



**A National Conversation  
on Gender and Diversity**

Berkeley, California

July 25, 2001

**Legal Services Corporation**

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### **Introduction**

LSC in partnership with NLADA launched a yearlong examination of the impact of gender on the legal services community. This is part of a broader initiative in which LSC and NLADA are examining diversity in the equal justice community. The first national conversation on gender and justice was held in March 2001, in conjunction with the ABA/NLADA Equal Justice Conference. The goal was to focus on the role of and problems faced by women as members of the legal services work force as well as the effects of gender as they relate to clients, three-fourths of whom are women. Many of the men and women who participated in the March 2001 conversation have been working in the legal services community for many years; many hold managerial positions in their workplace. LSC and NLADA decided to hold a second conversation at the Substantive Law Conference to learn about the experiences and concerns of another group of women, those who had recently joined legal services programs.

### **Background**

Prior to the July 25 session, LSC spoke individually with men and women around the country who planned to attend the session or who were unable to participate, but had expressed interest in the topic. Several themes emerged from these discussions.

*Program environment is very important.* An authentically diverse workforce results in greater acceptance of different approaches to lawyering. An executive director and management staff that includes women and supports approaches to problem solving and staff interaction with which women feel comfortable makes a critical difference in the perception of diversity in the program. Further, some participants noted that programs that have sexual orientation diversity tend to be more tolerant of all other kinds of diversity, as well as to alternative approaches to leadership, the practice of law and other aspects of program culture. Staff with openly gay and lesbian members and managers, where women are in leadership positions as well as throughout the supervised staff, and which have multi-cultural staff throughout the workforce (all ranks) tend to be better places for women to work.

The environment of the legal profession is still very traditional. This culture extends to the legal services community. It is not uncommon for programs dominated by a traditional management team to stifle many of the opportunities that lead to a truly diverse staff.

*Real diversity requires more than “talk time.”* Mechanisms created to address gender, race and other diversity problems must have the capacity to make change. Leadership must invest in and support the possibility of change or it will not occur.

*Mentoring or training of young professionals is sorely needed.* Currently, the mentoring programs that exist are informal, ad hoc systems that depend more on personalities than on structure. There is no one to teach women new to the field how to be professionals. This goes beyond substantive law mentoring to include helping young lawyers learn to assert themselves without jeopardizing a client, how to handle inappropriate behavior from a colleague, judge or opposing counsel.

*New approaches to leadership will help eliminate the significant barriers* experienced by those who do not adopt the traditional lawyer role associated with white male law firm partners. Historically there has been only one posture for lawyers – aggressive and litigious. Lawyers who admit that they do not always know the answer, who seek guidance from others, who perceive clients’ problems as part of a process are often not considered for leadership positions. While these values are diminishing, movement is slow. Selecting leaders who behave in the conventional male attorney way, from this pool reinforces the old approaches and marginalizes the efforts of those who opt for alternatives. Programs led by this type of executive director have a culture that supports it.

## **Report on Discussions at July 25 Meeting**

The July session was designed to be a small to allow candid conversations about gender and justice in the legal services community. About twenty men and women participated. They began by addressing several points.

How can we broaden the concept of diversity? Our client communities are becoming more diverse and they demand that we grow in ways that reflect their diversity and that enable us to provide culturally competent services. This requires us to move beyond the historical definitions.

Diversity is a state of being – where we want to be and where we are going. The ultimate goal of diversity is not to get from another for me, but to expand the circle of inclusion. Diversity values a broad range of people so that no one is left out; it makes connections between various aspects of our individuality. Affinities are recognized on gender lines, along race and ethnicity patterns; there is an acceptance of how they link us as well as make us unique.

How can we achieve diverse programs and state justice communities? Doing so requires some form of accountability like affirmative action goals to ensure that the workforce is diverse. However, there are other methods. The state planning process raises the issue, particularly in the context of leadership. Partners can also put pressure on organizations. While it is true that conversation sparks education, dialogue cannot be the end. There must be a commitment to action and, ultimately, action.

Within the framework of diversity, there are some issues that women in the legal services community experience harshly. One in particular is the glass ceiling effect. Moving up is very difficult for women in our programs. This situation is exacerbated by

the failure of almost every program to have an institutionalized, formal mentoring structure. A lack of networking opportunities also contributes.

Another problem for women who aspire to leadership positions is that we currently do not have a culture that supports selecting new leaders and recognizing approaches that differ from those that have persisted throughout the legal profession. The model is based on the historic white male attorney – litigious, aggressive and assertive. The ability to collaborate and to highlight the success of others, to seek common ground and to opt for holistic approaches to resolving client legal needs is not usually valued when managers and boards appoint or hire for staff leadership slots.

Combating this requires opening up networking opportunities, especially on a national level. There must also be strong support from more senior women in our community for nurturing women leaders and to support differences in leadership models – a critical mass dynamic that can ensure that future leaders are more frequently women leaders. Senior women in our community can also act as mentors to guide less seasoned attorneys on the nonlegal issues that confront women as they enter the profession and advance in rank. A challenge facing women new to legal services is 1) finding willing mentors, 2) hesitating to ask for help and 3) a lack of receptivity. This challenge imposes on each of us a responsibility for building internal working relationships in our programs and communities.

What are the benefits of diversity? The nature of the legal practice is changing, particularly in legal services. More and more, we are asked to provide “holistic” services to clients. State planning initiatives and the complex problems our clients bring us require collaboration with colleagues and partners outside the organization. Often social work meshes with the legal work we practice. Non-traditional lawyers tend to be more successful with this kind of practice, and clients benefit from our successes.

What are our expectations for the future? We need to prompt conversations among ourselves and in our communities that examine program culture and lead toward change. Our goal is to keep less experienced staff, particularly those who reflect our diversity goals, engaged and allow their needs to be heard. Creating mechanisms for change requires the buy-in of leaders, those in the program, in the state and nationally. National organizations may be the most influential as it can often be a catalyst for change.

Sharing information is useful. Best practices and “red flags” are good for setting benchmarks and measuring results. Listing resources for easy dissemination is also productive. We need to have a list of consultants who reflect diversity values and can train staff and leaders on these issues. A newsletter on general diversity concerns might help advance the diversity agenda. Finally, we need to bring to the diversity table those who can make changes, those who may not see the benefits to change, and those who resist change.

Actively valuing and promoting diversity institutionally is critical. This is even truer when the institutions are national leaders. LSC and NLADA's diversity initiative has allowed program directors and other decision-makers to increase diversity in their staff in ways that might not have been allowed previously. National emphasis on diversity gives program directors "permission" to take risks and expand the circle of individuals from whom they select managers and other program leaders. One program director described her personal experience in this regard and listed the benefits her program realized because of her selection of a manager woman of color. Although she was concerned that the candidate did not have a manager "personality," she was inspired by the March 2001 Gender and Justice Dialogue and the supportive environment it created to take the risk and hire the candidate. She reported very positively on the results.<sup>1</sup>

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<sup>1</sup> Held in conjunction with the NLADA/ABA Equal Justice Conference, San Diego, March 31, 2001. Reported on the LSC website.