

# Dismantling Assimilation in the Legal Profession

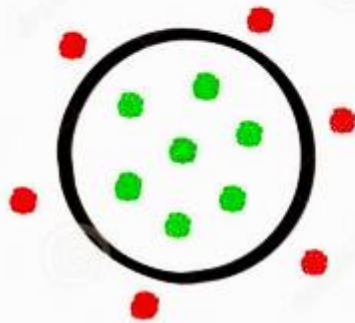
Chris Pickett  
Officer/Chief Diversity Officer  
Greensfelder, Hemker & Gale, P.C.

**“Diversity  
is being invited to the party.**

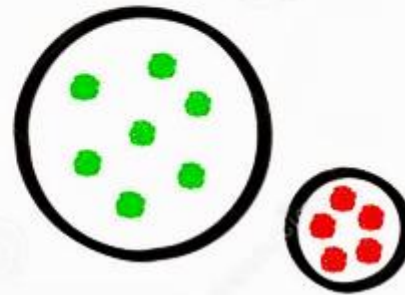
**Inclusion  
is being asked to dance.”**

*—Vernā Myers*

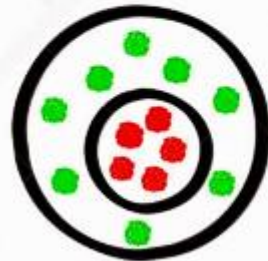
**EXCLUSION**



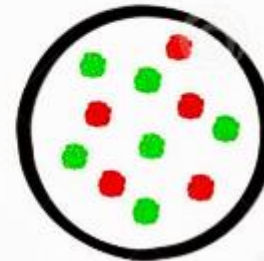
**SEPARATION**



**INTEGRATION**



**INCLUSION**



# Chris Pickett Background



Biracial  
(Black and  
White)

1<sup>st</sup> job  
Public  
Defender -  
Vernon  
County, MO

2<sup>nd</sup> job –  
Local Large  
Law Firm

3<sup>rd</sup> –  
Public  
Defender  
– St. Louis  
City

4<sup>th</sup> – Small  
firm  
(move to  
civil)

5<sup>th</sup> GHG –  
Officer/Chief  
Diversity  
Officer

“ The goal is to  
turn data into information,  
and information into **insight.** ”

— *Carly Fiorina, former executive, president,  
and chair of Hewlett-Packard Co.*

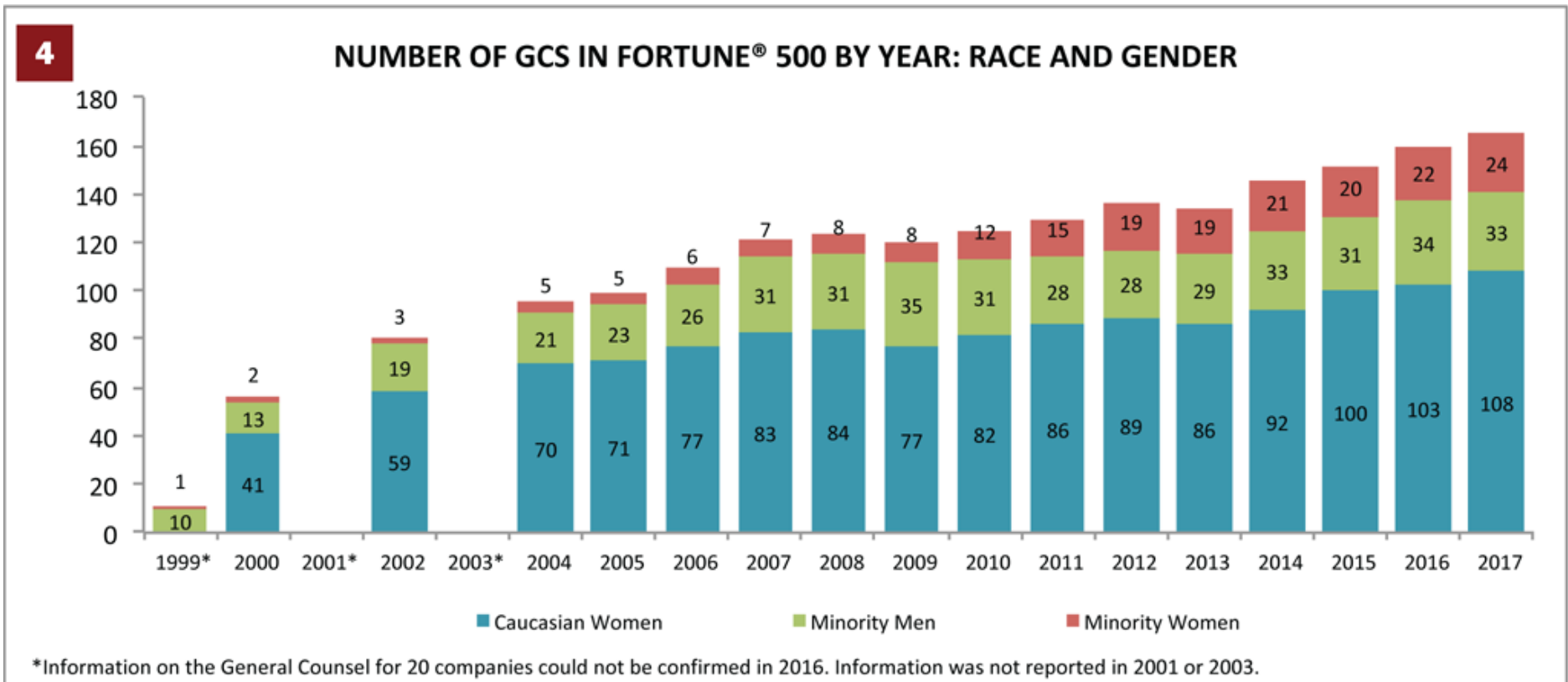
# Legal Industry Statistical Trends

|      | Partners |         |                           |         |         |         | Associates |         |                           |         |         |         |
|------|----------|---------|---------------------------|---------|---------|---------|------------|---------|---------------------------|---------|---------|---------|
|      | Asian    |         | Black or African-American |         | Latinx* |         | Asian      |         | Black or African-American |         | Latinx* |         |
|      | Total %  | % Women | Total %                   | % Women | Total % | % Women | Total %    | % Women | Total %                   | % Women | Total % | % Women |
| 2019 | 3.89%    | 1.46%   | 1.97%                     | 0.75%   | 2.52%   | 0.80%   | 12.17%     | 7.17%   | 4.76%                     | 2.80%   | 5.17%   | 2.70%   |
| 2009 | 2.20     | 0.76    | 1.71                      | 0.57    | 1.65    | 0.41    | 9.28       | 5.12    | 4.66                      | 2.93    | 3.89    | 2.00    |

Over ten years:

- Black female associates **DECREASED** .13%
- Black associates increased **.10%**
- Black female partners increased **.18%**
- Black partners increased **.26%**
- Asian partners increased 1.69%
- Latinx partners increased .87%

# General Counsel Statistics



“  
When we listen and celebrate what  
is both common and different, we  
become a **wiser, more inclusive, and  
better organization.**”

— *Pat Wadors, Head of Human Resources, LinkedIn*



# Assimilation

## What is **assimilation**?

The process whereby individuals or groups of differing ethnic heritage are absorbed into the dominant culture of a society.

i.e. “Melting Pot”

# Assimilation

Most law firms and corporate law departments practice some form of **Assimilationism**

The ***practice or policy*** of assimilating or encouraging the assimilation of people from all ethnic groups and cultures of origin.

# Why Focus on Assimilation?

A strong culture of assimilation means attorneys from diverse backgrounds are often folded into majority group preferences, norms and standards with little tolerance for deviation from those norms

# Assimilation in Action

“Assimilation demands often involve behavior or appearance...because norms regarding behavior and appearance are frequently so entrenched that they go unquestioned.”

Source: Tristin K. Green, *Discomfort at Work: Workplace Assimilation Demands and the Contact Hypothesis*, 86 N.C. L. Rev. 379 (2008). Available at: <http://scholarship.law.unc.edu/nclr/vol86/iss2/5>

# Assimilationism in Action-Implicit Bias

- Implicit biases are **pervasive**.
- Implicit and explicit biases are **related but distinct mental constructs**.
- The implicit associations we hold **do not necessarily align with our declared beliefs** or even reflect stances we would explicitly endorse.
- We generally tend to hold implicit biases that **favor our own ingroup**, though research has shown that we can still hold implicit biases against our ingroup.
- Implicit biases are **malleable**.

## Audience Question

What are the consequences to the **individual** when there is an expectation of assimilation in the workplace?

Go to [www.menti.com](https://www.menti.com)

Code: 89 30 86 1

# Impacts to the Individual

- Isolation/invisibility
- Losing access to opportunities/sponsors/mentors
- Receiving lower quality work assignments
- No imagination/creativity
- Low morale

# Assimilation in Action - Implicit Bias

Blonde women earn  
**7%** higher salaries

As female body mass  
increases **1%**, salary  
decreases **0.6%**

**58%** of male Fortune  
500 CEOs are over 6'  
tall (compared to  
**4.5%** of entire male  
population)

Joseph and Jose  
apply for a job

A white associate  
and a black  
associate prepare  
the same  
memorandum



# Assimilation in Action - Microaggressions

What are Microaggressions?

**“verbal, behavioral or environmental negativity based on someone's group membership, be it race, gender, or otherwise.”**

Source: Diversity Science Lab; Washington University in St. Louis

# Audience Question

What are the consequences to the **organization** when its culture is entrenched with expectations of assimilation?

Go to [www.menti.com](https://www.menti.com)

Code: 89 30 86 1

# Consequences to the Organization

- Creates **negative** work place experiences resulting in **increased attrition** and having career **outcomes that do not match potential**
- Reputational loss
- Loss of business opportunity
- Static Workforce
- Low worker morale results in poor production and attrition

# Economic Consequences to Organization

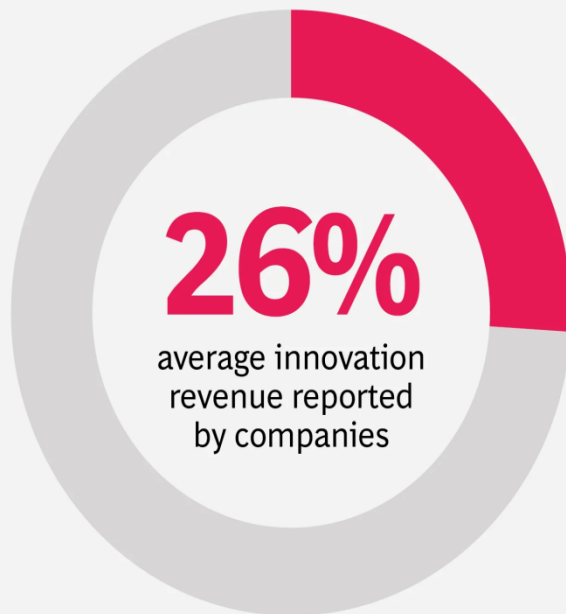
for every **10%** increase  
in racial and ethnic  
diversity on the senior-  
executive team,  
earnings before interest  
and taxes (EBIT) rise  
**0.8%**

Companies in the top  
quartile for racial and  
ethnic diversity are **30%**  
more likely to have  
financial returns above  
their respective national  
industry medians

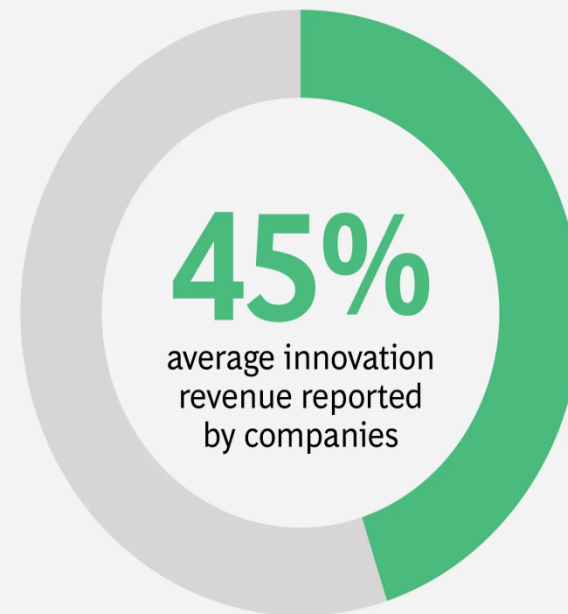
Companies in the top  
quartile for gender  
diversity are **15%** more  
likely to have financial  
returns above their  
respective national  
industry medians

## EXHIBIT 1 | Companies with More Diverse Leadership Teams Report Higher Innovation Revenue

Companies with  
**below-average** diversity scores



Companies with  
**above-average** diversity scores



**Source:** BCG diversity and innovation survey, 2017 (n=1,681).

**Note:** Average diversity score calculated using the Blau index, a statistical means of combining individual indices into an overall aggregate index.

**“ Diversity  
is a fact,  
inclusion  
is a choice.”**

— *Justin Trudeau, Prime Minister of Canada*

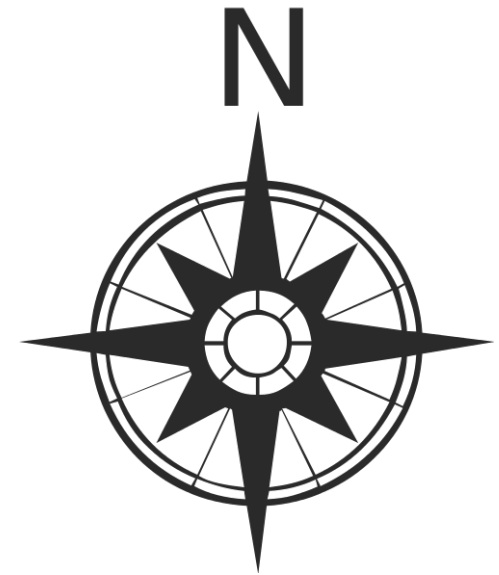
**“The only difference  
between success and failure is  
the ability to take action.”**

*— Alexander Graham Bell, inventor, scientist and teacher*

# True North

**Key concepts to keep in mind along your journey:**

- Recognize that lack of diversity is a **problem**
- Get used to being uncomfortable
- Celebrate small successes/gains
- Resist inertia





# Taking Action

## ■ Be a Leader

- Small things matter/practice microinclusivity
- Language/verbiage
- Cultural observations

## ■ Organizational Accountability

- Incentivize diversity
- Make diversity a core competency
- Who is responsible?
- Internal spending

## ■ Consistent Training

- Implicit Bias Training
- Trainings on History and Antiracism
- Strategy sessions



# How Can I Help?



**“Diversity  
is the mix.  
Inclusion  
is making the mix  
work.”**

*—Andrés Tapia,  
The Red Shoe Movement*

# Resources

- *State of Science: Implicit Bias Review* <http://kirwaninstitute.osu.edu/wp-content/uploads/2017/11/2017-SOTS-final-draft-02.pdf>
- *Unconscious Bias, Implicit Bias, and Microaggressions: What Can We Do about Them?*  
Artika R. Tyner [https://www.americanbar.org/groups/gpsolo/publications/gp\\_solo/2019/july-august/unconscious-bias-implicit-bias-microaggressions-what-can-we-do-about-them/](https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2019/july-august/unconscious-bias-implicit-bias-microaggressions-what-can-we-do-about-them/)
- Implicit Bias Video Series – Professor Jerry Kang - <https://equity.ucla.edu/know/implicit-bias/>
- Harvard University Implicit Bias Test Module: <https://implicit.harvard.edu/implicit/>
- *Discomfort at Work: Workplace Assimilation Demands and the Contact Hypothesis* by Tristin K. Green <http://scholarship.law.unc.edu/nclr/vol86/iss2/5>

# Articles

- [The 1619 Project](#), *New York Times*
- [For Women and Minorities to Get Ahead, Managers Must Assign Work Fairly](#), *Harvard Business Review*
- [The Bias of 'Professionalism' Standards](#), *Stanford Social Innovation Review*
- [Diversity Initiative Names 64 Firms 'Mansfield 2.0' Certified](#), *Law.com*
- [How Law Firm Origination Credit Still Hurts In-House Counsel Diversity Focus](#), *Law.com*
- [A Guide to Using Pronouns and Other Gender-Inclusive Language in the Office](#), *The Muse*
- [Transgender Inclusion in the Workplace: a Toolkit for Employers](#), *Human Rights Campaign Foundation*
- [Guide to Being a Trans Ally](#), *Straight for Equality*
- [Closing the Employment Gap](#), *Paraquad*
- [When to Mention Invisible Disabilities](#), *Paraquad*
- [The Dignity of Disabled Lives](#), *New York Times*

# Videos & Podcasts:

- [We Need to Talk About an Injustice](#), Bryan Stevenson, TED Talk
- [Dear White Men](#), Hustle and Flow with Heather Hubbard
- [Trans Rights with Chase Strangio](#), Why is This Happening? With Chris Hayes
- *Who Killed Malcolm X*, Netflix
- *When They See Us*, Netflix
- *13<sup>th</sup>*, Netflix
- *Explained: The Racial Wealth Gap*, Netflix
- *Time: The Kalief Browder Story*, Netflix

# Books

- *White Fragility: Why It's So Hard for White People to Talk About Racism*, by Robin D'Angelo
- *The No Asshole Rule: Building a Civilized Workplace and Surviving One that Isn't*, by Robert I. Sutton
- *Between the World and Me* by Ta-Nehisi Coates
- *The New Jim Crow* by Michelle Alexander
- *So You Want to Talk About Race* by Ijeoma Oluo
- *The Warmth of Other Suns* by Isabel Wilkerson
- *Stamped from the Beginning: The Definitive History of Racist Ideas in America* by Ibram X. Kendi
- *How to be an Antiracist* by Ibram X. Kendi
- *Me and White Supremacy*, Layla Saad

# **Audience Questions & Feedback**