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## No Law Firm Niche is Hotter Right Now Than Diversity

BY MICAH BUCHDAHL ON MARCH 14, 2019 ·



It was the Sunday *New York Times*, for goodness sake, calling out the legal profession for not being very good at diversity. For those of us that have worked on these issues for decades, it certainly did not seem like “news,” but when the spotlight shines on us lawyers for the entire world to see, it quickly becomes a firestorm.

The article, “[Elite Law Firm’s All-White Partner Class Stirs Debate on Diversity](#),” says “A LinkedIn post announcing the latest class of partners at Paul, Weiss prompted a social media firestorm over its overwhelmingly white, male profile.” In the weeks since, nary a day goes by where the subject matter of diversity in the legal profession does not cross my desk.

### It’s the Optics

Now is this really about Paul, Weiss? Not really. It is a powerhouse white-shoe law firm, planted firmly in the center of the business and corporate world in New York City. The firm just happened to make the unfortunate marketing misstep of publishing a photo that makes someone look, I guess, color blind. Look at the image in the *Times*, or even worse—LinkedIn, Facebook, and Twitter and the zillion other places it was duplicated—and it is easy to see how it became the poster child. But make no mistake, this is not about Paul, Weiss or any one firm.

Just looking at the legal profession “dailies” over the few weeks that followed would make you believe that the subject matter is something new. In *The American Lawyer*, Meghan Tribe’s article, “[Partnership Classes Are Shrinking, Hampering Advancement and Diversity](#),” discusses how law firms “already struggling with diversity among their new partner ranks,” will find the task of promoting diverse attorneys to partnership even tougher.

In the wake of the Paul, Weiss news coverage came an “open letter” from 160 general counsel to law firms with a warning to the “largely male and largely white” new partner classes to improve on diversity or lose business. The



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letter states that companies will prioritize spending with firms that commit to diversity and inclusion.

There was the response to the “open letter” on Law.com from Don Prophete, a partner at Constangy, Brooks, Smith & Prophete. In [“A Black Partner Responds to GCs on Law Firm Diversity,”](#) he points out that these letters and discussions have come up repeatedly over the last 20 years or so. He states that the end result has been stagnant progress, if not a decrease in diversity.

A Law360 article, [“Facebook, Uber Among Cos. Sowing Diversity In Legal Ranks,”](#) discusses the growing calls for law firms and corporate legal departments (too!) to diversify, or else.

In [“An Open Letter to General Counsels,”](#) National Association of Minority and Women Owned Law firms (NAMWOLF) CEO Joel Stern reminds general counsel that solving the diversity issue is quite simple—use the law firms in that organization. I’ve attended the NAMWOLF annual meeting and business meeting for the past two years. It is a collection of solid, boutique law firms that have the valued niche of being 50% or more women or minority-owned. The in-house corporate departments that attend are a who’s who of Corporate America, many that have been instructed to utilize diverse firms when doling out business.

## Diversity and Inclusion as a Marketing Tool is Nothing New

In my March/April 2017 marketing column in the ABA’s *Law Practice* magazine, [“Diversity and Inclusion Is a Marketing Tool \(and Necessity\) in 2017,”](#) I discuss just how valuable diversity in a law firm’s attorney pool can be to the bottom line. The focus of the column is two-fold. First, diversity is a significant marketing tool; second, you can no longer fool people with a few internal committees, sponsorship of “diversity-focused” events and—my favorite—putting photos of any diverse person in the building all over the website and marketing materials. It has to be real.

I’ve worked with law firms on diversity initiatives for more than two decades. It is often a sensitive subject that requires a change in culture and philosophy for some. The law firm “niche” of diversity often means membership and sponsorship with NAMWOLF, the Minority Corporate Counsel Association (MCCA), the National Bar Association (NBA), and a number of other respected associations dedicated to greater diversity in the legal profession. Many corporate and government requests for proposals (RFPs) require the assignment of diverse attorneys for consideration. Many BigLaw firms also rely on these same organizations to provide RFP “partners” to meet the hiring criteria.

## A Huge Niche for a Diverse Law Firm

At both boutique and BigLaw firms I’ve worked with, involvement and exposure with the NAMWOLFs of the world is often a core component to my business development strategy. Those organizations are often conduits between the in-house world and the law firm one. MCCA also is committed to the cause but is more akin to finding qualified counsel within the ranks of BigLaw—also an important association geared to increasing the numbers in the Paul, Weiss’ of the world.

Many law firms have found their “sweet spot” in being able to safely, proudly, and easily tout the diversity of their attorney ranks—highly successful and qualified practitioners...that are not cut from the same cloth. They are not assigned to matters for optics, but for opportunity.

## ABA Efforts

Goal III, to “eliminate bias and enhance diversity,” has long been a mantra at the American Bar Association. Does that mean the association always does a good job when it comes to the issue of diversity in lawyer ranks? Uh, no. But an interesting discussion at a recent ABA meeting said a whole lot.

I’ve chaired the ABA’s Standing Committee on Continuing Legal Education (SCOCLE) for the last four years (and served on SCOCLE for the last seven). A few years back, the major initiative of Paulette Brown’s presidential year was the Diversity and Inclusion 360 Commission (360), of which a major component involved legal education programming. The CLE initiative demanded diverse faculty for every single CLE program in the ABA—we’re talking hundreds each year, many steeped in the ways of, let’s call it, non-diverse expertise. There was a lot of hand-wringing and pushback to this new policy. Making sure it became reality was one of my proudest accomplishments on SCOCLE. But it was one of our members pointing out at the recent ABA Midyear Meeting in Las Vegas that after just two years, there was no longer any “noise”—the CLE diversity policy had not only taken hold but was already effectively a non-issue. Somehow demanding change in faculty representation of programs wasn’t so hard after all.

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It takes pushing back a little on the pushback, and standing up for the right thing; perhaps it is not as hard as some people seem to think.

In the meantime, strong niche law firms providing the diversity that all those signatories of that “open letter” are seeking are out there and are open for business.

## About the Author

**Micah Buchdahl** is an attorney who works with law firms on marketing and business development and is a past chair of the ABA Law Practice Division. Micah is a past editor-in-chief of *Law Practice Today* and a current member of the Board of Editors. He can be reached at [micah@htmlawyers.com](mailto:micah@htmlawyers.com) or by phone at 856-234-4334, and on Twitter at [@mbuchdahl](https://twitter.com/mbuchdahl).

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