



2024 Transportation Practice Group Seminar

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All Aboard! Hopping on the Diversity, Equity, and Inclusion Bus Before You Get Left at the Station

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Who Qualifies as Diverse?

- Although there are many notable exceptions, women and minorities are often under-represented at law firms and in-house law departments, particularly in leadership positions. They also often receive lower compensation than non-diverse attorneys and are excluded from, or overlooked for, other important law firm and law department roles, opportunities, and benefits.
- Many in-house legal departments have increased their diversity by participating in their organizations' D&I programs. Many law firms have also recently improved their D&I efforts, and numerous minority-owned law firms have been established. To accelerate these law firm diversification efforts, many legal departments are becoming increasingly active and vocal in encouraging D&I at the majority-owned law firms they retain for legal services. Legal departments are also increasing their use of minority-owned law firms.
- ABA examines diversity through following categories: Gender, Race or ethnicity, Sexual orientation or identification, Disabilities, Religion, Age, National origin, Military service.
- A 2019 [study](#) of over 1,000 offices of major law firms in the US found that in 2018, women comprised 35.41 percent of the attorneys at those firms. That same survey found that 16.1 percent of attorneys at those firms were racially or ethnically diverse, 8.08 percent were racially or ethnically diverse women, 2.86 percent were LGBTQ attorneys, and 0.53 percent were attorneys with disabilities.¹

Why is Diversity Important?

- More diverse teams allow for more diverse viewpoints, which helps bring a more well-rounded team to the table. Diversity, equity and inclusion help improve any process and the final outcome of any decision being made. In order to hear different perspectives, there must be equal representation in the room.
- Specifically, diverse firms and attorneys bring different perspectives, experiences, and opinions to identifying, addressing, and resolving legal issues; Teams with diverse members often are compelled to be more innovative, creative, and collaborative than teams with members that share similar backgrounds; Diversification encourages team members to consider factors and issues that they might otherwise overlook, undervalue, or dismiss.

- Diversification also increases job satisfaction across the department by providing its members with opportunities to support important principles of justice, ethics, and equality, which results in talented and diverse candidates to consider joining the legal department because of its strong commitment to D&I.

What Can I Do to Support DEI Efforts?

- What kinds of things can companies/firms do internally (in DEI efforts)?
 - Begin by actively having a DEI initiative and committee. Acknowledging weaknesses that already exist. Actively work to improve. DEI is never a mastered project but rather one that should always be evolving.
 - May look like hiring new attorneys, selecting new law firms, using new attorneys instead of the older, more comfortable people.
 - Training and education programs for other firm attorneys to encourage their support for the firms' diversity initiatives and identify and avoid unconscious bias.
 - Recruiting in non-traditional places.
 - Participation in diversity initiatives such as internships or fellowships, client's diversity activities, or even bar association programs.

Who Actually Care About DEI? Can't I just Skip It?

- The clients do, and you'll be left behind if you don't incorporate DEI.
- What do clients see from firms externally that they like?
 - Making sure that there is follow through and firms aren't stopping after the pitch. For instance, active recruiting at events for diverse law students, Internal groups and resources for diverse employees (ERGs, mentor programs, etc.), data collection/monitoring regarding work distribution, staffing, credit, etc. and sharing data with clients.
- What are some pragmatic approaches clients aren't seeing and would like to see?
 - Avoid Pitches/promotional materials boasting DEI but no follow through (all talk, no action).
 - Avoiding staffing for quotas, which leads to the wrong lawyers being staffed on cases, and can be bad for a lawyer's development, career, and mental health. Simultaneously, this could also negatively impact the client because they may not get the best person for the job.

What Resources Can I Consult for More Help?

- While not an exclusive list, some great places to start for DEI efforts are:
 - Diversity, Equity, and Inclusion Center
 - Diversity, Equity, and Inclusion Advisory Council
 - Coalition on Racial and Ethnic Justice
 - Commission on Disability Rights
 - Commission on Hispanic Legal Rights and Responsibilities
 - Commission on Racial and Ethnic Diversity in the Profession
 - Commission on Sexual Orientation and Gender Identity
 - Commission on Women in the Profession

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- Council for Diversity in the Educational Pipeline
 - And many more!

¹ https://www.americanbar.org/groups/tort_trial_insurance_practice/publications/committee-newsletters/increasing_law_firm_diversity/#:~:text=A%20law%20department%20can%20encourage,own%20firms%20and%20legal%20communities.