

## *A Beginning Conversation on Diversity and State Planning*

This beginning conversation on diversity and state planning took place among Estela Casas, Teresa Cosby, Marc Holloway, Don Isaac, Lillian Johnson, Neil McBride, Lillian Moy, Toby Rothschild, Jan Walker and Randi Youells. It took place by email and conference call, and was compiled and edited by Lillian Moy. Thanks to all the participants for giving their time and thoughts to the dialogue, to MIE for the invitation to Lillian Moy, Lillian Johnson and other members of the African American Project Directors Association, and to Teresa Cosby for suggesting that we address Diversity Issues and State Planning.

*Lillian M:* We agreed to begin our talk by asking why state planning and reconfigured programs

require us to address diversity. Why is diversity a particular issue of concern as we deal with state planning?

*Jan:* Why is diversity an issue to consider in state planning? Isn't it like breathing to us? Isn't it a lot of what we're about? Why is it an issue???...I think it is good to consciously make it an issue so we can really look at it...so that it won't just be platitudes...

*Lillian M:* Has state planning furthered diversity in our community? In the earliest years, diversity

didn't even register on the "platitude" level. We spoke about leadership and diversity of leadership in an early, early draft of our state plan, but it was later edited out so our plan would respond specifically to one of the earlier program letters. Are there states and regions where effective state planning has resulted in greater diversity in staff or leadership, or more effective services to diverse clients?

*Randi:* The issues of diversity within the legal services community are inextricably connected to the issues

of planning. Why do we pursue state planning in the first place? Perhaps the most basic reason is that finding ways to increase and ensure “systemwide” effectiveness is made all the more urgent by the growing concern of our leaders and managers that we may not be able, in a changing society and changing environment, to meet the demands for increased and improved delivery of services without changing the ways that our organizations and systems function....In the context of this conversation—ensuring diversity and multi-cultural competency within our state equal justice communities so that we can better respond to change on the macro level and so that we can better target our scarce resources—we need to discuss how we can ensure that our organizations and their staffs are diverse and we need to explore ways in which we can accomplish this with less frustration and difficulty.

*Marc:* I think you first need to discuss what you mean by “diversity.” For some the term diversity is a broad term that embraces many different aspects of our community, including race, age, gender, ethnicity, sexual orientation, disability, to name a few...it’s important to have a discussion about the term to set the context in which you are operating. It’s also important because it helps set aside assumptions that can inhibit progress and it can help ensure that all feel included in the discussion. ... [I]t is important to incorporate diversity into state planning ... because it helps move us from the talk to the walk phase. Telling me to walk is one thing. Explaining to me why you are going to walk, where you are walking, why you want me to walk, and asking me to walk with you, as well as asking how I suggest getting to where you want to go and if there is anywhere I’d like you to walk with me, is quite another. The latter approach is the more likely way of getting me to put one foot in front of the other. Incorporating diversity into state planning provides the opportunity to

explain why and where you are walking, to map the path for reaching your destination, and to get others to walk there with you.

*Teresa:* We must all remember that while diversity is an institutional issue it is also a personal issue. Success in bringing this issue to the forefront depends on the individual willingness of people within an organization to put the topic on the table and to keep it there. An example would be South Carolina's state planning process. After the May diversity conference in Washington, each individual in the room assumed personal responsibility to promote diversity within their particular organizations. In South Carolina we were pulling together the Board structure for the new organization. Up to that point diversity had not been discussed or even considered. Once the issue was placed on the table it was readily embraced by the majority.

*Lillian M:* How are you dealing with it on the Board level?

*Teresa:* We have a majority who agree that diversity is an issue and so we got specialty bars to make appointments, two from women lawyers, three from black lawyers. But there is a faction who don't think that those groups should get any preferential treatment ... This ... illustrates the immediacy of addressing diversity as state planning is occurring now. This process promotes the best opportunity to include diversity initiatives in our state plan. These initiatives can track the national strategy to basically "bring it home" and make a real impact on our national justice communities. Viability is also attained for these initiatives when we can say they are supported by LSC and NLADA..

*Lillian M:* Is that kind of attention being paid to diversity in board composition in other states that have moved to statewide programs or much larger programs?

*Randi:* Since the May conference that took place here in Washington DC, I have heard from a number of people who actually made a personal commitment at that conference to bring diversity home to their state justice communities and are doing so. Since then, there has been some aggressive or assertive efforts by people to try to introduce the subject of diversity, multi-cultural competency and leadership within the discussions that are taking place in state justice communities.

*Neil:* The reorganization and collaborations arising out of state planning give us an opportunity to address some of the obstacles to diversity on our staffs and in our work, but also raise a new set of problems that need to be addressed. At the very top, the combination of programs will reduce the number of women and minorities who have formal roles in national forums. We need to be very explicit about how people below the level of director can exert national leadership and learn from the experience....One of our challenges is to make sure that the leaders of larger institutions begin immediately to take advantage of their size: regional recruitment fairs are now feasible when they were not before....

*Toby:* With a small program, I had a new lawyer to hire every other year or so as opposed to knowing that there is going to be enough turnover that it makes sense to do those kinds of fairs.

*Neil:* We should [also] be more flexible about offering professional development among different offices and units. We should look right away for the means to engage women and people of color in state, regional and national initiatives. Is anyone looking at how well the big new programs are taking advantage of these opportunities?

*Lillian M:* Toby, have you seen any of that play out with Long Beach joining a much larger program?

*Toby:* Yes. There is no questions that we have now started moving people around within the

organization, the Long Beach office has seen a greater increase in diversity. We brought in some new people. I think there has definitely been changes in that way that have been positive.

*Lillian M:* Toby, in the planning process that led to your reconfigured program, did you address the issues of diversity in terms of staffing or client services in your planning and in your implementation?

*Toby:* In terms of the specific merger of L.A. and Long Beach, it was not something that was on the surface anywhere. It was not discussed anywhere....As to diversity in service delivery in the region, when the now three programs in the L.A. County region looked at advocacy together, that was an issue we have been addressing and looking at. For example, we are addressing Asian language intake as a joint project of the three programs with a non-LSC local program in a way that none of us could have done it alone.

*Jan:* And not only do we need to look at diversity in terms of race, gender, sexual orientation, disability but also I think we need to look at diversity as where different people are coming from, where they come out of. For example,...lawyers and non-lawyers...I think we haven't made full use of just a tremendous resource that is non-lawyer advocates.

*Toby:* That gets to Marc's point about each person when they think about the word diversity, a different image comes to mind and one of the first things that any groups talking about it has to do is to say "what do we mean, how do we define diversity, how broad is our concept of diversity?"

*Jan:* I think another diversity is rural/urban. I feel that we're going to have to look at it with larger programs.

*Lillian M:* Although my sense is that that one does get addressed.. Especially in state planning, it's one of the first issues...when we think about the geographic impact of reconfiguration, it's the first

thing that comes up. It's even what I hear LSC is talking about...should an urban area anchor the rural area around it.

*Teresa:* In the South Carolina process that has been the one area that has been the most discussed.

*Randi:* I think we're more comfortable at least having the conversation about urban/rural and differences in urban/rural or what we're going to do to ensure that urban clients are served equally with rural clients or vice versa. I think we're much less comfortable having the discussion about racial and ethnic diversity demands that are being made on state justice communities.

*Jan:* I guess I would be inclined to agree. .. but I still feel strongly in regard to the lawyer - non-lawyer.

*Randi:* I do think you're right, that there are times that many non-lawyers would say that they are not valued for their uniqueness and personal contributions just as there are many women or many Asian Americans or many African Americans who in certain environments say that they're not valued. So it does lead us into that rich tapestry of the diversity conversations.

*Lillian M:* It's very common that the attorney staff remain primarily white but that the paralegal and support staff are primarily people of color. When we look at an organization's diversity, if we're not valuing and respecting non-lawyers ... then we're cutting out a lot of the people of color.

*Don:* It is not enough to have persons of color as our receptionists and secretaries and paralegals. Managing Attorneys, Litigation Directors, Deputy Directors, and Directors positions also should be as diverse as our client populations .... In Florida, because of mergers, ...[there is] the real possibility that there will be one person of color in a director position in the entire state, LSC funded or not. Although through change opportunities arise, there is very little prospect of a

contingent of persons of color being in a position to assume directorships or positions of leadership in the near future. To my knowledge, there are no more than 10 management level attorneys who are persons of color in the entire state in legal services programs. Yet Florida is one of the most diverse states in the country. I think this is wrong.

*Estela:* Diversity can have a broad meaning and is perceived differently by individuals, but for state planning purposes, the question is whether we as a justice community are truly committed to not only diverse leadership within various levels of our organizations, but whether or not we value that same diversity at the top level of those organizations just as much. We should all be concerned that the impact of state planning in Florida may result in only one director who is a person of color. However beneficial the effects of state planning are, if in the end the result is that the reconfiguration process eliminates everyone except white males from positions of leadership, then while we have talked about “going forward,” we have in fact “walked backwards.” The net effect is that our client population also walks backwards with us.

Having said this, diversity for diversity’s sake alone is not the goal. We must insist, for the benefit of our clients, that our diverse leaders possess multi-cultural competencies in order to adequately respond to the ever changing faces and needs of our client communities.

*Lillian M:* With regard to mid-level management, I’m electronically trying to collect the names and email addresses of middle managers of color who are in the New York/New England area for purposes of developing a mailing list ... tell me, would the number 20 to 25 middle managers of color be surprisingly low to you in this region?

*ALL:* Yes.

*Lillian M:* I have been ruminating....how low could this number really be?

*Teresa:* Well, this may help. In South Carolina, where we have an African-American population of 30%, we only have five black male attorneys in legal services in the State. That was a figure that shocked me.

*Neil:* To me, that really emphasizes what I've been saying for sometime now about the need for a lot more data and a lot more sophisticated analysis of the data that we have . We really just don't know except by feel what has happened over the last ten years in terms of longevity, position, sex, race; the lack of information is really an obstacle to knowing where we really need to be putting resources.

*Lillian J.:* What does [our] leadership look like now and what will it look like in, say, five years?  
And what is the community's responsibility to make changes?

*Jan:* I think that leadership begins from the very beginning. What I mean is that I think one of the things that we can do is have our offices really connect up with the law schools. Offer opportunities for clinical placement for people and offer people who would offer diversity to offices.

*Lillian M.:* At the recent AAPDA meeting, I think it was James Head who said we ought to bring high school and college kids in who are from the communities that we're serving and give them an inspirational view of what legal services work can do before the world makes them less idealistic.

*Teresa:* I think that we could have more structure to the process. Once we bring people into our program then how are we going to train them to be leaders? I have always liked the concept of the Leadership Training Institute. Something along that line so we can have a more structured



nationwide process to bring people into the legal services culture and to cultivate them into effective leadership roles. Even if it isn't the traditional roles, and I think if we are getting larger, we can create more roles....those opportunities are there.

*Marc:* What a leadership institute adds is it allows you to work with people where they are and how they define leadership and how they perceive themselves as leaders because that's how you get people to truly take responsibility and start acting as leaders.

*Lillian J:* I just wanted to offer more specifics about what can be done locally in terms of developing leadership. I think taking advantage of opportunities that present themselves, you know, the quick fixes, but also being in a mind set that diversity is a higher priority than it has been in the past because it helps us to be more effective law firms for our clients. But in addition to that, I think that there are opportunities for us to create an environment where spending more and more time in legal services because of opportunities to be involved in their community and opportunities that are supported by our local programs that include active involvement at the bar level. I mean really supporting it by making sure that there are some opportunities for bar membership, support as well as expectation that part of what you do is to interact with the legal community...count these additional projects very much like we do cases. ...Here at CLS in Arizona we've decided to create a senior attorney position that someone who has been in practice for as little as four years could aspire to get to and it involved either working on a particular case during a given year that would result in a significant impact on the client community or a project like the supervisor for our NAPIL housing project was offered to a staff attorney who happened to have been in her lifetime a VISTA. She embraced it...and she's taken the project and really developed it into a major success

for our client community...She's bicultural and it's resulted in a good experience all around....When you have convinced people to concentrate on diversity, then they can take advantage of and create an environment where people will be looking for opportunities to participate more fully in delivering services to clients. That's where we'll get our pool of leadership.

*Neil:* Those are really good ideas and I think there are a number of other things that a thoughtful director can do to develop leadership. Strongly encouraging people to participate in community-based leadership programs would be a way to aggressively promote local recognition of staff. And then generally just publicizing what people do, really thinking about the media, thinking about calling attention to the efforts of people that you want to promote as leaders and those things can be sort of self-perpetuating. If you get someone in the paper a few times they're more likely to be in the leadership program, more likely to be recognized for awards and to have some real authority.

*Toby:* And again, some of those things, particularly the ones that Lillian was talking about, are beautifully suited to Neil's comments about the newly larger programs and the ability to create those kinds of things.

*Marc:* What I like about Lillian's framework (and I actually participated in a very similar program when I was with Atlanta Legal Aid), is that it allows the staff person a very comfortable framework to define what you think of as leadership and what your leadership abilities and potentials are. .... And it does have an impact on a more diverse leadership because sometimes I think that the leadership roles and the positions that we've developed historically in legal services, whether intentionally or not, are tied to different diversity aspects and do come easier for people depending on what makeup they might be. Whereas when it's more about the individual taking responsibility and

developing the leadership that plays upon their skills, there's an opportunity for more diverse leadership.

*Lillian J.:* I think that's right. The other thing that goes back to the problem that we have in retaining a diverse staff, is when the project director or director of advocacy has given clear signals that what they value are lawyers who are involved in impact-oriented cases and that's it. That gives a signal also. Everything that leaders do in a law firm gives information to people who are looking to them for a signal on whether or not they are valued or their work will be credited. So that leaders have an obligation to alter their language and to alter their behavior to be consistent with a leader and a spokesperson who truly understands and appreciates the value of diversity at every level of our staff as well as throughout our client community.

*Lillian M.:* Especially important for someone who is leading a state planning effort?

*Lillian J.:* Absolutely important. They can't make any assumptions at all. They have to be very purposeful and they have a responsibility to do that.

*Lillian M.:* When we see or hear about a leader in the state planning movement who is not demonstrating that understanding or commitment, what should we do? I'm in New York and I hear about another state, hear an anecdote or see an email??

*Lillian J.:* I think you have to take that on a case by case basis. It's certainly very personal. I've made a promise to myself that there won't be a time when I either observe or overhear or I'm in a position where I'm exposed to behavior or comments that I find offensive that I won't try to act on it. Now what that action would be depends upon the set of circumstances. But I think that is at each person's individual level.

*Teresa:* I made the statement that diversity should be a personal individual value but I also think that to truly implement it, it must have some organizational impact. That you just can't isolate it and say I believe in it. We want our organization to be diverse and it can't be happenstance. There has to be some structure to it in your organization to promote it and you have to have a standard by which you're going to create diversity.

*Toby:* Not just how you're going to encourage it, but how you're going to measure it.

*Randi:* When we have these diversity conversations as we've had over the last 20 some years, we are often looking for a very quick fix, and when it doesn't happen, then we move on to other issues until five years later when we all say wow, we really have to do something about that. So perhaps what we need to do is start factoring in these discussions that we're having about diversity into our long range planning and say where do we want to be in a year? Where do we want to be in five years? What do we want our workforces to look like? What do we need in terms of recruitment and retention policies and practices to ensure that we do that when we get there and stop thinking of it as something we want to fix in the short run, although that's important but also begin now to institute policies and practices that make sure we are where want to be in 365 days or five years from now.

*Jan:* I liked and totally agree with the suggestions that we set concrete, measurable goals in developing a more diverse workforce and leadership teams....these specific actions that we take will put "feet" on our values, so that "diversity" won't be just a nice idea/a nice thing to discuss, but will truly become a reality....I think the broadest brush of diversity, that every one of us is a unique individual with our own "frame of reference," whether this comes from race, national origin, gender, sexual

orientation, disability....encourages us to look at the broader issues of treating people/each other with respect and responsibility....Our state planning groups need to be a safe place for such discussions, not power and control games and “big politics.”

*Lillian J.:* I think these comments are going to be ones that are helpful for people to read and say

I'm not in this alone.. ...I think that the quick fix, or taking advantage of a vacancy, from my vantage point is okay. I just don't want people to depend on quick fix as the only thing. The reason I say that is because I want people to think about opportunities that are presented to them now and not just be comfortable with planning for our future. ... I think that diversity will become such a part of our community's values that as much emphasis as we actually give to providing high quality effective representation would include making sure that it's done with a diverse staff and with a cultural competency that embraces the concept of diversity into each and every individual that participates in the process. The reason I stress that is because I think that the sooner we're able to actually change some minds, affirm other minds and give support and credibility to those who are using this environment that we have helped create, the better our community will be able to accomplish the goal within the next several years.