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**DIVERSITY** | IN ACTION

## Stop to Think

Don't **rush** into a diversity initiative, or **write off** a firm, without the **facts**.

**BY KATHERINE FRINK-HAMLETT**

**I** am a legal recruiter at a major New York law firm (top 100). The firm has reenergized its diversity efforts and is in the process of implementing a full-scale diversity initiative that includes recruitment, retention and mentoring programs. My role in this process requires me to pull all of these related efforts together into a cohesive format.

While I am extremely excited about this project and eager to get the ball rolling, I have to admit that it is really quite challenging and, at times, completely overwhelming. I'm concerned that despite all of our enthusiasm, our approach may be somewhat haphazard. How does a law firm implement a successful diversity program? Are there any key components?

It depends on the law firm and its specific diversity experience. There is no one-size-fits-all approach to implementing a successful diversity program. So many factors play into the process,

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several of which are outside of a firm's control, that the entire initiative can become complex and rather tedious. But don't despair! There are some basics that should be considered regardless of your firm's particular diversity history.

Whether you are retooling an existing program or starting from scratch with a brand-new diversity initiative, as a threshold matter it is absolutely imperative to identify specific diversity goals and then implement procedures to measure progress. While this notion may appear simple enough, it is a lot easier said than done.

Prior to setting diversity goals, a firm ought to perform historical due diligence. This exercise will enable it to analyze its unique diversity track record and will provide a framework in which to establish realistic, identifiable goals.

So, be wary of signing on to diversity initiatives and/or platforms that delineate specific quantitative benchmarks, particularly if your firm's past performance suggests that there may be



significant challenges to achieving the stated levels. Simply stated, don't set diversity goals in a vacuum.

Assuming that your diversity focus is primarily gender- and race-based, a research survey specifically designed for your firm can provide an excellent

information-gathering tool. You may try to tackle this internally; however, my suggestion is to retain the services of a diversity consultant that has experience in this area. The survey should provide a foundation for the firm to intelligently and realistically articulate three main areas: (1) historical diversity data; (2) the experiences of diverse candidates; and (3) the overall perception of the firm's diversity image. Armed with this information, you'll be in a position to figure out where the holes are and how best to close them.

When designing the survey, be sure the focus goes beyond diverse associates and partners who are with the firm on a year-by-year basis. Include former associates and partners; find out why they left

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and where they are now, and get a sense of their sentiments about their experiences while they were employed by the firm.

Diverse candidates who leave your firm for in-house positions or other coveted employment opportunities may be appropriately characterized as a testament to the firm's ability to cultivate talent desired by exacting law departments. Rather than having to view their departures as pure attrition statistics, the survey may reveal them to be a "positive challenge." This is a borrowed phrase from Anita Zigman, Director of Associate Affairs at Proskauer Rose. Anita is actively involved in Proskauer's diversity activities and explains that while a law firm's primary goal is to cultivate an environment where the most talented attorneys are retained, including women and attorneys of color, a diverse candidate's departure doesn't necessarily signify dissatisfaction.

I agree one hundred percent. On the other hand, the survey may reveal that several diverse candidates left under difficult circumstances, in which case the firm should consider approaches that specifically address this issue.

Survey results also may reveal that over the past five years, a significant number of mid-level female associates left within two years of having their first child. Here, the solution would be to implement flexible working arrangements in order to retain the female associate pool. In any case, a well-honed survey should identify your challenge areas and enable you to create solid solutions.

Another key component will necessarily implicate your firm's recruitment activities. With lateral hiring a distant option, your primary focus will probably

be on-campus recruiting. For Anita Zigman that means Proskauer reaches out to diverse 1Ls early and often. From panel discussions to diversity receptions, the firm provides a series of welcoming venues to share its commitment to diversity with young law students. Anita also finds it helpful to have their diverse attorneys present at these various functions so that prospective candidates have a first-hand opportunity to explore and examine their experiences.

Any realistic diversity initiative should include a diversity or hiring committee that specifically views candidates and the firm's activities with diversity in mind. In order for the committee to have teeth, a partner of power should be a member to give weight to the diversity message. If the resources are available, a professional specifically hired to manage the firm's diversity practices also should be included. Proskauer's Hiring Committee meets on a regular basis throughout the year and on an annual basis, its composition is reviewed to evaluate modifications, all with an eye towards improving diversity efforts.

So, in summary—evaluate your firm's track record, establish goals in light of the data, and measure progress.

**I**'m a 2L who's just completed early interviews for 2005 summer associate positions and am in a daze. With three offers from three very different law firms, I'm finding it quite difficult to figure out which to choose for my second-year summer. As a female of color (Puerto Rican and black to be exact), I want to be sure that the firm I select embraces diversity. After checking the NALP forms, I noticed that the associates of color at one of the firms were all gone after just one

year. Should this firm automatically be excluded from consideration?

No. But definitely do some checking to reveal the untold story. Did the firm undergo a massive layoff that included diverse and non-diverse attorneys? Were these attorneys recruited out of the department to other law firms? Did the attorneys leave as part of a merger of a practice group?

There may be a reasonable explanation for the sudden decrease or it may be that all of the attorneys left of their own volition because their experience was dissatisfying. The point here is to always look behind the numbers and don't assume that the decrease is a negative.

While I agree that the decrease is startling and is reasonable cause for concern, you owe it to yourself to perform some more investigating before making your final decision. NALP forms and other quantitative surveys can be helpful tools to establish a baseline depiction of a firm's hiring/retention trends. However, the information is typically one-dimensional and requires further evaluation to have real significance to your career choice.

For example, you may be inclined to choose a firm with one or two diverse partners. That's fine, but just keep in mind that in some cases, the significance of that number may have less to do with a welcoming diverse environment, and instead be more a function of partners who have been around since discovery of the color blue. •

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