
THE RANKING THAT MATTERS THE MOST

The Chambers D&I Report 2022: Beyond the Visible



Chambers Editorial: The rise of Disability Inclusion in the Legal Industry

In the fast paced world we currently find ourselves, the pace of change frequently feels like it's moving at warp speed while simultaneously standing still. This feels illogical, but during the Covid-19 pandemic it became our everyday reality. Despite long periods of lockdowns, isolation and a stillness the world has not seen the likes of in centuries, the pace of change felt faster than ever before.

The pandemic unerringly highlighted and exacerbated the inequalities and challenges that had always existed in our society, with very few social areas untouched. Suddenly something as previously underdiscussed as access to green space became a huge topic of conversation, let alone the more fundamental questions of disparate privilege within society. One conversation that began to come to the fore concerns the experience of individuals with disabilities. For some who had been predominantly housebound for years, the lockdowns proved a kind of forced empathy building exercise within society. Those who were termed clinically vulnerable often faced the most challenging restrictions and the slowest reintegration into public life. Many were rendered disabled by "Long Covid" – the long term effects of which are yet to be understood. For the first time these challenges were discussed publicly in a way that might have been unthinkable in the years before.

In a sense, the last few years have been what the Second Wave Feminist Movement would have termed 'consciousness raising' around the topic of disability. With the World Health Organisation estimating that 15% of the global population live with a disability, it could be said this is long overdue. It is perhaps then unsurprising that a clear trend from the 2022 Chambers D&I North America Submissions was the rise of disability inclusion work within firms and in house teams. Even within the highly complex and frequently personal arena of D&I advocacy, disability inclusion within the profession faces some of the most significant stigma. While the ABA has been advocating for the rights of mentally and physically disabled individuals under the law since the 1940s, the first Task Force set up looking at inclusion of disabled lawyers only came about in the early nineties. Thirty years on, many firms are only just beginning to engage with this area.

Firms could do worse than looking to the example of Baker McKenzie, who like many of their compatriots have signed up to the American Bar Association's Pledge for Change: Disability Diversity in the Legal Profession but have now taken it one step further by signing up to The Valuable 500. This global initiative looks at placing disability inclusion on their leadership agenda, bringing it to the fore of inclusion activities at the firm. The collaborative and person centred approach they have taken to embed this within the organisation shines through their case study. Two steps in particular stood out: the practicality of a microsite focussing on the assistive technology freely available to all employees but also the focus on storytelling, giving a platform to the incredible members of the firm who are willing to share their personal experiences. Given the significant stigma around this area of diversity, storytelling can present an invaluable method of increasing awareness and empathy.

Another firm blazing the way towards a more inclusive future for individuals with disabilities is Mintz, who's percentages of attorneys and partners identifying as disabled was by far the highest of any firm submitting. Their work around reframing what constitutes a disability, looking beyond 'most people's mental image [of] a wheelchair and a ramp, to the exclusion of those living with disabilities that are neither physical nor apparent' is powerful, as is their focus on neurodiversity in the workplace. The Report also profiles Kim Gold of Genentech, who's advocacy around mental health and neurodiversity shows true directional leadership and bravery. Her message to others in the industry that "you are not alone" is one that chimes throughout much of the best D&I work.

Curiously, this area was also where a number of firms declined to participate in our report. One hopes that this reflects the reality that this work is frequently more challenging and 'slow burn' than anticipated, not that firms are using this new frontier of inclusion work as a box ticking exercise to expand their programmes. With the dust of the pandemic only just beginning to settle, but it seems like the legal profession's awakening to this crucial issue within D&I has only begun. We hope to see this forward thinking area of inclusion receive greater attention year on year, and look forward to reading about the development of these programmes in the next twelve months.

Ellie Gerszt, Diversity & Inclusion Manager

Mintz

Disability Inclusion throughout the firm

What is Mintz's approach to disability inclusion?

Mintz's approach to disability inclusion is reflective of our overall approach to diversity, equity and inclusion ("DEI") as a whole. We have taken a multi-faceted and multi-step approach to DEI. First, we conducted listening tours to get to know our employees and build empathy and trust. Then, we launched a campaign to educate our employees about the importance to Mintz of having accurate data, even as we assured them of the confidentiality and integrity of that data. Data is the foundation from which we can build targeted programming and provide support, so it is the bedrock of our DEI program. Finally, after collecting the data, we launched programming and systems of support based on what we had learned from and about our employees through the entire process. We also have regularly distributed thought leadership to sensitize all our stakeholders to build disability awareness and to train managers to provide support.

Your percentages of attorneys and partners who identify as disabled was by far the highest of those submitted. What do you ascribe this to?

At Mintz, we believe that diversity is our strength and it leads to enhanced thinking, better problem solving, and ultimately a richer and more engaged workforce. Our people are at the heart of our culture, and help make Mintz a truly unique institution. We are very proud of being an inclusive firm, and have worked hard to create a culture in which everyone can thrive and succeed. One way we do that is by trying to interrupt or eliminate barriers to optimal engagement. We do this by fostering inclusivity for people living with disabilities, and by being cognizant and inclusive of neurodiversity. We are flexible about when, where and how people show up to work, we conduct sensitivity trainings for managers to equip them to better manage their teams, and we make available a suite of tools to accommodate disabilities, as well as for wellness and support, so that people can be optimally engaged in the Mintz community, and are unfettered in doing their best work. Additionally, we believe that data has helped us get to a better place. There are common misconceptions about what constitutes a disability, including within the disability community. For example, most people's mental image of a person living with disabilities involves a wheelchair and a ramp, to the exclusion of those living with disabilities that are neither physical nor apparent. Once we had educated the Mintz community about what constitutes a disability and how we can help address it we saw an increase in the number of people who identified that they were living with a disability, which in turn made it possible for us to support more people.

How are you furthering your disability inclusion programme going forward?

We are proud of the work we have done thus far, but we also acknowledge that we have a long road ahead of us. Our strategic plan includes creating an employee resource or affinity group for colleagues with disabilities, and providing thought leadership to all colleagues to sensitize them to the challenges some people may face at work every day. We also are looking at ways to engage the disability community in our recruiting and hiring processes.

What advice would you give to firms wishing to increase their inclusion of disabled individuals?

The first step in any diversity initiative is understanding the needs of an existing population, and then trying to address those needs. Once a workplace is inclusive and fosters difference, it is more likely to attract future employees looking for an inclusive environment in which to work.