

Professional Perspective

Turning Pandemic Burnout into Diversity, Equity, & Inclusion Opportunities

Mishell Parreno Taylor and Raquel Zilberman Rotman, Littler Mendelson

**Bloomberg
Law**

[Read Professional Perspectives](#) | [Become a Contributor](#)

Reproduced with permission. Published July 2021. Copyright © 2021 The Bureau of National Affairs, Inc.
800.372.1033. For further use, please contact permissions@bloombergindustry.com

Turning Pandemic Burnout into Diversity, Equity, & Inclusion Opportunities

Contributed by *Mishell Parreno Taylor* and *Raquel Zilberman Rotman*, *Littler Mendelson*

The global pandemic has forever changed the legal field. While many are addressing the consequences for firm diversity efforts—women leaving the workplace in large numbers, or the lack of diverse lawyers in the profession, particularly at the partnership level—few are considering the opportunity ahead of us.

Law firms and in-house legal departments across the country can take this time to leverage the lessons from this long-term remote experience to increase engagement and learning opportunities for diverse talent. Both the pandemic and the recent heightened engagement in social justice initiatives have focused law firms on authenticity and equity. That focus perhaps can enable a transition from an environment with high risk of burnout into an environment evolving to create positive impact.

Increased Access

The pandemic has revolutionized so much, and the practice of law is no exception. Courthouses closed and litigators had to adapt to a new normal that included virtual hearings and depositions. While these unconventional proceedings brought challenges to many in the profession, they also brought the opportunity to expand the participation of a broader cross-section of attorneys in proceedings.

For example, take a pre-pandemic deposition; while the participation of junior attorneys in those proceedings was an option pre-pandemic, doing so was sometimes not practical because of potential travel costs and logistical concerns of too many attorneys in a particular proceeding. Through virtual depositions, the ability for a junior attorney to observe the deposition of a senior partner across the country becomes not only feasible, but something that law firms should encourage as a training opportunity for a broad base of attorneys.

Access to the experience and expertise of senior counsel in action is now a virtual meeting away for the future generation of litigators. Virtual practice options also give attorneys with disabilities additional challenging through in-person appearances. For example, an attorney who may have a primary immune deficiency can still participate in litigation and training opportunities through virtual options.

What was once the exception to the rule in our profession—virtual appearances and interactions—has now become the norm and opens professional opportunities to more attorneys with diverse backgrounds and experiences. Moreover, because the law school experience for many recent graduates included access to technology, it is a real opportunity to blend the experience of senior attorneys with the technological wherewithal that many new members of the profession bring to the practice.

One of the core aspects of promoting equity in the law is providing everyone with access to opportunities and institutional knowledge often housed with law firm partners across a firm. The access to connection gained during the pandemic extends beyond litigation. While the importance of future in-person interactions is essential in the practice of law, the ease by which we can now connect via virtual platforms provides another avenue to meet with members in different practice groups and offices.

For the junior attorney interested in meeting the partner who has deep experience in an area of law or whose career trajectory looks interesting to the junior attorney, it is a great opportunity for that junior attorney to reach out for a video conference to learn more about the practice or career path. Access is key and leaders in the legal profession should look at how to leverage the shift to virtual norms to promote access to the next generation of legal leaders.

Promoting Authenticity

While the pandemic has brought new challenges to how and when we work, now more than ever employees are bringing their whole selves to work. This change is largely due to the pivot in mindset, in which working from home has become living at work. Behind those screens, people are struggling with pandemic burnout, juggling family and work responsibilities, and trying to still show up. This is, of course, easier said than done. The truth is, we have invited our

colleagues into our homes. We can no longer hide our children, who may burst into the room while we are on a client call or hide our love for collecting knick-knacks that may line the room we work from. Instead, employers and managers can help their employees feel welcome to share their whole selves at work.

Authenticity in the workplace not only helps employees feel more welcome but can also lead to increased productivity. Employees who can be themselves at work, and not feel the need to have two versions of themselves, will help to foster a work environment and office culture centered on trust and compassion. Progress and diversity can truly occur in the workplace only when a person feels safe being themselves at work.

Being yourself and showing more of what makes you *you* often leads to conversations, and those conversations can sometimes be uncomfortable or lead to tension. But by encouraging different perspectives and shared experiences into the workplace, your employees can grow closer to each other, work more strongly as a team, and push toward increased performance as a unit.

For example, when employees are supported in declaring pronouns, individuals who are gender-nonconforming feel more welcome bringing their whole selves to work. Specifically, when cisgender people list pronouns, transgender and gender-nonconforming individuals feel more comfortable to do the same. Whether this is listing pronouns in an email signature, or including it on your office placard, encouraging all individuals in your office to indicate what pronouns they use will help all individuals feel welcome in the workplace and invite them to be their authentic selves.

An understanding manager or coworker who allows a colleague to chat about the struggles of virtual learning or anger towards racial inequality in America can help an employee feel welcome in the workplace. Nonetheless, an employee should not have to rely on having an empathetic and understanding manager who acts on instinct. To ensure the workforce is tasked with the skills necessary to tackle these tough conversations, DEI trainings should be rolled out within law firms and in-house law departments. Not only will these trainings help foster open communication and increased connections in the workplace, but retention is also likely to increase.

While appreciation for good work helps with retaining top-notch employees, allowing employees to feel welcome in the workplace as themselves, in a non-judgmental space, benefits the organization overall. Employees are likely to stay in a workplace where they can be their true selves.

In addition to DEI training, law firms and legal departments can encourage and promote authenticity in the workplace in the following ways.

Meeting Conversations About Equity Head-On

The renewed focus on social justice and equity has provided an opportunity for legal leaders to engage in genuine conversations about equity, particularly in the profession. Despite the distance and isolation caused by the pandemic, leaders should not avoid tackling conversations about social justice and equal access to opportunity in the profession. These conversations aren't always comfortable in a remote environment, but they are necessary as many have experienced difficult challenges recently, particularly racial and ethnic minority populations who have been disproportionately affected by Covid-19.

These conversations should be thoughtful and should not be limited to a single session or check-in. Instead, as with all issues of equity, they should be tailored to the needs of the workplace. Leaders need to create comfortable environments to have these discussions, which may mean one-on-one or small group settings. Additionally, the goal should be to authentically demonstrate access to leadership to openly discuss any concerns. This ability to speak frankly and openly with senior leaders is further enhanced by virtual access.

While burnout can come from the constant state of crisis we have experienced, burnout can at times occur from a feeling of not being heard or understood. This can be countered by the access to senior leadership on issues that uniquely affect lawyers across different demographics and generations. Leaders' intentional focus on listening to their teams during tough times can be critical to countering burnout and supporting attorneys across multiple geographies in a remote environment. Law firm commitment and full support for affinity groups and allyship networks is one way leaders can show that they recognize the need for forums that celebrate, support, and appreciate diverse voices and experiences.

Encouraging Pro Bono Engagement

While many of us are busier than ever, setting aside time to give back to vulnerable communities not only helps those who may not be able to seek legal counsel, but also allows for your employees to feel more connected to the broader legal community. During the pandemic, it has become even more clear that to ensure our vulnerable communities get legal assistance. It behooves us all to volunteer and help out where we can.

Being lawyers, we have been granted access to a special club of sorts. We understand the intricacies of law and can use our knowledge to the benefit of others. With this knowledge comes a responsibility and privilege—a privilege to be able to spend time giving back in ways others can only dream of. We can help domestic violence survivors seek restraining orders or help asylum seekers who hope to escape the terrors at home, or even fight for racial justice and inequality by helping those wrongfully convicted. Whatever it is, and whatever sparks your passion, our vulnerable communities need you and your legal knowledge.

This is where law firms must step up and step in. For lawyers to find the time to give back (there are only so many hours in the day), law firms should implement incentive programs to encourage and motivate lawyers to volunteer with pro bono legal organizations. This could be offering billable credit for pro bono work or creating an office challenge for whoever works the most pro bono hours in a year. Or a law firm could send around a monthly bulletin, highlighting the work their attorneys are doing in the community. Even written appreciation through a thank-you note from leadership for pro bono work can be an incentive.

Increasing pro bono opportunities for your attorneys helps them gain valuable experience and encourages connectivity to the legal community, benefiting your law firm and department. Pro bono makes you feel good while helping you with business development. As you give back to your community, your legal community will grow.

Thoughtful and Vulnerable Leadership

Junior Attorney's Perspective

A junior attorney can be a leader but can also look for certain support from senior leaders within a firm. First, as a leader, it is critical that junior lawyers are thoughtful in what they dedicate their time to, whether that be office committees, pro bono opportunities, or speaking engagements. You represent your firm as much as a partner does. You can be a leader by encouraging other junior lawyers to join affinity groups or help with diversity and inclusion initiatives.

Even ensuring that you are fulfilling your legal and ethical obligations to the firm and your clients is a way you can be a thoughtful leader. Further, by being kind and reliable, your colleagues will turn to you. To be a next generation leader, bringing kindness and reliability is the first step. Reliability ensures open lines of communication throughout the office, whereas kindness helps others feel comfortable in the workplace.

Second, there are certain things junior attorneys look for in senior leadership. An open-door policy helps ensure a place to get feedback, both positive and negative. Make sure your junior attorneys know they can come to you and provide opportunities to give feedback. The only way to grow with a firm and get better at the practice of law is to get feedback. The goal is that this feedback be free of bias. When this feedback is instead rooted in a legitimate assessment, the junior attorney then needs to absorb this feedback and note on how they can improve.

In addition, ensuring your senior leaders know you appreciate their time and effort expended in providing you feedback helps ensure that the process continues in the future. While junior attorneys may have less lived experience than a senior attorney, they still bring something important to the table—fresh perspectives. Young lawyers are seeking out firms that are taking on what is going on in the world and using that energy to transition workplaces into a post-pandemic opportunity. Junior attorneys can also help be the push for change in the workplace, whether that be encouraging authenticity in the workplace or being part of an uncomfortable conversation around equity.

Senior Attorney's Perspective

The practice of law is both a noble and demanding profession. We know it requires great attention to detail, focus, and dedication, but what is often left out of the description of the profession is the vulnerability that is required to effectively train the next generation of attorneys. This vulnerability includes not only showing future generations of attorneys how to

zealously advocate for their clients, but also includes teaching them how to practice with a lens beyond their own personal experience.

For example, some of the most valuable lessons on advancing a case have come from recognizing the point of view of an adversary and using that broader perspective to reach resolution. Vulnerability can also come in the form of a senior attorney sharing the nervousness that they felt when they argued their first motion or cross-examined a witness at trial. It can also include sharing the less than perfect moments that sometimes come with managing parenthood and the practice of law.

As our profession catapulted into the future in 2020, so must our approaches on how we develop the talents of future advocates. This will, of course, continue to include training the next generation of attorneys on exceptional written and oral communication, but it should also include educating the next generation of lawyers on prioritizing health, family, and things that are core to an individual's well-being.

The legal profession is a marathon and not a sprint, and this can't be fully appreciated unless senior attorneys emphasize this to those junior to them. Doing so will take getting to genuinely know the junior attorneys beyond where they went to law school. This takes understanding the junior attorney's life experience, reasons for joining our great profession, and experiences that may be unique to that attorney. It also takes sharing those same experiences about oneself with junior attorneys, including the experienced wins and the losses.

Additionally, while lawyers have turned to technology to successfully help them practice law in a remote environment, senior attorneys should not lose sight of the importance of human connection and conversation beyond an email message to their team members. Following the disconnect of 2020 and the impact of the resulting isolation, there is a real opportunity for seasoned attorneys to create authentic connections that will help the future generation of attorneys succeed in the practice of law.

MORE: Read this Bloomberg Law [Insight](#)