

LIFE, LIBERTY, AND THE PURSUIT OF EQUITY— RIGHTING THE (ALLY)SHIP



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If you look closely at a picture from the women's suffrage marches in the early 20th century or the civil rights demonstrations of the 1960s, you will notice a common theme: a sea of individuals from the specific disadvantaged group taking to the streets to fight for their own civil liberties, surrounded by very few, if any, male or white allies. Throughout history, people have been naturally inclined to fight for the rights that directly affect them but—due to lack of information, apathy, shame, or fear—often pass on issues that do not. That self-important mindset, however, seems to be shifting. Universal calls for equity have accelerated over the past two years thanks to the pandemic, an increased focus on institutional racism, and prolific social media attention on social justice problems, which has led to a noticeable increase in cross-race and cross-gender allyship.

This push toward increased allyship could not come at a better time for women and ethnically diverse

attorneys. In what has been dubbed the great "she-session," women are leaving the practice of law in higher numbers than ever before. And the numbers "ever before" were not all that great to begin with. Ethnically diverse attorneys have also been hit hard, with those who fall at the intersection of two or more disadvantaged groups being impacted the most.

Retention of women and ethnically diverse attorneys has always been a complex problem with no single cause. Yet, before the pandemic, the profession was making progress. Organizations realized that having a diverse group of attorneys—in gender, culture, and race—in power was beneficial. A variety of viewpoints and talents means being able to connect with clients and consumers in better-rounded, nuanced ways. And what is good for the client usually boosts a law firm's bottom line as well.

The pandemic has not only erased that progress, but set it back decades. Initially, women left the profession

due to the crushing load of caregiving and schooling responsibilities. As things have started normalizing and the legal market has rebounded, attrition rates are still uncharacteristically high as women are unwilling to return to inflexible working schedules, confronting the biases that come along with returning to the office, and reevaluating whether the path to partnership is really worth it or even attainable following the setbacks of the pandemic.

While women and ethnically diverse attorneys are certainly capable of fighting institutional bias on their own, given that cisgender white males still dominate the top spots at many law firms, male allyship is necessary to making more efficient, sustained progress. Including men as partners in the fight for equality is not always easy or comfortable. Women's committees at law firms are primarily composed of women working on improving "women's issues" and diversity committees are usually comprised of minorities. But when communications about problems facing disadvantaged groups stay within those groups, it results in frustrating, ineffective echo chambers for the underprivileged groups instead of systemic, institutional change.

With more men wanting to become allies to women, diverse, and underrepresented attorneys—both by supporting their career advancement and eliminating bias—how do we leverage this momentum into positive and meaningful change?

Identify top priorities

The first step is to look inward. Identify the most important concerns and priorities of disadvantaged groups by surveying the members of women's or diversity-based committees. Ask committee members why they joined in the first place and what they are hoping to get out of their participation. Those who identify promotion, pay, or other advancement questions as top priorities are ripe for allyship. An ally with access to or input into these decisions could prove very useful. If you work in a large organization or law firm, consider grouping the feedback so you can determine whether there is an issue most keenly felt within certain departments or geographies.

Spend the time to thoughtfully identify and understand the issues before rushing in to solve them. Otherwise, well-meaning initiatives run the risk of being simply performative, failing to address the underlying problems and further alienating disadvantaged groups.

Open information flow

The identification of priorities for the impacted group is a good first step, but this is only the start of what should be an ongoing information flow between women, minorities, and their allies. Allies need to be educated on the problems faced by disadvantaged groups and what they can do to support those groups and address the underlying issues. This can be accomplished—and should be tackled—in a variety of ways. The most obvious is through diversity, equity, and inclusion (DEI) training programs. However, organizations should shy away from using "one and done" training programs allowing them to check the DEI box without resulting in lasting, meaningful change. Organizations should instead conduct recurring DEI training, utilize different trainers and materials, and mix up the audience. People learn in different ways and may be more open to learning in certain groups, so it is crucial to provide different opportunities for individuals to soak in the information and practice the concepts.

In addition to DEI training, women's or diversity-based committees should be willing to open some of their programming to others within the organization. For example, seminars focused on women's empowerment can resonate with all genders. Articles on bias or inequities that are typically shared within disadvantaged groups to commiserate should be pushed up and out of those groups to educate others. In the absence of this education and information-sharing dynamic, women and other minorities can feel stuck in their own echo chambers and feel powerless.

This open flow of information cultivates an environment in which allies are more empowered to issue-spot themselves, which is an important step in the process. The onus should not fall solely on women

or minorities to do all the emotional labor of identifying problems and solutions. When allies become empowered to identify problems on their own, they can then take steps to alleviate those problems. This can also have a ripple effect, motivating others to do the same. Because these problems are systemic and can manifest in many forms, it is critical to get “group buy-in”; the more tangible examples of progress that others can see, the more likely it is for an initiative to truly take hold in a company or industry.

Indeed, it is a competitive advantage in the recruitment and retention of talent if a firm can pinpoint circumstances in which an initiative has made an impact and has been supported across the organization. DEI is a priority for in-house counsel, many of whom are expecting outside counsel to demonstrate tangible progress on this front. Although true equitable change must be value driven, there are financial benefits to allyship as well, which can also be a motivating force (though it can never be the single motivating factor).

Orchestrate meaningful matches

Allyship is not a “one size fits all” approach: different allies can play different roles. When a given problem is multi-faceted, fundamental, and systemic, it likely requires multiple people with a variety of vantage points to address it.

Obviously, allies are not likely to be effective if they feel pressured, but rather they should take on something that is personally important to them. Fundamentally, diversity committees and women’s initiatives are volunteer organizations. If a committee can facilitate an environment in which all energy, thoughts, and actions are entertained, including from allies, that is likely to resonate and have a tangible impact within an organization. Committees can make meaningful change when members are naturally excited by what they are doing, and they are able to tailor themselves to what members seek to give and get out of participation.

Applied to the broader gender and diversity context, an initial identification of and conversation with allies may be based on some general overlap or

common interest among individuals. Real change is more likely to happen when both the allies and the disadvantaged groups are equally aligned and motivated to take action. It is important to keep in mind that this is an evolving (rather than linear) process, in which topics or ideas arise organically and thus could feel unstructured at first. Still, generating and advertising some “quick wins”—such as one team feeling more empowered at work or a positive shout-out from management—will keep everyone motivated and result in deeper, long-term partnerships.

It is also helpful to think about what kind of temperament and personality would be most beneficial for initial allies and allies who participate directly on women’s and diversity committees. Certain allies (e.g., ones who have a fundamental belief in equality and a growth mindset) would be well-suited to take on a listening role, and would then be able to validate and incorporate what is being communicated. Once a rapport has been built, there will be opportunities to expand the relationship and conversations with other allies.

Bringing male allies onto committees is also valuable to the extent that they can predict what other men may say or how they are likely to react to a given idea. As the ally network grows within an organization, continue to refer back to the issues identified by women and minorities, as well as to the specific departments or geographic locations experiencing those struggles, to determine which ally might be best suited to help.

The inequities inherent in the legal profession cannot be solved in one fell swoop. Making meaningful headway will require a diversity of perspectives and roles, and processes need to be open and flexible enough to welcome what given individuals are able to contribute. That said, the landscape is slowly but surely changing. All one has to do is look at any picture of a recent women’s rights or Black Lives Matter protest. In the sea of faces, one can finally see the allies. As a profession, let us ALL continue to be and lead the change we want to see. 🌱



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