

***Diversity Sparks Cutting-Edge Innovation:  
Reimagining Organizational Talent Management***

By

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&

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## Introduction

This booklet provides organizational strategies and practical solutions to advance diversity and inclusion at law firms and legal departments. For nearly a decade, Talent Advisory Board has worked with law firms and legal departments to research and implement talent management strategies and innovations that have propelled these organizations to exceed industry diversity benchmarks. Through our work, we have recognized inclusive leaders at these innovative organizations lead with a culturally responsive mindset, manage diverse talent strategically, and intentionally manage to create an inclusive climate. We hope to inspire and educate future leaders in the legal industry to integrate diversity into their talent management processes in innovative ways. We also aim to provide a thoughtful guide detailing what we have learned from the most cutting-edge legal organizations in the Silicon Valley.

Through the course of our work in the diversity and inclusion field, we have come across many tools to “solve the diversity problem” at an individual or interpersonal level. In this booklet, however, we present in-depth best practice organizational case studies that encompass an inclusive leadership mindset, structural diversity solutions, and inclusive climate change. The cases give readers a strong understanding of each organization’s methods of achieving inclusivity. Our in-depth case examples come from three innovative organizations that we believe are pinnacle best practice cases – Wilson Sonsini Goodrich & Rosati PC, Fenwick & West LLP, and SolarCity. Along with the booklet of cases, we have developed an in-depth presentation of associated models and frameworks not only based on these firms but also generalized best practices based on our research across dozens of organizations over the last decade.

Talent Advisory Board’s research and consulting practice has focused on organizational diversity strategies for innovative companies. We have been collecting data on best practices and diversity representation at the organizations we will highlight for several years – some nearly a decade. Our analysis of these organizations is based on longitudinal research in addition to recent updates. The long relationship we have had with the leaders at these organizations, in addition to the meticulous metrics we have collected over the years, have enabled us to develop informed theories on diversity and innovation. Because of its unique focus, we have presented much of this work over the last decade at the Minority Corporate Counsel Association, California Minority Counsel Program, Association of Law Firm Diversity Professionals, and Bar Association of San Francisco, to name a few industry associations.

## About the Authors

### **Tina Shah Paikeday**

#### ***Founder, Talent Advisory Board***

Tina Shah Paikeday is the Founder of Talent Advisory Board Inc., a boutique diversity research and consulting firm, which focuses on serving leaders in the legal sector who have made a commitment to workforce diversity. Tina has worked closely with clients to develop diversity strategies, while also assisting them with employee research and related programs. She has authored numerous research papers on diversity issues such as sponsorship, accountability, retention, work-life and ROI. She has spoken at a variety of industry forums including the Minority Corporate Counsel Association, the California Minority Counsel Program, and the South Asian Bar Association.

Tina founded Talent Advisory Board with the social mission of fostering a greater level of understanding between people of diverse backgrounds. She began her career at McKinsey & Company and served as a Senior Director at the Corporate Executive Board prior to founding Talent Advisory Board. She has advised human resource executives and business leaders on strategic human resource issues at dozens of large corporations and professional service firms and has lectured at the Haas School of Business at the University of California at Berkeley.

Tina earned a B.S. in Commerce with Distinction from the University of Virginia and an M.B.A from the Stanford Graduate School of Business. She was also the Founding Board Chair of the Network of Indian Professionals and Indus Women Leaders as well as an active member of The Indus Entrepreneurs. Tina has served on several boards including the Taproot Foundation and the IDEA Fund.

### **Salam Rafeedie Baqleh**

#### ***Diversity Research Director, Talent Advisory Board***

Salam Rafeedie Baqleh has a special interest in researching issues of diversity and inclusion in modern day American society. At Talent Advisory Board she tackles a variety of complex workplace diversity topics ranging from LGBT equality to religious tolerance to racial and ethnic bias.

Prior to her work at Talent Advisory Board, Salam spent three and a half years practicing intellectual property litigation at Fenwick & West LLP. While at Fenwick, Salam served on the firm's Diversity Committee playing a key role in Fenwick's first ever diversity retreat. In addition to managing a large caseload for corporate clients, Salam maintained an active pro bono practice including helping disabled youth attain Social Security benefits, filing temporary restraining orders for abused women, and coaching and judging Santa Clara County high school mock trial students.

Salam has a bachelor's degree in English and Ethnic Studies from U.C. Berkeley and a Juris Doctor from U.C. Berkeley School of Law. In law school, she received the American Jurisprudence Award in Islamic Law and wrote her thesis on blood quantum requirements for membership in Native American tribes.

### Inclusive Leadership Mindset: SolarCity Case Example

SolarCity is a highly innovative solar company. Since its inception in 2006, it has become the nation's #1 solar provider. The legal department's role is critical to the company's ability to innovate. The attorneys help the company navigate the new legal landscape governing sources of alternative energy. Seth Weissman has led the legal department for over 7 years. He exhibits the skills of an inclusive leader - emotional intelligence, cultural competence and cultural responsiveness. These three particular attributes have led to not only his success as a leader but also to a highly diverse legal department. In this case, we will highlight the specific attributes that have led to Mr. Weissman's success in the diversity and inclusion of his legal department. Under his leadership, SolarCity's legal department has grown from 20 attorneys in 2014 to 65 attorneys today. While broader market valuations course corrected in early 2016, we believe Seth Weissman's high level of competence as an inclusive leader of diverse attorneys will help his department continue to achieve great success. We have had the opportunity to interview many minority and women leaders at companies with high levels of gender and racial diversity at the corporate leadership level, and we chose to profile Seth Weissman, a Caucasian male, as an inclusive leader because of his standout level of wisdom in this area as evidenced by the diverse composition of Mr. Weissman's team at SolarCity. More than half of his direct reports are women. This is particularly noteworthy given that in 2014, a compilation of the data from top Silicon Valley companies (Facebook, Apple, Google and Twitter) showed that women made up only about 30% of the workforce at any level.<sup>1</sup> Indeed, as compared to the Silicon Valley in general where women hold only 11% of leadership positions, SolarCity's legal department stands out.<sup>2</sup> The department boasts a large population of LGBT attorneys within the group – nearly 10% of the legal group, as compared to 4% of the national workforce.<sup>3</sup> In 2014, SolarCity's legal department out-performed the industry benchmarks for minorities and women, particularly in the top levels where 33% of SolarCity's General Counsel and Direct Reports were minorities. SolarCity's percentage of minority attorneys was more than double the industry average.<sup>4</sup> Mr. Weissman's department leadership surpasses SolarCity's leadership in terms of diversity.

#### Emotional Intelligence

An inclusive leader must be emotionally intelligent. Adapted from Daniel Goleman's model, emotional intelligence is the ability to have self-awareness, regulation, empathy, social skills and the motivation to lead.<sup>5</sup> The first element encompasses an ability to understand and manage oneself. Self-awareness is recognizing one's internal emotions and knowing personal strengths and opportunities to grow. Self-regulation includes being trustworthy and adaptable and taking responsibility for one's own performance. Empathy has several facets including understanding others' feelings, developing others and anticipating and meeting the needs of others. Social skills reflect a person's ability to influence,

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<sup>1</sup> <http://www.bloomberg.com/news/2014-08-12/the-silicon-valley-diversity-numbers-nobody-is-proud-of.html>

<sup>2</sup> Fenwick Gender Diversity Study, 2014, [http://www.fenwick.com/FenwickDocuments/Gender\\_Diversity\\_2014.pdf](http://www.fenwick.com/FenwickDocuments/Gender_Diversity_2014.pdf)

<sup>3</sup> <http://articles.latimes.com/2013/nov/21/business/la-fi-mo-a-rundown-of-lgbt-workplace-discrimination-20131121>

<sup>4</sup> TAB, 2014, <http://www.talentadvisoryboard.org/TAB%20Research/2014/TAB%20Research%20Roundtable%20-%20Full%20Report%20-%2020091914.pdf>

<sup>5</sup> Daniel Goleman, *Working with Emotional Intelligence*, Bantam, 2000

communicate, and manage conflicts in key relationships. Finally, motivation is a person's drive to improve standards, to be optimistic, and pursue goals despite obstacles.

### Self-Awareness and Regulation

Mr. Weissman and the rest of the SolarCity legal team have a strong sense of self-awareness. The role of the in-house attorney is a supporting one with less glory than other departments inside a corporation. One attorney said, "we are not the stars here," when asked about the legal department's position in the organization. This awareness of his own role within the organization felt comfortable to him as someone whose particular strength lies in his ability to support the goals of others. Indeed, one of Mr. Weissman's "go-to" questions during the interview process is to ask candidates how self-aware they are on a scale of 1-10. As it turns out, this may be a trick question. Mr. Weissman's opinion is that becoming aware of oneself is a process that only nears completion, if at all, late in a person's life. Ironically, those who have achieved this level of wisdom, in his opinion, are more likely to give themselves a lower score on the 10-point scale as they realize the vast depth of knowledge necessary for self-awareness. A candidate who gives himself a higher score is, therefore, potentially less likely to possess this coveted skill.

SolarCity's attorneys exert a great deal of control over their own careers and frequently get to take on the work that interests them the most. One minority attorney, Sanjay Ranchod, straddled between the legal department and the policy department, carved out his own niche and gave himself multiple career path options. Today, he is the Vice President of Policy & Electricity Markets and while he is still a part of the legal group, the vast majority of his time is spent on policy work. This particular attorney exemplifies keen awareness of his own strengths and regulates them to navigate his way into not one, but two, departments within SolarCity. While SolarCity attorneys get evaluated by their managers and their peers, they know that their main purpose is serving as a support function for the business needs of the company. Attorneys are constantly anticipating and trying to meet the needs of their internal clients and they take responsibility for the outcomes of their legal work performance. Sanjay Ranchod discussed his busy schedule working on solar energy policy and how that required him to be out of the office most days of the week. He was able to meet all of the demands to the satisfaction of his internal clients, and at the same time pursue his own areas of passion.

### Motivation to Lead

Not only does Mr. Weissman exhibit strong emotional intelligence traits, he also has trained his department to screen for them in interviews and values them on an everyday basis. SolarCity's leadership places a strong emphasis on the emotional intelligence of its legal team – particularly when it comes to social skills including interpersonal relationships and influence. Mr. Weissman indicates his heavy focus on emotional intelligence when he describes his hiring criteria. He assumes that years of successful practice at top tier law firms qualifies candidates for the requisite technical skills, and that such skills are easier to identify during the resume screening process. The legal department spends more of its time focusing on the candidates' social skills with behavioral questions through a very involved interview process. Women and minorities fare particularly well in this process because they have often had to navigate challenging interpersonal situations and therefore have significant experience with intricate interpersonal relationship management. All candidates are interviewed by a very broad subset of the legal department and all members have veto authority when an interviewee comes off as

arrogant or lacking in interpersonal skills. The result has been a very diverse and cohesive legal team that has had only two attorneys voluntarily leave in over 7 years.

SolarCity Senior Vice President and DGC Chrysanthe Gussis exhibits motivation to lead the legal department. She says that the more efficiently in-house attorneys work, the better it is for internal clients and the company. SolarCity's legal department provides tremendous opportunity for attorneys to grow as the business around them has grown massively year over year for the past several years. This environment fosters attorneys who have a particularly strong desire to achieve and grow. DGC Chrysanthe Gussis is a prime example of this motivational drive. She describes herself jokingly as a "stalker" when she needs an answer from someone who is particularly hard to reach. She laughingly painted the picture of herself sitting at someone's desk until they come back with an answer for her. This persistence in the face of setbacks is a key element to the motivational aspect of emotional intelligence demonstrated by SolarCity legal department leadership. One of Mr. Weissman's direct reports, Phuong Phillips, is the child of Vietnamese refugees to the United States. She has been named one of the most influential women in the Silicon Valley by the Silicon Valley Business Journal. She says, "My parents escaped Vietnam to provide better opportunities for my brothers and me in the late 1970s. Through their actions and advice, they taught me the value of believing in yourself and taking risks."<sup>6</sup>

#### Empathy and Social Skills

SolarCity emphasizes the development of the attorneys in their group by fostering strong mentorship relationships, providing junior attorneys with significant responsibility and formally monitoring their work. The head of the legal department, Seth Weissman, knows everyone's names and in many cases, the names of their spouses and children. He makes it a point to be cognizant of their schedules and to know about their life outside of work.

One Asian junior attorney came to SolarCity through a network connection with another senior Asian attorney already at SolarCity and their relationship has grown into a strong mentorship with the senior attorney giving him career and work advice regularly. Another minority attorney, straight out of law school, was given responsibility over various bankruptcy and small claims court cases where there is a strong sense of personal ownership. SolarCity's emphasis on developing these attorneys has created a class of attorneys who feel invested with a strong sense of ownership. They also feel like they are members of the same team. One of Mr. Weissman's well-known mottos is "your success is entirely dependent on the success of your team."

Moreover, in an effort to develop the careers of its attorneys, SolarCity carefully monitors the quality and quantity of work assigned to attorneys with a work flow coordinator. In 2014, SolarCity employed one full time staff member dedicated to legal work flow operations in their core legal group that includes legal work for sales and purchasing. The work flow coordinator ensures that no one is getting too overloaded with work and that attorneys receive the type of experience they desire. This focus on the development of attorneys through a dedicated staff member shows how the department cares about the careers of their attorneys.

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<sup>6</sup> <http://www.bizjournals.com/sanjose/news/2015/04/03/solar-city-corporations-phuong-y-phillips-women-of.html?ana=fbk>

In turn, SolarCity attorneys have learned how to speak with non-legal department employees so that they can collectively advance company goals. They learn very quickly how to drop the “legal speak” and adopt “business speak” when conversing with their internal clients. Many spoke of being conscious of their use of the word “no” in an effort to truly create an open environment where business people would feel comfortable seeking their advice before any situation advanced too far. The department uses behavioral interviews to assess a candidate’s ability to communicate and resolve conflict. Mr. Weissman encourages them to start their responses with a “yes, and...” instead of a “no” or a “yes, but...” This approach has paid off for his attorneys who have developed successful and effective relationships with their clients.

Mr. Weissman places strong emphasis on social skills in his department. While his direct reports joke that during the interview process he appears to be “searching for unicorns,” Mr. Weissman is emphatic that they do exist. He believes that minorities and women in particular “have a lifetime of experience with the navigation of interpersonal relationships” and that makes them particularly adept at the empathy element of emotional intelligence necessary to succeed in-house. As a former employment attorney, then in a legal/human resources role at another company, Mr. Weissman places high value on understanding coworkers. He hones his listening skills as the only male ambassador on C3E, a women in clean energy leadership group. He says that he attends meetings and participates but tries to listen much more than he speaks so that he is able to learn from the women in the group. This willingness to listen to women’s perspectives shows in SolarCity’s legal department’s female representation data where the majority of Mr. Weissman’s direct reports are women.

Another one of Mr. Weissman’s mottos for his legal department is that he wants it to be “painful for a person to leave, and not painful for a person to stay,” indicating his capacity to provide conflict management and create group synergy in his legal department. This high level of emotional intelligence goes beyond even Mr. Weissman and seems to permeate the company at large where top level executives are known to create a real team environment by singing at company-wide holiday parties and winning the hearts of employees.

During the interview process, candidates are asked behavioral questions and emotional intelligence questions. One of Mr. Weissman’s favorites is regarding the difference between wisdom and intelligence; indicating his philosophy about well-rounded candidates having both technical intelligence and high emotional intelligence. The result of this heavy focus on social skills has led to an environment where there is a strong sense of camaraderie on the team and attorneys know that if they “pay into the team, the team pays you back,” teammates will happily pick up any slack due to personal issues or heavy workload. Attorneys feel at ease chatting with top legal leaders and leaders make it a point to learn the names of their employees’ children and their school drop-off/pick-up schedules and to ask about them regularly.

### **Cultural Competence: Dominant Culture, Implicit Bias, De-Biasing**

An inclusive leader’s emotional intelligence can also be applied at a cultural level. Cultural competence is the ability to accurately discern the dominant cultural values, identify resulting inherent implicit biases, and remove such biases from organizational practices.



### Defining Dominant Cultural Values

Mr. Weissman's keen sense of perception has helped him identify the unique culture at SolarCity. It is unique given that the majority of employees at SolarCity are the installers of solar panels. They are, by a wide margin, mainly men. Given that SolarCity is the #1 solar provider in the nation, it employs the best of the best of solar panel installers. They are often in potentially dangerous situations working on roofs in the heat, snow, and rain. As such, they have developed a sort of professional athlete team culture. The company feeds off their installers' competitive culture as the best of the best. Each particular unit within the offices have their own mascot – not unlike professional sports teams – and there is a significant feeling of pride in the various teams. This culture has permeated the entire corporate culture at SolarCity. The result in the legal department is a culture that is competitive, not internally, but with the rest of the world at large. Particularly, there is a sense of being a team of “renegade do-gooders” who are out to, quite literally, save the world. Indeed, a running joke at the company when someone needs to stay late or go the extra mile is to ‘say ‘I just need a bit more time, I’m trying to save the world here.’”

### Identifying Inherent Implicit Biases

One danger of a competitive culture signified by sports teams-like names and led at the top levels of the company mostly by male leaders is the potential for gender bias. However, in our analysis of departmental demographics and our interview of senior women attorneys within SolarCity, we did not identify a particular bias against women. This may perhaps be due to the intentional effort on Mr. Weissman's part to include women and ensure their success. The dominant corporate culture is apparent in the legal department where the motto may as well be “all for one and one for all.” Rather than emphasizing the competitive aspect of sports internally, Mr. Weissman constantly stresses the importance of the success of the team to his direct reports. One direct report, Phuong Phillips, says that she always tries to exceed Mr. Weissman's expectations because of his selflessness when it comes to making his team successful. Mr. Weissman even has a special “team name” for his direct reports. He calls them his “G6” – there were six of them at first, and the code name is a reference to a private airplane from a popular rap song. The name stuck even when the group increased to eight direct reports! This sort of cultural camaraderie is apparent at all levels at SolarCity. Mr. Weissman and Ms. Phillips both are empathic that the G6 is comprised of various managerial styles, and yet they are all able to work together effectively because they understand each person's style for what it is and what it brings to the table.

### Cultural De-Biasing

In the hiring process Mr. Weissman places a high priority on criteria which for the most part transcend cultures. Many of his criteria align with the elements of emotional intelligence, including determination, resilience, adaptability, humility, and authenticity. By intentionally removing traditional hiring practices such as shared interests and cultural fit and replacing them with results and competency fit, Mr. Weissman and his department are working towards de-biasing talent management practices within the legal department. Mr. Weissman strongly encourages his hiring managers to hire people unlike themselves. He understands that diversity of the work force leads to critical innovation and so he detests the hiring of a person solely on the basis of their having gone to the same college or enjoying the

same hobbies. Pushing himself and his team out of their comfort zone when it comes to hiring has led to an increased cultural competence and a lower amount of implicit bias. Mr. Weissman encourages the use of the same interview questions for all candidates to lessen the chance of a person being picked because they remind the interviewer of themselves. The same interview questions allow for an interviewer to develop a baseline of what is really important to the job over time. Mr. Weissman says this approach lessens bias in the interview process because it takes away the chance of an interviewer coming to a fast conclusion and then using the rest of the interview to confirm that impression.

### **Cultural Responsiveness: Authenticity, Understanding Others, Responsiveness**

Finally, cultural responsiveness is the ability to know and manage oneself and others across cultural differences. Knowing and managing oneself involves understanding what cultural values are important to you and how you experience difference in order to be vulnerable and lead authentically. Knowing and managing others who are different involves understanding cultural differences and having empathy to communicate and create trust with others who are different.

#### **Authentic Self-Leadership**

Interestingly, Mr. Weissman's department does not specifically engage in formal exercises or initiatives that are designed to promote a cultural competence, but under his leadership, the department has flourished in this area. Perhaps the most important part of Mr. Weissman's self-awareness and ability to see others for who they are and adapt to them comes from his personal life. His own personal story helps frame his mindset on relations with others. A child of divorce who witnessed his father's frequent abuse of his mother, he vowed never to become that person. The deep self-learning that he undertook as a result of his personal experience strongly impacted and influenced his own identity, ability to understand his own values, emotional needs and triggers, and potential for blind spots. As a result, he leads others effectively in a way that is truly authentic. He says that being a witness to that has helped him take account of the lives of the people around him, particularly those who may be in similar situation of learning through life's hardships. His vow to help those who need it most shines through as he manages his team. Mr. Weissman's ability to manage to the differences of the various attorneys in his department is remarkable, particularly given the lack of formal diversity initiatives within his department. Mr. Weissman manages his attorneys on an individual-by-individual basis. We perceived in him a great wisdom beyond his years acquired by pushing himself to be vulnerable which has resulted in deep relationships of trust with those who surround him.

It is no coincidence that Mr. Weissman's authentic self-leadership is particularly well-developed given his career path that at one point included employment law where an attorney must depend on their skills of assessing delicate human interaction situations. This honed ability has led to the diverse legal department that SolarCity has today. Mr. Weissman is extremely adept at this personally. He attributes his own managerial development with his upbringing in Northern New Jersey where the cultural norm was to speak your mind regardless of social etiquette. He says that he learned to temper this over time as he modeled the behavior of a trusted mentor. He also attributes much of his thinking about management to a book on authentic leadership - *Leadership From the Inside Out* by Kevin Cashman - where he learned the value of being vulnerable and apologizing when he got something

wrong. He feels this book's central theme of authenticity taught him that people should lead by virtue of who they are as individuals.

### Understanding Others

Within Mr. Weissman's group of direct reports – the G6 – he recognizes a variety of work styles and personalities. Ms. Phillips described some as hands-on managers, while others are more hands-off. She sees herself as coach and supporter of her direct reports. Rather than advocating a singular leadership model to help all of these various personalities develop their own effective, individual styles, Mr. Weissman has enlisted the help of a professional coach. The coach meets with the members roughly once a month to help them develop their authentic styles and navigate their relationships with the people they manage and with Mr. Weissman. He invokes a coach so that his reports can be completely authentic and vulnerable about their careers and their work with someone who does not give them performance reviews. He jokingly refers to the coach as a work therapist, but in reality, this coach is instrumental in helping department leaders develop, maintain, and grow relations with their colleagues and internal clients and manage upward. In this way, Mr. Weissman has constructed a leadership development process that entirely removes the potential for leadership model bias and instead focuses on individual style and authenticity.

### Individual responsiveness

Today, Mr. Weissman has applied all he has learned about human relations into his work life. He watches how others interact and adapts to them. He jokes that some people in his group are “huggers” and rather than judging them he tends to hold back until someone makes their move and he mimics it. Very tellingly, when asked about the subject of the bad rap millennials get, Mr. Weissman was very quick to identify his favorite quality about millennials – their willingness to speak up and give their opinions. Also, on the topic of working mothers, Mr. Weissman's belief is that these are the people in the group with the very best ability to multitask and juggle – two very important skills for an in-house attorney. With all sincerity, he says that if he needs something important done right away, he often first thinks about giving it to a working mother because she has so often proven her ability to efficiently prioritize and complete her work. Mr. Weissman's ability to pick out a strong quality in his employees and capitalize on it has led not only to his tremendous success as an extremely well-liked and admired leader, but also to a thriving diverse and inclusive legal department.

### Conclusion

SolarCity's legal department has benefited from the inclusive leadership of Seth Weissman. As an inclusive leader, he exhibits emotional intelligence, cultural competence and cultural responsiveness. His aptitude in all of these areas radiates down to the most junior levels of the legal department at SolarCity. The result has been a particularly strong representation of women in leadership roles, as well as minority and LGBT attorneys.

### **Structural Diversity Solutions: Wilson Sonsini Goodrich & Rosati Case Example**

Wilson Sonsini Goodrich & Rosati (WSGR) was established in California in 1961 and right from the beginning, the tone was set for a diverse and inclusive law firm. By 1967, the firm had 5 partners and one of those partners was an African American man named Harry Bremond. The firm culture was based on the entrepreneurial philosophy that it does not matter what a person looks like as long as they can get the job done well. WSGR consistently beats out industry averages for minorities in the partnership ranks. We have been tracking the firm's diversity metrics since 2009, when large California law firms had an average of 2% African American partners, 3% Hispanic partners, and 6% Asian partners; by contrast WSGR had double the percentage of partners in each of those categories. Moreover, while big California law firms had about 10% minority partners total in 2009, WSGR had more than double at a total of 22% minority partners. In 2011, WSGR continued to surpass the California industry benchmark of minority partners by 8 percentage points. In 2012, compared to large law firms nationally, Wilson had exceeded the industry benchmark average for minority partners by 13 percentage points. And in 2015, over 20% of equity partners at WSGR were minorities, as compared to an industry average of only 5.6%.<sup>7</sup>

WSGR consistently ranks at or near the top of law firm diversity rankings. In 2015, for example, the firm came in first place in Law 360's rankings of 100 Best U.S. Law Firms for Minority Attorneys.<sup>8</sup> While WSGR does not have a formal diversity committee, the talent management staff has taken a relatively unique approach to embedding diversity and inclusion practices across the full talent management life cycle, spanning recruiting, retention, and advancement, while leveraging key firm assets at each stage. In recruiting, WSGR promotes a strong entrepreneurial employment brand to attract and hire entrepreneurial attorneys and regularly reviews its hiring decisions through a diversity lens. As for retention, WSGR's work assignment system, diversity assets, and practice of reviewing retention metrics through a diversity lens have helped to keep diverse associates engaged at WSGR. And as for advancement, the ability of associates at WSGR to meaningfully engage with clients early in their careers, develop authentic business development styles, and utilize flexible work arrangements to achieve work-life integration have propelled the success of homegrown diverse attorneys at the firm.

#### **Recruiting**

The firm's recruiting process accurately portrays the entrepreneurial employment brand, and the firm selects attorneys who are comfortable taking initiative and love working with innovative clients. In screening resumes, the firm looks for entrepreneurial experiences and a strong interest in representing business enterprises. Interviews probe a candidate's ability to thrive in an entrepreneurial culture, including a desire to take initiative, interface with clients, and find creative solutions to client issues. This careful selection process has contributed to relatively high minority retention rates at the firm.

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<sup>7</sup> <http://www.nalp.org/0615research>

<sup>8</sup> <https://www.wsgr.com/news/PDFs/law360-0515.pdf>

### WSGR's Strong Entrepreneurial Brand Attracts the Right Attorneys

When asked about the recipe for law firm diversity and inclusion success, one partner at WSGR said that the firm may have had fewer obstacles to overcome since it was founded in 1961. The firm's relatively short history may be a competitive advantage for diversity, as WSGR does not have the kind of established social structure that exists in more traditional firms with longer histories. As a relatively young firm, WSGR could and still does hire entrepreneurially, as it did when it hired an African American partner named Harry Bremond in 1967 as its fifth attorney.

Entrepreneurialism has become an important part of the firm's employment brand, attracting attorneys who enjoy building practices and taking the lead on legal matters. The firm's continued commitment to a single tier partnership signals that it is a place for attorneys to come and stay to build a robust practice. While the goal is to retain excellent entrepreneurial attorneys, some are drawn to career paths outside of the firm and many go on to join innovative and rapidly-growing clients, thus continuing to strengthen the WSGR entrepreneurial brand. For example, while at the firm, David Drummond, an African American attorney, helped to incorporate and finance Google prior to joining Google and later becoming Vice President of Corporate Development.

### WSGR Develops a Pipeline of Entrepreneurial Attorneys

WSGR's recruiting team seeks out attorneys who will fit in well at a firm where they will need to be business-minded, entrepreneurial and innovative. Part of the firm's national recruiting challenge is to identify law students who are interested in technology, so WSGR casts its net broadly to find entrepreneurial candidates. For example, the firm hosts events with business and entrepreneur associations at top law schools, including Berkeley, Columbia, Harvard, Michigan, NYU, and Stanford. The firm's attorneys attend these events and build relationships with law students interested in working with startups and other emerging growth companies. The firm is willing to send junior associates who can speak candidly about the early development opportunities WSGR provides to them. For example, WSGR recently sent a first year associate to an event at the University of Michigan Law School, where he emphasized the opportunities he had to meet clients within his first few months at the firm, including through the firm's shadowing program, which allows associates to attend and observe client meetings, calls, and negotiations, and accumulate billable hour credit for that time.

The recruiting team at WSGR also focuses on building a pipeline of diverse law student recruits, including African Americans and Latino/as, with a particular focus on hosting events with diverse student groups at top law schools such as Berkeley, Columbia, Harvard, Northwestern, and Stanford. The events include small group dinners and lunches where candidates can meet minority attorneys in an informal setting. In addition, WSGR supports local minority pre-law and law students. Commencing in 2008, the firm began providing support for the California Bar Foundation's Diversity Scholarship Program, to assist incoming first-year law students from groups historically underrepresented in the legal profession who have committed to attend a California law school, have a financial need, and desire to make an impact in the community. In addition, the firm sponsors Law Preview scholarships for incoming Stanford Law School minority students to support their attendance at week-long, intensive courses designed to give them a better idea of what to expect in law school and how to excel.

### WSGR Selects Entrepreneurial Candidates

According to Senior Director of Professional Services Chris Boyd, who leads the firm's recruiting, training and knowledge management programs, WSGR seeks law students who are innovative, entrepreneurial, and who like to work with technology and life sciences companies at all stages of development. While some firms make membership on law reviews a litmus test, WSGR gives at least equal consideration to someone who has, for example, started or grown a business or campus club, as the firm believes that this candidate will not only have a better understanding of early stage corporate clients, but will be able to connect with those clients on a deeper level than someone who has not had experience with, or passion about, an entrepreneurial or innovative venture. Similar criteria are used for lateral hiring.

Mr. Boyd says that the firm has recently developed behavioral interview questions for on-campus and call-back interviewers that assess a candidate's match with the competencies that lead to success at WSGR, including a results focus, resourcefulness, prioritization skills, judgment, and relationship-building abilities. Those attorneys who are invited to conduct interviews are selected for their keen ability to identify candidates who would thrive at the firm based on their experiences and interests, including a demonstrated passion for law, technology and business through on-campus activities or prior work experiences. Interviewers often ask about examples of challenges that candidates have had to overcome or how they handled difficult client situations in order to assess key competencies and look for candidates who are resourceful and can problem-solve when the unexpected occurs. One additional attribute the firm looks for specifically is a candidate's desire and skill at working with clients. This signifies that the firm does consider the potential for client service excellence and business development skill even upon entry into the firm for law school hires.

### WSGR Reviews Hiring Metrics Through Diversity Lens

The collection and analysis of diversity metrics throughout the life cycle of an employee is a constant focus at WSGR. The metrics show areas of strength, difficulties, and developments over time. WSGR tracks recruiting data, including callback-to-offer and offer-to-acceptance yields, through a diversity lens and provides this information regularly to the Hiring Committee. The interview data and statistics enable the recruiting team to continuously improve their efforts.

### **Retention**

The firm has a number of support structures and assets that help retain diverse employees, including a corporate work assignment system that both ensures equitable distribution of client and matter opportunities across gender and minority lines early in an associate's career and also encourages the formation of mentoring and sponsorship later on, and diversity assets such as role models, a career coach, and affinity groups.

### The Corporate Work Assignment System Supports the Retention of Diverse Associates

One of the main implicit bias challenges facing diverse associates in law firms, validated through attorney interviews, is the lack of access to high-quality work assignments with client development opportunities. Through its research, TAB has identified three types of work assignment models in law firms: free market, assigned sub-groups, and intermediation. Firms with free market systems provide

attorneys with the most opportunity for diverse projects, client, and team experiences, while firms with sub-groups centered on clients offer the most access to mentorship opportunities through regular interaction between a set of partners and associates. A third model leverages an intermediary, such as a work assignment coordinator and/or diversity liaison, who can help ensure that diverse attorneys who may not have access to informal networks receive high-quality work assignments with substantial client interaction, leading to the development of important client relationships in the short term and business development opportunities in the long term.

WSGR uses a hybrid of the intermediated and assigned sub-group systems within its Palo Alto corporate and securities practice, the firm's largest. This hybrid approach supports the retention of diverse associates by providing equitable access to client opportunities early in a diverse associate's career and then encouraging mentoring and sponsorship later on.

First-, second- and third-year Palo Alto corporate associates receive work assignments via the Launch program, which ensures that these associates get access to a wide variety of projects, clients and partners early in their careers. A dedicated staffing manager runs Launch and allocates work across the junior associate classes with an eye towards balancing client needs with associate development goals. The staffing manager provides coaching and feedback to the associates throughout their tenure in Launch, helping associates identify competencies, develop confidence, and get additional training or course-correct where needed. The staffing manager tracks the types of work experiences that individual associates have received or still need.

Launch helps ensure that women and minorities receive the work experiences necessary to help them advance within the firm. The staffing manager does not focus on race and gender, per se, when staffing client matters, but rather aims to give all associates the same access to client opportunities. The system has helped to avoid a traditional "old-boys" network by not only exposing associates to a wide range of work, but also exposing partners to a wide range of associates. Launch has helped associates and the firm to identify competencies so that associates can naturally gravitate to the type of legal work that is best suited for them.

#### Neighborhood Work Assignment Structure Beyond the Third Year Aids in the Development of Organically Created Mentorships

At the end of an associate's third year, s/he transitions into a smaller group of partners, senior associates, and midlevel associates. Each group is a client-centered "neighborhood" that typically consists of 5 to 10 partners and 10 to 20 senior and midlevel associates who together serve groups of enterprise clients. This client-focused group system provides natural mentoring relationships for associates who work with partners on a consistent basis, and eventually those partners can become internal sponsors of those aspiring to the partnership.

The group system at WSGR has been instrumental in the organic formation of mentorship initially and sponsorship relationships ultimately. One minority partner explained that the structure at the firm made it easy to get assignments and the support received was important in his decision to remain at the firm. Another minority partner recalls having a more senior attorney mentor who was critical in providing work for him and "selling him internally." Later, when associates are being considered for partnership,

relationships formed through the group system become crucial to their careers. Through the close working relationships fostered by the group system, minority associates develop the close relationships that will help them to become partners. For example, one partner acted as a sponsor to a female attorney to ensure that she would receive the right developmental experiences early on and then broad exposure as a senior associate before she was promoted to partner as a part-time attorney.

Yokum Taku, a partner who started at WSGR as a summer associate, credits a partner in his group for giving him development opportunities that eventually helped to advance his career. In describing the way work is assigned within the corporate practice, Taku says that typically several partners work very closely with five to ten associates who are assigned to specific clients. There is a call every week to discuss work assignments and load balancing. Taku himself started at the firm as a summer associate when he decided to join the corporate group. He was attracted to the fact that there were formal teams serving clients and that he had an opportunity through these teams to develop close ties to partners who would provide him with good work experiences. He credits former partner Neil Wolff with providing him development opportunities that helped him to advance to partner.

#### Support Assets Help To Retain Diverse Associates

Support assets at WSGR include role models, affinity groups, and a career coach. Because the firm has had a relatively high percentage of minority and women partners for a period of time, it has the advantage of role models who demonstrate for diverse attorneys that there are “people like me” at the top. Several minority junior attorneys have detailed how support groups have formed informally across the firm, for example, over dinners where a group of Hispanic attorneys all got together, or when an LGBT attorney was given a budget to participate in LGBT community activities. While there are no formal affinity groups, WSGR’s self-starting attorneys seem to have figured out ways to connect with their various communities in ways that work for them, with the firm’s total support. In fact, the firm has been encouraging minority partners to take associates out for dinners in an effort to encourage dialogue and interaction among diverse attorney populations. The talent management team includes a career coach who works with associates on a confidential one-on-one basis to help them set career goals, navigate firm life, and address any issues of personal or professional concern.

#### Work Assignment Processes and Support Assets Result in Retention of Minority Associates

The emphasis on a structured yet organic work assignment system, combined with important support assets, has helped WSGR retain minority associates. Indeed, WSGR’s turnover rate for minority associates is far less than industry averages – around 11 percentage points less than the industry average.<sup>9</sup> The firm also invests significant time in tracking turnover, researching the reasons for it, and working with associates on ways to reduce unwanted turnover. Mr. Boyd states that to measure turnover and reasons associates leave the firm, exit interviews are conducted during which associates are asked for feedback about the decision to depart. A report is also generated quarterly to closely monitor turnover levels and departing attorney destinations. This data is reviewed for trends both overall and by gender and ethnicity. Others in the group track retention statistics including how long

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<sup>9</sup>[http://www.talentadvisoryboard.org/TAB%20Research/2011/Diversity\\_Retention\\_Best\\_Practices\\_Research\\_Study\\_Report\\_FINAL.pdf](http://www.talentadvisoryboard.org/TAB%20Research/2011/Diversity_Retention_Best_Practices_Research_Study_Report_FINAL.pdf)



associates stay and where they end up after their time at WSGR. All of the data is reported to firm leadership periodically. Stacey Layzell, Senior Director of Human Resources and Office Administration, collects data on associate evaluations, career development and partner promotions and reports her findings to the Member Nominating Committee, which manages the partner election process. One minority associate on the Associates Committee described the role the committee plays in providing feedback to the executive team on issues such as compensation and mentoring and expressed satisfaction with the fact that the firm makes an effort to provide data to associates. The women's task force on the Associates Committee also has the opportunity to raise gender issues with the firm's executive team.

### **Advancement**

WSGR's work assignment structure contributes to the early development of relationships between clients and the associates who regularly service their legal matters by providing engaging development opportunities. In this process, the firm encourages the formation of authentic business development styles. Addressing the changing needs of the workforce, the firm has also developed a variety of ways in which attorneys can integrate work-life goals. Embedding these diversity and inclusion practices into advancement processes enables the success of diverse partners at the firm.

#### **Early Exposure to Clients Provides Opportunities for Growth and Development**

The firm's brand as entrepreneurial and innovative supports clients throughout their corporate life cycle. WSGR markets itself to potential recruits as the law firm that not only helped incorporate Google, but also supports its complex legal matters today. The firm helps clients through all of the stages of their corporate lives – from early stage financing, IP protection and hiring to handling IPOs and mergers, then to corporate governance and high stakes litigation. This brand is attractive to business-minded law students who wish to gain invaluable business development experience which they get from early-stage corporate clients, but it also lends itself to an attorney's career developing with a client's growth. Associates who are a part of the early stages of a company's development get the opportunity to stay on as the company grows because of the relationship they have built with the client. Early client development opportunities may be a strong selling point for new recruits, but the career development bonus may be the long-term client relationship. The work assignment model enables relatively junior associates to serve as a client's main point of contact under the guidance of an experienced associate or partner. This early exposure helps new associates grow their arsenal of legal skills and their book of business.

#### **WSGR's Emphasis on Authentic Business Development Styles Enables Diverse Attorneys to Thrive**

The firm's culture supports the development of authentic leadership development styles which leads to diversity and an inclusive culture in the workplace. For example, there is an understanding at the firm that there is no one way to acquire new business. Many of the firm's clients are diverse and WSGR's diverse partners use their heritage to their advantage. For example, Yokum Taku, a partner in the corporate and securities practice, uses his Japanese heritage and language skills to work closely with company founders who may be immigrants themselves.

The firm encourages senior associates to identify their authentic business development styles in a program called the 5<sup>th</sup> Year Academy, which focuses on client and matter management and practice development. The 5<sup>th</sup> Year Academy initially focused on different styles of business development, such as the “rainmaker,” referring to an attorney who generates business from new clients through networking; the “point person,” who enhances business by managing client relationships and providing high quality service; the “hired gun,” who brings in new clients by building a brand in a specific legal area; and the “brain surgeon,” who is a highly expert technical specialist who works with firm clients. Recently, the 5<sup>th</sup> Year Academy has moved away from more rigid categories of client development and now focuses on strengthening personal relationships based on understanding and exceeding expectations and keeping an open mind about how a client relationship is supposed to look. Attorneys are encouraged to identify and cultivate a practice development style that best suits their practice and personality. One of the exercises that the firm has used at the 5<sup>th</sup> Year Academy is a fishbowl exercise about strengthening client relationships. At the most recent academy, three diverse partners joined the session to talk about their approaches for learning about a client’s business needs, asking for feedback and collaborating effectively with colleagues across groups.

#### WSGR’s Flexible Arrangements Enable Work-Life Integration

WSGR recruits attorneys who are excited about the rewards offered by working in a demanding profession. Once at the firm, they seem to organically integrate their personal lives with their working lives. Once attorneys have determined their niche, the firm offers flexibility in work arrangements. These arrangements mostly develop organically. For example, some attorneys choose to eat dinner with their families each evening at 6:30pm, while others carve out time on Fridays to participate in children’s pre-school activities. The mindset that is most accepted within the firm’s culture is one in which part-time or full-time attorneys are flexible enough to be available for an important matter or emergency that might disrupt personal time. For example, “taking Fridays off” is less accepted than “generally being out on Friday mornings but available if needed.” This model can be described more as a work-life integration model in which the personal and professional spheres blend into each other. A critical success factor for such a model is a love for one’s work. One attorney leveraged this blending of spheres to her advantage by landing a new client by bonding over daycare issues. She has found that female clients are generally understanding of work-life demands.

Wilson focuses on selecting people who love what they do and making accommodations for people as they enter phases of life when personal matters need more attention. For example, one full-time female minority partner who is also a mother of young children has carved out a schedule that enables her to support high-stakes litigation, work on M&A deals, and connect with clients in Asia while making time for her children every night between 7pm and 10pm. She has an extreme focus on work during business hours, is completely off-line between 7pm and 10pm, and then leverages technology to get back online and conduct calls with Asia late at night. This model works for her because she loves her work, and she has also become friends with her clients while maintaining personal relationships with friends outside work on the weekends. She says that in order to do well, she integrates her work and personal spheres while maintaining boundaries which enable her to be fully present in each.

The firm embraces various work styles and has a formal part-time policy for attorneys. Part-time work has a minimum of 50% and a maximum of 95%, and compensation is trued up for extra hours. The part-time policy is also available to partners, and over thirty attorneys are using it. Many attorneys utilize flex-time to adjust their work hours and telecommuting to work full-time from remote locations where there is no office. Some attorneys have used secondment assignments to achieve work-life balance without going part-time by focusing on one client with no billable hour requirement. Seconded attorneys are on client sites at least three days per week during which they follow in-house hours. One minority attorney with young children commented that secondment has both provided a realistic evaluation opportunity to decide whether to go in-house or stay on partner track and an opportunity to achieve more work-life balance during a time of family need. Although offered the opportunity to go in-house, this attorney elected to remain at the firm as a result of open career development discussions with mentors. The firm also has a telecommuting policy in place that also for attorneys and staff to work from alternative locations. They realize that telecommuting has become a fact of life and they work to accommodate attorneys for family reasons. This attorney with an alternative work arrangement just made partner. WSGR attorneys are uniquely integrating their personal lives with their careers.

#### Conclusion

WSGR's strong employment brand, thoughtful work assignment system and focus on authentic development has led to the creation of a firm that excels at the recruitment, retention and promotion of diverse attorneys. The integration of diversity and inclusion into talent management strategies has been particularly effective in the retention and advancement of minority attorneys at WSGR.

### **Fenwick & West Succeeds in Shifting Culture Toward Inclusion**

For more than four decades, Fenwick & West has helped some of the world's most recognized companies become, and remain, market leaders. From emerging enterprises to large public corporations, Fenwick's clients are leaders in the technology and life sciences sectors. Corporate, litigation, intellectual property and tax attorneys service the needs of clients from early stage financings, to IPOs, mergers and acquisitions, litigation, patent, trademark and copyright protection. The firm has large corporate and litigation departments that service clients such as Facebook, Intuit and Cisco. Moreover, Fenwick has patent prosecutors and life science attorneys whose caseloads are fully occupied by the technology and life sciences sectors.

All the while, Fenwick has consistently ranked as one of the top law firms for diversity.<sup>10</sup> The firm's focus on work environment transformation through intentional diversity management and committed leadership has played a large role in the diversification and inclusivity of the firm. Since at least 2009, Fenwick has far exceeded industry averages for minority attorneys within its ranks. By the end of 2014, Fenwick & West had 28% minority attorneys as compared to a large law firm benchmark of almost 13 percent and also had 8% Asian partners compared to a 3% national industry benchmark.<sup>11</sup> In 2016, the firm has 40% racial minority associates and 14% minority partners compared to industry benchmarks of 22% and 8% respectively.<sup>12</sup>

#### **Work Environment Transformation**

Fenwick works to evolve its diversity and inclusion environment through continuous diversity assessments, a multi-dimensional approach to change, and innovative initiatives designed to foster inclusivity. The firm's leadership envisions a work environment in which all diverse attorneys and staff not only survive but thrive.

#### **Diversity Assessment**

Fenwick has conducted both cultural audits and diversity surveys to understand cultural values and perceived biases. These surveys were first initiated in 2001 and have been conducted regularly across both attorney and staff groups. In addition to surveys, though, the firm has also actively engaged in efforts to adopt best practices. In 2001, former firm Chair Gordon Davidson joined the San Francisco Bar Foundation's No Glass Ceiling task force, which adopted diversity metrics goals. He also was a member of the Santa Clara County Bar Association's Diversity Blue Ribbon Commission in 2006, and participated in the Project For Attorney Retention's Task Force on Flexible Work Schedules in 2009. The firm has endeavored to incorporate these policies and practices into its own workplace, and assess the results.

#### **Multi-Dimensional Change**

Fenwick's approach to climate transformation permeates the individual, manager and organizational levels. Manager training consists of culturally responsive emotional intelligence sessions that equipped supervising attorneys to better manage across difference. Additionally, the Diversity & Inclusion Committee has conducted a strategic analysis of pockets of bias to address at the organizational level.

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<sup>10</sup> Law360, <http://www.law360.com/articles/657666/the-100-best-law-firms-for-minority-attorneys>; American Lawyer, <http://www.americanlawyer.com/id=1202727574483/Diversity-Scorecard-How-the-Firms-Rate>

<sup>11</sup> Moving Beyond Pipeline Solutions, September 24, 2014; TAB Research Roundtable, 2014; NALP

<sup>12</sup> NALP.

This analysis was based on a comprehensive review of firm specific data over multiple years in conjunction with senior leadership interviews and a comparative analysis of industry best practices. This procedure has played a role in the firm's ongoing process of identifying new ideas to advance the cause of diversity, testing them, and rolling them out with optimal cost benefit.

### Innovative Approach

As a part of Fenwick's ongoing effort to continue to make strides in the area of diversity and inclusion, it has come up with innovative approaches to achieve that goal. For example, in 2001, it devoted its all-attorney retreat to the topic of diversity, and repeated this several years later. In 2009, Fenwick launched its first separate Diversity Retreat that brought together diverse attorneys and firm leadership to discuss the challenges faced by diverse attorneys as well as potential opportunities. Diverse attorneys heard from panels of diverse associates and partners and made invaluable connections within the firm. The willingness of Fenwick to show its commitment to its diverse talent through the Diversity Retreat and other initiatives during a difficult economic period went a long way with associates. One associate said, "The firm continued to invest in affinity groups and minority bar associations which are important to me for camaraderie even during the downturn."

In addition, participants heard from Jane Hyun, author of *Breaking the Bamboo Ceiling*. They also each received a copy of her book. Ms. Hyun's keynote speech and book discussed embracing different working styles to promote authentic leadership and business development. She noted the fact that Asian Americans in the workplace are often overlooked for promotion because of a less aggressive speaking style and a deference to authority. Her keynote address was well received by Asian American associates at Fenwick and the partners who manage them. It also helped others in the audience recognize that people with different working styles, lifestyles, and means of communication can be just as valuable as those attorneys who have styles that conform to the mainstream.

Since 2009, the Diversity Retreat has expanded to all attorneys (not just diverse attorneys) and even to clients who bring innovative ideas for diversity to the table. The retreat creates a forum for thought leadership in this arena. The keynote speakers have featured prominent Silicon Valley leaders who have spoken about diversity topics ranging from the fine balance between hiring for key values important to each company while making space for diverse opinions to audit practices used to review resumes and hiring decisions post mortem in order to identify and correct patterns of bias.

Approximately three years ago, Fenwick hosted its first annual Diversity and Inclusion ("D&I") Day, an internal program designed both to educate attorneys and staff on diversity issues and celebrate diversity at the firm. At the firm's most recent D&I Day, NYU Law Professor Kenji Yoshino discussed his book *Covering* on how diverse employees (and in some cases non-diverse employees) often downplay their differences and how the amount of effort this involves is detrimental to them being their authentic, and effective, selves. Jerry Kang, UCLA Law Professor, spoke to the group about implicit bias, both defining the issue and its potential impact and referencing various efforts made at experiential based training.

As a result of such programming for diversity, supported by leadership, conversations about diversity and inclusion flow more openly at Fenwick among attorneys as well as staff. For example, Fenwick staff have been planning and executing various programs for Black History Month for several years. They put on programs which included presentations by Dr. Clarence Jones, Martin L. King Jr.'s personal attorney and advisor during the civil rights movement, and Ms. Barbara Rodgers, the host of Comcast

Newsmakers, who discussed the import of Black History Month and her own history growing up in the segregated South. Recently, the Diversity & Inclusion Committee scheduled a speaker from the Islamic relations group CAIR to discuss the current cultural environment for Muslims. This effort is evidence of more comfort by the entire firm population in both discussing diversity and creating an inclusive culture.

### **Intentional Management**

For an organization to reach a state of inclusivity of employees, they must be intentional about their management strategy and processes. Tracking metrics, understanding employee perceptions through their lifecycle with an organization, and having a strategic plan for change are ways to intentionally manage.

### **Metrics**

According to Committee Co-Chair and litigation partner Felix Lee, “The [firm’s diversity] dashboard development has been a really long process which started several years ago.” In his role as Co-Chair of the Diversity & Inclusion Committee, Felix Lee believes that data and metrics help to identify areas of need that may not surface otherwise.

### **Employee Perceptions**

In addition to measuring hiring and retention statistics, Fenwick regularly conducts confidential surveys of attorney perceptions. The responses are segmented by race, gender and sexual orientation, permitting the firm to assess whether there are differences in perceptions between and across diverse groups, and majority/non-majority groups. Managing Partner Kate Fritz says, “It isn’t enough to have good policies and look at statistics. Perception information is important if you want to achieve a diverse and collegial work environment because perceptions are powerful influences that may operate to undermine the best of policies. A firm hampers its ability to respond to them if it doesn’t even know what they are.” Director of Recruiting and Diversity Julieta Stubrin adds, “Diversity survey results help to shape programming and training as well as address issues.”

### **Strategic Plan**

Recently Fenwick conducted a comprehensive review of longitudinal diversity information, leadership interviews, and industry best practices to develop a five-year strategic plan for culture change. The historical view of progress and pockets of improvement were critical to the development of a strategy for greatest impact.

In addition, these efforts enable the Diversity & Inclusion Committee to develop annual goals and institute new programs. For example, the firm has implemented programs to make presentations at law schools that have a higher number of underrepresented minorities than West Coast schools in order to develop a presence on campuses that have not traditionally been a focus of recruiting efforts. Also based on a review of the data, the D&I Committee has invested its efforts in enabling the success of affinity groups including a women’s affinity group, racially focused groups, and an LGBT ally program, among others. These groups meet periodically both formally and informally with a goal of creating a more comfortable and inclusive environment.

A historical review of progress at Fenwick on diversity goals also reveals success regarding the adoption and acceptance of flexible work schedules at the firm. Work-life balance is particularly difficult given that the legal industry is notoriously over-worked, especially in recent years. Fenwick offers a more

traditional associate-to-partner track with the option of working reduced hours and flexible schedules. Managing Partner Fritz believes that supporting attorneys to adopt flexible work schedules to help manage competing work and other demands helps them develop and sustain long term career success. The firm has been cognizant of market trends and has adapted to them while still being aware of attorney satisfaction.

In 2001, when other big law firms were increasing their billable hour requirement to around 2000 billable hours a year per attorney, Fenwick came up with a two-track “full time” system that allowed attorneys who wanted to continue to work an 1800 hour billable year to do so, with pro-rated compensation. Associates welcomed this option and it is still available to every associate at Fenwick today. Associates on the 1800 hour track are not stigmatized as it is an option available to everyone, and many associates make that election. Further, an attorney can elect a further reduced hours schedule for any reason – related to family or not. The firm supports attorneys on flexible schedules through educational panels and programs on how to make a reduced schedule work and on how to work with attorneys on a reduced schedule. In addition, there is a reduced-hours affinity group that meets regularly as well as a member of the firm’s professional development team who is dedicated to mentoring and coaching those on flexible schedules. The firm regularly assesses retention and advancement for reduced hours attorneys in an effort to drive positive change. Continued high participation rates in the reduced hours program signals its continued appeal and success for attorneys who might otherwise leave the firm or industry.

Fenwick is strategic about maintaining its innovative, entrepreneurial, and collegial brand. Using on-ramping assessments, Fenwick has identified that candidates find the firm more collaborative and collegial than other firms. The firm’s employment brand is known to be entrepreneurial and flexible. It is a place where attorneys can leverage a flexible platform to create their own career paths.

### **Leadership Commitment**

To create an inclusive environment, an organization must have leaders who are committed to the transformation process. These leaders must be inspirational, hold others in the organization accountable for transformative successes or failures, and invest resources in inclusivity.

### **Inspiration**

Firm Chair Richard Dickson believes that diversity and inclusion are important because the firm is in the talent business and needs to attract all talent. Diversity and inclusion are core values of the firm not only because they are the right thing to focus on, but also because maintaining and fostering a diverse workforce allows the firm to better serve clients and to fulfill the expectations of clients in the diverse communities in which the firm’s attorneys practice. Fenwick’s chair, former chair and managing partner all serve on the Diversity & Inclusion Committee and make time to attend and communicate the message of the firm’s commitment to diversity and inclusion at important diversity related events, such as D&I Day and the Diversity Retreat.

With different types of personalities, communication, leadership and business development styles represented in the firm’s partnership, sponsorship has come naturally and organically for some at Fenwick. In addition to larger scale initiatives like diversity retreats and affinity groups, the firm partners understand the concept of sponsorship and have taken many diverse associates under their wings. One minority associate credited her willingness to remain at the firm with being able to find not only one, but two sponsors who have helped her navigate work-life issues, sourced good work opportunities and

coached her on career development plans. Fenwick views sponsorship as a “high-priority” initiative. Professional development and diversity/recruiting staff professionals work together closely to provide individualized coaching sessions to all attorneys tailored to specialized needs. They have worked to find mentors and sponsors for these attorneys who have not been able to find them on their own. This individualized focus helps save women and minority attorneys from slipping through the cracks within a large firm environment.

Fenwick’s inclusive culture goes beyond just racial, gender and sexual orientation identity classifications. The culture embraces all types of communication styles, leadership qualities, business development approaches and life styles in general. As Fenwick’s Managing Partner Fritz describes it, Fenwick is “really good at embracing the quirky.” The result has been the achievement of a culture where there is no single “mold,” thus fostering greater racial, gender and sexual orientation diversity. The culture at Fenwick is one that values each person for their individual contribution. Its culture is similar to that of their heavily Silicon Valley clientele who stress innovation and achievement over “fitting in with the crowd.”

### Investment

Fenwick has significantly invested in diversity in many ways, but specifically in several staff positions partially dedicated to diversity. Julieta Stubrin is the firm’s Director of Attorney Recruiting and Diversity and Joanne Millard is a Senior Manager of Staff Recruiting, Diversity and Inclusion. They are supported by Joann Thach, Law School and Diversity Coordinator. They manage a significant diversity and inclusion budget for attorneys and staff that includes training and programmatic events that address recruiting, retention and advancement goals, sponsorships and cultural celebrations.

### Conclusion

Fenwick & West’s inclusive culture can be credited to the firm’s focus on work environment transformation, intentional management focused on diversity and inclusion metrics to inform strategy and related programs and initiatives, and its leadership’s commitment to bringing about change and placing a high priority on inclusivity.



***Diversity Sparks Cutting-Edge Innovation:  
Reimagining Organizational Talent Management***

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We extend our sincere appreciation and thanks to the following individuals for their significant contributions.

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