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MICHELLE SILVERTHORN
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on Professionalism*

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Time to Rethink Your Diversity Program?

Has your legal organization put on a diversity program recently? What did you think about it?

At the Illinois Supreme Court Commission on Professionalism, we have reviewed thousands of courses offered for diversity and inclusion CLE credit over the years. In that time, we've learned some best practices for delivering quality diversity and inclusion CLE. It's an urgent need, one that's become even more pressing for Illinois lawyers due to recent changes to the Supreme Court rules.

On July 1, 2017, the amended Supreme Court Rule 794(d) went into effect. Illinois lawyers are now required to complete one hour of diversity and inclusion CLE and one hour of mental health and substance abuse CLE. The rule begins with attorneys, with the two-year reporting period ending June 30, 2019.

For diversity in particular, the amended rule recognizes that the current demographics of our profession and the changing demographics of the public we serve make our diversity education need even more urgent. The movements across the country, the debates happening in legislatures, the marches and strikes and protests and counter-protests, the recognition that formerly excluded minority groups need their voices to be heard, all make it clear that we are still having a long conversation on diversity. As does the response from many in the still-strong majority who feel their own voices and perspectives are being excluded from the conversation.

DIVERSITY PROGRAM BEST PRACTICES

Given all that context, how can you hold a successful diversity program that recognizes all of these factors? Here are some ideas that we at the Commission want to share.

Understand and set down your goals. This is a basic rule of any training. If you, as management, don't understand what you want from your diversity program, then your facilitator will be speaking to people who aren't primed to listen. Are you having a retention problem? A promotion problem? An inclusion problem? Have you spoken with your diverse attorneys and staff, and your non-diverse attorneys and staff, to learn what they're struggling with? Understand why you're bringing in a diversity trainer. Then have her teach with that understanding in mind.

One size diversity program does not fit all. Every organization is different, and in each of our different organizations, there are subgroups with very different diversity challenges. So instead of bringing in a diversity speaker to talk to your entire legal organization, think about how it might be a different conversation for your senior partners, your junior associates, your staff, your paralegals, your minority attorneys and so on. And think about the wide range of topics that can be covered in a diversity program — compensation, recruitment, succession planning — all of which are crucial to understanding perspectives and changing behavior.

Be realistic about what people want out of your diversity program. It'd be nice if everyone is attending out of a sincere desire to be more inclusive. But the reality is that lawyers are taking time where they could be billing clients to attend this program. Therefore, be explicit about why it benefits attendees to be at the diversity program. Have your diversity trainer make a business case. Talk about leading. Explain why a diverse team is a stronger team. Appeal to the sense of justice. Talk about competitive advantages. Explicitly answer their unasked question: "How will this benefit me?"

Emphasize problem-solving skills. Diversity programs, at the core, help people recognize that other people bring different perspectives and skill-sets to the table. But that's only the start. See, it's great to recognize that different people offer different perspectives. But at the end of the day, it's possible that the older male white partner may genuinely still disagree with the perspective that the younger female Hispanic associate brings to the table. And vice versa. So, if you leave it at, "Everyone has diverse perspectives. They should just talk to each other and figure it out," then you're not providing your lawyers with the skills to actually address those problems. Ensure your diversity program emphasizes listening skills, conflict resolution skills and problem-solving skills. It will help when conflict arises, which it inevitably will.

Diversity programs are not, have never been, and will never be enough. Diversity programs should be used to start a conversation that it's likely many of us are unwilling to start. As I've written previously, people find it difficult to talk about difference, particularly with race. So once that conversation starts, keep it going. Schedule a lunch to have participants discuss what they learned and how they've changed their behavior. They can even criticize the diversity program. Hold a book club. Host a team-building activity. The diversity program has readied people to talk and listen to each other so give them venues to do that.



At the same time, recognize that a diversity program is only the beginning. Other factors include changing recruiting practices, targeting professional development and offering formal mentoring programs. Other avenues to explore include bias-proof feedback and evaluations, diverse compensation committees, and diversity managers and task forces.

These are all proven long-term solutions to diversity dilemmas. Diversity programs are the prologue; the rest of the book is up to you. ■

ABOUT THE AUTHOR

Michelle Silverthorn is the Diversity and Education Director for the Illinois Supreme Court Commission on Professionalism. Through the Commission's online platform, 2Civility, Silverthorn works on blog posts, social networking sites, and online discussion groups focusing on legal education, diversity and young lawyers. She also works with law schools, law students and other legal groups, developing education courses and workshops.

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