



## **DEI, ESQ: Diversity as a Multiplier on Legal Teams**

**Cultural Competence**



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In economics, a multiplier refers to an economic factor that amplifies the effect of some other outcome. And the term differentiator usually refers to a quality or feature that sets something apart from others and often makes it better. When it comes to companies, diversity can be both a differentiator and multiplier. For example, a study from Harvard Business review found that diverse companies had a 19 percent [higher innovation revenue](#). The potential impact of diversity on legal departments is no different. Diversity on legal teams can bring a multitude of benefits. Here are three ways in which diversity can strengthen legal teams.

## **Creative problem-solving and better decision-making**

A diverse team, composed of individuals from various backgrounds, cultures, and experiences, can not only offer a broader range of perspectives but it can also lead to more creative problem-solving and better decision-making. One reason for this, according to a study highlighted by the Kellogg School of Management at Northwestern University is that “diverse groups outperformed more homogeneous groups not because of an influx of new ideas, but because diversity triggered more careful information processing that is absent in [homogeneous groups](#).” Another reason is that diverse teams focus more on facts and [process facts more carefully](#). And last, but certainly not least, diversity is strongly correlated with [innovation](#).

While these studies are not focused on lawyers, it stands to reason that these studies can also apply to in-house legal teams. By combining the skills, experiences, and perspectives of individuals from different backgrounds, legal teams can more effectively tackle complex issues and come up with

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creative solutions. A team with diverse perspectives is better equipped to evaluate risks and opportunities from multiple angles, resulting in more well-rounded decisions, than a homogenous one.



A well diverse in-house legal team with multiple perspectives can problem solve more efficiently and are usually more innovative opposed to homogenous teams. Lightspring / Shutterstock.com

Specific studies aside, [Sandra Phillips](#), general counsel and chief legal officer of Toyota Motor North America, recalls how the diversity of her legal department assisted the company in navigating the COVID-19 pandemic and the social justice issues that emerged following the onset of the pandemic.

"We were navigating unprecedented times," Phillips says. "If there was ever a time where we could benefit from the different skills, experiences, and perspectives in order to advise the business on challenges we never thought we would face, 2020 was that time. Understanding what was the right thing to do, the appropriate thing to do, the timely thing to do, resulted from everyone bringing their unique perspectives to the table. Solving a problem requires pulling together a team of unique and creative people so that all potential solutions are raised and potential downsides are discussed."

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Sandra Phillips, SVP, corporate resources, general counsel, chief legal officer, chief diversity officer, and corporate secretary, toyota motor north america

## **Greater cultural competence**

A diverse legal team is better equipped to handle multicultural and international legal issues than a homogeneous one. Understanding different cultures, languages, and legal systems is crucial in

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providing effective counsel to clients operating in diverse, and often, multicultural environments. Of course, it bears noting that culture transcends borders. Social norms can vary depending on what region of the United States you grew up, whether you lived in a rural area, in the suburbs or in a metropolitan area, and your socio-economic class. There are also subcultures in society like pop, gaming, and sneakers.

Jennifer Jones, managing counsel of Toyota Motor North America and co-author of this article, recalls a situation where understanding the vernacular of a certain generation and demographic group was important in deciding whether an employee engaged in threatening and intimidating conduct at work that could have resulted in termination. However, due to her familiarity with the colloquial term used, she educated HR on its innocuous nature. Without this unique perspective, an employee could have needlessly lost his job, resulting in potential risk to the organization.

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This cultural competence not only assists with providing legal advice to internal clients, but it can also impact your litigation strategy, Phillips says. She believes that having a team with enhanced cultural competence gives legal departments a better chance at connecting with the jury pool. How lawyers communicate with the jury, tell the company's story, and their ability to impact the jury's decision depends on their cultural competence and how they resonate with the jury. The cultural competence attorneys bring to the team is just as important as the technical skillsets they bring.

Having greater cultural competence can also better meet the needs of diverse customer segments. Internal clients are not a homogenous group. In our globalized world, clients come from a variety of backgrounds. A legal team that reflects this diversity is better able to understand and address the needs and concerns of a diverse client base.

## **Competitive advantage through talent**

Companies that prioritize diversity and inclusion often outperform their less diverse counterparts. One reason may be from their competitive edge through attracting, engaging, and retaining top talent.

Success starts with talent. Any leader is only as strong as the team as a whole. In order to attract the broadest talent group possible, there needs to be a desire to be part of the team. Diversity can help with that. Where people can visibly see a space where they belong, it is more likely that they will want to join and be engaged. By embracing diversity in recruitment, legal teams can tap into a larger pool of talent, potentially hiring individuals with unique skills and perspectives that contribute to the team's success. Notably, by the year 2025, 75 percent of the global workforce will be made up of millennials, and a study from 2016 shows that 47 percent of millennials are actively [looking for diversity](#).





During the recruitment process, it is imperative for legal teams to embrace diversity in the applicant pool with the aim of hiring top talent that can contribute to the success of the company. ImageFlow / Shutterstock.com

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It doesn't stop at recruitment. When individuals feel valued and respected for their unique contributions, they are more likely to be engaged and satisfied. In diverse legal teams, individuals are more likely to feel included and appreciated, leading to higher morale, motivation, and productivity.

## **A wealth of benefits**

In conclusion, a diverse legal team can offer a wealth of benefits, from improved decision-making and problem-solving to a better understanding of clients and an enhanced reputation in the market. According to Phillips, "Organizations just work better when teams are diverse because people tend to be more harmonious when they feel like they have a voice and a sense of belonging." Embracing diversity is not only ethically sound but also makes good business sense in our interconnected and rapidly changing world and can lead to your legal department being both a multiplier and differentiator for your company.

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Prior to joining Toyota in 2003, Howard-Martin was a partner with Morgan, Lewis and Bockius, LLP in their Los Angeles and Pittsburgh offices, and previously was a partner at Kirkpatrick & Lockhart in Pittsburgh, Pennsylvania.

Howard-Martin has been featured in a number of publications and symposiums. She authored a column on employment issues for USA Today.com, a treatise on Title III of the Americans with Disabilities Act and served on the Editorial Review Board of the Pennsylvania Labor Letter. Howard-Martin also appeared as a panelist on MSNBC's "Today in America" on the issue of harassment. She is a frequent speaker on employment law topics at various conferences including those held by the ABA, the National Employment Law Council, and the American Employment Law Council. In November 2020, Howard-Martin received the ABA Honorable Bernice B. Donald Diversity, Equity and Inclusion in the Legal Profession Award. She is the past President (2009) and currently serves on the board of directors of the California Employment Law Council and is also a board member of the American Employment Law Council. She is also a fellow with the College of Labor and Employment Lawyers.

Howard-Martin earned a BA from Harvard University in 1979 and received her juris doctorate degree from Harvard Law School in 1982.

She lives in Los Angeles with her husband, Gus Martin, who is on the faculty at California State University, Dominguez Hills. In her free time, she enjoys ballroom and hip-hop dancing, trying international recipes, writing historical fiction, and travel.

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Jennifer Jones is managing counsel in the labor and employment group at Toyota Motor North America, Inc. She has over a decade of experience counseling employers on a broad range of labor and employment law issues. As one of the founding members of DEI, Esq., she has a deep passion for diversity, equity, and inclusion, and has authored many articles and participated in many panels on the subject. She also sits on the board of two nonprofit organizations, both with a mission of ensuring that children from disadvantaged backgrounds have access to quality secondary and post-secondary education. In her free time, Jones strives to be a “fun mom” for her two small children while keeping up with the latest and greatest in interior design.

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