

Commentary

How Diversity and Inclusion Can Democratize Big Law

These are the actions that leaders in the law need to take in the short and long term to bring much needed diversity, inclusion and overall innovation to the law.

By **Bryan Parker** | March 23, 2020 at 12:14 PM | [View Article Online Here](#)



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In 1997, three years into my career as an associate at Shearman & Sterling, The Wall Street Journal wrote an article that asked why big firms were having such a hard time attracting and retaining talented African-American attorneys. Shearman was one of the main subjects because of its innovative scholarship program with the NAACP Legal Defense Fund.



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I was also profiled in the article, maybe because of my unique experience as a young African-American attorney. As soon as I joined Shearman, I was assigned a partner mentor—Jonathan Greenblatt. Jon introduced me to other partners, made sure I had good work, and worked with

another partner to get me a “mini” M&A rotation. I later joined the M&A team, where I was also mentored by the head of the group, who later became the senior partner of the firm.

The article raised the issue of attrition of junior legal talent—either associates leaving for other opportunities or not making the cut. If associates (like me) with the right mentors, access and work left before partnership, how could law firms make headway in diversity? The piece actually foreshadowed my career. While I loved M&A work at the law firm, I left Shearman to deepen my financial skill set in investment banking.

The Wall Street Journal article is now 22 years old and yet the numbers for minorities at top law firms have not markedly improved over this time period. As recently as 2017, minority lawyers made up only 16% of law firms, including just 9% of partners, and a mere 11% of general counsel at Fortune 500 companies. As leaders in the law, we must recognize that we are at the crossroads of both business and moral imperatives.

Jon and I co-founded [Legal Innovators](#) to create the kind of change that has been missing from our profession for more than two decades. As an alternative legal services provider, our model creates more opportunities for junior lawyers, including those from diverse backgrounds. Our team is changing the outdated model for how junior legal talent is recruited, trained, mentored and placed into firms. We're also on a mission to increase inclusion to give junior attorneys from a variety of backgrounds the skills and support they need to have a life-long, successful career in major firms or corporations.

Based on our experience, these are the actions that we feel leaders in the law need to take in the short and long term to bring much needed diversity, inclusion and overall innovation to the law:

Re-engineer Recruiting

The numbers show that if we truly want to move the needle on diversity, we must start by increasing the number of diverse candidates that are in the hiring pipeline. Diverse associates need to be invited to the party. They need to be told and shown that they belong.

We also must act to increase inclusivity. If an associate is the first in his or her family to go to law school, doesn't play golf and was not a college athlete—or is not even into sports—being able to find commonality with partners who are predominantly white and male can be daunting. Most likely, they are also lacking the network and mentors that more connected associates take for granted.

Firms should also consider candidates who have the potential to excel with appropriate training and mentoring, even if their first-year grades and test scores put them in the top 20-25% instead of in the top 15% of their class.

The use of analytics can help predict who may become a successful lawyer in ways that using grades alone can not.

Provide Ongoing Training

Entering the workforce at a high-pressure firm is overwhelming, even for young professionals who graduate from the best law schools. While they have book smarts and some practical experience, they are completely unfamiliar with the day-to-day requirements and demands of a top law firm or multinational corporation. We believe strategic, consistent, on-the-job training is the best way to help young lawyers understand the high degree of analytical rigor, precision of thinking, expression and clarity of writing that's needed to succeed in the law. Our program covers professional skills, ethics, subject matter overviews, and practical skills training, and is delivered in-person and online over the course of our two-year work-based-learning program. We've seen first-hand how candidates from all backgrounds thrive when they receive this kind of training.

Structured Mentorship

I truly believe mentorship led to my success in the law and business. Not only did I receive incredible support from mentors at Shearman, but Jon went on to become my business partner. A strategic mentoring program is essential—especially for professionals of color. This type of mentoring is instrumental in understanding both the work styles and social mores of working in Big Law.

A Data-Driven Approach

As mentioned above, utilizing analytics and big data is helpful not only in the hiring process, but in better understanding the root causes that lead to high attrition. Once identified, the causes can be directly addressed with real skills development.

Bring Partners and Clients to the Table

Diversity and inclusion will only thrive when all parties are committed. We actually believe law firm clients are the real change agents when it comes to these challenges. Corporations are moving toward not working with firms where they do not see diversity or themselves represented, and increasingly requiring strong commitments to diversity when selecting outside counsel. For instance, in 2017 Facebook started to require that its outside counsel's teams consist of at least 33% women and ethnic minorities and that counsel show that there are leadership opportunities for these women and minorities in legal matters. Partners and law firms must come together to work strategically and deliberately to set, reach and hopefully surpass their diversity and inclusion goals.

If we take these kinds of actions and are intentional and open in our conversations, the result should be the restoration of hope for many outside the bubble of Big Law who are looking in. Once we address many of the issues that exist in the Big Law model for junior talent, law firms and their clients will be more successful in addressing diversity and inclusion, which should lead to greater retention and promotion numbers for diverse associates. Finding this balance, and better democratizing Big Law, is ultimately both a business and moral imperative.

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