

# 5 Best Practices For Firms Designing DEI Programs

By **Nikki Lewis Simon** (April 3, 2024)

Diversity, equity and inclusion initiatives hold opportunities for law firms and their clients to grow their resilience and to expand their vision of inclusion, impact and innovation, if their values and diligence demonstrate authenticity and transparency.

The following are five key actions firms can consider when designing a DEI program.

These best practices — and some pitfalls to avoid — can be summarized by five key buckets below, with the goal of driving inclusion in the workplace and rendering a better outcome holistically.



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1. Establish and grow a DEI team/department, action committee or advisory board;
2. Align DEI initiatives with organizational culture and goals;
3. Facilitate consistent leadership buy-in;
4. Communicate mission, goals and wins internally, in addition to externally; and
5. Navigate the "frozen middle."

## **1. Establish and grow a DEI team/department, action committee or advisory board.**

Without a core group, team or committee, and/or DEI leader, most firms will find it difficult, if not impossible, to design and implement a DEI program that works for them, their employees and their clients.

Here are a few steps firms can take:

- Designate a leader. If you feel that you do not have anyone in house up to this task, consider recruiting from other law firms; schools, DEI-centric organizations, corporations and even government entities are additional sources.
- Goals would include those that align with not simply your culture but what clients are demanding of you. Therefore, analyze recent asks, wins, losses, etc.
- Go slowly. Feel free to test initiatives.
- Beware of overdoing. You do not need to sponsor or attend — and most likely cannot — every event that bills itself as DEI-centric. Do your homework, deferring to client requests and needs if all else fails.

- Include at least one member of your firm leadership in the process.

## **2. Align DEI initiatives with organizational culture and goals.**

The goal is to have and maintain a diverse, inclusive workforce with the intent to best serve clients and preserve your unique culture. A winning mindset is key to supporting a firm's vision of workplace inclusion. What is that vision?

Not unlike general corporations, law firm business professionals are also highly skilled and highly compensated, so you really do have the value that they bring to the table in their respective roles. Whether it is accounting or human resources technology, these are incredibly smart people with advanced degrees. You will want to ensure that they are equally engaged.

Not thinking holistically about DEI will not likely yield the results you want — ultimately, inclusion. Success is not just about recruiting, or HR, or procurement. It is something that comes from addressing DEI across all areas, all departments and all levels. It is also the result of how you are communicating, internally and externally. It is a systemic change that we are looking at.

Having a strategic mindset means not doing something because that is just the way you have always done it. It means that you are going to look at why you are doing it and how you can do it in a way that best meets the needs of the organization, and many times, your clients' needs.

Success will also come more easily when you can be flexible and have a deep understanding of your mission. Even regarding data, are you using it in meaningful ways? Or are you simply gathering numbers that will not have an impact?

## **3. Facilitate consistent leadership buy-in.**

Having leadership intimately involved with DEI, with messaging guidance and support coming from the top, no matter the industry, is a best-case scenario.

DEI strategy goes beyond adoption of a well-crafted mission statement. Leadership involvement must be — across all industries — the starting point to success.

What are some things you can do to move close to that goal?

### ***Visibility***

Senior leaders should be vocal about supporting DEI. It makes a real difference in how conversations are shaped.

### ***Collaboration***

The other piece is collaboration and here, leadership sets the tone not with mandates but with genuine, personal participation and the fostering of opportunities across the enterprise.

Conversely, programming should include leadership's involvement and showcase the impact of collaboration. Like most, if not all operational functions, DEI cannot operate in a silo.

Should DEI reside in HR, or in another area versus being its own standalone department or team within a company or law firm? This depends on the nature and culture of the business.

But certainly, any place where DEI is really valued is a good thing. It could be in HR or another area of the business. If the work of DEI touches all the other operational parts of the business you will drive engagement and, ultimately, success.

### ***Tracking or Measuring***

Another essential element is tracking what you are doing as part of the strategic plan. That is going to be the same whether it is in a law firm or other corporate environment. Utilizing data to keep leadership apprised on results or impact allows for more informed and targeted participation.

### **4. Communicate mission, goals and wins internally as well as externally.**

In terms of the challenge areas, demonstrating a superficial commitment, organizing performative activities, saying you are going to do "X" but then you don't actually do it, etc., can detract from this work.

These have a negative effect externally, but also internally. You can really hurt internal morale if you have a lot of DEI noise, but your business professionals cannot see the benefits.

Keep in mind that employees read your external statements. Be strategic: Create an authentic and transparent program and create meaningful opportunities and experiences that truly resonate and create a benefit rather than DEI fatigue.

Promoting DEI achievements may require an additional level of review and consideration. Here are a few actions to consider:

- Discuss with your general counsel and internal subject-matter experts as may be appropriate;
- Review all content and communications with a people-first mindset;
- Determine what your images say about your DEI intelligence and your strategy — images are extremely powerful;
- Vet communications materials, formats and strategies by appropriate affinity group members and leaders; and

- Continue to align firm messaging and culture with your DEI communications, whether online or on paper in a recruiting event.

## **5. Navigate the frozen middle.**

One possible hurdle is what some call the "frozen middle." Generally this refers to individuals in middle management who are focused on driving production, including revenue. They are often carrying considerable responsibilities and may be seen as keepers of the status quo with little or limited resources toward innovation.

Business professionals have limited time to do all the things the company is asking them to do, like leading teams or producing products and services.

When you layer into that an organization's focus on DEI, if you do not operationalize that focus, it can be exceedingly difficult to achieve.

It is important that a firm's business professionals, along with the attorneys, understand and are made to feel that they have a critical role in the holistic DEI picture. This is an area of opportunity for any firm and their clients. Local offices encouraged to develop their own initiatives with a local touch can help colleagues focused on ensuring that business staff are a part of the discussion.

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