

D&I CASE STUDY

Tackling the Attrition of
Diverse Associates



PART ONE

Introduction and
Background Situation

Introduction

■ Firm Profile

- *ABC Firm is an AmLaw 100 firm, with 1,000 attorneys, and 25 offices world wide.*

■ Firm History

- *The firm got its start in the early 1800's when solo practitioner Foghorn Leghorn began his legal practice serving clients in the automotive industry. Today, the firm regularly serves clients in banking and financial services, chemical, energy resources, government, healthcare, insurance, real estate, technology and telecom.*

■ Firm Practices

- *With expertise in a variety of practices, including corporate, litigation, employment, IP, antitrust, and finance, ABC Firm has grown aggressively in recent years. The firm has added a number of industry-focused practices, such as healthcare, insurance, communications and entertainment, and represents many Fortune 100 companies.*

Introduction

■ Firm Values

- *ABC Firm values pro bono work and innovation.*
- *The firm's commitment to pro bono, spans the firm's history. ABC attorneys devote in excess of 75,000 hours annually to pro bono clients. Their efforts have included: refugee and immigration cases; representing inmates in multiple actions against the Department of Corrections, correctional officers and employees, and medical professionals, alleging violations of Constitutional rights in connection with inadequate medical care and being subjected to excessive force; the representation of Army and Navy veterans, who suffered from a variety of physical and mental disabilities and who sought disability benefits or discharge upgrades based on their service experiences.*
- *ABC Firm also has a strong focus on innovation, and is regularly ranked by Financial Times as among the top law firms in its prestigious North America Innovative Lawyers report. The firm has earned recognition for being among the best legal innovators. The firm has been short-listed in the categories: Most Innovative Firm in North America; Litigation and Disputes; Enabling Business Growth; Accessing New Markets and Capital; Strategy and Changing Behaviors; and Collaboration.*
- *ABC Firm further values excellence, collegiality, collaboration, and client service.*

The Situation

■ Background

- *The firm experienced a number of departures of diverse associates in quick succession over a compressed period of time, raising concerns about diverse associate retention. What could the firm be doing to cause it? What would the firm do to prevent it?*
- *Coincidentally, most of these departures were performance based. Of course the firm was not at liberty to share these details. None-the-less, the firm needed to address these departures.*

■ Associate #1

- *Associate #1 had impeccable academic credentials: Harvard-Harvard. This of course meant that they had been heavily recruited, and had their choice of job offers. The firm was thrilled to have snagged them.*
- *In terms of work product, the associate was solid. However, they were somewhat clumsy in their interactions with clients, and neglectful in their communications with their practice group leader.*
- *On a conference call with a partner and a client, the associate was tasked with explaining some research they had completed, and failed to do so sufficiently.*
- *The associate also took time off, only informing their secretary, but not informing their supervising partner.*
- *During one of these times, the partner had expected the associate to complete an assignment, and only learned when following up, that the associate was out of the office. As a result, the partner had to do it themselves.*
- *Because of these incidents, the partner simply stopped using the associate, but failed to tell them why. The associate eventually left of their own accord, feeling neglected.*

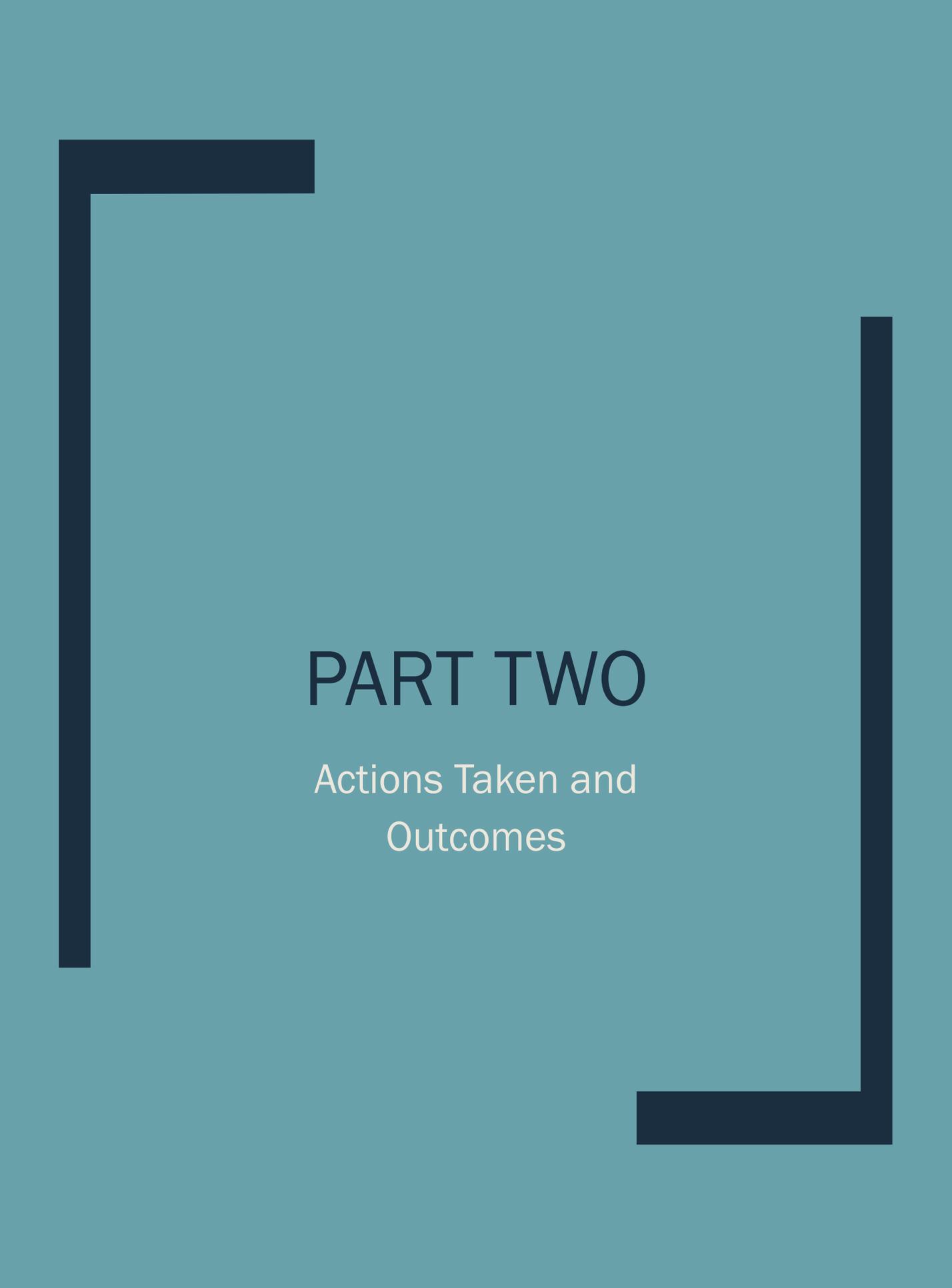
The Situation

■ Associate #2

- Associate #2 had an incredible life story of having overcome major hardships to achieve success. While they didn't go around discussing their life story, it became well known, and they didn't shy away from it.
- As a consequence of their past, the associate developed a friendly outgoing personality, and became a good firm citizen in volunteering to serve on various committees, and devoting significant efforts/hours to pro bono work. So much so that their billable work started to lag.
- This was compounded by the fact that the associate lacked advanced writing skills. As a result, the associate only received paralegal level work, which did not afford them with the opportunity to further develop.
- The associate eventually fell so far behind their class that they ended up being counseled out of the firm.

■ Associate #3

- Associate #3 had been high-performing, and universally viewed as a rising star. So much so that they had been featured in one of the firm's annual diversity reports.
- The associate had always wanted to fulfill a desire to teach in a third world country. During their fifth year, they were granted a rare sabbatical to take a year off.
- Upon the associate's return, they were never really able to fully integrate back into the practice. Partners who had been giving them work in the past, had found other associates to work with during their absence, and were reluctant to now make a change upon their return.
- Eventually, the associate left to go in-house.



PART TWO

Actions Taken and
Outcomes

Actions Taken

■ Established More Structure Around Mentoring

- *The firm had an established process whereby in-coming associates were assigned a mentor – separate and apart from their supervisor. Mentors were asked to have “regular” meetings with their mentees in their first year of employment.*
- *After one year, mentees had the option of staying with their presently assigned mentor, or reaching out to someone else, and asking for their mentorship.*
- *There had been no set parameters in terms of frequency of meetings, structure of meetings, type of support to be provided, or topics to discuss. This obviously led to a lot of variability in mentorship.*
- *To tighten this up, and make mentoring more meaningful, we prescribed a minimum number of times a mentor should meet with their mentee.*
- *We also provided suggested topics to be discussed.*

■ Introduced Reverse Mentoring

- *We further introduced a reverse mentoring program, whereby non-diverse senior partners were paired with junior diverse associates, and required to meet with them once for one meal.*
- *Assignments were made across offices, and sometimes across practice groups.*
- *The charge was for the associate to share with the partner, their experiences as a diverse associate, to help sensitize the partner to their experiences.*
- *The partner could, in turn, share their views, and some of their experiences, but were tasked more with listening, than talking.*

Actions Taken

- Improved Performance Management
 - *As with most firms, a perennial problem faced was getting partners to complete reviews in a timely manner, and getting them to provide valuable feedback, particularly when the feedback was critical.*
 - *To encourage more frequent, and more meaningful dialogues around performance, we created a short form, to be used as a mid-year check-up, and streamlined the annual form, to make it easier to use.*
 - *This gave partners two times per year to provide formal feedback, guaranteeing that associates would have a sit-down regarding their performance at least twice a year. Though partners were of course encouraged to provide informal feedback on a more regular basis.*

Outcomes

- The firm had surmised that the crux of the issues were failures by partners to communicate to diverse associates, a lack of support, and limited avenues for diverse associates to reach out with concerns or to seek clarifications.
- Better Communications
 - *The lines of communications between associates and partners were opened to include more regular talks, and actionable feedback.*
- Greater Exposure
 - *The opportunity afforded diverse attorneys through the reverse mentoring program, to have a dialogue with senior partners in offices where they did not reside, and in some cases, in practice groups different from their own, was empowering. Not all of these encounters were fruitful beyond the initial meeting. But where connections were formed, the diverse attorneys gained champions in the firm, that they would not have otherwise benefitted from.*
 - *Additionally, some of the partners came away from the experience more enlightened, and more sensitized.*
- More Support
 - *Diverse associates felt better supported, when they gained more meaningful mentor relationships, and were afforded an opportunity to have a voice.*