

BLACK HISTORY MONTH

BY JARED NELSON

Black History Month is an annual celebration of achievements by prominent Black American figures that contributed to the greater good of the United States of America. Ever since the expansion of Negro History Week to a full month in 1976 by President Gerald R. Ford, the entire nation has grown to recognize and appreciate the importance of Black History in the cultural fabric of our country. President Ford noted when he officially recognized Black History month that the public is called upon to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history.” In keeping with traditions of Black History month and telling the stories of underrepresented individuals within American history, this month allows for organizations to have hard discussions centered around breaking down biases and barriers to enhance diversity, inclusion and equity within the workplace.

Diversity, equity and inclusion (“DEI”) is important in the workplace as it provides for greater access to talent beyond the traditional school of thought. The legal profession has made strides in promoting DEI initiatives over the last decade to attract highly qualified attorneys to positions of leadership and/or management. Studies show time and again that pioneering and innovative ideas come from collaboration among teams from a wide variety of cultures, backgrounds, and experiences. A study conducted by McKinsey & Company found that ethnically diverse companies are 35% more likely to have financial returns above their respective national industry medians. Gender diverse companies are 15% more likely to outperform their respective national industry medians. Harvard Business Review found that diverse companies are 70% likelier to capture a new market.

They’re also 45% more likely to report increased market share year-over-year. According to a study from Deloitte and the Billie Jean King Leadership Institute, 83% of millennials report being actively engaged when they believe their organization fosters an inclusive workplace culture. That percentage drops to 60% when their organization does not foster an inclusive culture. Furthermore, studies also show that DEI measures will benefit the U.S. economy more broadly. A new Federal Reserve Bank of San Francisco study calculated that in 2019, the country’s output would have been \$2.6 trillion greater if the economic gap between white men and everyone else was closed. A study conducted by Citigroup calculated that if American had adopted policies to close the Black-white economic gap 20 years ago, the United States Gross Domestic Product would be an estimated \$16 trillion higher. A study by McLean & Company, an HR research and advisory firm, found that disengaged employees cost an organization approximately \$3,400 for every \$10,000 in annual salary. The same study reported that lost productivity due to disengaged employees costs the U.S. economy up to \$350 billion annually. These studies suggest advocating for DEI initiatives in the workplace will improve company profitability as well as the American economy.

Legal Departments and law firms understand now, more than ever, that not having a DEI plan will result in missed opportunities to attract top notch talent from diverse backgrounds and potential business opportunities.

Initiatives such as the Diversity Lab’s Mansfield Rule Certification Program can be vital to the overall success in attracting and maintaining diverse talent. The goal of the Mansfield Rule is to boost the representation of diverse lawyers in law firm leadership by broadening the pool of candidates considered for these opportunities.

The Rule's elements and operations are grounded in behavioral science research, which researchers have found that having a diverse talent pool will improve representation of underrepresented individuals within an organization. In implementing and committing to the pillars outlined in programs such as Mansfield Rule Certification Program, legal departments and law firms will continue to see improvement in their workplace culture which would ultimately lead to higher profit margins. At the end of the day, all businesses want to make money. If there is research conducted in this area which shows that failure to implement DEI initiatives will result in loss profits, why are we waiting to make the change? In conclusion, Black History Month is an annual opportunity to recognize the achievements of those amazing Black Americans who made contributions to our society, and it presents the opportunity to have difficult conversations that will ultimately lead to necessary change. As gatekeepers of our amazing profession, it is up to every one of us to shift the dynamic towards diversity, equity, and inclusion. Associate Justice Piper Griffin of the Louisiana Supreme Court said it best: "The Law is what we make it, and the profession is what we allow it to be."

1 The Library of Congress et al., Black history month Black History Month, <https://blackhistorymonth.gov/about/> (last visited Feb 5, 2023).

2 The Ultimate Guide to DEI in the workplace: 12 steps every organization should take, Qualtrics (2022), <https://www.qualtrics.com/experience-management/employee/dei/> (last visited Feb 6, 2023).

3 How diversity can drive innovation, Harvard Business Review (2014), <https://hbr.org/2013/12/how-diversity-can-drive-innovation> (last visited Feb 6, 2023).

4 Millennials have a different definition of diversity and inclusion, <https://www.fastcompany.com/3046358/millennials-have-a-different-definition-of-diversity-and-inclusion> (last visited Feb 6, 2023).

5 Rdawson, \$3 trillion a year and growing: Potential economic gains from equity San Francisco Fed (2021), <https://www.frbsf.org/our-district/about/sf-fed-blog/3-trillion-a-year-potential-economic-gains-from-equity/> (last visited Feb 5, 2023).

6 Closing the racial inequality gaps: The economic cost of black inequality in the U.S., Scout Archives, https://scout.wisc.edu/archives/r93656/closing_the_racial_inequality_gaps_the_economic_cost_of_black_inequality_in_the_us (last visited Feb 5, 2023).

7 A disengaged workforce is a harbinger of a toxic workplace culture ..., <https://www.inc.com/debra-roberts/disengaged-workforce-harbinger-toxic-workplace-culture.html> (last visited Feb 6, 2023).

8 Mansfield Rule 2021, Diversity Lab (2022), <https://www.diversitylab.com/mansfield-rule-4-0/> (last visited Feb 5, 2023).

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