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“METRICS, DIVERSITY, AND LAW”

2016 Conference of the
Research Group on Legal Diversity

ABF American Bar Foundation
EXPANDING KNOWLEDGE • ADVANCING JUSTICE

“Metrics, Diversity, 2016 Conference of the

The Research Group on Legal Diversity (RGLD) held its 2016 Conference on May 5-6, dedicated to the theme of “Metrics, Diversity, and Law.” The modern world is replete with schemes of measurement and assessment. In the law and other professions, metrics play key roles in the decision-making processes of gatekeepers at critical junctures throughout careers, and in drawing conclusions about successes and failures in efforts to advance diversity and inclusion.

With this conference, the RGLD spearheaded a canvassing and critical analysis of metrics that influence legal and professional workplaces. These metrics include assessments of individuals’ characteristics—such as those involved in hiring decisions and performance evaluations—and assessments of organizational characteristics—such as measures of efficiency, diversity, and “quality,” from both firms themselves and external evaluators.

“Given the centrality of metrics in evaluating diversity—in the legal profession and other fields—it is critical that we bring together producers and consumers of metrics to examine whether they work and with what unintended

consequences,” said Robert L. Nelson, MacCrate Research Chair, and Director Emeritus, American Bar Foundation, and Co-Director of the RGLD. “In this conference we heard from academic researchers, corporate and law firm leaders, consultants, government officials, journalists, educators, diversity experts, and experts in the field of diversity metrics standards. What emerged was a new understanding of the promise and perils of using metrics to advance diversity in law, business, education, and government.”

The conference was planned in collaboration with the Northwestern Pritzker School of Law Searle Center’s Workforce Science Project

and in consultation with William Henderson (Indiana University Maurer School of Law), Lee Webster (University of Texas Medical Branch), Deborah Weiss (Northwestern University), and David Wilkins (Harvard Law School).

Key Topics

Despite some important previous research, there has not been a systematic effort to explore the role of metrics in legal diversity. The conference focused on a number of pressing issues pertaining to the use of metrics in the legal profession and professional service firms. These include:

- What are the most influential metrics being used in professional workplaces?

and Law”

Research Group on Legal Diversity

- How sound are these metrics, and how are they deployed?
- What is the potential for developing standard data collection protocols to improve quality, interpretation, and effectiveness?
- Given the potential threat of litigation, does law impede the use of diversity metrics?
- What is the relationship between globalization and diversity metrics?
- And, a question connected to all of these issues: how do metrics shape legal diversity?

Key Participants

The conference was designed to bring producers, consumers, and scholars of diversity metrics into critical conversation; specifically, it featured presentations and comments from:

- Diversity professionals
- Human resources managers
- Standards writers
- Metrics experts



Left to right: ABF Board Members Kay Hodge and David A. Collins, William H. Neukom Fellows Research Chair in Diversity and Law Rachel F. Moran, ABF Director Ajay K. Mehrotra, ABA President Paulette Brown, ABF Director Emeritus Robert L. Nelson, ABF Faculty Fellow Ronit Dinovitzer, ABF Board Member Jimmy K. Goodman

- Diversity consultants
- Attorneys
- Social scientists
- Legal academics

Key Products

- Conference papers will be published as an edited volume; Cambridge University Press has published a collection of previous papers from the RGLD’s 2013 conference (*Diversity in Practice: Race, Gender, and Class in Legal*

and Professional Careers, S. Headworth, R. Nelson, R. Dinovitzer, and D. Wilkins, eds., 2016), and a similar contract will be sought for selected 2016 papers.

- The 2016 Conference will also lead to the creation of a guidebook of applied tools and standards of best practice for law firms and other organizations navigating the world of metrics.

Conference Schedule: “Metrics, Diversity, 2016 Conference of the

DAY 1: THURSDAY, MAY 5

Welcome

Ajay K. Mehrotra, *Director and Research Professor, American Bar Foundation*

Paulette Brown, *President, American Bar Association*

SESSION 1: The Potential of Metrics to Advance Diversity

CHAIR: Peggy Davis, *Chief Officer of Programs and Strategic Integration, Chicago Community Trust*

PRESENTERS:

David Wilkins, *Lester Kissel Professor of Law, Director of the Center on the Legal Profession, and Vice Dean for Global Initiatives on the Legal Profession, Harvard Law School*

“Diversity Metrics as Quality Metrics: Moving from the Numbers Game to the Game of Thrones in the Global Age of More for Less”

William Henderson, *Professor of Law and Van Nolan Faculty Fellow, Indiana University*

“How to Permanently Fix the Diversity Problem: A Systems Approach”

Lee Webster, *Director, Talent Acquisition and Recruiting, University of Texas Medical Branch*

“Jurassic Measurement: Where Are We in Diversity Analytics”

Rima Alaily, *Assistant General Counsel, Microsoft Corporation*

“Metrics to Drive Progress”

COMMENTS: Kathryn Simpson, *Vice President, Deputy General Counsel, Northrop Grumman Corporation*

SESSION 2: Standards and Measurement in Business and Organizations

CHAIR: Marc Brenman, *IDARE LLC*

PRESENTERS:

Effenus Henderson, *Co-Founder, Institute for Sustainable Diversity and Inclusion; President and CEO, HenderWorks Inc.*

“The Growing Importance of National Standards in Advancing Diversity and Inclusion Efforts”

Lorelei Carobolante, *President and CEO, G2nd Systems*

“The Growing Importance of International Standards in Advancing Diversity and Inclusion Efforts”

Captain Pat L. Williams, *Chief Diversity Officer, U.S. Naval Academy*

“Diversity and Inclusion: A Service Academy Approach to Assessments”

COMMENTS: Bruce Goldberg, *Corporate Counsel and Director of Legal Operations, Allstate Corporation*

SESSION 3: Metrics in Journalism and for the Public

CHAIR: Theresa Cropper, *Chief Diversity Officer, Perkins Coie LLP*

PRESENTERS:

Robert Morse, *Chief Data Strategist, U.S. News & World Report*

“The U.S. News Law School Rankings: Why and How They are Done. Plus Comments on the Current State of Law School Rankings”

Wendy Espeland, *Professor of Sociology, Northwestern University* and Michael Sauder, *Associate Professor of Sociology, University of Iowa*

“The Useful vs. The Good: Ethics and Quantitative Assessment”

Aric Press, *Partner, Bernero & Press LLC; Former Editor in Chief, The American Lawyer*

“Counting Heads: For Diversity, Why It’s Necessary but Insufficient”

Aracely Muñoz Petrich, *Vice President of Strategic Development, Minority Corporate Counsel Association*

“Spot the Difference: What We Miss When Looking at Law Firm and Legal Department Data”

COMMENTS: Rachel Moran, *Dean and Michael J. Connell Distinguished Professor of Law, University of California at Los Angeles; Neukom Fellows Research Chair in Diversity and Law, American Bar Foundation*

CONFERENCE SU

NORTHWESTERN UNIVERSITY

Pritzker School of Law
Kellogg School of Management
Office of the Provost
The Graduate School
Weinberg College of Arts and Sciences

and Law”

Research Group on Legal Diversity

DAY 2: FRIDAY, MAY 6

SESSION 1: Legal Dimensions of Standards and Measurement

CHAIR: Walter Sutton, *Associate General Counsel, Wal-Mart Stores, Inc.*

PRESENTERS:

Brent Nakamura, *University of California, Berkeley* and **Lauren Edelman**, *Agnes Roddy Robb Professor of Law and Professor of Sociology, University of California, Berkeley*

“Diversity Structures as Symbolic Metrics in the Federal Courts”

Richard Tonowski, *Chief Psychologist, EEOC*

“Diversity, Litigation, and Milestones on the Road from Compliance to Inclusion”

Jon Geier, *Partner, Paul Hastings*
“Compliance vs. Diversity Metrics: How to Leverage Your Data”

Pamela Coukos, *Organizational Consultant*

“Marking to Benchmark – Relative Measures of EEO Performance”

SESSION 2: Innovations in Metrics and Organizational Performance

CHAIR: Leslie Richards-Yellen, *Partner and Chief Diversity and Inclusion Officer, Hinshaw and Culbertson LLP*

PRESENTERS:

Christopher Rider, *Assistant Professor of Strategy, Georgetown University*
“Challenges in Evaluating Diversity Interventions: A Study of the National Football League’s Rooney Rule”

Jennifer Bennett Shinall, *Assistant Professor of Law, Vanderbilt University Law School*

“Measuring Employee Health: Balancing Costs, Control, and Controversy”

Brian Levine, *Partner, Strategy and Analytics, Mercer*
“Metrics to Tell the Diversity Story”

Lisa A. Brown, *Professional Development Partner, Schiff Hardin LLP*

“Data Driven Recruiting”

SESSION 3: The Legal Profession in the Metrics Age

CHAIR: Deneese Walia Levin, *Partner, Kirkland & Ellis LLP*

PRESENTERS:

Swethaa Ballakrishnen, *Post-Doctoral Associate, Division of Social Sciences, NYU Abu Dhabi* and **Carole Silver**, *Professor of Global Law and Practice, Faculty Director, Executive LLM Chicago, Northwestern University School of Law*

“Mind Your Language: Ascription Metrics and Assimilation Strategies in International Legal Careers”

Tracey George, *Professor of Law and Political Science, Vanderbilt University* and **Albert Yoon**, *Professor of Law, University of Toronto Faculty of Law*
“The Content of Criminal Justice and the Composition of Trial Courts: An Overlooked Connection”

Hilary Sommerlad, *Professor of Law and Society, University of Leeds*
“Can Diversity be Measured?”

Emily Poppe, *PhD Candidate, Department of Sociology, Cornell University* and **Albert Yoon**, *Professor of Law, University of Toronto Faculty of Law*
“The Tournament Unveiled”

Future Directions Discussion

MODERATORS:

Robert Nelson, *MacCrate Research Chair and Director Emeritus, American Bar Foundation* and *Professor of Sociology and Law, Northwestern University*

Ronit Dinovitzer, *Associate Professor of Sociology, University of Toronto; Faculty Fellow, American Bar Foundation*

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ABF Director Emeritus and Co-Director, Research Group on Legal Diversity Robert L. Nelson welcomes conference participants.



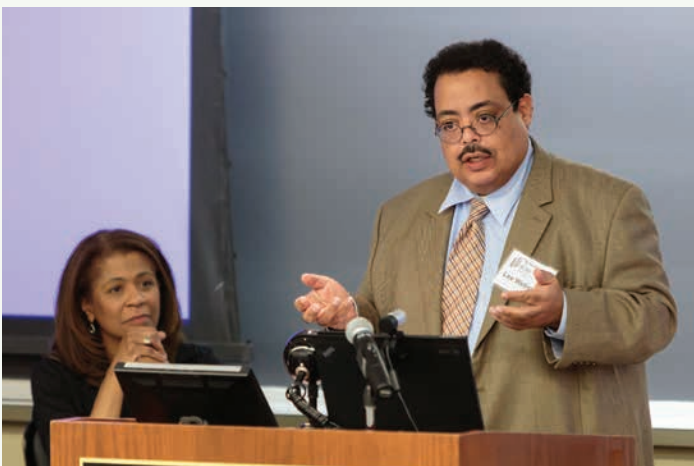
Kathryn Simpson, Vice President, Deputy General Counsel, Northrop Grumman Corporation, comments on the presentations.



ABA President Paulette Brown addresses conference participants.



Berkeley Law Professor Lauren B. Edelman confers with Ajay K. Mehrotra.



Lee Webster, Director, Talent Acquisition and Recruiting, University of Texas Medical Branch, speaks on "Jurassic Measurement: Where Are We in Diversity Metrics?"



Rima Alaily, Assistant General Counsel, Microsoft Corporation, speaks on "Metrics to Drive Progress".



About the Research Group on Legal Diversity

The Research Group on Legal Diversity is a network of scholars established by the American Bar Foundation in 2011 to conduct empirical research on diversity in the legal profession and institutions of justice, as well as the impact of diversity on legal processes and legal institutions. The first three conferences of the RGLD, held in 2012, 2013, and 2014, presented original research on diversity and inequality in the legal profession, legal institutions, and other scientific and professional fields. The connections between research and practice made in these events have produced new collaborations that promise to advance diversity and equality.

The Research Group's Co-Directors—Robert Nelson, David Wilkins, and Ronit

Dinovitzer—are all centrally involved in After the JD, the ABF's national study of lawyers' careers, and have published seminal research including "Why Are There So Few Black Lawyers in Corporate Law Firms?" (Wilkins), *Urban Lawyers: The New Social Structure of the Bar* (Heinz, Nelson, et al), and "The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes" (Dinovitzer).

As an essential first step toward the goals of the RGLD, the Fellows of the American Bar Foundation sought to endow a Research Chair in Diversity and Law through a \$1.5 million fundraising campaign. Thanks to its many generous donors and following a major gift from William H. Neukom, President

and CEO of the World Justice Project, the campaign met its goal in late 2013. In recognition of Mr. Neukom's generous contribution to the campaign, the Research Chair was officially named the William H. Neukom Fellows Research Chair in Diversity and Law. The first holder of the Chair is Rachel F. Moran, Michael J. Connell Distinguished Professor of Law, and Dean Emerita, School of Law, University of California at Los Angeles.

For information about how you can support the Research Group on Legal Diversity, please contact Robert L. Nelson, Director Emeritus of the American Bar Foundation, at rnelson@abfn.org, or contact Lucinda Underwood, Director of Communications and Development, at lunderwood@abfn.org

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The Research Group on Legal Diversity

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The list of RGLD members has continued to change since its inception in 2011. If you are interested in becoming a member of RGLD, please contact Robert Nelson at rnelson@abfn.org

Diversity in Practice: Race, Gender, and Class in Legal and Professional Careers

Cambridge University Press,
2016

Papers from the 2013
Conference of the Research
Group on Legal Diversity

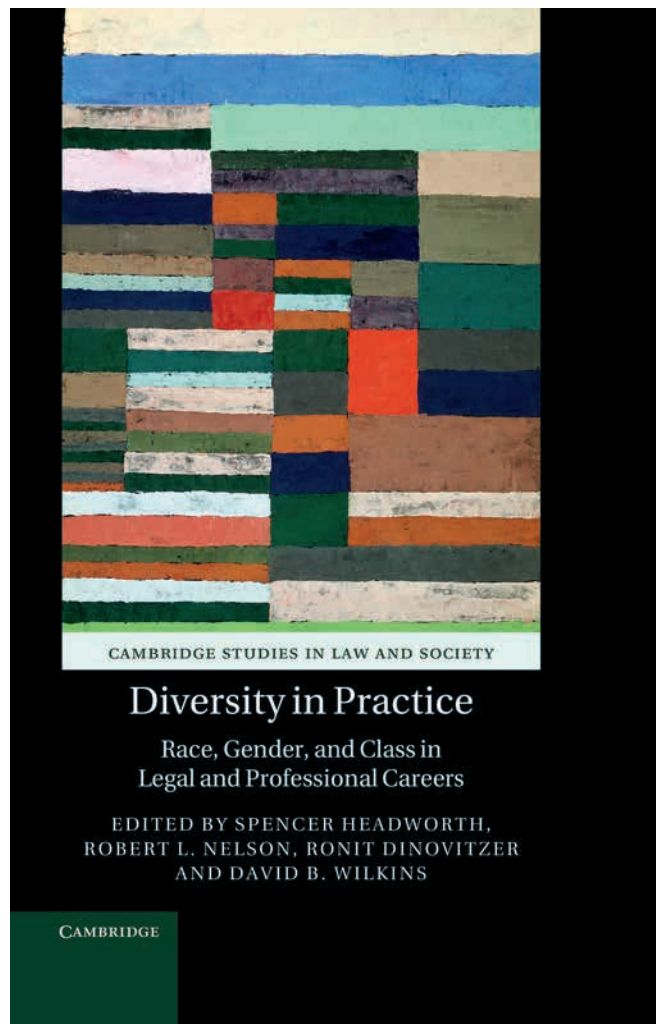
EDITORS: **Spencer Headworth,**
Robert L. Nelson, Ronit
Dinovitzer, David B. Wilkins

Expressions of support for diversity are nearly ubiquitous among contemporary law firms and corporations. Organizations back these rhetorical commitments with dedicated diversity staff and various diversity and inclusion initiatives. Yet, the goal of proportionate representation for people of color and women remains unrealized. Members of historically underrepresented groups remain seriously disadvantaged in professional training and work environments that white, upper-class men continue to dominate. While many professional labor markets manifest patterns of demographic inequality, these patterns are particularly pronounced in the law and elite segments of many professions. *Diversity in Practice* analyzes the disconnect between

expressed commitments to diversity and practical achievements, revealing the often obscure systemic causes that drive persistent professional inequalities. These original contributions build on existing literature and forge new paths in explaining enduring patterns of stratification in

professional careers. These more realistic assessments provide opportunities to move beyond mere rhetoric to something approaching diversity in practice.

Available for purchase on the
Cambridge University Press website
and on Amazon.com.



Meet the 2016 Montgomery Summer Research Diversity Fellows



The 2016 Montgomery Summer Research Diversity Fellows. Left to right: Francesca Hidalgo-Wohlleben, Daniella Zessoules, Bara Ahmad, Kavya Rallabhandi

Now in its 29th year, the Montgomery Summer Research Diversity Fellowship introduces a select group of talented undergraduates from diverse backgrounds to the rewards and demands of a research-oriented career in the field of law and social science. The Fellows are in residence at ABF for eight weeks, where each is mentored by an ABF Research Professor, participates in a series of field trips to local law schools, law firms, criminal courts and other venues, and meets with individual practitioners and judges. Since 1988, ABF has hosted 118 undergraduate Fellows, representing 63 colleges and universities, and hailing from 31 states and territories, as well as Hong Kong, New Zealand, Pakistan, Saudi Arabia, and Papua New Guinea. Most of the program's alumni to date have graduated from law school, and gone on to successful careers in law, academia, government and business.

As the new Fellows arrived at ABF in the first week of June, Director Ajay K. Mehrotra said, “We are delighted to welcome this year’s talented group of Montgomery Fellows. Over the past three decades the Montgomery Summer Research Diversity Fellowship program has hosted over 100 promising and diverse students, many of whom have built distinguished careers in the legal profession and the academy, making a real and lasting difference in the diversity pipeline. We are looking forward to an enriching summer with our 2016 Fellows.”

For its generous financial support of the program in 2016,* ABF gratefully acknowledges the Law School Admission Council and AT&T. ABF is also grateful to receive funding from the Kenneth F. and Harle G. Montgomery Foundation, the Solon E. Summerfield Foundation, and the National Science Foundation in support of the program.

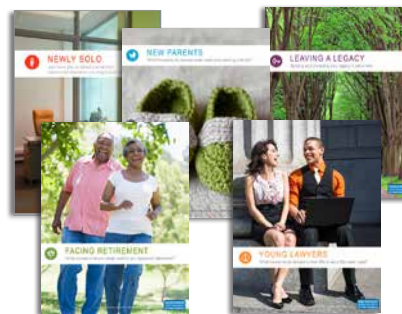
Bara Ahmad, of Chicago, Illinois, is a rising senior at Georgia State University majoring in political science with a concentration in pre-law. Bara worked with ABF Research Professor John Hagan during her summer fellowship.

Francesca Hidalgo-Wohlleben, a native of Cedar Rapids, Iowa, is a rising senior at Claremont McKenna College majoring in philosophy, politics, and economics. Francesca worked with ABF Director Emeritus and MacCrate Research Chair in the Legal Profession Robert L. Nelson during her summer fellowship.

Kavya Rallabhandi, from Palmerston North, New Zealand, is a rising senior at American University (AU) majoring in economics and minoring in international relations. Kavya worked with ABF Research Professor Victoria Woeste and ABF Director Ajay Mehrotra during her summer fellowship.

Daniella Zessoules, of Beverly, Massachusetts, is a rising senior at the University of Massachusetts Amherst majoring in economics and political science with a particular interest in American politics, economic policy, and gender, race, and health care inequality. Daniella worked with ABF Research Professor Elizabeth Mertz during her summer fellowship.

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*As of July 2016

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