

The Demand for Diversity, Equity, and Inclusion in the Legal Community

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The composition of the workforce across the nation is changing radically, and it is only expected to continue evolving over the years to come. Applicants are more diverse in terms of race, religion, gender, sexual orientation, disability, age, and parental status, and the legal community is at the epicenter of where that this change is occurring.

“The majority of the people coming into the workforce—75 percent of new entrants—are either racial/ethnic minorities or women,” said Derald Wing Sue, a California State University, Hayward psychology professor.

For some, the conversation surrounding Diversity, Equity, and Inclusion (DEI) is easy to shy away from, but we must face the reality that change is inevitable, and it is imperative that employers find ways in which they can both embrace the benefits and tackle the challenges that come along with personnel of varied backgrounds.

The National Association for Law Placement, Inc. (NALP) conducted an in-depth study in 2021 on diversity in U.S. law firms. This study analyzed data from the 2021 NALP Directory of Legal Employers (NDLE) — the annual compendium of legal employer data published by NALP. The representation

of women, people of color, and women of color among associates continued to rise and were at historic highs in 2021. Compared to 2020, people of color and women increased in representation at major U.S. law firms in 2021. Additionally, the percentage of Black partners and lawyers increased in 2021. However, in comparison to other racial minorities, Black attorneys are still far behind in law firm representation. The percentage of female Latinx associates surpassed the percentage of Black women associates for the first time in 2021, and the rate of growth in the share of Black associates overall lags behind that of Latinx and Asian associates. Similarly, most of the increase in representation of partners of color since 2009 can be attributed to an increase in the number of Asian and Latinx law firm partners, and the growth of Black partners has increased by only half a percentage point during this time

period. In 2021, women made up just 25.92 percent of all partners, and Black women and Latinx women each continued to represent less than 1 percent of all partners in U.S. law firms. Needless to say, despite the strides being made to diversify the legal profession, there's still room for improvement at the national level.

Similarly, Nevada's legal community also has room for improvement when it comes to diversification and inclusion, and it is a priority for many young lawyers. Data that has been compiled of young attorneys in Nevada from 2021 showed a desire for reform in the legal profession. The 2021 study targeted Nevada attorneys between the ages of 21-41 and gathered more than 100 responses. One respondent noted that the Nevada legal profession should "[a]ddress structural problems with the profession rather than pushing it off on individual problems of any one lawyer." Another concern faced by younger attorneys involved skill development and networking. One 2021 respondent expressed an interest in "... opportunities for young lawyers to meet/get to know judges/bar leaders." Although the Nevada legal community is small, there are generational gaps between attorneys, and creating opportunities for networking among older partners and younger associates as well as members of the bench is a simple way to foster inclusion. Another respondent requested "... actual practical training on local rules, practices, etc" as an alternative to traditional CLE and bootcamps. Moreover, several respondents also expressed concerns about substance abuse and asked for networking events that do not revolve around happy hours and alcohol. This highlights a shift in the legal norm as the landscape of technology and education are changing. New ways of engaging those who may be different ages and have varying social and cultural backgrounds should be considered as well.

A more recent survey was conducted of young attorneys in 2022 shifting more focus toward individuals with disabilities and capturing the impact of DEI initiatives on job satisfaction and retention. Young attorneys have indicated mental health as a priority and identified physical and learning disabilities that impact their decision-making when it comes to choosing a place to work. These recent

findings were discussed in more detail during a recent State Bar of Nevada CLE in October titled "DEI from a Young Lawyer's Perspective," led by this article's authors: Caleb Green, Crislove Igeleke, and Alex Velto.

The 2022 survey revealed that young lawyers in Nevada place a priority on diversity, equity, and inclusion. For example, when asked how the state bar can help promote DEI efforts, one respondent provided that the state bar should "[o]ffer diversity training stipends to allow attorneys the opportunity to gain professional development that they may not be receiving in their place of work." The same respondent also suggested the state bar should "[p]romote and publicly recognize organizations that are taking tangible action related to DEI similar to the Honor Roll highlight for pro bono work."

Furthermore, when asked how law firms and employers can promote DEI, another respondent suggested tying compensation to diversity, equity, and inclusion performance. Specifically, the respondent opined that "[i]f an attorney

fails to meet their billing requirements for a firm or properly handle a case, that would not be acceptable in almost every workplace. However, when a firm or attorney fails to meet its DEI goals, it is often swept aside without any consequences. If we value DEI the way we say that we do, we should ensure the consequences for failing to meet DEI goals are just as severe as failing to meet other performance metrics."

Nationwide, firms are realizing that improving diversity, equity, and inclusion means changing firm culture. As the country becomes more diverse, legal departments need to follow suit. For non-diverse attorneys, this means becoming an ally, advocating for inclusion, and ensuring diverse lawyers are in leadership within firms. At the national level, law firms have been taking active steps to promote diversity among their ranks. For example, Dickinson Wright—with offices in Las Vegas and Reno—has implemented a multi-year partnership track program

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The advertisement features a background image of a stack of dark, jagged rocks. In the bottom left corner, there is a colorful logo consisting of several human figures in various colors (blue, green, yellow, orange, red, purple) arranged in a circle, representing a diverse group of people. The text is overlaid on the image in white and yellow.

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that pairs diverse associates with equity partners within the firm. Unique to this program, the partners serve as mentors and, more importantly, sponsors, providing opportunities to associates to improve their practice, build a clientele, and establish tangible goals to prepare associates for partnership.

At the local level, we need not look further than the firms and legal organizations in Nevada to find effective programs and practices that promote DEI in the legal profession. The Las Vegas City Attorney’s Office, for example, has made several strides toward diversifying its attorney workforce. In 2020, the city of Las Vegas named Bryan Scott its first African-American city attorney. While this historic appointment was noteworthy in and of itself, the city attorney’s efforts to diversify the office did not stop there. Under Scott’s leadership, the Las Vegas City Attorney’s Office has worked to create a more well-rounded and inclusive office, by hiring highly trained, ethnic-, gender-, and age-diverse attorneys. There had been no women attorneys in

the Civil Division when he took leadership, and there had not been a single female attorney of color since he joined the Civil Division in 1996. In 2021, Scott hired four women attorneys across both departments, including three African Americans, along with a more diverse support staff. The city has also implemented in-depth training to combat implicit bias and create a culture of belonging through its DEI for Excellence Initiative. Most recently, the Las Vegas City Attorney’s Office has been recognized for its DEI efforts as the recipient of the 2022 Law Firm of the Year from the Las Vegas Chapter of the National Bar Association. It is through efforts like these that the legal community can adopt to recruit and retain diverse talent in Nevada.

*Woodburn and Wedge is pleased to announce that
Cassy J. Walsh
has joined the firm as an associate.
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