Northwestern
PRITZKER SCHOOL OF LAW
Center for Practice Engagement and Innovation

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2018/2019 Forum Report:
"Leading Diverse Teams in the Practice of Law"

Introduction

Dynamic forces are reshaping the legal profession. Northwestern Pritzker School of Law's Center for Practice Engagement and Innovation, ("CPEI"), creates opportunities for legal services professionals to exchange ideas about how these changes impact what it means to train the best prepared lawyers, and to deliver actionable intelligence for shaping responsive, innovative educational experiences.

CPEI's "design year" begins with a mini SWOT analysis by its advisory board, identifying an area where disruption in the sector creates a need for fresh thinking about legal training. After identifying an area of focus, CPEI convenes information gathering meetings, or forums, bringing together professionals from different areas of the legal service sector to discuss the year's area of focus. The information is digested, and consistent through-lines are identified.

The culmination of CPEI's year is a design charrette: several teams of experientially diverse professionals design, share, deconstruct, and reassemble models of a learning experience intended to achieve the learning objectives identified through the forum process.

This report outlines the forum structure, summarizes major takeaways, highlights some unique perspectives, and proposes the year's culminating design charge

The 2018/2019 CPEI Forums

This year, CPEI's fourth, we began a multi-year exploration of what it means to practice leadership in the contemporary legal services environment. The center expanded its efforts and hosted three forums across the country, all focusing on exploring this year's particular issue, leading diverse teams in a legal problem solving setting. The center held forums in San Francisco, New York, and Chicago, doubling the number of participants over past years. Participants included professionals from law firms, including junior associates, senior associates, and partners; government attorneys; law firm recruiting and talent development professional; in-house attorneys; and other legal service industry professionals. At each of the forums, the participants responded to the following four questions:

1. What do we mean by "diverse teams" in a legal problem solving setting?
2. What do we mean by "leading" diverse teams in a legal problem solving setting?
3. What skills, abilities, sensitivities, and values should a successful leader of diverse teams possess?
4. How can a law school create learning experiences to cultivate those skills, aptitudes, sensitivities, and values?

Each forum began with a general charge and presentation of the questions presented, avoiding any anchoring of the work of the small group breakout discussions to follow. That said, forum administrators identified two baseline ideas: (1) statistical evidence shows that diverse teams tend to have better results than non-diverse teams, and (2) clients want diverse teams. After giving them their charge, we broke the attorneys into small discussion groups of 5-7 individuals. In assigning participants into different groups, we strove to breakup individuals coming from the same organization and, where possible, to cluster folks with similar professional orientations.

After an hour and a half in their small breakout groups, participants were given 20 minutes to individually fill out a hardcopy of the questions we had asked them to discuss. Finally, the forum ended with a plenary debrief, where participants were encouraged to share some of the discussion points from their small breakout groups with the entire audience of participants.

The following report outlines aggregate, thematic summaries of all the feedback we received across the forums. We used audio recordings and written notes from the small breakout group sessions, the individually submitted surveys, and the discussions during the plenary debrief to try and find common trends and themes. We also include some particularly unique contributions and considerations from the small breakout group sessions.

Please note: these are summaries of participant feedback and not the opinions of CPEI or Northwestern Pritzker School of Law.

What do we mean by diverse teams in a legal problem solving setting?

Aggregated Participant Responses:

In discussing what a diverse team means in a legal problem solving setting, typical markers of diversity are insufficient to truly cover the breadth of possible diversity. Forum participants almost universally discussed that characteristics like race, gender, sexual orientation, and socioeconomic and cultural background are undoubtedly important—people from varied backgrounds bring with them varied experiences and problem-solving skills, and that can only make a team stronger. Participants also almost universally acknowledged, however, that in a legal problem setting, achieving diversity along these traditional matrices should be the floor, not the ceiling.

That said, many legal problem solving settings struggle to meet even the prototypical markers of diversity. While firms increasingly have stronger diversity numbers among their younger associates, those in higher leadership positions tend to fall along less diverse lines. This can lead to high rates of attrition, because when associates do not see people who look like them in positions of leadership, they do not always want to remain part of the team. Participants discussed how differing levels of experience can contribute to the diverse makeup of a team. Several participant groups also discussed the concern that the traditionally diverse members of a group might actually function as "window dressing," rather than as an integral part of the team. Clients are looking for diverse teams, but there is a concern that achieving the appearance of a diverse team might not actually lead to the exchange of diverse thoughts and ideas.

Diverse teams in a legal problem solving setting will ideally also include members that fall along less traditionally diverse lines. Participants discussed factors like personality type, cognitive strengths, and practice areas when trying to compose a more deeply diverse team, too. Teams with members from a broad spectrum of practice fields, who interact with problems and with people in different ways, offer a breadth of experiences and approaches that provide ample opportunity for creative and efficient problem solving. This sort of beneath-the-surface diversity can inform team dynamics not only within the same firm or company, but also when we consider teams working across several firms and companies.

Fundamentally, diversity as we have traditionally understood it can and should be a consideration when putting together a diverse team in a legal problem solving setting. However, we should also consider less traditional markers of diversity when trying to put together a truly diverse team.

Unique Participant Perspective- Personality Analytics Software

While different personality types exist, we can also consider personality analytics when trying to finely tune diversity within a team. One team discussed the merits of personality analytics software. Personality analytics software allows us to track the way people respond to problems and highlights different cognitive strengths and weaknesses in an individual. These sorts of technologies go beyond the personality-type tests we are familiar with and instead offer in-depth metrics for better understanding an individual's unique problem solving landscape. Relying on such in-depth analytics can ensure that the makeup of a problem solving team is truly diverse.

What do we mean by "leading" diverse teams in a legal problem solving setting?

Aggregated Participant Responses:

Having an effective leader is critical to ensuring optimal performance among all members of a team. An effective leader can help ensure that diverse members of a team are not just "window dressing," and are instead valuable and fully utilized members of the team. Participants discussed how leading a diverse team involves being able to pull together people with different skills, strengths, and backgrounds, and knowing how to utilize each member according to those skills, strengths, and backgrounds. Because a diverse team necessarily includes people with unique thoughts, perspectives, and approaches, leading a diverse team requires not just the ability to delegate, but also the ability to effectively liaise among and between the members. All participants explored at some length the difference between traditional "leadership" qualities— i.e. being able to give out orders—and some of the more nuanced sensitivities a truly effective leader should have.

Often, a team member with a diverse perspective might not feel they have the space to voice their contributions safely. Participants discussed how providing ample space and opportunity for unique ideas to flourish was integral in leading a diverse team. Some groups discussed that barriers to welcoming new ideas include "tight deadlines" and deeply entrenched "hierarchical values," both of which tend to make regular appearances in law firms. A leader of a diverse team in a legal setting must, then, implement open lines of communication to ensure that individual members know who to go to when they have thoughts, ideas, or concerns. Sometimes, limits on time and resources require that traditional problem solving techniques are utilized. Because reverting to traditional models of problem solving might discourage members from voicing diverse perspectives, some participants suggested that a leader of a diverse team should provide time for discussion after arriving at a solution to go over how and why that particular solution was reached.

Fundamentally, leading a diverse team means aggregating input from all of the individual team members and pulling out the salient perspectives that can drive innovative solutions while still

keeping in mind the interests and needs of the client. As one participant articulated, "leading means being a good role model; a good listener; being dedicated to the growth and development of everyone on the team and being attuned to the needs of the clients." A leader of a diverse team acts as a project manager and must be able to energize and utilize all team members as fully as possible.

Unique Participant Perspective- Implementing Behavior-Specific Policies

A primary barrier to eliciting diverse perspectives is that many individuals of a team are afraid to swim against the current. Almost inevitably, hierarchies- and complementary patterns of behavior- develop within a firm or company culture. Making sure that there are official avenues for calling out behaviors that discourage voicing new ideas is critical to ensuring diverse teams flourish within an organization. Almost every firm or company has a set of values it espouses as central to its mission, but nebulous values seldom provide tangible solutions to exclusionary patterns of leadership.

One way to better lead diverse teams is to implement a set of behavior-specific solutions to conflicts as they come up. For example, providing formal avenues for diverse members of a team to speak up when they feel they are being excluded will provide them with the opportunity and space to report if and when things like implicit bias might be impacting their opportunity to contribute to the group. Creating behavior-specific action plans for dealing with these sorts of conflicts can make sure that personal emotions play less of a role when confrontation is necessary. It creates a safer space both for the person who feels they were treated unfairly and, paradoxically, for the person who was being unfair, too. Having a procedure in place allows all members to deal with an issue and move on quickly, while still ensuring that resolution is reached.

What skills, abilities, sensitivities, and values

should a successful leaser of diverse teams possess?

Aggregated Participant Responses:

When trying to lead a team, many revert to traditional tendencies associated with leadership- they will delegate, give orders, and make tough decisions after listening to other members' feedback. To do so skillfully, though, a leader must be a good listener. Almost every participant noted that being a good listener is a crucial skill in being a good leader. Being a good listener requires more than asking a question and hearing the answer; a good listener must employ empathy and patience when eliciting contributions from members of the team. Being a good listener often requires shelving one's own perspective momentarily in order to more fully hear what the other person is saying. Attached to it is a sense of humility; of recognizing that everyone has something valuable to contribute.

A good leader will also be able to gently persuade, guide and motivate members of their team. Sometimes group dynamics energize certain members and discourage others. A leader must be able to see how a group dynamic is affecting each member and work to get each member to feel like a critical contributor to the team. A lot of participants discussed the importance of "EQ" or

emotional intelligence, and how a good leader of a diverse team will have plenty of EQ. They noted that leaders with a high EQ will be able to recognize the strengths and weaknesses of each member in the team and delegate tasks appropriately.

Finally, a good leader must be able to take criticism well. One small breakout group discussed how lawyers tend to be bad at two things: empathy and receiving critical feedback. Both are huge barriers to effectively leading diverse teams. Receiving critical feedback and being willing to change behavior in response illustrates respect and personal investment on the part of a leader. It also sends team members a clear message that they have the space to speak up if they feel they are not being heard. For example, while most leaders now recognize the importance of traditional diversity in the makeup of a team, implicit bias can often hinder genuinely diverse perspectives from being fully heard in a group setting. Implicit bias was discussed by many of the smaller breakout groups as a barrier to being a successful leader. A good leader needs to be able to encourage their team members to call out behavior that might be prompted by implicit bias and to listen to that criticism with an open mind.

Unique Participant Perspective- Admitting Failure with Grace

Hand in hand with being able to take criticism is being able to admit failure. Many times, members of a group will not speak up to contribute a new idea for fear that they will be shut down. As a leader of a diverse team, being able to call out our own failures reduces some of the anxiety attached to being wrong. When fear of failure is the primary motivating factor for action, new ideas have no room to grow. Stepping up as a leader and acknowledging where we failed and how we plan to do better fosters trust and respect among the other members of the team.

How can a law school create learning experiences to cultivate those

skills, aptitudes, sensitivities, and values?

Aggregated Participant Responses:

Law school demands that students develop a set of skills that generally do not help them once they enter the legal field. The first year doctrinal courses emphasize individual success, thinking narrowly about an issue, and relying on competitive grading scales to motivate performance. Once in the legal field, new attorneys need to be able to work with groups, exist in a space of uncertainty, and balance different demands from different stakeholders on a project. Many of the participants openly recognized that the skills most valued during the first year in law school rarely translate to success once out in the professional field. Fundamentally, then, students need to learn how to listen to and understand other peoples' perspectives and to effectively communicate with others.

To develop these skills more effectively, law schools should focus on providing opportunities for students to work on teams. Certain curricular opportunities already exist to develop these skills, like clinic or other practicum work. Many schools require that students take a clinic or practicum course at some point in their legal education, but a lot of the participants discussed how there might be ways to integrate team-oriented projects earlier on. Integrating team projects into the first year curriculum might be a good way to get students used to the idea of working on

teams early on in their law school career. Making sure students cannot self-select into groups with like-minded individuals will also help cultivate the ability to effectively communicate in a team setting.

Another way to cultivate leadership skills among law students might be to introduce them to the idea early on that their unique backgrounds, skills, and experiences can be assets. Again, because the first year curriculum tends to homogenize the way students think about and approach legal problems, many walk away from the first year suspecting that the perspectives they hold that do not adhere to that model are irrelevant to their professional development. One way to illustrate the value of their diversity to first year students might be to implement a program that challenges them to consider how their unique perspectives might help or hinder them in a group. This might include giving them a personality test and placing them in a group with diverse personalities and challenging them to solve a simulation problem.

Unique Participant Perspective- Grades Don't Matter

When firms recruit from elite, T-14 schools, they often look to grades to decide who the strongest candidates are. However, there is often no correlation between academic performance at an elite law school and performance as a new associate at a law firm. Firms that implement behavioral questions to screen candidates can often get a better sense of how well they will perform as an associate. Looking for three characteristics- grit, emotional intelligence, and the ability to work well on teams- is a much more effective way to determine how successful a student will be as an attorney. Grit, while hard to define, might be the ability to exist in a space of uncertainty for an extended period of time and still feel invested in the project at hand. Law schools should seek to implement programming that gives students the space to try multiple solutions for a problem and fail without it negatively impacting their grade. Because first year grades are so important and are almost entirely determined by a final exam, building in more opportunities for failure early on in law school will help cultivate some of these qualities in law students.

Conclusion and Design Challenge

In reviewing the feedback from the forums, these are the most consistently expressed imperatives across all groups and all sessions relative to the forum focus of leading diverse teams in providing legal services to clients. They will form the core of our design challenge to participants in the CPEI design charrette. Members of our design teams will be given these takeaways and the charge that follows:

- Leaders embrace diversity in their working groups beyond commonly recognized identifiers;
- Leaders value diversity by creating group work environments that are not only facially inclusive but also respectful and welcoming;
- Leaders model behaviors of patience and humility and create a genuine sense of belonging among all members of the group;

- Leaders understand group dynamics, listen to all perspectives, and then guide the group in aggregating ideas toward a resolution of a client's particular problems.

Please design a learning experience that will allow students to understand and practice these aptitudes.

The most consistent instructional strategy recommendation was to create opportunities for students to work in diverse groups early in law school. The emphasis should be on learning the client service value of working in and leading such groups. These opportunities should include leadership responsibilities of group formation, managing cohesiveness and respect, creating methodologies for handling individual concerns and problems with group dynamics, and assessments (peer and otherwise) of client problem resolution through successful collaboration among diverse group members.