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What Will Fix Legal's Diversity Problem? Analytics May Be the Start

Wal-Mart and Goodwin Procter leaders are using diversity metrics to force legal organizations to push for more diverse workplaces.

Gabrielle Orum Hernández, Law Technology News

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Racial and gender diversity have made their way into national conversations throughout this year, but [law remains one of the least diverse professions in the country](#). As of 2015, only about one-third of practicing attorneys were women, and only 12 percent identified as nonwhite.

[Alan-Bryan-Square-201612071456.jpg]

Alan Bryan, senior associate general counsel for legal operations and outside counsel management at Wal-Mart, and Laura Rees Acosta, senior manager of diversity and inclusion at Goodwin Procter, recently spoke in a webinar organized by Wolters Kluwer about some of the ways that both corporate legal departments and law firms can leverage analytics and technology to steer their organizations toward a more diverse talent base.

Linda Hovanec, senior director of product management for Wolters Kluwer ELM Solutions and webinar moderator, kicked off the event by explaining why both law firms and corporate legal departments should be incentivized to course-correct the homogeneity of staff: diversity impacts revenue.

"From a law department perspective, not only does it play a strategic role in advancement of the corporate diversity agenda, but diverse talent within law departments and outside counsel helps protect the company, helps mitigate risk, and helps protect the bottom line," Hovanec explained, citing studies showing that increased gender and racial diversity in large companies correlates with greater earnings.

[Laura-Rees-Acosta-Square-201612071455.jpg]

But as Hovanec, Bryan and Rees Acosta all noted, diversity isn't just something a company or law firm can create overnight. Creating sustainable diversity in an organization requires a lot of small steps and planning. The first step, Hovanec noted, is to start taking steps to assess how big a diversity problem a company has.

"You just want to define your diversity program and start capturing some data," Hovanec said.

Of participants in the webinar, most had taken steps to collect this data. Overall, 43 percent of participants said their organization tracks diversity, and an additional 23 percent were planning to start tracking data in 2017.

For large companies like Wal-Mart, the imperative to create and foster a diverse talent pool extends past its own staff. For a company to truly benefit from the practical benefits of a diverse workforce (not to mention any corporate social responsibility goals), it needs to look critically at its suppliers to make sure that they too are pushing for diversity in their talent as well.

Bryan explained Wal-Mart tracks the diversity of its partners on three separate levels: in the aggregate diversity of staff within the law firm, the diversity of individual team members working on matters tied to Wal-Mart, and the diversity of ownership in the company's legal partners.

Gathering this data allows Bryan and the Wal-Mart legal team to see both where they can support diverse initiatives, and where they need to push their legal services suppliers to improve.

"There are times when you may have diversity within a firm, and you may have diverse attorneys, but they're not advancing in the way they should. They're not getting the credit they should, and sometimes it requires a conversation," Bryan said.

Rees Acosta noted that collecting this kind of data on the law firm level can help upper management understand the truly complex difficulties facing diversity initiatives. While firm leadership can sometimes assume that hiring more women and people of color is a quick fix to a firm's lack of diversity, retention and advancement have a lot to do with the way that management is thinking about those issues.

"It's a real myth that you can bring in a group of associates and the cream will just rise to the top. Cream is cultivated," Rees Acosta said.

Tracking diversity with more complex tools, Rees Acosta said, has helped the firm start to identify both pain points and places where implicit bias and hidden barriers hinder diversity.

"That data caught the attention of management, and from there we started to see a shift in the conversation," she said.

The American Bar Association recently adopted a short diversity survey alongside [Resolution 113](#), each with the intent of helping both law firms and legal organizations standardize their diversity tracking data. Bryan, who worked on the survey and resolution, said that leaders were looking to find a way to give the passed resolution some teeth.

"You can make that statement—it's been made before and it's very similar in essence to the call to action of 2004—but we needed an implementation tool," he said.

Rees Acosta added that the survey has been really useful for promoting and supporting diversity at Goodwin Procter because it forces leaders to reckon with the survey data before it's made public.

"The level of data that the survey is calling for is a type of data that most people are going to want to screen through management before they put it out to their clients," she explained. "Having that data in front of the top leaders is critical to promoting change."

A standardized survey is especially helpful on the law firm side. Rees Acosta said that corporate efforts to track diversity in legal services often look really different from one another, and they can sap resources from diversity staff.

"We get so many different forms of request from different clients," Rees Acosta said. "Often, our team resources are diverted to the many different questions we get asked by clients, and that energy is energy that could be spent fixing the culture."

Hovanec said that Wolters Kluwer's tools are looking to support standardized data to help firms and organizations make the most of their diversity tracking. "That's what we've always been trying to do—standardize data so that you can get the full value of the analytics," she explained.

Regardless of how you may be tracking diversity, Hovanec encouraged organizations to start somewhere, because creating a diverse workforce takes time and small steps. "Just start tracking for now. You're not going to get to where Laura or Alan are anytime soon, so you want to just get started."

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