



Examining the Role of the Law Firm Diversity Professional

A report prepared by
the Minority Corporate Counsel Association



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The Minority Corporate Counsel Association, Inc. (MCCA) was founded in 1997 to advocate for the expanded hiring, retention, and promotion of minority attorneys in corporate law departments and the law firms that serve them. MCCA accomplishes its mission through the collection and dissemination of information about diversity in the legal profession.

** as of November 2, 2009*



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BACKGROUND

The Minority Corporate Counsel Association (MCCA) was founded in 1997 to advocate for the expanded hiring, retention, and promotion of minority attorneys in corporate law departments and the law firms that serve them. MCCA furthers its mission through the collection and dissemination of information about diversity in the legal profession. MCCA takes an inclusive approach to the definition of “diversity.” Therefore, its research addresses issues of race/ethnicity, gender, sexual orientation, disability status, and generational differences which impact the legal profession’s workforce.

Over the years, MCCA has conducted a number of research studies to examine the state of diversity in corporate law departments and law firms. Through its research, MCCA has identified and illuminated the best practices employed by those who have achieved diversity results, and this work continues to help set new industry standards.

MCCA was among the first to advocate that law firms institutionalize the role of the law firm diversity professional and empower the position with sufficient resources to lead and manage change in their law firms. In addition, through its annual conference MCCA assisted a small group of law firm diversity professionals to get to know one other and as the group grew in number, they combined forces to establish the Association of Law Firm Diversity Professionals (ALFDP).

MCCA continues to gather information in support of the role of diversity professionals in large law firms. Annually, MCCA invites ALFDP to conduct a survey which law firms may use to benchmark the law firm diversity professional role, reporting relationships, dedicated resources, and budgets. The Annual MCCA/ALFDP Law Firm Diversity Professionals Survey (MCCA/ALFDP Survey) has informed and educated the legal profession about the emerging importance of the law firm diversity professional role and its increasing impact.

Currently, MCCA is in the midst of expanding key programs and services as a result of the financial generosity of donors to its 10x10x10 Campaign. This expansion includes the publication of several new reports and the development of innovative new tools and services to support the diversity professional community.

PURPOSE

The purpose of this report is three-fold:

1. To learn more about the issues and challenges facing diversity professionals in large law firms;
2. To assess the requirements and duties, and their relative priority, for this position, and
3. To offer recommendations for law firms and law firm diversity professionals on how to maximize the utility of these positions.

This report builds upon the information collected in the Annual Diversity Professional Survey conducted by MCCA in cooperation with the Association of Law Firm Diversity Professionals (ALFDP). The information will be used to assist MCCA to design products and services to support these professionals.

METHODOLOGY AND RESEARCH TEAM

MCCA retained The Flourishing Company, LLC (TFC) to consult with respect to several phases of the research and to provide data design and collection support for the annual survey, focus groups, and job description analysis. TFC was also responsible for drafting the report of findings and collaborating with the other members of the project team to prepare the final written report for publication.

In addition to TFC, MCCA retained Dr. Arin Reeves of The Athens Group to work with MCCA in the capacity of an external "research director." As such, Dr. Reeves contributed to all aspects of the project, including the research methodology, survey and focus group questions, data analysis, and preparation of the final written report and recommendations.

Art direction was provided by Lacey Voss, MCCA's design and production manager. Ms. Voss was responsible for graphic design of the publication and she oversaw management of printing services and production.

This research project was managed by Veta T. Richardson, MCCA's executive director. In addition to general management and financial oversight of the project, Ms. Richardson was responsible for selection of the outside consultants and she contributed substantively to the final written report and the development of its recommendations.

Dr. Arin Reeves

The Athens Group
(www.athensgroup.net)

Dr. Reeves has worked in the areas of racial/ethnicity, gender, age/generation, sexual orientation, class, and cultural diversity in organizations for over fifteen years. She received her Juris Doctorate from University of Southern California, and her Ph.D., in Sociology from Northwestern University, where she led several comprehensive research projects on diversity and inclusion in the workplace. In her practice as a consultant on diversity issues in the legal profession, Dr. Reeves has personally worked with more than 100 law firms, almost 50 legal departments of Fortune 500 companies, dozens of law schools, and bar associations/organizations in every major legal market.

Heather L. Bradley and Miriam B. Grogan

The Flourishing Company
(www.theflourishingcompany.com)

Heather L. Bradley and Miriam B. Grogan, TFC's founders, each bring 15 years of experience to effectively support the talent cycle from entry to exit. They have worked with law firms, legal associations, federal agencies, large non-profits and corporations. TFC coaches and consultants understand the challenges and situations unique to executives charged with the responsibility to align their people with the strategic plan. Bradley and Grogan, have written two books. Their most recent, *Judge for Yourself: Clarity, Choice and Action in Your Legal Career* was published by the American Bar Association in cooperation with the MCCA and features Introductory Remarks by The Honorable Ruth Bader Ginsburg.

Part 1 – Analysis of Survey Results

MCCA engaged TFC to develop and administer a survey in order to collect the data necessary to meet the objectives stated below. The survey was conducted online using Survey Monkey® and consisted of approximately 60 questions.

MCCA partnered with ALFDP to conduct this survey to explore diversity efforts and the role of diversity professionals in law firms.

Objectives of the MCCA/ALFDP Survey included:

- Understand the role of diversity professionals at law firms;
- Quantify the resources (financial, time, personnel, etc.) that law firms dedicate toward the advancement of diversity objectives;
- Benchmark the scope of responsibilities and support provided this role; and
- Identify new information or resources that diversity professionals need to further their professional growth, develop and implement diversity strategies/initiatives, and achieve their law firms' diversity goals.

Part 2 – Review of Focus Group Feedback

MCCA then worked with TFC and The Athens Group to develop a series of questions to be posed to groups of law firm diversity professionals. Many of the questions were included in order to illuminate and understand some of the information reported in the annual MCCA/ALFDP Survey.

- MCCA extended an invitation (Exhibit B) to diversity professionals in law firms across the United States to participate in one of three focus groups along with others in similar positions.
 - Diversity Coordinator/Diversity Manager
 - Diversity Director
 - Diversity Partner
- The invitation included a request that it be shared with others in the profession, including those who had served in these positions in the past 12 months (even if they do not currently hold such a position). In addition, ALFDP assisted MCCA by passing the invitation along to its members.
- Respondents were asked to select the position description that best described the role and responsibilities they currently fill.
- Focus group sessions were 90 minutes in length.
- Between May 19 and July 9, 2009, a total of 11 focus groups were conducted.
- Two (2) focus groups were conducted in-person in Washington, DC and the remainder were conducted via teleconference.
- One TFC consultant moderated all 11 groups.
- A second TFC consultant recorded discussion highlights and transcribed the notes.

Part 3 – Analysis of Job Descriptions

This third part of the research consisted of an analysis of current job descriptions for several roles: Diversity Coordinator, Diversity Manager, Diversity Director, Diversity Partner, as defined in Exhibit A.

MCCA requested that diversity professionals in large law firms provide MCCA a copy of their job description and that of any other diversity professional or support positions (full-time or part-time) established within their firm.

Requests were extended in the following ways:

- Emails sent by TFC on behalf of Veta Richardson, Executive Director, MCCA to (1) respondents to the annual MCCA/ALFDP Survey, (2) contact person for diversity programs listed in the MCCA/Vault Guide to Law Firm Diversity Programs, and (3) members of the ALFDP.
- Verbal requests from TFC to participants in the Diversity Professional Focus Groups (see Part 2 above).
- Verbal and email requests from The Athens Group to its network of law firm contacts.

RESEARCH CAVEATS/LIMITATIONS

Qualitative research methods consist of conducting in-depth interviews with a small, but targeted, group of respondents. In this case, respondents represented those who identified themselves as diversity professionals in large law firms.

Typically, qualitative research is used to provide answers to attitudinal questions, as well as to provide insight and a more in-depth understanding of attitudes and opinions, including the perspectives that may underlie certain quantitative data collected via the annual MCCA/ALFDP Survey. For example, if quantitative data indicates a twenty-five percent increase in the number of law firm diversity professionals, then qualitative data will help one understand the potential reasons behind that numerical increase.

By nature, this research method does not allow for statistical analysis and interpretation. Rather, it is a tool for providing in-depth information to aid in decision-making. The findings from this type of research should be used to provide insight and direction for decision-making, and should not be considered the sole basis for decision-making.

Qualitative research tends to provide answers to questions such as “Why?” and “How?”, whereas quantitative research tends to provide answers to questions such as “How many?” or “How much?”

EXECUTIVE SUMMARY

1. Defining an Evolving Position

The position description varies with the unique characteristics and culture of each firm. Many diversity professionals reported that they do not have formal job descriptions. In several cases, diversity professionals reported that their law firm is in the process of rewriting their job description or that the position had evolved far beyond the existing description.

As of the time of publication, there is no evidence of standardized job descriptions for any of the identified titles that currently comprise the law firm diversity professional role (*e.g.*, Diversity Coordinator, Diversity Manager, Diversity Director, Diversity Partner, Chief Diversity Officer). Each of those collected by MCCA was unique.

2. Focus and Scope of Role

The focus and scope of diversity professionals' roles varied greatly. However, the scope of the role seemed to be more a function of law firm culture than job title and/or experience. Nonetheless, some general conclusions could be drawn:

- The roles of Diversity Coordinator and Diversity Manager are largely tactical and entail implementation of programs and strategies.
- The role of Diversity Director straddles both the tactical and the strategic.
- The role of Diversity Partner is largely strategic/political and entails very limited to no tactical responsibility.
- The role of Chief Diversity Officer is likewise a hybrid, possessing many aspects of the strategic/political role filled by Diversity Partners, but also responsible for tactical, implementation functions.

Across job titles, a number of diversity professionals concentrated on setting diversity strategy; others focused on implementing the strategy conceived by others (such as the diversity committee) while for another group, the job is a hybrid of strategy/vision and implementation.

Some diversity professionals' efforts focus on supporting only diverse attorneys, while others encompass the broader goal of creating an inclusive environment for all attorneys.

In some firms, the diversity professional is also responsible for other functions, such as recruiting or pro bono.

3. Education and Experience

Almost all participants reported that being a lawyer and/or having prior experience in a large law firm is critical to ensure the level of managerial access, credibility, and influence that is necessary to succeed in this role.

At the same time, some participants also recognized that business skills such as an MBA, or advanced education in areas such as organizational development, human resources, and executive coaching help them to be more effective as diversity professionals.

DISCUSSION OF FINDINGS

Scope of the Position

The way in which each group of diversity professionals characterized its priorities varied. As an example, most Diversity Coordinators and Diversity Managers reported that responding to client surveys was one of their top priorities, while no Diversity Partners responded that this was a priority for them to handle.

Partners tended to frame their priorities in terms of outcomes for the firm, i.e. retention and advancement of diverse attorneys. Some partners mentioned linking diversity to the business case, pipeline efforts, and creating a collegial work environment as priorities.

Coordinators and Managers cited surveys (client and non-profit organizations), events, and programming as priorities. Other main areas of focus included raising the firm's diversity presence, externally with clients and in the community, as well as internally.

Directors' priorities included all of the things mentioned by the partner, manager, and coordinator participants. In addition, directors were more likely to mention recruiting as a focus area than either of the other two groups.

Diversity Coordinators and Diversity Managers

The focus of the Diversity Coordinator/Diversity Manager tends toward tactics and implementation of initiatives.

- Compiling survey/statistics
- Responding to Diversity Committees' directives
- Coordinating sponsorships
- Serving as an internal consultant/coach/sounding board
- Producing communication pieces
- Planning events
- Managing external relations, including representing the firm at community events and with clients
- Maintaining diversity calendar

Many Diversity Coordinators and Managers had other non-diversity related responsibilities, such as recruiting and pro bono activities.

Diversity Directors

In general, the focus of Diversity Directors straddles both tactical and strategic priorities.

- Strategic Planning
- Recruitment
- Attorney Professional Development
- Retention, Hiring, Promotion
- Coordination with Diversity Committees
- Public Relations
- Maintaining and/or managing diversity statistics
- Management of Diversity Budget/Expenses

Diversity Partners

The Diversity Partners' focus is more strategic/political. Rather than carrying out specific tasks, Diversity Partners are more likely to "lobby" management and other key partners to consider diversity in all firm decisions and obtaining leadership buy-in for certain initiatives designed to increase diversity at the firm. In addition, Diversity Partners are often charged with being the "voice" of the firm for diversity matters, both internally and externally, including with the media. Common topics of their attention include:

- Business Case
- Senior Management - Strategies
- Pipeline and Hiring
- Retention and Promotion of Diverse Attorneys
- Client Relationships
- Liaison to or Chair of Diversity Committees
- Marketing the Firm
- Diversity Budgets

By definition, Diversity Partners have client caseloads. Billable requirements varied by firm. Chief Diversity Officers were included in this cohort, but in general, did not have a billable requirement and did not manage client caseloads.

The Role of Change Agent

Diversity work is still somewhat new ground in most law firms, and so is the diversity professional role. As a result, the role of diversity professional is also one of change agent. Overwhelmingly, respondents said they feel well equipped to be change agents within their firms. However, they acknowledged that creating real change is a very gradual and therefore challenging, process.

In a law firm, we deal with a lot of people who are very independent-minded, so I have to get things done through persuasion rather than through power. – Diversity Partner

All Diversity Partners reported they had the credibility and access they needed. Most have direct access (if not a solid reporting line) to the firm leadership. Most were uncomfortable with the idea of "power" and "authority" because they recognize the importance of creating a culture of inclusion through *influence* rather than force.

Most Diversity Directors also felt they had the credibility and access to be change agents. Particularly for the more programmatic aspects of their job, they felt they had the power and authority to do what they needed.

Diversity Coordinators and Diversity Managers also felt they were well equipped to be change agents, although, by virtue of their role, they saw it differently. Most professionals in this group reported working behind the scenes internally, allowing their Directors and Partners to take the lead in promoting change within the firm. At the same time, most reported being active in establishing their firms' diversity credentials when representing the firm externally.

I get more done internally by planting seeds. – Diversity Coordinator/Manager

At all levels, diversity professionals cited their frustration with the slow pace of change.

While all participants said there is never enough time to do all the things they want to, Diversity Partners often cited the pressure to maintain an active practice as diverting their time and attention away from diversity efforts.

Education and Experience

Interestingly, there was quite a difference not only by role, but also by aspect of the job. Regarding credibility and access, Diversity Coordinators, Diversity Managers and Diversity Directors cited their background in large law firms, while partners spoke overwhelmingly of personal experiences. However, when it came to implementation, some diversity professionals reported that business skills are imperative.

Diversity Directors overwhelmingly responded that having a JD and/or large law firm experience was critical for establishing credibility. In addition, the technical skills gained through practice served some of the directors well.

I was a litigator. I learned to be a strong oral advocate which is critical for this position. You have to be able to hold your own with the attorneys who are the firm leaders. At the same time, experience in labor and employment law would increase my effectiveness – Diversity Director

Being a partner, particularly with previous experience as an associate in the same firm, combined with a background in employment litigation, has been an invaluable combination in this role –Diversity Director

Diversity Coordinators and Diversity Managers who hold a J.D. said this degree helped immensely. Those without a J.D. replied that a large law firm background or experience in an academic setting is important.

My first job at this firm was in recruiting. That helped me prepare for this job because I got to see the whole cycle. – Coordinator/Manager

Many Diversity Coordinators and Diversity Managers reported having advanced degrees, such as an MA in psychology, public administration or an MBA. These diversity professionals believed that their firms hired them to contribute new ways of thinking about diversity, as well as to draw from best practices from corporations.

By contrast, partners often mentioned their personal, rather than academic or professional, experiences as being the best preparation for their role as a law firm diversity professional. Most were the first diverse attorney in their firms or among the first to make partner, and they developed a passion for advocating for diversity which was borne of addressing their own challenges.

Diversity is a passion of mine because I honestly don't know how I made it. I don't want others to have to go through the isolation I went through. – Diversity Partner

At a certain experience level, you start to think about your legacy and I'm pretty sure mine is not going to be for having closed the most deals. I'd rather leave my imprint somewhere else and diversity is one of those things. – Diversity Partner

It's something I do for myself to be more comfortable at the firm. – Diversity Partner

No Partners mentioned being a lawyer as important preparation for their role. The most likely explanation is that by definition, a Diversity Partner is an attorney who has attained a higher level of seniority. So Diversity Partners take being an attorney as a "given" and were inclined not to consider it a requirement that needed to be mentioned.

When it comes to implementing diversity initiatives more effectively, some participants, especially at the director level, recognized that business skills such as an MBA, or advanced studies in organizational development, human resources, and executive coaching help them be more effective in their role.

The role of diversity professional didn't exist when I came out of law school. Today, I can see the value of an MBA or a degree in organization development in addition my experience as an attorney. – Diversity Coordinator/Manager

In most cases, the role of diversity professional is so broad, participants agreed there is no “right way” to prepare. Most felt that because they make it look so easy, it is difficult for others at the firm to understand everything that the role involves.

People don't realize how taxing this job really is. They don't understand how many resources are needed to do it well. We make it look easy so they don't understand what goes into it. – Diversity Manager

Challenges Faced by Law Firm Diversity Professionals

Keeping Diversity at the Forefront

Many participants reported the challenge of making sure what they say as a firm lines up with what they do.

For me, the biggest challenge is ensuring our stated commitment lines up with our actions. Sometimes things get lost in the translation. My challenge is to educate those who are resistant to make sure our culture lines up with what we say is important to us. – Diversity Partner

Pace of Change

Participants at all levels acknowledged that law firms are slow to embrace new ideas and are “resistant by nature.” Participants find it challenging to sustain diversity efforts, keep things fresh and avoid “diversity fatigue.”

My biggest challenge is realizing how patient I need to be. This role requires long-term stamina. – Diversity Director

Another factor cited as affecting the pace of diversity progress was partners’ hesitancy to “ruffle one another’s feathers.”

My biggest challenge is gaining the respect of the great mass of lawyers who are not part of management. – Diversity Partner

Success with diversity relies on humanistic attributes traditionally checked at the door of a law firm. – Diversity Director

Retention

Across the board, participants cited keeping talented women and minorities as one of their biggest challenges.

There's always another reason why people leave. People never say it's diversity. They wanted more time with their children or something. Well, maybe that's true but the bottom line is we keep losing more women and minorities. We never dig down to see what else it could be. – Diversity Partner

When it comes time for reductions, what gets looked at is the number of hours logged by the associates. They are not asking why diverse attorneys didn't get the work. They are not asking who has the relationship with senior attorneys leading to these opportunities. They don't challenge the assumptions. Then we wake up on Tuesday morning and decisions for reductions have been made without our input. – Diversity Director

Regional Issues

In a few instances, diversity professionals advised that the lack of diversity within the local community was their biggest challenge. In addition to demographics, other aspects of the local culture can significantly impact diversity efforts in certain regions.

Dealing with any kind of LGBT issues in our southern offices is extremely difficult, especially for people who view it as a religious issue. – Diversity Partner

My job is to change the organization for the better. My job is not to enlighten certain individuals. Some people feel that if these certain individuals are not enlightened, our diversity efforts have failed. But we're in the south. To even interview a minority candidate is progress. – Diversity Director

Diversity Reporting

Diversity professionals at all levels complained bitterly about the amount of time “wasted” by completing different surveys. Some acknowledged that the MCCA/Vault Survey (which has been adopted by several leading general counsel as a standardized form to survey diversity within the law firms they retain) is a good start. However, the majority felt that too many corporate law departments and other organizations still ask law firms to complete their own unique surveys thereby creating an enormous amount of paperwork with little “payoff” in terms of feedback or increased business opportunities for diverse attorneys.

Many used the term “black hole” to describe where they believe that corporations file the surveys that they spend precious hours completing. All agreed they would like to see their limited resources utilized more heavily in support of actual diversity programs, rather than completion of diversity surveys from clients.

Work Allocation

Participants shared a frustration with how to ensure equitable work assignments to assist in the development of diverse associates.

Absence of Standard Job Descriptions

Without industry-wide job descriptions, many diversity professionals felt that they and their law firms lack the ability to benchmark their efforts. There was concern that the inability to benchmark may frustrate their ability to demonstrate the value that they bring to the firm.

Despite the cry for standard job descriptions, diversity professionals acknowledged most law firms were slow to adopt them at this time. This may be partially due to each firm viewing itself as unique and therefore inclined to customize the position.

Impact of the Economic Downturn

While most reported that in an economic downturn, their budgets have been cut, almost all focus group participants reported that diversity was being treated like every other law firm department or business function. Thus, in most law firms, diversity programs were viewed equivalently to other business priorities and cut (or increased) roughly proportionately.

Doing More With Less

Across the board, participants said they were being selective about how they would spending their budget dollars, focusing on the return on investment and looking for no- or low-cost options. Perhaps most importantly, they viewed it essential to manage expectations within the firm regarding the allocation of the diversity budget and resources.

All budgets are being scrutinized, but we recognized these organizations (such as MCCA) need our help. – Diversity Coordinator/Manager

Some of the ways firms are “doing more with less,” included:

- Running more internal programs
- Reducing/being more selective with travel
- Leveraging the internet
- Partnering with other committees and groups in the community
- Replacing retreats with smaller, local events throughout the year
- Canceling/reformatting the agenda for diverse attorney retreats
- Decreasing use of outside consultants and tapping internal expertise

Respondents also said that even when they have money to spend, they are mindful of perceptions and are careful not to flaunt what they are doing.

Some participants felt the recent difficult economic situation presented a long-overdue opportunity to scrutinize expenditures and ensure diversity dollars are being invested wisely. Further, participants agreed the creativity required to do more with less was a good thing.

A few Diversity Partners said their firms did not have a separate budget for diversity efforts. These partners rely on their access and credibility to get the funds they need when they need it.

Calculating Return on Investment

With the increased pressure to defend what is being spent, participants are evaluating more carefully how they invest their diversity budgets. Firms look at both objective and subjective factors.

We're doing fewer sponsorships and more investing in our people. Have we brought in new business? Have we made someone a success who wasn't a success before? If there's a story we can tell, I consider that a success. – Diversity Partner

When the economy started to turn [downward], the "be seen" events were the first to go. – Diversity Manager

It depends on where your organization is on its diversity journey. We are new to this, so simply being at the table is important. We have further to go to help clients feel we are culturally compatible. – Diversity Director

Almost all respondents are looking to measure the return on investment (ROI) for diversity. However, most firms do not have – or are not even aware of – a tool for measuring ROI. Some firms have created their own ROI tools. Please see Exhibit D for a participant sample.

Emerging Trends

Succession Planning

Especially at the Diversity Director level, participants saw the next "big thing" as succession planning for the role of diversity professional in large law firms. They acknowledged the pioneering aspect of their experience, in that most of them are the first person to hold the role in their firms.

Definition of Diversity

Another area diversity professionals are starting to look at is how to bridge the gap between diversity efforts for attorneys and the lack of these efforts for the other professional and administrative staff.

CONCLUSION

Focus group participants expressed a desire for standard job descriptions for diversity professionals in law firms. Without this yardstick, many diversity professionals feel they and their firms are "winging it." In addition, absent the ability to benchmark their efforts, they are concerned that law firm management may question what they are doing.

Specifically, the absence of industry-wide job descriptions makes it difficult for diversity professionals and their law firms to:

- Clarify and define roles/responsibilities (streamline efficiency of efforts among all diversity and professional development positions)
- Establish goals and set metrics
- Benchmark and evaluate performance
- Set competitive levels of compensation and bonus incentives

Despite the cry for standard job descriptions, diversity professionals acknowledged most firms will probably not adopt them at this time. For now, the unique culture of each firm and its correspondingly unique vision for its diversity professional has served as a rationale for why each firm continues to tailor the job description to its own specifications.

Exhibit A - Subject Definitions

MCCA turned to ALFDP for assistance in defining the roles/responsibilities of various job titles and functions filled by law firm diversity professionals. The following definitions were drafted by ALFDP and provided to MCCA to aid its analysis and preparation of this report.

Diversity Coordinator -- Primary duties include: scheduling and coordinating diversity-related programming, training and events and providing administrative support for other diversity committee related initiatives; monitoring and keeping the firm apprised of external diversity best practices; assisting with diversity related surveys; assisting in development of diversity related marketing materials; responding to client related diversity related information requests; coordinating pipeline and minority recruiting efforts; identifying and recommending best practices related to diversity; gathering data regarding firm diversity needs and accomplishments; and monitoring diversity spending.

Diversity Manager -- Primary duties are programmatic and managerial in nature including: developing analytical tools and methods to measure the effectiveness of the firm's diversity initiatives; setting annual diversity training, programming and funding priorities; communicating and marketing the business case for diversity; reporting to firm management; monitoring the recruitment, retention, mentoring and promotion of diverse attorneys; promoting awareness of issues that impact diversity in firm management, operations and governance; and creating and building personal relationships with minority attorneys throughout the firm.

Diversity Director -- In addition to the programmatic and managerial duties of a Diversity Manager, the Diversity Director has significant strategic responsibilities including: creating and implementing long term diversity strategies and goals; serving as an advisor to firm management, office and practice group leaders on diversity related issues; developing and implementing policies and procedures designed to meet strategic diversity objectives; serving as a member of or consultant to the committee and/or individual responsible for one or more the following functions: attorney hiring, professional development, associate relations, associate review, associate compensation; reviewing, monitoring, and suggesting revision to employment policies and practices that impact the firm's diversity efforts (such as work assignment, attorney evaluation processes, part-time practices); serving as an external liaison for the firm in the diversity community and collaborating with clients regarding diversity initiatives.

Diversity Partner -- A law firm partner who is a practicing attorney and devotes approximately 40% of his/her time to leading and overseeing the law firm's diversity efforts. The Diversity Partner's focus is more strategic/political than it is tactical, and often entails business development and client relations. Diversity Partners often "lobby" management and other key partners to consider diversity in all firm decisions and obtain leadership buy-in for certain key diversity initiatives. This individual's responsibilities include the strategic portions of the Diversity Director position and selected managerial portions of the Diversity Manager position.

Exhibit B - Sample Focus Group Invitation

Dear MCCA supporter,

Thank you for helping us to gather information on the role of diversity professionals in large law firms. We are moving to the next phase of the research, and we want you to be part of it!

We invite you and other diversity professionals in your law firm to participate in upcoming focus groups to help us learn more about the issues and challenges facing diversity professionals in large law firms. The information will build on what we learned in the 2009 Law Firm Diversity Professional Survey conducted by MCCA and ALFDP. With this deeper understanding gained through your input, MCCA will design products and services to support you in your role.

Focus groups will be 90 minutes in length and will take place as follows:

- [Enter dates/times]

On each date, we will hold three focus groups, one for each of the following positions:

- Diversity Coordinator/Diversity Manager [Enter time]
- Diversity Director [Enter time]
- Diversity Partner [Enter time]

(See below for definitions of each position)

One person from each role in from your law firm may participate in each focus group. Diversity professionals who have served in these positions in the past 12 months, *even if they do not currently hold such a position*, are also invited to participate.

Important Confidentiality Information:

- These are confidential focus groups, conducted by The Flourishing Company, LLC, on behalf of MCCA.
- The Flourishing Company has been engaged by MCCA to independently conduct this research study, gather and analyze data, and provide a summary report to MCCA.
- Notes will be taken by The Flourishing Company without attribution or mention of individual speakers. No mention of individual attendees will be made in published study, and no attribution to comments will be made in final report.
- The research will belong to MCCA.

To register for a focus group, please email the name of the person participating, the person's title, and your firm's name to Heather Bradley, Heather@TheFlourishingCompany.com.

If you have any other questions about this research, please contact Miriam Grogan, (202) 223-0237, Miriam@TheFlourishingCompany.com.

Thank you for your support,

Veta T. Richardson
Executive Director
Minority Corporate Counsel Association

Exhibit C - Focus Group Discussion Outline

Introduction

- A. Purpose of discussion: to explore your opinions on the role of law firm diversity professional
- B. Thank you for participating. MCCA appreciates your contributing your time and insights.
- C. About the discussion:
 1. I am not part of MCCA or ALFDP, nor do I work for any law firm or organization we may talk about. I am an independent consultant, and I do a lot of work with associations.
 2. We have a long-standing relationship with MCCA and have worked in the MCCA community for a number of years.
 3. No right or wrong answers, just your opinions.
 4. Confidentiality
 - These are confidential focus groups, conducted by The Flourishing Company, LLC, on behalf of MCCA.
 - The Flourishing Company has been engaged by MCCA to independently conduct this research study, gather and analyze data, and provide a summary report to MCCA.
 - These calls will be recorded and notes assembled by The Flourishing Company without attribution or mention of individual speakers. No mention of individual attendees will be made in published study, and no attribution to comments will be made in final report.
 - The research will belong to MCCA.
 - (We request that nothing leaves the room.

First names only—no one will be contacting you as a result of your being here
Please speak clearly, one at a time
- D. Participant Introductions (plus capture on sign-in sheet)
 1. Name—first name only fine
 2. Firm
 3. How long have you been in your position

Discussion Questions

- A. In your role today, what are your top 3 priorities as a diversity professional?
- B. Diversity work is still somewhat new ground in most law firms, and so is the diversity professional role. Diversity professionals are really change agents. How well-equipped do you feel to be a change agent at your firm? Do you have the knowledge, skills and abilities but are your hands tied? Do you have the power/authority/credibility/access (reporting relationships)?
- C. How did your experiences from your previous professional life (before you took this role) prepare you to be effective as a law firm diversity professional? How might you have prepared differently if you knew that this was the professional path your career would end up taking?
- D. How could you increase your impact in this role? How could new tools/services/training help your impact and if you could design them, what might they consist of?
- E. What is your biggest challenge? How do you deal with it?
- F. How do you experience pushback on diversity issues at your firm or to you/your role?
- G. In the recent MCCA/ALFDP survey of diversity professionals in large law firms, preliminary data indicate just over half of the law firms diversity budgets will be about the same as last year. About a quarter have been cut and about one-fifth expect to have higher budgets. How is the economic situation affecting your role?

Exhibit D – Evaluation of Opportunity/Sponsorship Request

Event: _____

Cost: _____

- Is this event diversity-related? Yes ____ No ____
- Are clients/prospects sponsoring? Yes ____ No ____
If yes, who? _____

- Has the firm participated before? Yes ____ No ____
If yes,
 - How? _____
 - Who attended? _____
 - What was the outcome? _____
 - What business opportunities came as a result? _____

- How does the supported organization benefit? _____

- Are any attorneys in the firm personally involved with this organization? Yes ____ No ____
If yes, how? _____

TO BE COMPLETED AFTER THE EVENT

- Who attended? _____
- What was the outcome? _____
- What client contact did you have? _____
- What business opportunities came as a result? _____
- What professional development take-aways were there?

- How does this influence the pipeline? _____

- Do you recommend the firm participate in the future? Yes _____ No _____

Exhibit E – Preparing Job Descriptions

Documenting the Role

As confirmed by the results of the annual MCCA/ALFDP Survey, the job description analysis, and the focus groups hosted in connection with the preparation of this report, there is considerable overlap across all diversity professional job descriptions. It is a fairly new professional function for most law firms and as a result, the responsibilities are still evolving. In addition, when an organization experiences difficult economic times, the dividing lines between roles often become even more blurry as vacant positions frequently remain unfilled causing others to have no choice but to “pick up the slack.” Thus, there is currently no bright line to determine which duties “belong” to which role or job title.

As MCCA analyzed the current job descriptions for several law firm diversity professionals, there appeared to be no common approach. Some job descriptions were extensive (*i.e.*, up to 4 pages in length) and very detailed, including EEOC requirements, extensive committee work descriptions, and other particulars. Some job descriptions contained a combination of responsibilities and “soft” skills, while others contained only lists of tasks to be performed. Others consisted only of a few sentences or a short paragraph conveyed via e-mail.

During the focus group discussions, several participants expressed frustration that these minimal job descriptions were inadequate given the extensive scope of their responsibilities. There was a desire for greater clarity of job titles, related responsibilities, and functions.

Job descriptions are essential tools for all professionals. They serve as a benchmark against which to measure a candidate’s suitability for the position. In addition, job descriptions are used as a basis to develop performance standards, goals, and evaluations.

The templates that follow were drafted by MCCA to provide a sample of the types of responsibilities that may be assigned to various levels of law firm diversity professionals. In preparing the templates, MCCA has attempted to create a “job family” of positions, all of which fall under the umbrella of the “law firm diversity professional.” These templates are not designed to offer a definitive statement of what the holder of a given job title *should* do in contrast to other job titles. In addition, although many existing law firm diversity professional job titles share considerable overlap, MCCA’s templates sought to draw clearer lines of distinction in the sample job descriptions. For example, most of the job descriptions MCCA analyzed included responsibility for monitoring best practices; however, the task is only included on one template below.

It is recommended that one carefully review the sample job descriptions and pick and chose the aspects of each that best define your role as a law firm diversity professional. In addition, the following tips and questions may assist you to prepare a job description that works for you and your employer.

Recommendations for Preparing A Job Description

A properly constructed job description addresses the following topics, and includes the following components.

- **Job Title**

- What is the title for the position?

Tip: A job title should suggest the person's level of authority within the organizational structure. For example, generally a title that includes "assistant" or "administrator" is viewed as one of support and more administrative/clerical in nature. "Coordinator" suggests a position with a fair share of administrative responsibilities in addition to other responsibilities, whereas, "Director" is generally viewed as a more senior level professional/manager who receives administrative support from another.

- **Purpose or Objective**

- What is the job's purpose or objective? (*i.e.*, what key gap or unfilled need is this job primarily expected to fill?)
- Is this position primarily strategic or tactical?

- **Location**

- Where is the job located?
- If significant travel is involved, this should be noted.

- **Duties and Tasks**

- What are the key responsibilities of the position?
- What specific tasks and duties fall under this job?
Information may include frequency, duration, effort, skill, complexity, equipment, standards, etc.
- Consider how will the diversity professional be evaluated? For what accomplishments will the diversity professional be held accountable? Please be sure the responsibilities that underlie the expectations for the role and the anticipated accomplishments are appropriately captured.
- On which committees will the diversity professional serve?

- **Relationships – Reporting and Functional**

- What are the basic reporting relationships (up and down)? (*i.e.*, To whom does the position report? What positions report to this one and for which this position will have supervisory authority?)
- What are the key functional relationships – how does this position fit into existing organizational structures and interact/liaise with existing committees or key colleagues?
- What other relationships, internal and external, will the diversity professional need to nurture in order for the firm's diversity efforts to succeed? (*e.g.*, committee assignments, influential attorneys, clients, community organizations, bar associations)

Tip: Be careful with multiple reporting relationships as it may sometimes result in confusion particularly around setting goal-setting and performance evaluation.

- **Requirements**

- What knowledge, skills, and abilities (KSAs) are *required* to perform the job? These may include both substantive and “soft” KSAs.
- What formal education, training, or certifications/degrees are required? What is highly desirable, but not necessarily required?
- What level of managerial skills will the diversity professional need?
- What special skills are required or desirable? (e.g., public relations, social networking, communications, event planning, financial/budgeting)
- What prior experience (paid or volunteer) is required to do the job? What is highly desirable, but not necessarily required?

Tip: While an incumbent may have higher KSA's than those required for the job, a job description typically states only the minimum requirements to perform the job.

- **Compensation**

- What is the base salary?
- What bonus compensation is available?
- What is the benefits package?

The following pages offer sample templates for law firm managers to consider as they draft job descriptions for diversity professionals.

Sample Job Description – Diversity Coordinator

| | |
|-------------------|---|
| Job Title | Diversity Coordinator |
| Reports to | Senior Level Diversity Professional (<i>e.g.</i> , Diversity Manager/Diversity Director) |

| |
|---|
| Job Purpose |
| The Diversity Coordinator assists the Diversity Manager/Director and the Diversity Committee in implementing the firm's diversity plan. |
| Duties and Tasks |
| <ul style="list-style-type: none"> • Coordinate events details for diversity functions, such as firm receptions and on-campus events. • Generate reports of diversity information as requested by clients, colleagues, and other organizations • Attend and provide support to the firm's monthly diversity committee meetings |
| Relationships |
| The Diversity Coordinator works on a day-to-day basis with the Chair of the Diversity Committee. May also work with Practice Group leaders and individual attorneys. |
| Knowledge, Skills and Abilities |
| Strong administrative experience, organization skills and attention to detail required. Excellent oral and written communication and interpersonal skills needed. Proficiency with MS Office. |
| Work experience requirements |
| Three (3) years experience in a law firm or diversity role preferred. |
| Education requirements |
| Bachelor's degree preferred |
| Compensation |
| Please refer to survey analysis for compensation comparisons. |

| | |
|-------------|-------|
| REVIEWED BY | Title |
| APPROVED BY | Title |
| DATE POSTED | |
| DATE HIRED | |

Sample Job Description – Diversity Manager

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|------------------|-------------------|
| Job Title | Diversity Manager |
|------------------|-------------------|

Reports to Senior Firm Executive (*e.g.*, Executive Director/Director of HR/Diversity Committee Chair/Diversity Director/Diversity Partner/Chief Diversity Officer)

Job Purpose

The Diversity Manager is responsible for establishing and implementing programs that promote diversity within the firm, with a primary focus on US offices.

Duties and Tasks

Develop programs to support recruitment, retention and advancement of diverse lawyers
 Promote inclusion throughout the firms
 Coordinate with Marketing staff on external and internal communication, including newsletters
 Create systems to track and disseminate diversity metrics, including responding to client requests
 Work with other committees, such as Diversity, Legal Personnel and Professional Development as needed
 Coordinate bar association outreach and represent the firm at conferences and other programs

Relationships

The Diversity Manager supervises the Diversity Coordinator. The Diversity Manager works closely with the Chief Diversity Officer and Chief HR Officer regarding initiatives.

Knowledge, Skills and Abilities

Effective verbal and written communication skills as well as interpersonal skills necessary to interface at all levels, both internally and externally. Vision and passion for diversity initiatives and their important to the organization's success. Proven ability to collaborate with individuals and within teams.

Work Experience Requirements

Large law firm experience; demonstrated commitment to diversity. Excellent communication skills and ability to relate and work effectively with lawyers and administrative staff.

Education requirements

JD preferred

Compensation

Please refer to survey analysis for compensation comparisons.

| | |
|-------------|-------|
| REVIEWED BY | Title |
| APPROVED BY | Title |
| DATE POSTED | |
| DATE HIRED | |

Sample Job Description – Diversity Director

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| Job Title | Diversity Director |
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Reports to Senior Firm Executive (Firm Chair/Managing Partner/Chief Training and Professional Development Officer/Diversity Partner)

Job Purpose

The Diversity Director directs the firm’s diversity efforts and provides leadership to the Diversity Committee for all firm offices. The director develops and directs policies to attract and retain employees from all segments of society and ensures the goal of diversity is a consideration in all firm policymaking.

Duties and Tasks

Research, track and analyze information with respect to firm recruitment, retention and promotion of women and diverse lawyers.
 Participate in professional organizations and networks.
 Serve as a resource, mentor and advisor to the law firm management and the diverse lawyers
 Identify trends and best practices across the profession and implement same, as appropriate

Relationships

The Diversity Director works closely with Executive Committee, Diversity Committee, and Practice Group heads to develop and achieve their annual diversity plans. The Director supervises diversity support staff.

Knowledge, Skills and Abilities

Excellent interpersonal skills and a track record of successful accomplishment of goals and the motivation and management of professionals. The director should be articulate, organized, sensitive, assertive, flexible and dedicated to enhancing and encouraging development and inclusion of all attorneys.

Work experience requirements

5+ years experience developing and/or managing diversity programs, preferably in a large law firm environment.

Education requirements

Bachelor’s Degree required; JD and/or appropriate Master’s degree preferred with 5+ years law firm experience.

Compensation

Please refer to survey analysis for compensation comparisons.

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| REVIEWED BY | Title |
| APPROVED BY | Title |
| DATE POSTED | |
| DATE HIRED | |

Sample Job Description – Diversity Partner/Chief Diversity Officer

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|------------------|---|
| Job Title | Diversity Partner/Chief Diversity Officer |
|------------------|---|

| | |
|-------------------|--|
| Reports to | Firm Chair/Vice Chair/Managing Partner |
|-------------------|--|

Job Purpose

The Diversity Partner/Chief Diversity Officer is charged with developing, supporting and implementing policies, programs, processes and initiatives to facilitate the firm's mission to create and sustain a diverse and inclusive work place. (Note: Most diversity partners will have a minimum billable hours requirement and it should be stated in the description.)

Duties and Tasks

Conceive, develop and oversee implementation of programs and that enhance the firm's reputation and image as a leader in diversity/inclusion programs
 Set short- and long-term goals, policies, and programs to achieve a diverse workplace within the firm
 Provide guidance to firm leadership on diversity-related issues
 Develop and manage diversity budget such as sponsorships and other programs, including return on investment models
 Establish and maintain relationships with minority bar and student associations to attract minority candidates
 Serve as firm spokesperson on diversity-related issues

Relationships

The Diversity Partner/CDO keeps the following persons informed of his/her activities: members of the Diversity Committee, Practice Group Leaders, Office Heads, Chief Operating Officer, Director of Marketing and Business Development, Director of Legal Recruiting, Chair of the Hiring Committee

Knowledge, Skills and Abilities

Demonstrated commitment to diversity and related workplace issues. Experience working with senior management preferred. Excellent written and verbal communication skills, demonstrated leadership capabilities and networking capability.

Work experience requirements

Experience with large law firm management (preferably as a member) and a legal practice background.

Education requirements

JD required with prlegal practice background

Compensation

Please refer to survey analysis for compensation comparisons.

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SPECIAL THANKS TO DONORS* TO THE MCCA 10x10x10 CAMPAIGN!

MCCA extends its appreciation to the following law firms and corporations for their generous financial contributions in support of the production of this research report. Their donations have been critical to MCCA's ability to produce and distribute this valuable resource. It is our hope that this information will assist diversity professionals and the law firms that employ them to continue to develop successful diversity initiatives and build inclusive workplaces.

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