

Diversity, Equity, and Inclusion (DEI) and Lawyering in Ohio

Facilitator Guidebook

Dear Facilitator,

Welcome to the facilitator guidebook for the Diversity, Equity, and Inclusion (DEI) and Lawyering in Ohio workshop. This guidebook serves as a comprehensive resource to assist you in leading engaging discussions and activities aimed at increasing and promoting DEI efforts within the legal field, both at the individual and organizational level.

In today's legal landscape, embracing diversity, equity, and inclusion is not just a moral imperative but a strategic advantage. Our workshop is designed to explore the importance and value of prioritizing DEI within the legal profession, providing participants with the tools and insights needed to foster inclusive environments, advance equitable practices, and drive meaningful change.

Throughout this guidebook, you will find a carefully curated set of modules. Each module includes detailed facilitation notes, suggested discussion questions, interactive exercises, and real-world examples to encourage active participation and deeper learning among workshop attendees. Additionally, you will find resources for further reading and continued learning.

As a facilitator, your role is pivotal in guiding participants through meaningful dialogue, encouraging reflection, and fostering a supportive learning environment where diverse perspectives are valued and respected. Your commitment to facilitating these discussions will contribute to advancing DEI within the legal profession.

Finally, we would like to acknowledge and extend our appreciation to the Ohio State Bar Foundation and to the Women in Law at the University of Cincinnati for their support of this project. We would also like to sincerely thank all participants who contributed to the success of this initiative. And we would like to express gratitude to student workers Yu-Ting Chen, Emily Kotulak, and Anna Pancioli who made this project possible.

Warm regards,

The Nathaniel R. Jones Center for Race, Gender, and Social Justice



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Part 1 – Introduction

An Instructor's Guide to...

Overview	<p>This workshop aims to create a baseline understanding of what DEI is, how it relates to the legal profession in Ohio, and practical tips and suggestions for how to implement DEI in the workforce.</p> <p>The purpose is to be educational and provide moments of group discussions as well as encourage internal/personal reflection.</p>
Goals	<ol style="list-style-type: none">1. To provide benchmark data and analysis on diversity, equity, and inclusion within the legal profession in the state of Ohio.2. To promote an understanding of DEI and the importance of implementing DEI in the Ohio legal community.3. To raise awareness of the role of systemic racism within the legal system.
Time Per Session	<p>Without the addition of the discussion questions and optional activities, the presentation is expected to last about 1 hour. However, based on choices for activities and discussions, the training may be longer.</p> <p>Please account for any additional discussion questions or activities when planning how long you want your workshop.</p>
Suggested Materials and Supplies	<p>There is a PowerPoint component to this workshop. Therefore, the use of computers and projectors is strongly encouraged so all participants can view the slides. Printed copies may also be used. The facilitator might also consider providing paper and pens for participants to take notes.</p>
Prep for Session	<p>The facilitator should read through the facilitator's guide in its entirety prior to the workshop.</p> <p>There are several discussion questions and activities included in the Facilitator Guidebook. To have a better understanding of timing and to plan the workshop, facilitators should pre-select questions or activities they wish to incorporate.</p> <p>There are two sets of PowerPoint slides, one with and one without the optional activities. Depending on the activities the facilitator plans to include, they may hide slides that are not relevant to their desired workshop.</p>

Setting the Tone

Discussing DEI:

Talking about diversity, equity, and inclusion can be uncomfortable. Some participants may be resistant to feelings of discomfort and this resistance can manifest in various ways. Facilitators may choose to address the feelings of discomfort while also creating a safe space– without shame – to encourage more in-depth conversations and individual reflections.

Here are a couple ways to create space for growth, connection, and vulnerability:

Engage participants in why you are having this conversation. Acknowledging the shared goals of the legal community can encourage participants to find common ground between each other. Establish with the participants that we are all on a path of growth, learning, and understanding so that we can be the best attorneys, leaders, and colleagues we can possibly be.

Be willing to be vulnerable yourself and acknowledge the discomfort or fear that people may have. We are currently in a period of time where the teaching of DEI is becoming a controversial and political debate nationally. However, you can encourage participants to remember that discomfort is essential in any growth process. Ask participants about what, if any, reservations or concerns the participants may have.

Acknowledge that you are not the expert, but rather there to facilitate discussion.

Anticipate your own triggers. It is important to know what will get under your skin so that you can be best prepared for when it happens. This is why we encourage co-facilitators so that you can communicate when you need help and gain support without worry.

Establish Discussion Guidelines at the start of the workshop. We suggest using the agreements from Glenn Singleton's *Courageous Conversations About Race*:

- Stay Engaged and Present
- Speak Your Truth – Use “I” Statements
- Be Tough on Ideas and Soft on People
- Listen to Understand & Listen to Completion
- Allow for Discomfort
- Assume Good Intentions / Come from a Place of Care and Curiosity
- Maintain Confidentiality

Remember, it is okay if people express emotions. The program might not go exactly how you envision it.

As a facilitator, it is important to remember that your goal is to aid in the process of learning – any self-learning is secondary.

DO

Make space to ensure everyone has opportunities to speak and listen.

Refocus the conversation back to its purpose. Draw back to the slides, data, and recommendations.

Encourage reflection and self-discovery.

DON'T

Dominate the conversation by contributing too often.

Let one person dominate the conversation. This can be addressed by setting the parameter that everyone needs space to be heard.

Focus on what other people already know.

Create a conversation centered on the political challenges facing DEI currently.

Potential Obstacles

Diversity Fatigue

It may seem exhausting, at times, to hear about diversity, equity, and inclusion measures. However, this diversity fatigue should not cause us to shy away from conversations around DEI. While there are conflicting views about diversity fatigue, it is important to realize that some participants may believe it to be so. If this is the case, try to open their minds past the feeling of fatigue and discuss how the topics and skills learned in this workshop could make them a better lawyer, a better advocate, and a better colleague. For more information, check out the resources provided below.

Further Reading

- Understanding “Diversity Fatigue” (and Four Strategies to Overcome It)
https://www.dri.org/docs/default-source/paper-uploads/2021/7_ftd-2005-phan.pdf?sfvrsn=2
- Diversity Fatigue Is Setting In, and Law Firms Must Fight It
<https://www.bloomberglaw.com/document/X910NG0000000?jcsearch=hdi45limfm#jcite>
- DEI Fatigue: Resistance Or Opportunity? Unpacking This Moment and Navigating The Path Forward <https://www.forbes.com/sites/aparnarae/2023/08/17/dei->

*The page number and title correspond to the PowerPoint slides		
Page number	Title	Details and Recommendations
3	<u>Key Concepts and Terms</u>	<p>This section opens the conversation around DEI generally and sets the foundation of the workshop by defining diversity, equity and inclusion.</p> <p>Since DEI can be a divisive topic, we encourage you to remind participants of the tone and purpose of the workshop and base the conversation on the shared interest of being the best attorneys we can be for each other, our clients, and our legal community.</p> <p>We pulled the definitions of diversity, equity and inclusion from the American Bar Association’s (ABA) Diversity, Equity, and Inclusion Plan.</p> <ul style="list-style-type: none"> • Diversity often pertains to demographic numbers and ensuring historically marginalized populations are adequately represented. • Equity* is an approach that ensures everyone has access to the same opportunities. Equity recognizes that advantages and barriers exist, and that, as a result, we all do not start from the same place. Equity begins by acknowledging that unequal starting place and continues to correct and address the imbalance. • Inclusion encompasses individuals with different identities feeling and/or being valued, leveraged, and welcomed within a given setting. <p>*Please note that the definition used for equity should be read in its entirety. The first sentence referring to “access to equal opportunities” indicates equality, while the recognition that “we all do not start from the same place” helps provide a more thorough understanding of equity. We recommend stressing the idea that equity is more than equal treatment for everyone.</p> <p>References:</p> <ul style="list-style-type: none"> • MEMBER DIVERSITY, EQUITY, AND INCLUSION PLAN (americanbar.org) https://www.americanbar.org/content/dam/aba/administrative/diversity/fatigue-resistance-or-opportunity-unpacking-this-moment-and-navigating-the-path-forward/?sh=3af5635e55af

		nistrative/diversity-inclusion-center/new-bog-approved-member-dei-plan.pdf
4	<u>The American Bar Association and DEI</u>	<p>After defining DEI, we explore the American Bar Association’s efforts to eliminate bias and enhance diversity within the legal profession. By referencing a common goal created by the ABA, participants develop a “why” for implementing DEI initiatives within their workplace.</p> <p>The ABA’s Goal III outlines two objectives:</p> <ul style="list-style-type: none"> • Promote full and equal participation in the Association, our profession, and the justice system by all persons. • Eliminate bias in the legal profession and the Justice System. <p>The ABA “strive[s] to mirror population demographics of the United States and to represent the communities the ABA serves.” Therefore, attorneys who are members of the ABA or who work to meet the standards set by the ABA might feel motivated to increase diversity within their firms.</p> <p>"Goal III builds on the earlier Goal IX, which was adopted in 1986. In the last few decades, the ABA has undertaken a wide range of diversity, equity, and inclusion efforts in furtherance of Goal IX and Goal III. Accordingly, all ABA entities and members are responsible for advancing ABA Goal III—it permeates everything we do internally and externally as an Association” (ABA).</p> <p>References:</p> <ul style="list-style-type: none"> • MEMBER DIVERSITY, EQUITY, AND INCLUSION PLAN (americanbar.org) https://www.americanbar.org/content/dam/aba/administrative/diversity-inclusion-center/new-bog-approved-member-dei-plan.pdf
5	<u>Research Methods</u>	<p>Since the PowerPoint intermittently references the research conducted by the workshop creators, this slide is dedicated to the research methods around this research and survey work for the participants' understanding.</p> <p>This workshop was informed by the data we gathered from the 2023 Legal Profession Survey, which was conducted between 11/1/23 and 12/12/23. Respondents participated via their</p>

		<p>membership to the following bar association listservs: Cincinnati, Butler County, Cleveland, Columbus, Toledo and Wood County. 179 legal professionals (largest group was from the Cincinnati listserv, N=96) participated in the survey.</p> <p>Due to the low coverage rate (i.e., not all Ohio bar listservs gave permission to have survey information and invitations posted to their members), the results of the survey are NOT generalizable to all legal professionals in Ohio. However, the results of this pilot study may provide insights that indicate a need for a larger study of Ohio legal professionals.</p> <p>Please note that while this workshop uses our own survey data, outside research is also used, which is referenced throughout the PowerPoint and the Facilitator Guidebook. While our survey data is not generalizable, the data from outside research may be used to generalize.</p> <p>Finally, it may be helpful to frame the survey data closer to that of a focus group – it is not dispositive of everyone but instead is a reflection of people's reality.</p>
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Part 2: Why Does DEI Matter?

Transitioning from the introductory section of defining DEI and outlining the workshop, this section dives into the substantive data relative to DEI in Ohio and challenges participants to consider why DEI matters generally and why it matters in the legal profession.

Starting with the optional activity may give the facilitator a general understanding of the participants' attitude toward this topic because it elicits the participants' feedback on their perceptions of DEI. The facilitator may then adjust the presentation accordingly.

There are two subsections in this part. Subsection A asks how DEI may affect the work environment, and how DEI can benefit lawyers in fostering a better workplace and legal practice environment.

Subsection B discusses the benefits of integrating DEI in legal practice by showcasing some real-life scenarios between lawyers and clients.

<p>Sub-Section A: <i>DEI and the Workplace</i></p>	<p>The population of working legal professionals is changing and so are the things they are prioritizing in their job search.</p> <ul style="list-style-type: none"> • Professionals – both new to the profession and the “veterans” of the profession – are expressing a prioritization of diversity. • Despite the increasing prioritization of diversity, the legal field is not adapting as fast as the growth or prioritization. <p>DEI influences how individuals are treated at work and how they view their work environment, ultimately impacting retention.</p>
<p>Sub-Section B: <i>DEI and Client Relations</i></p>	<p>DEI can help attract more clients and build a stronger client-attorney relationship.</p>

Page number	Title	Details and Recommendations
7	<p><u>How Does DEI Impact Lawyering?</u></p>	<p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • Are there reasons provided by other participants that you did not think of? • Do other's answers change (or maybe confirm) your perspective on why DEI is an important concept to understand?

7-1	<u>Optional Activity</u>	<p>OPTIONAL ACTIVITY:</p> <ol style="list-style-type: none"> 1. Ask participants how DEI impacts lawyering. 2. Record their answers in a word generator (such as Mentimeter) or otherwise write a list. 3. Review and discuss responses.
8	<u>A Lawyer's Creed</u>	<p>The Supreme Court of Ohio sets forth a series of Professional Ideals that Ohio lawyers and judges must adhere to. Of these ideals, is the Lawyer's Creed which encapsulates the ideals of professionalism for lawyers and judges.</p> <ul style="list-style-type: none"> • Included in the idea of professionalism for lawyers and judges are the ideas of integrity, the achievement and maintenance of competence, a commitment to a life of service, and the quest for justice for all. • Professionalism requires lawyers and judges to remain mindful that their primary obligations are to the institutions of law and the betterment of society more so than the interests of their clients or themselves. <p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • How do these pillars of professionalism align with the idea of Diversity, Equity, and Inclusion (DEI)? • Why would the state of Ohio encourage these pillars? • Do you think that you personally align with these ideals? Does your firm/company? <p>References:</p> <ul style="list-style-type: none"> • The Supreme Court of Ohio Commission on Professionalism, <u>Professional Ideals for Ohio Lawyers and Judges</u> https://www.supremecourt.ohio.gov/docs/Publications/AttySvcs/proIdeals.pdf
9	<u>Sub-Section A: DEI and the Workplace</u>	
10	<u>The Legal Profession in Ohio - Race</u>	<p>According to a report compiled by Ohio State Bar Association, as of 2022, the legal profession does not have the same amount of diversity in terms of <u>race/ethnicity</u> as the general population of Ohio.</p> <p>How do lawyers think about the disparity?</p>

		<ul style="list-style-type: none"> • According to our survey, only 11.3% of all the respondents felt that the diversity of lawyers/attorneys in Ohio reflected the population of Ohio in terms of race and ethnicity. • 62.5% of all respondents felt that the diversity of lawyers/attorneys in Ohio does not reflect the general population of Ohio. <p>The difference between the general Ohio population and the population of attorneys does exist and is noticed by many legal professionals. Therefore, as a profession, many attorneys who prioritize the reflection of diversity between profession and the general population may be disappointed.</p> <p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • Does this data surprise you? Why/why not? • Do you notice a difference between the racial diversity of legal professions and the racial diversity of the general Ohio Population? (Encourage participants to give examples or ask them to talk more about their observations.) <p>References:</p> <ul style="list-style-type: none"> • Ohio State Bar Association, <u>2022 Profile of the Legal Profession in Ohio</u> https://www.ohiobar.org/globalassets/public-resources/profile-of-legal-profession/pdfs/polp_public-2022.pdf • OHIO: 2020 Census https://www.census.gov/library/stories/state-by-state/ohio-population-change-between-census-decade.html
11	<u>The Legal Profession in Ohio - Gender</u>	<p>Based on the same report compiled by Ohio State Bar Association, as of 2022, there is also a noticeable gap in the context of <u>gender</u>.</p> <ul style="list-style-type: none"> • According to our survey, only 29.9% of legal professionals agree that the diversity of lawyers/attorneys in Ohio reflects the population of Ohio in terms of gender. • And 42.6% of all respondents believed that the diversity of lawyers/attorneys does NOT reflect the general Ohio population in terms of gender. <p>DISCUSSION QUESTIONS:</p>

		<ul style="list-style-type: none"> • Does this surprise you? Why/why not? • Do you notice a difference between the gender diversity of legal professions and the gender diversity of the general Ohio Population? • Compare this slide with the previous slide, which one surprises you more? Why? <p>References:</p> <ul style="list-style-type: none"> • Ohio State Bar Association, <u>2022 Profile of the Legal Profession in Ohio</u> https://www.ohiobar.org/globalassets/public-resources/profile-of-legal-profession/pdfs/polp_public-2022.pdf • OHIO: 2020 Census https://www.census.gov/library/stories/state-by-state/ohio-population-change-between-census-decade.html
12	<u>What Kind of Workplace Will We Have?</u>	<p>The next two slides illustrate the trend that the workforce in the legal industry is getting younger, and how their perspectives on DEI could impact talent recruiting for law firms.</p> <p>Who is "WE?"</p> <ul style="list-style-type: none"> • By 2025, Gen Z (people born between 1996 and 2010) may comprise more than a quarter of the global workforce. • As of 2022, 25.2% of all attorneys in the state of Ohio were 30 years or younger. <p>The profession is only going to continue to get younger. To attract and retain these next generation of workers, employers need to understand what the next generation prioritizes in their workplace.</p> <p>References:</p> <ul style="list-style-type: none"> • McKinsey, <u>The Gen Z equation</u> https://www.mckinsey.com/quarterly/the-five-fifty/five-fifty-the-gen-z-equation • Ohio State Bar Association, <u>2022 Profile of the Legal Profession in Ohio</u> https://www.ohiobar.org/globalassets/public-resources/profile-of-legal-profession/pdfs/polp_public-2022.pdf

13	<u>What are New Professionals Prioritizing?</u>	<p>Our survey revealed a generational gap regarding attitudes toward DEI.</p> <p>Based on our data, 80% of respondents with less than 10 years of experience agreed that the diversity of lawyers/attorneys in Ohio should reflect the population of Ohio in terms of race/ethnicity.</p> <ul style="list-style-type: none"> • This suggests that younger attorneys are prioritizing diversity of race and ethnicity in the legal field. It is important to note that this idea is not just held by younger attorneys. 47.6% of White only respondents with greater than 30 years of experience also agreed. • There is a general trend in the perceptions of legal professionals, regardless of age and experience, that the legal field should reflect the general population in terms of race/ethnicity. <p>There is also a trend in the perceptions of legal professionals that the legal field should reflect the general population in terms of gender.</p> <ul style="list-style-type: none"> • 80% of respondents with less than 10 years of experience agreed that the diversity of lawyers/attorneys in Ohio should reflect the population of Ohio in terms of gender. • 44.1% of White only respondents with greater than 30 years of experience also agreed that Ohio legal field should reflect Ohio's population in terms of gender. <p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • What about this do you find surprising? Why/why not • Why do you think that so many attorneys in Ohio think that the legal profession should reflect the Ohio general population in terms of race/ethnicity and gender? • What could be the possible benefits of having a legal profession that reflects the Ohio general population?
14	<u>Why Do We Want This Kind of Workplace?</u>	<p>When organizations make diversity a priority and a part of their culture, it can raise their profile with potential hires and increase goodwill with current employees.</p> <p>By diversifying the workplace, firms broaden the potential talent pool. Talents from different cultures and lived experiences are more willing to join if the workplace is</p>

		<p>inclusive of people from different backgrounds, ethnicities, genders, etc.</p> <p>When teams lack diverse team members, they may also suffer from a lack of diversity of thought, which is essential for creativity and innovation. Without diversity of thought, it's harder to generate the sort of ideas that lead to new solutions and products or grow the customer base.</p> <p>References:</p> <ul style="list-style-type: none"> • McKinsey, '<u>Great Attrition</u>' or '<u>Great Attraction</u>'? <u>The choice is yours</u> https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/great-attrition-or-great-attraction-the-choice-is-yours?cid=soc-web • Harvard Business Review, <u>To Retain Employees, Give Them a Sense of Purpose and Community</u> https://hbr.org/2021/10/to-retain-employees-give-them-a-sense-of-purpose-and-community • Business Leadership Today, <u>How Does DEI Affect Employee Retention?</u> https://businessleadershiptoday.com/how-does-dei-affect-retention/#:~:text=DEI%20affects%20retention%20in%20a,%2C%20commitment%2C%20and%20employee%20satisfaction
15	<u>Sub-Section B: DEI and Client Relations</u>	
16	<u>How Can DEI Help Attract Clients?</u>	<p>Organizations that integrate DEI initiatives are better able to serve diverse groups of clients. Prioritizing DEI helps these organizations be more responsive to clients' needs, boosting clients' perceptions of the organization, improving clients' experiences, and increasing client satisfaction.</p> <p>With a diverse workforce, there is a greater likelihood that there will be shared experiences between the lawyer and the client. These shared experiences help build trust, leading to better outcomes for the client.</p> <p>"The shared history and personal experiences of members within a group offer an opportunity to empathize; in this</p>

		<p>case, it is an opportunity for empathy between a lawyer and a client” (Lawton).</p> <p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • Can you think of an experience with a client that may have benefitted from working with an attorney who shared a similar background or experience? <p>References:</p> <ul style="list-style-type: none"> • Business Leadership Today, What Are the Benefits of DEI in the Workplace? https://businessleadershiptoday.com/what-are-the-benefits-of-dei-in-the-workplace/#:~:text=DEI%20helps%20them%20be%20more,help%20them%20avoid%20costly%20mistakes • Julie D. Lawton, Am I My Client? Revisited: The Role of Race in Intra-Race Legal Representation https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1065&context=mjrl
17	<p><u>Practicing Inclusive Client Relations: Cultural Considerations</u></p>	<p>More than likely an attorney will encounter clients (and colleagues) from varying cultural backgrounds. Therefore, it is important to consider how an individual’s culture might influence a case and how cultural intelligence and a diverse environment can help.</p> <p>For instance, when preparing to work with a client from a different culture, consider the pronunciation of your client’s name and research your client’s religious practice, including holidays specific to the religion, certain practices of the religion, and/or dietary restrictions.</p> <p>Another way a client’s culture might matter is in jury selection. For example, say you were defending a client of Cuban heritage, would you want other Hispanics on the jury? It depends upon the jurors’ ethnic background. Many Latinos in the United States feel some animosity toward Cubans and Cuban Americans due to the ease with which for many years they were granted asylum.</p> <p>Consider the following questions when working with a client from a background different than your own:</p> <ol style="list-style-type: none"> 1. How should you greet the client? 2. How do you pronounce the client’s name? 3. Does the client have a religious practice?

		<p>4. How might the client's cultural background impact jury selection?</p> <p>References:</p> <ul style="list-style-type: none"> • Law Practice Today, <u>Mistakes You'll Never Make Again: Learning to Interact with Diverse Clientele</u> https://www.lawpracticetoday.org/article/mistakes-youll-never-make-learning-interact-diverse-clientele/ • American Bar Association, <u>Multicultural intelligence for lawyers</u> https://www.americanbar.org/news/abanews/publications/youraba/2018/november-2018/being-able-to-read-cultural-cues-is-essential-for-legal-success/
17-1	<u>Optional Activity</u>	<p>This exercise elaborates on the impact DEI practices can make by providing several real-life examples, and how cultural understanding and inclusiveness are impactful in lawyering.</p> <p>OPTIONAL ACTIVITY</p> <ol style="list-style-type: none"> 1. Watch this short video clip (First video in the link: https://www.americanbar.org/news/abanews/publications/youraba/2018/november-2018/being-able-to-read-cultural-cues-is-essential-for-legal-success/) about an attorney and his Russian client. The attorney discussed the cultural differences he experienced between him and his Russian client. 2. Ask the following questions: <ul style="list-style-type: none"> ○ Have you had any experiences like this attorney? ○ What would you do if you had a client like the one mentioned in the video? ○ How might researching a client's culture before interacting with them benefit an attorney and their client?

Part 3: How Do We Improve DEI?

This section builds off the foundational knowledge, regarding the importance of DEI in the legal field, provided in the previous section. Here we provide real-life examples for making organizational and individual changes to better prioritize and practice DEI.

<p>Sub-Section A: <i>Organizational Changes</i></p>	<p>This section recommends some practical changes that can be made in hiring practices to encourage a more diverse workplace.</p> <p>This section also discusses how to implement a mentoring program to encourage inclusivity and a sense of belonging amongst co-workers.</p>
<p>Sub-Section B: <i>Individual Changes</i></p>	<p>Shifting away from organization-based changes, this section emphasizes individual reflection and growth.</p> <p>We encourage participants to learn more about empathy, what it can look like in practice, and the benefits that come from having more empathy in the workplace.</p> <p>Building upon understandings and implementation of empathy, we also encourage participants to learn how to best be an ally for others in their workplace.</p>

Page number	Title	Details and Recommendations
19	Organizational Changes	<p>DISCUSSION QUESTIONS:</p> <ul style="list-style-type: none"> • Before getting to the information on the slide, ask participants if they know what the hiring practices of their firm are. <ul style="list-style-type: none"> • If yes, are they willing to share? • Additionally, ask participants if their firm utilizes a mentoring program. <ul style="list-style-type: none"> • If yes, what does the mentoring program look like? • If no, do the participants feel like they could benefit from a mentoring program?

		<p>Common barriers in maintaining a diverse and inclusive workplace are often found in the hiring practice of the firm.</p> <p>Generally, most firms have specific hiring practices. For example, some firms hire students from specific schools, students with certain grade point averages, or students who interned with them at some point during their law school career.</p> <p>While there is nothing inherently wrong with these hiring practices, the diversity of a firm's workforce might plateau if they continue to utilize the same hiring pools. Therefore, it may be beneficial to cast a wider net when considering new candidates.</p> <p>To develop more inclusive hiring practices and increase the diversity within your workplace:</p> <ul style="list-style-type: none"> • Recruit from and network with diverse bar associations across the United States and in Ohio. • Implement a referral program to attract lawyers from different backgrounds. • Make sure that the hiring panel itself is diverse. • Post positions online on diversity and inclusion organizations' websites such as the MCCA (Minority Corporate Counsel Association) and NALSWD (National Association of Law Students with Disabilities). • Implement a referral incentive to attract lawyers from diverse backgrounds. <p>To better understand DEI within your organization and community at large:</p> <ul style="list-style-type: none"> • Learn about the barriers that your fellow community members are facing by attending programs, or volunteering at events. • Build relationships with members of these communities to better serve and understand them as clients. • Survey lawyers and staff regarding outside activities and share information about connections with community minority organizations internally to promote and encourage such involvement. <p>References:</p>
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		<ul style="list-style-type: none"> • 5 Ways to Foster Diversity, Equity, and Inclusion Within Your Firm, https://www.jdsupra.com/legalnews/5-ways-to-foster-diversity-equity-and-9964494/ • How to Improve Diversity in Law Firms: Cultivate a Culture https://www.bloomberglaw.com/product/tax/bloombergtaxnews/us-law-week/X747D5R8000000?bna_news_filter=us-law-week#jcite • Ohio Bar Associations https://www.barassociationdirectory.com/oh/ • National Association for Law Placement: Diversity Best Practices Guide (2020 Edition) https://www.nalp.org/uploads/2020_DiversityBestPracticesGuide.pdf
20	Individual Changes	<p>I. Empathy</p> <p>On an individual level, one of the first things we can do to improve DEI in our workplaces is by extending empathy.</p> <p>Empathy helps build trust, enhance communication skills, strengthen advocacy, and aids in dispute resolutions. Empathy, like other skills, needs to be practiced.</p> <p><u>Examples of practicing empathy:</u></p> <ul style="list-style-type: none"> • Active listening. • Question your biases and what you “think” you know based on experience. • Pay attention to non-verbal cues. • Ask questions instead of making assumptions. <p><u>Be sure to be aware of empathy-detracting behaviors such as:</u></p> <ul style="list-style-type: none"> • Saying nothing. • Using cliches. • Parroting the client’s words back to them. • Using legal jargon. • Asking too many questions or too many leading questions. <p>While some of these are unavoidable in conversations with clients or colleagues it is important to realize (1) that is happening, (2) how often it is happening, and (3) what</p>

		<p>techniques the lawyer can try instead of empathy-detracting behaviors.</p> <p>Retention and Employee Satisfaction A 2019 Workplace Empathy Study showed that 90% of employees believe that empathy is important in the workplace, and 80% would leave an employer who they don't believe is empathetic.</p> <p>Job Performance The Center for Creative Leadership (CCL) analyzed data from 6,731 managers in 38 countries and found that greater workplace empathy positively correlates to better job performance. CCL also found that organizations with empathetic cultures have higher employee engagement, satisfaction, and retention.</p> <p>Better Client Relations Listening attentively to clients and trying to understand their emotional state and perspective can lead lawyers to put themselves in their client's situation. Thus, these lawyers have a better understanding of their client's legal issues and are able to make informed decisions on behalf of their client.</p> <p>II. Allyship/Practice Allyship Like empathy, being a good ally takes time and practice.</p> <p>Allyship can look like providing space in a meeting, so that all voices are heard and equally respected and valued. For example, if a discussion is something an individual cannot add to due to their own personal life experiences and uncontrollable circumstances (coming from an upper-class family, being white, being a man), an ally might take a step back and provide space for others to speak.</p> <p>Allyship requires you to consider the power dynamics within a conversation or relationship. An ally is someone who recognizes their own privilege and position and uplifts the voices of others.</p> <p><u>Five Ways to be a Better Ally:</u></p> <ol style="list-style-type: none"> 1. Display curiosity. 2. Listen and allow the person to finish speaking before talking.
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		<ul style="list-style-type: none"> Sasha [a black woman] proposed a good idea about client interactions in a meeting. Nobody reacted to her comment. Is it effective allyship to repeat it while giving her credit? “I agree with Sasha’s proposal for improving how we interact with our clients.” <ul style="list-style-type: none"> Why or why not? <p>References:</p> <ul style="list-style-type: none"> The Power of Empathy https://www.lawpracticetoday.org/article/the-power-of-empathy/ Empathy for Legal Professionals https://www.psychologytoday.com/us/blog/empathic-minds/202312/empathy-for-legal-professionals The Heart of Lawyering: Clients, Empathy, and Compassion https://web.law.duke.edu/sites/default/files/clinics/healthjustice/gerdy_-_the_heart_of_lawyering_clients_empathy_and_compassion.pdf How to be more empathetic: 8 exercises to develop empathy https://www.calm.com/blog/how-to-be-more-empathetic Allies in Action: Moving Toward an Intersectional Theory of Allyship https://www.law.upenn.edu/live/files/12634-allies-in-action Allyship: An Important Part of the Inclusion, Equity, and Diversity Conversation https://www.acc.com/allyship-important-part-inclusion-equity-and-diversity-conversation Creating an Allyship Program to Build an Inclusive Corporate Legal Team https://legal.thomsonreuters.com/en/insights/articles/creating-an-allyship-program-supports-an-inclusive-legal-team Section 5: Learning to be an Ally for People from Diverse Groups and Backgrounds https://ctb.ku.edu/en/table-of-contents/culture/cultural-competence/be-an-ally/main 7 Examples of What Being an Ally at Work Really Looks Like
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		https://www.themuse.com/advice/what-is-an-ally-7-examples
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Part 4: Continued Learning / Closing

- Key Takeaways
 - The population of working legal professionals is changing and therefore, so are the things they are prioritizing in their job search.
 - DEI influences how individuals are treated at work and therefore, also influences retention.
 - DEI can help you attract more clients and build a stronger client-attorney relationship.
 - Strengthen DEI within your organization by reviewing your hiring practices and by implementing a mentoring program.
 - Prioritize DEI as an individual by extending empathy and practicing allyship.
- Continued Learning
 - Additional Resources: the following resources pages provide toolkits and implementation plan that can help lawyers incorporate DEI in their legal practices.
 - [ABA resources pages](#)
 - [Ohio State Bar Association resources pages](#)
 - Highlight your own local/regional bar association's resources.