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Yellow Paper Series

Colored by Race:

Bias in the Evaluation of Candidates of Color by Law Firm Hiring Committees

The 2015 Update &
Summary of Data from 2005

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Colored by Race: Bias in the Evaluation of Candidates of Color by Law Firm Hiring Committees

2015 UPDATE

RESEARCH QUESTION:

Does race still color the way in which minority candidates are evaluated by hiring committees in large law firms and if so, how? ¹

"Colored by Race: The Evaluation of Candidates of Color By Law Firm Hiring Committees" — a research study conducted in 2005 — offered some empirical evidence that racial and ethnic bias (both conscious and unconscious) was indeed present in large law firm hiring processes, and it manifested itself in some predictable and some unexpected ways.

This 2015 Update of "Colored by Race" is the 10 year update of the 2005 study and is based on data gathered in 2015 from confidential telephone interviews with 63 partners² representing 49 large law firms³ throughout the United States. All of the partners in this study were involved with the hiring process in their respective law firms for at least six months during their career as partners. In addition to the 63 partners, 18 diversity professionals/partners from large law firms were also interviewed. Of these 18 diversity professionals/partners, only 3 had been in the same or similar roles in 2005.

Our 2015 research findings reveal that racial bias does continue to color the ways in which:

- **Racial/ethnic minority law students' achievements and aspirations are evaluated;**
- **Minority candidates are penalized for the high attrition rate of minority practitioners from law firms;**
- **Comments are being made about minority candidates behind closed doors in the evaluation process.**

¹ Since many firms have different names for the committees that engage in the evaluation of candidates for positions within the firms, we use the term "hiring committees" generally to mean any committee in which law student or lawyer candidates are evaluated for employment by that law firm.

² This study is based on telephone interviews conducted between January 1, 2015 and November 1, 2015 with 63 partners who served on their respective firms' hiring committees for at least six months as a partner. Of the 63 partners, 29 were male and 34 were female. 42 partners were white and 21 partners were minorities.

³ For purposes of consistency, this study's sample of partners was derived only from law firms with at least 250 lawyers.





In addition to the above, the 2015 research findings also reveal that:

- The economic downturn in 2008 and the subsequent layoffs of attorneys from law firms significantly impacted the recruiting and hiring of racial/ethnic minority attorneys, an impact from which we are just now beginning to recover;
- Lateral and law school recruiting and hiring are more separated than they were 10 years ago;
- Recruiting and hiring in general are more decentralized than they were 10 years ago;
- the volume at which firms are hiring from law schools has dramatically decreased from 10 years ago even though the numbers in 2015 were higher than they were in 2009 and 2010;
- The focus on diversity in recruiting and hiring has returned to pre-recession prioritization, but the language around “diversity as a threat to meritocracy” seems more intense than before given the decrease in overall hiring volume;
- There are more firms now than in 2005 that are now actively focused on recognizing unconscious biases as barriers to inclusive hiring practices;
- Diversity professionals are much more involved in recruiting and hiring of attorneys than 10 years ago, several of them in key leadership positions in the recruiting and hiring processes and impacting the processes positively;
- There are many more firms than in 2005 who had fully transitioned to or were beginning to transition to behavioral interviewing models to increase inclusiveness in their interviewing processes and achieving success through these models.

This 2015 Update not only highlights the key findings from this study, but it also offers updated strategies that law firms can employ to address the challenges they face in creating and implementing an objective hiring process where differences are valued instead of tolerated and diversity is appreciated instead of exploited.

THE DIVERSITY PILE & THE TWO CONVERSATIONS IN 2015

[\[Click here to read the 2005 research on this topic in this report.\]](#)

In 2005, the research highlighted that candidates who were racial/ethnic minorities were immediately labeled as “diversity candidates” and discussed differently than their majority counterparts from the on-campus interviews all the way to final selection decisions. While this was done today as it was 10 years ago with the best of intentions to focus concentrated attention on attracting and hiring the “diverse” candidates, the





research continues to indicate that the ways in which “diverse” candidates are separated from majority candidates is a double-edged sword that can harm as much as it helps.

One diversity professional shared that “yes, diverse candidates are immediately separated from the rest. The pressure to hire diverse classes is heavy, and we separate them to make sure they don’t get lost or slip through the cracks. But, because they are separated, they are talked about very differently. Difference may mean better, but often it means that the conversation on ‘lowering standards’ sneaks into these discussions in a way that it doesn’t with white candidates.”

Many of the majority and minority partners in the study concurred that treating minority candidates differently from the beginning may be doing some harm, but they cited lack of viable alternatives to focusing on diversity as the reason for continuing to create to piles of candidates. As one minority partner explained, “of course I see the problems it causes, but if we are going to talk about diversity, we have to identify the diverse candidates, and I don’t have a suggestion for doing it differently.”

The partners and the diversity professionals discussed the difficulty in talking about the “diversity” of a candidate without necessarily talking about the candidate differently in regards to his/her qualifications, and many of them acknowledged that the “diverse” candidates faced greater scrutiny because of this.

A few of the partners and diversity professionals also discussed how “diverse” candidates were often talked about as “great for the diversity of the class” and “great for the diversity of the firm,” and this detracted from how they were talked about as good for the firm simply because they would be good attorneys as opposed to good for diversity.

Although a couple of white partners did say that there were some negative conversations about minority candidates that occurred when minority partners or staff were not in the room, the stories seem to indicate that the frequency and intensity of these conversations has decreased in the last 10 years.

In 2015, there continue to be 2 piles of candidates, and the piles, while considered separate but equal for well-intentioned purposes, don’t seem to be treated equally for the most part.

THE “TAINT” OF AFFIRMATIVE ACTION IN 2015

[\[Click here to read the 2005 research on this topic in this report.\]](#)

In 2005, the research indicated that although firms were talking about diversity on the surface, there were “below the surface” conversations about “diverse candidates” and “affirmative action.” Many of the respondents in 2005 discussed how often diversity and affirmative action were brought up together in discussing racial/ethnic minority candidates in order to explore if recruiting for diversity and inclusion was damaging the commitment to being a meritocracy. These discussions seemed to be rooted in affirmative action being a negative social construct that pitted diversity against merit.





In 2015, the direct mention of affirmative action seems to have decreased, but the conversations around “lowering standards” have stayed constant. The “affirmative action” term has been dropped, but the conversations about diversity as conflicting with excellence/high standards has continued and is quite prevalent in recruiting and hiring conversations.

Several of the diversity professionals in the study commented on how this conversation really increased after the economic downturn and how it has bled into conversations beyond hiring. Many of the majority and minority partners agreed with this sentiment. One partner noted that “the conversations on standards has always been there when it comes to diversity. It’s changed some but it hasn’t gone anywhere. I push back and ask why we don’t have these conversations about white male candidates, and I get the response that we do this with everyone. But, we don’t. I don’t know if people don’t see it or if they see it but won’t acknowledge it.”

FAILURE RISK & FLIGHT RISK IN 2015

[\[Click here to read the 2005 research on this topic in this report.\]](#)

The 2005 data revealed that racial/ethnic minority candidates were more often than not seen as high-risk candidates regardless of their qualifications. When these candidates were not highly exceptional, they were seen as failure risks in ways that their similarly qualified majority counterparts were not seen. On the other hand, if the minority candidates were exceptionally qualified, they were seen as flight risks in that they would have too many opportunities because they were “diverse” and thus were risky investments as hires.

The 2015 data was very much in line with the 2005 data with the only difference being that there was greater discussion about how the market for younger laterals had tightened thus making it harder for people to leave. That said, these failure and flight risk conversations were not being had about majority candidates in the same way that they were about the minority candidates.

The perceptions of these risks worked in tandem to create conversations about minority candidates that made them appear to be riskier investments. Consequently, they were hired because of diversity pressures, but they were not seen as foreseeably long-term additions to the firms into which they were being hired.

THE PERSISTENT PRESENCE OF BIAS IN 2015

[\[Click here to read the 2005 research on this topic in this report.\]](#)

In 2005, a majority of the bias examples shared in the study were examples of explicit bias. From insensitive comments to inappropriate questions, the examples illustrated tangible interactions that they felt were biased in some way.





The biggest difference from 2005 to 2015 is that the majority of the biases reported in 2015 are not tangible interactions; they are subtle differences in how people were treated and inexplicable differences in how people were evaluated in spite of being similarly qualified. Every single partner and diversity professional in the 2015 study talked about implicit/unconscious bias in some way although there is a large variance in regards to how various firms are talking about it and addressing it in their recruiting and hiring processes.

That said, there is still a significant cluster of explicitly biased comments reported in the 2015 data with the majority of these comments being rooted in commentary about people's appearance. Women of color are most likely to have comments made about their appearance with comments about their hair, physical body features and clothing style being the most common. The physical appearance of women is reportedly commented on at a rate far greater than the physical appearance of men, and several respondents stated that women who were commented on as "unattractive" were less likely to get offers than women who were specifically commented on as being "attractive." The same correlation did not exist for men.

Racial/ethnic minority candidates are also more likely to receive negative comments about their names, the lack of "polish" in their overall appearance, and their "comfort levels" in talking with people in the firm. "They all look alike" comments seem to still be alive in recruiting and hiring conversations even if these comments have decreased greatly since 2005.

In regards to unconscious biases, respondents reported that there are subtle but real differences in how resumes of different groups were assessed, how candidate characteristics are interpreted and how individuals are forecasted to "fit" in within the overall firm culture. A few of the examples shared by the respondents are below:

- *"Less than the best grades for white students weren't seen the same way as they were for minorities, especially if the candidate provided a reason for the grades...like illness or family issues. Even when we consider whites whose grades are right at or just below the cutoff, we never talked about lowering standards. We just talked about better understanding the whole candidate."*
- *"People seem to take special notice when Asian Americans are quieter, and that gets commented on, not directly but subtle references to their drive, their ability to compete come up."*
- *"I consistently see us asking questions about African Americans, especially African American women, in terms of how they will fit. We talk about it from the perspective of the groups they are about to enter, whether the groups will be inclusive and welcoming and we talk about what we need to do to help them fit better. I don't think we fully realize how much we continue to assume that they just won't fit."*
- *"There is a lot of unconscious bias about minority pipeline programs, I think. We take these candidates but we talk about them differently because they come to us from minority pipeline programs."*

While the presence of diversity professionals and active learning on unconscious bias was seen as possible by many of the partners in the study, they felt that the ever increasing pressure on recruiting/hiring committees continues to drive some of the biases because the focus on difference overrides the focus on other





characteristics. As one partner commented, “we are constantly asked about diversity of incoming classes to the point that we aren’t asked about much else to the same degree, and we find ourselves constantly talking about things like the ‘optics of the class.’ We are facing a lot of stress, and we get discouraged because the numbers aren’t out there, and diversity then becomes this uncomfortable depressing topic that we are always bringing up and feeling powerless to do anything about.”

Unconscious bias training seems to be helping in creating more inclusive recruiting and hiring practices, but this was true only if the training was specifically tailored for these issues and included very specific practical strategies. The diversity professionals talked about how difficult it is for partners and associates to take general principles of unconscious bias awareness and translate them into action for themselves. “Specific strategies are critical in these trainings,” emphasized one diversity professional, “and these strategies have to be simple enough to have a chance of actually being done.”





THE STRATEGIES FOR CHANGE IN 2015 AND BEYOND

As the field of diversity and inclusion has evolved over the last decade, strategies for change have become more nuanced. More importantly, many strategies have been tested through time, and general recommendations can now be differentiated from proven solutions. The strategies outline below are a combination of solutions that study respondents have tested and solutions that Nextions has tested. No solution works for all firms exactly as tested, so please feel free to experiment and tweak as needed for your firm's unique needs.

- Conduct implicit/unconscious bias trainings that are specifically targeted for those involved in recruiting/hiring processes. These trainings should address bias in resume reading, interviewing, and candidate selection and be conducted on an annual basis in order to yield results.
 - Conduct facilitated dialogues to develop skills for people in how to address possible explicit bias in comments, questions and assessments. The more people can practice what do to in these often uncomfortable situations, the more likely they are to intervene effectively.
 - Transition as fully and consistently as possible to behavioral interviewing. Effective behavioral interviewing processes include clear competencies that are being sought in candidates, objective questions that are standardized across interviewers, increased focus on skills and decreased focus on "fit." The transition to behavioral interviewing requires an intensive training on the need for the transition, the change in the questions, and the expected change in candidate selection. Without adequate training, the behavioral interviewing model becomes a skeleton within which interviewing reverts back to "fit" interviewing that allows a lot of implicit bias back into the process.
 - Develop and implement a confidential feedback mechanism through which candidates can provide feedback to the firm about their overall experiences. The more the feedback is gathered digitally, the higher the response rates will be. Minimize the use of anyone from the firm personally contacting the candidate for feedback; this yields very little data given the lack of perceived confidentiality. Use the feedback to iterate the recruiting/hiring process annually for constant improvement.
 - Develop and implement a partially blind-graded process (after on-campus interviews) to minimize the impact of the "two piles" of candidates. Identify an initial screening mechanism to screen candidates without identifying backgrounds or other culturally identifying information. If the diversity of candidates is taken into consideration after this initial screening, the impact of viewed differently is diminished, but the value of the differences can still be considered. This is further enhanced when racial/ethnic minority candidates are referred to as racial/ethnic minority candidates instead of as "diversity candidates." The former refers to the identity of the candidate whereas the latter refers to the goal the firm is trying to achieve. Racial/ethnic minority attorneys will add to the diversity of law firm's attorney population, but no candidate is a "diversity candidate" per se.
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2005 SUMMARY

(Go back up to 2015 Update)

RESEARCH QUESTION:

Does race color the way in which minority candidates are evaluated by hiring committees in large law firms? ⁴

While anecdotal stories and individual examples have suggested for years that bias existed in the ways in which hiring committees evaluated candidates of color, these anecdotes have often been dismissed as atypical and not representative of a profession that says it is committed to diversity. "Colored by Race: The Evaluation of Candidates of Color By Law Firm Hiring Committees" — a research study conducted in 2005 — offers some empirical evidence that racial and ethnic bias is indeed present in large law firm hiring processes, and it manifests itself in some predictable and some unexpected ways.

The findings of "Colored by Race" are based on data gathered from confidential telephone interviews with 114 partners⁵ representing 83 large law firms⁶ throughout the United States. All of the partners in this study were involved with the hiring process in their respective law firms for at least six months during their career as partners. Research findings showed that racial bias did color the way racial/ethnic minority law students' achievements and aspirations were evaluated, that minority candidates were penalized for the high attrition rate of minority practitioners from law firms, and that there were still a significant number of inappropriate comments being made about minority candidates behind closed doors in the evaluation process.

This summary not only highlights the key findings from this study, but it also offers strategies that law firms can employ to address the challenges they face in creating and implementing an objective hiring process where differences are valued instead of tolerated and diversity is appreciated instead of exploited.

THE DIVERSITY PILE & THE TWO CONVERSATIONS

The data revealed that racial and ethnic bias, in conscious and unconscious ways presented itself in large law firm hiring processes at many levels. As one partner in the study explained, "You've got the regular candidates in one pile, and you have the diversity candidates in another pile. We have different conversations

⁴ Since many firms have different names for the committees that engage in the evaluation of candidates for positions within the firms, we use the term "hiring committees" generally to mean any committee in which law student or lawyer candidates are evaluated for employment by that law firm.

⁵ This study is based on telephone interviews conducted between August 1, 2005 and March 31, 2006 with 114 partners who served on their respective firms' hiring committees for at least six months as a partner. Of the 114 partners, 68 were male and 46 were female. Eighty-one partners were white and 33 partners were minorities. The 114 partners interviewed represented 65.14 percent of the 175 individuals who were selected in this researched and weighted random sample.

⁶ For purposes of consistency, this study's sample of partners was derived only from law firms with at least 250 lawyers.





about the diversity pile. We have different standards for the diversity pile even if we don't always acknowledge this. We have different expectations for the diversity pile. Sometimes it can feel like we are giving more breaks to the diversity pile, but we do that to get people in the door because there is so much pressure to have diverse classes."

The data from the study showed that the evaluations of minority candidates from law schools or the lateral market often focused first on the race/ethnicity of the candidate. The partners in the study attributed this primary focus on race/ethnicity to the client demand and hiring pressures felt by many law firms to increase their diversity numbers. Many of the partners did not feel that the focus on race was due in part to personal biases and perceptions, but they acknowledged that sometimes diverse candidates were discussed very differently than their majority counterparts. Furthermore, the majority of the responses by the white partners in the study illustrated that the focus on the race of a minority candidate extended beyond the conversations in the hiring committee meetings. According to many of the white partners in the study, there were often two sets of conversations held about minority attorneys.

The first set of conversations about candidates of color involved the formal evaluative dialogues about candidates held in the hiring committee meetings. These dialogues focused on the firm's need for additional diversity and the minority candidate's ability to contribute to that desired diversity increase.

The second set of conversations occurred outside of the parameters of the formal committee meetings and took place usually without any minorities present, including the minority members of the hiring committees. In these discussions, partners involved in the hiring process express variations of the following themes: 1) the perception that if the minority candidates had been subjected to the same qualifying criteria as their non-minority counterparts, they would not be hired; 2) resentment regarding the client and social pressures for inclusiveness that are driving down the standards of hiring, especially as the standards relate to attorneys of color; and 3) concerns that the minority candidates would most probably never be successful at the firm.

This second set of conversations, occurring almost exclusively in the absence of minority practitioners, reinforced the growing perception that minority attorneys were less qualified than their majority counterparts, but were more likely to be hired because of the pressures faced by law firms to increase their diversity numbers.

According to many of the white partners' observations, these complaints about the minority candidates occurred regardless of the actual objective qualifications: "I've noticed, and it's not right, but I've noticed that even if a diverse candidate is qualified on paper with regards to where they went to school or the grades they have, there is still a feeling like the attorney may not make it because, you know, most people in the past have not made it," said one white partner.

Even though the partners of color in the study had not been present during these second set of conversations, many of them expressed the perspective that they "had a feeling" that these conversations were taking place about the minority candidates.





One minority partner expressed her frustration by saying, "I almost don't want to recruit students of color here [into the firm] anymore. I bring these talented young people here, and I know that, behind the scenes, people are setting the stage for them to fail. No matter how qualified, no matter how much star quality these recruits have, they are going to be seen as people who will most likely not cut it. So, they are under the microscope from the first moment they walk in. And, every flaw is exaggerated. Every mistake is announced. And, it's like, aha. As soon as a minority makes a mistake, they immediately say that that's what they were expecting all along. How well do you think any of the white attorneys would come off if they were under the microscope like that?"

THE "TAINT" OF AFFIRMATIVE ACTION

The data illustrated that racial/ethnic bias colored the ways in which the achievements and aspirations of law students of color were evaluated. Even as law firms worked to increase the racial diversity in their attorney workforces, they worked equally hard, in their drive to be seen as fair and meritocratic, to ensure that their diversity programs were not equated to or associated with affirmative action. A significant majority of the partners in the study, both minority and white, stressed the importance of their hiring programs not resembling affirmative action in any way even though many of them had revealed that diverse candidates were evaluated differently than their majority counterparts. Affirmative action, as defined by the partners, implied that hiring standards were being lowered to hire minority candidates to increase the firm's diversity.

In spite of many of the firms' efforts to separate their diversity efforts from affirmative action programs, a significant majority of the partners in the study acknowledged that their firms' minority hires were often seen as affirmative action hires regardless of their qualifications. As one white partner summarized, "No matter how hard we work within the hiring committee to treat all candidates equally, there is something about the way we talk about diversity that just makes it seem like every minority we hire is tainted by affirmative action. It's not just us. We try to communicate to everyone who is going to work with the summer associates that everyone is qualified to be here, but I always hear comments during the summer about one or two minorities and some mistakes that they made and should we be lowering standards?"

According to some of the partners in the study, the "taint" of affirmative action colored the perception of a minority candidate even before he or she is formally evaluated by a hiring committee. One minority partner offered, "[The majority attorneys] believe that a lot of minorities are in the Harvards and the Yales because of affirmative action. So, they say they can only hire the best from the best. And, that's fine. But they go to Harvard, and they go to Yale, and they sit in front of a student of color, and they think that this student only got here because of affirmative action. And they come back to the firm thinking they have to interview this student because she is a minority from Harvard, but they start asking weird questions, like if this candidate is the 'right fit' for the firm or if she would just use the firm as a stepping stone for other things that she may want to do. And I just want to scream, because if she is using the firm as a stepping stone for other things that she wants to do, how is that different from why many of the white men come here?"





PENALIZED FOR OVERALL ATTRITION & VIEWED AS FAILURE RISK OR FLIGHT RISK

Racial/ethnic minority candidates are penalized for the high attrition of attorneys of color from law firms for decades even though that attrition had nothing to do with the candidates per se. Research by the National Association of Law Placement (NALP) and other notable organizations has consistently demonstrated that attorneys of color do indeed have dramatically higher rates of attrition than their white counterparts. However, research by the Minority Corporate Counsel Association (MCCA®), the American Bar Association (ABA), and other entities demonstrates that a large part of minority attorney attrition from law firms is due to the firms' not fully integrating minority lawyers into their folds and the minority practitioners not being afforded full and equal opportunity to the work, the resources, and the relationships that they require in order to succeed.

In spite of the abundance of research illustrating that minority attrition from law firms is a problem to be solved by law firms instead of an option selected casually by the minority attorneys, many of the partners in this study reported that minority candidates were often placed into two categories of high risk attrition: failure risk and flight risk.

Failure Risk

A significant majority of the partners in the study reported that minority candidates were far more likely than their white counterparts to be evaluated as "failure risks," regardless of their specific qualifications. One partner of color reported, "It's a vicious cycle of assuming that the history is one way so the future is going to be assumed to be the same way too. Except they are wrong about how the history went down. Supposedly, we've lost a lot of minority lawyers because their performance was weak, but the more I've looked into it, I'm not sure that that's what happened. These were strong candidates when we hired them, and I think it's easier for firms to say that people failed instead of saying we failed."

The history of attrition based on perceived inadequate performance by minority attorneys is used to label future minority hires as "failure risks." One white partner made this connection: "I'm not going to say that it is always your abilities as a lawyer that leads to poor performance, but there is something about the way minorities fit in here or the way we fit in with them that leads to bad results. So, it's reasonable that when we evaluate minority candidates, we are realistic in maybe thinking that it won't work out. But, we still have to try."





Flight Risk

If the risk of failure was reported by many to represent one side of the risk coin, then the risk of flight represented the other side. The interviewees reported that when minority candidates had excellent qualifications and a combination of a proven track record of success or a star personality, it was difficult to evaluate them as risks for failure. These candidates, then, were reportedly viewed as flight risks in that they would be highly sought after by recruiters, other firms, corporations, and myriad other sources of opportunities. Several of the partners focused on the fact that some minority candidates who should have been hired without any further consideration were often discussed as risky hires for the firm because they would be more likely than their counterparts to receive and accept other opportunities. One minority partner notes the self-fulfilling prophecy set up by many of the firms in defining star minority candidates as flight risks: "Talented people will always have many opportunities, but the firms seem to focus on the fact that talented minorities have many opportunities. I see the white lawyers leave all the time for better opportunities, but those departures are not seen as betrayals. They are not seen as a waste of investment by the firm. But if one minority lawyer leaves for a better opportunity, then everybody has to reevaluate the whole diversity initiative. Then, minorities are seen as not worth the investment because they are just going to leave. If you don't invest in people, of course, they are going to leave. If you do invest, they may leave anyway. But, when a white man that we invested in leaves, we don't say that white people shouldn't be invested in because they leave."

THE PERSISTENT PRESENCE OF BIAS

Even with all the good intentions of increasing diversity, we found a significant number of inappropriate comments being made about minority candidates in the recruiting and hiring process. In addition to the findings reported above that reflect on direct biases in the evaluation of minority candidates in law firm hiring processes, many partners, both white and minority, reported inappropriate comments being made by white partners that suggested deeper and perhaps more implicit biases.

For African American and Hispanic candidates, several partners reported hearing comments of surprise when these candidates' grades fell within the firm's grade requirements. One white partner reported another white partner as jokingly saying, "One of his parents must be white," about an African American candidate with very high grades who was being considered for a summer clerkship.

Comments about women of color contained aspects of race and gender inappropriateness and most often focused on a woman's physical characteristics. One minority partner reported a white partner asking her if "black women had to get suits in special stores" in the middle of a conversation about an African American female candidate and her "shapely physique." Another minority partner reported a white partner asking if a





South Indian female candidate could "teach a live seminar on the Kama Sutra" as part of the firm's diversity initiative.

Although the partners felt that many of these inappropriate comments were insensitive but not actionable, they did feel that when such comments were made, it affected the ability of the group to evaluate the candidates as objectively as they could have if the comments had never been made.

[Our hypothesis for the 2015 Update is that these forms of more explicit bias is where the greatest change has occurred over the last decade. We anticipate hearing less of these stories than we did 10 years ago.]

STRATEGIES FOR CHANGE

Existing research on best practices on the recruitment, retention, mentoring, professional development, and advancement of practitioners of color lays a solid foundation for critical strategies that law firms should integrate into their organizational practices to become and be more diverse. The strategies listed are not meant as substitutes for the broader work that needs to be done on diversity. Instead, these strategies offer focused steps for enhancing the hiring processes in law firms to enable firms to recognize the challenges that currently exist and address those challenges in a candid and informed manner.

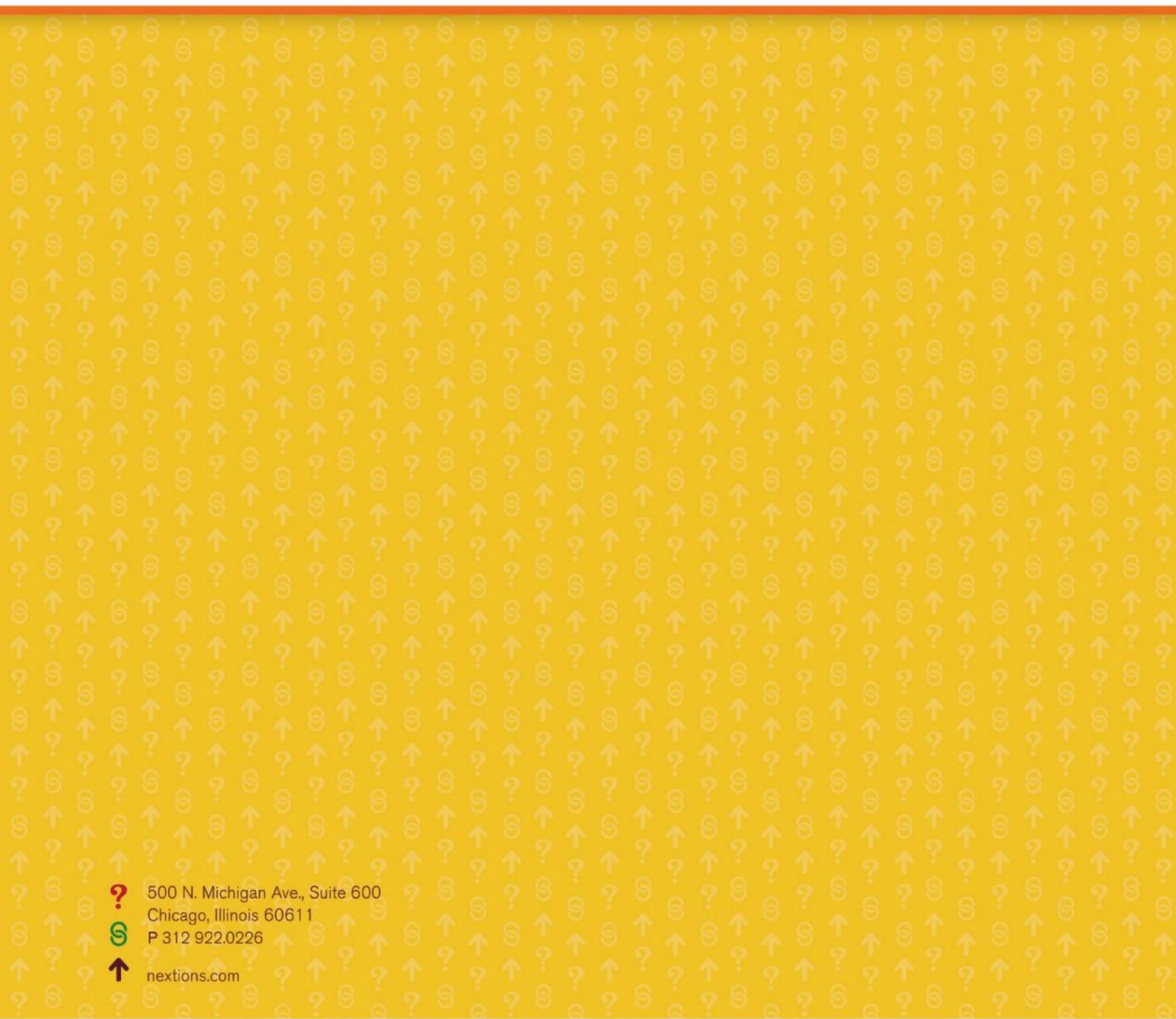
- Acknowledge the realities of explicit and implicit racial biases. Racial bias cannot be removed unless its presence is first acknowledged.
- Provide specific training for hiring committee members and interviewers that focuses directly on recognizing and accounting for explicit and implicit personal biases in the evaluation of candidates.
- Provide specific training for hiring committee members and interviewers that focuses on developing the skills to confront the biases and comments when they arise in a constructive way that enables people to advance diversity within their firms.

Creating sustainable racial and ethnic diversity in law firms requires hard work and the courage to take a sincere look at every aspect of hiring, retaining, and advancing attorneys of color. Over the last decade, law firm recruiting practices have changed and expanded to increase the number of attorneys of color who enter firms as summer clerks and associates. This progress, however, has been limited and has not yet been able to match representation of minorities in law schools with their representation in law firms. This research highlights one of the key reasons for the lack of representational parity: Racial bias still colors the ways in which diverse candidates are evaluated and minority hires are perceived. Until firms acknowledge this possibility within their own hiring processes and create mechanisms to correct this bias, they will not achieve true progress with the diversity they profess to seek. Furthermore, in recognizing the inseparable connection between effective recruiting and eventual retention, it is important to recognize that bias in the hiring process does indeed translate into consequences for retention. Acknowledging and addressing bias in the way lawyers of color are recruited and hired will not only increase diversity in a law firm, but it will help sustain it for the long term.





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