

LAW OFFICE MANAGEMENT

The business case for diversity

BY KEVIN MARRON

When Linc Rogers was a law student, 13 years ago, people warned him to stay away from Bay Street. He was told that black lawyers had overwhelmingly negative experiences when they tried to break into big law firms. The few that were hired, he heard, met with a hostile environment and, instead of getting on the partnership track, were likely to find themselves on “the weed-out track.”

Fortunately for the clients who benefit from his expertise in restructuring and insolvency and for his partners in the Toronto office of Blake Cassels & Graydon LLP, Rogers did not heed those warnings.

Today, visible minority law students are getting a very different message from law firms that are now anxious to project a more equitable image and from a profession that wants to make up for its embarrassing failure to reflect the diversity of the multicultural society it serves.

Study after study has shown that visible minorities are underrepresented in the legal profession generally and most especially among the ranks of law firm partners. And, as Frank Walwyn, president of the Canadian Association of Black Lawyers, points out, lawyers and law firms have long recognized that they have a duty to promote equity by virtue of their privilege, training, and commitment to the principles of justice.



But what has been missing until now is a business case that makes diversity a key goal and, perhaps, an economic necessity for any law firm.

Walwyn, a partner at WeirFoulds LLP in Toronto, notes that large corporate clients, most notably U.S.-based multi-national corporations, are beginning to say that they will not hire law firms that cannot prove they have embraced equity and diversity. “That’s as classic a business case for diver-

sity as you will find. The law firms are realizing that, without it, clients will go somewhere else.”

It’s a trend that has already had a huge impact on U.S. law firms. Rogers, who recently spent two years at his firm’s Chicago office, says many firms there now have full-time diversity officers, dedicated outreach programs, and affinity groups for minority lawyers. Clients will sometimes demand detailed reporting on the percentage of

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of women and minorities working on their files and in the firm as a whole.

Large U.S. firms often publish these statistics with what appears to Canadian eyes as an astonishing degree of specificity. Visit the web site of Morrison & Foerster LLP, for example, and you will find out how many gay and lesbian partners there are at the firm's San Francisco office.

Now Canadian law firms are coming under pressure to conform with these standards, as they compete for the business of large U.S. and international clients in an ever more globalized economy. "Our client base is multinational, so in order to serve these clients, we must put a diverse team of lawyers in front of them," says Rogers.

Furthermore, with the fierce competition for talent in today's Canadian legal marketplace, firms can gain a significant advantage if they can lure the brightest and best young lawyers from minority groups. Not only do firms need to recruit people from diverse groups, says Rogers, "The major challenge is to make sure we retain these talented folk and that they contribute and become partners."

So what do firms need to do to promote diversity?

The Canadian Bar Association is providing some timely answers with its new diversity guide and tool kit. These two

documents, due to be released this summer, provide a summary of key strategies, together with concrete examples, that law firms should consider in developing equity and diversity programs.

"There has been a library of studies pointing out injustices within the legal profession towards these [minority] groups. We wanted to address this but we didn't want to put out another study that said, 'Here's the problem.' We wanted to say, 'Here's what we think can be done about the problem,'" says Charles Smith, the CBA's equity advisor.

Smith says the guide shows how firms can put some rigour into strategies for achieving concrete and measurable results. It suggests making diversity and equity a major issue on the agenda at partnership meetings and creating strategies with specific goals and time lines for ensuring that people from diverse groups assume senior positions, participate in decision-making, work on lucrative files, and generally play a significant role within the firm.

Rogers, whose firm the CBA consulted in preparing this material, says there are three key components to Blakes' diversity strategies:

- Outreach programs to connect with students from high school through law school. For example, the firm hires high school

students from diverse communities to work for the summer in the mail room, accounting, marketing, and reception, helping the students build their resume and familiarize themselves with the workings of a big law firm.

- Professional development to educate people at every level in the firm about the importance of diversity in the workplace.
- Social activities that encourage interaction, promote mutual understanding, and inject some fun into diversity initiatives.

Walwyn, who is a member of WeirFould's management committee, says it is essential to ensure that young, visible minority lawyers have good mentoring, as well as good contact with partners and with clients. You need to be wary of the concept of "finding the right fit" when hiring people, promoting them, bringing them onto a team or assigning tasks to them, he says, because "fit" may often mean "screening out people who don't look like or talk like you."

Law firms are now "moving in the right direction" with regard to equity and diversity, says Walwyn, "But there's more that can be done and it can be done more aggressively." 