

On a Mission to Bring “True Diversity” to the Field of Law

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A white male partner in a large law firm shares his thoughts on how he came to recognize the privileges from which he has benefited by virtue of his race and gender and, as a result, his journey to understanding how the legal profession can achieve “True Diversity.”

When I was younger, some might say my friends and I occasionally did some pretty foolish things. (Well, maybe a little more than occasionally. And maybe a little worse than foolish.) As I look back on those times and consider all of the very serious trouble I could have found myself in, I reflect on one very important life lesson I’ve taken from those experiences—a life lesson that still benefits me in ways that I am only coming to understand. Boy, am I lucky to be white, upper-middle-class, and male!

Having now spent twenty-six years in the legal profession, I can safely say the benefits keep rolling in—benefits I have despite having had absolutely nothing to do with their (or my) creation. While I’m able to recognize the advantages I’ve have in my life, I’ve also come to understand that my background severely limits my perspective. Yes, it cannot be disputed that there exists a white-male-dominated hierarchy in the business and legal worlds in which I practice. It also cannot be disputed that no matter how broad-minded I like to credit myself for being, mine is, in reality, a very narrow perspective, and that narrow perspective is limiting.

Any business (law firms included) that fails to embrace “True Diversity” limits its potential for success. By “True Diversity,” I mean the recognition that each person brings a unique perspective, a unique background, and even a unique set of implicit biases to the table; and when put together, the whole is greater than the sum of the parts.

I. My Journey

I was trained to be a leader the old fashioned way: I was a quarterback on my high school football team. It was there that I was trained to lead men and marginalize and objectify women. I was fortunate in that I wasn’t a very good quarterback. So life for me after high school meant something other than playing college football.

My professional life started as a high school teacher in a small town. There I witnessed the life changing effects of teen pregnancy—effects that almost entirely fell on the pregnant female teen—and a culture that did not value higher education. When I decided to go to law school, I also decided that no matter my area of practice, I was going to be somehow involved in promoting education for teens to learn about reproductive health, to make smart, responsible choices, and to do whatever you could as a person to realize and fulfill your potential. I’ve tried to remain focused on this “mission” as a parent, a mentor to younger lawyers, a community volunteer, and most recently a board member of Take The Lead.



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II. Take The Lead

Through my years as a volunteer for Planned Parenthood in Arizona, I had the wonderful fortune of meeting, learning from, and becoming good friends with its former CEO, now author, speaker, and educator Gloria Feldt. When Gloria told me that she was creating a new entity whose mission was to achieve gender leadership parity in all sectors by 2025, I knew that this was something I wanted to be very much involved in. When she asked me join the board of directors of Take The Lead, it was an offer I couldn't refuse (yes, that's a very male thing to say).

What most appeals to me about Take The Lead is that it not only states the goal, the organization also provides the tools needed to make it happen. Take The Lead offers training programs that teach women and men how to change systems and culture in order to create workplaces that are healthier for all. In addition, and because of Gloria's professional background, Take The Lead teaches us how to use movement-building principles to overcome implicit biases, create sustainable change, and collaborate with like-minded organizations. Now that I am in a position where I am charged with leading the growth of a law office, what I have learned through my journey and the skills I've acquired through Take The Lead play a central role in helping me build and benefit from an inclusive and diverse office.

III. Diversity Breakfasts

Over the past several months, I have been meeting one-on-one and with small groups of diverse lawyers from across Arizona and documenting the experience.¹ We are doing this because in order to achieve true diversity in the field of law, we must figure out how to smooth the hurdles and eliminate the roadblocks for women, who currently hold just seventeen percent of equity partner positions² despite having been approximately half of law school graduates for years.³

1. See www.taketheleadwomen.com.

2. Nat'l Ass'n for L. Placement, *The Representation of Women and Minorities Among Equity Partners Sees Slow Growth, Broad Disparities Remain*, NAT'L ASS'N FOR L. PLACEMENT (Apr. 2014) [hereinafter *2014 NALP Bulletin*], <http://www.nalp.org/0414research>.

3. A.B.A. Sec. of Legal Educ. & Admissions to the B., *Enrollment and Degrees Awarded*, A.B.A. (2013), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.authcheckdam.pdf.

Change of that magnitude is going to require a shift in thinking on the part of law firm leadership, and it will also require opening the dialogue to include the voices of women in the field. The conversations during these “diversity breakfasts” have provided an opportunity to generate discussion about diversity in the field of law. We are beginning to define the challenges and work on solutions to the institutional problem of lack of gender and ethnic diversity in the upper echelons of law firms. I can already see that simply having the discussion and engaging in a dialogue is a great first step. But what really counts is what we do after we start talking about it.

Reaching full equality in the legal field is an important and ongoing struggle, but it is not a challenge to fear, and we must recognize the progress that has been made. One breakfast attendee brought up the fact that although there is still much work to be done, we should all recognize that which already been accomplished. This summer, we will have a woman leader of the ABA passing the gavel to another woman (we were honored to have the future ABA leader at the table with us during that particular interview). Another notable victory is the fact that the American Health Lawyers Association has a majority of women on the board, and we were once again honored to have a past president with us at that breakfast.

However, the attendees at these breakfasts also consistently shared anecdotes regarding less than equal treatment and less than equal opportunity. Employers often penalize women because they are assumed to be too involved with their kids and to be responsible for maintaining the home—whether that is actually part of their life at home or not. Employers often assume women are not able to travel to take a deposition. Thus, employers send men on these assignments instead. Too often, employers make these decisions without ever even asking the women, the perception being: “This is what the man is supposed to do, and this is what the woman is supposed to do.”

This misguided perception also manifests in the implicit bias that favors fathers but penalizes mothers. So not only is there a “mommy penalty,” there is also a “daddy benefit”; the implicit bias is that parenthood makes men more responsible but women less likely to prioritize their work. This perception is the very heart of the problem.



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IV. Mentors and Role Models

“It’s important for young lawyers—and all young people, for that matter—to see women in positions as senior lawyers and partners.” This was one of the statements that sparked a discussion during a recent diversity breakfast. One of my guests told a story about ABA President Paulette Brown and the way she shares her successes and accomplishments with the young people she meets at Boys & Girls Clubs. The more opportunities we have to show examples of successful female lawyers and judges to young women, the more we will encourage girls aspire to careers in law. And the more women we have in senior positions, the more we build the network of support in the field of law. This network has existed for men for many years; however, for the most part, women have been excluded.

Take The Lead understands that networks, mentors, and sponsors are critical in every field, but particularly in the legal field. There is no substitute for senior lawyers who are willing to provide guidance and advice to those who will follow the same path. They can increase awareness of the challenges ahead, suggest how to best survive those challenges, and pave the way for women to advance in a male-dominated profession.

V. From Appearance to Reality: A Shift in Perspective

As I work to grow my firm, my goal is for the office to succeed and for people to be fulfilled in their professions—men and women alike. To do this, we have to overcome the “this is how it’s always been done” mentality. I hope that by “taking the lead,” I will be a part of the movement to disrupt antiquated stereotypes regarding our values and roles.

“Diversity” has been a word embraced by a significant number of law firms in recent years. But many firms treat “diversity” as a box to check off rather than a culture to embrace. Firms focus on the appearance of diversity, while the reality behind the appearance doesn’t do justice to the concept. True diversity, it turns out, is often not the real goal. Website pages devoted to diversity, firm brochures and pitch books that include many different color faces and genders may make the firm feel good about itself, but it’s the voice of the members of the firm at every level (and particularly in leadership) that tells the true story. I do believe change is coming. Gender diversity is something clients are beginning to expect and appreciate.

When you bring a diverse group of individuals together to make decisions about firm growth, client development, devising legal strategy, presenting a case to a jury, or giving back to the community, you will be far more successful than you would using a homogenized approach. People from different backgrounds approach things differently, and this is a good thing.

VI. The Research is Clear: Diversity is Good for Business

Time and again, studies show that creating a culturally diverse workforce improves a company's financial performance. A 2014 Gallup study found that gender-diverse teams perform better than single-gender teams.⁴ Credit Suisse examined board structure and corporate performance in 3,000 companies and found that greater gender diversity, as measured by the percentage of women on the board of directors, coincides with better corporate financial performance and higher stock market valuations.⁵ This should come as no surprise.

Yet the diversity movement in the legal field lags far behind that in other industries. According to ABA statistics,⁶ eighty-eight percent of lawyers are white—more than architects and engineers, accountants, physicians and surgeons. Women in the profession often find themselves at a disadvantage if they become mothers. As of 2014, over eighty percent of equity partners in U.S. law firms were men, and over ninety-four percent were white.⁷

VII. Change Happens

Let us not be discouraged. A law firm is a living and malleable body that is constantly changing. At the end of the day, you don't create a diverse workforce for appearance. You do it because it's the better practice—because you want the best people at the table. And the best people don't all look the same.

Our hope is that these discussions will shed light on a solution to the institutional problem of lack of gender and ethnic diversity in upper echelons of law firms and in the overall lack of personal and professional satisfaction for lawyers in firms. Without the dialogue that creates understanding of what each participant brings to the table—regardless of race or gender or more likely because of it—these efforts can often turn into an excuse for not fostering inclusion and the success of the entire group.

Reaching full equality and true diversity in the legal field is an important and ongoing struggle, but it is not a challenge to fear. Recognizing the benefit of creating, fostering, and relying on diversity in your law firm is not just the PC thing to do, it is the smart way to run a business.

4. See Sangeeta Bharadwaj Badal, *The Business Benefits of Gender Diversity*, GALLUP BUS. J. (Jan. 20, 2014), <http://www.gallup.com/businessjournal/166220/business-benefits-gender-diversity.aspx>.

5. See JULIA DAWSON, RICHARD KERSLEY, & STEFANO NATELLA, *THE CS GENDER 3000: WOMEN IN SENIOR MANAGEMENT* (2014), <https://publications.credit-suisse.com/tasks/render/file/index.cfm?fileid=8128F3C0-99BC-22E6-838E2A-5B1E4366DF>.

6. *Lawyer Demographics*, American Bar Association (2012), http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2012_revised.authcheckdam.pdf.

7. 2014 NALP *Bulletin*, *supra* note 2.