



## **We're in This Together: How Your Outside Counsel Can Support Your DEI Efforts**

**Cultural Competence**



After a year's worth of intense conversation about diversity, equity, and inclusion (DEI), now is the time for the really hard work: to translate those discussions to action. That can be difficult, especially when we are all trying to do more with less.

You're busy with the day-to-day job of dealing with legal issues and regulatory compliance, both ongoing and unexpected, and you're operating with limited resources. This is particularly true for smaller and mid-market firms and those with small legal departments. You likely need support.

General counsel have recently been looking to build stronger relationships with their outside lawyers. You want your outside firms to be a valuable resource and business advisor, not just on traditional matters but as allies with the resources to tackle the broad variety of topics and issues you need to stay on top of. DEI can be one of those.

Law firms and legal networks are having the same conversations as corporations regarding DEI. They are not experts but, like you, they're trying to figure out how to implement initiatives that really move the needle on making our organizations, our communities, and the legal industry more inclusive, diverse, and equal. We're all working toward the same goal, and we can advance at a faster pace by doing it together.

## **How can your law firm help?**

One area where cooperation would benefit both corporate counsel and law firms is in recruiting. Given the relatively small pool of diverse lawyers, both right out of law school and especially at the more experienced levels, the same people are being approached by GCs and firms. "We're all recruiting the same people all the time," says Brian Newby, managing partner at Cantey Hanger LLP of Dallas-Ft. Worth, Texas, and chair of the Leadership Council of Meritas' Black Lawyers Forum,

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“We’re all competing against each other. The question I have is, how can we work together?”



Brian Newby

As you consider how best to meet your diversity goals, work with your outside counsel to consider how the prospective talent can meet joint objectives. We know that having access to a diverse legal team, whether internal or external, leads to a broader range of ideas, a better understanding of needs, and better legal advice and results. Integrating the outside firm more deeply into the DEI conversation will help create better policies and infrastructure that will be an advantage to the entire company and its ecosystem.

Long term, GCs and law firms working together to improve diversity and inclusion will grow the pool of potential hires and create a more diverse legal industry. “It’s a win-win,” Newby says.

Another area for potential collaboration is in the creation of your DEI programs. Working closely with your outside law firm on diversity initiatives can be especially helpful when a company is in the initial stages of developing DEI strategies and policies. “The hardest part of the journey is where to start,” says Melissa Peña, chair of the Bankruptcy and Creditors’ Rights Group and a member of the Management Committee at her firm Norris McLaughlin, P.A., as well as chair of the leadership council of the Women’s Leadership Congress at Meritas. “Developing a formal DEI program takes some trial and error. As law firms, we’ve had experience and have learned a lot from those experiences. This would be a great opportunity for corporate counsel to partner with your firm.”



Melissa Peña

Many law firms and legal networks have spent significant time over the past year developing and implementing tools and best practices, from unconscious bias training to research on the connection between race and health, and they are willing to share these resources with their clients where appropriate. “We’re doing the work on this, and we want it to benefit our clients and help us serve our clients better,” says Peña. By partnering with your law firm, you could tap into these valuable tools cost-effectively, or even at no cost.

Finally, law firms can provide you with a macro view of DEI issues that you may not have, being deeply involved in day-to-day concerns specific to your company. A vast range of legal issues fall under the banner of DEI, including unisex bathrooms, lactation rooms, prayer rooms, and vaccination status. Each race, gender, ethnicity, and other unrepresented group has concerns that are unique to them alone. And DEI programs are nuanced by geographic region around the world. Law firms and legal networks can offer a broad perspective to help you navigate all of this.

## **Raising all boats**

Your frank conversations with your law firms on DEI benefit both parties, of course. Knowing that

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clients place a premium on DEI can move firm management to support lawyer-driven firm DEI initiatives and increase buy-in from lawyers across the firm. The conversations allow diverse lawyers to develop closer relationships with their clients, which helps address some of the gaps in business development opportunities that currently exist. Strengthened relationships around DEI also mean that clients will be working not just with diverse firms but with lawyers from minority groups, a key distinction advantageous to both parties.

Sharing resources and knowledge is also essential to move the legal industry forward as a whole. “We’re not going to move the needle unless everyone’s in on it,” Peña says. “We all have to be on the same page.”

Share your needs and priorities around DEI with your law firm. Tell your outside lawyers about your corporate culture, your expectations, and your strategic goals. While law firms are trying to do better when it comes to proactively asking you about your needs, legal and otherwise, you are encouraged to raise these issues with your firm as well. You’re not alone. We’re both trying to figure this out at the same time and we can help each other as we move forward.

If you would like to continue the conversation, contact Kim Heinrich, vice president and global marketing director at Meritas (+1-612-604-0083). We welcome your ideas.

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