

Diversity, Equity, and Inclusion in 2022  
Talking Points and Reference Outline

**Why is DE&I Education and Planning Important?**

1. Organizations that routinely educate about diversity and make equity and inclusion core values are constantly evolving, working on their internal and external messaging, and thereby improving their cultures and work environments.
2. To attract and retain talent.
3. To maximize profits and maintain credibility. Clients/customers often expect it and many seek to reward it. Studies show more innovation, better assessment of customer demands and needs, more efficient problem solving, and less turnover as results.
4. To help employees understand company values, beyond just business cases, and to help employers establish clear expectations and goals.
5. To help managers/employees understand, recognize, and interrupt unconscious biases.
6. To help managers/employees build a more inclusive and evolving working environment.
7. To help leaders focus on hiring and promoting practices, and on building inclusive teams.
8. To raise employee awareness about workforce diversity and how employers can encourage team cohesion and improving relationships among employees, vendors, partners, and customers.
9. To help ensure employer compliance with Equal Employment Opportunity sections of the Civil Rights Act and to protect against potential future liability.
10. It is mandatory for New York attorneys (1-hour biennial CLE requirement).
11. To help organizations and their employees have stronger community involvement.
12. In our profession, to improve representation. A diverse bar and bench results in a greater trust in democratic processes and the importance and legitimacy of our industry. A lack in diversity can lead to distrust of our legal systems, both civil and criminal.



## **Common Introductory Definitions**

\* These “definitions” can vary, and we must be careful not to oversimplify how we reference and characterize people. Even the basic “definitions” below can be misleading, presumptuous, and stereotypical. Careless oversimplifications and stereotypes can alienate and label people, rather than include, understand, and value them.

**Allyship:** Refers to the actions, behaviors, and practices by leaders and colleagues to support, amplify, and advocate with others, especially with individuals with different social identities. Many define it as an active and consistent practice of using power and privilege to achieve equity, inclusion, and social justice while holding ourselves and others accountable.

**Diversity:** An embodiment of a group’s composition, as a starting point for understanding how differences intersect and impact an organization’s culture, morale, and objectives. It is important to remember that diversity is less about what makes people different (i.e., race, socioeconomic status, sexual orientation, etc.) and more about understanding, accepting, and valuing those differences.

**Equity:** Working toward fair outcomes for people or groups by treating and supporting them in ways that address their unique advantages or barriers.

**Intersectionality:** The intertwining of social identities such as gender, race, ethnicity, social class, religion, sexual orientation, and/or gender identity, which can result in unique experiences, opportunities, and barriers.

**LGBTQIA+:** Lesbian, gay, bisexual, transgender, queer, intersex, pansexual, androgynous, asexual... [see further below]

**Neurodiversity:** The concept that there is great diversity in how people’s brains are wired and work, and that neurological differences should be valued in the same way we value any other human variation. Asks us to expand our views on what is deemed normal and acceptable rather than attempting to place people within our views or ask them to alter behaviors as a matter of course.

**Non-Binary (also known as Genderqueer):** A category for a fluid constellation of gender identities beyond the woman/man gender binary.

**Social Justice:** Also a concept of fairness (in wealth, opportunities, and privileges), focused on improving the lives, access, and rights of historically marginalized groups.

**Stereotypes:** A widely held but fixed and oversimplified, exaggerated, over-generalized image or idea of a particular type of person, group, thing, or things. Often lacks context, nuance, and sensitivity.



**Unconscious Bias:** An implicit association, whether about people, places, or situations, which is often based on mistaken, inaccurate, snap-judgment, and/or incomplete information and includes the personal experiences and stereotypes we bring to the situation. The attitudes or stereotypes that affect our understanding, actions, presumptions, and decisions in an unconscious manner. A non-neutral judgment made without thinking and deliberately applying information.

**Work-Life Effectiveness:** A talent management strategy that focuses on doing the best work at the best time with the best talent. It helps businesses create flexibility, enhance agility, and drive mutually beneficial solutions for both employers and employees.

**Workplace Inclusion:** An atmosphere where all employees feel a sense of belonging, and where they can contribute, connect, and thrive. Requires deliberate and persistent action. It is the “mix” of diversity and equity for a strong, welcoming, and engaging culture.

## **Gender and Sexual Orientation - Sensitivity and Understanding**

**Gender expression:** How you choose to express yourself, often associated with concepts of masculinity and femininity, but we must avoid binary gender identity presumptions.

**Gender identity:** Is a personal sense of one’s own identity.

**Cisgender:** Gender corresponds with sex assigned at birth.

**Transgender:** Gender is different than sex assigned at birth. Transgender is an adjective. Avoid saying a “A transgender(ed) person.” Instead say “A transgender person/man/woman.”

**Non-binary:** As noted above, a gender that blends elements of being a man or a woman, or a gender that is different than either male or female. Also: genderqueer, gender-nonconforming.

**Pronouns:** Avoid asking “What pronouns do you prefer?” Instead ask “What pronouns do you use?” Also, avoid saying “lifestyle” or “preference” in the context of LGBTQIA+ people. Try to “ungender” your language. *E.g.*, use “gay” instead of “homosexual.” Avoid using “normal” when discussing gender identities, expressions, or biological sexes that are common or expected.

## **Implicit Bias**

Can often be caused by fatigue, time constraints, brain overload, ambiguous or incomplete information, etc. Our brains are efficient and can process millions of bits of information in seconds.

Important to keep in mind that our own cultures, experiences, associations, and environmental influences are major factors in our subconscious processes. The brain remembers those experiences and images, and then triggers an unconscious (snap, quick) response.



When we ask ourselves to think about biases, it is not just about skin color, class, or self-identity, but about the associations and influences around us that cause us to use stereotypes in our decision making and other judgments. Media. Friends. Family. Where we grew up. What experiences we each have.

Think about who we associate with? When we gather, who we gather with (even for lunch or coffee)? Who do we connect with on social media? Where do we live, and why? What schools we choose for our children, and why?

In becoming lawyers, we have all have interests in equality and justice (personally and as part of our swearing-in oaths). To eliminate barriers to access and justice we need to acknowledge that they may exist, first.

Our profession is all about decision making – reaching conclusions, issuing judgments, advocacy, problem solving, deal making, sentencing, assessing credibility, etc. We want to avoid doing these things automatically, on impulse, and as triggers. We want our decisions and judgments to be reflective of conscious and objective thought.

### **What Fosters a Great Work Environment?**

Collaboration  
Respect  
Communication  
Engagement  
People Being and Feeling Valued  
Innovation  
Productivity and Growth  
Ingenuity  
Talent  
Civility and Professionalism

The list can go on. Diversity, Equity, and Inclusion can improve every quality and goal, and they themselves should also be core parts of the qualities and goals.

What successful organizations often have in common is a formalized DE&I framework, built on three core pillars:

- (i) clearly defined, transparent, and disseminated stances and messaging on DE&I that permeate the organization's mission, strategies, and practices;
- (ii) specific plans, programs, and policies that evolve through intentionality, trial, and error; and
- (iii) means for measuring, rewarding, and reporting on performance, initiatives, and goals, beyond just hiring, retention, and promotion numbers.