

Thomson Reuters market insights.

A podcast for tax, legal and compliance professionals around the globe.

Episode title: Pandemic Nation

Release date: July 13, 2021

Natalie Runyon: Hi, welcome back to the show. I am Natalie Runyon, Director of Enterprise Content for Talent, Inclusion and Culture topics and one of the co-hosts of the Thomson Reuters Institute Market Insights show. Today I'm speaking with Jennifer Chen, Director of the Association of Corporate Counsel Foundation and Brenda Carr, Chief Diversity and Inclusion Officer at the law firm Arnold & Porter to talk about some recent research that the Thomson Reuters Institute did in collaboration with the Association of Law Firm Diversity Professionals and the Association of Corporate Counsel Foundation. This research is entitled "Pandemic Nation: Understanding its impact on the careers of underrepresented lawyers" from a race, ethnicity and gender perspectives. We surveyed over 400 lawyers in February 2021 to collect their perspectives on the impact of the pandemic and other seismic events of 2020 on their careers. Welcome to the show, Jen and Brenda. Really glad to have you here. So, I wanted to start off our conversation by sharing some really interesting key facts emerging from our research and then ask you what stood out for you both. There were some distinct differences in how women and lawyers of color were dealing with the increased stressors during the pandemic. More lawyers of color reported difficulty and the ability to progress in their careers because of racial injustice, anti-Asian bias, and caregiving. From a gender perspective, interestingly, on the caregiving front, roughly the same amount of men and women reported at 23% that caregiving negatively impacted their ability to develop in their careers. Now, Jen, I would like to ask you what were the important elements from your perspective?

Jennifer Chen: Well, you know, big takeaway for me was just how widely and differently people experienced the pandemic in the past year based on their gender, race and ethnicity. We saw significant gender differences once again because of the pandemic and the number of hours that people weren't taking on additional responsibilities without pay. And women and minorities experienced these instances much higher than those of their white counterparts. We saw significant racial and ethnic differences in relation to the racial injustice, Black Lives Matter and anti-Asian bias and how that affected career progression and also wellness and hope stress and overall well-being at work. And so I think when we take these results and see how people have experienced them differently, it's important for us to think constructively and proactively about trying to meet people and employees where they are and helping them deal with these instances so that they can continue to progress within their organizations.

Natalie Runyon: OK Jen, so you made a really important insight about the need to meet people where they are. And, Brenda, I want to come to you with a similar question. What was the most surprising insight from the research from your perspective, and how do you see it impacting your role at Arnold and Porter? And also, how do you see it impacting the role of your peers within the Association of Law Firm Diversity Professionals?

Brenda Carr: Natalie, it actually ties quite nicely to what Jen was saying, one of the most surprising insights for me was the disconnect between a practicing attorneys and how they experienced the

diversity, equity and inclusion efforts of their organizations, and what the diversity and inclusion professionals who were members or participants in our survey, what they saw as the work that they were accomplishing in their organizations. There was a significant disconnect between what the diversity professionals expressed as initiatives and programming that they had in place and what individual attorneys were experiencing. And so, what that says to me that we all need to be doing, as professionals with diversity and inclusion, mandates and responsibilities is we need to do a better job of communicating with our stakeholders internally, especially about the programs, the opportunities, the initiatives that we have, ongoing that disconnect was, it was quite striking and something that spoke to a greater need for communication. And I think that that applies across the board and in terms of other areas that I that were of notes in our survey results. There also is a disconnect between what our leaders, what people perceive our leaders to be saying in the organizations and what they're actually doing, and so for me I'm taking back and I think many of my counterparts at other law firms and also, I think it probably is applicable in house what we're taking from this is that the level, the frequency, the types of communication need to be expansive and frequent and really there can't be enough communication around what an organization is doing on the diversity and equity and inclusion front.

Natalie Runyon: OK Brenda, thank you so much for sharing your own insights. Jen, now we're going to come to you and you had mentioned this in answering the first question and the research found that well-being and stress level for in-house lawyers has gotten worse with more than 2/3 indicating slightly negative or very negative. What is your reaction to this and what does what do legal employers - how can they use this statistic to help lawyers recover from the extra stress and improve overall well-being for their employees?

Jennifer Chen: Well, it makes a lot of sense in the progression that we've seen in stress levels over the last year in the change. Back in June, last June, ACC did an informal flash poll of members where 30% of them at the time reported their level of burnout is very high or high with another 44% reporting moderate burnout. So that was in June. We did our research in February, it's certainly adding just more time that has gone by with the pandemic and more stressors that have been added. And so we also have seen a progression from members requesting COVID related resources, but at the beginning of the pandemic we saw folks were looking for how to solve, you know, the legal problems that were associated with COVID. More and more we started getting requests for help with resources on mental health and wellness in focusing on that, as opposed to just the legal aspects that we're coming out of COVID, so I think these findings are really important to keep in mind. We know we might not no longer be in the crisis phase of the pandemic for most organizations, some still might be in it, but many are coming back out of it, but the corporate lawyers actually lawyers all around are still feeling the effects, and we really need to take a look at this and provide resources for attorneys so that they can move on and function normally.

Natalie Runyon: Excellent, thank you for that insight and you are absolutely correct that while the crisis part of the pandemic has subsided there are going to be longer term effects on well-being of professional workers and quite frankly I would say everybody because of the just prolong nature. I mean, we're in month like 15 or 16 at this point, right? One of the other longer term impacts that is coming up is around caregiving and what was interesting, and so Brenda, I'm going to pose this question to you, as we know caregiving for all working parents has been an issue during the pandemic, especially for working women and this showed up in our research as well. With 23% of individuals from both genders reporting it as a challenge. Legal employers demonstrated a lot of flexibility in remote working

and the need to do work around children learning schedules. In addition to providing easy access to resources for childcare for children under five, caregivers for elderly family members and tutoring for school age. So, as we think about, we're entering this return to office phase, whatever it looks like, and what it looks like is certainly different for legal employers as well as other employers within Corporate America and this childcare issue is likely to continue well into the fall and possibly even into 2022 because of child care providers, there's fewer slots, right? And because there hasn't been approved vaccinations for children under 12 yet, many states are still going to require social distancing, will impact you know, fewer slots, especially for children under 5 being available and so and even pre-pandemic, you know, childcare was already expensive. So, I'm curious, Brenda, what's your perspective on what legal employers can be doing to support their employees who are working parents with children just given the fact that, you know, this caregiving aspect for children is likely to come and be there for the rest of the year and into 2022.

Brenda Carr: Natalie, you know that, of course, that's a really important question, and it ties to so many different aspects of what employers are thinking about as we move sort of into what our new normal looks like. First, I think the continued flexibility for working parents and other caregivers because there are, you know, there's a number of people, whether they're caregiving for children. And which, you know, there there's special needs there and considerations there for school age children or if you have elder care that you that you are attending to, employers need to continue to be flexible around that. And I know that my organization, in addition to a number of others, are exploring what hybrid work environments look like. So, what will requirements be for people to be in the office or out of the office and so really taking into consideration what working parents and caregivers needs would be with any development of a sort of hybrid working policy is key, as from a structural perspective. If we think about the types of things and education that employers should be thinking about and considering to be supportive of caregivers there needs to be ongoing conversations about boundary setting and respect and honoring people boundaries. You know, one of the things that we've learned from this pandemic experience and working from home pretty much all the time for many of the people at organizations at which we work there are these invisible boundaries, so it's really hard to sort of turn off or to designate times of the day where you're focused on your family or you're focused on your work and those lines really got blurred and so there needs to be extensive conversations and ongoing conversations around respecting and honoring boundaries. Conversations that need to have not happen not only with sort of senior professionals and an organization who may be imposing responsibilities or delegating work to others, but also with the individuals who need to be empowered to set the boundaries that that allow them to manage and successfully navigate their personal and professional lives so that we don't have those high levels of stress and concerns around burnout that Jen mentioned. And also, we need to be thinking about in the long term, you know, from the long term impacts of the pandemic do we have role models for professionals who are working parents so that they see what their pathways to advancement on, making sure that those are visible and obvious to them. What kind of programming do we have for new parents, whether it's pairing them with mentors or having a small group discussions where they can share their experiences and best tips for what works for their particular organization or their particular business unit within an organization. So, there are a lot of different options for consideration, and really the that organizations need to take a holistic approach to supporting caregivers and being cognizant of their varying needs.

Natalie Runyon: Great. Thank you, Brenda, for summarizing that it's really interesting because when I was listening to you, I felt like you were describing my daily challenge between working and caregiving. And also, you know, we did recently did a workshop exploring different intersectionalities and I was the co-facilitator of the one between gender and caregiving and one of the interesting or most innovative thoughts that I heard from that discussion was one law firm was thinking looking forward based on what they had learned during the pandemic, was that they were going to start organizing all of their benefits, so that would include from, you know, medical, you know, insurance, the employee assistance program, and all of the support for caregiving, for example around life stages. So, for early career lawyers that would be primarily around, you know medical and tuition reimbursement. For mid-career with children, you know, it would be focused more on, you know, the normal medical benefits and or other benefits, but also around, you know, really spotlighting the support options around caregiving. So, I thought that that was really interesting that and something that I wanted to mention. So, we're at the final question here and we're going to end it on what I like to call the tell me something good question. Jen, I'll come to come to you first and you know there's been a lot of very public announcements of increased diversity in key leadership positions within the legal industry and also outside. So, there's been increased announcement of diversity on boards, C-level appointment, law firm leadership and general counsel. So, just ending on something, tell me something good, Jen. What would you say it is? What's the silver lining coming out of the pandemic?

Jennifer Chen: Well, when we first started this survey our concern was really looking at what is happening to attorneys of color, and are they experiencing some of the same instances of layoffs and job loss that we saw back in 2008, 2009, with the last economic downturn and really the results of this survey are showing us that that's not the case. While we are seeing you know folks that may have had an increase of hours without additional pay and some actually had, you know, a reduction in pay for a short amount of time, we're really seeing that corporations and law firms did their best to ensure that they kept their workforce intact equally across the board, but the glimmers of hope that we're seeing that came out of this is that we, as you mentioned, while we're not seeing those significant losses that we experienced back in 2008, 2009, we are seeing an abundance of announcements coming out, particularly in the last six months. And I don't think necessarily that was an effect of the pandemic per say, I think that has to do a lot more with the issues around racial injustice that we've been experiencing and the cry that the legal community and the business community has had to increase diversity in the senior ranks of organizations. And that focus has been amplified because of the pandemic.

Natalie Runyon: Brenda, what would you say?

Brenda Carr: So, first I Natalie, I have to admit that I'm an old schooler, be lover and when you say tell me something good it makes me think of one of my favorite 70s R&B song. So, I'm excited, so I've been humming that in my head as I've been preparing for my response, but I have two things that I'd like to highlight. One, I think that the tell me something that the immediate thought that I have is going back to the hybrid work environment. They're here to stay and I know that there are some logistics and some challenges that we have to work through as organizations, but in the long run I think that this flexibility and this understanding of the possibilities in the flexibility are going to make our organization stronger, are going to allow us to recruit more diverse talent and so for that from that perspective, I'm very excited about the opportunities that moving to a hybrid world affords all of us and affords our organizations. And more broadly, this past year, that over a year at this point, the heightened awareness and energy and opportunities and attention to the importance of diversity, equity and inclusion, it's

unparalleled, you know. I think we would have to go back 50 or 60 years to have or experience the same kind of groundswell and for me we need to harness this power. We need to make sure that we are able to maintain the momentum and seek out the ability to make meaningful change, but to do things in a way that that we are setting objectives for ourselves that are achievable, that that encourage us and allow us to maintain this momentum and then stay on track. So, this groundswell, I think, is probably the best tell me something good and I'm excited for where we're headed.

Natalie Runyon: Well, this has been a fascinating conversation. Thank you so much, Jen and Brenda for sharing your insights from the research. And I look forward to continuing to collaborate with you in the future. To our listeners thank you for joining and we'll see you next time.

Outro: Thank you for joining us, for Thomson Reuters Market Insights. For more data driven analysis of today's professional services market and in-depth conversations with industry thought leaders, please visit us online at [thomsonreuters.com/institute](http://thomsonreuters.com/institute). You can subscribe to this podcast on your favorite podcast platform or follow us on Twitter @TRIExecutives and LinkedIn under the Thomson Reuters Institute. Thomson Reuters Market Insights is a production of Thomson Reuters. Copyright Thomson Reuters 2021.