

Holding Strong

The struggling economy is no excuse to slack off on diversity efforts. **BY LAURIE N. ROBINSON**



Every morning before I leave the house, I check my BlackBerry. Each day, in the subject line, my little handheld device tells the big story of layoffs in the legal profession taking place around the country. The current state of affairs reminds me of the song “I Got Shoes,” with the choral line, “Everybody’s talking about Heaven; Ain’t going there; Heaven, Heaven.” ¶ In today’s effort to foster a more inclusive profession, everybody talking about diversity isn’t necessarily practicing it. And, some may use the excuse of the recession as a window of opportunity to turn back the clock.

What will separate the pure in heart is how they handle the hiring, retention and advancement of diverse lawyers in the midst of this economical downturn.

Firms and corporations already willing to eliminate the chief diversity officer position under the category of cost-cutting measures send a telling message on where they stand: Diversity is not important and likely was never top of mind.

With respect to layoffs, if legal departments let go attorneys of color and women at impacting rates, our profession retrogresses to the point of being devoid of diverse talent and pipeline leadership.

During the layoff process, the question must be asked: Who are the people getting the pink slips? Who is providing oversight to those deciding who should stay and who should go? The critical piece to this question is whether there is any accountability. In other words, is anyone holding the decision-maker’s feet to the fire? Without accountability, decision-makers have unfettered discretion to retain their friends and those who likely have similar characteristics. To truly hold them accountable, human resources, diversity committees

and affinity groups should be involved to ensure evenhandedness through the process and to ensure that job eliminations do not have a disparate impact on under-represented groups.

Even amid layoffs and downsizing, the legal profession must take efforts to maintain the progress it has made in developing a diverse workplace. Regardless of the current economic climate (which will not last forever), the legal profession’s diversity efforts should strive to move in pace with the growth of the U.S. population. Going backward is not an option, especially in light of the fact that the profession is already lagging behind other professions in diversity. With an American society becoming more diverse each day, any business that fails to implement a diverse workforce will be at a disadvantage. Hence, during a time of decision making, serious consideration and creativity should be employed to assure that the workplace is not stripped of its diversity.

During these current economic times and thereafter, law firms and legal departments should make sure they have a diversity plan and policy in place to

ensure that diverse employees are not an afterthought.

Hiring, retention and advancement must remain at the forefront of the discussion. Diverse lawyers, in particular, should not be stereotyped, fenced in or marginalized because of ethnicity, gender or other diverse traits. They too should be provided with access to developmental and advancement opportunities. If a diverse worker is investing in the company and willing to contribute at the greatest level, that individual should be given the chance to do so without obstacles. This contribution can only help a company’s creativity and productivity.

A fully diverse workplace is one that reflects society, is inclusive and ensures equal opportunity for all. It is imperative that law firms and corporate legal departments let their walk and talk mesh so that “everybody talking about diversity” will be the ones practicing it for the world to see.

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