

Inclusion Summit

Developing Cultural Competence

On February 6, Stetson hosted a premier one-day event on best practices in inclusion and cultural competence for individuals and organizations. Hundreds of local legal and business leaders attended the event, which had the support of presenting sponsor PNC Bank and many other legal and community organizations.

Here are excerpts from a panel discussion on “The Firm Journey,” which featured comments from five Stetson Law alumni on inclusive practices in the legal sector:

Kathryn Christian, senior counsel at Duke Energy, on “doing it all”: I grew up in the 80s. As a woman, I was told I can do anything I want, and I

believed that. It wasn’t until after I had my son, who is now five, that it really hit home that I can’t do everything I want. I felt like I couldn’t manage my career, my husband (I’m now divorced), and my son. I felt like I just couldn’t manage all of those things and also develop a book of business in the way that I wanted to be successful at a law firm. I wanted to have a million-dollar book of business. I didn’t want to just be an Of Counsel. And I just couldn’t do it all.

When I left the firm, it was like my Jerry Maguire moment. I wrote this one-page piece of paper on what firms need to do for women. In going through that process, I realized it’s not a woman issue, it’s a family issue. Today, I’m realizing it’s not even a family issue. It’s a personal issue of having to decide for yourself how you’re going to balance these things. Some of the things on the list were, “You need to provide childcare for the days that I have to be here until midnight working on a brief. I need

childcare when my kid is sick.” That was the hardest thing to do. When I’ve got a hearing or a deposition and I can’t stay at home with my kid, what am I supposed to do? There are all these really practical problems that go along with this that businesses don’t recognize and support, and we just

need help. It wasn’t a women’s issue. I feel like the men that have young children that are married to women who are working 50, 60 hours a week, they have a hard time balancing these things, too. How do you solve these problems without investment and help from our society, from our businesses, from our employers, and from our families?

Luis Santos, senior associate at Ford Harrison, on law firm diversity programs: I remember having an interview with [a large firm], and I asked, “What are your diversity efforts? What are you guys doing?” One of the partners responded, “We don’t really pay attention to that — we have a department that handles that. I see those emails and I just hit delete.” That automatically told me that’s not the firm I want to work at.

I think for employers, if you’re trying to recruit diverse employees, I think it’s important for any employer, for any firm, to be aware of what your diversity efforts are and to be a part of it. It shouldn’t only be a marketing strategy. Because you are going to get someone like me who’s going to ask a question, and you don’t want your response to be, “I don’t know.” I think it says a lot about that firm in Florida, and seven years later, every time I think of that firm, that’s what I remember. You’re going to lose clients, and you’re going to lose potential talent.

Lavern Wilson, partner, Ford Harrison, on supporting and retaining competent attorneys of any back-





Kathryn Christian '06, Luis Santos '10, Lavern Wilson '06 and Hon. Julie O'Kane '91

ground: I believe that with diversity, regardless of whether or not people want to believe it, it starts with the numbers. I think that's a baseline. You also have to look at not only who are you recruiting, but the bigger question is, are you retaining? We've done a great job as a firm over time in terms of retaining the talent. Because anyone can recruit diverse attorneys.

In a corporate law firm, everyone knows when you practice for five or six years, the goal is to become a partner. And in order to become a partner, you have to have a book of business, no matter where you practice. So there has to be a mechanism to help your diverse attorneys and all your attorneys in terms of how to develop business and to become a partner and to get the recognition that they deserve. When I started practicing, my focus was not on being a Jamaican or a female lawyer. I just wanted to be a good lawyer, because at a baseline it starts with competence. Regardless of what your background is, if you're not competent, you're not gonna get the work. You're not going to get the good cases.

Hon. Julie O'Kane, 9th Judicial Circuit of Florida judge, on diversity in the courtroom: It's difficult enough when you speak English to understand legal concepts if you're a lay person, and judges, I think, do have a responsibility to make sure everyone understands their rulings and what the

proceedings are. But when you add in the factor that you have litigants who don't speak English, it's that much more important for us to make sure that you're included and you feel part of these proceedings. I think our circuit has done a great job in trying to make sure that we have enough translators for everyone. Two weeks ago, I tried a Spanish-speaking defendant trial. We had two interpreters in the court rooms at all times, translating for the accused person because translators get tired, and they really can only effectively translate for about an hour before they have to switch to someone else. So, the court system obviously has responsibilities to the community with regard to language issues.

As judges, we're also charged with the responsibility to stop or call on the carpet anyone who is acting in a discriminatory way in the courtroom. And as most of you can appreciate, a lot of that is very subtle. And so, judges are required to attend diversity training as part of our continuing education credits.

Tracey Jaensch, moderator and regional managing partner of Ford Harrison, on challenging assumptions: We are not perfect. At Ford & Harrison, we're not here to tell you that everything we ever tried has worked. Just recently, we interviewed a young lady from Stetson. ... And she is Russian. She's in the top of her

class like Luis was, and Lavern. She was very impressive. We asked her all of the appropriate questions, and we ultimately ended up offering her a job. I saw her a couple days after we offered her a job and she said, "Oh, my gosh. I'm so thrilled to be clerking with your firm and, you know, everyone was just so open. I love all your diversity programs." She says, "But, now that the interview's over, you know, I have a nine-year-old. So, I'm a single parent." And I went, "What? How are you able?" This woman works full time, she's top in her class and the first thing I thought to myself was, "Good thing you didn't raise that in this interview." We talked about it. You can be the best person in the world, and your assumption is going to be that she's not going to be able to do our clerking program, that she will not have the time. Well, she's doing it. She's doing it right now.

Wilson on work/life balance for single professionals: There's the assumption that work/life balance only matters if you have children or a husband. I remember when we first started talking about these diversity issues and work/life balance at the firm, I think the assumption was, "Lavern is always available. Email Lavern. Call Lavern. She's always going to be available because she doesn't have any children to go home to, to take care of or pick up at school, or a husband to cook for."

In general, people think that if

you don't have to leave for the soccer game, nothing you do is important. For me, getting my hair done is important to me, and that is what I do for work/life balance. And so, I think we have to get away from that notion, not just that it matters to women, but also men. Because there are men with caregiver duties as well, and so it should apply to all employees regardless of what their responsibilities at home are. The idea of work/life balance is that you're balancing work and your life so that you're not just working all the time. Because you have a better worker if they have outside activities through which they can relieve stress, then they can come back and focus on work.

Christian on women's action groups and employer support: At the outset, it seems like a great idea. But sometimes I got the feeling that it's based on an assumption, "Let's let these women get together and solve their problem, then they can come back to us and make some suggestions about how we can help them." The idea, I think, is let's give these women some opportunities that they might not otherwise have, but it can become a restrictive dialogue where you get the email for the diversity group. It's like, "Well, I'm not a woman," click (delete email).

I'm guilty of the same thing. I'll think, "That's not my issue. That's not my problem." But I think it really does take a more holistic view to realize it is our problem. It's everyone's problem. If someone's struggling, it's everyone's problem. That is one assumption.

It's just a really simple thing, but Duke Energy gives us 40 hours of time that we can take off for any reason, whether it's a sick parent, a sick child, a sick spouse. It's hugely helpful. You don't have to take sick time. You don't have to take disability leave. It's just a very small thing but it's like, "Here, let me help you balance a little bit."

Jaensch on expectations for female leaders: Even as a female leader, the assumption is always that I'm going to be the most empathetic. I'm going to be the most aware of issues for everyone. Even I am bringing biases based on just family, as a woman who's trying to balance those things. If nothing else, probably I'm most proud of the fact that we have an environment where Lavern or Luis or anybody could give me feedback that I can listen to and use. Because I don't know — I'm not the purveyor of all things inclusion and diversity. I need people to tell me, how do you want me to treat you? What kinds of things are you thinking about? Because I only see it how I see it.

Santos on being the point person on diversity: I think it's a mistake for only diverse individuals to take the issue, [for diversity] to be an issue that is something for the Hispanics or the

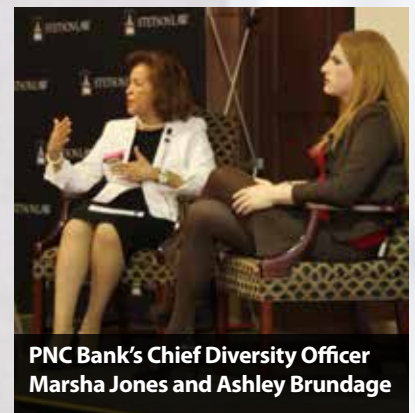
blacks or the women, you know? This has nothing to do with me, therefore I don't care, or I'm not going to participate, or it should only apply to this particular group.

I think it's an issue — or just part of life, really — where we all have to be involved, everyone in the firm or whatever the practice may be, has to be a part of it for it to be genuine or for it to have any effect.

The other thing I want to mention is, there is some resentment sometimes from the diverse person in the sense that just because I'm Hispanic doesn't mean I want to deal with every Hispanic issue. Maybe they heard something in the news or some immigration issue, and assume, "Oh, Luis must be an expert. He's Hispanic, he must know about immigration." I'm a U.S. citizen, I've lived here most of my life. You know, it doesn't mean because you're "diverse" that you're in tune with every single diversity issue.



Florida Trend publisher Andrew Corty



PNC Bank's Chief Diversity Officer Marsha Jones and Ashley Brundage



Corporate diversity panel: Maureen Greene James of PWC, Brian Gray of Wyndham Vacation Ownership, and Cal Jackson of Tech Data

“Diversity is about counting. Inclusion is about cultivating.”

—Vernā Myers



Excerpts from Myers’ “Habits of Culturally Effective People”

Sometimes we walk away from interactions and communications because we’re so concerned about not saying the right thing, that we are powerless to really do something in the favor of inclusion.

When we’re talking about diversity, we’re talking about all types and all dimensions of identities and experiences. It can be veterans, age or disability. It can also just be about experience — being a first-generation person. It can be about language, accent, geography and region. We are all a composite of a complex set of many different identities.

People sometimes miss that diversity is about the “both/and.” It’s the commonalities and the differences — they don’t cancel each other out. It’s really nice to mine some of those commonalities, and it’s also really important to think about what the differences are.

For the first class of women at Harvard Law School in 1953 ... when they arrived on campus, there were no restrooms for the women. ... They agreed to put one toilet in the janitor’s closet, and that’s where those brilliant first women were forced to go when they arrived at Harvard Law School. I would say that in 1953, Harvard had gender diversity. I would not say it had gender inclusion.

Diversity is about counting, but inclusion is about cultivating.

Cultivating requires a whole other level of engagement.

It’s like the scene of a middle school mixer. The period where the boys are still short and the girls are often taller. It’s awkward. There are some lovely boys dancing in the middle of the floor, and there are a lot of girls on the outside, like “I hope I get asked.”

When I’m in institutions who have invited me to help them shift their culture, I see this. I see that there are a group of people, many of whom were the originators, founders — or folks who look like the founders — around a very dominant identity that has been given a lot of value. And those are the individuals who are in the position of allocating opportunity. They’re in the middle of the floor, and there are a few people from the new group with them, but many of those who are new to being in the organization are hanging out on the walls. They are not involved in the most interesting assignments. They are not part of the client base that is bringing in the most money. They are not on the pitch teams. They are not the go-to folk. The go-to folk look a lot like the go-to folk have always been looking like in that institution.

So I started articulating this dynamic and the difference between diversity and inclusion

as diversity is being invited to the party, but inclusion is being asked to dance. It is a very different level of engagement. It is a different sensibility. It is a different qualitative experience, inclusion is. And so when we starting moving toward inclusion, we need to understand cultural competence - the attitude and skills that help us be more inclusive.

Cultural competence is an institution’s ability to actually take the difference that they’ve invited in and have that difference serve its overarching vision and mission. It sees diversity as an asset.

The shift is enormous. What it means is that you are actually engaging the difference and wanting it to make a difference in your institution. So many of my clients want difference, but they don’t want to do anything differently, because they’re great at what they do, and they’ve been great for a really long time. But you don’t know how long you’re going to be great.

The statistics are shifting and changing. Are you going to approach business the way you did 40 or 50 years ago? Or are you willing to allow the power of difference to change and enrich who you are as an organization? That’s the issue of cultural competence as an organization and also as individuals.