

The “Why” and the “Why Not” of Your Diversity, Equity, and Inclusion Efforts

By CECIL J. THOMAS AND KAREN DEMEOLOA



In the Hans Christian Andersen folktale, the Emperor’s New Clothes, a vain emperor hires two weavers to make him the most exquisite suit of clothes, for which he pays a great deal of money. The weavers, who intend to defraud him, inform the emperor and his ministers that the clothes are invisible to those who are unintelligent. The emperor, not wishing to be called a fool, continues to pay for the weavers to work on empty looms until they present him with the finished product. The emperor’s nobles and courtiers, also not wishing to be seen as unintelligent or outside of the inner circle, praise the splendor of the garment in effusive terms. As the emperor parades through the town, to show off the magnificence of his new clothing, his subjects uncomfortably join in collective

praise. Finally, as the well-known story goes, a young child calls out that the emperor is naked, disrupting the charade. At this moment, “[t]he Emperor shivered, for he suspected they were right. But he thought, ‘This procession has got to go on.’ So he walked more proudly than ever, as his noblemen held high the train that wasn’t there at all.”

The classic folktale continues to resonate because it holds so many lessons for us today: in groupthink and organizational psychology, in leadership and the importance of honest counselors, in the ease with which we might embrace convenient lies, personally and organizationally, because the truth is uncomfortable. The story also holds lessons for our organizational diversity, equity, and in-

clusion efforts, where our commitments may be genuine and perceptible, or hold as much substance as the emperor’s “new clothes.” Like that infamous outfit, a diversity, equity and inclusion commitment (“DEI”) may be largely empty, held up by written statements and policies, the affirmations of those who wish to be seen as part of the team, and a collective fear of the consequences of telling the truth. The difference between an authentic DEI initiative, and one that lacks substance and impact, is in your “why.”

Your stated organizational “why” may be values or mission-based (e.g., “the right thing to do,” a guarantee of true equal opportunity, a commitment to combat historic and ongoing discrimination) or self-interested (e.g., client expectations, marketability, competitiveness, “the business case for diversity”), or some combination thereof. We will explore some of these in greater detail in a future column. We have previously encouraged you to pursue organizational and personal DEI efforts as an enduring value system, and as a commitment to an evolutionary and ongoing journey. Broadly stated, an impactful organizational DEI commitment lies in a combination of committed leadership, a culture of authenticity and empathy, and intentional efforts to identify and eliminate the improper impacts of explicit and implicit biases. These are not accomplished overnight, and any of those elements may fail because of changes in people and roles, diminished prioritization, or the absence of meaningful commitment.

Organizational DEI initiatives focus on

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

—Dr. Maya Angelou

“People don’t buy what you do; they buy why you do it. And what you do simply proves what you believe.”

—Simon Sinek, *Start with Why: How Great Leaders Inspire Everyone to Take Action* (2009)

our essential workplace systems: recruitment and hiring, training and education, compensation, workplace culture, policies and procedures, mentorship, and the paths to growth and advancement. Within each of these systems, there are best practices that may be employed to advance DEI. Whether those best practices are effective lie in your DEI “why” or “why not.” You may create diverse hiring committees, but intentionally or subconsciously disregard or dismiss those diverse perspectives within the hiring process. You may hire or promote diverse individuals, but tokenize those individuals in those roles, implicitly or explicitly labeling them “diversity hires.” You may employ diverse individuals within your organization, but not invest in their growth and advancement, or maintain promotion systems that are not transparent and too susceptible to the impact of individual implicit biases. You may form a DEI committee, or hire dedicated DEI personnel, but effectively silo those efforts, preventing them from having meaningful impact.

The potential “why not” reasons are legion, and not always due to improper motivations. Lack of leadership com-

mitment; a culture of resistance; limited capacity; prioritization of other matters and concerns; fear of change; or a strong positive bias in favor of the status quo, resistance, apathy, skepticism, or fatigue may all obstruct your DEI efforts. In the absence of an authentic and sustained “why,” the “why not” often fills the resulting void.

Let us consider DEI-focused training to further illustrate our point. Often, an organization that is seeking to start or reinvigorate its DEI efforts will do so with a training on an aspect of DEI, such as implicit bias. This starting point makes logical sense, as a way of understanding the relevant issues, and providing a baseline for everyone within the organization before embarking further. The organization may make the training event mandatory, and schedule the training at a time to ensure maximum availability and participation. The training may be scheduled for an hour, 90 minutes, or even longer. The trainers should be skilled, and provide engaging and insightful content that fuels further reflection and heightens awareness. A significant amount of organizational energy, time, and resources will be devoted to the coordina-

tion and delivery of this training event. On an individual level, participants are taking time away from their other functions, such as serving clients and billing for that service, to engage, which also reflects a significant measure of commitment. After the training, everyone commends those involved for a job well done, feeling rightfully proud of the significant effort and evidence of organizational DEI commitment.

Will that training have impact? Is that even a fair question? These are far more complicated issues, and the answers lie in the “why” and “why not” of the organization’s DEI efforts. Was the train-

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Attorney Thomas is the co-chair of the CBA’s Diversity and Inclusion Committee, having previously served as co-chair of the Committee from 2015 through 2018, including with Attorney DeMeola in 2017. Attorneys Thomas and DeMeola have been instrumental in the development of many of the CBA’s diversity and inclusion initiatives, and regularly speak and teach on diversity, equity, and inclusion in the legal profession.



Learn more about this topic at the 2021 Connecticut Legal Conference in **EPO2 Strategies to Create Inclusive and Equitable Cultures within Legal Workplaces**. Register online at ctlegalconference.com.

President's Message

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Counsel are Doing to Drive Change and Achieve Results." In this exciting program, we will hear from corporate counsel about how the desire to achieve sustainability and advance ESG is driving change in their companies, and what companies need from outside counsel to address ESG factors, regulation, and reporting.

The CBA has been with you throughout these unprecedented, trying times and we will stand with you as we navigate and define the new normal. To better serve you and your professional needs, please take a minute to update your CBA profile, including firm size and type, and area of practice, so that we can continue to deliver the high-quality content that you deserve.

As we begin to safely reopen the CBA offices and bring back in-person meetings, please mark your calendars and join Connecticut legal professionals and the CBA past presidents and their families at our Summer BBQ on Sunday, June 27 from 11:00 a.m. to 5:00 p.m. at Holiday Hill in Prospect. Learn more and register at ctbar.org/BBQ.

DE&I

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ing reactive, or part of an affirmative and comprehensive program to achieve long-term change? Will the training be part of an ongoing DEI effort, building knowledge or awareness over time, or simply a one-time "check the box" event with little or no follow-up? If implicit biases are deeply-held positive and negative associations built up within our subconscious minds over time, can we reasonably expect a stand-alone training to challenge those associations in 60 or 90 minutes? Can such a training, without more, guarantee the individual and organizational action steps necessary to effectuate actual and long-term change? Relying on an isolated training event to meaningfully advance DEI is akin to utilizing a lecture or a good book to ad-

Stay safe and be well. ■

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1. www.un.org/sustainabledevelopment/sustainable-development-goals/
2. www.un.org/millenniumgoals/
3. www.unpri.org
4. www.unglobalcompact.org
5. www.responsible-investor.com/articles/the-rise-of-esg-law-firms-part-i-esg-law-gets-hot-and-ceos-get-bothered-leading-to-integrated-esg-legal-practices
6. www.forbes.com/sites/george-kell/2018/07/11/the-remarkable-rise-of-esg/?sh=782e67b71695
7. www.kkr.com/businesses/global-impact
8. www.pionline.com/esg/global-esg-data-driven-assets-hit-405-trillion
9. www.bloomberg.com/news/articles/2020-10-19/almost-60-of-mutual-fund-assets-will-be-esg-by-2025-pwc-says
10. Bloomberg L.P. (3/4/2021). Climate, ESG Task Force Formed by SEC in Enforcement Division. Retrieved from Bloomberg database
11. www.whitehouse.gov/priorities
12. www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter
13. Goldman Sachs 2019 Sustainability Report Driving Inclusive Growth at p. 24.
14. www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2017/winter2017-0217-paulette-brown-engineer-for-justice/
15. www.ctbar.org/about/diversity-equity-inclusion

vance personal health and wellness. You may learn important lessons in 60 to 90 minutes, but impact is ultimately determined by whether you apply those lessons in what you do afterwards.

Take the time to find or reexamine your DEI "why" and "why not." Be honest in your self-reflection and examination, challenging your fears and assumptions as necessary. Your DEI "whys" and "why nots" are often quite perceptible, particularly to those within your organization who are impacted by the product of your collective efforts, or lack thereof. In the end, your DEI commitment should be real and spectacular: a woven tapestry of the collective experiences and differences of the people that make your organization truly strong, effective, and inspiring. ■

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withdrawing a pending action without permission of the Complainant and for failing to keep the Complainant reasonably informed of the status of her case. *Cathy Topping vs. Michael A. Peck*, #19-0374 (9 pages).

Proposed disposition to reprimand the Respondent is ordered. Reprimand issued pursuant to agreed disposition where attorney acknowledged that there was sufficient evidence to prove violation of Rule 8.4(3) and is ordered to initiate the Connecticut Bar Association fee arbitration process for the parties. *Robert Boisvert vs. James R. Hardy III*, #19-0471 (10 pages). ■

Time to Go Pro Bono

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reference materials, available through CBA Pro Bono Connect. You may access these trainings at your convenience, and will be able to coordinate with the referring civil legal service provider to take a case according to your availability within the year after you take the Pro Bono Pledge. While the time commitment is greater, you will be a great reassurance to a low-income individual or family navigating unfamiliar systems and difficult circumstances. Learn more and sign up at ctbar.org/CBAProBonoConnect.

I hope you will find an opportunity to engage in pro bono legal service through all of the CBA's many pro bono programs. Each of them is tailored to your availability, provides support for your involvement, and will allow you to give your time, expertise, and professional skills to those in greatest need of our help. ■

NOTES

1. Connecticut Rules of Professional Conduct, Rule 6.1 (2021)
2. www.ctbar.org/events-education/upcoming-special-events/pro-bono-clinic
3. www.ctbar.org/members/volunteer-today/pro-bono/CBA-pro-bono-connect