

PRISM



ALANYC DIVERSITY,
EQUITY & INCLUSION



THE DIVERSITY REVOLUTION

WINTER 2021
ISSUE

ASSOCIATION OF LEGAL ADMINISTRATORS
NEW YORK CITY CHAPTER

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MEET YOUR 2021-2022 TEAM AND LEARN WHAT INSPIRES US TO DO DE&I WORK

ORIA L. APONTE, HODGSON RUSS LLP TEAM LEADER



My inspiration to do DE&I work comes from the early personal experiences I have had with many different cultures. My goal is to continue to promote diversity so that more people can enjoy a culturally colorful life.

AYANA S. LEWIS, DAVIS POLK & WARDWELL LLP



My mom, raised in the Jim Crow south, and the book, The Help by Kathryn Stockett inspire me to lend my voice to the DE&I conversation. If my voice can make an impact for policy change and help future generations, I have met both my professional and personal goals and made my ancestors proud.

BRIDGET HAGAN, BAKER & MCKENZIE LLP



I am inspired by the many differences that are found in people. I see this as a great strength and embrace the DE&I work that I am currently doing with the ALA.

ELBA CORTES, FOX ROTHSCHILD LLP



My inspiration comes from inclusivity. I appreciate mindful communications and people that listen and ask questions. It is important that we don't assume and educate ourselves on things we don't agree with or that are different from our own thoughts.

JOHN CONNOLLY, LDI CONNECT



I was inspired to participate on this year's DE&I team to play my small part in encouraging us all to celebrate each other's differences and understand each other's challenges, while at the same time realizing that we are all part of the same race, the human race, and all equally loved in the eyes of God.

TONI STEPHEN, NIXON PEABODY LLP



The recent civil and social unrest across the country ignited a desire to try and advance DE&I initiatives, promote awareness and become more educated in this area. ALANYC's DE&I Committee is a great platform to make that happen.

MATT FREDERICK, SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD.



Jenniffer Brown was the chair of the ALANYC Diversity & Inclusion committee when I first joined, and her enthusiasm and curiosity helped me to understand the possibilities and necessities of DE&I initiatives. Jenniffer's conceptualization of PRISM and innovative programming has inspired me to continue to deepen my education in this crucially important and increasingly relevant arena.

A Word from Our Team Leader, Oria L. Aponte

I am delighted to once again be part of the ALANYC's Diversity, Equity, and Inclusion (DE&I) team and bring you this intriguing and most educational publication. As I continue to expand my knowledge and step out of my comfort zone, my dedication and commitment to DE&I grows every day. I am hopeful that with this issue, your knowledge — and perhaps your enthusiasm—for DE&I will also grow.

During the last couple of years, we have faced many challenges: from the ongoing pandemic to protests, unjustified murders, school shootings, and let's not forget the insurrection that opened 2021. The country is in turmoil and experiencing a great divide. Through all these issues, or we could maybe say that due to these issues and events, diversity and inclusion has gained tremendous attention and great momentum. Difficult conversations are taking place across different spectrums. People are looking to become more culturally aware. Companies are embracing the diversity, equity, and inclusion movement. More importantly, people are craving connections. This alone brings me such great joy. It is through connections that we can truly get to know someone, who they are, where they come from, what is important to them, and so on. There are so many questions to be asked with so many enlightening responses waiting for us.

To shed more light on all of the DE&I topics surfacing now, we bring you this issue on the theme "The Diversity Revolution." Our team has pulled together diversity specialists to enlighten us and educate us on some delicate, difficult, and not so well-known subjects. Our team members have explored topics such as pronouns, authenticity, unconscious bias, and sponsorship, to name a few.

While these topics may seem new to some, many have been around for quite some time and until just recently they have not been given the importance they truly deserve. The concept of diversity, equity, and inclusion continues to evolve and we must embrace it and continue to learn what it really means. Most importantly, we must also learn how to incorporate it into our daily lives—personally and professionally. This issue should provide you with further tools to help you continue to satisfy your curiosity about diversity, equity, and inclusion.

My team and I shared tremendous excitement as we met week after week to discuss our progress. I am thankful to all of them and the authors who contributed to this issue. I appreciate everyone's hard work and enthusiasm putting this annual newsletter together with me and for working tirelessly to make sure it is a success. As always, a very special thanks to our editor Matt for undertaking the daunting task of reviewing every word of every article (luckily, this is a labor of love for him). Last but not at all least, a huge thanks to all of you—our readers. It is our sincere hope that you not only enjoy but also learn from PRISM.

Thank You,
Oria



ALANYC DIVERSITY,
EQUITY & INCLUSION

Editor's Note

BY MATT FREDERICK

Did you know it's a violation of NYC Human Rights Law for employers not to use the pronouns with which a person self-identifies? You may have heard the use of alternate pronouns—such as they/them/theirs—and realized the speaker was referring to an individual and not a group. The use of PGPs, or Preferred Gender Pronouns, is increasingly common.

Earlier this year I made a proposal to my firm that they allow the option to include preferred pronouns in our email signature blocks and on web bios. I suggested we also add a link to a page explaining what pronoun designations are and why one would choose to specify them. This would serve as a great learning tool for people both in and outside of the firm, and those who use it would display an increased level of respect for diversity.

I encountered PGPs a few years ago when I began teaching a presentation skills course to graduate students. At first, my re-entry into academia was a culture shock—things have changed since I got a master's over 25 years ago. But I got up to speed quickly, immersed in the forward-thinking milieu that must respond to the needs and realities of students primarily in their 20s. It's fascinating to interact with successive groups of bright and ambitious students on the verge of entering the workforce. I was relieved to find I had experiences of value to share with them and, of course, also the reverse: they allowed me to grow.

With a diverse cohort of international students, I needed to figure out how to stay respectful in the face of my own ignorance of proper pronunciation, unfamiliar names or unclear gender presentations. I soon learned not to get anxious if I don't know how to refer to new students; I just offer my preferred pronouns and ask theirs. So far, it's been well received. As many have endured frequent misgendering, from the clueless to the aggressively intentional, I've found empathetic efforts to reach out are typically appreciated.

The PGP proposal was quickly and easily approved by my firm management and now it is an option for anyone who wishes to use them. Why would we do this, you might ask? Why should we do something different, perhaps out of our comfort zone—something that maybe seem too much effort or too easy to "get wrong?" Before I started teaching, I would've asked those same questions. But as the kids of today might say, Because: Respect.

Do I have to refer to you as "they?" Interacting with students and witnessing the acceptance of a spectrum of gender expression that is commonplace in that age group, I had to question my own initial defensive reactions. I got to a place of, well why not? I can easily make snap assumptions about other people (See, implicit bias) but why not let them have the freedom to determine their own identity? I began by asking, at the beginning of classes, if anyone had preferred gender pronouns they'd like us to use, along with proper name pronunciation. Names and pronouns, so basic to verbal interaction, are often thrown away or left uncorrected. That doesn't mean the consequences are unfelt.

Why should I designate my pronouns, if everyone always seems to get them right? Again: Respect. I use he/him/his. By sharing my pronouns and putting them in my signature block and Zoom ID, it clearly shows to others that I understand why one might feel the need to clarify them. It signals that if you tell me your PGPs, I'm going to make a concerted effort to use them as you wish.

More and more individuals, especially younger adults, are asking to have their chosen identity recognized and affirmed (rather than assumed, based on perceived gender). These younger adults' presence in the culture will only increase as they reach majority and further enter adult social and professional worlds. By proactively stating one's PGPs, one is displaying they understand why they are important, and will respect and use others' choices of pronouns when specified. After all, in both business and personal interactions, why wouldn't we want to be as approachable, respectful and empathetic as possible?

Why not propose the option to designate pronouns to your firm? Pronouns are one of the ways we portray our identities. When someone asks you to use their preferred pronouns, they are asking you to respect their identity. Better still, when we ask another which pronouns to use, we are proactively giving respect from the outset. When someone refers to another person using the wrong pronouns, especially on purpose, it can lead to that person feeling disrespected and even to dysphoria, exclusion and alienation. It is never safe to assume someone's gender; living a life where people naturally guess the correct pronouns is a privilege that not everyone experiences. In a pinch, use they/them/their until it's possible to ask for preferences. Then make every effort to respect each person's wishes on how they wish to self-identify. It's the considerate—and legal—thing to do!

Learn about gender identity and pronouns:
www.youtube.com/watch?v=J3Fh60GEB5E&t=14s

Review NYC laws on gender identity/expression:
www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page

So, You've Hired a Person of Color, Now What? Moving from Optics to Inclusion

DAVID B. SARNOFF, ESQ., ACC

Earlier this year, Bradley M. Gayton—then-GC of Coca Cola—issued a memo to law firms demanding they increase the hiring of attorneys of color and other underrepresented groups as a condition to continue representing the company. Coca Cola's statement is published here. While we at Loeb Leadership support and applaud Mr. Gayton's call to action, we believe that for it to be a long-term solution, it must be supported by creating and maintaining an inclusive culture.

Culture is the behaviors, activities and rituals that guide the “how” work gets done. Creating an inclusive culture requires all employees to be treated with dignity and respect, recognizing that diversity is the strength of the organization and not an impediment to success. For an inclusive culture to thrive, the leaders of the organization MUST model the behavior that is expected from all employees. If leaders do not set an appropriate example, it creates an environment where bad behavior can proliferate.

When hiring a person of color or other underrepresented group, if there is no inclusive onboarding process (including mentorship, sponsorship and career development) the likelihood of long-term tenure is in jeopardy. If an employee does not see representation in organizational leaders or managers that look like them, they may not feel the company practices an inclusive culture. Building this culture requires holding ourselves and each other accountable for a culture of inclusion; it can't be some of us all the time or all of us some of the time, it must be all of us all the time. For example, if a high performer or revenue generator behaves outside the norms of the firm and is not held accountable, that sends a message to their teams that they do not have to comply with the defined culture as well. Inclusion is the work of everyone in the organization, not just the “Diversity Task Force.”



Diversity, equity & inclusion work must be viewed as professional development and not compliance. It's not something you can just check a box and be done. Racism, colorism and sexism are GLOBAL issues that exist within every industry. In the work we do, we have learned that before an organization can implement an inclusive culture initiative in a meaningful way, individuals need to raise their self-awareness as to how their words, actions and reactions affect others. Being mindful that we all bring our life experiences to our workplaces sets the stage for greater communication and dialogue, opening the path for everyone to be their authentic selves. “Cosmetic diversity” is not enough. Organizational culture must welcome and create a sense of belonging for people who have traditionally been “outsiders.” Research is clear that diverse teams are more innovative, productive and successful than homogenous teams on an average.

Loeb Leadership has witnessed the passion and desire of both individuals and organizations to attain a better understanding of diversity, equity & inclusion and how it relates to workplace culture. It is with this understanding that Loeb Leadership has expanded programming to include DE&I-facilitated discussions, training programs, group coaching cohorts and the administration and debrief of the Intercultural Development Inventory® (IDI®) assessment.

Organizational change may be uncomfortable—this is a natural part of creating change! Lean into the discomfort—it means that change is really happening.

What is Unconscious Bias?

ORIA L. APONTE AND ELBA CORTES

Unconscious bias is also known as implicit bias and is defined as: automatic decisions and judgments made about others based on differences in one's own background, experiences, societal stereotypes, or cultural context. It can also occur as prejudice or unsupported judgments in favor of or against a person, group, or thing, and it is often unfair. Bias can appear in many ways and be directed toward individuals or groups based on class, gender, race, ethnicity, age, sexual orientation, religious beliefs, and disability, just to name a few. The most common bias is a cognitive bias known as the "halo effect," where physical appearance is judged. It is a "physical attractiveness" stereotype and is based on the "what is beautiful is also good" principle. The halo effect functions so that perceptions of one quality lead to biased judgments of other qualities. For example: she is attractive, so she is also smart and kind.

Other types of biases include gender bias, height discrimination, name bias, similarity bias, and confirmation bias. In gender bias, a woman might be seen as aggressive, while a man with similar qualities would be seen as confident. Findings suggest that taller people make more money, specifically, "someone who is 6 feet tall earns, on average, nearly \$166,000 more during a 30-year career than someone who is 5 feet 5 inches—even when controlling for gender, age, and weight." An example of name bias would be when a hiring candidate is passed over because they don't have an "Anglo-sounding" name. The tendency to connect with people who share similar interests, experiences, and backgrounds often results in hiring for a "culture fit" instead of a "diverse fit." Then there is confirmation bias, which involves favoring information that confirms previously existing beliefs. As you can see, there are many biases that come into play every day of our lives. It's truly a challenge for us all.



When we make such automatic associations about people or social groups our decision-making process is negatively impacted and in turn can negatively affect someone's life. We must continue to learn, grow, and challenge our own perceptions and biases. Only by doing so will we be able to truly access the power of the many diverse experiences and perspectives that our workplaces have to offer.

How do we tackle unconscious bias in the workplace? One place we can start is by making job descriptions gender neutral. Further, when reviewing resumes we can avoid looking at the candidate's name or gender before reading their qualifications. By using proper interview techniques, we can reduce the risk of letting unconscious bias influence our staffing decisions. We can offer our employees unconscious bias training, diversify our workforce, provide a safe space and confidentiality for our employees to be able to report any type of bias and protect them from retaliation.

So how can we reduce unconscious bias? First, we must be aware that we all possess it and then we must gain an understanding of how it works. Once we are aware and understand that it functions unconsciously and is based on our own preconceived notions, then we can begin to do something about it. Unconscious bias is inherent in us all and only by making a conscious effort to understand and identify it, will we be able to make better informed decisions on how we see others, whether in our personal lives or in the workplace. Until and unless we do that, we cannot hope to reduce or eliminate it.

Journal of Applied Psychology, Vol. 89, No. 3.

Cultural Humility

ANNA-LESA CALVERT

Picture an iceberg. You see the part of the iceberg that sits above the surface of the water, but you have no idea about the expanse of the ice below. A person's culture is like an iceberg: there are aspects of who they are that you can see and acknowledge—the part of the iceberg that's above the surface—but below lies a vaster portion of a person's cultural background. This includes the depth of an individual's history and experience. Unseen aspects may contain the essence of a person's cultural characteristics. And as we all learned from the *Titanic*, we ignore what lies beneath the surface at our peril. **Cultural humility** can help us see the whole of the iceberg of an individual's culture, and to appreciate and understand the depths of experience that lie beneath the surface.

Each person's view of the world is limited to their own individual perspective. This is fundamentally due to biology. From an evolutionary point of view, our brains developed to use broad generalities and categorizations to process information quickly so we could make rapid life-or-death decisions. This was important when our ancestors had to remain safe from attack by predators. As humans have evolved, these generalities and categorizations that once kept us safe are now often incorrect or unreliable. This snap categorization leads to **unconscious** or **implicit bias**.

Cultural Competence and Cultural Humility

After learning about unconscious bias, many are left with the question: what do I do now? If my brain has developed this way, is there anything I can do to make better decisions? Combatting unconscious bias can begin with cultural competence training. As competence is built, a person can then develop the skills necessary for cultural humility. Cultural competence is the ability to work effectively with people from different cultural backgrounds. As people develop cultural competence, they begin to self-reflect, to understand their own world views, to gain knowledge about different cultural practices, and to develop skills for communicating across cultures.

With cultural competence, there is value and respect for people with a culture that is not the same as one's own. Cultural competence is the baseline for creating a culture of inclusion, however, is it only the beginning. Organizations, especially law firms, should strive for cultural humility.



The concept of cultural humility was developed by Melanie Tervalon and Jann Murray-Garcia in 1998 to address inequities in the healthcare field. Since then, the concept has spread to the fields of education, public health, social work, and it is picking up interest in the legal sector. Cultural humility requires a higher level of commitment that includes:

- A curiosity and desire to learn about people
- A personal lifelong commitment to self-evaluation and self-critique
- Recognition of power dynamics and imbalances, along with a desire to fix those power imbalances and to develop partnership with people and groups who advocate for others, and
- Institutional accountability

Cultural humility requires a willingness to recognize that there are things we don't know, can't know, and likely will never know about culture's that are not our own. It is different from other culturally based training ideals because it focuses on self-humility rather than achieving a state of knowledge or awareness.

Law Firm Culture

So why does this matter for a law firm? In asking members of the legal community to consider the portion of the iceberg that is unseen, we become more inclusive. The curiosity and humbleness of cultural humility requires people to move from "knowing" about someone's identity and experience to a place of inquiry. This inquiry allows us to listen and learn better from clients and colleagues. In throwing away the desire to be "expert" in other cultures, the legal community could open law schools and law firms to more communities, communities with knowledge and experience the legal field longs—and needs—to reach.

Culture is too complex and too multi-faceted a subject to master. Rather, we must acknowledge and accept that learning another's culture is a lifelong journey in exploration and growth. Practicing cultural humility, there is no finish line.

Authenticity: Can it Exist in the Workplace?

AYANA S. LEWIS

Returning to the office from the Memorial Day weekend in 2019, an HR professional walked into their firm to start the day by interviewing a secretary for an equity partner. The firm's HR Director and manager of this particular HR professional sensed that something was off with her direct report—the HR professional was not their usual self. The Director asked the direct report to come into her office and asked if everything was okay. The HR professional burst into tears because during the holiday weekend, their Black teenaged son was racially profiled by the police as he attended a street fair in a white neighborhood with his football teammates. He was threatened and told to never return to the area or he would be arrested.

The HR Director could have told the HR professional to pull themselves together and to leave their issues at the door, but instead, she held the direct report as they sobbed and expressed worry over their son's safety and she offered help, including calling an attorney within the firm to find out what steps could be taken to launch a complaint against the officer. More importantly, the HR Director allowed space and psychological safety for her direct report to release their body's physical response to the anxiety and fear before they had to conduct the scheduled interview.

There are many layers to unpack in this story but let us focus on one: authenticity in the workplace. According to the Merriam-Webster online dictionary, the definition of "authentic" is:

1: (a) worthy of acceptance or belief as conforming to or based on fact // paints an authentic picture of our society; (b) conforming to an original so as to reproduce essential features // an authentic reproduction of a colonial farmhouse; (c) made or done the same way as an original // authentic Mexican fare

2: not false or imitation: REAL, ACTUAL // an authentic cockney accent

3: true to one's own personality, spirit, or character // is sincere and authentic with no pretensions



Around the world, in various workplace settings, there are unwritten rules concerning what behavior, outward appearance, attitudes, and expectations that are acceptable based on the relevant organization's business needs, industry, locale, clients, or customers receiving said organization's services. The legal industry is no exception. These unwritten rules serve as a gauge that can determine if one retains one's position and if one can be promoted within the organization. The problem with these unwritten rules is that they do not always allow for someone to be their authentic self. In many instances, members of an organization's diverse (and neurodiverse) population may be forced to wear a mask and present a facade, thus not bringing their complete selves to their organization where they are giving their talents and time to support their employers' goals.

According to Michelle Silverthorn, CEO of Inclusion Nation and author of *Authentic Diversity: How to Change the Workplace for Good*, "Authentic diversity is the ability to bring your authentic self to work, your differences, your identity, and your truth and not have to leave that at the building door." The values, life experiences, and individual cultural norms are the foundation of the talent, ideas, perspectives, and work ethic that employees are leaving as imprints within organizations worldwide. If it is a requirement that they leave their authentic selves at the door or suppress themselves with masks or facades, employers will miss the opportunity to receive the absolute best work product from their personnel and thereby lose benefits for their clients and their profitability.

AUTHENTICITY: CAN IT EXIST IN THE WORKPLACE? (CONTINUED)

With the global pandemic and the racial injustices in the United States unfolding onto the international stage, now more than ever being authentic in the workplace has become unavoidable as working from home has caused organizations to pivot their operations with the side effect of exposing more of ourselves. With the sparse mental labor that we have due to the impact of a pandemic, employers have relaxed the unwritten rules of acceptable behaviors and empathetically allowed their employees to be more their authentic selves. Additionally, this has shown employers their personnel's personal and professional resilience both individually and collectively. No longer can we ignore diverse cultures and their norms, family structures, and individual values and struggles as the pandemic has opened the door into our lives. Technology has been the bridge that has allowed us to view each other as a human first and our other identities as secondary. But are our other identities secondary?

Moreover, instead of totally going back to business as usual—can we leave the door open for authenticity to exist in the workplace? Moving forward, can we continue to embrace what we have in common as humans while also recognizing our differences? If we use this opportunity to learn more about our differences, and respect and trust that those differences do not limit us as professionals or prohibit us from being our best professional selves, authenticity in the workplace can unapologetically exist.

Author's note: The HR professional in this story is me. The space my former HR Director gave me to share my pain, fears, and anxiety, and to know that I could seek assistance from my employer, has also become a part of my imprint in ways I could never repay. It is my hope that more employers will support all of their personnel and the community at large in this way.



Environmental Justice & Climate Migration: Where Will They Go?

GAYATRI JOSHI

For thousands of years, people have migrated from their homelands to others in search of safety and security. Some were forcibly moved, many chose to relocate for religious, racial, political, or cultural reasons, while others left for environmental reasons. Today, climate change and climate change-related disasters are expected to drive people, especially those from vulnerable communities, to migrate in extraordinary numbers from their homelands.

Climate change has caused droughts, heat waves, extreme storms, and floods around the world. In 2021 alone, there were more than a dozen unprecedented weather events. For example, Canada and the Pacific Northwest experienced a heat dome causing extreme high temperatures, while Spain endured a blizzard, and Texas dealt with a deep freeze leading to hundreds of deaths. According to the World Meteorological Association, over the past 50 years climate change-related disasters have increased fivefold, killing more than 2 million people and costing \$3.64 trillion.

While everyone experiences the affects of climate change, the most negative and extreme impacts are felt disproportionately by communities which already face inequity from discrimination, such as indigenous people, people of color, and women and children, particularly in developing nations. Generally, these communities are highly invested in agricultural production, and so are incredibly vulnerable to the effects of droughts, fires, desertification, flooding, land loss, and air pollution. Coastal communities are also affected; ocean acidification has impacted healthy fisheries and shellfish, and rising sea levels continue to threaten their homes.



While everyone experiences the affects of climate change, the most negative and extreme impacts are felt disproportionately by communities which already face inequity from discrimination, such as indigenous people, people of color, and women and children, particularly in developing nations. Generally, these communities are highly invested in agricultural production, and so are incredibly vulnerable to the effects of droughts, fires, desertification, flooding, land loss, and air pollution. Coastal communities are also affected; ocean acidification has impacted healthy fisheries and shellfish, and rising sea levels continue to threaten their homes.

These communities have far fewer atmospheric emissions than rich, developed nations, yet they suffer greater consequences of climate change. Communities in developing nations do not have the same access to resources to respond to climate change as industrialized nations. Having amassed great wealth, industrialized nations have better resources to develop resiliency plans in response to climate change, thereby enhancing stability. Developing nations, however, are at risk for worsening water and food security, reduced access to natural resources, and civil unrest and political conflict.

As climate-related disasters worsen, many will be forced to make critical decisions whether to leave their homelands. The United Nations High Commissioner for Refugees (UNHCR) reports that, since 2010, climate change and related disasters have already displaced an estimated 21.5 million people. For most climate migrants, the decision to leave home is not easy. Some will initially choose to live in nearby towns or within borders before risking journeys farther afield. The 2021 World Bank Groundswell report estimates that, without concrete action by 2050, more than 216 million people in six regions will migrate within their own countries.

ENVIRONMENTAL JUSTICE & CLIMATE MIGRATION: WHERE WILL THEY GO? (CONTINUED)

Sub-Saharan Africa accounts for 86 million internal migrants, which has a fragile coastline, desertification, and high agricultural dependence. North Africa would see 19 million people moving due to water scarcity and rising sea levels, while 40 million migrants are expected in South Asia and 49 million in East Asia and the Pacific resulting from rising sea levels, drought-hit land, temperature increases, and floods.

Few countries and migration hotspot cities have developed plans to address climate migration. As climate migrants leave their homelands because of climate change or climate-related disasters, there is little legal protection for these individuals. While the conditions they flee from resemble those of refugees, they are not classified as such because they are not fleeing from persecution or violence when crossing a national border, thus they do not qualify for protection under the law. As the number of climate migrants grow, governments will be forced to address and adapt to the crisis.

If countries commit to policies and actions to combat climate change with low-level emissions and inclusive, sustainable development, we could lower estimations of displaced people to only 44 million from a worst-case scenario of 216 million people. We can also do our part; actions can show solidarity, make an impact, and change mindsets. Remember to:

- Use sustainable, reusable materials so you reduce your consumption of resources and the demand for single-use items;
- Reduce your waste by consuming less food and purchasing fewer unnecessary products;
- Save energy so there is less demand on the infrastructure; and
- Observe International Migrants Day each December 18 to bring climate migrant awareness to your law firms.



Stews from Around the World

MEAGHAN O'HARE

Food brings people together no matter what part of the world they come from—there are dishes that are prepared for special occasions or during a specific time of year. Then there are dishes that will bring comfort and joy all year long. Those are probably my favorites. Now that the cold season is upon us, what better time to stir up a pot of a warm and hearty stew! I took a virtual trip around the seven continents in search of their best stews. If you're feeling adventurous or just want to try something new, consider one of these selections and enjoy!



North America: Hodge-Podge (or Hotch-Potch)

Hodge-podge is a thick, nourishing stew with origins in the Canadian region of Nova Scotia. The name is probably derived from the English term hotch-potch, which means a mixture, referring to the fact that the stew is prepared with a combination of different vegetables such as carrots, beans, and potatoes. The stew is typically thickened and flavored with heavy cream, butter, salt, and pepper.

Recipe:

www.eastcoastfoodstories.ca/blog/2017/8/20/nova-scotian-hodge-podge



South America: Feijoada

Feijoada (Portuguese pronunciation: fə'jwādə) comes from the word “feijão” which means “beans.” Not to be confused with feijoa, which is a fruit related to guavas, feijoada is a Brazilian black bean and pork stew served with white rice, farofa (toasted cassava flour), couve a mineira (pan-fried collard greens), and orange slices. It is the national dish of Brazil.

Recipe:

www.easyanddelish.com/feijoada-black-bean-stew/



Asia: Kare-Kare

This rich stew is made with peanut sauce and, customarily, oxtail, but other meatier cuts of beef can also be added in. Many Filipinos will consider kare-kare incomplete without a serving of bagoong (fermented seafood paste) on the side.

Recipe:

panlasangpinoy.com/kare-kare-recipe/



Europe: Borscht

Borscht is a beet soup that originated in Ukraine and was quickly adopted as a Russian specialty as well. This soup has dozens of ingredients and can take up to three hours to prepare. Typically, it is full of meat and sautéed vegetables, including beets, cabbage, carrots, onions, and potatoes. It can be served hot or cold and is best served with a dollop of fresh sour cream on top and special garlic bread called pampushka.

Recipe:

www.allrecipes.com/recipe/84450/ukrainian-red-borscht-soup/



Antarctica: Hoosh

Hoosh is a thick stew made from pemmican (a mix of dried meat, fat, and cereal) or other meat, a thickener such as ground biscuits, and water. Rather than being an actual recipe, hoosh is really just a word for a stew made from the limited ingredients you have at the time. The recipe is close to that eaten by explorers during the Heroic Age of Antarctic Exploration. These days, dried vegetables and herbs and/or sauces could be used to add extra flavor. Fresh vegetables are still not used when the stew is made out in the field—they take up too much space and weight and use too much fuel in the cooking.

Recipe:

www.coolantarctica.com/schools/antarctic-hoosh-recipe.php



Australia: Slow Cooker Beef Stew with Fruit Chutney

Beef stew is different around the world. In France, they add wine; in Ireland, they add Guinness; and in Germany, it's sour cream. In Australia, they add fruit chutney to give an unmistakable sweet-savory flavor that mellows out in the slow cooking to become a super succulent stew.

Recipe:

myfoodbook.com.au/recipes/show/slow-cooker-beef-stew-with-fruit-chutney

Africa: Couscous

Steamed semolina couscous is one of the most famous Algerian dishes. It is commonly served with a stew of meat and various vegetables like carrots, potatoes, and zucchini. It is often eaten on Friday, due to a centuries-old tradition of giving couscous to the country's poorest people on that day.

Recipe:

www.allrecipes.com/recipe/256729/algerian-couscous/

Straight Talk about DE&I and the Legal Profession

ELLIE KRUG

Here's a bold statement that's sure to raise eyebrows: despite their public image as fearless and willing to take on just about any Goliath, many legal workplace leaders (usually older white men, sorry) are acutely risk averse. This is particularly true when it comes to introducing and utilizing diversity, equity and inclusion (DE&I) principles in the workplace.

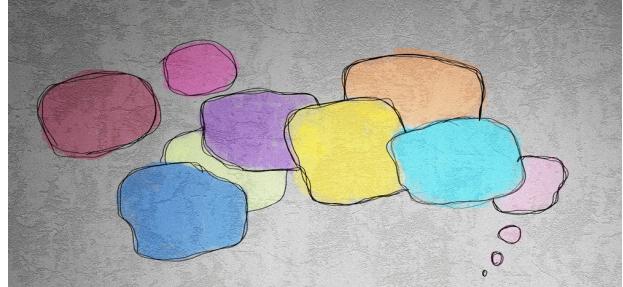
Why are lawyers afraid of DE&I—or more particularly—fearful to have diverse attorneys show up on their clients' legal teams?

For one, in some parts of the country there's the fear that the client won't approve. Imagine a scenario where the client is a white family who owns a tremendously successful multimillion dollar business but isn't familiar with basic DE&I concepts. The client might even believe they're quite progressive because they employ a Latino middle-level manager. Knowing this, the partner who serves the client might be extremely reluctant to send over a Black, Brown or LGBTQ-identifying attorney to work on the legal matter at hand.

Translated even further, the fear comes down to money: "Will I lose the client (and revenue) if I send Denzel, a Black lawyer, to defend the HR manager's deposition in that new employment case? After all, I wouldn't want the client to feel uncomfortable." The fear might prevail even though Denzel graduated at the top of his law school class and is razor sharp.

Then there's the aversion to devoting dollars to hiring and then keeping (via effective inclusivity measures) diverse legal team members. On more than one occasion, I've gotten the question, "Ellie, your work seems great, but what will be our return on investment if we hire you? How will bringing in attorneys from diverse backgrounds pay off? How will we even know if we've succeeded?"

Oh boy! In that situation, I tell the questioner that he or she will be sorely disappointed if they're looking for DE&I success in six months or a year. "This is a long-term process," I explain. "We're talking five, maybe ten, years before you can look around a room and say, 'We've succeeded in becoming more diverse and inclusive.'"



Many legal workplace leaders don't want to hear that. It's too much money and effort for too little prospect of return. Thus, they remain stagnant and stuck while their competitors invest in DE&I. What are some ideas on how to talk to power partners/leaders about the value of DE&I? I have three approaches.

First, there's the "economic survival" argument, which goes like this: increasingly, clients demand that their legal counsel hire and utilize diverse lawyers. (The growing number of clients' DE&I-centered requests for information or proposals is proof of this trend.) This reflects the pressure that clients themselves feel from their own customers, who want their suppliers or vendors to be diverse and engaged in a marketplace that's far more equitable. Thus, it makes sense for firms to do the challenging work of hiring and retaining diverse attorneys (and support colleagues) now—or they'll risk losing existing clients and being nixed by potential new clients in the future (since the clients will go to firms that do understand the importance of DE&I).

Second, there is the "How are you going to attract new blood?" argument: for younger/newer lawyers, DE&I is extremely important. Younger people have been taught DE&I values going back to middle school, even to the point that white law school grads shun workplaces that aren't diverse. If you want the firm to grow in an already tight legal graduate market, you'd better get on board the DE&I express now.

Lastly, there's what I call the "pulse of America" argument: history is on the side of organizations that better reflect the rich diversity of our country. Workplaces that understand this will survive, those that don't will fade away.

Thankfully, legal employers often respond to one or more of these arguments and then start down the DE&I road, however arduous it may be in the beginning. On the other hand, despite all evidence to the contrary, some legal organizations stubbornly resist change, meaning that they will remain largely white, male-led, straight, and exclusively able-bodied. I always note the names of those entities because in the not-too-distant future—for the reasons stated herein—they'll no longer exist. That's not an exaggeration.

The Mansfield Rule: Increasing Diversity in Leadership Roles and Opportunities at Over 260 Law Firms

BRIDGET HAGAN AND JOHN CONNOLY

The Mansfield Rule, launched by Diversity Lab in 2017, is a program designed for law firms and corporate legal departments that measures whether participating law firms are considering at least 30% women, racial and ethnic minorities, LGBTQ+ attorneys, and attorneys with disabilities for leadership positions, promotions, and career-enhancing work opportunities.

The inspiration for the Mansfield Rule comes from the 2016 Women in Law Hackathon, created and organized by Diversity Lab, along with Stanford Law School and Bloomberg Law. It is named after the first female attorney admitted to practice law in the United States, Arabella Mansfield. The Mansfield Rule was originally inspired by the NFL's Rooney Rule, which requires NFL teams to interview ethnic-minority candidates for head coaching and senior operation positions.

With the overall objective to diversify leadership, the Mansfield Rule looks to:

- Establish the practice of tracking and documenting diversity so that progress and areas for improvement can be seen and measured;
- Broaden current leaders' perspectives on what future leaders could look like;
- Add transparency to often opaque succession planning processes; and
- Provide a platform for firms to work together to progress as a community rather than attempting to make progress in isolation.

For participating law firms, the certification process involves tracking the diversity of their candidate pools over a 12-month period for leadership and governance roles and senior level lateral hiring, with the goal of considering at least 30% from underrepresented groups.

Firms also provide written job descriptions for the roles they are looking to fill to ensure that election and appointment guidelines and processes for these roles are transparent and available to all attorneys at the firm.



To become Mansfield Certified, firms must meet the 30% consideration threshold in at least 70% of the categories tracked. They must also participate in individual check-ins with Diversity Lab consultants and submit a midpoint and year-end survey. Mansfield Certification Plus is earned by firms that, in addition to meeting or exceeding the requirements for certification, have also successfully reached at least 30% diverse lawyer representation in a notable number of their current roles and committees. Firms that achieve Mansfield Certification and Mansfield Certification Plus can invite their newly promoted diverse partners to attend the Mansfield Rule Client Forums so that they can meet and learn from influential in-house counsel from over 70 leading companies.

In 2018, a year after it was created, 41 law firms earned Mansfield Certification. This increased to 64 in 2019 and 102 in 2020. 117 firms signed onto the program from July 2020 to July 2021. As reported on Law.com on September 13, 2021, for the first time, every firm participating in Diversity Lab's Mansfield Program achieved certification and 92 firms even made it a step further, achieving Mansfield Plus Certification. In addition, 70 small to mid-size firms have joined the organization's Midsize Mansfield certification process, bringing the total number of participating law firms to more than 260. These recent full certification stats come in a year when Diversity Lab was concerned that the pandemic would discourage law firms from committing their required efforts and resources to participate.

According to Natalia Marulanda, Mansfield Rule Director at Diversity Lab, "Despite the ongoing challenges of the pandemic, the Mansfield Rule certified firms have not deviated from their goal of ensuring that law firm leadership reflects the rich diversity of the profession. We are enormously proud to work with such a committed group of firms." They should be proud...and so should the law firms, both big and small, that are committed to bringing more diversity and inclusion to the legal community, as well as to our world.

For more information, visit:
www.diversitylab.com/.

A Chat on Equity in the Legal Profession

NOREEN FARRELL

National gender justice leader Noreen Farrell, Executive Director of Equal Rights Advocates, sat down with a dynamic group of legal professionals to explore key practices promoting equity in the profession. Joining Noreen were leaders of the NYC Chapter of the Association of Legal Administrators including Audrey Serban, Office Administrator at Fisher & Phillips, Michael Leonardi, Executive Director & CFO at Holwell Shuster & Goldberg as well as French-born and trained Marie-Victoire Wickers, a second-year Associate in the New York City office of Segal McCambridge Singer & Mahoney, Ltd.

Noreen: Equity is the fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups. Audrey, how do you relate personally to diversity, equity, and inclusion and what have been helpful practices in your workplace?

Audrey: I understand what it is like to be the only Latina in the room, so, it is important that the legal profession be intentional in its recruitment, hiring, and support of employees once they start. My firm, for example, has vibrant affinity groups and programs to facilitate the staff's sharing their own experiences. We work with clients who value diversity in the legal teams representing them.

Noreen: I'm often asked by men especially how they can be good allies in the workplace when it comes to equity. Michael, what are you most proud of in this respect?

Michael: I believe in the power of mentorship, especially in a profession that can be behind the curve on these issues. I step back in meetings and let others lean in. I share what I know with junior employees and support them when they fail—because this is how they grow. I invest in the career success of my mentees and champion them in my networks. I'm proud to be part of leadership at ALA which prioritizes the development of diverse new leaders in its succession planning.



Audrey: Michael, I really appreciate that because mentors made the difference in my career. I've gone from being reserved to rising through the ranks of ALA because many in the NYC Chapter helped me find confidence in my views and voice. They gave credit where credit was due—that is how people of all kinds feel seen and gain confidence.

Noreen: Every workplace benefits from team members who bring diverse life experiences. Marie-Victoire, how has your journey informed how you view diversity and inclusion in the workplace? What equity practices in the U.S. have impressed you?

Marie-Victoire: Being French and having trained as a lawyer in France, I was not sure what to expect working in the U.S. as a lawyer. But my team appreciates my language capacity and cultural strengths that attract new and different clients. I am also very proud of my firm's pay transparency, which is not widely practiced in France. As a woman, I know exactly what others make and why. That helps me seek the right training and ask the right questions to advance. Noreen, what other practices do you suggest to promote equity?

Noreen: Thanks for that question because workplace equity is not just a legal requirement; studies prove that it promotes employee morale and retention key to business success. It is important to customers and investors. To add to the great advice so far, high road employers also have clear policies prohibiting discrimination, a complaint procedure with quick action to address inequities, annual salary audits, and frequent employee satisfaction surveys. Great employers know that representation matters, especially at the management level where key decisions affecting employees are made. They measure DE&I compliance and success in performance evaluations to highlight it as a core value, key to advancement in the company. We have lots of work ahead, but I feel energized by you all as great equity ambassadors in the legal profession.

Expectations of Allyship*

A.C. FOWLKES, PH.D.

The word “ally” is perhaps the most overused term when describing proximity to the marginalized. Everyone wants to be an ally—well, until it is actually time to be an ally. Allyship must not be performative. Words must be followed by meaningful action. The following is a proposal for a new model of allyship, one in which expectations are set for those that call themselves allies. The goal is not to call out those who fall short but instead to create a yardstick to measure our efforts. Please find a portion of the model below:

- Actionable Insights
- Listen Generously
- Lean Back/Push Forward
- Yield the Right of Way
- Social Contracts
- Honor Agreements
- Identify Growth Opportunities
- Privilege Sharing

Actionable Insights

It is essential that, as an ally, you are intentionally gathering information about the group you wish to support. Once collected, the information can be utilized to identify next steps. Too often it is the case that individuals want to skip directly to taking steps without having taken proper care to gain insight. The gaining of understanding and context is one of the many things that separates the ally from someone that seeks to take over. Information gathering allows one to identify needs, enabling them to be thoughtful in their offerings and increasing the likelihood that what they offer will bring value to the population served. The co-mingling of ideas and intentions (cross-pollination) separates an ally from someone who seeks only to take over or engage in cultural appropriation (usurpation).

Listen Generously

So, how does one go about obtaining the information referenced in step one? Information is obtained by way of listening—and not just listening but listening generously. Generous listening requires humility on the part of the listener. Generous listening is characterized by deference to expertise and an understanding that you are likely not the expert in the room. Listening generously requires deep listening, a listening in which you are seeking to understand and not to respond.



Lean Back/Push Forward

An ally masters the art of leaning back and pushing forward. To lean back and push forward is to decenter yourself and to center the marginalized. Leaning back and pushing forward is not something that happens haphazardly. You must make a conscious decision to remove yourself from the center (of the space/conversation/decision-making process, etc.) and see to it that a member of the underrepresented group is placed there in your stead. If you lean back without pushing someone else forward, what you will find is that another member of the majority (likely someone who has just as much authority as you do) will take your place. You must understand that if a member of a marginalized group could center their experience without significant risk, they would likely have already done so.

Yield the Right of Way

When driving a vehicle, there are many instances in which you will have the right of way. Despite having the right of way, you have more than one option. You can utilize the right of way and continue forward, or you can yield the right of way to another driver allowing them to take your place. Allies function in much the same way. If an ally is a member of the majority, they inherently have the right of way. People automatically defer to them and allow them to move forward unobstructed. Much like the driver of the primary vehicle, they have more than one option. They can take advantage of the lack of resistance and move forward in a way that solely benefits them, or they can decide to yield the right of way to a member of an underrepresented or marginalized community. An ally chooses the latter.

*An extended version of this article was initially published in [Forbes.com](https://www.forbes.com/sites/ashleefowlkes/2021/09/17/expectations-of-allyship-a-new-standard/?sh=275d1fe8116b).

To read the original article in its entirety, visit:
<https://www.forbes.com/sites/ashleefowlkes/2021/09/17/expectations-of-allyship-a-new-standard/?sh=275d1fe8116b>.

Sponsorship

TONI STEPHEN

When considering diversity, equity, and inclusion (DE&I) initiatives and creating programs that will affect change, it's the "how" that becomes paramount and requires great creativity and ingenuity. Tangible, solutions-driven DE&I initiatives can be hard to identify and translate into effective practices and programs. Over the past few years, many different terms and ideas have been created, redefined, and raised to the forefront in an attempt to help create effective actionable items.

Mentorship and sponsorship are two such terms that have garnered much discussion when contemplating DE&I programs. These terms may seem to have the same meaning, but they are indeed very different as is each of their ultimate outcomes. In this article, we will examine sponsorship more closely and seek to clarify its intended results and highlight its differences from mentorship.

While both sponsorship and mentorship seek to provide support, the result of that support is where the monumental differences are seen. In *The Sponsor Effect: Breaking Through the Glass Ceiling*, author Sylvia Ann Hewlett defines a sponsor as: someone who uses their chips on someone else's behalf and advocates for that person's next promotion while simultaneously doing at least two of the following on their protégé's behalf: expanding the perception of what their protégé can do; making connections to senior leaders; increasing visibility; connecting them to career opportunities; advising them on their appearance; making connections for them outside of their company or organization; and giving career advice.

Although it may seem as if sponsors perform the same role as mentors, the roles are actually very different. A mentor is someone who provides career advice. It's a role with no consequences on the side of the mentor, as one offers expertise typically in private, when it's convenient, and without any investment necessary on the side of the mentee. The mentee receives advice, guidance, and coaching. A sponsor, on the other hand, puts their reputation on the line by aligning themselves to their protégé. Sponsorship is a public relationship that's highly visible and usually very vocal.



In the mentor/mentee relationship, mentees have the choice of mentors or can initiate the mentor/mentee relationship by asking someone to mentor them, whereas in the sponsorship relationship, the sponsor initiates the relationship. Protégés do not choose their sponsor, the sponsor chooses them. Mentors hone their mentees' skills, while sponsors propel their protégés forward and upward. In essence, as Millette Granville, Director of Diversity and Inclusion of the Delhaize Group says, "a sponsor is an influential spokesperson for what you are capable of doing," i.e., an influential advocate.

In the sponsorship relationship, protégés must earn the privilege of someone sponsoring them. It is an alignment that comes with consequences for the sponsor, as it puts their reputation on the line. Therefore, sponsors must first develop confidence in the knowledge, skills, work product, and potential of their potential protégés before they will initiate the alignment. Protégés must have a proven track record of their abilities which is earned through hard work to mitigate the risk of sponsorship.

Sponsorship's inherent nature is to create opportunities for advancement. It is intentional and deliberate advocacy on behalf of a junior or minority person. A sponsor will "talk up" their protégé when that person is not in the room. They will rally behind them and use their sphere of influence to open doors that may not have otherwise been accessible to the protégé.

Because sponsors are people in positions of power, they can change a person's career trajectory. Sponsors have the ability to influence others, which is what can make the sponsor's role so impactful on the success of their protégé. Junior and minority professionals usually do not have the exposure or network that a more senior, influential person may have.

Sponsorship programs, when implemented properly, can help organizations improve retention and culture issues, especially regarding underrepresented groups. An effective and robust sponsorship program can provide a dynamic support system and promote inclusion producing highly positive, tangible results for an organization's DE&I initiatives.

However, the sponsorship dynamic does not come without its potential pitfalls. The Sponsorship Effect found a major concern, at least as it pertains to women, in that most sponsors will be older males and the appearance of a relationship with minority or junior females can be detrimental—and perhaps one that both the sponsor and the protégé would rather avoid than work through. It's therefore on the organization to make the sponsor/protégé relationship as transparent as possible to dispel any negative gender or racially based misperceptions surrounding these relationships.

The Sponsorship Effect also found that most people underestimate the power of having a sponsor. The study found that many think that if they work hard enough, they alone will be able to propel themselves higher in their careers, dismissing the significant impact an effective sponsor can have on their success. As co-author of The Sponsor Effect, Kerrie Peraino, notes, "You can have a strong network, drive strong results, even know all the unwritten rules. But if you aren't sponsored by someone in a position to weigh in on your behalf at the decision-making table when you're not there, you're not getting the next opportunities."

Moreover, sponsorship need not be contained within an organization or company and the relationship need not only exist among co-workers. It makes sense that it does, since one learns more about an individual's capabilities through working closely with them and so most often that's where such alignments are formed. However, sponsors can choose a protégé who is someone they've had an opportunity to work with in another arena. In this instance, the sponsor can still invite the protégé to events, introduce them to people that can further impact their career, and speak about them when they're not present as someone others should want to meet.

When considering how to put into place meaningful programs that can have a positive career impact on more junior, minority individuals, sponsorship programs should be seriously evaluated.

Participation in the program would need to be voluntary and trust-based, and require tangible results of hard work from the protégé and commitment on behalf of the sponsor. Thoughtful, proactive solicitation of sponsors and transparent, equitable benchmarks for protégé candidates would be paramount. Facilitating such relationships could prove to be a winning proposition for all: the organization, the sponsor, the protégé, and diversity, equity, and inclusion in general.

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Workplaces Should Lean Into Equity

MARREDIA CRAWFORD

The past 20 months have been a test of the human spirit to say the least. We continue to live through a global pandemic that has amplified racial and gender disparities. We have witnessed tragedies in real time with the murders of Ahmaud Arbery, George Floyd, Atatiana Jefferson, and Breonna Taylor, to name just a few. We have watched serious threats to an already fragile democracy. Many companies and law firms made public statements reiterating their commitment to diversity, equity and inclusion. While diversity and inclusion are certainly important, equity has the potential to effectuate real change. Without equity, diversity and inclusion are not sustainable.

So, what is equity? Catalyst.org defines equity as “working toward fair outcomes for people or groups by treating them in ways that address their unique advantages or barriers.” Equity should not be confused with equality. Over the years, the terms equity and equality have been used interchangeably but they are fundamentally different in terms of impact. Equality is treating everyone the same way, often while assuming that everyone also starts out on equal footing or with the same opportunities.

In the movie *Hidden Figures*, there was a notable scene where Katherine Johnson (portrayed by Taraji P. Henson), the only Black woman working in this department at NASA, would leave her workstation to go use the restroom. One day, her supervisor, Al Harrison (portrayed by Kevin Costner), challenged her to know why she is absent for such long periods of time during the day. She, rightly, was upset and relayed that she must walk a half mile each way to use the facilities because there was not a restroom available to her in the building—there was only one “colored” restroom. While she had a restroom available to her, she had systemic barriers in her way that others did not. Although this is a simple example of equality versus equity, workplaces have a responsibility to develop more complex equitable and inclusive environments. To achieve equity, workplaces should be intentional in their practices and enable all individuals to contribute.

Use your privilege

Privilege is often invisible to those who have it. It is not about the individual as much as it is about groups to which a person belongs and how those groups are treated by society.



We all have privilege in some manner and some settings. It is up to those who hold positions of privilege and power to break down barriers of inequity. In the *Hidden Figures* example, Al Harrison made the decision that Katherine Johnson, and others, could use whatever restroom was available in the building. He took action by removing barriers and creating a more equitable space. His action wasn't just an individual exception, but it had a broader impact on others who were facing a similar inequity. What barriers have you noticed that those from underrepresented groups must systemically navigate to achieve equity? How can you use your privilege to break down barriers in recruiting, retention, and promotion that could have a broader impact?

Don't perpetuate inequity

In workplaces, we don't often question well-established practices which can lead to perpetuating systemic inequity. Because it has always been done in a certain manner, doesn't mean that you cannot question the practice. Al Harrison could have easily shrugged his shoulders and just let the status quo remain or just defaulted to saying “well it's always been this way.” When we learn about inequity, we have a responsibility to interrupt it. This will require de-centering oneself to ensure that others may have an opportunity for success.

Get to know others

What would Al Harrison have learned about Katherine Johnson if he would have taken the time earlier to get to know her? He would have learned about the aforementioned inequity as well as others. Who are the Katherine Johnsons in your workplace that you can get to know and build trust? Are they navigating barriers that you may not be aware of?

Why should workplaces lean into equity? It is the most impactful way to change the culture. We all have a responsibility to level the playing field, through uncovering and giving voice to inequities and developing more equitable practices and processes.

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