

# Legal CORE | Think Tank

Legal CORE Think Tank and Anniversary Event | Thursday 23 November 2023

// I liked listening to the variety of ideas, that show there are multiple ways to tackle this problem if broken down.

– Think Tank Participant

## Introduction

To celebrate the second anniversary of Legal CORE, we held the second Legal CORE (Collaboration on Race and Ethnicity) Think Tank 2023 for member firms.

The Think Tank is an opportunity for firms to come together and seek to make progress collectively. It provides a platform to raise awareness of challenges, spark insightful discussion, and share collaborative best practice ideas. For individuals, the Think Tank provides an opportunity to be part of changing the legal industry for the better.

The interactive in-person session in November built upon on the themes uncovered first Think Tank focused on retention of ethnic minority talent in law firms, this time focusing on the role of managers and supervisors. The aim was to explore how firms can support managers and supervisors in creating inclusive environments in which diverse teams can thrive. Focusing on a key question:

How might firms support people managers and supervisors in creating inclusive environments in which diverse teams can thrive?

By sharing the outcomes of the Think Tank, we can reflect on the current cultures of our firms and the experiences of those from racial and ethnic minorities. In addition, it enables us - and hopefully others we are connected to outside the Legal CORE network - to review current programmes, practices and processes to identify where we can do better.

We recognise the challenges in creating a culture that is truly inclusive for underrepresented individuals and the need for change. This event was the second of what we hope will be an annual series of Think Tanks to encourage and create a space for open conversations which will lead to actionable suggestions that drive progress.



Participants



Firms



Facilitators

# Legal CORE | Think Tank

// I liked that we brought together a diverse group of people from different backgrounds doing different roles to try to look at solutions. I also liked learning different perceptions from my group. The group working exercise and format of the session.

— Think Tank Participant

## The Event

The event was hosted by Clifford Chance in their London office, providing an opportunity for many of the Legal CORE members to meet each other and network in-person for the first time.

We utilised Slido to conduct live surveys for participants to instantly share their thoughts and provide feedback.

There were 66 participants representing more than 20 different law firms, most of whom were either managers, supervisors or in a diversity and inclusion role.

The event was hosted by Nitish Upadhyaya (Director - Behavioral Insights, R&G Insights Lab) and assisted by 10 facilitators from member firms who led groups of participants in interactive discussions around the challenge questions and ideation of solutions with concept posters. Nitish and Nina Goswami (Head of Inclusion, UK at Clifford Chance LLP) hosted a fireside chat with David Towers (Partner, Clifford Chance LLP) and Jo Dooley (Head of Diversity, Equity & Inclusion at Allen & Overy LLP) to share their perspectives as Inclusion leaders in the legal profession and set the scene for the event. They outlined the increasing diversity of the legal profession, challenges around ethnic minorities and highlighted the important role managers and supervisors play in making the legal profession more inclusive and diverse.

## Big Questions

As the focus question was broad, our participants were initially tasked with providing their thoughts through a Slido poll on four questions that were more specific in scope.

### ① What does an inclusive environment look like?

The general consensus from the responses was that participants believed that an inclusive environment looks like an open, collaborative workforce of equal representation. Respondents felt firms would benefit from creating an environment where all colleagues feel welcome, supported and valued. They

# Legal CORE | Think Tank

emphasised the importance of a harmonious atmosphere that is accessible to all, where people feel like they belong and have a sense of psychological safety, have a voice (the ability to speak up) and can show up as their authentic self. Respondents believed firms should celebrate difference, encourage fairness and pride themselves on offering equal opportunities for all to aid in creating an inclusive environment.

## 2 What barriers might individuals from diverse backgrounds face to feeling a sense of inclusion at law firms?

Respondents believed that the most common barriers faced by individuals from diverse backgrounds were experiencing racism, sexism, classism or other forms of discrimination, unconscious bias, microaggressions and feeling unable to speak up about their experiences. Many answers alluded to a lack of role models and representation at partner / senior management level, coupled with a lack of connection with colleagues due to differing backgrounds or interests (affinity bias) as being equally challenging barriers faced by a diverse population. Some answers raised concerns surrounding the effects of a present cronyism culture within firms as a potential barrier due to a lack of social mobility awareness and historic biased power structures. Other answers highlighted barriers surrounding diverse individuals being perceived as token and having the pressure to represent everyone from their background. Equally, the fear of being perceived as a diversity hire and therefore having their achievements undermined and/or no clear career pathway and support after hiring can be prevalent barrier issues faced by diverse individuals.

## 3 As a manager, what do you think it would take to create an inclusive environment for individuals from diverse backgrounds?

Respondents felt that to create an inclusive environment for individuals from diverse backgrounds firms could perform a number of actions. It was suggested that if management were to lead by example through allyship, sponsorship, practicing empathy and encouraging open communication this would be a very effective action. Respondents also believed that greater recognition of experiences of those from diverse backgrounds, cultivated through initiatives such as reverse mentoring / mentoring circles that facilitate active learning and raising awareness around different cultures and beliefs would be most useful. Increased awareness and transparency about expectations and clear career development pathways would also boost inclusiveness. It was also suggested that use of inclusive language and having more inclusive activities that followed a wider Inclusion focused calendar would help greatly in creating an inclusive environment. Managers should ensure the work environment is one that provides a sense of psychological safety to its diverse population will help in creating an inclusive environment.

# Legal CORE | Think Tank

## ④ Challenge question: What support do managers need from their firm when managing diverse teams?

Various forms of support were identified by respondents to this question. It was suggested that firms could offer support to managers when managing diverse teams by introducing policies that support inclusive management, having DEI targets in place as a real priority with adequate data monitoring, providing unconscious bias training to managers and encouraging senior management to lead by example. The firm could offer support using firmwide communications to send reminders on days of significance in the inclusion calendar and having firmwide education and directives readily available for all. An emphasis was placed on providing managers with adequate training for themselves and their teams on best practice. Respondents believed that firms could offer support for managers by ensuring they received solid advice/support/tools to help their individual journey and day to day decision making activity, with particular support on how to deal with issues raised by people from diverse backgrounds. Firms could further offer support to managers by providing clear job description and performance metrics which include culture and people leadership.

## Themes

How might firms support people managers and supervisors in creating inclusive environments in which diverse teams can thrive?

Participants were asked at the end of each question to write down their top 5 answers on post it notes which would be utilised for an affinity clustering exercise in the groups they were sat with on their tables.

Each group was led by a facilitator who would pick a random post it note, read it out to the group and then invite thoughts/reflections and discussion on that topic. They would then place the post it note and any additional clarification notes on the window / wall. The process would be repeated with another post it note which, if similar in nature to the previous post it note, would be grouped together or spaced apart if different.

# Legal CORE | Think Tank

As the groups work through their post it notes, a series of themes emerged from their discussions on what firms and line managers could do. The common themes identified are as follows:

## Culture / Visibility / Safe Environment

- Respondents felt as though there was a distinct lack of role models and representation at the top which signals a lack of diversity within senior leadership, thus also creating a lack of diversity in thought
- Diverse colleagues may lack the confidence to challenge the status quo / speak up
- Firms need to provide diverse colleague with the psychological safety to express themselves freely
- Firms would benefit from facilitating Informal peer-to-peer groups for community building (Affinity Networks)
- Firms need to create a culture of curiosity / open-mindedness and empathy for diverse colleagues to thrive

## Connection / Communication / Awareness

- Firms should encompass a sense of allyship with the diverse population
- Lived experience storytelling from diverse colleagues should be encouraged
- Firms should facilitate the diverse population by providing spaces where they can get to know each other and build community with one another
- Diverse colleagues should have access to positions of power within a Firm
- Diverse colleagues should be provided with networking support
- Firms should drive active engagement and support from senior leadership for inclusion

## Training / Education / Listening / Active Engagement

- Firms should invest in education, training and upskilling to support both managers and diverse colleagues
- Firms should implement regular mandatory training for all staff
- Firms should encourage mentoring, Championship, and Sponsorship of diverse population
- Firms should provide workshops on effective management/ team work
- Firms should provide education to management on the benefits of inclusive cultures to your team
- Managers would benefit from having unconscious bias training, empathy training and inclusive language training.

# Legal CORE | Think Tank

## Resources / Tools / Inclusive Systems / Accountability

- Diverse colleagues and their managers need access to all useful available resources
- Firms should incentivise managers for promoting inclusive behaviours
- Firms should enable no cap on hours to contribute to DEI initiatives
- Firms should provide clear KPIs / goals and expectations
- Managers should ensure an equitable allocation of work
- Firms should provide diverse population with clear, transparent processes and pathways to progression

## Support for managers / Capacity building / Time

- Managers should be allowed time to learn best practice
- Management will need to understand motivations of team
- Emphasis on listening and communication by diverse team members to management
- Management will set clear objectives, standards, processes, and structure with diverse team members

## Bias / Individual Challenges

- Various challenges faced by diverse team members include a lack of understanding from managers
- Overcoming stereotyping
- Facing microaggressions
- Addressing barriers
- Lack of community
- Lack of sense of belonging
- Lack of Inclusive language
- Promotion based on diversity targets
- Being treated differently
- Can't be authentic self
- The need to code switch
- Imposter Syndrome
- Elitist traditions (ie ski trips / golf etc)
- Generational differences

# Legal CORE | Think Tank

## Solutions

Participants were asked to vote for the themes/topics that they would like to focus on for the next stage of the event which was focused on solutions.

Facilitators ran an ideation session with their groups where participants were encouraged to put down their thoughts on how their theme of choice might be resolved. The groups then designed concept posters to articulate their solutions.

Some examples of the solutions proposed are as follows:

### Solution 1 - Appraisal process reform

Participants acknowledged that the present framework for performance reviews and appraisals may not consider diverse characteristics and how this could result in potentially avoidable outcomes for diverse candidates. In order to remedy this, it is essential that key stakeholders are engaged in an actively trying to combat this from happening. Tangibly, it was thought that senior management, HR and D&I teams and networks can review the existing appraisal/review framework and identifying what was designed with the 'standard' individual in mind and rewriting them so there is no 'standard'. For example, good communication in many frameworks involves speaking up and being confident. Teams could consider whether the communication competency also be assessed on ability to advocate for others to ensure other voices are being heard.

### Solution 2 - Building psychological Safety

Participants emphasised the importance of creating a strong sense of psychological safety at work to ensure diverse populations could perform at their best. Participants felt that ensuring education through knowledge sharing, lived experience storytelling and a genuine commitment to offering and providing support for diverse colleagues would create a sense of psychological safety. Participants also believed that if this is led from the top end of the business and believed by senior stakeholders (e.g. Partners/Board Members) that this would send a strong message of leading by example and show great commitment to creating a safer culture within the firm.

### Solution 3 - Create a Web of Learning

Participants believed that in order to best identify and understand what different groups need, creating a web of learning would be a great way to knowledge share. This would allow for everyone to contribute in a way that was meaningful to them about what they would need to feel more included, seen and heard at work. This Web of Learning can be realised by creating personalised learning pathways and providing education and training to managers so they are equipped with an understanding of what marginalised groups want and need. Existing D&I networks are a good example of this in practice and can act as a focus group networks to identify areas for challenge and what underrepresented groups need.

# Legal CORE | Think Tank

## Solution 4 - Authenticity Availability; bringing your true self to work

Participants believed that it is imperative that diverse colleagues feel they can be their true selves at work. This would not only increase performance, psychological safety and engagement but would also increase retention rates of the talented existing diverse talent pool a firm has. Participants believed that by overcoming stigmas and lack of representation, this would help in creating a sense belonging. The solution would be tangible in nature; building a diverse workforce, encouraging shared storytelling of lived experiences of diverse population to educate others and by encouraging authenticity and building a sense of safety.

## Next Steps

During the event we asked participants what they liked about the think tank and what they wished to see in the next think tank. From the responses and additional feedback following the event, our next steps will include:

- ▶ Sharing best practice on the four main solutions identified in this report through in-depth sessions on each topic area.
- ▶ Explore further opportunities for Legal CORE members to network and share experiences on a more regular basis.
- ▶ Find a topic for the next think tank that is relevant for fee-earners and business professionals (i.e. all who work across the legal sector.)