

The Florida Bar – Diversity & Inclusion Toolkit

Courtesy of Class IV, Wm. Reece Smith, Jr. Leadership Academy



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Class IV, Wm. Reece Smith, Jr. Leadership Academy
& The Florida Bar
DIVERSITY & INCLUSION TOOLKIT

Greetings!

We are excited to hear that your organization is interested in the important topics of diversity and inclusion. The Florida Bar is committed to diversity and inclusion within the legal community and bar leadership. The Florida Bar, together with Class IV of The Florida Bar Leadership Academy, has put together this toolkit to help you start the discussion about diversity and inclusion and to help you find ways to increase diversity and inclusion in your organization.

The Florida Bar's Diversity & Inclusion Mission Statement:

To increase diversity and inclusion in The Florida Bar so that the Bar will reflect the demographics of the state, to develop opportunities for community involvement, and to make leadership roles within the profession and The Florida Bar accessible to all attorneys, including those who are racially, ethnically and culturally diverse, women, members of the LGBTQ community and persons with disabilities.

More information on The Florida Bar's efforts to increase diversity and inclusion, as well as task forces to study special topics of interest to the Bar can be found on the Bar's page on Diversity & Inclusion: <https://www.floridabar.org/about/diversity>. The Florida Bar's standing committee on Diversity & Inclusion is open to all Florida Bar members. More information can be found at:

<https://www.floridabar.org/about/cmtes/cmte-cm315>.

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DIVERSITY

Definition of Diversity

The term “diversity” has a dynamic meaning that changes as the demographics of Floridians change. Apart from differences in race, color, gender, national origin, religion, age, sexual orientation, citizenship, and geography, to mention a few, the public and our profession will experience changes in thought, culture, and beliefs. These demographics are constantly in flux. Defining “diversity” based on current differences would limit its application to future changes, and likewise restrict or limit The Florida Bar’s consideration of and response to such changes.

–The Florida Bar Board of Governors, May 2010

Commitment to Promoting Diversity

The Florida Bar is fully committed to the enhancement of diversity within the Bar, the legal profession, legal education, and in the justice system, and affirms its commitment toward a diverse and inclusive environment with equal access and equal opportunity for all.

–The Florida Bar Board of Governors, May 2010

Diversity Recourses

- The Florida Bar: <https://www.floridabar.org/about/diversity/diversity003>
- Law 360 Diversity Snapshot: <https://www.law360.com/legalindustry/articles/794900/us-law-firms-fail-to-move-needle-on-racial-diversity>
- American Bar Association (ABA) Profession Statistics: https://www.americanbar.org/resources_for_lawyers/profession_statistics.html
- ABA Implicit Bias Toolkit: <https://www.americanbar.org/diversity-portal/diversity-inclusion-360-commission/implicit-bias.html>

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INCLUSION

Inclusion Resources

- ABA Toolkit on Planning Disability Accessible Meetings & Events:
https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf
- ABA Toolkit on How to be an Ally for our LGBTQ coworkers:
https://www.americanbar.org/groups/sexual_orientation/resources/how-to-be-an-ally-toolkit.html
- The Institute for Inclusion in the Legal Profession: <http://www.theilp.com/>

JUMPSTARTING THE CONVERSATION

It can be tough to start a conversation about an issue like diversity and inclusion.

It can be even tougher to ask people to talk about these issues and their personal experiences. We are here to help! Below you'll find sample questions that can be used in a formal or informal setting to start the conversation.

Moderator Questions

1. What is your definition of diversity and inclusion and is there a difference between them?
2. What is inclusion and how is it different from diversity?
3. What are the greatest challenges to diversity and inclusion?
4. What are some obstacles to creating a diverse and inclusive organization?
5. What initiatives should organizations focus on to encourage diversity and inclusion?
6. What tangible benefits do you see by having a diverse and inclusive organization?
7. Do you recall a specific example of a benefit you or your organization gained by having a diverse and inclusive community?
8. What motivates you to be a diversity and inclusion advocate?

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EVALUTION TOOLS

It is not enough to simply talk about Diversity & Inclusion, we need to track our efforts and progress to figure out where we can do more.

Benchmarking & Evaluation Resources

- ABA Program Evaluation Tool and Diversity & Inclusion Program Self-Assessment Tool:
https://www.americanbar.org/content/dam/aba/administrative/diversity-portal/aba_div_selfassess.authcheckdam.pdf

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DISCUSSION TOOLS

This toolkit contains several videotaped interviews discussing diversity and inclusion. These interviews feature members of the Florida Bar who are committed to the growth and development of diversity and inclusion in our profession.

Interviewees

- Jay Kim
- Eugene Pettis
- Nikki Lewis Simon

A transcribed portion of the interview conducted with Jay Kim is included at the end of this toolkit.



Jay Kim is the managing partner at Kim Vaughan Lerner LLP, a commercial litigation, employment litigation and insurance defense firm in Fort Lauderdale, Florida established in 2005. He has worked extensively on complex litigation matters, including shareholder disputes, securities litigation, franchise disputes, and litigation relating to construction, non-competition, commercial torts, and insurance. He is peer-review rated “AV” by Martindale-Hubbell and has been named a Legal Elite by Florida Trend magazine, a Top Lawyer by South Florida Legal Guide, and a Florida Super Lawyer. Jay currently serves on the Board of Governors of The Florida Bar for the 17th Judicial Circuit, and is a former president of the Asian Pacific American Bar Association of South Florida.

Question 1: What is your definition of diversity and inclusion and what do you see as a difference?

I would define diversity as a mixture of different viewpoints coming from different political viewpoints, ethnic, cultural backgrounds, and social backgrounds. If you collect them, I would say that you would have diversity.

Question 2: What is inclusion and how is it different from diversity?

Inclusion is taking diversity and putting it to use. If you have a group of diverse people but you are not allowing them to be at the table, then all that diversity is being wasted; the talent and the different perspectives are being wasted. The difference I would say is that diversity is the plan and inclusion is the execution of that plan. If you are trying to get something done with diversity in mind, you need to have inclusion or else you are not getting the benefit of the diversity.

Question 3: What do you see are the greatest challenges to diversity and inclusion?

When the dialogue about diversity and inclusion started about 20 years ago, it was a new topic that everybody was excited about. Every seminar you went to talked about it, and everybody wanted to have more dialogue and development on that theme. I think right now it’s getting played out a little bit. It’s still a topic out there but there are no new ideas. And so, one of the greatest challenges I see is to keep the topic relevant and important, and remind people of why and to try to not allow it to become cliché.

Question 4: What are some obstacles to creating a diverse and inclusive organization?

You have to find people who are ready and willing to build a diverse group, and

fight for inclusiveness. Diversity is only going to work in terms of change if you find potential leaders. If you are going to be part of an organization that promotes diversity, you shouldn't just be a member, you should be in the leadership ranks and look for opportunities to promote the goals of the organization.

Question 5: What initiatives should firms focus on to encourage diversity and inclusion?

Firms should focus on supporting the people who want to be part of diverse organizations, not only as members but as involved and active leaders. Firms should determine what diversity means to them. Does it help the firm develop business? Does it help the firm serve its clients? Does it help the firm train people as far as business, litigation or communication skills? Once a firm defines that, it can set its goals as to why diversity is important to that organization.

Question 6: What tangible benefits do you see being provided as having a diverse and inclusive firm?

I think if a firm is diverse, it has a seat at the table in more instances than if it were not diverse. For example, if you have a reason to be at a function because of the people you work with, then you are included in that table. You can go to an event or join a group because one of the

people you support has a connection with that group. It broadens the firm's opportunities. Also, we don't just have one type of client. Diversity and inclusion also helps us serve the different clients we have. Each client has a different need, a different way of looking at things, and a different reason for doing what they do. Also, in the context of litigation, we may represent a client before a judge or panel of jurors who are diverse. We need to be able to connect with these people who may have a role in deciding against or for our client.

Question 7: Can you think of an instance when you saw the tangible benefits of having a diverse firm?

Just recently, my three partners and I were at a business meeting where we had to do a pitch to a room full of general counsel. It was designed in a way that the pitch was immediately followed up with comments by the audience. Their comments were very positive, especially when it came to the immediate visibility of our diversity. In that instance, they were talking about ethnic diversity, which was visible. I think that's where it starts because you see our group, and you can tell that we are diverse. That can begin the conversation as to how else we may be diverse, what backgrounds we have, and what experiences we bring to be able to better represent them. That was a very clear example as to how having a diverse firm can provide an immediate advantage.

Question 8: What motivates you to be a diversity advocate?

As I mentioned before, about twenty years ago when I first heard of this topic, it sounded like an exciting and important thing. It sounded like an opportunity for some groups to have a seat at the table. We haven't made it a bedrock principle, but we have lived it because in many ways we don't have a choice. We have found it to be something ingrained in our firm culture, and we have never thought that it was something that we do on purpose. But at the same time, it's important enough for any organization to promote and champion in the rest of the community. I continue to support it because I have never seen an organization that is diverse who regrets it. Nor have I seen a group of people who would rather not be diverse. Also, let me clarify that I think there is a difference between minority and diversity. For example, if you had a firm that was only one minority of a certain ethnicity, I don't think that is diverse. You may be getting a perspective from that group, but unless you are including other parts of the community, you are not getting the benefits of diversity that we've been talking about. Diversity is not just about being minority. I think you need to be including everybody so you can benefit from everybody's perspective. It's this type of dialogue that keeps us going, and I think it is an important thing. We continue to learn

from other people's point of view that we may not agree with but you can still learn from them. Also, for litigators, you have to realize that when you are speaking to that jury, and they all don't look like you, and they are coming from a different point of view that you have to try to understand and communicate with.

This interview has been edited and condensed.