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Analysis

How Legal Departments Can Help The Top Brass Diversify

Share us on: By [Michele Gorman](#)

Law360, New York (November 7, 2017, 2:23 PM EST) -- While corporate legal departments and law firms have implemented policies and provided incentives to diversify their staff, leaders need to do more, lawyers say, from taking a more active approach to inclusive hiring to taking steps to diversify their own ranks of senior and management positions.

The Minority Corporate Counsel Association, which recently celebrated 20 years at its annual gala, has called on legal leaders to cultivate diversity in corporate America and recommit to making the profession more inclusive by reflecting a varied talent pool in their senior positions and retaining and promoting minorities instead of simply recruiting them.

To help leaders truly gauge their level of inclusivity and develop strategies to effectively drive the change for greater diversity, MCCA will provide its members with consulting and advisory services by the end of the year.

"It's not just about diversifying the pipeline or the entry-level positions," Jean Lee, president and chief executive officer of MCCA, told Law360. "Unless you diversify at all levels, the changes aren't happening."

"People mean well, but there isn't a systematic program in place or infrastructure to promote diverse attorneys," she said.

Legal leaders, especially those who want a maximum reach in a global marketplace, might be contemplating diversity and inclusion more now than ever in part because of the pressures to reflect the communities they serve and represent their customers' backgrounds and ideas. Lee said consumers might also challenge companies to have a diverse staff because of the current political climate.

"It's time we have a generation of legal leaders as diverse as the world we live in," Lee said during her remarks at the gala.

There has been change in the legal industry, as the number of minority graduates at law schools has more than doubled since the 1980s, and half of all law students are now women, Lee said. And that has translated into change at the entry- and mid-levels at law firms: Women now make up almost half and minorities about one-third of all the associates in the United States, she said.

But at the top, diversity is in short supply. In 2016, just 56 Fortune 500 companies had a minority general counsel and 22 had minority women, Lee said. The picture for minority partners at large firms are similar.

During its annual gala on Oct. 4, MCCA honored a number of companies for their commitment to promoting diversity across the board and adopting a top-down approach to inclusion efforts, showing employees that diversity is a companywide value.

MCCA awarded [Verizon Communications](#) its 2017 Employer of Choice Award for succeeding at creating and building an inclusive corporate legal department. Craig Silliman, executive vice president of public policy and general counsel who accepted the plaque at the gala, told Law360 that employees naturally put importance on diversity and inclusion when it's clear those issues are vital to their company's leaders.

"For the head of the department to say, 'This is important,' sends a message to everyone in the organization that it's important to me and therefore it should be important to them," Silliman said. "Once you send that message and embed it in the structure of what people are being judged on, people will very quickly align with that."

Silliman admitted he's not the only employee at Verizon who is committed to fostering an inclusive environment: 59 percent of the company's workforce and half of its board of directors are women or people of color, according to its website.

"I don't think there is a single silver bullet on diversity and inclusion," he said. "I think that there are a series of things that can be done and there are many companies out there with many good ideas."

MCAA recognized [Duke Energy Corp.](#) for its mentoring program, in which attorneys are provided assignments with high visibility, exposure to important clients and senior executives and long-term career advice.

Just as goals for individuals, teams and pro bono work are important to success, diversity and inclusion are also major components of the legal department's objectives, said Timika Shafeek-Horton, deputy general counsel for litigation at the North Carolina-based company.

The department's diversity and inclusion committee ensures job postings are advertised specifically in places where they are likely to find candidates of various backgrounds and sponsors presentations, panels, book clubs, trivia nights and potluck meals for staff typically every business quarter to discuss and learn about different backgrounds and heritages — events that are possible because the company's leaders put an emphasis on inclusion, Shafeek-Horton said.

"When you have a diverse team — people with different ways of tackling a problem, different ways of looking at it, different ideas — you come up with a better solution," she told Law360. "It contributes to our success, not just as a legal department, but as a company as a whole."

About 21 percent of the staff in Duke Energy's legal department are nonwhite, while about 73 percent are women, the company said.

At [Discover Financial Services Inc.](#), which MCCA also recognized for outstanding achievement, the law department enhanced its interview process by incorporating questions into its behavioral interview process to assess whether a candidate's diversity and inclusion values align with those of their staff.

And when conducting interviews for open attorney positions, the company requires a diverse candidate slate and panel of interviewers, said Raina Jones and Kareem Dale, directors, senior counsels and co-chairs of Discover's Law Diversity and Inclusion Committee.

Silliman said diversity and inclusion won't necessarily occur naturally.

"It has to be a mentality that permeates an organization where everyone is always thinking about, 'How do we create an environment in which diversity and inclusion thrive?'" he said.

In order to accomplish this at Verizon, leaders call on experts to lead sessions with staff and explain through studies and other evidence the human bias. From there, Silliman said he hopes the training prevents employees from making hiring decisions heavily based on the candidates who appear most similar to them.

Verizon was one of four companies to launch the Engage Excellence minority lawyer inclusion incentive program to hire diverse lawyers, including Latino, black, Asian and openly LGBT attorneys within majority law firms to be lead counsel on significant matters.

"You have to have the talent level to get the work, but you often have to have these relationships in order to get in the door to show your talent level," Silliman said.

Meanwhile, [Microsoft](#) gives annual bonuses to outside law firms that expand diversity — especially for partnership and leadership — and [Walmart](#) uses software that makes it possible to compare whether young, black female attorneys are logging as many hours on high-level projects as their white male counterparts, Lee said. Neither company provided comment to Law360.

MCCA encourages companies to hire more women, members of the LGBT community and people of color and with disabilities for leadership positions.

"We don't just want companies to diversify their staff. We want them to want to diversify their staff," Lee said. "We don't want them responding to pressure. We want them to affirmatively realize that there is inherent value in diversity."

--Editing by Rebecca Flanagan and Kelly Duncan.

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