

Strategies and Tactics

For In-House Legal
Departments to Improve
Outside Counsel Diversity



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 **DIVERSITYLAB**

 **GENERAL COUNSEL FOR
LAW FIRM DIVERSITY**

Strategies at a Glance



1. Measure & Act

- A. Hire and retain law firms who rank highly for diversity and engage in intentional inclusion practices by collecting and measuring outside counsel metrics. Build in accountability for achieving predetermined diversity goals, set by the legal department, with rewards or consequences.



2. Develop the Pipeline

- A. Partner with your law firms to provide diverse law students with job opportunities.
- B. Provide mentoring, training, and scholarships to high school, college, or law students from underrepresented populations to provide exposure and access to the legal field and support students already in the pipeline.



3. Enable Advancement

- A. Directly hire diverse outside counsel and support minority/women-owned firms.
- B. Ensure diverse attorneys are climbing the firm ladder through leadership positions and origination credit.
- C. Support the upward career trajectory of diverse outside counsel.
- D. Educate diverse outside counsel about your business and legal needs.
- E. Host and attend networking events focused on D&I knowledge sharing to meet and get to know diverse lawyers and allies who support and advance diversity at their organizations.

1. Measure & Act



Strategy

A. Hire and retain. Hire and retain law firms who rank highly for diversity and engage in intentional inclusion practices by collecting and measuring outside counsel metrics. Build in accountability for achieving predetermined diversity goals, set by the legal department, with rewards or consequences.

Tactics

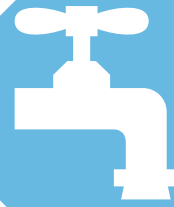
Measure, track, and act on the progress of your law firms' diversity over time. Consider incentives for achieving goals, holdback of fees until goals are met, public accolades like company recognition awards, or simply moving work away from firms that aren't making progress. A number of resources exist, some of which are listed below, to help your legal department collect and compare law firm D&I metrics.

Access the online **MCCA/Vault Law Firm Diversity Database** to compare and contrast law firm diversity by underrepresented groups and at the management level.

Request the latest Inclusion Blueprint Survey & Index Report, facilitated by ChIPs and Diversity Lab, to access law firms' diversity headcount and inclusion activities at the practice group and leadership levels. (Email **leila@diversitylab.com** for the report.)

To collect specific diversity data for your law firms, consider leveraging the **ABA Model Diversity Survey Form**. As part of that effort, you can also ask your firms for details on timekeepers to better understand how diverse the teams are on your cases. Your legal department will need to do the labor-intensive work of administering the form, collecting the data, and analyzing the outcomes, so only go this route if you plan to take action on the results by rewarding, penalizing, or following up with your firms.

Note for Setting Targets & Goals: Most law firms have not yet reached 30% diversity at the leadership levels (e.g., governance roles, compensation committee, equity partnership); consider setting this as the target for your firms over the next 18-24 months. If some of your firms have already reached this metric, consider setting a "progress" target, such as "improving 5% annually" until there is parity of majority and minority lawyers at the leadership levels.



2. Develop the Pipeline

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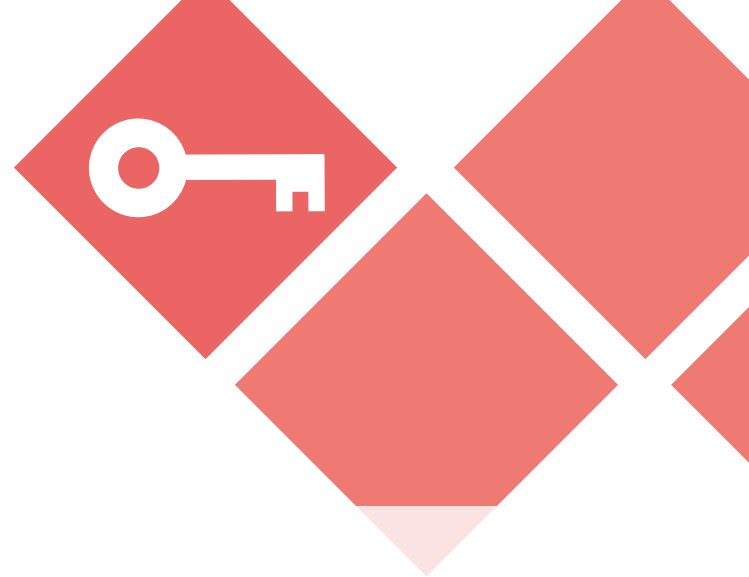
A. Pipeline Internships. Partner with law firms to provide diverse law students with job opportunities.

Ask your law firm to participate in minority law student hiring initiatives or offer minority-focused scholarships. Consider partnering with your outside counsel and other companies in your region or industry to provide internships — split between your legal department and law firms for 6-12 weeks — for law students from historically underrepresented populations and schools. Consider conducting resume drops or interviews at schools outside of the top 14, including those with higher than average diversity.

B. Pipeline Support. Provide mentoring, training, and scholarships to high school, college, or law students from underrepresented populations to provide exposure and access to the legal field and support students already in the pipeline.

Consider working with the **MCCA**, **LCLD**, **Pipeline to Practice**, **Silicon Valley Urban Debate League**, and other legal organizations to provide mentoring and training to the next generation of diverse lawyers. The **ABA National Pipeline Diversity Initiatives Directory** lists more than 200 pipeline programs run by local and national organizations, law firms, legal departments, and regional bar associations with which your legal department can potentially partner or from which it can model its own programs.

Note for Measuring Outcomes: If you run a pipeline program or partner with other organizations, ensure that you measure outcomes as the program progresses. How many students who participated in the program, for instance, go to law school and pass the bar? For internships, how many students obtain longer term legal jobs as a result?



3. Enable Advancement

Strategy

Tactics

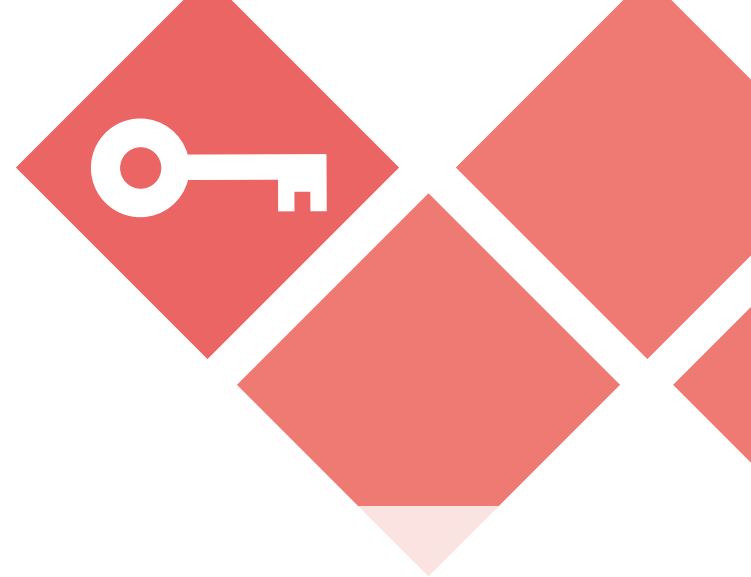
A. Hire Diverse Counsel. Hire diverse outside counsel and support minority/women-owned firms.

Hire diverse lawyers and teams directly and consider hiring from minority- or woman-owned law firms through organizations such as **NAMWOLF**.

Include diversity at the lead partner and senior associate levels as an explicit requirement on RFPs/pitch teams before you make new hiring decisions. Ensure your company's legal operations/finance department includes D&I as a key priority when selecting and retaining firms.

Get to know diverse attorneys at your existing firms and staff them at all levels on your matters, especially at the relationship partner level. Inform your firms that you will move work away if diverse teams are not working on your matters — and follow through.

Note on Relationship Partners and Succession Planning: Consider working with your current relationship partners to formally designate diverse lawyers as successors and ensure that the current and future teams on your matters are diverse and inclusive.



3. Enable Advancement

Strategy

B. Leadership & Origination Credit. Ensure diverse attorneys are climbing the firm ladder through leadership positions and origination credit.

Tactics

Ask your law firms if and how origination credit is awarded to ensure that the diverse lawyers leading your matters are receiving all or partial credit for the engagement.

Ask your law firms to participate in the Mansfield Rule certification process and to achieve certification within at least two years. The Mansfield Rule requires law firms to consider at least 30% women, attorneys of color, lawyers with disabilities, and LGBTQ+ lawyers for all senior lawyer lateral hiring, equity partner promotions, and appointments or elections to governance and leadership roles such as managing partner, practice group leaders, and compensation committee. Learn more about the certification process [here](#). Be sure to obtain your own **in-house legal department Mansfield Rule** certification, too!

Note on Origination Credit: For many law firms, upward mobility and compensation is tied to who receives credit within the firm for bringing in clients. Depending on the origination practices of a given firm, a partner who hasn't led or worked on a client's matters for decades could still be receiving credit. This outdated practice results in perpetuating historic inequalities within the legal profession.



3. Enable Advancement

Strategy

C. Mentoring & Sponsorship.
Support the upward career trajectory of diverse outside counsel.

Tactics

Learn the partnership decision process and timeline as well as the bonus practices for your law firms, and provide meaningful, early feedback for diverse associates and partners you work with, so they get full consideration.

Take a chance on a “rising star” diverse lawyer. Give them their first big opportunity, whether it’s first chairing a matter/case or asking the current lead partner to allow them argue a motion, take a deposition, or second/third chair a trial.

Develop and share a roster of talented diverse lawyers with your colleagues and get to know the lawyers personally, even before you can hire them, and highlight them as experts in their field.

Offer to mentor at least one rising star diverse senior associate and one diverse junior partner from your law firms. Ask senior leaders within your department to do the same. These career junctures are two of the most critical, career-defining time periods for lawyers — advancing into the partnership and building client relationships to sustain and thrive as a partner.

Let your relationship partners know you want to see them mentoring and sponsoring diverse attorneys in their practice groups and more broadly at their firms.



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D. Business Strategy & Goals.

Educate diverse outside counsel about your business and legal needs.

Consider hosting an outside counsel summit or periodic small group meetings with diverse outside counsel to discuss your company's values and business goals, with a special emphasis on how they can partner with the legal department to grow and service the business. (Of course, this is helpful for all outside counsel.)

Invite diverse outside counsel to participate in a learning opportunity, such as a secondment or a strategic planning meeting with your legal department or company.

E. Diversity &

Inclusion Networking &

Knowledge Sharing. Host and attend networking events or meetings focused on D&I knowledge sharing to meet and get to know diverse lawyers and allies who support and advance diversity at their organizations.

Engage in regular conversations and raise awareness with outside counsel that D&I is important to you, your business, and our profession.

Attend minority ABA-affiliated, **MCCA**, **NAWL**, **NAMWOLF**, **CMCP**, **ChIPs**, **IILP**, and other diversity focused events, such as the Mansfield Rule Client Forums, to network with diverse outside counsel. You will have a broader roster for future engagements and in-house hiring. Even if you don't ultimately hire from these networking events, these diverse lawyers can get a boost to their stature in their firm by having a professional connection to you. *(Not sure what all of those organizational acronyms stand for? Look them up, they are all amazing groups!)*

Attend and host summits and meetings with law firms and other legal departments to discuss the importance of diverse teams and how the legal community can work together to reach each organization's diversity goals. Share best practices that have led to positive results.