



Champions of Diversity

Breaching the Norm— Inside the “Inclusion”

By Rodney W. Jacobs, Jr.

The legal profession has been under tremendous pressure to emulate a workforce that is representative of today’s world. It was Albert Einstein who taught us, “You cannot solve a problem from the same consciousness that created it. You must learn to see the world anew.” Over the years, it seemed that the American legal profession tried to solve its diversity problems with the same thinking that created them, clinging to the past and the present, “to protect, preserve, and maintain” the status quo. Fortunately, a new standard in the legal profession has fostered diversity trail blazers, not just money rainmakers. These trail blazers’ triumphs have not only helped the legal field become more inclusive and diverse, but they have brought forth innovative ways of attracting the nation’s best and brightest diverse lawyers.

During my plight as a law student, the coveted law firm “offer” was the Holy Grail. It, in many ways, thrust normal everyday students to the forefront of their class without the rigors of Socratic subjection. The “offer” is law school gold. Yet, for me, receiving an offer wasn’t everything. I wanted to be in an environment where I could succeed, feel welcome, and show my personality. Therefore, it was imperative to understand the workplace diversity dynamics. I would often ask various questions about firm diversity during interviews only to receive disappointing, canned responses that seemed to lack honesty.

In an honest conversation, recently, diversity champion John Arrastia, a partner with Arrastia Capote Partners, LLP, graciously gave the DRI Diversity Committee his time to discuss his experience with diversity and inclusion initiatives and to offer some words of advice from a small law firm perspective. We present it here to help law students understand how firms assess workplace diversity and inclusion and also to guide students on things to consider before accepting that “golden offer.” Mr. Arrastia’s practice focuses on all forms of dispute resolution and business matters with an emphasis on



John Arrastia

domestic and international litigation. He was recently the elected national Vice President of External Affairs (2014–2015) and previously the regional president (Florida) of the Hispanic National Bar Association, a voluntary bar association that represents and promotes the interests of Hispanic attorneys, judges, and legal professionals. Mr. Arrastia’s comments,

which follow, show a new path and direction toward championing diversity and inclusion in the legal profession. Part two of this three-part series will discuss this topic from the large firm perspective with insights from Paul Lancaster of Ogletree Deakins.

DIVERSITY ADVANTAGE: How has the firm made efforts to recruit diverse candidates?

ARRASTIA: Diversity is truly a guiding focus. It is inherent to our firm dynamic, and is built into our general makeup. And that is to cover all aspects of diversity. We have a large percentage of women attorneys as well. Generally, I founded the firm with the idea of creating the environment making the minority the majority and empower the people to feel comfortable and making the minority the normal playing field.

DIVERSITY ADVANTAGE: What steps has the firm taken over the past five years to make the workplace more inclusive of diverse groups?

ARRASTIA: Early on I understood that there is a major difference between diversity and inclusion. Therefore, as we mature as a law firm, we didn’t want to be pigeon-holed, and we didn’t want to sacrifice diversity for inclusion. We want to be diverse but not at the expense of excluding non-minority attorneys. There are many law firms that have limited diversity or are majority owned, but do not understand the value of diversity. Therefore, I partner with larger firms to form strategic alliances. These alliances allow a mesh of diversity with my firm and a sense of inclusion. At the same time, it benefits my associates because it exposes them to the differing cultural ideologies of majority-owned firms.



■ Rodney W. Jacobs, Jr., has earned a J.D. from the University of Dayton School of Law, Dayton, Ohio, and is completing an M.P.A. with the university. He has interned with the U.S. Equal Opportunity Commission, the New York State Attorney’s General Office, the U.S. Air Force Judge Advocate General, and the Honorable Walter H. Rice of the U.S. District Court for the Southern District of New York.

DIVERSITY ADVANTAGE: What type of qualifications do partners look for in their diverse candidates, other than what you find on their resume?

ARRASTIA: Litigation is an adversarial practice; as such we look for people that like to compete. We look for individuals that have a long-term view, and aspirations to contribute to the community. When I hire people, I hope I hire a future partner because I put a tremendous amount of time and training into developing candidates. This training not only puts them on equal footing, but it gives them a competitive advantage. In like manner, I look for intellectual curiosity. Individuals who are willing to take the extra step to make sure to put our client in the best possible position. Personality is also a big factor. Personality encourages business development as well as chemistry in the firm. In grooming new lawyers, they start year one with business development, including creating a business development plan noting their professional growth and individual aspirations. We also look at what people do outside the firm. Are they published, active in bar associations, and do they interact with other attorneys' prospects? Obviously, every attorney has strengths and weakness. I want them (new attorneys) to pick an area that seems to make sense and best fits their strengths, and that is what we promote. Everyone has something good to bring to the table, and we highlight that and maximize their potential.

DIVERSITY ADVANTAGE: It seems that the legal field has taken longer than other professions to diversify their working base. Do you think that trend is ending? And if so, why?

ARRASTIA: *The trend is not ending;* however, corporate clients are encouraging it to end. There is a lot of resistance because it involves change. Compensation models in firms can impede diversity in the profession as well. In this instance, the perception is that the more you empower other attorneys, the more control you may be giving up and the more you are entitling others to a large slice of the compensation pie. Some firms are trying a compensation model that promotes inner-collaborative ideologies. They need to work together. Firm clients need to encourage using diverse associates on their matters. Firms should encourage,

and clients should encourage, creating relationships between clients and diverse attorneys at firms. Compensation models in many law firms do not encourage including new attorneys as relationship partners or in other high-end client responsibilities. In business, if a division or department does well, everyone gets a bonus. But in law firms, many times, compensation is very individual. Equity partners are responsible for originating and retaining clients. I want them to be compensated for doing this important work. But, if you include other lawyers in that client relationship, the compensation has to be reallocated. If we are moving, we are moving more slowly than the rest of American society.

This three-part series introduced with this column explores the evolving face of the legal profession and what diverse candidates entering the legal field need to keep in mind as they navigate career choices. The first two parts to this series are interviews with successful, established diversity champions, and the third part to the series will examine how we can heed the wise words of our champions to make better-informed career decisions. **FD**