

I N S I D E   T H E   M I N D S

# Building and Encouraging Law Firm Diversity

*Leading Lawyers on Creating and Maintaining  
an Inclusive Firm Culture*

2015 EDITION



ASPATORE

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# Diversity: An Essential Tool for Dealing with a Multicultural Marketplace

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## **Introduction**

Diversity is a key tool in the growth and prosperity of the legal profession. Increasing diversity in the legal market to mirror our diverse society is essential to growing and flourishing. Diversity will allow law firms to grow, and it will attract key clients necessary for progress. Progress and prosperity are linked to diversity since diversity cultivates a creative, effective, efficient, smarter, and better-equipped law firm.

Building a diverse law firm goes beyond simply hiring diverse attorneys. It requires a law firm to foster a cultural shift within the organization. Diversity allows you to provide your clients a fresh, dynamic variety of perspective ideas, and problem-solving strategies, all of which are beneficial in the service you are providing your clients.

## **Becoming Diverse**

Law firms are defining diversity based on our diverse American society and their geographic locations. Our American society is a melting pot rich with diverse individuals and a culture the legal market has come to realize is essential in the progression of business. In today's legal climate, it is apparent that diversity is an integral part of the legal business as well as our societal fabric. As our American and global societies have expanded, blended, and grown over the past years, law firms have come to realize it is essential to absorb this change to be competitive. Many law firms are striving to be more diverse by implementing various programs such as committees, recruiting and mentoring programs, retention methods, and many other types of diversity initiatives.

Law firms continue to face various challenges in their pursuit to be at the forefront of diversity practices. One such challenge is creating an environment where differences are embraced and utilized creatively and not one that does not allow for growth or the opportunity to capitalize on the wealth of resources diverse attorneys bring to their business.

Another difficult challenge facing law firms is recruitment and retention of diverse attorneys. Law firms must address these challenges by increasing access to legal education for minority students. Aiding today's lawyers and

law students to become tomorrow's legal leaders means a larger, more diverse marketplace and a greater pool of talented professionals. Recruiting professionals are instrumental in bridging the gap and aiding law firms in attaining diversity. Firms must continue to be vigilant to progress in these multicultural environments.

Attorneys in today's legal market are savvy when it comes to finding the right place to practice law. To retain talented, diverse attorneys, law firms often need to establish an innovative, modern, and cutting-edge legal practice, as well as a cohesive and inclusive culture. Mentorship programs help build such cultures, but one of the best steps law firms can take to create diversity is to simply hire more diverse attorneys: other attorneys will be attracted to firms that obviously value the insights and experience of people from different cultures and backgrounds. Law firms must recognize the value of different experiences, perspectives, and cultures, and must be committed to developing each individual attorney.

Law firms are benefiting from diversity immensely by hiring and retaining diverse attorneys. As a result, many within the profession are capitalizing on the benefits of this movement. Many clients, such as Fortune 500 corporations and small businesses, are requiring and seeking out law firms that are in line with their diversity initiatives. They are seeking attorneys with diverse backgrounds and continuously recruit law firms and attorneys to promote equity in legal opportunities through these initiatives. Law firms that are committed to diversity have a great understanding of various cultures and language skills, which allows them to cultivate business relationships throughout different networks. South Florida is a blueprint of legal diversity where diversity has allowed the legal profession to flourish financially and professionally. Various regions of the country can model South Florida's diversity efforts to ensure long-term survival through the ever-changing global economic climate.

### **Causes and Effects**

The type of diversity clients prefer is not clear cut. Clients seek out a well-rounded mix of diversity. Today's clients prefer to hire legal counsel that is more of a reflection of their own corporate diversity and one that is in line

with their corporate culture. That type of diversity is one that has women, African-Americans, Hispanic-Americans, Asian-Americans, and many more.

As society continues to grow and our culture is becoming ever more diverse, many clients have increased their expectations on the issue of diversity. For many of them, diversity is not an exception but the norm.

These large corporations will now look to law firms with the same scrutiny as they look to themselves regarding diversity. If law firms cannot measure up to their standards, many in the legal profession will be left behind. This is a great opportunity for the legal profession to take a look under the hood and determine if they are moving forward with regard to diversity or if they are still within a stagnant structure.

Diversity in the legal industry has always been discussed but never placed in the forefront of the profession. Legal professionals must address diversity now to align themselves with our global societies and global clients in the marketplace. Diverse clients are a key vehicle in opening the gateways to global business opportunities

It is estimated that by the year 2042, the population of the United States will be a “majority minority,” and no one race or ethnicity will any longer be the majority in America. This key factor cannot be ignored by the legal community. The legal profession must adapt as soon as possible. We cannot turn a blind eye to this. Diversity in law firms should be a key priority in the recruiting process of talented professionals. Law firms should have a depth of cross-cultural understanding that allows them to communicate effectively when addressing the needs of diversity and changing client expectations in the global marketplace.

According to *The American Lawyer*, “*The Diversity Crisis*,” *Diversity Scorecard 2014*, the number of minority lawyers who are not partners is at 19.5 percent. This statistic is very telling and very concerning for us as leaders in the legal profession. If it is estimated that our society will be a “majority minority” society and we do not reflect this within the legal industry, how will we continue to grow and prosper? How will clients look at us when deciding who they want to represent them?

The current economic climate is on an uptick, which should aid law firms in increasing diversity. During the hard times of the recession, many law firms scaled back many of their various initiatives and programs addressing diversity in the legal field. This scaling back has caused a stalemate in addressing diversity within our field. Now that the legal market is rebounding, law firms should begin or re-implement various initiatives needed to increase diversity.

### **Defining “Diverse”**

Diversity is defined as the assemblage of a group of people who come from different walks of life, cultures, races, nationalities, experiences, and viewpoints. Diversity creates a law firm that is creative, effective, efficient, smarter, and better equipped in today’s marketplace. This definition has arisen out of years of experience within the legal marketplace. As a Hispanic-American lawyer, I have experienced the legal profession as a minority firsthand, and I understand what diversity means.

Few areas in the United States are as diverse as South Florida. As a gateway to Latin America and the Caribbean, South Florida is home to multilingual and multiethnic cultures that enrich the global marketplace. Law firms must be adept at recognizing and capitalizing on the richness found in the diversity of their legal professionals, and they must understand that many of their firms’ clients have a personal understanding of the economies and cultures of not only the principal nations of Latin America, but also the Caribbean Basin. There are an estimated 500 multinational headquarter corporations in Miami, many of which are here for the sole purpose of reaching these Latin markets.

The definition of diversity is a fluid one. We are constantly evolving as individuals and, as a result, so does the definition of diversity. In the past few years, the definition has changed to encompass more than just race and nationality; now the meaning of “diversity” also includes an individual’s personal experience. An individual’s experience in life can range from the type of education one has received to how one deals with technology. Many of our younger attorneys are very tech savvy and are very much into the “millennial” culture. These young attorneys provide a depth of diversity to law firms through their personal experiences. The way they approach a

problem and the methods used to solve it are very different from those that older attorneys at the firm use. This fresh viewpoint is a strength that every law firm can benefit from as we move toward the future.

The definition of diversity will never be stagnant, since we as a society are not stagnant. We are continuously evolving, growing, and experiencing new things that are directly related to all of us. This is inclusive of the legal profession, and we are not immune from the changes of the outside world.

## **Being Diverse**

In today's increasingly multicultural global environment, a firm must recognize that the relative success of its clients' business interests depends, in great part, on the judgments and different experiences that can only be found in a diverse law firm. Being a diverse law firm has a number of benefits that range from a dynamic and creative work environment to a law firm that is nurturing and all-inclusive. Diversity helps make a law firm smarter, leads to better decisions, and helps in solving problems more effectively.

In dealing with diversity, there is not one particular type that is more beneficial than the other. Each type of diversity has its own specific and unique benefit that cannot be quantified. Building a diverse law firm, therefore, goes beyond simply hiring women and attorneys of color. It requires a law firm to cultivate a cultural shift within the organization, one that gives the same or greater priority to developing and retaining diverse attorneys once hired.

As legal professionals, we must consider the following factors when seeking to create a diverse law firm: the legal environment the firm is a part of, the type of cultures that have an impact on your business, and what your clients are looking for in terms of diversity. These factors are important, since they are essential in maintaining and building your client relationships and your revenue.

Many times, diversity lends itself to creating different avenues for business. If your firm is located within a large Hispanic-American population and many of your clients deal with South American/Central American regions,



it would be imperative that your firm encompass what they are looking for, which would be Spanish-speaking legal counsel. These language skills allow for greater personal interaction with clients and expand abilities to serve clients in their native languages to address their unique legal needs. This form of diversity would be essential in building in a strong client relationship, which in turn would benefit the law firm financially.

Clients benefit enormously from a diverse law firm. You are able to provide your clients a fresh, dynamic variety of perspectives, ideas, problem-solving strategies, and creative work product, all of which are beneficial in the service you are providing to them. Law firms that do not embrace diversity will be stagnant and will offer the same type of work as all the other law firms out there in the market.

## **Changes**

A law firm must not attempt things in a quick and haphazard manner. Before beginning any endeavor, the partners must engage in strategic planning and direction. This key step is essential to guide your law firm in the right direction. Law firm partners must lay out the goals they want to achieve and decide on the right direction to lead their firm to attain diversity.

Once strategic planning is completed, an initial step toward diversity is looking toward legal talent in the local marketplace. While gaining diverse legal talent, a law firm should also begin the infusion/inclusion of different cultural change from within. Law firms can create an inclusive culture that will allow them to build upon the strength of their diverse legal talent. This can be accomplished by establishing mentorship programs with senior attorneys and helping foster open lines of communication within the firm. Also, law firms can create an inclusive culture by providing all of its attorneys an open forum to share ideas and learn from one another that will help foster a diverse environment. All of these various endeavors should continue at a steady pace to create a strong foundation for diversity. Rapid and dramatic change will not lay down the foundation necessary to create fundamental change.

## **Conclusion**

Be honest with yourself and your firm leaders. Assess your firm with open eyes, considering all the aspects of diversity, and recognize where it excels

and where it can improve. Continue to evaluate both the firm and the market to set realistic diversity goals, and to continue being aware of diversity as your firm expands.

Being honest and realistic will allow you as a leader at your firm to identify and change the core issues and problems it may have regarding diversity. It will also allow you to identify your needs and find successful approaches to meet your diversity goals.

There are a number of useful resources out there to help managing partners reach their diversity goals, such as the American Bar Association, Minority Corporate Counsel, National Association for Law Placement, Hispanic Bar Association, Leadership Council on Legal Diversity, National Minority Supplier Development Council, Broward County Bar Association, Cuban American Bar Association, Gwen S. Cherry Black Women Lawyers Association, and Wilkie D. Ferguson Jr. Bar Association. Look to other firm leaders who have faced these issues and have achieved their diversity goals successfully. Finally, look to best practices or methods within other industries and how they have achieved their diversity goals.

### **Key Takeaways**

- Consciously set about to become more diverse by implementing programs within the firm, such as recruiting and mentoring programs, retention methods, and other types of diversity initiatives suitable to your client base and location.
- Examine your methods for recruitment and retention of diverse attorneys. Consider increasing access to legal education for minority students, thereby making your marketplace wider and more diverse, with a greater pool of talented professionals.
- Create mentoring partnerships to ensure that all attorneys have a chance to progress in their careers at the firm.
- Be prepared for changes and encourage growth, because the definition of diversity is fluid.

*Fernando L. Roig is the founding partner and co-chair of the executive committee of ROIG Lawyers. His innovative and transformative approach to law firm leadership has been instrumental in the firm's growth over the past decade. He has been influential in recruiting top-notch talent to the firm, which has expanded regionally to six offices across the state of Florida with more than 100 attorneys. The firm is recognized by the Daily Business Review as the second most diverse law firm in South Florida and by the South Florida Business Journal as the seventeenth largest law firm in South Florida.*

*Mr. Roig is known for being entrepreneurial and strategic with exceptional problem-solving, consensus-building, and negotiation skills, including an ability to structure and execute successful business tactics. Through his guidance, leadership, and vision, the firm successfully built new practice areas that have become drivers for the firm's overall success. He has long championed diversity and inclusion in business and the workplace, and he played a key role in creating and expanding advancement opportunities for women and minorities at the firm.*

*Mr. Roig brings more than twenty-five years of experience litigating insurance disputes and has guided clients toward the most efficient and inexpensive issue resolution, counseling them in ways to effectively avoid disputes and explore non-litigation alternatives such as mediation and arbitration. He has a proven record of success resolving large and complicated problems for clients, coordinating and defending high-stakes cases, and aggressively pursuing major recoveries for insurers. He has handled and tried hundreds of cases in federal and state courts.*

*Mr. Roig is an active leader in the legal community; he was selected by Governor Jeb Bush to serve on the Governor's Commission for the Everglades as well as the Fourth District Court of Appeals Judicial Nominating Committee. He is AV Preeminent peer review rated by Martindale-Hubbell and has been named to the 2015 South Florida Legal Guide annual list as a "Top Lawyer" in commercial litigation.*



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