

BigLaw Cannot Reap Diversity Rewards Without Inclusion

By **Patricia Brown Holmes**

This article is part of a Law360 Diversity Snapshot series of essays by five Black law firm leaders on improving diversity in BigLaw. Click [here](#) for a video featuring narrated excerpts.

The killing of George Floyd, while tragic and unthinkable in the way it occurred, was unfortunately all too familiar to me. After all, I had just completed my role as special prosecutor in the matter of Laquan McDonald, the 17-year-old Black man who was fatally shot in 2014 by a Chicago police officer.



I felt the despair deep inside me. Why were there so many deaths under similar circumstances around the country with seemingly no repercussions? The resulting widespread protests proved that it was time for a change.

Individuals of all races and walks of life rose to the occasion and began protesting around the world, proclaiming that Black lives also mattered in our country, and in the world — proclaiming that it was time for our criminal justice system to receive an overhaul.

Recognizing their constituents and stakeholders were on board with the message, many corporations and law firms joined the chorus. The resulting messages of solidarity in support of social and criminal justice reform were very moving emotionally. Finally, the world was ready to listen to long-standing cries of a desire for equity in every phase of our country.

My law firm was waiting for me to speak out, say something, let our firm's position be known. I believed it was crucial to engage in this process, to facilitate the personal and professional healing needed by legal professionals of all races and backgrounds.

But I struggled to come up with words for a written statement to the public about support for an anti-racism movement without sounding defensive and political. I would be writing a letter of support for myself as a Black woman.

I also had to take into account that our firm is very diverse, composed of all races, genders, sexual orientations, political views, socioeconomic levels and every other perspective one can imagine. Forty-eight percent of our lawyers are women and 33% belong to minority groups.

Many of the published corporate and law firm statements came from the empathetic view of those who did not walk in my shoes. So, I did an unusual thing. I called a firmwide virtual meeting with no agenda. I decided to give attorneys and staff the collective opportunity to discuss their thoughts and feelings regarding the recent events — an opportunity to bare their souls, vent and make their authentic feelings known. We all listened — and were very moved.

The conversation began with stories told by several Black staff and lawyers recounting ways in which they had been profiled, disrespected, threatened, falsely accused or worse by a society that saw them as a threat, and that these experiences had confronted even those

who were well-traveled, highly educated and well-to-do.

A large spectrum of people chimed in to recount similar stories, sentiments and concerns, and even to confess lack of awareness of the depth of the issues. The discussion was emotional. At times, it was uncomfortable. In some moments, it was hopeful. But above all else — it possessed a level of candor and humanity that is uncommon in BigLaw.

Hearing a co-worker verify that diversity and inclusion are daily problems that people of color grapple with was an eye-opener for so many who believed they were at the forefront of the equity discussion. It was soothing. Therapeutic. Healing.

The conversation, which went on for hours, helped solidify the bond, and impress upon each of us the need to ensure everyone could come to work every day and bring their authentic self, without judgment, without fear, without rejection.

BigLaw has made progress in diversity over the past decades. But too often the focus is on increasing the diversity numbers alone — there is not enough focus on the equity and inclusion part. Once minority lawyers get their foot in the door, they are faced with substantial barriers.

A recent study by the American Bar Association's Commission on Women in the Profession and the Minority Corporate Counsel Association found that women and people of color have to go above and beyond to get the same recognition and respect as their male and white colleagues.[1] Without a concerted effort otherwise, minority attorneys are more likely to be given administrative tasks and less likely to receive equal opportunities for advancement.

But as I listened to my colleagues, it was clear that we were operating on another level. There were so many views and experiences in the room, so many vantage points bringing compassion and empathy, and so much concern for humanity and the fair implementation of our country's rule of law. The exercise confirmed what I already knew — and what countless studies have shown — that diversity leads to better outcomes, more innovation, and more objective and evaluative thinking.

It is clear that without taking the next step of equity and inclusion of minority attorneys, BigLaw will not reap the rewards of diversity. To advance the ball, BigLaw must be receptive to the different views of everyone who works in the legal system.

We must all be committed to implementing policies, practices and procedures that do more than pay lip service to improving the state of diversity in the legal world. BigLaw must continue to encourage and engage in pro bono service of all kinds geared toward improvement of our legal system.

We must demand diversity and inclusion actively, aggressively and deliberately at all levels of law firms and corporations, ensuring equal justice for all, not some. I suggest we start by listening to our colleagues.

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[1] <https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>.