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Mayer Brown D&I director calls out “myth of meritocracy”

Earlier this year, [the Human Rights Campaign](#) (HRC) released its annual [Corporate Equality Index](#) in which a large number of law firms were awarded the title of ‘Best Place to Work for LGBTQ Equality’. We [reached out to](#) some of the top-ranking firms, many of which have prominent trademark practices and feature in the [WTR 1000](#), to discuss the initiatives that have earned them that accolade.

In this guest piece, Jeremiah A DeBerry, partner and director of diversity and inclusion at Mayer Brown, calls out the “myth of meritocracy” in the legal sphere and reveals the steps that his firm is taking to combat this and other challenges standing in the way of truly inclusive working practices.

Guest analysis

Across our firm, we aim to cultivate a work environment in which we embrace, respect and value diversity, and in which our shared dedication to excellence, teamwork and outstanding client service unites us. This effort includes robust professional development, inclusive policies and benefits, programmes that foster an inclusive workplace culture and promote wellness, and public support of, and engagement with, the LGBTQ+ community.

We have instituted a number of initiatives to help us live these values, every day, in each of our offices worldwide. Recognising that recruitment of diverse attorneys at the firm is only part of the equation, we provide professional development skills and business development training programmes for our diverse attorneys and have diversity programming for all of our lawyers and staff.

We also have a global Talent Development Plan (TDP) designed to foster a supportive, diverse and inclusive work environment by providing workplace benefits and opportunities to further the needs of individual employees. The TDP has a specific focus on diversity and incorporates meaningful participation and engagement of firm leaders in furtherance of the firm’s diversity and inclusion goals.

Mayer Brown also provides significant financial support to, and works closely with, organisations dedicated to ensuring and protecting the civil rights of all members of the LGBTQ+ community. These organisations include Lambda Legal, the LGBT Bar Association, Equality Illinois and LGBTQ law student organisations across the United States.

Enforcing policies through the Diversity Steering Board and annual performance reviews

Responsibility and accountability are built into our organisational structure. The firm has three full-time diversity, equity and inclusion (DEI) professionals (a director, an assistant director and a manager) and a number of groups that lead efforts tailored to specific strategic goals. These initiatives and goals are not under the sole purview of DEI professionals and committees, but rather are incorporated into firm-wide objectives.

For example, our Diversity Steering Board, among other things, oversees the diversity aspects of our firm-wide TDP, with required participation from all firm leaders. The TDP sets forth a framework to ensure that we are mindful of diversity goals in recruitment, retention, promotion and leadership appointments. It provides concrete opportunities for our diverse attorneys in connection with business development efforts, mentorship, sponsorship and professional development training.

The firm has also joined the Mansfield Rule programme, which requires a commitment to consider at least 30% women, attorneys of colour, LGBTQ+ individuals and lawyers with disabilities for leadership roles, partner promotions, formal client pitch opportunities and senior lateral positions.

In addition, to further advance accountability, contributions to the firm’s DEI efforts are factored into the overall evaluation of each partner’s annual performance.

Adopting a holistic approach – where Mayer Brown stands out

Mayer Brown has adopted a holistic approach to honour its commitment to making the firm and the legal profession more diverse, equitable and inclusive. Our approach focuses on several key areas including:

- recruitment;
- retention;
- training and development;
- promotion; and
- communicating our commitment internally and externally.

In addition, we have implemented several policies and initiatives that we have not observed at many of our peer firms.

For example, as the director of diversity and inclusion, I report directly to the firm’s chair and global managing partner. We have monthly meetings to discuss the impact of the firm’s DEI initiatives and identify ways in which senior leaders can provide greater support of our efforts in this space. I also meet regularly with practice group leaders to discuss individual attorney performance. The purpose of these discussions is to ensure that each diverse attorney has a pathway and the tools to achieve maximum success.

While many large law firms now have full-time diversity professionals on staff, we were among the first in the country (and may still be the only) to have the firm’s most senior diversity professional participate on its global partner promotion committee.

This was very intentional – it means that there is always a dedicated seat ensuring that diversity and inclusion principles are incorporated into partner promotion decisions. We have experienced more than a 300% increase in the diversity of our partnership in the last few years as a result of this innovative approach. And, as far as I am aware, Mayer Brown remains the only big law firm whose chief diversity professional is also a partner whose sole responsibility is to focus on DEI initiatives.

Mayer Brown has also launched impactful programming over the past year. Our Second Annual Virtual Pride Parade included weekly events, or “stops” on our parade route, exploring how LGBTQ professionals navigate the legal profession. We reviewed novel legal issues impacting the community and provided meaningful opportunities to work together to support LGBTQ youth and professionals during this challenging time.

We also created a year-long Black in America Speaker Series and, in 2020, we began observing Juneteenth as a firm holiday, which became a federally observed holiday this year.

“The myth of meritocracy” and other challenges

There are still some barriers that law firms face in implementing DEI policies, the most significant of which is persistent unconscious bias and its pernicious effect on the workplace environment. Interactive training can be immensely helpful in bringing awareness to the issue, but organisations should also create a framework to improve awareness in all aspects of the firm beyond a single training session.

Despite clients demands, many firm leaders still fail to recognise that DEI efforts are business imperatives. Notwithstanding the overwhelming data showing that diverse teams improve outcomes, there remains a reluctance by firm leaders to understand and appreciate the immense value of an inclusive environment and how it can improve productivity and the performance of employees.

Overarching all of these challenges is the myth of meritocracy in our field and many others – the steadfast belief that anyone (regardless of their race, gender, gender identity or sexual orientation) can advance and succeed, if they simply work hard and perform at a high level. We know this not to be true, yet the belief remains and it creates significant barriers to implementing meaningful change.

Three key concepts for an effective DEI strategy

Organisations can overcome some of these challenges/barriers by creating a DEI strategy that is an integral component of the firm’s overall strategic plan and focuses on three important concepts: access, opportunity and accountability.

Access

A critical first step of an effective DEI strategy is to make a concerted/sustained effort to recruit diverse talent. This effort must include initiatives that focus on improving access to career opportunities in the legal profession for members of underrepresented groups, including people of colour, members of the LGBTQ community, people with disabilities and women.

Opportunity

It is important to follow recruitment efforts up with training and professional/business development opportunities for junior diverse attorneys. This includes being:

- assigned to work on important matters for large clients;
- asked to participate in client pitches;
- given the opportunity to hold a leadership position at the firm; and
- mentored and/or sponsored by the most successful partners at the firm.

Although these opportunities are critical to the long-term success of a diverse associate, one of the most important opportunities that every diverse attorney requires is the opportunity to recover from a mistake.

Far too often, diverse attorneys do not get a second chance – an opportunity to show that they have learned from their mistake and can still make valuable contributions to the team. While this critical element of professional development is routinely made available to some, it is not always made available to diverse attorneys. In order to fully support diverse attorneys, they all should be afforded the opportunity to correct their mistakes, continue working on new matters and take on leadership roles.

Accountability

We all know the old adage: “What gets measured, gets done.” That maxim certainly holds true in the DEI space. In order for any DEI strategy to be successful, firm leaders must be held accountable. DEI efforts and contributions should be a part of the overall annual evaluation process for each partner. This will help to ensure that DEI initiatives receive the attention they deserve by each and every partner.

This article is part of an ongoing series on diversity and inclusion initiatives within leading law firms. For more in the series, see:

- [How Armstrong Teasdale is making DEI part of its DNA](#)
- [“There is always more work to be done”: Baker McKenzie’s first-ever D&I chief on global diversity efforts](#)
- [“Good intentions have not been effective”: change comes from bold leadership, says Ballard Spahr chief diversity officer](#)
- [“The bedrock of a good D&I strategy is listening to your team”: how Crowell & Moring is creating positive change in the workplace](#)
- [Three ways to create and maintain an effective D&I strategy, from Kirkland & Ellis](#)
- [Locke Lord diversity chief offers practical tips on creating an effective inclusion strategy](#)
- [“The message from the top is clear”: Nixon Peabody D&I director on importance of open communication](#)
- [An inside look at Reed Smith’s diversity and inclusion strategy](#)
- [“What we believed was equal and fair a year ago may not be good enough now”: interview with White & Case global diversity chair](#)
- [Womble Bond Dickinson US shares best practices for workplace inclusion](#)

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