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LAW FIRM RECRUITING

Smoke & Mirrors

Determining a prospective employer's commitment to diversity.

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This could be a typical exchange between an employment candidate who has questions about a topic but is tentative about pursuing the line of questioning with any vigor or commitment, and an interviewer who is uncomfortable with the topic and reacts defensively.

In this example, both people lose. The candidate fails to acquire key information that would help evaluate the prospective employer, and the interviewer may lose a talented candidate to another organization...maybe even a competitor.

Law students about to enter their chosen profession have a right to expect candor from an interviewer for a law firm or other legal employer, but when it comes to an organization's commitment to diversity and inclusion, it may be difficult to discern fact from wishful (or deceitful) thinking.

In the increasingly diversity-conscious workplace environment, interviewers at least know that they should be able to articulate their respective organizations' commitment to diversity and inclusion, if for no other reason than that they can be competitive for top talent. But candidates beware: It is a delicate balance to position yourself as the best quali-

fied individual who will "fit in" and contribute to the organization, while at the same time being able to elicit candid responses from the interviewer about workplace cultural issues such as diversity and inclusion.

To further complicate matters, there is an understandable tension between the interviewer's desire to impress the candidate, and the interviewer's concern that the workplace environment may not be inclusive enough to convince the candidate to join the organization.

There are several possible worst case scenarios. One is that the candidate is cautious about asking probing questions on the topic of workplace culture, environment and diversity and inclusion—so cautious that the

questions go unasked. After all, marketing materials, Web sites and other employer-generated public information should answer all of a candidate's concerns, correct?

Or, the candidate musters up enough courage to ask the probing questions, and the interviewer is less than prepared or defensive and answers what she thinks the candidate wants to hear. Surely, the interviewer convinces herself, we can make any course corrections to our environment and gladly welcome this candidate. No problem, right?

The Stakes Are Too High For Lack of Clarity

The problem is that in the recruitment con-

Law Student Candidate: "Everyone seems to be talking about diversity and inclusion these days. Is this topic important to you? Do you really take it seriously?"

Lawyer Interviewer: "Oh, I don't know. What I take seriously is the practice of law. Is diversity and inclusion really that important to you? Or, do you want to obtain a challenging position to develop your skills as a lawyer? You do want to be a good lawyer, don't you?"

Law Student Candidate: "Yes, of course. But I want to make sure that I start out in the place that is right for me."

Lawyer Interviewer: "Oh, I understand now. You want to work in a place that makes you feel good. All right, best of luck to you."

text, law students—that would be you—are on the precipice of making one of the most important decisions in their lives, up to that point anyway. And it is vital to quality decision-making that you be able to assess as much credible information about the prospective employer as possible.

But when it comes to assessing information about diversity and inclusion, it is necessary to first ask, “Why?” Why do you want to know?

If, and only if, this area is of legitimate interest to you, meaning that you will use the information to make a decision about joining the interviewer’s organization, should this line of inquiry be pursued. If you are not really interested, that’s fine. But pretending to be curious about a topic in which there clearly is no interest could paint you into a corner.

If the prospective employer is lacking in a commitment to diversity and inclusion, and says so, and you are still very interested in the employer, you will appear to have been disingenuous in raising the topic in the first place. This is the ultimate “never mind” scenario which will not play out in your favor.

On the other hand, you should focus on areas of inquiry that actually will make a difference from a decision-making standpoint. This is a much better use of valuable “face time” with an interviewer.

Approaching the Topic

You, the candidate who is truly interested in diversity and inclusion, should be just as deliberate about approaching this area in the employment interview as you would be with any other substantive line of inquiry. Here are a few suggestions as to how to explore the topics.

First, start at the beginning. For example, ask:

“Does your organization have a diversity and inclusion strategy?” This is a straight-forward question that should be easily answered “yes” or “no.”

If the interviewer answers “no,” but offers a plan for future action, that may be encouraging and is likely to be an honest answer. You can even explore the range of possibilities (timing, scope, etc.) for this future plan.

Suppose the interviewer states:

“I do not have enough information to answer your question, but I can have one of my colleagues get back to you on this.” This could very well be a candid response with the offer of a resource. Not bad.

If instead of answering “no,” the interviewer offers a litany of excuses, a long-winded description of what the organization was going to do, or wanted to do, or used to do, this may indicate the interviewer’s failure to even anticipate this

question. You should be cautious at this point about the organization’s willingness towards, and readiness for, a serious approach to diversity and inclusion.

If the answer to this first question is “yes,” feel free to pursue follow-up questions, such as:

“How does the diversity and inclusion strategy relate to the organization’s business or overall strategy?” A well-grounded diversity and inclusion strategy should have a “business case.”

For example, is diversity being pursued because of the changing demographic (ethnic) make-up of the population of the United States? Or, is diversity being pursued because the prospective employer’s workforce needs to more closely reflect the diversity of the employer’s client base?

Maybe there is a product marketing connection, or the need to develop more creative concepts for new products or markets. These are just a few examples of business reasons for which an organization might pursue a diversity and inclusion strategy.

However, if the interviewer simply answers that diversity is the “right thing to do,” again, caution is in order. Just because the organization believes something is the right thing to do today does not mean it will maintain this effort for the long term.

Asking the Follow-Up Questions

Next, you should ask:

“Who is accountable for diversity and inclusion efforts and how?” Lack of clarity around accountability may foretell lack of responsibility or that the strategy is not effective, which should be of utmost concern to you if you are pondering whether to become a part of this organization’s workplace environment.

Other helpful questions include:

- Does the employer support other organizations that advance diversity? If so, how?

- Does the employer have attorneys/employees who actively participate in these organizations or does the firm just give money? (Note: Financial support is not a bad thing; however, involvement of employees demonstrates a greater level of commitment.)

- How does the employer communicate to internal and external audiences about diversity and inclusion?

- Is the employer’s commitment to diversity and inclusion limited to attorneys?

- Is the diversity and inclusion strategy designed to apply to (or benefit) only specific demographic groups? For example, a strategy that is focused exclusively on women and people of color may create tension in the workplace and isolation among majority males. It may also cause some women and people of color

to feel “targeted” for special treatment, historically calling into question a person’s legitimate professional qualifications. Strategies that emphasize diversity and inclusion strive to involve everyone in the process.

- Does the employer have any forms of mentoring (formal or informal)? Mentoring is an important aspect of workplace culture, and organizations that promote it tend to have a more welcoming and inclusive workplace culture.

In some instances, the absence of mentoring is a significant reason for employees to leave. They feel adrift and not connected to the organization, conditions that can be addressed by a mentor. Further, mentoring need not be part of a “formal” program to be successful. In fact, many would agree that informal mentoring is more effective in building relationships and retaining talent.

Wrapping Up

If the interviewer seems to be uncomfortable with these questions, or does not have an immediate resource for you, something’s wrong.

Attorneys generally are great communicators. But candidates for employment with a law firm or other legal employer need to look beyond the art of the communicator to the substance of the message. As is always the case, substance is far more meaningful than form.

And you need not fear rejection if the questions are asked respectfully. Be clear about the rationale behind them—an interest in exploring information about the workplace environment that may not be readily available from external sources.

An interviewer who is uncomfortable responding to such a legitimate line of inquiry will be effectively communicating a great deal about his organization. And may the candidate proceed accordingly. •