



808 Recruiting, Developing, & Retaining Diverse Candidates

Michael Cunningham
Manager of House Counsel Operations
Great American Insurance Co.

Tracey J. Epstein
Director
Nationwide Mutual Insurance Company

Faculty Biographies

Michael Cunningham

Manager of House Counsel Operations
Great American Insurance Co.

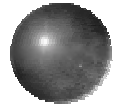
Tracey J. Epstein

Tracey J. Epstein is director of Nationwide Insurance Company's staff counsel operation for New York State. She oversees Nationwide Trial Division's eight litigation offices in New York that handle cases against Nationwide insureds as well as cases on behalf of Nationwide and its affiliate companies.

Ms. Epstein has been with Nationwide for 16 years, including 3 years in her current position. She began her career as trial attorney in the metro New York area, specializing in automobile liability and personal and commercial lines premises cases. She opened Trial Division's eastern Long Island office and later became managing trial attorney for Long Island.

She is membership vice chair of the newly formed ABA/TIPS Staff Counsel Committee. She also cochairs the Suffolk County Bar Association's Insurance/Negligence Defense Counsel Committee.

Ms. Epstein obtained her BA from Boston University and her JD from Hofstra University School of Law.



Attracting & Retaining Diverse Employees

Tracey Epstein, Esq.

Mike Cunningham, Esq.

We will address:

- What is diversity?
- Why is diversity important to my firm or corporation?
- How can I:
 - create a positive atmosphere where diversity is valued?
 - recruit diverse candidates?
 - implement a Diversity Plan within my organization?
- What resources are available to implement the plan?

What is Diversity

*Diversity is
not:*

- Affirmative Action
- Quotas
- Limited to race and gender, involves all things that make us unique



What is Diversity

*Diversity
defined as:*

All of the differences
that make us unique
in terms of lifestyles
and challenges as
well as skills and
contributions

Diversity includes differences in:

- Race
- Gender
- Age
- Culture
- Disability
- Physical ability
- Physical appearance
- Sexual Orientation
- Family Status
- Nationality
- Education
- Politics
- Religion
- Thinking Style

The Diverse organization:

- Values differences among individuals
- Uses those differences in a way that increases innovation, creativity and problem solving
- Makes a top down commitment to diversity in all forms

Why is diversity important?

- Changing demographics
- Changing business environment
- Changing expectations of business partners, clients and employees
- Increases efficiency, performance and profits
- It's the right thing to do!

Why is diversity important?

- Changing demographics
 - 1 out of 11 US residents were not born in this country
 - About 57% of the working population is female or minority, or both.
 - African-Americans, Hispanics and Asian-Americans will make up more than a quarter of the work force by 2005
 - By 2030, the ratio of workers to retirees will be 2:1

Why is diversity important?

- Changing business environment
 - The old ways do not work anymore
 - Competitors are becoming more diverse. (74% of corps have Diversity Program)
 - The “evolution of dinosaurs” – change or die!

Why is diversity important?

- Changing expectations of business partners, customers and employees
 - Clients expect diversity in firms they deal with
 - Many corporations beginning to do Diversity Audit – will not work with firms that do not practice diversity
 - 81% of Americans think diverse workforce is important
 - Diversity shown to increase worker retention and employee satisfaction
 - Customers expect diversity in the companies they do business with.

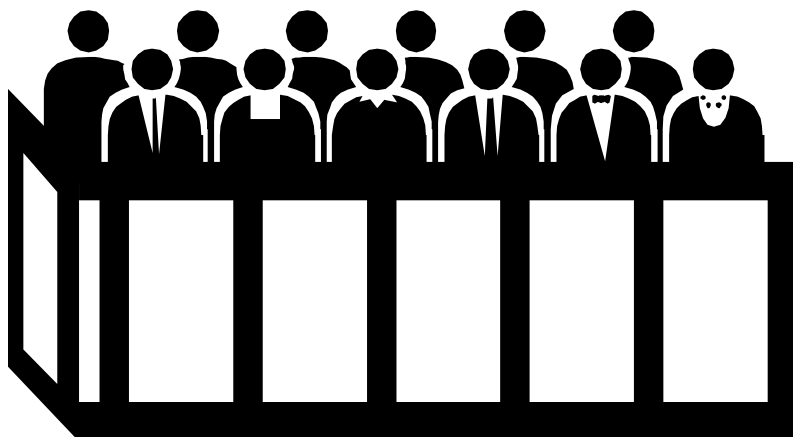
Why is diversity important?

Psychology

People are generally more comfortable with those they have an affinity with: Who are your clients and business partners?



What does your jury pool look like?



Why is diversity important?

- Increases efficiency, performance and profits
 - Retain workers for longer periods
 - Employee morale increased
 - Creativity and innovation increases
 - Reduction of harassment and discrimination claims
 - Increased profits (Coenart Investment study – S&P companies' profits 2.4 times higher for companies with good diversity records).

Without an understanding of how diversity impacts the bottom line, diversity programs are short-lived, inadequately funded, and not taken seriously by either the firm management or those responsible for implementing its initiatives. (MCCA website)

“Commit to diversity as not just a fair hiring practice, but as a means to become increasingly effective and successful in the legal arena.”

- Stacey J. Mobley, Sr. Vice President, General Counsel and Chief Administrative Officer of DuPont Legal

Why is diversity important?

- **It's the right thing to do!**
 - Law firms are not as diverse as they should be:
 - 30% of general population are people of color
 - Only 10% of lawyers are people of color
 - Attorneys of color represent only 3.25 percent of all partners and 12.06 percent of all associates at all law firms nationwide.

Why is diversity important?

- It's the right thing to do!
 - There are only 15 minority general counsel in the Fortune 500.
 - That's less than 2.5 percent of the total number of general counsel in the Fortune 500.

How does your company or firm incorporate diversity?

- Requires:
 - Sincere commitment and belief in becoming diverse organization
 - Recruiting top quality "diverse" candidates
 - Implementation of effective Diversity Plan
 - Measurement and follow-up to determine plan is working

Attitude and Commitment!!!

- Sincere commitment and belief in becoming diverse organization
 - Most important aspect!!!
 - Insincere efforts will do more harm than good.
 - Must be made a part of firm or corporation's strategic initiatives, not a "task force" or "committee"

Managers at all levels need to set the tone for diversity within the office.



ABOVE ALL ELSE:

**DO NOT HIRE DIVERSE
CANDIDATES IF YOU DO
NOT INTEND TO GIVE
THEM THE TOOLS AND
SUPPORT TO SUCCEED!!**

Recruiting Diverse Candidates

- Getting to the right people
 - Internships
 - Minority bar associations
 - Law school visits
 - Participate in minority Job Fairs
 - Sponsor or attend law student workshops on interviewing or other issues

Recruiting Diverse Candidates

- Getting to the right people
 - Government and Military
 - Advertise in Diversity and Minority Publications and on websites (free job postings on MCCA.com)
 - Sponsor social events for candidates, focus on diverse candidates (but do not be exclusive)
 - Use recruiters who specialize in diverse candidates (Edna Messick, Jersey City 201-386-9484)

● Recruiting Top Quality Diverse Candidates

■ Student Bar Organizations

- Hispanic National Bar Association's Law Student Division
- National Asian Pacific American Law Student Association
- National Association of Muslim Lawyers
- National Black Law Students Association
- National Lesbian and Gay Law Association
- National Native American Law Students Association

Recruiting Diverse Candidates

- Getting to the right people
 - Partner with other firms or corporations
 - Bring in diverse lateral hires

Recruiting Diverse Candidates

- Getting to the right people

WHEN IN DOUBT, ASK!!!

Recruiting Diverse Candidates

- Getting the right people to work for you
 - Put your best foot forward
 - Talk about Diversity Plan and retention of diverse candidates
 - Talk about top-down commitment to diversity
 - Discuss success stories

Recruiting Diverse Candidates

- Getting the right people to work for you
 - Choose your interviewers wisely
 - Ideally member of Diversity Committee
 - Must be someone committed to concept of promoting diversity
 - Have some senior people attend recruiting events to show commitment

Recruiting Diverse Candidates

- Getting the right people to work for you
 - Tell candidates about mentoring program
 - If possible, let candidate meet with mentor on 2nd interview
 - Talk about aspects of the firm other than work; “humanize” the firm.

Recruiting Diverse Candidates

- Getting the right people to work for you
 - Creative compensation packages and incentives – find out what is important to candidate
 - Repayment of student loans
 - Day-care center or other child care alternatives
 - Paid maternity leave
 - Part-time positions
 - Domestic partnership benefits

Recruiting Diverse Candidates

● Getting the right people to work for you

- Ensure hiring committee is invested in Diversity
 - Track success of managers and interviewers at locating and hiring diverse candidates
 - Offer incentives for interviewers who locate and hire diverse candidates
 - Give Diversity Committee a vote in hiring

Recruiting Diverse Candidates

● Getting the right people to work for you

- Remember that recruiting and retention are intimately tied together
- If you cannot retain diverse employees, your ability to recruit them will suffer

Retention Considerations

- Good employees are hard to find!
- Bad hiring decisions = about 30% of the first year's salary
- Attrition rates of minority lawyers are significantly higher than that of non-minorities.

Retention Considerations

Mentoring programs

- Critical aspect of retention
- Need to find right "fit" for employee and mentor
- If the "fit" is not there, change mentors
- Need to monitor this program and ensure that it is working
- Only use mentors who have volunteered for this role and embraced diversity concept

Retention Considerations

Training for all members of firm

Awareness based (“Sensitivity training”)

Skill based (provides tools to promote interaction)

Retention Considerations

Involvement from top down

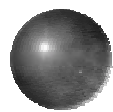
Frequent and honest reviews

Equal opportunities to work with clients
and get involved in high level activity

Internal networking groups for diverse
employees

Retention Considerations

- Retention does not just happen
 - Must have plan to keep employees interested and happy (Make this part of Diversity Plan)
 - Measure this and make this part of Managers incentives
 - Do not just evaluate employees, have them routinely evaluate you
 - When you do lose an employee, find out why and address the problem



Office Level Initiatives

Create a Diversity Plan for your office or division

- Communication
- Accountability
- Updates

Drafting Your Diversity Plan - content

- Minority recruiting activities
- All staff office meetings
- Office or divisional newsletter on
"people" stuff
- Suggestion box
- Leadership Development programs
- Foreign language directory

Contents, ct'd

- Mentoring program
- Local law schools
- Minority Bar Ass'n participation/committee chair
- Summer intern or law student clerkship
- Public school youth programs
- Draft Code of Conduct

Create a diversity council, comprised of employees at every level, to help carry out the plan.

Human Resource Initiatives

- Job Share
- AWE
- Flex hours/Compressed work week
- Less than "full time" employees
- Take Your Child To Work Day
- Work/Family referral programs
- Clearly defined complaint resolution process
- Mentoring Program for all employees

Things to consider

- *Zero tolerance* for profanity, disrespectful & derogatory comments
- Field vs Home Office - opportunities
- Who is invited to office events?
- Perceptions and Language

Practical suggestions

- Think out of the box when hiring
- Don't rely on HR policies for everything
- Waiting area
- Bulletin Board
- Descriptive writing
- Are you sharing enough successes?
- Open door time
- Network & keep files

Diversity websites

- diversitycentral.com
- diversityinc.com
- hrpress-diversity.com
- govdocs.com
- diversitylegal.com
- Mcca.com

Diversity Resources

- Recruiting lawyers:
How to Hire the Best Talent, published by the ABA Law Practice Management Section
- MCCA's "Pathways to Diversity"

Diversity Resources

- ABA Office of Diversity Initiatives
- *Making Differences Matter: A New Paradigm for Managing Diversity* (HARVARD BUSINESS REVIEW, September-October 1996).
- Building A House for Diversity, R. Roosevelt Thomas.

CHALLENGE

- Take this information back with you to your firm or corporation and make a difference!