

Diversity Is Important to Marketing Because It Is a Key to Sales

Demographic studies refer to the “browning of America,” and some social scientists predict that in the year 2056 whites will lose their majority status in America. The buying power of blacks, Hispanics and Asian-Americans is estimated at between \$861 billion and \$1.2 trillion. And these data points are just for people of color. Add women as an increasingly influential consumer base, and the economic impact skyrockets.

Corporate America is changing to reflect these demographics. In its most recent survey of diversity demographics in America’s Fortune 500 law departments, the Minority Corporate Counsel Association (MCCA) reported that 62 women and 23 people of color hold the coveted seat of chief legal officer. Together, this represents about 17 percent of all Fortune 500 general counsel who are not white and male. Just five years ago, you could count the number of women and minorities in these positions and still have fingers left over.

Yet the law firm culture in many firms remains dominated by the old-school, old-boy, white male ethos that seems more appropriate for the 1950s. In the top 250 firms, according to the AmLaw diversity scorecard for 2001, 86 percent of associates and 96.1 percent of partners were white.

- Why should marketers be concerned that law firms catch up with the world?

- What can marketers do to move their firms toward a profile and attitude that more closely reflects their clients?
- How can marketers help their recruiting colleagues interest diverse constituencies in joining their firm and then create a welcoming, nurturing environment so they will stay?

Interviews with a variety of marketing professionals and the executive director of MCCA suggest some answers.

Veta Richardson, executive director of MCCA said: “The firms that are focusing on diversity as part of their business plan — in recruiting, management teams, workplace policies — those law firms will, in time, move ahead of the pack and be better recognized as good partners with corporate America.” She sees a role for marketing in the diversity focus in each of these areas.

Diversity Wins Clients

The MCCA’s Employers of Choice Awards spotlight industry leaders for their commitment to diversity and their success in building and maintaining an inclusive corporate legal department. To be a winner, a company must not only have an external outreach program of its own, but it also needs to track the participation of women and minorities working on their matters. Looking at the initiatives of some of the 2001 winners:

- International Paper Company gives the Lighthouse Award to recognize the efforts of outside counsel in activity supporting the law department’s commitment to diversity.
- J.P. Morgan Chase & Co. makes an effort to find and use firms owned by minorities and women and tracks billable hours for minorities and women in all firms that work with them.
- Sears, Roebuck and Co. asks all outside counsel to specify hours billed by women and minorities on every invoice.
- Shell Oil Company has a Law Firms Diversity Initiative that is designed to exchange diversity best practices with participating outside law firms.

As corporations mirror the diversity of today’s world, they want their vendors, including law firms, to do likewise. So no more “bait and switch” beauty contests. Attorneys sent to pitch the work are expected to do the work. As women and people of color attain leadership positions in corporate law departments and as more departments become inclusive, they also are more comfortable working with people who, like themselves, value an inclusive, diverse workplace. As Richardson put it, “If corporate lawyers don’t feel accepted as colleagues, why should they give a firm their business?” Law firms can show this acceptance in their programs and their people.

Hiring and Retention Practices

Working with people like themselves is also a key issue within law firms because a firm's cultural response to diversity affects both hiring and retention. Today's Gen-Y attorneys revel in the complexity and excitement of multicultural perspectives and experiences. They are accustomed to diversity in their classrooms: In the nation's top-tier law schools, half of law students today are women, and 20 percent are people of color. As Richardson said, "They want to work in an environment where their friends feel welcome."

Marketing is an important transmitter of these messages. Recruiting materials and Web sites should feature women, people of color and lifestyle minorities so that these recruits get an immediate feeling of welcome. Develop recruiting messages that are honest and reflect the tenets of the firm. Promising an inclusive atmosphere, supportive mentoring and opportunities for individuals to shine, and then not implementing the promises, leads to retention problems. Carol Allen, principal of Uncommon Leadership, sees the need to unify the marketing and recruiting message so clients and lawyers get the same message. "Sending a unified message ensures that the law firm can honestly manage clients' expectations about how they will be served," she stated.

Barbara Harrison Kaye, chief marketing officer of Thacher Proffitt & Wood, sees the marketer's role as essential to this enterprise. "Whether the issue is diversity and women or people of color, marketing people need to be involved in bringing the perspective of the marketplace to the hiring process," she said.

One firm that does just this is Jenner & Block. Theresa Jaffe, its chief marketing officer, says that an important part of the firm's Diversity Committee's role is to speak as a law firm to the changing work environment. Jaffe said she feels that communicating about diversity is both a marketing and management issue that's just right for CMO leadership since it involves every aspect of the firm and its image. The key question becomes how to communicate and

publicize this commitment. The firm publishes a quarterly newsletter, *Equal Time*, with separate issues focused on specific minority groups: women, gays and lesbians, and people of color.

This year, the firm also was a sponsor of MCCA's first CLE Expo, "Principles in Action" in Atlanta, which was a CLE conference designed for in-house counsel attendees. The programs showcased women and minority partners from leading law firms speaking in their areas of expertise and provided opportunities for them to forge new business relationships. Jaffe said that "the response to the event was wonderful, and marketing was the glue behind the program, involved in all aspects of the planning and implementation."

In fact, Richardson added, "We knew that marketing was a critical element for our participants, so with the creativity and support of Amy Nolan, a marketing manager at McGuireWoods in Atlanta, MCCA offered the speakers a teleconference marketing briefing." The briefing focused on how to take full advantage of the visibility offered through speaking at the conference, both on-site and when they got back home. "The lawyers really appreciated the coaching and asked us to do it again next year. We believe this type of faculty support is the first of its kind."

Promotional Activities: From Sponsorships to Newsletters

Law firms are showing their commitment to diversity with their energy and their dollars. Many are sponsoring diversity events, creating occasions that enable their female attorneys and attorneys of color to become more visible, writing newsletters that highlight the firm's accomplishments and the attorneys' business development activities.

For example, Shook, Hardy & Bacon, a winner of the 2001 MCCA Sager Award, holds a "Women as Advocates" conference every two years. The 2001 conference was a full-day meeting attended by the firm's female attorneys and many female clients and contacts. Speakers included high-powered, well-known judges and in-house counsel, as

well as female lawyers from their own ranks, discussing crucial issues such as strategies for success, key trends and important retention issues such as mentoring and flexible work schedules. Sandy Schroeder, director of marketing at Shook, Hardy & Bacon said: "This was a team effort undertaken jointly by the Diversity Committee, the recruiting department and marketing. In-depth planning, coordination and promotion resulted in an extraordinary seminar. It has raised our diversity profile within the firm and the community at large. The conference generated expansive press coverage and increased visibility in our marketplace, leading to additional work from 'diversified' clients."

Julie Eichorn, president of Paragon, Inc., is on the board of the Texas Minority Counsel program, which, like similar programs in California and a handful of other states, combines educational sessions on marketing, selling, interviewing, etc., with an opportunity to interview with corporate counsel from Fortune 500 companies that sponsor and participate in the event. Eichorn also teaches women how to build a book of business. She said, "Women lawyers don't have enough primary client relationships. Until we understand the need for that, women can't be equal." Eichorn thinks that "We need to create subsystems that help women and give them opportunities to be in front and sell."

Nancy Lasersohn, director of marketing at White & Case, summed it up neatly: "Our world, the law firm world, doesn't relate in many cases to the world of our clients, and it needs to. We also need to reflect the diversity of the law school world in our recruiting materials and approach. To be successful in this endeavor, firms will have to allocate emotional energy, creativity and money to doing what needs to be done."



Carol Schiro Greenwald works with law firms and lawyers in the areas of marketing strategy and implementation for practice groups, firms or individuals and provides competitive intelligence and marketing research target studies. She can be reached at 914/834-9320 or by

e-mail at greenwaldcarol@hotmail.com.