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COMMENTARY

Reader Responds to Editorial About Insight on Diversity Column

BY PETER R. SPIRGEL

Special to the Legal

I read Editor-in-Chief Hank Grezlak's article, "It's Time to Generate a More Open Discussion on Diversity," with great interest. I share a similar background with Grezlak in that my youth was spent in a fairly lily-white community. Out of my public high school graduating class of 310, there was one African-American student. I don't ever recall having an African-American classmate in grammar school.

True, at college and law school, the student body was more diverse. With that as background, I now find myself as the managing shareholder of a growing law firm desperate for diversity, but not yet diverse. We have made progress on gender diversity and have attracted an increasing number of women attorneys and women shareholders. Women head two of our six practice groups, and women are represented on our executive committee.

When I talk to my counterparts at other firms, I typically get a response such as "If presented with a qualified minority candidate, we would hire him or her in a minute. We just don't see many, if any at all."

I continually ask myself, why are we, and others, not attracting minority candidates? I'm convinced that we are not discriminating against qualified minority candidates. True, I've never met someone in our profession who admits to discriminating against minority candidates. I also realize that people and organizations discriminate subconsciously. I've considered the possibility that as a firm, we are discriminating while not intending to; however, after much introspection, I can't see how we would be doing so.

I realize that my use of the adjective "qualified," when referring to any candidate — and perhaps, especially, a minority candidate — may

be, for some, a cause for concern. Like most of the firms we compete with, we demand very high academic credentials (good schools and well above average GPA) for all of our associates. Where the position requires work experience, we prefer previous experience at well-respected firms.

We also ask for writing samples, as we believe a significant indicator of future success is a strong writing skill. We look for these "qualifications" for every position, regardless of the ethnicity of the candidate. We are not willing to compromise our criteria.

I've read articles that suggest that rejecting resumes based on these criteria is part of the problem. Specifically, they argue that because of the inherent discrimination in our society or other socioeconomic reasons, minority candidates do not have equal access to the top schools or firms. Frankly, there may be some truth to this premise and, as such, we are more willing to give a minority candidate the benefit of the doubt and invite them in for an interview in instances where we would otherwise pass on a resume. By doing so, we can evaluate whether there were extraordinary circumstances that can explain lower academic performance.

Again, I've heard this from many of my colleagues at other firms. We simply don't get many qualified resumes from any candidates, minority or otherwise. By definition, minority candidates comprise only a small portion of the entire applicant pool, so it follows that the number of qualified resumes from minority candidates is even more constrained.

I would welcome hearing from minority attorneys on what we can do as a firm to entice them to apply and what support initiatives should be instituted to increase the likelihood of success once they are hired. When we have an opening, we advertise the position on our Web site, call the



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many placement firms we've worked with in the past, and sometimes advertise the opening in *The Legal* or other legal periodical. Clearly, this is not working.

We feel increasing economic pressure to have a diverse group of attorneys from some of our institutional and governmental clients, and we want to appeal to all segments of the business community. Sure, there is also the ever-present undercurrent of political correctness. But even ignoring that, I'm convinced there are economic incentives to being diverse. Increasingly, requests for proposals from clients ask for information regarding diversity initiatives and statistical reports on our gender and racial diversity. We also feel that a diverse group of attorneys can produce a better work product by introducing different perspectives and approaches in solving our clients' legal issues.

Our problem is a lack of candidates. Interestingly, our institutional clients seem to be able to attract ethnic attorneys to in-house positions and governmental agencies appear to me to be more diverse (among both their in-house attorneys and senior management) than the private sector. I wish I knew why. From my perspective, it's not for want of desire or due to prejudice. •