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# Top Performing Lawyers Dread Diversity Work, Study Finds

By Vivian Chen

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Lawyers seem to prefer getting a root canal than spending time working on diversity, equity and inclusion initiatives.

That was my takeaway from a recent survey about the attitudes of nearly 1,200 high-performing lawyers. According to Thomson Reuter's [Stellar Performance: Skills and Progressions 2021 Mid-Year Survey](#), DEI work ranks as one of the least desirable non-billable activities. Of the respondents, some 73% either "don't have or want" DEI responsibility or would like to "drop" it entirely. (For what it's worth, working on well-being initiatives—another urgent topic in the legal industry—fared even worse on the popularity scale, with 83% respondents dreading it. And pro bono was just 1 point ahead of DEI in popularity.)

So which activities warm the hearts of these "stand-out" lawyers (identified as such by senior in-house counsel)? Good old fashion lawyer stuff like client relationship development, business development, and practice development—all of which got 70% or more support on the survey. About a third of the lawyers want to be left alone, the report finds: "They wish simply to focus on billable work."

Considering how often we hear that Big Law is finally getting religion about diversity, particularly in the last year or so, the findings are quite dispiriting. What happened to all those impassioned testimonials railing against inequality in the profession and the world? Was it all just a bunch of hype?

"It does seem somewhat of a paradox that many who currently take part in these initiatives wish they didn't," says Lucy Leach, the author of the study. But she also adds: "DEI is by far the most common area that they think their firms should focus on, particularly in the US & Canada. Generally, lawyers felt that their firm was not doing enough to maximize DEI"—a sentiment that female lawyers feel more acutely. Leach says that 24% of female lawyers believe that their firms need to increase DEI efforts, "compared to just 13% of male lawyers." (I won't get into the gender divide on this issue except to say that men tend to feel things are going swimmingly in the workplace.)

So if most lawyers feel DEI should be a top priority, why are they dodging it?

You guessed it: It's about the money. "If I had to hypothesize, my guess would be that a key factor could be that at many firms these efforts are not factored into compensation," says Leach. "It's not lack of interest but lack of reward." Let me put it this way: As between doing well versus doing good, money wins almost every time.

Those in the law firm trenches essentially agree. "DEI is like an extracurricular activity that you only get credit for in heaven," says Haynes and Boone partner Sharon Jones, who's also the firm's chief DEI officer. "It should be included in billable hours or in bonuses so that it's treated more comparably to pro bono." Jones says her firm has not yet implemented that system though it is being discussed.

But some firms are already giving billable hour credit for DEI. One example is Perkins Coie. "Our firm understands the tension between what's compensated and what's valued," says Jill Louis, managing partner of the firm's Dallas office. Though she says the firm "always gave credit for [DEI], this past year, we made it explicit. DEI work and mentoring are now deemed equivalent to billable hour work." What's more, she says that the credit system has helped improve morale among those who've long carried the DEI responsibility: "I think it validated the contributions made by the women and people of color who may find themselves called upon at a higher rate to serve in this way."

Indeed, there seems to be an expanding list of firms that are following this model. Among them are Baker McKenzie, Cooley, Davis Wright, Dorsey & Whitney, Hogan Lovells, Foley Hoag, K&L Gates, Locke Lord, Reed Smith, Robinson & Cole, and Ropes & Gray, according to [Above the Law](#).

But if you think the problem is solved just by offering more compensation, you're missing the bigger picture, warns Ari Joseph, the director of DEI at digital company WalkMe. A former Big Law associate and DEI director at a law firm, Joseph suggests that the problem goes deeper. "DEI is not done well in most places," he says. "It's siloed or relegated to HR. Most diversity programs don't work, but we keep trotting out the same thing." He says employees are reluctant to spend time on the effort because they feel DEI is "performative." What's missing, he adds, is a "holistic" approach that "informs every business decision." His verdict: "Our instinct is to throw money at it, and it won't work."

Leach, the author of the report, doesn't completely disagree. Though she sees compensation as key to increasing engagement, she also suggests that firms are complacent and lack imagination in tackling DEI: "I can't say I've seen anything that new." She adds, "[Law firms] feel they're already doing a lot."

And that's precisely why DEI will remain a problem.

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