

## How to Talk About Diversity

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*"I don't like that man. I must get to know him better."*

*Abraham Lincoln*

Discussions about diversity can be challenging. Some people feel they are being attacked, and some feel they are being ignored, so it's no surprise that many people wish to skip the conversation altogether. As lawyers, we should embrace the difficult topic of diversity so that we can more effectively serve our clients and better represent our varied population in the legal profession.

"Diversity" isn't a term that applies only to certain people or groups of people; "diversity" is all of us. Lawyers especially should prioritize diversity in their professional organizations and recognize how diversity affects their relationships with clients, opposing parties and counsel, and the community as a whole. The Model Rules of Professional Conduct direct lawyers to be competent (Rule 1.1), to communicate effectively with clients (Rule 1.4), and to be fair to opposing parties and counsel (Rule 3.4). The rules also prohibit harassment of a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, ethnicity, or marital status (Rule 8.4(g)), and discriminatory acts (Rule 8.4(h)). Lawyers who understand and embrace diversity of experience, characteristics, and thought will be better able to meet their ethical obligations.

It's human nature to gravitate toward people who are familiar to us, and to be guarded around those who are not. It's easy to separate ourselves into divisive categories and to point the finger at those we fear do not understand us. Discussions about diversity should not be used to shame a person or entity, but instead to educate us about ourselves and others. Once we become familiar with people who on the surface appear to be different from us, we can better understand our differences while uniting in common goals.

When people think about diversity, they likely consider gender, race, religion, sexual orientation, disability, and age. We all know a lack of diversity in the legal system plays a role in our personal and professional lives as lawyers. Some assume that people who are thought to be in the minority should bear the burden of achieving a better balance. However, diversity is not a minority issue, or a women's issue, or an LGBTQ issue, or a person with disabilities issue. Diversity is an everybody issue. It should be an organizational priority.

Not talking about ways lack of diversity affects us sends a message that this is an off-limits topic. Rather than avoiding difficult discussions, the challenge is to thoughtfully engage with others in a polite and non-confrontational way. Consider whether you are actually listening to other people to understand their perspective, or whether you are instead focused on your response (which is aimed at changing minds to come to your way of thinking). Keep in mind that the goal of discussions about diversity is to understand and absorb, not to gather information to refute.

When engaging in conversations about diversity, think about how the language you choose might affect the discussion. Are you personally attacking a person for having a particular belief, or claiming their experience is something other than they say it is, or are you open to hearing why they might feel how they feel? Overt attacks increase division and rarely change perspectives. If the goal is to understand where another person is coming from, and have them understand your way of thinking, the wiser course of action is to keep an open mind and not assume the worst of those whose views and experiences differ from yours.

It's also important to recognize that not all people who might fit into a particular category will share the same views. It is a mistake to assume a person will behave in certain ways or hold certain beliefs simply because of the color of their skin, religion, sexual orientation, or any other characteristic. There is diversity within seemingly similar groups of people, and it's important to allow for and celebrate diversity of thought along with diversity of more tangible characteristics. We are all much more than our demographics.