



Diversity, Equity, and Inclusion Crucial Elements of Lawyer Well-Being

Kristine Kuzemka, director of the State Bar of Nevada's Nevada Lawyer Assistance Program, has been researching lawyer well-being in 2020 and 2021. Her second report takes a look at how diversity, equity, and inclusion (DEI) can affect change in progress toward lawyer well-being.

The 2019 Massachusetts Supreme Judicial Court Steering Committee on Lawyer Well-Being Report to the Justices found alienation results from a lack of diversity and inclusiveness, noting the ABA Task's Force's findings:

Research reflects that organizational diversity and inclusion initiatives are associated with employee well-being, including, for example, general mental and physical health, perceived stress level, job satisfaction, organizational commitment, trust, work engagement, perceptions of organizational fairness and intentions to remain on the job. A significant contributor to well-being is a sense of

organizational belongingness, which has been defined as feeling personally accepted, respected, included, and supported by others.

Kuzemka's report also notes that the subcommittees' efforts to prioritize enhancing diversity, equity, and inclusion underscore the significance – and pervasiveness – of this concern. The Boston Bar Association (BBA) subcommittee report noted that women, LGBTQ lawyers and lawyers of color often experience additional stresses as they are under-represented in the bar, particularly at the higher echelons of the profession, and may experience isolation, pressure to “over perform,” and the effects of discrimination and bias throughout their careers.

In the BBA subcommittee report, public lawyers noted that increasing diversity and inclusiveness “not only mitigates alienation and isolation but, at least equally important, improves morale, creativity, and the quality of work product

for all employees.” In-house counsel noted that they encounter bias grounded in race, gender, sexuality, or other protected categories, just as other members of the profession do. In private firms, financial incentives can undercut efforts to enhance diversity, equity, and inclusion.

Kuzemka's findings in Nevada reflect what is outlined in the ABA and Massachusetts reports. She cited numerous examples of Nevada attorneys experiencing racism and homophobia. Here are a few examples:

“People hear me talk on the phone and when we meet in person down the road, they are surprised when they see I am black.”

“Many black attorneys are spread thin, strapped with a disproportionate share of community work in effort to create change, thus less time to climb the corporate ladder and family time.”

“My community work is part of my black heritage. One way law firms can help is by understanding, supporting, and offering a platform to engage in service to promote change.”

Some barriers are overcome by assimilation, “to the extent that people are more accepting of minorities who speak their languages and/or have similar speaking nuances, intonation, etc., i.e., you don’t talk like other black people.” Thus, the inference that because you “speak” like us, you are included.

A state vendor called a law firm and asked for [Michael]. The receptionist said there were three [Mikes] at the firm and which did he want to speak to. The state vendor replied, “the f---t.”

“I had experience of a judge having regular tirades in the courtroom about immigrants.” Stating, “this is an invasion, these people come here and screw things up.”

“Because I am older than others entering the field, it is definitely different now. There is a cultural shift happening and it needs to be sustained.”

The ABA Report made several recommendations to build a more sustainable culture and to address issues affecting well-being. Four of the recommendations are:

1. Identifying stakeholders and the role that each of us can play in reducing the level of toxicity in our profession;
 2. Emphasizing that well-being is an indispensable part of a lawyer’s duty of competence;
 3. Expanding educational outreach and programming on well-being issues to educate lawyers, judges, and law students on well-being issues; and
 4. Taking stock of where your organization is on awareness of implicit biases.
- The recommended corrective steps are:
 - First identify where your organization is with policies and procedures that address diversity, equity, and inclusion.
 - Have all members of the organization take an implicit bias test and determine where the members are situated on that scale to decide where to start.
 - Utilize the tools of the ABA addressing implicit bias.
 - Look at the process for partner advancement in relation to social activities, such as golf outings, luncheons, dinners, and other firm activities.
 - Look at processes of partner advancement in relation to more than rainmaking, billable hours, and/or mentoring those to establish contacts to bring in business.
 - Pair associates with mentors to guide in cultural capital and activities outside of the organization. Be aware. Be open. Be inclusive.

THE 702 FIRM

INJURY ATTORNEYS

PROUDLY WELCOMES TWO NEW PARTNERS



Joel S. Hengstler, Esq.
Partner

Joel S. Hengstler is a native of Cleveland, OH, devoted husband, and father of four. During college, he developed his advocacy skills by competing on his forensic, mock trial, and moot court teams, winning numerous awards in each. He moved to Las Vegas in 2010 and has been working exclusively on behalf of injured victims throughout his career. Mr. Hengstler has negotiated thousands of cases to settlement, including countless arbitrations, mediations, and tried 15 jury trials to verdict.

He is a member of the Nevada Justice Association and has been honored by the National Trial Lawyers as “Top 40 Under 40” since 2014, and “Top 100 Civil Plaintiff.” Most recently, he was recognized as part of the Nation’s Top One Percent by the National Association of Distinguished Counsel. Mr. Hengstler is a zealous advocate for his clients, prioritizing clear and persuasive communication. He is honored to serve the Las Vegas community by helping injured victims receive fair and just compensation.

Mark A. Rouse moved to Las Vegas from Kentucky to work as the first law clerk to Hon. Nancy Allf of the Eighth Judicial District Court. During his clerkship, Mr. Rouse successfully passed three bar exams in two years. Mr. Rouse is now licensed to practice law in Arizona, California, Kentucky and Nevada.

In his first year of practice, he tried three civil jury trials to verdict.

He continues to successfully fight for personal injury clients in arbitrations, mediations and trials.

Mr. Rouse has been nominated by his colleagues as a Mountain States Super Lawyers Rising Star and Nevada Business Magazine, Legal Elite. He is a member of the Million Dollar Advocates Forum, The National Trial Lawyers, and has been selected as a Top 40 Under 40 Civil Plaintiff’s Attorney in Nevada.



Mark. A Rouse, Esq.
Partner

We would like to extend a warm congratulations to Mr. Hengstler and Mr. Rouse.