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Moving Forward

Successful diversity programs start with an action-oriented committee.

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Over the course of the year, I have written about the critical need for legal departments across America to strive to reflect the diversity of the highest office in this land and to keep diversity at the forefront, even in the midst of economic downturn. As a profession, we must now evolve beyond articles continuously explaining the business case for diversity to persuade, convince and cajole law departments to do the right thing. At this stage, if ever we are to move diversity forward, we must take concrete action.

I ask three simple questions:

Does your legal department have a clearly defined policy on its commitment to diversity? Is your law department a signatory to General Mills' GC Rick Palmore's "Call to Action" statement or a participant in the newly launched Leadership Council on Legal Diversity? Does your legal department use diverse outside counsel to handle its legal matters? If you can't answer "yes" to these questions, then you need to solicit and engage law department members to participate on a diversity committee.

To be effective, the composition of the committee should include not only junior lawyers, but also senior legal executives who have the power to hire in-house lawyers and outside counsel. Even with this makeup, in no way should this committee be monolithic. Like the goal of the initiative, it too should be diverse, involving lawyers of different shades, backgrounds and beliefs.

This committee must be action oriented and have the recognized authority to develop and implement approaches and strategies to drive results. The committee's key role will ensure compliance with measurable goals and objectives.

A diversity committee's initial task is to create a diversity mission statement, which communicates the law department's commitment to diversity among the workforce and inside and outside counsel. But a glowing mission statement on paper alone will not move diversity forward. What will move it is a viable diversity committee to oversee its implementation.

After putting these action steps in place, the legal department must create methods for measuring progress and assuring accountability. These can include tools, surveys and benchmarks to assess the true performance of the department.

For example, if the law department has a goal to increase diversity of the outside counsel handling its legal matters, on a quarterly basis the committee (or subcommittee) can review the billable hours of each law firm to ascertain how many diverse lawyers were actually assigned to work on the legal matters and what kind of tasks they performed (photocopying versus motion paper preparation). When counsel know exactly what you expect and how you are measuring it, those involved tend to take the diversity program seriously.

The next steps involve providing feedback to the company on its performance. The diversity committee's role does not stop once it creates a mission statement or distributes surveys. Its importance continues in implementing diversity incentives to acknowledge, recognize and reward those who are carrying out the company's mission. These incentives serve as encouragement to others and send the message that the company is indeed serious about diversity.

Moving diversity forward requires ongoing leadership on the part of in-house attorneys, outside counsel and senior management. Putting diversity on the table and getting multiple people to participate in the process, in the end, will get the profession to moving in the direction of being inclusive. An inclusive working environment creates a win-win solution for the workforce, the company and its clients.

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