



NEWS & DEVELOPMENTS

Diversity in "The New Normal"

Developing a diverse workforce is a recognized and valuable goal that helps both law firms and clients understand and efficiently address a host of legal issues. But in the post-recession era—“the new normal”—what model should we look toward to ensure that diversity goals are not pushed aside as law firms cut back and streamline? The Columbus School of Law at the Catholic University of America took a new look at that very topic in its Summer 2011 special report, [“Pursuing Diversity in the New Economy: A Shared Responsibility.”](#)

On March 25, 2011, Catholic University hosted a three-panel program with more than a dozen experts to share their experiences on the subject of diversity within the legal profession. While there have been modest gains in the number of minority attorneys and law students over the past 15 years, other trends paint a more troubling picture.

Catholic’s first panel, The Corporate Perspective, discussed exactly that, focusing on issues that surfaced perceptibly during the recession. For example, recession-induced law-firm layoffs resulted in a drop of approximately six percent of all associates. But, when those layoffs were broken out by minority group, attorneys of color suffered a disproportionate impact, with percentage losses in the double digits. The panelists highlighted the importance of mentoring associates of color to help them navigate the political climate of their firms. “All of this sink-or-swim stuff is really a falsehood. . . . They don’t just throw people in the barrel and see who swims to the top, and then whoever stays is the best. Somebody champions people,” stated Ernest A. Tuckett, corporate counsel with the DuPont Corporation’s legal department.

The second panel, The Law Firm Challenge, questioned the traditional diversity paradigm. The panelists agreed that diversity should expand beyond widely accepted categories of race, ethnicity, religion, and gender. Generational differences also must be taken into account because, for the first time, the workforce comprises four separate generations working side-by-side. Consequently, differences in one’s life views and work habits are becoming important considerations.

Additionally, one of the panelists, Monica Parham, Diversity Counsel at Crowell & Moring LLP, noted that “as a result of the recession, the pipeline is not going to look the same.” The panelists noted that the shrinking economy forced many firms to accept smaller summer-associate classes, which means that the number of diverse new attorneys is correspondingly smaller. Firms may need to rethink their recruiting process, as many diverse students may elect to attend schools out of the top tier because of tuition breaks. A firm looking only at top-tier schools may overlook diverse candidates making a valid economic choice.



The way forward might be found in the discussions of the third panel, A Shared Responsibility. The members of this panel emphasized the need to start early in the process, beginning with the law-school pipeline. However, current recruiting processes, with their emphasis on the LSAT and its importance to the *U.S. News & World Report* ranking system, could leave future diverse lawyers out in the cold. The panel noted that, although there have been modest gains in minority law students generally over the past 15 years, the overall number of African American and Mexican American students has fallen. This is attributed to the emphasis on LSAT scores, from which panelist Conrad Johnson, clinical professor of law at Columbia Law School, concluded “many, though not all, law schools have abdicated their responsibility as gatekeepers to a magazine. . . . I don’t think it’s a terribly good way for us to maintain the gate.”

Beyond the recommendation to reduce reliance on the LSAT, however, panelists also had several innovative suggestions to improve the pipeline and so improve diversity in the profession. One such suggestion was to provide supplemental writing assistance to minority applicants. Another recommendation was to ask applicants to gain real-world experience before applying to law school, and for law schools to take those experiences into account.

Clearly, a shared approach to achieving and maintaining diversity in the new normal is required. Law schools must take a hard look at their recruiting practices in light of the growing trend to admit students with an eye toward their effect on the rankings. Law firms must maintain their commitment to recruiting and retaining diverse candidates, even in the face of the precarious economic climate. Finally, diverse attorneys must recognize their responsibility to understand the law-firm business model and seek out mentors to help them channel their legal interests toward growing practice areas in the legal profession. As the panels noted, mentoring support of minority attorneys is critical to their success.

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