

Media Mention: Hayley Wells Talks Diversity with NC Lawyers Weekly

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How important is diversity and inclusion in the legal community?

This was a question that was recently asked to employment attorney Hayley Wells and litigator Tricia Derr of Charlotte firm Lincoln Derr by North Carolina Lawyers Weekly, one of the top sources of legal information for practicing attorneys in our state. It was part of a virtual

roundtable designed to give insight and advice on the matter. For this media mention, we'll only focus on Hayley's responses to the Q&A format, but you can download the entire article [here](#).

From the article:

Why is it important for law firms to focus on diversity?

Law firms must focus on diversity to expand the base of experience that its attorneys and staff bring to the firm and to ensure that they are recruiting and retaining top talent. Diversity promotes greater creativity in problem-solving, which in turn generates better results for a firm's clients. In the Ward and Smith Diversity and Inclusion Advisory Group, we look at internal and external opportunities to impact change in diversity and inclusion.

How does the focus on diversity and inclusion impact business?

Our clients are diverse. They, in turn, expect their matters to be handled by a diverse group of professionals. As research has shown, teams of individuals with various perspectives generate broader ideas and innovation. This approach fosters creative thinking, which helps law firms deliver the best value of legal services to clients. Additionally, more clients include diversity requirements in the RFP process or in the formal engagement agreement for legal services. In essence, if you want to be invited to the table for choice work, demonstrate your diversity and inclusion efforts.

How does organizational culture influence a firm's diversity and inclusion strategy?

There must be a commitment from the top of the organization when it comes to promoting diversity and inclusion. A culture that promotes respect for individuals in an innovative work environment typically wins out on talent. An organization that fails to focus its efforts will either lose top talent or miss out entirely on the chance to recruit top talent.

How can a law firm go about efforts to change the culture to embrace diversity and inclusion?

Effective communication and commitment from leadership is the cornerstone to building a solid culture around diversity and inclusion. With support in place, law firms must demonstrate how they apply the diversity and inclusion lens to legal operations in areas such as employee benefits, recruiting strategy and the staffing of client matters. When diversity and inclusion are incorporated into legal operations, it naturally flows into the business' culture.

D&I strategy: What can be accomplished in one, three and five years?

It is not enough to just make D&I a committee or initiative; measurable goals and benchmarks should be established. The achievable results really depend on where an organization is with respect to its D&I efforts. An organization in the early stages of D&I efforts may need to focus on raising awareness, uncovering implicit (or explicit) bias, and implementing policies that support greater D&I. An organization that has overcome these hurdles can focus on D&I recruiting, retention and leadership opportunities.

Where do Employee Resource Groups fit into the strategy?

A sure way to maintain a strong, cohesive work environment is to provide opportunities where professionals feel they belong. ERGs provide that platform for employees with shared life experiences and characteristics to come together under the professional development umbrella. Also, ERGs are employee-led groups, so the existence alone creates an opportunity for leadership development. This is especially helpful in organizations where leadership paths may seem out of reach.

What is the best use of quantitative vs. qualitative data?

Qualitative effort is useful as it demonstrates a strategic effort to achieve a goal. The results of such efforts certainly impact quantitative data. In the end, there is value in looking beyond the numbers to assess strategy, intent, and commitment.

When the numbers don't tell the whole story, where is the opportunity to add anecdotal information when companies are so focused on ROI?

Morale. Culture. Pride in the Workplace. These intangibles add value to the employee experience. When a law firm is trying to focus on diversity and inclusion through intentional actions, people notice. And, when these efforts are discussed broadly throughout an organization, eventually becoming a part of doing business, employees gain a sense of security that deepens the connection to the organization.

How do you turn the numbers into actionable, successful D&I initiatives?

Success is unique to each organization based on their goals and program structure. Of course, commitment, effort, and enthusiasm also affect success. That said, organizations that have achieved success have a solid system in place to support their diversity and inclusion efforts. Common elements of those systems include 1) clear strategic goals, 2) buy-in and consistent communication from leadership, 3) awareness education and training, 3) open and inclusive discussions, 4) integration into firm policies, hiring practices and promotion considerations, and 5) monitor, measure and reassess.

Should the recruiting process for new attorneys be changed and how?

The approach to recruiting talent into law firms is unique to each organization. Large law firms have more of an ongoing systematic approach to recruiting and hiring while smaller firms hire as needed. It is also common for larger firms to annually participate in regional and national diversity interview programs. At a minimum, no matter the size of a law firm, organizations should embrace implicit bias training. It is not

about pointing fingers but rather raising awareness to unintentional biases that inform our decision-making in the workplace.

Is the Mansfield Rule, which states law firms must affirmatively consider women and attorneys of color for leadership and governance roles, equity partner promotions and lateral positions, part of the answer?

The Mansfield Rule represents intentional change. This approach to hiring decisions and promotions ensures that the diversity and inclusion lens is a regular part of the review process. I believe it is a solution that will enable law firms to transition from aspirational goals to successful outcomes. Presently, large law firms and corporate legal departments are participating in this initiative. I believe we have a lot to learn from their outcomes.

Is retaining diverse talent an even bigger challenge than recruiting?

Attracting, developing and retaining talent are all challenging. A significant hurdle to finding success is having management incorporate D&I practices in all decision-making from policy and benefits to hiring goals. Once D&I is incorporated into standard business practices, developing a strategy is the next step, which can be difficult if an organization is lacking in those efforts. To get results you must be intentional and have buy-in from leadership and management. If you have a solid foundation for investing, developing and promoting with diversity in mind, current, and potential employees will notice and want to stay.

What part should training play in ensuring the success of a D&I program?

In addition to demonstrated buy-in from the top, training is a critical component to any diversity and inclusion initiative. First, you must define diversity inside the organization so there is a common understanding. From there, provide awareness and educational programs to help individuals and organizations understand their own tendencies and how those behaviors impact business decisions. It's a pretty simple concept when you think about it – once you know better, you do better. Training also generates meaningful dialogue around diversity and helps an organization identify their needs and goals while showcasing the value D&I brings to the organization.

Do you partner with professional organizations that promote D&I in the legal profession?

At Ward and Smith, we partner with the NCBA Minorities in the Profession 1L Summer Associate Program. We also support programs with the NC Chamber and Raleigh Chamber of Commerce, such as “Women in Business” and Workplace Diversity and Inclusion” conferences.

The Virtual Roundtable is sponsored content.

Hayley's practice primarily focuses on labor and employment law and civil litigation. She regularly advises individual and corporate clients in matters of covenants not to compete, employment discrimination, discipline and termination, harassment, wrongful discharge, wage and hour matters, personnel policies and procedures, and preparation of employee handbooks and employment agreements.