

CULTIVATING AND DEVELOPING DIVERSE TALENT IN LAW PRACTICE

PLI Interview with Judge Stephen Robinson



Stephen Robinson

Prior to joining Skadden in 2010, Judge Robinson served as a federal judge for the U.S. District Court for the Southern District of New York. He was nominated by President George W. Bush in 2003. While on the bench, Judge Robinson handled a full range of civil and criminal cases. Judge Robinson has served as a member of Skadden's Policy Committee, which is the firm's governing body, and he serves as a co-chair of the global Diversity Committee. Judge Robinson also is a member of the Advisory Board of the Skadden Fellowship.

In a series of interviews and articles, our 2017 Visionary Corporate Partner, Practising Law Institute, will bring four expert perspectives to our members. In this second interview, Judge Stephen Robinson, partner and global co-chair of diversity and inclusion at Skadden, Arps, Slate, Meagher & Flom, LLP, shares his expertise on developing diverse talent in law offices with Janet Siegel, Esq., senior program attorney and director of pro bono services at PLI.

PLI: *How does diversity in a law firm facilitate its bottom line?*

Judge Robinson: Diversity affects our ability to provide creative, thorough, thoughtful and efficient client solutions. We have found that diversity of approach and thought is essential in helping us fully understand our client's business, needs, and problems, and allows us to bring creative answers to the table. Diversity allows for the best and most complete client service. When you understand your client's business from different perspectives and approach their problems creatively, that results in satisfied clients and repeat customers.

PLI: *What do you see as the primary challenges in today's law firms with regard to diversity?*

Judge Robinson: The lack of diversity in law schools and in law firm partnerships affects our profession's ability to recruit talented diverse lawyers. Additionally, talented junior lawyers have many opportunities to ply their trade, and the long path to partnership, coupled with a dearth of diverse equity partners in law firms, often discourages diverse lawyers from staying the course for the length of time necessary to get there. In addition, this is still a profession in which the picture of who has achieved success and the visible models of who will be successful do not match our multicultural, pluralistic society. Law firm demographics haven't caught up with the demographics of other segments of our society. Lastly, studies have shown that diverse people are often

judged more harshly than their counterparts. Most law firms want to see themselves as meritocracies, where you rise solely on the basis of your talent. What gets missed is that assumptions or presumptions about people's abilities influence assessments about their work product, talent and potential. Law firms that confront these issues and monitor and sponsor diverse lawyers stand the best chance of making demonstrable progress.

PLI: *What would be your advice to diverse associates beginning their careers?*

Judge Robinson:

- Be tenacious. Never give up. If you fall down (and all of us did), reach out for a helping hand and get back up and get back in the game. Don't make the same mistake again, and learn from the mistakes of others.
- Find a sponsor and a mentor—and know the difference. Unfortunately, it may be up to you to cultivate the relationships that you need. Find those people and figure out how you can make yourself valuable to them. Ask yourself: "What additional value can I add to their life?" Show an interest in the things that drive them. Help make them better lawyers to their clients. Do a little more than is asked of you. Volunteer to help when colleagues are in a bind. Always add value.
- Learn to be a master of your craft. At the end of the day, it is about the work. Is your work thoughtful, creative and thorough? Is it mistake-free? When it leaves your hand, is it absolutely the best work you can produce?
- Cast your relationship net as widely as possible. You never know who will be the person that will give you an opportunity, recommend you to someone, or provide valuable feedback.

- Establish your value inside and outside the firm. Be that go-to person they know they can rely on. Join at least one outside organization and get involved. Join a committee. Volunteer to help.

PLI: *On the flip side, what advice would you give well-meaning partners who want to foster diversity within their firms?*

Judge Robinson:

- Invest in a diverse lawyer. Really invest in them. Treat diverse lawyers like you would want a sponsor to treat your daughter, son or friend. Make their success important to you. Let them know that you are investing in them. Strategize with diverse talent and help them figure out how to navigate your law firm, understand the profession and achieve their career goals. Help them develop the necessary qualities, experiences and relationships they will need. Identify and provide challenging opportunities. Be their champion for opportunities, positions and promotions when they are not in the room.
- Give honest and constructive feedback early and often. Then help them figure out how to make any necessary improvements in their performance.
- Learn and acknowledge your own biases. We all have biases. All of us. We need to learn to recognize them and then act in spite of those biases. Speak up and speak out and intervene when you see someone exhibiting behaviors that do not promote diversity and inclusion.

PLI: *What does inclusive leadership look like in a firm?*

Judge Robinson: It starts at the very top of the firm. The firm leadership must be vocal and relentless. It includes firm leadership valuing and recognizing the contributions and importance of diverse associates and partners at every turn. Firm leaders must display courage and challenge assumptions.

- The firm’s leadership must educate themselves on leniency bias, recall bias, in-group and out-group biases, and unconscious biases—and have open discussions about them and develop strategies to combat them.
- Foster open communication about the firm’s direction and strategy. This strategy must be openly communicated to leaders throughout the firm with specific plans put in place to support diverse lawyers. Hold each group leader accountable for setting out a plan for the equality of assignments, and for fair and constructive feedback to all associates.
- Firms must be intentional in their efforts to assist diverse associates in developing their career trajectories. Firms must have open dialogue with diverse associates about how one advances, and set strategies for their growth.

- Set up a procedural vehicle to accept suggestions and recommendations (and consider them).

PLI: *Are there any “silver bullets” as part of an overall strategy to expand diversity?*

Judge Robinson: There is no silver bullet. This work requires steady and constant diligence.

Some thoughts:

- Consider diversity and inclusion at every point in the talent management process: mentorship, feedback and, most importantly, the assignment and review process. Challenge colleagues to be more inclusive in developing go-to associates and rotating opportunities. Pay attention to the language used to review the work of diverse associates, and test that language for accuracy.
- Require firm leadership to set out a plan and account for its efforts in evaluations.
- Sponsor, sponsor, sponsor. Few of us achieved without a sponsor, rabbi, patron and/or promoter in our corner. Recognize that building those relationships with powerful influencers is harder for diverse lawyers. Be that sponsor, rabbi, patron and/or promoter for a diverse lawyer.

PLI: *With all of the above as background, what can professional development departments in firms do to advance diversity and inclusiveness?*

Judge Robinson:

- Be intentional about building a more diverse firm (partners, associates and staff).
- Measure it. What gets measured gets done.
- Reward partners who actively mentor and sponsor diverse associates.
- Be diligent and don't give up. Progress in this area is incremental. This can seem to be a Sisyphean task. But we must push that rock up that hill—and keep it perched there.

Note: Judge Robinson will be chairing the upcoming free program “Cultivating and Developing Diverse Talent” on September 28 (with a simultaneous webcast) at PLI. For additional information about this program and to register, please visit www.pli.edu.