



A SUMMARY OF THE NATIONAL LSC/NLADA DIVERSITY CONFERENCE

(held May 31 and June 1 in Washington, D.C.)

October 1, 2001

OVERVIEW

On May 31 and June 1, 2001, approximately fifty equal justice advocates gathered in Washington, DC for LSC's and NLADA's first national conference on diversity in the legal services community. Focusing on broad aspects of diversity – including, among others, age, gender, disability, sexual orientation, race, ethnicity and national origin – participants examined diversity-related strengths and challenges facing clients, staff and program leaders (both local and national), and brainstormed about potential strategies for addressing the challenges. To ensure that the dialogue would include the variety of issues and individuals in the legal services community, NLADA and LSC selected participants to reflect both the leadership and emerging leadership of the field. To the maximum extent possible, participants broadly mirrored the full population of the national community. Attendance at the meeting was limited to about 50 people to foster candid conversation. Two members of the Karp Consulting Group (Deborah Howard and Yvonne Shinhoster Lamb) facilitated the two-day session.

All participants understood that, while the assembled group reflected the demographics of the community, they did not speak for every member of the broad-based legal services community. It should be noted also that no clients were involved in this event. Thus the vision and strategies suggested here must be seen and considered in the context of a series of dialogues on diversity that NLADA and LSC are holding throughout the year and in the context of the reports issued following those conversations.

Participants began the conference by setting goals. They included the following:

- Identify and prioritize diversity-related issues that exist within the legal services community.
- Identify key diversity-related challenges that exist internally and externally.
- Identify obstacles within our legal services community that cause and/or perpetuate bias, oppression, and unfairness.
- Brainstorm strategies to address the identified issues, overcome the challenges and obstacles, and to promote justice, fairness, and inclusion.

In order to facilitate the ability of the participants to work from an agreed upon set of facts about themselves, the facilitators divided the conferees into three groups. Each group represented a time in the history of legal services -- The Past (20 years ago), The Present and The Future (10 years from now). Each group was then asked to answer the same set of questions about their particular era. The thoughts and observations of each group are reported below.

The Past

- Key constituents included clients and community-based organizations, local bar associations, client advisory committees, LSC, other funders (such as United Way) and policy advocates like NLADA.
- The client community included a high number of welfare recipients, was majority white and female with some regional differences and included some undocumented individuals, elderly, non-working poor and prisoners.
- Program staff was less diverse. Fewer women worked in legal services, particularly as lawyers. Management then was almost exclusively white, male, younger and inexperienced. There were fewer indigenous staff members.
- Program staff members were treated with a “sink or swim” attitude. Although they were expected to handle large caseloads almost immediately, they were also freer to pursue an issue area and develop themselves professionally through that pursuit. Program leaders believed that poverty could be eradicated and accordingly staff energies were often focused on impact work rather than on access. Legal services organizations were centered on the eradication of poverty and promoting equality and justice and independence.
- Although there was concern about diversity, there was neither real dedication to making it happen nor any real accountability with one exception -- the importance of hiring African American attorneys and having African American representation on boards in regions where African American populations resided. Other than that, little attention was given to retaining and promoting people of color, women, people with disabilities and others who reflected the client community. However, there was an awareness of the need to hire nonlegal staff from the communities being served and this meant that staff workforces often consisted of male, white attorneys and female paraprofessional staff.
- Some litigation was discrimination-based, i.e., school desegregation and voting rights cases.
- Staff training was usually not a priority for individual programs and was generally provided by state and national back-up centers.
- Some national organizations recognized the need for greater gender diversity and pursued activities to bring women into the legal services workforce.

The Present

- Today's key constituents include governing and policy boards and clients (those being served and those not being served). Other constituents are Congress, state and local bar associations, court systems, new funders (IOLTA, state government, Department of Justice Violence Against Women Office) "old" funders (LSC, United Way), state and local governments, staff, social and human services organizations, and civil rights and other advocacy groups (most of which did not exist 20 years ago).
- The client community has changed. Women, senior citizens and the working poor still need our services, but new groups have emerged. Programs are now expected to serve gay, lesbian and transgendered persons, persons with AIDS, children, homeless people, more immigrants (many of whom do not speak English and have complex problems), persons with disabilities, unemployed persons, people of color, rural and urban low-income people, people from depressed areas, and those with mental illness.
- Our staffs include more women, people with disabilities, individuals from the community, eligible clients, gay, lesbian and transgendered persons, people of color, people from diverse economic backgrounds, and single and married parents. These staff members tend to embrace the belief that each person who needs a lawyer should have one, and that this is critical to moving people out of poverty. However, although motivated by the desire to serve and empower all people with legal problems, programs pragmatically recognize the need to prioritize and focus their legal work on the community's most serious problems.
- The Present values include a commitment to quality work and respect for clients.
- Today's programs emphasize such activities as training and CLE opportunities for staff, mentoring, team building and strategic planning. Programs are exploring flexible work schedules, incentive awards, higher salaries and loan forgiveness initiatives. Staff are encouraged to be active in the community and in bar association activities.
- Many programs hold diversity training sessions for staff and boards. Recruitment and retention efforts often reflect the importance of a diverse workplace and the commitment of board and staff to this value. Client communities are more diverse and programs have more bilingual staff members. Offices are more accessible to people with disabilities in part because of the Americans with Disabilities Act. In some programs, management structures have become broader to accommodate new supervisors and approaches. Some managers have shown themselves willing to address uncomfortable issues, give up power and make difficult financial commitments to achieve a diverse work environment. Nonetheless, serious diversity challenges continue to affect our community.

- A concern in the Present is translating the national dialogue on diversity to local action. How can programs strengthen their efforts to hire and retain a diverse staff as well as develop diverse leadership? How do we encourage programs to hire people of color, women, people with disabilities, gays and lesbians and other non-majority employees? How do we create opportunities for minorities and women (and younger staff) to advance? How do we engage Boards of Directors in these efforts?
- Today's diversity approaches stress inclusion of people of color, people with disabilities, gays, lesbians, older people and women. In the Present we recognize that barriers are not excuses. We realize that diversity can help programs reach clients in a more appropriate and useful way, and we recognize the need to increase staff communication skills including fluency in languages other than English. We acknowledge that sharing power is often key to achieving diversity in program leadership.

The Future

- Key constituents will include older and aging clients. The client population will be multinational due to the continuing influx of immigrants. There will be more women, children and employed people along with those with mental health needs.
- Community partnerships will expand, enhanced by the growth of state justice communities and the many stakeholders engaged in state planning. The importance and impact of non-LSC funders will increase.
- Staff members will reflect the community population and include more people with second and third languages and individuals who are immigrants or first-generation Americans. We will employ more people who are not lawyers and those embarking on second or third careers. Our leadership will reflect the expanded diversity in the general program population.
- There will be a greater emphasis on technology skills. Office schedules will be more flexible (to accommodate staff) and non-traditional (to accommodate clients). Programs will gain higher visibility in multicultural communities.
- The legal services community will expand its hiring, retention and training activities in the multicultural community. Innovative loan forgiveness programs will attract diverse staff. It will nurture a cadre of multiculturally competent and innovative leaders. Diversity will be reflected in our community's everyday culture. Partnerships with non-traditional organizations will grow and new definitions of diversity and leadership will be crafted. We will pursue affirmative

challenges to institutional oppression and disparate treatment. We will concern ourselves with the clash between groups as a result of changing demographics, and with the clash between “the law” and our vision for inclusion as a justice imperative.

THE NEED FOR A DIVERSE WORKFORCE WITHIN THE LEGAL SERVICES COMMUNITY

Turning to the importance of diversity, participants agreed that giving diversity concerns their time, energy, attention and resources will generate big dividends. Participants agreed that a diverse staff creates a better product and strengthens client trust in the program. They felt that a diverse environment fosters personal growth and leads to an appreciation of differences in others. Diversity allows us to tap into human genius, inspiration and excitement. It makes us aware of the special needs of disenfranchised groups. It empowers clients and staff, strengthens the organization and improves ties to other groups.

However, participants also agreed that a highly diverse staff is not achieved without certain difficulties. Diversity “pioneers” often feel the fatigue and isolation of being the only or among a few people of color, women, persons with disabilities, gays or other representatives of minority groups in their office. Proponents of increased diversity may face criticism from staff or supervisors for “spending too much time on diversity.” Since legal services people often think of themselves as “progressives” who don’t need further education on issues of inclusion, making diversity work within programs is not easy and requires the support and the guidance of committed leaders. Helping staff and boards arrive at a common vision necessitates honest and sometimes difficult conversations.

All participants agreed on the following:

- Turning words into action requires establishing goals and setting realistic timeframes and benchmarks (without setting an end date);
- Success is easier to obtain if people are not made defensive;
- Framing diversity efforts in positive and practical terms will allow proponents to move beyond the “moral imperative” approach;
- Budgets and other resources must be revised to support the new effort;
- Policies will need to be strengthened to accommodate more aggressive and urgent strategies.

Building and retaining a diverse staff and board is a major challenge for most programs. Many conferees believe that increasing salaries and benefits and developing loan forgiveness programs will go a long way to attracting a more diverse staff. Seeing opportunities for advancement and leadership positions in programs is critical to retaining women, people of color and other individuals who contribute to a diverse staff. An active and authentic commitment to diversity throughout each program is essential. A core

group can begin the work, but structural and programmatic changes -- mentoring, opportunities to talk about real problems and see solutions implemented, power sharing, diverse boards of Directors, new definitions of leadership -- will be necessary to achieve lasting change. All conferees agreed that a program's belief in the value of diversity is best shown by the extent to which it devotes time, money and people to achieving it.

CRITICAL ISSUES

After identifying the benefits and challenges of focusing on diversity and developing strategies to maximize the benefits and overcome the challenges, participants identified internal and external issues that they wanted to spend more time discussing.

Internal issues selected for further discussion included the following:

- Recruitment and retention of diverse leadership/governance
- Recruitment and retention of minorities
- Perception that programs have withdrawn from discrimination-based advocacy

The top external issues included:

- Lack of a common definition/vision of diversity
- Loss of trust among communities because of perception that programs are no longer dealing with discrimination-based issues (and resulting tension between African-Americans and Hispanics)
- Making justice communities more diverse, inclusive and multiculturally competent
- Creating organizational cultures to address a broader range of legal issues than we do now¹

Conferees agreed that leadership is broader than just "management" and that the concept of leadership rests on power sharing. Conferees further noted that possibilities for promotion among women and members of "disenfranchised groups" must be in place to ensure that "diversity" goes beyond race. Additionally, women managers and minority managers cannot be held to unreasonable expectations and higher standards than those applied to heterosexual white men.

Conferees believe that programmatic growth rests on a common definition and vision of diversity and earmarking resources so that goals are attained. Programs need to come up with innovative ways of supporting people who are advocates for diversity, including charging certain staff members to "reach out" to others to overcome possibly hidden discrimination (such as discrimination members of religious groups and gays/lesbians/bi-sexual and transgender persons). Sensitivity to differences must be constantly encouraged. We should be particularly careful not to refer clients elsewhere merely because their issues or situations are unpopular. Programs should consider re-engaging in discrimination-based advocacy if that approach has been abandoned or overlooked in recent years.

¹ Participants gave issues 3 and 4 the same number of votes, tying them for third place.

Conferees found that programs lacked a common definition and vision of diversity. Some felt that there had been loss of trust by clients from "disenfranchised" groups because of a belief that legal services programs have pulled away from discrimination-based initiatives. With respect to challenges at the local level, conferees discussed the need for programs to create cultures that address more complex issues (for example, mental health and race issues). On a broader level, conferees agreed that we must work to ensure that both individual state justice communities and the broader national counterpart becomes more diverse, inclusive and multiculturally competent. Participants agreed that in order to identify and serve groups that remain isolated, we need to broaden our language bases, bring more qualified support staff to our programs, use community leaders and be sensitive to tension between disenfranchised communities.

VISION FOR SUCCESS

After prioritizing their primary issues, conferees then listed indicators by which success in achieving diverse communities of justice could be defined. Indicators are grouped by topic and summarized by theme.

Leadership

Indicators of success -- Our senior management includes more women, gays, lesbians, people of color, older people and people with disabilities. Leaders are held accountable for progress in meeting goals that ensure our programs and state justice communities are diverse throughout, maintaining a "glittering mosaic." From novel power-sharing arrangements, new leaders and leadership models emerge. Local and national initiatives are established to nurture and promote them.

Program Boards

Indicators of success -- Boards contain representatives from a greater variety of groups. National, state and local program boards reflect the diversity of the communities they serve.

State Justice Communities

Indicators of success -- We endorse a common vision of diversity and goal for achievement on the national, state and local levels, and diversity issues are included in every state plan. Effective policies that implement diversity goals are adopted throughout each state. Our goals and related efforts as contained in state plans are based on a deeper understanding of client demographics published in the new census material. We have crafted innovative strategies for reaching severely marginalized communities and our statistics show that they are working. Program staff and stakeholders are engaged in a full range of client services, address a full-range of legal problems, and have assumed the responsibility to create greater access and capacity to solve them.

Programs and Staff

Indicators of success -- Salaries and compensation packages are competitive with other nonprofit and public interest organizations. Funding allocations reflect the high priority that programs place on aggressive discrimination-based advocacy and attaining diversity goals. Programs offer a broader range of services to the community based on an expanded definition of advocacy, moving beyond litigation and conventional lawyering.

National Funders

Indicators of success -- Money is available to implement innovative diversity agendas and model projects.

ACTION PLANNING

Participants drew up an action-plan that could bring about their vision and in the context of what they anticipate the future will hold in terms of issues, funding and staff. Their ideas and initiatives can be implemented at the local and national levels.

Recruitment and Retention of Diverse Leadership/Governance

Steps are initiated to allow program board membership to reflect the client-eligible community and include representatives from the funding community, corporations and other partners. Each board is required to have a standing committee to monitor board and program diversity. A national leadership institute is created and begins to identify, recruit, mentor and otherwise train diverse leaders; its participants include at least 1-2 staff from each program; it is adequately funded. Compensation structures in legal services programs anticipate long-term tenure and include pension plans, flexible schedules and benefits that reward longevity.

Recruitment and Retention of Minorities

Data on retention and recruitment over the past decade is gathered and made available by national organizations; these groups compile and disseminate information on successful diversity initiatives. Programs begin to conduct exit interviews that seek to understand the reasons for staff turnover. Programs begin to establish formal mentoring systems for staff. Personnel policies will be revised so that they further encourage and support a diverse work environment and spell out the organization's commitment to diversity. On the local and national levels, opportunities for professional development will grow and all staff members in a program, not just attorneys, take advantage of them.

Encouraging Discrimination-Based Advocacy

Discrimination-based advocacy is incorporated in advocate orientation and training sessions. It also becomes a focus at national training events. State planning addresses discrimination-based advocacy and the infrastructure necessary to achieve it. Programs and state justice communities seek guidance on the intersection of race and poverty from national experts and focus on these issues in local, regional and state contexts. Programs develop more opportunities for staff to understand the discriminatory impact on clients that can result from public policies. They hire individuals to act as leaders, teachers and resources in this arena. Training strategies highlight the centrality of discrimination-based advocacy to our mission.

Developing a Common Definition and Vision of Diversity

A common definition of diversity is developed. It is informed by federal and state law, census data and innovative models from other disciplines while acknowledging the breadth of our communities. It incorporates concepts of power and reduction of barriers and an affirmative duty to address barriers. Program and justice community success is tied to and evaluated in terms of diversity initiatives. All programs commit to addressing internal diversity concerns.

Addressing "Loss of Trust" Due to Perception that Programs Are No Longer Dealing with Discrimination-Based Issues

State justice communities begin to examine how they set priorities given changing demographics (census), new technology, emerging legal needs, commonalties among diverse communities, and severely marginalized client populations living within in our service areas. Programs create staff positions charged with working with special client populations. Programs and their staff members are encouraged to collaborate with the community and apply bold strategies in addressing community problems. State justice communities examine leadership within a multicultural framework and use the results in staff and leadership training. They become more creative in raising funds for discrimination-based projects.

Ensuring that Justice Communities Become Diverse, Inclusive, and Multiculturally Competent and Creating Cultures that Impact a Broader Range of Legal Issues than We Do Now (i.e., mental health and racial justice)

National organizations publicly affirm that a hallmark of the justice community is that it is diverse, inclusive, and multiculturally competent. A “best practices” clearinghouse is developed where programs share ideas on diversity successes. There are regular diversity conferences for state justice community leaders.