

# NAMWOLF

## LEGAL DEPARTMENT DIVERSITY & INCLUSION MATURITY MODEL

The NAMWOLF Advisory Council, a consultative and advisory body of in-house counsel from major corporations and government entities, offers this as a reference model to legal department leaders who are seeking a tool to benchmark their legal department and for guidance on how to advance diversity and inclusion efforts. For ease, the activities are identified in three buckets; Internal, External and Strategy. It is intended to be a living document that will be updated as new efforts and growth opportunities are identified. Additional materials and information on how to better address diversity and inclusion in a legal department, including the [NAMWOLF Best Practices for In-House Council Guide](#), are available at the NAMWOLF website on the In-House Counsel page.

Internal D&I	Early	Intermediate	Advanced
1. Attract and Hire Diverse Talent	<ul style="list-style-type: none"> <li>No formal plan or goals around work force diversity outcomes desired</li> <li>Recruitment is seen as purely an HR function</li> <li>No structured framework for reviewing staff EEO information</li> <li>Only minimum legally required EEO reporting and compliance</li> <li>No regular or systematic review to remove bias from selection and hiring processes such as audit of pay equity</li> </ul>	<ul style="list-style-type: none"> <li>Business case for diversity is clearly articulated &amp; accepted by senior leadership</li> <li>Communication from CEO &amp; GC that diversity is an organizational &amp; departmental goal</li> <li>There is a regular audit and data is kept on EEO information for the legal department work force</li> <li>Department has formal plan for increasing work force diversity</li> <li>Budgetary resources are allocated specifically to execute on the diversity plan</li> <li>Demographic representation of entire legal department is similar to the overall work force</li> </ul>	<ul style="list-style-type: none"> <li>GC submits regular reports to CEO and/or Board on diversity metrics and progress to goals</li> <li>Resources allocated &amp; personnel are tasked with D&amp;I initiatives and tracking results &amp; reporting</li> <li>Scorecard (or other KPI metrics) used to track efficacy of program</li> <li>D&amp;I are considered in all major departmental initiatives</li> <li>Audit plan (or other accountability tool) ensures consistent review and evaluation of D&amp;I program</li> <li>Pipeline program has been in place for adequate time to measure its efficacy</li> <li>Demographic representation of entire legal department is similar to general public</li> </ul>

Internal D&I	Early	Intermediate	Advanced
		<ul style="list-style-type: none"> <li>Demographic representation of attorneys in the legal department is better than annual NALP and/or ABA Law Firm Surveys<sup>1</sup></li> <li>Legal department has begun to develop of a program/strategy on the diversity pipeline</li> <li>Department has begun to develop a program/strategy to interrupt or mitigate bias in the selection and hiring process. e.g. senior leadership review of all candidates and hiring selection, diversity officer involvement in process</li> </ul>	<ul style="list-style-type: none"> <li>Demographic representation of attorneys in the legal department is at or above law school graduation demographic rates</li> <li>Bias mitigation/interruption strategies have been in place for adequate time to measure efficacy</li> <li>Integrated with company-wide strategies to attract/hire diverse talent. e.g. advertise openings in diverse bar associations and diverse employee resource groups (ERGs), recruit at HBCU law schools, coordinate with ERGs to bring the community to the diverse candidate</li> <li>Participating in the Diversity Lab's Legal Dept. version of Mansfield Rule<sup>2</sup> with goal to certification</li> </ul>
<p>2. Develop and Retain Diverse Talent</p>	<ul style="list-style-type: none"> <li>No formal/regular review of promotion data; only that diversity is an aspirational goal</li> <li>No mentorship program in place or informal mentorship only</li> <li>No formal plan in place to develop its diverse talent</li> </ul>	<ul style="list-style-type: none"> <li>Department sets goals to increase diversity in promotions</li> <li>Department has goals and strategies in place to increase diverse employee tenure/retention, decrease turnover</li> <li>Formal plan exists for promotion and career advancement of all employees with diversity in</li> </ul>	<ul style="list-style-type: none"> <li>Accountability to meet advancement goals</li> <li>Legal department leadership demographics reflect demographics of overall company workforce</li> <li>Legal department leaders are incentivized and evaluated based upon how effectively they identify</li> </ul>

<sup>1</sup> National Association for Law Placement, Report on Diversity in U.S. Law Firms, [https://www.nalp.org/uploads/2019\\_DiversityReport.pdf](https://www.nalp.org/uploads/2019_DiversityReport.pdf)

ABA National Lawyer Population Survey, [https://www.americanbar.org/content/dam/aba/administrative/market\\_research/national-lawyer-population-demographics-2010-2020.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-demographics-2010-2020.pdf).

<sup>2</sup> <https://www.diversitylab.com/pilot-projects/mansfield-rule-legal-department-edition/>

Internal D&I	Early	Intermediate	Advanced
		<p>mind (both diverse talent and those who actively support the D&amp;I goals)</p> <ul style="list-style-type: none"> <li>• Mentoring program is developed and implemented for diverse candidates</li> <li>• Diverse candidate slates consistently presented for promotional consideration</li> <li>• Department has pipeline development plan to identify and encourage diverse top talent for promotion &amp; advancement</li> <li>• Department has begun to develop a program and/or strategy to foster feelings of inclusion and belonging among staff</li> </ul>	<p>and promote diverse top talent and contribute to inclusion initiatives</p> <ul style="list-style-type: none"> <li>• Inclusion strategies have been in place for adequate time to measure efficacy (e.g., through engagement surveys)</li> </ul>
<p>3. Train and Educate</p>	<ul style="list-style-type: none"> <li>• No formal plan for education / training beyond CLE required to maintain license</li> </ul>	<ul style="list-style-type: none"> <li>• Formal plan and goals around employee participation in diversity focused education</li> <li>• Outside speakers on D&amp;I</li> <li>• Bias training suggested</li> <li>• Encouraging/supporting legal department involvement in diversity employee resource groups</li> <li>• Inclusion-driven events (e.g. American Journeys, monthly D&amp;I video watching/discussion sessions, cross-mentoring)</li> </ul>	<ul style="list-style-type: none"> <li>• Department wide D&amp;I training requirements (e.g. bias training)</li> <li>• D&amp;I efforts included in 1x1 discussions and part of annual review process</li> <li>• Reverse Mentoring program in place to allow senior leadership to learn from junior and mid-level diverse talent</li> </ul>

II. External D&I	Early	Intermediate	Advanced
<p>1. Outside Counsel</p>	<ul style="list-style-type: none"> <li>Maintains and understands current Outside Counsel Engagement Practices but no specific diversity requirements</li> <li>There may be support from the CLO/GC importance of diversifying outside counsel, but no specific goal</li> <li>Limited tracking of outside counsel engagement and spend and no specific requirements around diversity (either diverse-owned law firms, majority-owned law firm demographics, or corporate spend to diverse attorneys of majority-owned law firms)</li> </ul>	<ul style="list-style-type: none"> <li>There are specific goals and accountability (including policies/procedures) for in-house attorneys responsible for retaining outside counsel around increasing the diversity of outside counsel and diverse-owned law firms (e.g. NAMWOLF)</li> <li>Surveys majority-owned law firms using own survey or American Bar Association's Model Diversity Survey (Resolution 113 survey), to track diverse attorneys, the kind of work those lawyers do, and how well they do within the firm</li> <li>Tracks spend to diverse-owned law firms (certified v. non-certified), majority-owned law firm demographics, and corporate spend to diverse attorneys of majority-owned law firms</li> <li>Requires firms to provide information regarding firm diversity and practices</li> <li>Requires firms to make commitments &amp; provide information regarding attorneys assigned to company matters</li> <li>Ensures assigned diverse attorneys receive high value work (not 1st years or contract attorneys reviewing documents)</li> <li>Engagement approval protocol or process used that encourages use of more diverse firms (i.e.</li> </ul>	<ul style="list-style-type: none"> <li>Fully engaged partner with outside firms in participation in improving diversity of counsel that represents the company</li> <li>Scorecard (or other KPI metrics) used to track top X number of firms' diversity efforts</li> <li>Positive incentives to encourage quality assignments to diverse attorneys (e.g. bonuses, increased work, face time via CLEs/meetings, award/recognition) for both the retained firms and in-house counsel who hire firms</li> <li>Negative incentives to firms that are not working towards diversity of teams (e.g. % of fee reduced, decreased work, panel removal)</li> <li>Setting, tracking and meeting annual goals for spend or percentage of spend to diverse-owned law firms (certified v. non-certified), majority-owned law firm demographics, and corporate spend to diverse attorneys of majority-owned law firms</li> <li>Maintain program or assistance for firms who want to be higher on the tiers</li> <li>KPI scorecards (show value receiving from increased diversity – lower spend, higher quality, etc)</li> </ul>

II. External D&I	Early	Intermediate	Advanced
		<p>diverse firm counsel list where preapproval not required)</p> <ul style="list-style-type: none"> <li>● Statement of diversity expectation in outside counsel guidelines</li> <li>● Database of diverse-owned law firms and diverse attorneys at majority-owned law firms for ease of in-house selection</li> <li>● Have NAMWOLF's CEO present to senior leadership and/or entire department on D&amp;I pillars</li> <li>● Participation in NAMWOLF's Partner Program to pledge a goal of legal spend with NAMWOLF law firms at the Supporting Partner (1%) or Leading Partner Level (3%) level – either at the practice area or department level – and sending participants to a NAMWOLF event each year<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>● Program focused on senior associate development and mentorship to ensure they are getting top quality work to buttress partnership track</li> <li>● Requirement to interview at least one diverse-owned law firm for each new engagement and if not hired, a summary about the firm detailing why the firm was not selected</li> <li>● Include Risk/Insurance groups – require TPAs to be accountable re the firms they hire to do insurance work. Partnership with claims teams who hire outside counsel</li> <li>● Having diverse-owned law firms and diverse attorneys present CLEs along with relationship building opportunities while the law firms are on campus</li> <li>● Regular feedback from GC (or other senior leadership) to key outside counsel partners re legal department's view of firm's progress on diversity and impact on future work</li> <li>● Building a metric-based matrix for in-house to implement in RFP and other hiring of outside counsel to include diversity of the law firm and proposed team members</li> </ul>

<sup>3</sup> <https://namwolf.org/in-house-counsel/partner-program/>

II. External D&I	Early	Intermediate	Advanced
			<ul style="list-style-type: none"> <li>• Participation in NAMWOLF's Partner Program to pledge a goal of legal spend with NAMWOLF law firms at the Platinum Partner level (5%) – either at the practice area or department level – and sending participants to a NAMWOLF event each year<sup>4</sup></li> <li>• Participation in the Inclusion Initiative (e.g. commitment of at least \$1M/year to diverse-owned law firms)<sup>5</sup></li> <li>• Coordination with other corporations to assist and share diversity initiatives and potential counsel</li> </ul>
2. Supplier Diversity	<ul style="list-style-type: none"> <li>• Little to no relationship with the company's supplier diversity team</li> </ul>	<ul style="list-style-type: none"> <li>• Department has relationship with company's supplier diversity team relationship that includes meeting regularly to share ideas of how to improve supplier diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Employee within legal department is responsible for goals and objectives related to supplier diversity beyond law firms. Functions as point-of-contact to the company's supplier diversity team.</li> <li>• Department has integrated sourcing strategy with cross company initiatives</li> <li>• Department requires all law firms (perhaps of a certain size) to report Tier 2 diverse spend data</li> </ul>
3. External Networks & Partnerships – (e.g., NAMWOLF, Diverse Chambers of Commerce, Bar	<ul style="list-style-type: none"> <li>• No formal partnerships or participation commitments with organization promoting diversity in the law</li> </ul>	<ul style="list-style-type: none"> <li>• Formal participation in initiatives and calls to action from community or national organizations focused on diversity in the legal profession (examples: NAMWOLF, MCCA, local bar association)</li> </ul>	<ul style="list-style-type: none"> <li>• All partnerships have clear participation goals and accountability with expectation and tracking of attendance, participation, leadership, and succession plan</li> </ul>

<sup>4</sup> <https://namwolf.org/in-house-counsel/partner-program/>

<sup>5</sup> <https://namwolf.org/in-house-counsel/inclusion-initiative/>

II. External D&I	Early	Intermediate	Advanced
Associations, Diverse Bar Associations			<ul style="list-style-type: none"> <li>• Metrics tracked efficacy of efforts with organizations to ensure most effort goes to most effective relationships</li> <li>• Identifying and proposing a diverse organization, such as NAMWOLF or NAMWOLF's Pipeline Program, for CyPres class action settlement funds</li> </ul>

III. Strategy	Early	Intermediate	Advanced
	<ul style="list-style-type: none"> <li>• Strategy is short-term and tactical only</li> <li>• Actions are largely reactive and narrowly focused</li> <li>• Lack of connectivity/alignment between different standalone activities</li> <li>• Lack of common understanding of D&amp;I definitions, vision and purpose</li> <li>• Has a legal department-wide D&amp;I Committee that works on D&amp;I strategy and activities</li> <li>• Company D&amp;I strategy is separate from overarching strategy for the legal department versus being an integrated enabler/driver of the legal department's overall strategy</li> <li>• Limited communications about D&amp;I without consideration of change management needs</li> <li>• Involvement of legal department leadership is mainly limited first line leaders</li> </ul>	<ul style="list-style-type: none"> <li>• Strategy is evolving towards multi-year planning and articulation of a vision, mission, and longer term objectives</li> <li>• Actions are a mix of reactive and proactive with both narrow and broad focus</li> <li>• Alignment and coordination of D&amp;I activities is emerging but remains inconsistent</li> <li>• Shared understanding of D&amp;I definitions, vision and purpose among senior leadership and small group of supporters; common understanding beyond this group is limited</li> <li>• Limited integration of D&amp;I strategy with overarching strategy for the legal department</li> <li>• Emerging awareness of need for change management strategies; communication about D&amp;I remains sporadic and lacks overarching communication plan</li> <li>• Some senior level leadership of the legal department engage in D&amp;I efforts</li> </ul>	<ul style="list-style-type: none"> <li>• Strategy is both long-term (vision, mission, multi-year objectives) and short-term (smaller milestones and tactics)</li> <li>• Actions are proactive, integrated have broad focus</li> <li>• All activities are connected and aligned to an overarching long-term strategy</li> <li>• Shared understanding of definitions, vision and purpose</li> <li>• D&amp;I strategy is integrated with overarching strategy for the legal department</li> <li>• Members of the legal department fully engage and promote D&amp;I including the most senior members in leadership</li> <li>• D&amp;I communication pursuant to a communication plan with clearly identified objectives, deliverables and owners; plan assesses and responds to change management needs</li> <li>• Strategy is beyond just your individual company but affects the industry and business community at large</li> </ul>