
DOCKET

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4 Ways to Actually Increase In-house Diversity

Cultural Competence

Employment and Labor



Thomas Chow, general counsel of PubMatic, Inc. in Silicon Valley, said he chuckled when he saw the [photograph of the 12 new partners](#) at Paul, Weiss, Rifkind, Wharton & Garrison: the partnership class consisted entirely of white men, except for one white woman. “More of the same,” he said. “In

this day and age, they should do better.” Chow believes that in-house counsel can and should take the lead in law firm diversity recruitment, hiring, and retention.

Chow said in-house counsel can exert pressure on outside counsel to improve their numbers or risk losing the company’s business. In late January 2019, Chow was among 170 chief legal officers in the United States who [signed an open letter](#) to outside counsel saying:

“We, as a group, will direct our substantial outside counsel spending to those law firms that manifest results with respect to diversity and inclusion, in addition to providing the highest degree of quality representation. We sincerely hope that you and your firm will be among those that demonstrate this commitment.”

A few days later, UK chief legal officers [followed suit](#).

“If firms manage their pipeline” from recruitment through hiring, retention, and promotion, Chow said, the advantages of diverse teams will manifest themselves in increased competitiveness, enhanced insights into clients and distinctiveness from competitors. “There is no downside in such investments.”

But Chow, who is Asian-American, believes that in-house diversity is just as important and achievable. His own legal team of four consists of two Caucasian men, one Asian-American woman and himself. “Diversity can even create a positive change in the management team’s overall behavior,” he said, which benefits the entire company.

Here are things that he suggested to increase in-house diversity:

1. Insist that your company’s law firm matters be staffed by a diverse team

Chow says that there is a natural partnership between in-house and outside counsel. Many companies recruit directly from the law firms that work on their matters. When outside counsel staff a company’s matters diversely, it’s easier because the preferred candidate pool is already diverse. “That’s a win-win scenario. The message is not to stop hiring white men,” said Chow. “The important thing is to have a good mix.”

2. Ask your recruiters to prioritize a diverse candidate pool

Chow pointed to the example of Seth Weissman, former general counsel at Solar City in San Mateo, California. “Seth asked his recruiting firms to find candidates that did not look like him”, said Chow, noting that Weissman was a white male and knew that he had particular strengths — that didn’t need duplicating — and weaknesses — that needed complementing. “He built a wonderfully talented and diverse team as a result.” If traditional recruiting firms are unable to do so, turn to boutique recruiters, Chow recommends.

During the interview process, he suggests asking the same questions of all candidates to avoid unconscious bias — something he also learned from Weissman.

3. Mentor, encourage, and promote diverse candidates

Once hired, minority lawyers still face a plethora of challenges fitting in. Chow had to deal with questions about where he was from, for example. Though he values his Taiwanese-Chinese ancestry, he was born and raised in Los Angeles, and the questions grew tiresome. “I’ve had friends complimented on their ‘good English’ despite being American born,” he said. Another stereotype is that Asians look younger than they are, and that’s true in Chow’s case. People assumed he was in his twenties, and wanted to speak to a more senior lawyer.

African-American and Latino lawyers, no matter how old they are or how professionally dressed, are sometimes mistaken for support staff. If you are a “first” — the first minority, the first woman, the first handicapped attorney on an in-house legal team — “you need to develop a thick skin,” he said. “Learn to brush it off, and try to be gracious,” Chow advised. “Otherwise, you end up with grudges that can last for years,” he said, “which can hold you back professionally and emotionally.”

Managers acknowledging and addressing these extra burdens goes a long way towards retaining these attorneys. At the end of the day, “sourcing,” or hiring, is only the start, said Chow. It’s about creating a process and having empathy that can result in building and retaining diverse teams.

4. Build an inclusive network

If an in-house counsel has hired with confidence from a certain source that is not diverse, it’s important to look to new networks for candidate development — and to build them if they are not there. In early February 2019, Chasity Henry, an African-American woman who works in-house at Kimberly Clark-Corp., launched an official nonprofit called the NEW Roundtable. “NEW” stands for Network of Empowered Women. The aim of the organization is to provide support throughout a minority or women’s career in the law.

It’s not a simple issue, Chow acknowledged, because of unconscious and confirmation biases. Some hiring partners, and general counsel, are most comfortable hiring from the same small set of elite law schools. A graduate of UC Hastings, Chow believes that casting a wider net can result in hiring a more diverse team.

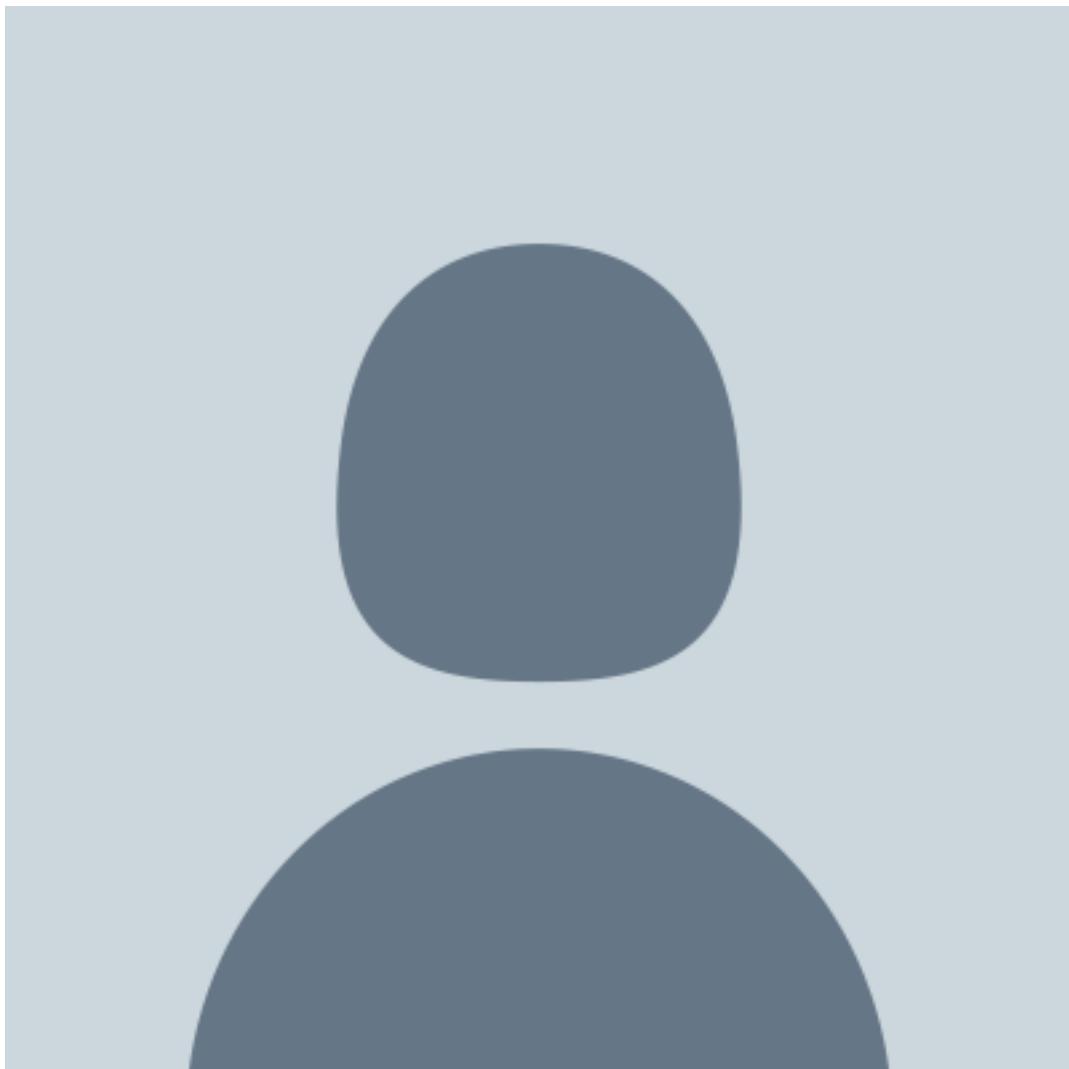
“If you interview five or ten people for a job, put a few in who are different,” he recommends. Many of his fellow general counsel started at law schools that are “not considered elite,” he noted, but worked their way up. “Go interview at a law school that you’ve never hired from,” he said. “There are quality lawyers there too.”

The issue of diversity extends beyond people’s race, creed, or color. Chow acknowledges that he was not aware that others had different work styles when he first became a manager. “I thought everyone was like me,” he recalls. “They would all want to work on big, high-profile matters” that require long hours and work under a lot of pressure.

Through trial and error, he learned that was not the case. He values transparency — such as knowing when there were troubles in the company or a financial forecast looked poor. “Some people do not want that information,” he said, and it created needless stress for them. Learning to be a manager increased his awareness of people’s differences. “It surprised me,” he said.

Now he hopes the in-house legal community is open to more surprises.

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Her work has appeared in the *National Law Journal*, *The American Lawyer*, and *Chronicle of Higher Education*.