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Blind Spots

By Karen DeMeola

We all have blind spots—those spaces where we fail to see clearly. In these shadows, our biases and preconceived notions of people and experiences exist, threatening our ability to create diverse and inclusive communities; lead effective teams; and make our organizations more impactful, innovative, and successful. Some of our blind spots are self-reflected and self-directed. We cannot see ourselves because of the ways in which the media, legal system, profession, and others see us. The history of our country and our profession, our families, life experiences, and media have all played a role in the creation of these blind spots.

With continued attention on diversifying the bar and the bench, many have added their voice and resources to the conversation. Many people working in this space have different versions of what that progress looks like personally and professionally. Whether the rationale for engaging is about numbers, the bottom line, client satisfaction, the right thing to do, or to create more effective and successful organizations, we are all working toward a more diverse and inclusive profession. We have a long way to go.

Change does not occur overnight as those of us working on diversity and inclusion can attest; the glacial pace is frustrating but there has been incremental progress. There are currently 31 signatories to the CBA Diversity & Inclusion Pledge & Plan.¹ Signatories not only attend the annual Diversity

& Inclusion Summit, but also continue to examine ways to create and maintain diverse and inclusive organizations. Many organizations locally and nationally have committed to diversity and inclusion by developing policies and pipeline programs aimed at increasing diversity in the profession. The National Association for Law Placement's (NALP) *Report on Diversity in U.S. Law Firms* highlights that though white men comprise the largest demographic at all levels in law firms, there have been small gains in the associate demographics.² Such shifts likely reflect pipeline programs and the intentional shift toward diversity in the profession.

The shift to a more diverse profession cannot happen unless and until we look at the ways in which individual and institutional biases contribute to the problem.

Check Your Own Biases

Our brains allow us to take mental shortcuts to help interpret the volume of information that comes at us daily. Though this is an amazing tool, in particular for attorneys and others in high stress positions, it also leads to making decisions based on biases. One way to test bias is to take an Implicit Association Test (IAT).³ The IAT presents computerized tests to determine whether a person has hidden or unconscious biases along identity lines. The results are sometimes shocking, and other times unsurprising. The test reveals a bias; it does not mean that one is a racist, misogynist, or anti-Christian, for example.

Assuming you are open to processing the information, it can assist in taking an introspective approach to determine whether, or if, any of your biases are impacting your decision-making as it relates to your recruitment and retention efforts, or your ability to create an inclusive workplace.

Ask Who Is Missing and Why

As you look around your organization, who is missing? You might be surprised. Look at your organization's demographics and ask, "Who makes up our organization, and who is missing at each level?"

There are reasons people are missing. Reasons that have to do with systems of oppression that shaped access to housing, education, and employment. The colleges we attended or the profession we chose were similarly impacted by regulatory or legal prohibitions on attendance and bias of the gatekeepers at every stage throughout. Similarly, institutional frameworks continue to exist within our practice that dictate recruitment and retention in our organizations. You cannot alone cure the national systems in place that allow the status quo to continue but you can challenge your belief system around meritocracy and your own bias, and ask how your organization continues to impede your ability to have a diverse organization.

Use the Power of the Narrative

There is great power in storytelling. The narrative form has been effective in bringing people together, in creating cultural competence, and can help challenge and eliminate biases. When entering a room, we look for people we know, and barring none, we look for those with whom we might have some commonality. Too often, that commonality begins and ends on race and gender—even in a room full of lawyers. Talking and sharing our stories is so important to moving the conversation around diversity and inclusion forward; yet many times, we disengage. Our biases, our anxiety, and our lack of time get in the way of getting to know our colleagues. Without that relationship building, we might never learn the ways in which our organizations are and are not inclusive.

Get Uncomfortable

Challenge yourself and your organization to look at all of the ways in which your policies and practices, your behaviors, your biases, impact or could impact diversity and inclusion in your organization. This list is not exhaustive but can spark necessary conversations:

- Are you contributing to the conversation around diversity and inclusion?
- Why can't you move diversity and inclusion forward?
- What biases exist?
- Who is missing and why?
- Who is being mentored or, more importantly, for some organizations, sponsored?
- What are the unspoken rules in your organization, and to whom and how is information about said rules shared?
- Who is silenced in your organization?
- Why are your policies in place and who is impacted by those policies?
- Is there a better way to approach re-


cruitment that might allow for a more complete, narrative, approach to evaluating a candidate?

- Why are you losing talent?

Diversity and inclusion takes intentional and strategic actions by all of us. Change begins at the top and must be championed by those with the most power in the organization. It is difficult to make changes personally. It can be more difficult for some of us to make changes to systems and practices that we played a role in creating. However, making those changes can transform our organizations and our profession for the better. **CL**

Notes

1. For more information about the CBA's Diversity and Inclusion Policy, Pledge, and Plan, visit ctbar.org/?Diversity.
2. See National Association for Law Placement (NALP) 2017 Report on Diversity in Law Firms, found here: nalp.org/diversity2.
3. Visit projectimplicit.org to learn more.




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