



LEGAL TALENT & INCLUSION

Why Inclusion Matters: A Story About the Different Experiences Between White and Black Attorneys

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Do the inclusion experiences of White and Black legal professionals differ greatly? One story told by Sharon Meit Abrahams shows that in fact, they do

At a recent conference, Abrahams presented *A Tale of Two Associates*, a story that illuminates the differences in the work experiences between a White and Black male lawyer who both started on the same day. "I was talking to two associates, who were in their third year, discussing work in a casual conversation when the African-American associate turned to the White associate and said, 'Wow, it doesn't even sound like we've worked for the same law firm,'" states Abrahams. These two associates were hired on the same day in the same department in the same practice group and in the same office and should have had the same work experience, she added. "But they didn't."

Differing World Experiences Between Associates

For Abrahams, the conversation brought into clear view the idea "that people experience the world in different ways — and it was one of the reasons why I got involved in diversity and inclusion." Some of the ways in which the two associates' experiences differed were stark, and included:

Work assignments — The associates' experiences around what work they were assigned varied greatly. "The White associate was talking about the matters that he had been working on and the skills that he was attaining through the work, while the African-American associate explained, 'I can't even make my hours. I'm not getting this type of work. I'm not growing my skills,'" Abrahams explains.

Abrahams knows from her time doing exit interviews that the Black associate's experiences were not occurring in isolation.

Indeed, not meeting billable hours requirements was only part of the story. The quality of the work was also an issue for the Black associate, and this also impacts retention, she notes. "If a person is stuck on a document review for the first three years of their career, when another third-year associate is already doing work — such as drafting documents on the transactional side and doing depositions on the litigation side — the skill trajectory is completely different."

Contrasting accounts in mentoring — The ideal mentoring experience for a lawyer is having someone to help them learn what the rules — both written and unwritten — are in the practice and teaching her or him how to differentiate themselves to get the good work assignments. Sometimes, firms put people who are alike together — the White associate gets a White mentor and the Black associates get a Black mentor. If the Black mentor doesn't know the unwritten rules, such as how to build a reputation, or how to keep your plate of work full, then they can't pass that along to the new associate.



Sharon Meit Abrahams

Different experiences in sponsorship — Another challenge that Abrahams has seen between White and Black associates is sponsorship, with the White associate having a champion and the lawyer of color lacking a sponsor.

This was the case of the Black associate in *A Tale of Two Associates*, Abrahams states. "In my exit interviews, I cannot tell you how many diverse attorneys say to me, 'I had no champion,' — someone who was using their clout to help me move forward and get the great cases."

Solutions to Bridge the Gap between White & Black Associates

In Abrahams' talk at the conference, she expands on the varied encounters that this Black and White associate had in order to introduce structural solutions that law firms can implement to improve the experiences of lawyers of color at the firm. Some of these structural solutions include:

Formal mentoring programs must have a check-in process after pairs are assigned — The first solution Abrahams cited to help Black associates improve their experiences is for the law firm to go beyond simply assigning a mentor. The firm must do check-ins to see how the relationship is going; and the formalized mentoring program must be well managed with follow-up times built in.

In particular, mentoring across racial, gender, or ethnic differences must be carefully managed. Abrahams cited another example of an African-American female associate paired with a 65-year-old boomer partner. The Black female associate told Abrahams that “the first three years of her practice, she had to fight to get work. She had to beat doors and make phone calls.” After three years she left the firm because she was exhausted. “Her mentor was a wonderful, kind, generous person, and tried to help her the best that he could,” Abrahams says. “But he couldn’t be in her shoes.”

Participating in RFPs and in pitches — Including lawyers of color in an RFP — and if the firm wins the work, giving the associate work on the matter — is a crucial step in building confidence. Inviting lawyers of color to participate in pitches is a critical learning opportunity because they get to see how a pitch unfolds, what comprises a pitch, and how the process operates. “A classroom pitch 101 is great and wonderful,” Abrahams says. “But until you actually see it demonstrated live, you don’t really know.”

Monitoring work assignments — Many law firms have an informal work assignment system, also known as a free market system. The free market system assumes that all lawyers start out on an equal playing field and know how to operate in that environment. Many lawyers of color are the first in their family to go to law school and don’t have access to the connections from family and friends to those in white-collar professions to teach them how to navigate an organization. Many times, these associates are not learning these skills in law school.

Remember the Black associate from *A Tale of Two Associates*? For him, the free market system was an absolute failure, Abrahams notes. To level the playing field around work assignments, a formal system that includes monitoring is key — and it could be as simple as the playground rule of *taking turns*.

“One attorney gets a certain type of work to expand the breadth of his experiences and then his peer gets this work the next time ensuring equal opportunity to receive quality work,” Abrahams explains.

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