

Activating Around Our Appreciation for Cultural Diversity in the Practice of Law

by Shawntal M. Mallory

Welcome back to our Equity and the Law column, a brainchild that started over sandwiches with sides of ranch when Shawntal Mallory, Nebraska Legal Diversity Council; Stefanie Pearlman, the University of Nebraska College of Law; and Yvonnda Summers, Creighton University School of Law, all decided that we would activate around NSBA Executive Director Liz Neeley's invitation to highlight equity and inclusion topics within our profession. Through this article in *The Nebraska Lawyer*, we will collaboratively address different aspects of diversity, equity, and inclusion throughout the legal field and provide an educational perspective on how to implement equity and inclusion to promote a more diverse

Bar. The Nebraska State Bar Association has been actively including continuing legal education opportunities geared towards cross-cultural competency and branching that educational component into a publication seemed like a natural next step. It then only felt logical to enlist the assistance of the co-chairs of the NSBA Diversity Section, Yvonne Sosa from the Office of the Federal Public Defender and Alisha Jimenez from Lancaster County Attorney's Office. After emails and Zoom calls, ideas, and much excitement, we have created this column for the readers of *The Nebraska Lawyer*.

Shawntal M. Mallory



Shawntal Mallory is a native of Omaha, Nebraska, and was educated at Creighton University (BA'97) and Creighton Law (JD'00). A licensed attorney for almost 17 years with an extensive practice in juvenile & family law, she currently serves as Executive Director of the Nebraska Legal Diversity Council (NLDC). Shawntal also serves as an Adjunct Professor at Creighton Law. A featured speaker, trainer,

coach and consultant on issues of leadership, human resources, diversity, equity, inclusion, access, justice and belonging, Shawntal is certified in Nonprofit Executive Leadership and Leading Equity & Inclusion in Organizations through Northwestern University. She is an active and awarded community volunteer and Board member, recipient of the 2021 NSBA Diversity Award, and devoted mother who enjoys spending time with her two sons.

One of the wonderful things about modern use of the internet is the widespread dissemination of information, some of which serves to be educational, awareness-provoking, and community-building, albeit most of it encompasses information folks would not have known but for social media attention and Google searches. Wildly popular in the social media world nowadays are the observances of national celebratory days for more occasions than I can keep track of, many of which give us opportunities to build community, connectedness, and celebration through their observance. In May, the world acknowledges World Day for Cultural Diversity for Dialogue and Development. While the title of this day is a mouthful to say, it truly inspired us to collectively pose a question to our Nebraska legal community: *Are we doing enough in this noble profession to celebrate cultural diversity, promote dialogue and develop ourselves around inclusion practices that will ensure a culture of access and belonging for all identities associated with the practice of law?*

The question is a weighty one not easily answered. Additionally, the answer is not universal to all practicing lawyers and all workplace cultures. The question is an invitation to mindfulness and reflective goal-setting around what we each



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can do to help weave a unified thread of diverse and inclusive practices and ideas through our legal community. The question centers on how we are collectively and collaboratively making the impact we desire by creating a legal community increasingly more representative of the demographics of the community-at-large while attracting the best and brightest talent with diverse identities. Assembling talent with diverse identities, as many statistics and studies about the business case for diversity and inclusion illustrate, creates an environment of collegiality that strengthens our teams, workplaces, courtrooms, and the practice in general with diversity of thought, backgrounds, and lifestyles. This is, as younger professionals and even some of the tweens and teens in our households say, “#goals (read: hashtag goals).”

I love the cultural celebrations acknowledged in the month of May—including, but not limited to Asian Pacific Islander Heritage Month, Jewish American Heritage Month, Mental Health Awareness Month, Older Americans Month, Cinco de Mayo, and International Day Against Homophobia, Transphobia and Biphobia. The breadth of identities celebrated and acknowledged is comprehensive and incredibly diverse! I admit, trying to acknowledge and celebrate all of these groups, many of whom are underrepresented and marginalized in the legal profession, may appear to be an overwhelming task. This is where community comes into play, making the responsibility a personal quest to find small ways to create opportunities for building our individual awareness and intentional inclusion related to folks with these identities. This responsibility in action means our collective pebbles will be thrown into the proverbial diversity pool to create a beautiful rippling effect inspiring some movement toward being a more inclusive profession. You may be asking yourself why this movement towards a more inclusive profession is important. You may be wondering if diversity and inclusion is just a current trending topic or if there is really something worthwhile to this concept of collective impact. My responses to your potential wondering would affirm both the importance and staying power of our efforts toward diversifying the profession and creating more inclusion, access, and belonging amongst its most underrepresented and marginalized members.

As an excellent example of the power of collective impact, I offer the Nebraska Legal Diversity Council (NLDC), the newly founded non-profit collective impact organization I have the honor of leading. Within this organizational collaborative effort, we are charging forward collectively in partnership with our State Bar Association, our two law schools, and a collective of 16 of the State’s premier law firms, corporations, and other diverse representation from the Bench and Bar. In just one short year of active existence and several years of devoted planning, our founding partner organizations have evidenced their understanding that a more diverse and culturally diverse Bench

and Bar with ongoing opportunities for dialogue and development around equity and inclusion issues is of paramount importance to our profession. The partners, by supporting our work to increase diverse student and practitioner pipelines, support attorneys with diverse identities, move the needle on adding modern and mindful hiring practices for legal employers, and attract diverse talent in our law school classes, showing their belief that through mentoring and networking we will retain those talented individuals to be the future diversity of our Nebraska Bench and Bar.

This collective impact we are striving for, not only through those supporting NLDC, but with many others who are striving to make improvements in the cultural diversity of our Bench and Bar, results in increased public access to legal expertise from attorneys who share lived experience and the trust of a broader range of communities. This representation and expanded access results in exceptionally high performing workplaces where practitioners feel comfortable bringing their whole, authentic selves to their practices. The statistics speak volumes about how important diversity is to business, but we must be mindful that our work to diversify the profession is definitely long haul work riddled with complexities and challenges, as well as its share of *challenges*. According to a 2022 publication by the American Bar Association (ABA), “The legal profession is struggling with diversity.” The article shares some sobering statistical information about this struggle for diversity. Nebraska has additional unique challenges of its own by way of the dual nature of our urban and rural communities’ needs, as well as competition for underrepresented identities from more diverse regional markets like Kansas City, Chicago, Denver, Dallas and St. Louis. According to the ABA, “women make up 37% of practicing attorneys, even though they account for 50.8% of the U.S. population. Men still outnumber women in equity partner positions nearly 5-to-1. Only 4.7% of practicing attorneys are Black, with about 10% of attorneys falling into other racial minority groups. Within the legal profession since 2010, representation of individuals in minority racial and ethnic groups combined has grown just 6%, the percentage of practicing Black attorneys has increased by less than 1%, and the percentage of women attorneys has only increased 4.6%. At this rate, it will take 30 years for the demographics of the legal profession to reflect the demographics of today’s population.”¹

Does this information bring you any closer to agreeing with the assertion that as a profession we must continue to collectively and collaboratively rally around the acknowledgement that comprehensive cultural diversity for dialogue and development is an effort that is worthy of our continued commitment rather than dismissal of inclusion efforts as quick-dissolving trend? My hope, as a leader of these efforts and an attorney holding membership in several intersectional identities on the underrepresented and marginalized list (African American,

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woman, first-generation graduate and attorney, etc.), is that you answer in the affirmative and realize this is an alarm for all hands on deck. This alarm comes with the acknowledgement that “many hands make light work,” and we all have a personal role to play in shifting the demographics of our profession toward greater diversity, equity, inclusion, justice, access, and belonging.

If anyone reading this article has ever conversed with me about my work, chatted with me informally about these topics, experienced one of my talks or trainings, or partnered directly with me on collaborative impact work, you probably know that I am consistently serious about two main things—mindfulness and action. In constantly strategizing about inclusion issues, I have often been asked, “where can I begin in my journey to help and make a difference?” I have thought long and hard about the answers to this important question and developed six important steps you can take to bridge any personal and professional gaps in cultural appreciation, interpersonal and workplace dialogue around diversity, and personal development of culturally appreciative and inclusive interactions. The steps to *B.R.I.D.G.E* our personal and professional gaps are:

1. **Broaden your awareness** – We all should take actionable steps to expand our world view and personal interactions beyond our current awareness in an effort to diversify our circle and understand and appreciate others’ lived experiences.
2. **Recognize your bias** – Although difficult to admit, we all make intellectual shortcuts in how we view others based on past experiences and influences. Recognizing our biases is important internal work and a solid step toward identifying when our biases can be harmful or contribute to a lack of inclusion in our personal and professional spaces.
3. **Initiate intentional inclusion** – Intentionality is the key to making those active efforts stick in order to experience others’ cultures, beliefs, lifestyles, learning styles, working styles, cus-

toms, and traditions in a way that enriches our teams, practices, and lives. Inclusion is not happenstance, rather it is achieved by actively examining how we lean into the discomfort of our differences to find ways to collaborate.

4. **Deepen your understanding** – We cannot rest on the laurels of the initial broadening of our awareness. We must continually deepen our understanding about others in a way that lends itself to greater empathy, relationship building, understanding, and growth.
5. **Generate growth goals** – Just as we create goals around work performance, healthy lifestyles and weight, financial security, professional development, and other areas, we must also take time to identify actionable steps we will take to grow in our diversity and inclusion journey.
6. **Engage in allyship** – While allyship has become quite the buzzword, we should look for ways to truly learn from the lived experiences of others and use our power and influence to elevate the voices and experiences of the underrepresented and marginalized voices within our profession.

As we all individually, collectively, and collaboratively rally around a commitment to cultural appreciation, dialogue, and development during this celebratory month of May and beyond, it is our hope that you find community in knowing that many others within the Nebraska legal community are throwing their pebbles in the pool of diversity, equity, and inclusion with you. Together, we will continue to build upon the ripples until they create waves that beautifully transform, unify, and strengthen the practice of law in our great state, our country, and the world. 

Endnote

- ¹ John Harrity & Samantha Sullivan, HOW TO IMPROVE DIVERSITY IN THE LEGAL PROFESSION AMERICAN BAR ASSOCIATION LAW PRACTICE MAGAZINE (2022), https://www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2022/july-august/how-to-improve-diversity-in-the-legal-profession/ (last visited March 15, 2023).