

Keys to Successful Recruiting and Hiring: Mindful and Modern Practices in Hiring for Diversity

by Yvonnda Summers, Tasha Everman, and Shawntal Mallory

Welcome back to another feature of our Equity and the Law column. A brainchild that started over sandwiches with sides of ranch when Shawntal Mallory with Nebraska Legal Diversity Council, Stefanie Pearlman from the University of Nebraska College of Law, and Yvonnda Summers from 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 Federal Public Defender, and Alisha Jimenez from Lancaster County Attorney's Office. After emails and Zoom calls, ideas and excitement we have created this column for the readers of The Nebraska Lawyer. This month, we are featuring a collaborative piece with a new contributor, Tasha Everman.

In working to move the needle on diversity, equity, and inclusion in our profession in the great State of Nebraska, questions often arise about overcoming the challenges of hiring people from diverse backgrounds and perspectives. Many times, people share comments like, "It's just so hard to find diverse candidates," or, "There just aren't many diverse people in the legal profession looking for jobs." Truthfully, while we still have much work to do to continue to diversify the Nebraska legal community before we achieve congruency with societal diversity—both through the pool of aspiring attorneys in the pipeline and currently licensed practitioners, we do have

many qualified and interested folks who are looking to make meaningful contributions through employment at our law firms, law offices, corporate law departments, educational institutions, and courtrooms. In this article, we will share helpful suggestions and strategies for navigating on campus interviews, tips for utilizing collaboration with our law schools' career services offices, and key mindful and modern best practices for hiring with equity and inclusion in mind.

Optimizing the On Campus Interview Process

by Yvonnda Summers

The days of simply participating in "On Campus interviews" are a tradition of the past. Yes, interviewing in the law school setting can ease the process for both the interviewing attorneys and the law students, serving as the neutral hub. However, the law student of today is looking to be educated on why your firm is a good fit and not just which firm has the most pleasing aesthetic. No matter the intersectionality a particular student identifies with, they want to know: will your firm's culture fit with my needs?

Students appreciate and show excitement in firms that try to get to know them. Open houses for the larger firms have been overwhelmingly successful. Law students have made their decision about who to interview with because of a pleasant interaction with associates or partners. Students get a close view of what their work dynamic could look like. This informal introduction can't be duplicated in an interview setting where first-impression anxieties are high. Smaller firms or solo practitioners, who don't have the capacity to host upwards of 50 students at a time, can be more intentional with their



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outreach. For example, social media allows smaller firms to post about their practice areas, achievements of the firm, and different ways they give back to the community. Law students use LinkedIn profiles and get to know their options that way. When there are interactions with students on social media, taking that opportunity and inviting them for coffee is an effective route. This serves as an initial informal contact which gives the attorney and the student an opportunity to get to know each other. This one-on-one interaction via social media or in person serves the same purpose as the open house. The lawyer and the student can both determine if there is an interpersonal connection before creating a professional one via a formal interview.

Another touchpoint students are looking for is targeted education in addition to their traditional doctrinal classes. Student organizations are becoming more specific, from Labor & Employment Law Society to Rural Law Association to Sports Law Society. Reach out to those executive members to speak to the group of students who have expressed a direct interest in your field. This serves both the attorney and law student in multiple ways. The student learns first-hand what practice in that area consists of. The attorney can connect and meet potential hiring candidates and learn about the individual before a resume is ever submitted, and the students learn what service can look like in the legal field.

Getting to know and interacting with law students is just the beginning of diversifying your recruitment strategies. Students want to know that their working environment is going to fit with their lifestyle. The 2022 NSBA Economic Survey published in the July/August 2023 issue of *The Nebraska Lawyer* informed readers that billable hours have increased but vacation days taken have remained the same.¹ What does that sentence tell us? Attorneys are billing more hours for the clients but taking less time to care for themselves and their families. Traditional, nontraditional, part-time, first-generation, and minority students are all graduating from law school. They are all looking to join the workforce. However, they are asking questions of their employers. They want to know the culture around families with childcare needs, the initiative to provide

formal mentors, the makeup of the organization, the ability to be promoted, the paid-time off and whether it is acceptable to take it. Rest assured, if they aren't asking the interviewing attorneys, they are asking those who graduated before them or a good acquaintance about the firm's reputation. The same Economic Survey told Nebraska attorneys that the wage gap for full-time employees has a \$46,183 difference between men and women attorneys, with men making the higher end of the gap.² Recognizing this number represents associates and partners who entered the legal field at varying times, students are still asking questions and challenging what has been the norm for the interviewing firms. The days of keeping your entering salary secret is done for this incoming workforce. Therefore, transparency from law firms to their interviewees is important. If the pay is different, explain why and how that can change for them in the future.

After implementing suggestions on how to attract the type of law student your firm is looking for and being candid with your hiring practices and culture, how do you truly go about finding diverse candidates to enhance the firm's reach and productivity? In educating ourselves on diversity, we have learned that it goes beyond the standard demographic characteristics. Diversity is experience, perspective, ideas, etc.—all of which are integral to innovation and adaptability in our changing legal landscape. According to the American Bar Association 2023 Annual Meeting Report, “a more diverse workforce in law firms has been shown to yield numerous benefits, including: 1. Improved decision-making... 2. Enhanced innovation... 3. Greater client satisfaction... 4. Increased employee retention and satisfaction...”³ The Report goes on to urge firms to consider factors such as pro bono work, community service, extracurricular activities, and unique experiences.⁴ These other considerations speak to the applicants' soft skills and life proficiency.⁵ When the applicant is on an executive board for a sorority or fraternity, this informs the reviewer that the applicant can manage many personalities, delegate, and get tasks completed. If the reviewer needs to Google the community service listed on an applicant's resume, because it is unknown to them, that adds diverse thinking to the employer already.

Yvonnda Summers



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Tasha Everman



Tasha Everman is the Assistant Dean and Director of Career Development for the University of Nebraska College of Law. She describes herself as a passionate idea person and a team player dedicated to helping all Nebraska Law students develop their talents and find meaningful work.

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That applicant is providing service to an organization off the reviewers beaten path and, thus, can bring a new perspective. Often when hiring a first-year associate, academic ability is the focus. However, if retention is a priority, the mindset needs to shift—who can do the work and represent the firm well? A high GPA only tells who can sit a take a timed test. It doesn't tell who sat for that timed test while managing a family, a household, and a part-time job. By no means are we advocating for firms to select candidates who cannot keep up with the work. However, grades don't tell the whole story. If you have a candidate who is a B average student but is a Moot Court executive member, that should inform a firm that not only can that student put together a proficient brief, but they can also argue it well enough to rise to the top of their class.

Enhancing Recruiting Efforts Through Career Services Collaboration

by Tasha Everman

Equitable and Inclusive Tactics for Law Student Recruitment: A Career Services Perspective: To attract law students and create a more inclusive environment, legal employers must adopt equitable tactics throughout the recruitment process. In my role as the Assistant Dean for Career Development, I have seen both effective and ineffective strategies for attracting and hiring a diverse group of law students. By creating inclusive job postings and training interviewers to conduct fair and equitable interviews, employers can signal that they are interested in welcoming a diverse and authentic applicant pool.

Crafting Inclusive Job Postings: Job postings often serve as the first point of contact between employers and potential candidates. Employers must ensure that their job descriptions appeal to a diverse range of students. Language matters. Organizations should use inclusive language that reflects the organization's commitment to diversity and equal opportunity. Avoid using gender-specific pronouns or words that may inadvertently exclude certain groups. Diversity and inclusion initiatives within the firm, such as affinity groups or mentorship programs, showcase your commitment and should be included

in your job posting and any branding materials, including your website, social media, and promotional content. Don't forget that many students have very little insight into what a law clerk or intern does and give more details than you may think necessary. Finally, job postings should emphasize transferable skills and qualifications that are essential for success in the role rather than unnecessary prerequisites that could deter under-represented candidates from applying. For example, by including arbitrary class rank or GPA requirements an employer may deter excellent candidates who have the skills they are seeking based solely on a less than stellar performance in one class. This is especially true when recruiting 1Ls after only one semester or 2Ls at the beginning of their fall semester. Many students come to law school with previous professional and life experiences that would more than compensate for one bad test performance.

Interviewing with Equity: Interviews provide a crucial opportunity to assess candidates' suitability for a firm while giving students insight into the organization's culture. There are several steps employers can take to ensure the process is fair and equitable. First, whenever possible employers should create an interview experience that recognizes that people think, learn, and communicate differently. While a positive cultural fit is important, interviewers should be wary of using "fit" as a pretext for excluding candidates who bring diverse perspectives. Take steps to explain what the format of the interview will be so candidates can know what to expect. Employers also need to be aware that providing training to interviewers on recognizing and mitigating bias is necessary and can be highly effective.⁶ Failing to train interviewers and staff on diversity, equity, and inclusion can perpetuate biases and hinder progress.

So how can employers use the interview process to prioritize candidate's skills, potential, and commitment over cookie-cutter cultural alignments? One way is to use a standardized set of questions for all candidates. This "structured interview" approach also minimizes the risk of asking inappropriate questions as the questions are developed in advance.⁷ In fact, structured and behavioral interviewing have been proven to make the hiring process more equitable. Without a more objective process, we are naturally drawn to others who share our beliefs and traits.

Example Interview Hiring Grid:

Name:

| Question | Qualification | Score | Weight | Weighted Score |
|----------|--|-------|--------|----------------|
| 1. | Subject Matter expertise A | | 1 | |
| 2. | Subject Matter expertise B | | 1 | |
| 3. | Behavioral Skill - <i>Communication</i> | | 2 | |
| 4. | Behavioral Skill - <i>Conflict Resolution</i> | | 1 | |
| 5. | Management Skill - <i>Receiving and Providing Feedback</i> | | 1 | |

Shawntal Mallory



Shawntal Mallory is an Omaha native and licensed attorney with a 17-year practice in employment, juvenile & family law. She currently serves as Executive Director of the Nebraska Legal Diversity Council (NLDC). Shawntal also serves as an Adjunct Professor at her alma mater, Creighton University School of Law.

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Collaborating with Career Services

Collaboration between legal employers and career services offices can significantly enhance equitable recruitment efforts. By maintaining open channels of communication and participating in less formal networking events, employers can help break down barriers and encourage authentic interactions with our diverse student body. Encouraging participation in law student mentorship programs also helps to connect students with professionals from diverse backgrounds within the legal field. Finally, employers can think creatively to expand ways to provide hands-on experiences to students from a range of backgrounds. Some firms have taken on pro-bono law clerks to work alongside their attorneys on pro-bono cases. Providing hands-on experience helps students gain practical skills while increasing the pipeline of diverse candidates for future hiring. Finally, employers can reach out to career services or directly to the students to provide constructive feedback after the interview process. This not only shows respect for the candidate but also helps candidates improve for future opportunities.

Equitable and inclusive recruitment tactics are essential for legal employers to attract a diverse pool of talented law students. By thoughtfully crafting job postings and conducting interviews with equity, firms can ensure a fair and representative hiring process. Collaborating with career services offices enhances these efforts and fosters an environment where all students feel valued and welcome. As the legal industry continues to evolve, embracing diversity and inclusion in recruitment is not just a choice but a necessity for success and progress.

Modern and Mindful Practices in Hiring for Diversity, Equity and Inclusion

by Shawntal Mallory

Both on campus interviews and collaborative partnering with our law schools' Career Services Offices are essential to recruiting law students and recent graduates and keeping talented legal professionals in our state. It is also imperative that we adopt some more modern and mindful recruiting, hiring, and workplace culture practices to attract and retain a diverse workforce of attorneys and legal support professionals. One of the most frequently cited justifications for many firms' hiring practices is, "We have always done things this way." If we continue to utilize archaic hiring practices in a new employment climate with new employment challenges and new applicant expectations, we will never move the needle on diversity in our profession. Simply put, just because we have always done something a certain way does not make it the best way to do things. In the spirit of moving our profession forward and attracting the best, brightest and most diverse talent to the practice of law, we close by encouraging you to try these best practices for modern and mindful diversity, equity, and inclusion-informed hiring:

Recruiting and Screening

Committee Design: Ensure the search committee is diverse and inclusive, since these people will likely be the first point of contact for potential applicants. The committee's composition sends a message to candidates about the organizational culture and commitment to diversity and inclusion beyond statements.

Look Outside: Think about what other stakeholders may be able to offer assistance during the search process. There may be potential to partner with Nebraska Law and Creighton Law alumnus, bar association colleagues, or community organizations that can provide additional diversity and valuable support.



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Death to Assumptions: Ideally, all candidates will be impartially evaluated on their abilities and potential. However, research repeatedly demonstrates that evaluation processes often underestimate the qualifications of people from historically underrepresented groups in higher education. By providing opportunities for search committee skill-building, you will be better equipped to identify subtle biases and engage new colleagues on assumptions of competence and fit.

Interviewing and Hiring

Engage: Think about how your recruiting committee and leaders might engage their professional networks to encourage applications from individuals from historically underrepresented, marginalized, or disadvantaged groups.

Personalize: Have a firm leader or a search committee leader personally contact qualified nominated applicants, especially those from underrepresented backgrounds. These communications can include the offer to have the search committee chair speak with potential applicants on the phone or over Zoom.

Assess: Request a statement that describes the applicant's experiences with and commitments to diversity, equity, and inclusion, often called a "diversity statement" or "DEI statement." The DEI statement is relatively new—both for the applicants who need to write them and for the hiring committees who evaluate, consider, and assess them. Since practices for this evaluative information are still evolving, it is helpful to provide a

concise prompt that asks for the kinds of information the committee wants and offers clear parameters for the writer (e.g., a word or page limit, adherence to a specific formatting, or asking for a narrative response to scenario questions). Ask questions about diversity, equity, and inclusion of every candidate, not just those who identify with certain identities or lived experiences.

Success After the Search/Onboarding and Welcoming

Ask: How can the search committee, firm leadership, and others assist the new colleague in developing strong support networks that are relevant and useful? It is helpful to develop a clear plan for bringing a new colleague into the firm and for making sure they have access to resources that will promote success in work-life balance.

Identify: What will it take for your new colleague to thrive? And who will be most useful as resources, mentors, sponsors, and allies? Ultimately, the best retention tool is a vibrant and welcoming firm culture where all employees feel they can thrive and make meaningful contributions in their practices.


DEI as a Lens for Everything

We have an ethical obligation as practitioners to lead the profession with equity and inclusion. To achieve this, our hiring strategies must include a DEI lens in the following important ways:

Forefront: DEI cannot be an afterthought or the responsibility of one person or position. It is the lens through which you must see everything. It is the lens through which we will be viewed as a profession. Do our creeds match our deeds? What about representation?

Collaborative: DEI must be embedded throughout our work and within our systems at all levels.

Ownership: : DEI is everyone's responsibility, not just the DEI assigned role/DEI "expert."

Accountability: We cannot "move the needle" on DEI, create equitable and inclusive hiring practices, and foster an inclusive legal profession when DEI is on the margins of our strategy. 

Endnotes

- ¹ *The Nebraska Lawyer* July/August 2023: NSBA 2022 Economic Survey Results.
- ² *Id.*
- ³ ABA 2023 Annual Meeting Report to the House of Delegates Resolution 523, August 7-8, 2023.
- ⁴ *Id.*
- ⁵ *Id.*
- ⁶ Friedman, Brad, Making the Case for Behavioral Interviewing *HR Professionals Magazine* (June 2019) <https://hrprofessionalsmagazine.com/2019/06/20/making-the-case-for-behavioral-interviewing/>.
- ⁷ Brecher, E., Bragger, J., & Kutcher, E., The Structured Interview: Reducing Biases Toward Job Applicants with Physical Disabilities. *Employ Response Rights J* 18, 155-170 (2006). <https://doi.org/10.1007/s10672-006-9014-y> (structured interviews reduced bias for disabled candidates adding support to previous studies showing reduction in bias for other categories of diverse individuals).



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