



TECHSHOW2020

RISE UP: Diversity, Leadership, and Innovation

American Bar Association TECHSHOW 2020

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Your Presenters Today

Safaya Fawzi

American Bar Association

Dennis Garcia

Microsoft Corporation

Shannon Salter

Civil Resolution Tribunal, BC





Our Learning Objectives

How and why to
prioritize diversity
in the legal
profession

How to nurture and
teach inclusive
leadership skills
that foster diversity

How diversity (or
the lack thereof)
impacts technology
and innovation

Opening Activity

Take 3 minutes with a partner:

- Come up with definitions for the following terms:
 - **Diversity**
 - **Inclusion**
 - **Equity**
 - **Innovation**

Defining Terms

Diversity: the condition of having or being composed of differing elements

Inclusion: act or practice of including and accommodating people who have historically been excluded (as because of their race, gender, sexuality, or ability)

Equity: justice according to natural law or right, *specifically:* freedom from bias or favoritism

Innovation: a new idea, method, or device; the introduction of something new

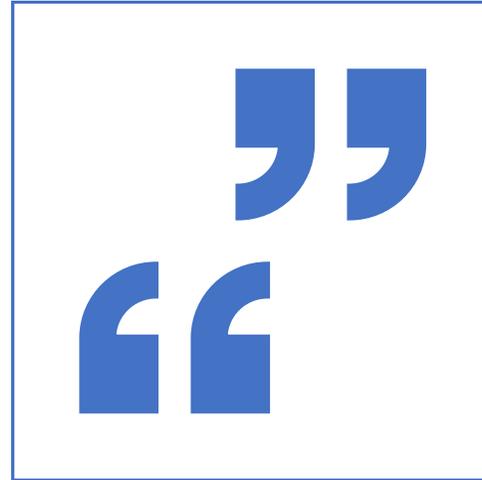


**Why should we prioritize
diversity & inclusion in the legal
profession?**

OR

**How is the act of prioritizing
D&I in the legal profession
“innovative”?**

Discuss with a partner for 2 minutes



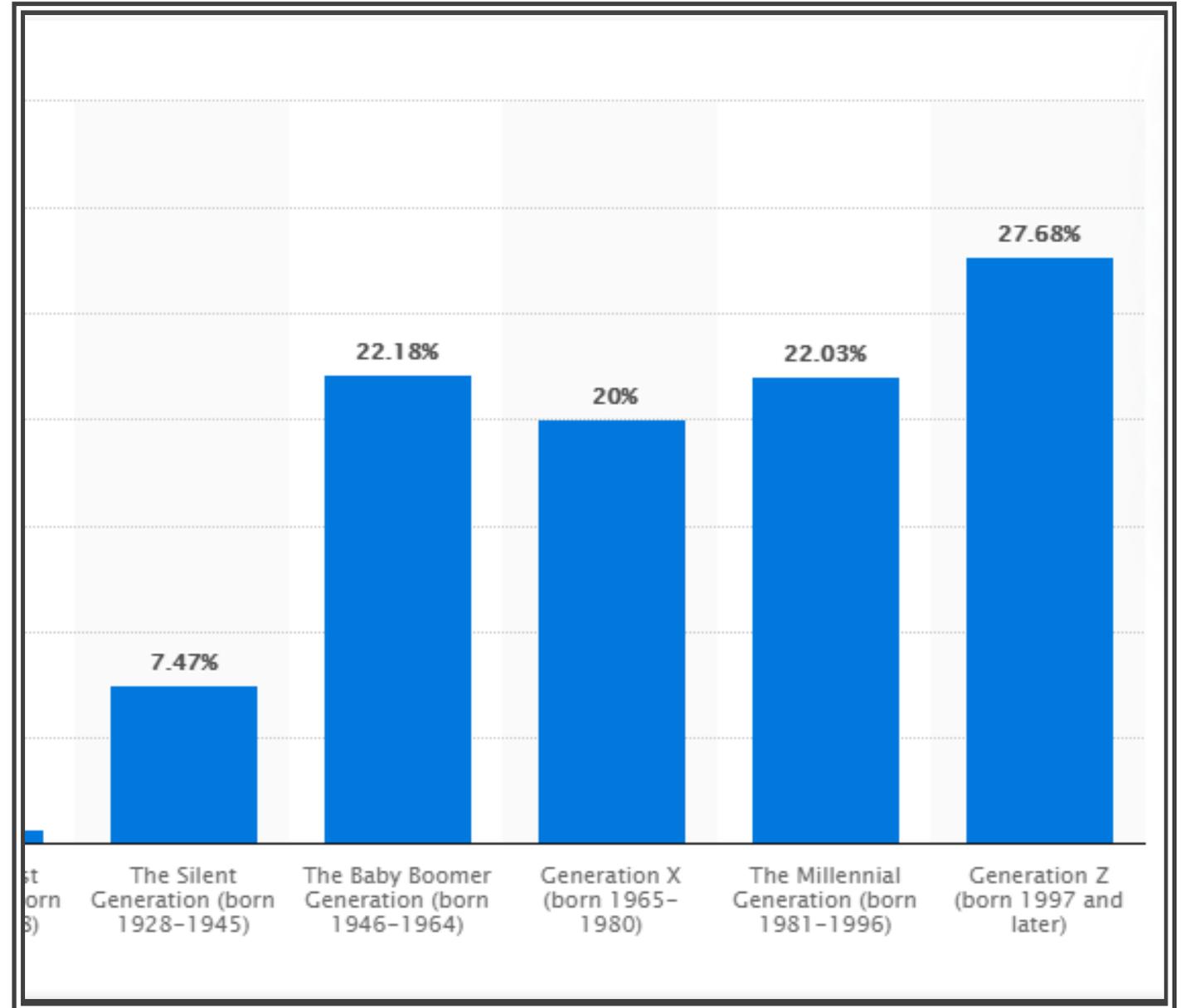
Stories from the field about why D&I is important



The Current State of the Legal Profession

- As the population becomes more diverse, brands, organizations, and other groups must maintain awareness, education and engagement with all groups to match growing demand for change.
- Diverse and inclusive branding and messaging has been shown to be a critical decision-making factor for many people in determining brand loyalty.
 - In particular, younger generations entering the workforce and consumer market also have been proven to look for brands that demonstrate “socially conscious” behavior, and are aware of D&I topics.

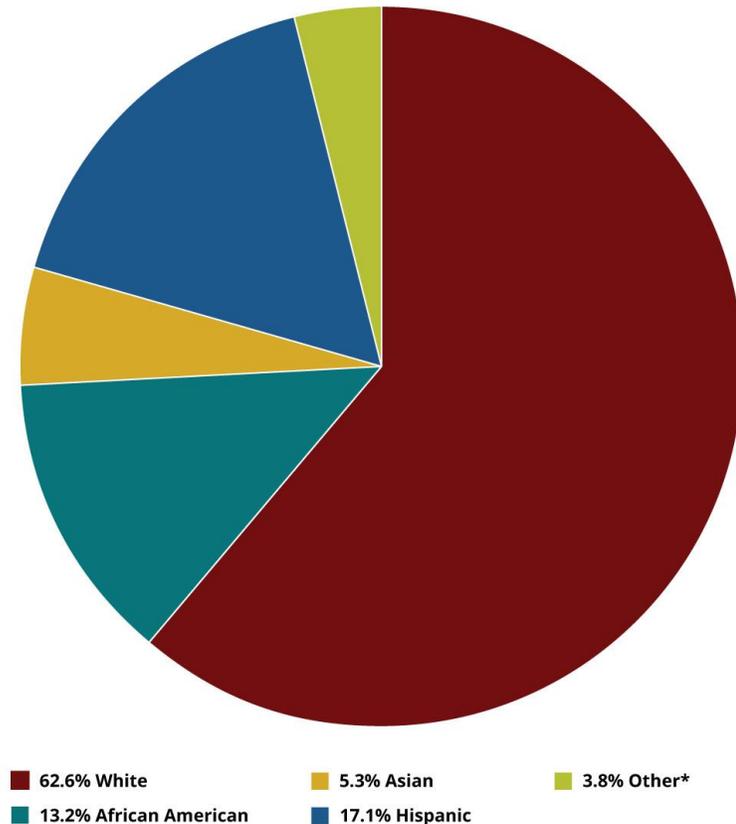
Generational Diversity in the US



Gender Diversity in the Legal Profession

Racial Diversity in the US

United States Racial Diversity



*Other includes: Native American, Pacific Islander, two or more races and NR aliens

Racial Diversity in the Legal Profession

- Women account for over 50% of the U.S. population, yet only 17% of startups across industries had a female founder in 2017,3 a number that has remained static since 2010. In legal, it's even worse. Women comprise only 13.8% of legaltech founders, even though they now outnumber men in law school

Asking Innovative Questions

- Diversity asks, “Who’s in the room?” Equity responds: “Who is trying to get in the room but can’t? Whose presence in the room is under constant threat of erasure?”
- Inclusion asks, “Has everyone’s ideas been heard?” Justice responds, “Whose ideas won’t be taken as seriously because they aren’t in the majority?”
- Diversity asks, “How many more of [pick any minoritized identity] group do we have this year than last?” Equity responds, “What conditions have we created that maintain certain groups as the perpetual majority here?”

[Read more examples from Prof. Dafina Lazarus-Stewart of Colorado State University](#)



Innovative Reasons to Prioritize DEI in the Legal Profession

- **A More Reflective Legal Landscape**

- When organizations prioritize reflecting the populations they serve, they build greater diversity of experience, thought, and background in their organization.
- A more reflective workplace contributes to greater trust in society, in organizations, and in legal institutions, which have strong roles in our environment today.
- It's not enough to simply plaster images of diverse groups of people across advertisements to show your commitment to diversity—asking innovative questions is the best way to set your work apart.

What is Implicit Bias?

Understanding implicit bias

What we think of as our conscious identity
is really just the **tip** of the iceberg ...

Conscious Level

Thoughts & perceptions
Conscious awareness

Preconscious/Subconscious level

Memories & shared knowledge

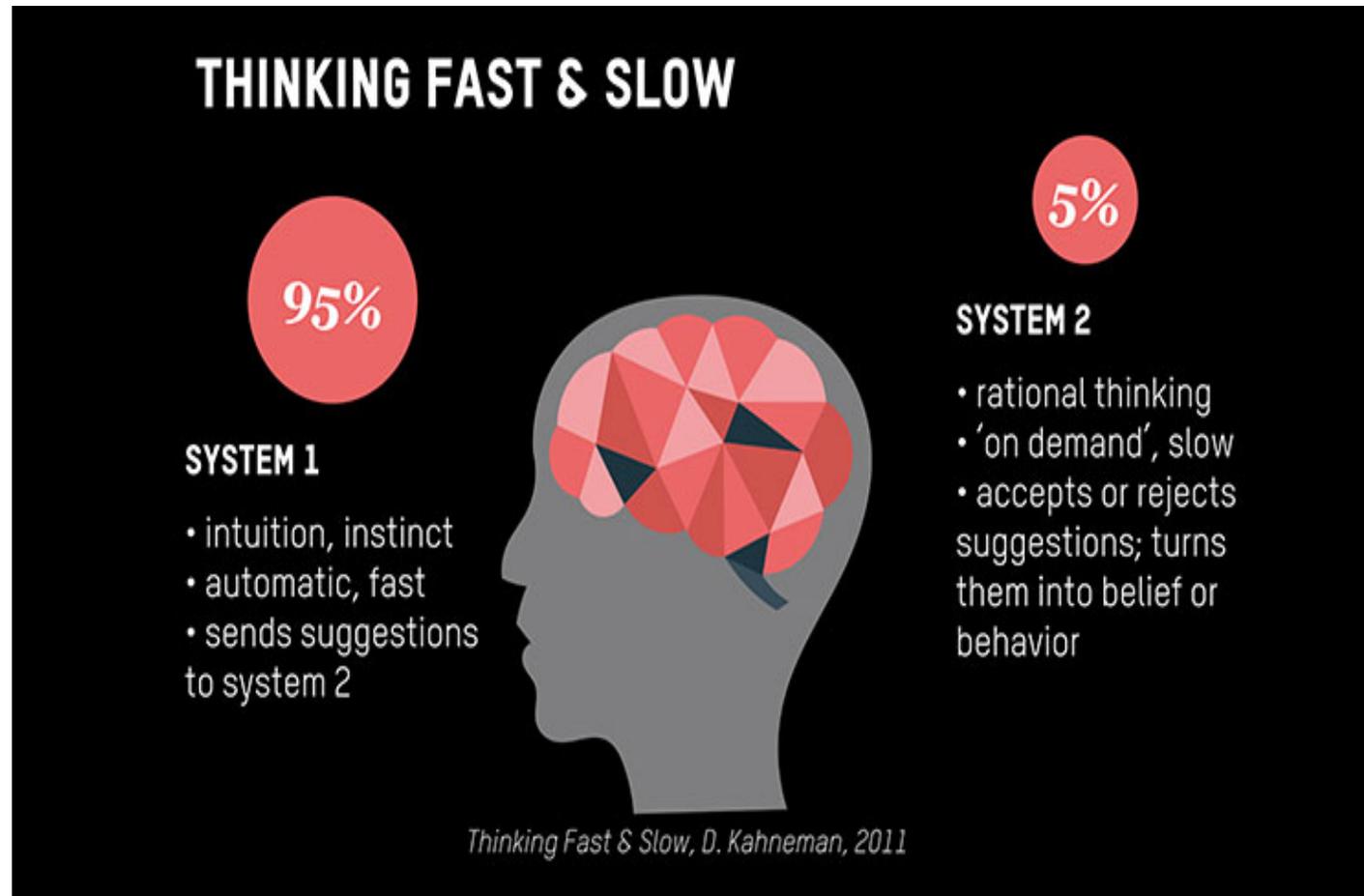
Unconscious Level

Where we store our fears; phobias; and unacceptable
or unpleasant feelings, thoughts, urges, memories,
such as feelings of pain, anxiety, or conflict



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Implicit bias (cont.)



SOURCE: [Oxfam Voices](#); [Thinking Fast & Slow](#)

Structural Issues within the Legal Profession

Preventing Full Inclusion

- How work is assigned
- Professional regulations and requirements
- Lack of awareness/acknowledgment overall in the profession about systemic challenges, biases, and the presence and impact of “isms” on lawyers from diverse backgrounds
- Risk-aversion to new trainings or ways to tackle issues within law firms

How is Implicit Bias Connected to Lawyers, Tech, and D&I?



Implications of *not* prioritizing D&I

Starbucks CEO vows to learn from 'mistake' in racial incident

'Are You Actually an M.D.?': A Black Doctor Is Questioned as She Intervenes on a Delta Flight

Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that.

The lawyer who threatened to call ICE on people speaking Spanish is being sued for malpractice for his viral racist rant



Ways to Enact Diversity & Inclusion in Your Workplace

Senior Leadership: What example are they setting? Are they being authentic and consistent in their messaging about inclusion?

Allies: Consider the role of allies in your work (ex: white men)—how are they being activated to strengthen the inclusion practices of the organization?

Transparency: Are you regularly auditing your own organization, sharing hiring, retention, stakeholder demographics and other important statistics?

Recruitment Strategies

- **Don't just post, recruit!**
 - Reach out to individuals who would make great candidates
 - Advertise with associations of diverse lawyers
 - Better yet, speak at events and make yourself available to answer questions
 - Use networks to ask for help attracting diverse candidates
 - Consider whether application criteria unnecessarily excludes candidates
 - Demonstrate awareness of barriers in postings

Hiring Strategies

- **Some things we do:**
 - Culturally competent panel
 - Implicit bias training for panel
 - Apply a Gender-based Analysis + approach to hiring practices
 - Evaluate requirements as objectively as possible
 - Anonymize candidate names where possible
 - Provide opportunities to demonstrate skills
 - Decision-writing exercise for members
 - Presentation for new lawyer hires
 - Telephone interviews
 - Diverse hiring panel wherever possible
- **Other ideas?**

Retention Strategies

- **Implement progressive policies on:**
 - Pay equity
 - Workplace harassment
 - Work assignment
 - Performance evaluation and career advancement
 - Objective criteria
 - Clear path for raises and promotion
 - Parental leave
 - Remote/flexible work arrangements
 - Employee engagement surveys/check ins



Ways to Practice Inclusive Leadership Skills

- **HR Processes:** Anonymize wherever possible. Some examples:
 - Phone interviews for initial screens (versus in-person)
 - Anonymize applicant information (remove names where possible)
 - Provide applicants with the opportunity to participate in or present a project during their interview process
- **D&I Training:** Are efforts and funding devoted to it?
 - Implicit Bias education, in-person AND online
 - Does your organization discuss how bias impacts decision-making?
- **Beyond Hiring:** What steps are you taking to retain staff, ensure their voices are heard?
 - Does this show up in your organization's **strategic plan**?
 - Do inclusive behaviors show up in **job descriptions or performance reviews**?
 - Are there ways your organization can receive **feedback** from your employees about D&I work?

Questions?

Resources for Further Learning from the ABA

- American Bar Association’s “D&I 360” report created an Implicit Bias [Toolkit](#) and [Bibliography](#). Learn more at ambar.org/implicitbias
 - **Learn more at Booth 408 in the EXPO Hall!**
- [ABA Diversity and Inclusion Center’s Resources Depository](#)
- [ABA Section of Litigation: What is Implicit or Unconscious Bias?](#)
- [ABA Career Center: Implicit Bias 101 video](#) and [Leading and Managing Diversity, Inclusion and High Performance](#)
- [ABA Section of State and Local Government Implicit Bias Initiative](#)
- [ABA Judicial Division Joint Committee on Fighting Implicit Bias in the Justice System](#)

Partners to Advance D&I in the Legal Profession

- **Microsoft Legal Diversity:** microsoft.com/en-us/legal/diversity
- **Institute for Inclusion in the Legal Profession:** theiilp.com
- **Practicing Law Institute:** pli.edu
- **Aleria: Measuring Inclusion:** alergia.tech
- **Diversity Lab: Boosting Diversity through Innovation, Data & Behavioral Science:** diversitylab.com
- **Minority Corporate Counsel Association (MCCA):** mcca.com
- **The Forum on Workplace Inclusion:** forumworkplaceinclusion.org

Partners to Advance D&I in the Legal Profession

- Check out local, state, and national affinity bar associations in your area. Consider large demographic groups in your community.
- A starting point:
 - National Bar Association
 - National Asian Pacific American Bar Association
 - National Native American Bar Association
 - Hispanic National Bar Association
 - National Association of Women Lawyers
 - National Conference of Women's Bar Associations
 - South Asian Bar Association
 - National Association of Muslim Lawyers



TECHSHOW2020

YOU play the most important part in keeping TECHSHOW exciting.
Please complete the Speaker evaluation before you leave.

See You Next Year!
TECHSHOW 2021: March 10-13, 2021



Thank You!

Safaya Fawzi

Safaya.Fawzi@americanbar.org

Dennis Garcia

dennisga@microsoft.com

Shannon Salter

Shannon.Salter@crtbc.ca