTATIVE COMMENTS “FOR”

- “Inappropriate” may be the wrong word to use. A potential client may choose to draw a negative inference from a lack of diversity at even a small firm in some circumstances. I think it depends upon how highly recommended the firm was to the potential client. Lack of diversity may not matter however if the firm came highly recommended from a source the potential client trusts.
- Because of IMPLICIT bias, a minority client might justly assume that a non-diverse staff may UNCONSCIOUSLY be biased against them, and therefore they won’t get the same treatment as a white/male client (for example)—regardless of any conscious intention.
- Clients can help emphasize the importance of diversity in their law firms by their hiring decisions.
- Clients are more savvy than ever before. Many clients use a variety of factors to determine who they will hire. Diversity should be part of the criteria if that is important to the client.
- Clients work for companies that include diversity in their core values. There are business and societal reasons for having done so. Those values extend to their vendor selection and if a firm is not representative of the client’s customer base or the client’s employees, the client will not hire the firm. Clients are cutting long-term relationships with firms that have not done enough to diversify their teams.

REPRESENTATIVE COMMENTS “AGAINST”

- They’re bothered about the competency of the firm’s attorneys. Not whether the firm has hired a certain number of token blacks.
- Clients are looking for expertise and/or value, not diversity considerations.
- Clients should make the best decisions for their organizations as they see fit. It’s still a free country, or ought to be. For service suppliers to try and dictate how they make decisions is the ultimate hubris and an offensive display of Obama style thinking that, taken to extremes, will lead society to failure, ruin, and internal civil war.
- A 2-person firm has to worry about survival and relevance, give me a break.

“ Small law firms are making significant contributions toward the promotion of diversity in the legal profession. ”



REPRESENTATIVE COMMENTS “FOR”

- Small law firms have the ability to make great inroads in diversity and inclusion due to flatter organization models. There is less bureaucracy.
- Small practices are the only option for many diverse attorneys to thrive.
- Minority-owned and women-owned firms are a great way for those attorneys to escape the biases of the big firms they left and create an open and inclusive environment that will allow them to capitalize on the economic value of a diverse and inclusive firm.
- There is a fluidity in small firms that allows for diverse lawyers to rise to the top more easily—so simply showing that it is possible and a good thing is very important.

REPRESENTATIVE COMMENTS “AGAINST”

- For serious, this is all a giant non-issue.
- Would need to see data, not something I try to keep track of. There are many minority or women owned firms doing quite well. Whether they get business playing the race or gender card is irrelevant to me.
- Most are just trying to survive.

What advice would you give law firms seeking to improve diversity and inclusion?



ENCOURAGING

Give value to experience outside the law-firm world when considering applicants. For example a candidate who spent a year doing community organizing before law school is just as qualified, if not more qualified, than someone who was a paralegal before law school.

Institute blind resume screening, create diversity advisory boards that are actually diverse and then actually follow the board's advice, create more diverse hiring panels. Evaluate all attorneys against the same objective scoring criteria when making raise/promotion decisions. Ensure all attorneys get the same level of onboarding, training, and mentorship within the firm.

Because small firms are less structured there may be unknown bias that is no institutional gut check on that bias. So whether in hiring or giving resources to diverse attorneys, that bias goes unchecked. So a system or infrastructure that keeps things balanced (case load, hearings, etc.) would help many small firms.

Keep it at the forefront of all discussions and firm decisions. Talk with your clients about your diversity efforts and ask for their suggestions on how to improve (many of them have diverse staff or clients themselves). Let law schools know that you are very interested in a diverse qualified applicant pool.

Make your efforts part of your values and your business plan. Everything else is window dressing.

Make sure attorneys with disabilities are included in the diversity and inclusion calculus

Reached out to the Association of Legal Administrator's Diversity and Inclusion Committee. They have resources available to assist firms with Diversity Programs. Reach out to the corporate clients that are requesting Diversity Programs of their firms. Find out the types and substance of the initiatives they have in place. Actually do the initiative you put in place.

Be transparent. Acknowledge unconscious biases...and address them. Be progressive in thinking about ways and methods of strengthening your efforts. Get real buy-in from the top down.

Get your young Lawyers involved in diversity activities and recruiting opportunities. The "Seniors" should also join them. And, in all respects, law firms need to become more "human" and "humane." Why shouldn't attorneys be leaders in "inclusion."

SKEPTICAL

Work on being better lawyers and delivering better service to clients FULL STOP

Steer well clear. More affirmative action = greater likelihood of incompetency.

Get the best people you can have, regardless how they look or their cultural background.

Competence first

Instead of talking about it, why not help more minorities go to law school, and help those minorities that are trying to pass the bar exam? That is the crux of the problem. Firms talk about diversity to sound politically correct, but they already know that the pool of diverse applicants is already limited, so all they have to do is talk about it to make the firm look good.

Hire the best lawyer for the job each time. Never let the PC police or imbeciles marching in the streets bully you into making a bad choice. Avoid like the plague any candidate bringing a sense of entitlement or displaying a chip on their shoulder or having a social agenda. What would kill a job application—college or law school resume indicating background or emphasis in things like gender studies, social justice, or subtle clues indicating they benefitted from affirmative action programs.

Forget it. Hire the best candidate who can develop business without regard to any immutable characteristic.

Good luck. There are too many lawyers. Law has become a commodity practice except for a few areas in BigLaw. I get the point, but this economic environment for lawyers not in huge firms is painful for everyone.



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