The Importance of Belonging in the Legal Profession

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Shareholder and Chief Diversity and Inclusion Officer Mark Baugh of the Firm's Fort Lauderdale office recently wrote an insightful article that was published in the 2024 May/June edition of the American Bar Association's Law Practice Magazine*. Whether you're revisiting it for a fresh perspective or encountering it for the first time, we hope this version of Mark's article sparks new ideas and prompts meaningful conversations.*

One of the more impactful scenes for me from any movie is the scene called the "Bathroom Scene" in *Hidden Figures*. The actress playing Kathrine Johnson is asked by her boss why she goes missing for approximately 45 minutes each day. While dripping wet from the rain, she informs her boss that there are no "colored" bathrooms in the building in which they work, or in any building nearby. The tension in that room and the level of frustration conveyed by the actress playing Ms. Johnson is remarkable. The acting and staging of the scene make one feel as if they are in the workplace feeling the tension and frustration. While direct discrimination supported by segregation is no longer the norm, if you put yourself in the place of historical figures like Ms. Johnson, who experienced such hostility, it is hard to imagine how she and her fellow scientists accomplished so much in such an openly confining working environment.

Over the years firms, companies, and public sector organizations have created different diversity initiatives, which then led to the incorporation of inclusion, then the expansion to equity. In recent years, a very robust conversation has developed around the concept of belonging, which was clearly missing for Ms. Johnson in the "bathroom" scene.

What is Belonging?
Belonging is when employees are valued, accepted, and heard at work. An employee has a sense of belonging in an organization when they have a sense of being valued and when they have positive connections with their co-workers and management. Belonging in an organization occurs when the employees feel that the culture in the organization allows them to bring their authentic professional selves to work, when the organization has developed a culture where the employees are supported in their professional and daily development, and when the employees feel psychologically safe at work and their unique qualities are valued. Belonging encompasses diversity, equity, and inclusion.

As we face challenges to the progress we have made in our workplaces, belonging becomes even more important.

Developing a Place and a Culture for Diversity and a Sense of Belonging
If we examine workplaces today, many still are not spaces where employees can bring their authentic professional selves to work, which can have a direct impact on an employee's well-being. For years many of our legal organizations have been places where employees kept parts of themselves hidden from work. They were not organizations that catered to people who were different or to individual strengths. They were organizations that lacked diversity, and some employees were lauded as being the first to be hired or first to be promoted in certain categories. Many employees do not like to be pioneers when being so makes them the outlier of a particular group.

Organizations that do not provide "brave spaces" or transparency where employees can voice their opinions are not paying credence to the needs of those employees. While many employers have highlighted their diversity, they have also acknowledged the challenging work that comes with creating a culture where employees are valued and treated with respect. This is unfortunate as it is the actions, not just the words, that make an employee feel included in the organization, and that is what leads to a sense of belonging.

Most employers believe they have a "great" workplace culture. But what does that mean, and how does one get that culture to manifest itself? Does having a great workplace lead to the employee having a sense of belonging? To determine whether your organization has a culture that is suitable for everyone to perform and feel a sense of belonging, the employer must create a system to foster that culture. It does not happen by chance. It also must be measured, whether by survey or listening sessions.

Steps Along the Road to Belonging

One of the first steps organizations must take to achieve this sense of belonging is acknowledging that one culture does not fit all. Organizations should create opportunities for employees to connect with each other and with the organization.

Other steps organizations can take to ensure they are fostering a sense of belonging include:

- **Examining outdated working methods.** Examine whether your organization is adapting to a new generation of employees who have joined the workforce, versus trying to force the new generations to adapt to outdated methods of workplace culture. As an example, the legal profession has adapted from researching via books to using a variety of electronic research tools; but it continues to be slow to address issues such as work assignments, and the "free market" way of getting work;

- **Assigning work to newer, younger employees.** While the model of young attorneys asking for work from more senior attorneys may have worked previously, it is no longer the most efficient way of assigning work and representing clients. Building teams to staff projects and assigning work to team members creates a sense of value and respect. It allows people to see where they fit on the team and their path forward;

- **Addressing gaps in the onboarding process.** The onboarding process is critical for employees to determine whether the organization has a culture of belonging. Personalized welcomes, introductory lunches with team members, and emphasis on diversity, equity, and inclusion during the onboarding process are ways to show an organization's culture of belonging. Being transparent and sharing the goals for success with new hires can create a sense of belonging. Additionally, using the onboarding process to make new hires aware of the strengths and weaknesses in the culture, and how they can be a part of improving the culture, can also create a feeling of belonging;

- **Developing targeted group training, recognizing employees for their contributions and appropriately providing immediate feedback.** The feedback must be given not to highlight an employee's failure or the superiority of the supervisor, but to make the team and the organization better. Feedback and evaluations should not come as a surprise to the employee, particularly to younger or newer employees. The criteria used in the evaluation process can sometimes be subjective or normed based on some past employee who fits into the past culture of the organization. For example, some evaluations or systems for rewards are geared toward highlighting employees who performed a significant amount of work. They do not highlight whether the work was significant or creative, and they often do not highlight whether the professional was efficient;

- **Creating a culture of access to well-being tools.** Providing employees access to counseling, whether live or virtual, can send a message that the employer cares about the employee's well-being beyond just production;

- **Accepting boundary management around clear working hours.** While law firms have historically demanded significant billable hours, we are seeing more burnout from attorneys. Technology has meant that legal professionals are mentally and physically "on call" for most of the day. Even though it has led to efficiency for younger attorneys in private practices, technology has also reduced the number of billable hours required to complete certain tasks. Research that usually entails several books and hours can be completed online in a few minutes. Technology used for discovery or due diligence has sometimes removed the need for an attorney to be intimately involved. Such situations can lead to attorney anxiety about their hours and jobs, leading to negative professional behavior;

- **Ensuring a physical environment of belonging.** When creating a culture of belonging, it is also important that the employee feels comfortable physically. Making the workplace ADA-compliant and providing spaces for employees to observe their faith when requested are part of the legal compliance that also helps communicate that employees are important to the organization. Apart from compliance, creating spaces that are gender-neutral or suitable for different working styles is another way to create a culture of belonging; and

- **Developing and executing learning sessions.** While the entire workforce needs to be educated, managers especially need to be educated about the importance of belonging. They need to understand and buy into how a culture of belonging leads to success for them individually, for the team, and for the organization. Projecting and communicating a healthy work environment both internally and externally aid in recruiting and retention.

Fostering a Sense of Belonging in a Post-Pandemic World

During the pandemic, employees in the legal profession struggled with their well-being and their sense of belonging. Remote work led to a detachment from the organization. Many employees continue to struggle with the sense of belonging in a post-pandemic, work-from-home, hybrid world. Employers who have not created a culture of belonging have remote employees who are unsure of their places in the organization. Without this culture of belonging, they can feel isolated and detached.

In our post-pandemic workplaces, some of the old methods do not contribute to legal professionals feeling valued or respected and therefore, they do not get a sense of belonging. There are several ways to connect remote employees back to the workplace. Allowing them to lead important calls, key projects, or initiatives sends the message that the organization values them. Inviting and encouraging employees to attend social events, or even creating a virtual opportunity, can break the sense of isolation and detachment remote employees may feel.

Creating a culture of belonging is important to the professional growth of employees and the growth of legal organizations. In responses to a 2020 Deloitte survey, 93 percent of organizations stated that a sense of belonging drives organizational performance, and 79 percent of organizations stated that fostering a sense of belonging in the workforce was important or especially important for their success over the next 12 to 18 months, but only 13 percent responded as being ready to address this trend.

Remain honest about where your organization is on this journey and communicate openly with employees. The plan you develop is no different than any other strategic plan that a law firm or organization develops – it must adapt to the changes in your business. It *is* an ongoing process but remember that your employees and your business partners and clients are watching. Iterate and evolve your strategies, just as you do with other parts

of your business. Putting diversity, equity, inclusion, and belonging efforts into practice is an ongoing process that carries benefits for everyone in your organization. Maintain an open mind and bring along the organization, regardless of any opposition. The result will be more content employees, better work product, and better relationships both within and outside of your workplace.