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Beyond Compliance: Making Diversity an Asset in South Carolina Law Firms

The scenario is becoming increasingly common. A corporation establishes diversity objectives, sometimes of its own devices because it sees diversity as a potential asset for competitive advantage. More often, however, it is under pressure from stakeholders because of a discrimination or harassment claim that it has lost or settled. In an effort to demonstrate its newfound commitment to diversity, the corporation publicly declares that not only has it established diversity objectives, but it is also prompting its suppliers of professional services to do the same.

This leveraging of its relationships with organizations whose financial success is tied to the corporation, plays well as a public relations move and sometimes garners accolades from both stakeholders and activists. Moreover, this immediate and tangible rationale for firms to establish diversity objectives is most certainly having an impact.

However, some South Carolina-based law firms are struggling to meet these expectations due to a variety of challenges, including: (1) the limited diversity in student classes currently matriculating the nation's law schools; (2) the lack of knowledge, processes, and organizational culture required to attract and retain a more diverse professional staff; and finally and frankly, (3) the image of South Carolina as a less than progressive place to work and raise a family, especially as pertains to diversity. This last issue is especially taxing for South Carolina law firms.

The seemingly constant flow of media reports and viral videos regarding horrific race related tragedies – the murder of nine African-American worshipers at Emanuel African Methodist Episcopal Church in Charleston by a white supremacist attempting to “start a race war;” the shooting of unarmed African-American, Walter Scott, in the back by a North Charleston police officer now facing murder charges; and the physical

abuse of a high school student by a Columbia school resource officer, to name a few – portray South Carolina as a place where one's life may be at risk on a daily basis for no other reason than the color of their skin.

The issues challenging law firms are real and difficult. However, here it is argued that there is much that firms can do to tackle these issues and build successful diversity efforts. First, regarding the pipeline: programs like the South Carolina Bar's High School Mock Trial should be expanded to reach more students and engage more attorneys. Programs that reach students before they begin their collegiate studies can increase interest in pursuing a law career.

South Carolina firms would also do well to explore replicating other successful programs not currently offered in the state, such as the National Association for Law Placement / Street Law's Legal Diversity Pipeline Program, which includes classroom presentations by practicing attorneys, field trips to law firm offices, mentoring relationships and exposure to real-time cases. Firms leading these types of efforts will be the greatest beneficiaries over the long haul.

As for internal diversity programs, building the knowledge, processes and culture to achieve diversity aspirations is a very doable proposition. First and foremost, it is important to be proactive. While some firms are under pressure from client stakeholders, many haven't yet experienced these pressures but remain on the sidelines. Concerns about polarizing the workforce, appearing to yield to political correctness, investing in programs that are not immediately revenue-generating, or simply the fear of failure, can all be paralyzing. However, the best antidote to these issues is to proactively define and build diversity aspirations that are linked to the firm's performance objectives: expanding to new client groups; developing innovative solutions to complex challenges; and building a culture where

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the entire workforce is engaged are all benefits that can be derived from successful diversity efforts.

Most important, for these benefits to be realized, is to foster an all-inclusive strategy. An all-inclusive strategy expands the definition of diversity to include diversity of knowledge, experience, skills, competencies, perspectives and approaches; not just attributes like race, gender and other 'protected characteristics.' It is important that Caucasian males are included in the firm's definition of diversity in order to engage the entire workforce. This is a critical success factor. Groups and organizations that perform at a high level do so because all of the members are engaged and committed to a common mission. Just as this is true with orchestras and athletic teams where different members bring different talents and roles, it is true with businesses and professional services organizations. Everyone in the consideration set must be engaged and committed to a common mission. An all-inclusive strategy offers the greatest leverage for success.

Finally, the most complex and arguably difficult issue: the image of South Carolina. Although viral videos and news reports sometime paint a painful picture of the worst of the state, the reality is there is much more to the story. South Carolina has a low cost of living, appealing climate, exceptional geography, including the Atlantic Coast, and wonderfully diverse cultural offerings. And people from all backgrounds are living fulfilling lives and raising happy and healthy families in South Carolina. These stories need to be shared with candidates for positions in South Carolina firms, ideally by people with similar backgrounds and interests.

A law firm shared a story of an African-American female candidate considering a position with the firm. She was reluctant to accept the job offer due to a general impression that the state

was not inclusive. Despite genuine interest in the firm and its clients, the candidate declined the offer. According to the firm, one of their challenges was not having an African-American partner or high-ranking staff member that could answer the candidate's questions about what it's like to live and work in South Carolina. This scenario may well be playing out with other firms and businesses.

However, the Riley Institute at Furman University, in partnership with the Greenville Chamber of Commerce and the State Chamber of Commerce, has created an innovative initiative to help address similar gaps: The Diversity Recruitment Consortium (DRC) (diversityrecruitmentconsortium.com). The DRC is a collaborative effort between more than 60 South Carolina organizations which provides a network of ambassadors across a multitude of diversity dimensions that volunteer to connect with prospective candidates to share their authentic experiences of living and working in the state.

These confidential conversations allow prospective candidates, who are reluctant to relocate to South Carolina, to get personal perspectives from people with similar backgrounds and interests. Had this tool been available to the law firm and candidate in the aforementioned story the end result might have been quite different. And importantly, the ambassadors in the DRC network bring a broad array of backgrounds: different ethnicities, faiths, sexual orientations, health status and many other life circumstances. Leaders in other regions of the country are now reviewing this innovative South Carolina-based initiative for replication. With collaboration and commitment, South Carolina law firms can indeed achieve ambitious diversity aspirations.



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