

Focus on Diversity

For more information on items in this special section, contact Louisiana State Bar Association Director of Member Outreach and Diversity Kelly McNeil Legier, (504)619-0129, (800)421-5722, ext. 129, or e-mail kelly.legier@lsba.org.

Upcoming Events

LSBA Human Rights Award nomination deadline extended to Jan. 31

The nomination deadline has been extended to Jan. 31 for the Louisiana State Bar Association's (LSBA) Human Rights Award. The award recognizes outstanding efforts made by a bar association, a law firm or law department, an individual attorney or judge, a court, or a community organization or individual in promoting diversity in the legal profession, in particular, to recognize efforts ensuring the full and equal opportunity of all persons for entry and advancement in Louisiana's legal profession.

One award will be presented during the 2011 LSBA Annual Meeting. To review the award guidelines and to download a nomination form, go to: www.lsba.org/lsbadocuments/285.pdf and [www.lsba.org/lsbadocuments/285\(1\).pdf](http://www.lsba.org/lsbadocuments/285(1).pdf). For more information, e-mail LSBA Member Outreach and Diversity Director Kelly McNeil Legier, kelly.legier@lsba.org.

Employers' deadline is Feb. 7 for Legal Internship Fair

The Louisiana State Bar Association (LSBA) Minority Involvement Section's third annual Minority Legal Internship Fair is 8 a.m. to 2 p.m. Saturday, March 26, at Louisiana State University Paul M. Hebert Law Center. Employers are encouraged to take advantage of the opportunity to receive inexpensive or free legal assistance from law students for the summer. Registration is free for employers; registration deadline is Feb. 7.

To register, call (504)619-0115 or go online: <https://law-lsba-csm.symphlicity.com/employers/>. To RSVP for the luncheon

or to receive more information, contact LSBA Member Outreach and Diversity Director Kelly McNeil Legier, (504)619-0129 or e-mail kelly.legier@lsba.org. To review the event brochure, go to: www.lsba.org/LSBADocuments/354.pdf.

Mini Diversity Conclaves scheduled in Shreveport and Lake Charles

The Louisiana State Bar Association (LSBA) is partnering with the Shreveport-Bossier Black Lawyers Association, the Shreveport Bar Association, and the Louisiana Association of Black Women Attorneys to host a free mini diversity conclave on Thursday, Feb. 3, at the Petroleum Club, 416 Travis St., Shreveport (approved for 3.66 CLE professionalism hours).

The LSBA is partnering with the Southwest Louisiana Bar Association, the Louis A. Martinet Legal Society, Inc. Lake Charles Chapter and the Louisiana Association of Black Women Attorneys to host a free mini diversity conclave on Friday, April 8, at Reeves Uptown Catering, 1639 Ryan St., Lake Charles (approved for 2.5 CLE professionalism hours).

To register online, go to: www.lsba.org/2007cle/cle.asp. For more information, contact LSBA Member Outreach and Diversity Director Kelly McNeil Legier, (504)619-0129 or e-mail kelly.legier@lsba.org.

Registration underway for March 18 Conclave on Diversity in the Legal Profession

Registration is underway for the Louisiana State Bar Association's (LSBA) fourth annual Conclave on Diversity in the Legal Profession,

set for Friday, March 18, at the New Orleans Marriott at the Convention Center, 859 Convention Center Blvd. The early registration fee is \$50. Organizers have applied for 7.08 hours of professionalism CLE credits.

The LSBA is partnering with the Louisiana Supreme Court and local and specialty bars to offer a full day of programming with the theme "The Professional Workplace: Implementing Solutions and Cultivating An Inclusive Atmosphere." The conclave encourages discussion among judges and attorneys, primarily hiring and managing attorneys within law firms and law departments, about the importance of and how to improve diversity within the legal profession.

The conclave's discussion sessions will include: "Acquiring the Tools and Sowing the Seeds," facilitated by Wendell L. Griffen and Manny Brandt with Griffen Strategic Consulting, P.L.L.C., designed to increase participants' cultural awareness and enhance personal skills in cross-cultural situations; "The Diversity Rain Dance: Examining the Future Impact of the 2010 Census on Louisiana's Economy, Government, Litigation and Legal Profession," with keynote speaker Marc H. Morial, president and CEO of the National Urban League; "Pruning and Weeding Hot Diversity Buttons with Cultural Competence," featuring a panel of Louisiana practitioners with diverse backgrounds addressing race, gender, immigration, sexual orientation and disability; and "Realizing the Harvest Beyond the Business Case for Diversity: Implementing Action," featuring a panel of in-house counsel and executive managers discussing diversity policies and initiatives.

The Louisiana Association of Black Women Attorneys is sponsoring the reception following the conclave. The LSBA Young Lawyers Section is co-sponsoring the luncheon speaker.

To register online, to download a mail-in registration form or to review the schedule, speakers and sponsors, go to: www.lsba.org/2007cle/seminardetail.asp?CLEID=165.

ASK & TELL

Differences in Affirmative Action and Diversity

Despite the perception by many today that diversity is a code term for “affirmative action,” in reality, this view is not the case. Diversity is the state or fact of being diverse.¹ Indeed, diversity represents a dynamic mixture of people — varying in age, race, gender, disability, sexual orientation, national origin and religion, and including experience, communication style, career paths, educational backgrounds, geographic location, marital status, military experience and other factors — who come together for a common cause. By using different individuals’ perspectives, talents and experiences to solve problems, our society is more productive and reaps greater benefits.

Affirmative action, on the other hand, is based upon legal directives designed to remedy the present effects of past or present discrimination. Affirmative action historically has been used to increase representation of women and minorities in professions in which they have been historically excluded. As Texas State University explains, “The motivation for affirmative action is to meet legal responsibility while diversity works to improve productivity. [Affirmative action] provides for a visibly diverse workforce and diversity gives the organization a competitive advantage. Thus, although diversity does encompass minorities, it goes far beyond legal imperatives.”²

The Louisiana State Bar Association’s (LSBA) diversity statement, approved by its Board of Governors and House of Delegates, is also very broad.³ LSBA programs encourage full participation and accessibility of the legal profession to all levels by attorneys, judges and law students of all backgrounds. Further, the LSBA hosts an annual diversity conclave and several mini conclaves in various cities throughout the state to educate attorneys and judges that diversity goes far beyond race and gender, that it is not white and black or a code

for minorities, and that we all benefit from diversity regardless of our race, gender, background, status or legal practice size or type.

Albert Einstein said that insanity is “doing the same thing over and over again and expecting different results.” Embracing this thought, our hope is that these programs allow us, as members of the bar, to learn, view and do things differently and operate more inclusively and professionally. We encourage all LSBA members to join in an upcoming LSBA diversity conclave or initiative so we can continue the dialogue and build on the value of diversity and inclusion.

FOOTNOTES

1. See www.dictionary.com.
2. See www.fss.txstate.edu/diversity/faq.html.
3. See www.LSBA.org/diversity.

The Ask & Tell column in the Focus on Diversity section is designed as a discussion-starting vehicle. Bar members are encouraged to pose for discussion tough, even politically incorrect, issues about race/culture, religion, gender, sexual

orientation, disability and age. In turn, members can expect smart, direct and disarmingly frank answers. Submit questions or scenarios to Kelly McNeil Legier; (504)619-0129, e-mail kelly.legier@lsba.org. If selected for publication, topics or scenarios will be presented without names or identifying information.

DISCLAIMER: The information contained in this column is provided as a service to Louisiana State Bar Association members and does not constitute legal advice. Authors strive to provide quality information, but make no claims, promises or guarantees about the accuracy, completeness or adequacy of the legal information contained within the articles. The column may contain general information about the law to help members understand the law. Because legal advice must be tailored to the specific circumstances of each case and because laws are constantly changing, nothing provided herein should be used as a substitute for the advice of competent legal counsel. Further, legal information is not the same as legal advice, which is the application of the law to a specific situation. Our resources are not meant to provide a comprehensive picture of any particular situation; you are strongly encouraged to seek counsel for interpretation or a course of action regarding a specific legal situation involving diversity or inclusion.

in the SPOTLIGHT

Phelps Dunbar, L.L.P.

With parallel commitments to promoting diversity of its workforce within its firm and engaging in the community, Phelps Dunbar, L.L.P., is helping shape the standard for Louisiana law firms. Phelps Dunbar is keenly focused on the importance of a diverse workforce in an ever-increasing diverse world. The firm’s hiring committee and recruiting department take the lead in this regard by participating in the Southeastern Minority Job Fair, the Tulane University Diversity Clerkship Program and the Louisiana State Bar Association’s (LSBA) Minority Job Fair. The firm also supports its attorneys in their community activities to expand the reach of the Phelps Dunbar brand to the various communities where the firm maintains offices.

Attorneys have served on numerous boards with the support of the Phelps Dunbar leadership and received awards for their efforts. Six firm members received honors

from the New Orleans Pro Bono Project for volunteer service in 2008. Two partners served as panelists for the LSBA’s Conclave on Diversity in the Legal Profession. The firm collectively received the Camille F. Gravel Pro Bono Award for handling a substantial amount of pro bono work throughout the year. Phelps Dunbar appreciates the importance of diversity in the legal profession and the LSBA and its Diversity Committee applaud the firm for its efforts.

The “In the Spotlight” section highlights diversity achievements and groundbreaking diversity accomplishments, primarily of signatories of the LSBA’s Statement of Diversity Principles. If you have recommendations for attorneys, judges or legal organizations that should be considered for future articles, call or e-mail Kelly McNeil Legier, (504)619-0129, kelly.legier@lsba.org.



Playing for Team Inclusion

By Lori L. Garrett

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Take a minute to let the following terms wash over your mind: millennial, Latina, rural upbringing, Black, Japanese, Muslim, person with disability, Middle Eastern, queer, Chicano, Generation X, immigrant, Caucasian, Korean, lesbian, Hispanic, Indian, hillbilly, Jewish, baby boomer, handicapped, South Asian. What did these words mean to you?

Maybe they made you think of yourself. Or, maybe they made you think about people you know. Maybe some of the terms made you feel a little uncomfortable. Perhaps you don't really know what some of these terms mean.

With which of these terms do you self-identify, if any? How might your co-workers self-identify? Which are the proper terms you should always use? Alternatively, how do your colleagues prefer to be identified? Most importantly — are you and your colleagues willing to talk about these differences?

Often, we expect others to accept us, but may fail to take it upon ourselves to learn about our differences with co-workers. In the workplace, it is not uncommon for groups to band together with like individuals for support. When we are uncomfortable with each other, sometimes we may become insensitive to our differences. There can also be cultural confusion when we do not understand the unique beliefs and practices of others. In more extreme cases, prejudice — an unfavorable opinion or feeling formed beforehand or without knowledge, thought, or reason — may unconsciously influence us. We would all agree that the ugly realities of prejudice are not limited to

those in the majority.

So what does this have to do with your career development, or how you manage your career within and between organizations? By being more sensitive to the lives of others — including our differences when it comes to disability, gender, socioeconomic background, sexual orientation, ethnicity, generation, culture, religion, race, and experience, among other differences — we improve as individuals. When we improve as individuals, we become better team players, which certainly improves our career prospects. Consider these examples of how improved sensitivity to differences can help you develop into a more culturally competent and effective team player:

► Enhancing your capacity to consider different points of view leaves you better equipped to build consensus, compromise, collaborate with others, find unique solutions, and solve more complex problems.

► Active listeners who are sensitive to the diversity amongst their team become accustomed to considering ideas from people with different perspectives based on distinctive viewpoints.

► Since much of the communication within a team takes place informally, team members who can relate to others feel more comfortable talking with one another and passing along important news and information day-to-day.

► Teams need people who speak up and express their thoughts and ideas clearly, directly, honestly, and respectfully. When you understand the unique perspectives that others bring to your team, you are better equipped to communicate in a positive,

confident, respectful, and constructive manner and less inclined to shy away from making a point.

► We all want to be treated well and in a professional manner, and the more exposure you have to folks who may not be like you, the more likely you are to think about how to be respectful of their differences.

Cultural competence is a core characteristic of organizations that are inclusive. As the diversity of our nation's workforce continues to expand, the need for professionals who are culturally competent will continue to rise. Creating a corporate culture of inclusivity begins with the individuals that make up the organization. The less we know about and understand what makes our co-workers unique and special, the less accepted individuals will feel within the organization. As the individuals in the organization are more understanding of the differences among other members, the more all the members of the organization feel embraced and the more the organization is inclusive.

MCCA's (Minority Corporate Counsel Association) research has uncovered the value of respecting differences as it relates to professional development and in creating more inclusive workplaces by analyzing mentoring pairs who were then in cross-gender and cross-racial mentoring relationships. Creating Pathways to Diversity® Mentoring Across Differences: A Guide to Cross-Gender and Cross-Race Mentoring (aka MCCA's "Yellow Book") examined these mentoring relationships in law firms and law departments and

Continued on page 13

FOOD FOR THOUGHT continued from page 12

found that generally, one of the barriers to cross-gender and cross-race mentoring is the discomfort that people feel being in a mentoring relationship with mentors or mentees of a different gender, race, or culture.¹

Study participants built trusting relationships by dealing with and overcoming their initial discomfort, if it existed at all, and learning to value the differences in perspective and seeking to learn from them. Participants also expressed that being open to the possibility that differences may help the relationship furthered their relationships. Engaging in dialogues that were inclusive and open to divergent views from diverse individuals brought diversity down to a personal, one-on-one level, and increased comfort and competence in communicating across differences. Recognizing that different perspectives, styles, and behaviors lead

to the same goals in a more creative way, and looking for ways that those differences could add value to the work team was critical. MCCA's research recommends that while being mindful of differences, mentors and mentees must not forget to also focus on what the pair has in common.²

Inclusion begins with each of us taking individual responsibility for learning about the differences between each other. While one's efforts will not always be successful, making a conscious effort to overcome discomfort and being willing to communicate about differences is an effective way to becoming more sensitive. The willingness to be patient and forgiving, rather than hostile and aggressive, is also key. When we respond slowly and carefully, not jumping to conclusions, we encourage trust in each other which makes it easier to engage in

more difficult conversations.

In addition, each of these efforts can advance an individual's ability to be a better team player and therefore improves career prospects. MCCA invites you to take up the charge to do your part to be a better teammate and make your workplace more inclusive today.

FOOTNOTES

1. See, Minority Corporate Counsel Association (MCCA), *Creating Pathways to Diversity*® From Lawyer to Business Partner: Career Advancement in Corporate Law Departments 21, 43 (2003).

2. *Id.*

Lori L. Garrett is managing director for the Minority Corporate Counsel Association's (MCCA) southeast region. She heads MCCA's professional development services.

THE PROFESSIONAL WORKPLACE: IMPLEMENTING SOLUTIONS AND CULTIVATING AN INCLUSIVE ATMOSPHERE

Fourth Annual Conclave on Diversity in the Legal Profession

MARCH 18, 2011

New Orleans Marriott at the Convention Center



The conclave will encourage discussion among judges and attorneys, primarily hiring and managing attorneys within law firms and law departments, about the importance of diversity within the legal profession and how to improve diversity within the profession in Louisiana.

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New Orleans Association of Defense Counsel
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Southwest Louisiana Bar Association

This program has been approved for 7.08 hours of CLE credit, which qualify as professionalism hours.

Register online at www.lsba.org/diversity