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Achieving Diversity in the Profession: A Work in Progress

BY BERNARD W. SMALLEY SR.

Of the Legal Staff

It is now 2009, the year after A. Michael Pratt made one of the cornerstones of his year as chancellor of the Philadelphia Bar Association an effort to institutionalize support for diversity within the local legal community.

To determine where we are as a profession, and to suggest where we are heading, I interviewed Pratt, Chancellor Sayde Ladov, various members of the Philadelphia Bar Association and leaders at large and small law firms — both plaintiff and defense, corporate and transactional — in the Philadelphia region.

In essence, much remains to be done. However, there is renewed optimism, stemming from the groundwork laid by those who started this effort, most notably our first African-American chancellor, Andre Dennis, in 1993. Pratt's actions also helped prompt efforts by the Philadelphia Trial Lawyers Association, or PTLA, and the Pennsylvania Association for Justice, or PaAJ, both mainstays of the trial bar.

AN INSIDE LOOK FROM DIVERSITY LEADERS

When asked what effect his diversity initiatives had produced in 2008, Pratt, a partner at Pepper Hamilton, said, "People are starting to talk about diversity, and bar leaders are giving more than a passing reference to the need for it, but we need to keep the level of impact high." The challenge, as Pratt put it, is to go from conversation to real action and discernable results. When interviewed last year by *The Legal*, he noted he was proud the bar association took a major step forward and said, "We are not going back."

The bar's efforts in 2008 included the creation of a position of diversity director, and Sean Kathleen Lincoln was hired to fill that role. Our new chancellor, Ladov, has pledged not only to continue Pratt's efforts, but also to expand the duties of Lincoln in 2009.

In part, it was Pratt's focus on diversity that prompted the PTLA and the PaAJ to create diversity committees of their respective organizations. Mark Tanner, former president of the PTLA, made this a priority during his tenure. As a result, the association established and now maintains a Web site with a two-fold goal: It allows prospective employers interested in hiring individuals from

diverse backgrounds to receive notification of job opportunities, and it enables lawyers with diverse backgrounds to post their names for potential employment.

Ladov, in addition to expanding the role of diversity director for the Philadelphia Bar Association, has pledged to continue to meet with the affinity bars and their leaders and presidents on a regular basis during her term. The need to make the bar and the law firms, which are its lifeblood, more inclusive should be deemed the responsibility of every firm in the Philadelphia area.

Nolan Atkinson Jr., a partner and chief diversity officer at Duane Morris, spends 50 to 60 percent of his time on diversity issues, specifically retention and recruitment at the partner level. No one partner or firm, no matter how well-intentioned, can or should operate alone. In this vein, Nolan co-founded the Philadelphia Diversity Law Group, or PDLG, a consortium of law firms that each have a minimum of 100 attorneys and companies to foster and promote inclusion. From 1993 to today, the bottom line remains the same. Whether a firm has 500 lawyers or five, the bottom line is business and a diverse work force, especially now, are good for business.

While one normally thinks of diversity efforts as a means of including attorneys of color, in majority law firms, the reverse is equally true. Willie Nattiel, of Nattiel Seay & Associates, a minority-owned defense firm, believes that diversity enhances his business opportunities. Nattiel, whose eight-person firm represents unions and insurance companies, stated: "It is equally important to show diversity in their presentation. It is good for business and depicts the full scope of the individuals who seek their counsel."

Shanin Specter, principal partner of Kline & Specter, when asked why there were diversity efforts within his own firm, stated simply, "It's good for business." Specter also said, "A diverse workforce appeals to clients and fact finders."

Recruitment and retention efforts at personal injury law firms such as mine — Anapol Schwartz Weiss Cohan Feldman & Smalley, as well as Kline & Specter or Booth & Tucker vary.

In one respect, Joe Tucker, whose firm represents institutional clients and maintains a personal injury practice, said that his firm "never sought out a particular associate because of race or ethnicity." Tucker also believes that many African-American

lawyers have chosen their firms because of perceived shared life experiences and the fact that they will be judged based on the their quality of work.

Diversity efforts at Anapol Schwartz have been met with varied levels of success and disappointment over the years but continue because they positively affect the bottom line.

PROMOTING AND IMPROVING DIVERSITY

Having been personally involved in hiring numerous minority attorneys, I've found the biggest issue is one of retention. In light of this, our firm has instituted a two-pronged approach with hopes of increasing success in both hiring and retention. Initially, the process involves hiring interested high school juniors and seniors for internships to expose them to what it means to be a trial lawyer. Although undergraduate education and law school will cause some distance in terms of time, hiring by our firm or another personal injury firm will be their desired first stop after passing the bar. Second, and most immediate, is hiring from within. For paralegals in the Philadelphia area, going to law school at night while earning an income during the day, serves as a fertile ground for hiring. In fact, last summer our firm promoted its first minority paralegal to member.

One cannot conclude this article without addressing the fact that the past 12 months have been transformational. With the election of the country's first African-American president, Barack Obama, some may conclude, without reason, not much more work in diversity is needed. I suggest that we look at Obama's proposed cabinet and consider it a vision of what our respective law firms should look like in the future.

Bernard W. Smalley Sr. is a shareholder at *Anapol Schwartz Weiss Cohan Feldman and Smalley* and advocates for victims in cases ranging from negligence, pharmaceutical liability, defamation, class actions, products liability and other major personal injury matters. He is a past president of the Philadelphia Trial Lawyers Association, the first African-American ever elected. Contact him at bsmalley@anapolschwartz.com.