

Inclusion, Bar-Style

Meeting the Bar's Diversity Director

In January 2007, the State Bar Board of Governors adopted proposals that signaled an important change of course. They arose from the work of the Bar's Diversity Task Force.

The proposals included the creation of a "Bar Leadership Institute," which aimed to foster a new generation of legal leaders. The second proposal was that the Bar would hire a "Diversity Director."

Last October, the Bar's first-ever Diversity Director began his work. Four months later, ARIZONA ATTORNEY sat down with him to talk about diversity and the legal profession.

His name is I. Godwin Otu—but he prefers simply "Otu."

Born in Nigeria, Otu first came to the United States in 1973. He earned his B.A. in political science and business administration at Western Washington University. He also went to graduate school at the University of Oregon, where he studied public administration and management (he also has earned certifications in mediation and conflict resolution). While in the Pacific Northwest, he met his wife Mary.

After school, he returned to Nigeria and worked in the civil service. They eventually returned to the United States and settled in Phoenix.

Before coming to the State Bar, Otu worked most recently at the City of Phoenix, where he administered its diversity program. He also served as the staff liaison to the Human Relations Commission, a 17-member body appointed by the Mayor and City Council.

We spoke with Otu in early February.

ARIZONA ATTORNEY: I know you've only just begun at the Bar; thank you for the chance to sit down with you.

Let's begin with a question readers may have: What is your charge as the Bar's Diversity Director?

OTU: My charge is to implement the rec-

ommendations of the Diversity Task Force. They were accepted by the Board of Governors. It included developing a diversity program for the Bar, in addition to administering the Bar Leadership Institute.

AZAT: Before you took the position, what were your thoughts when you first read the

Task Force Report? (The report is available at www.myazbar.org/SecComm/TF/)

OTU: When I read the report, I was kind of surprised that the State Bar was just talking about diversity now, whereas I was in a world that had already been working in the area of diversity, a world where diversity was cele-





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brated; the process [outside the Bar] had been going on.

For example, the City of Phoenix had a Diversity Task Force set up by the City Manager, and they made probably 70 recommendations in about 17 categories, ranging from training to hiring and retention and things like that. We had a five-year implementation schedule. At the end of the five years, we evaluated what we had done, whether anybody had been excluded in the process.

Then, the City Manager inaugurated a new Diversity Steering Committee to look at what was done, make some recommendations and see what new directions we may go, if necessary.

AZAT: That's a lot of progress.

OTU: Yes. So when I came here, to something brand new, it followed that work and other work I had done with outside groups. I had worked with business organizations, with banks that made presentations.

So it was a little bit surprising that the State Bar did not have any program. But to me, that was a challenge to come in and do my best. In fact, I offered, whether I was hired or not, to help the State Bar set up a good diversity program, because I know it is good for the community, it is good for any organization to look at diversity—not just as a philosophy, but as a business decision.

AZAT: The City of Phoenix employs many people. There, even if you did nothing except affect hiring and retention—and you did more than that—you could make a large impact. Here at the Bar, which employs relatively few people, your charge must focus on the larger world of law practice.

What is the role you hope to play in the profession?

OTU: I need to begin laying the foundation, not just for our internal diversity process, but for working with people outside. It is not just doing something that looks nice or something that we might feel is good to do. It needs to be something that will truly help our community.

The legal community has to find ways to

build bridges to the community that we serve. Nothing would be as good as building an organization, a business, that also reflects what you have in the community.

The clients that you serve—the customers—see when they come in an organization that looks like the community. And that will encourage them to do business with the organization, that will encourage them to seek justice, or whatever you may call it, or whatever the law can offer them. I think this is really important.

So our effort is not just within the State Bar. It is with all the attorneys out there. What can we do to support them, to help them build true diversity?

AZAT: How do you define diversity?

OTU: It's important to do that, and to make sure it has *inclusion* with it.

It is very easy for people to think about diversity, and the first thing they think about is affirmative action; some people think about women and minorities. But diversity is a lot more than gender and ethnicity. It is about open-mindedness, it is about inclusion, it is about drawing from the population all the talents.

So as I said, when we look at diversity, it is more than a philosophy; it is about the way we do business. That's what we are helping to do, so that lawyers and organizations can tap into the wealth of talents that we have in the legal community.

AZAT: But our members certainly know that the Task Force was created because of disappointment among some—or among many—about the lack of progress in terms of ethnicity and gender, primarily. Isn't it reasonable for them now to think that diversity in that construct *is* about ethnicity and gender?

OTU: Well, it arose originally because of the efforts of the Committee on Minorities and Women in the Law (CMWL). But even for those members, they looked at their own membership and said, "We're not adequately represented here." As a diversity professional, I look at it in broader terms than just gender and ethnicity. I look at inclusion as

being the best model for diversity, because diversity means you are not going to exclude people because of their disability, for example, or because of their sexual orientation, or because they are older white men.

If we do that, we are also excluding their talents and their experience. According to our definition of diversity and inclusion, we want to bring everybody to the table, so that we can pull out their talents and build a very productive and inclusive community.

The legal profession needs all of these people. That is why we have to look beyond women and minorities. That may have been what the committee looked at when it initially said "We need to talk about diversity."

AZAT: That broader definition of diversity is one you clearly feel strongly about. Is it also accepted by the Task Force and by CMWL?

OTU: It is accepted, because now we are helping members take a look at diversity from a different, broader perspective. As a process, that will continue to evolve.

AZAT: Why is that important?

OTU: When you look at our populations and the demographics—not only in Arizona but all over the United States—it's changing very fast. Different people are moving into the Valley, moving out of Arizona. We need to respond to that.

The world is changing. As recently as about 1980, Bill Gates said 640 KB ought to be enough for everyone. What do we have even on your phone today? A lot more than that. So we have to also change, and keep up-to-date with technology, and with demography.

AZAT: If law is a business, and if inclusion is a business practice, why not let law firms succeed or fail on their own? Why is this a role the Bar should assume?

OTU: It is the job of the Bar to do that, because we as an organization exist to serve the clients that we have, and the legal community as a whole. Apart from that, we have an interest to help diversity not only within the law firms but the community as a whole.



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If we don't, it will come back to bite us one day, whether as an organization or as individuals. When you look at the changing demographics, it's in our own interest to continue building those bridges, partnerships, relationships with our community.

AzAT: So the Bar has a bigger responsibility than just within its own four walls.

OTU: Exactly. We have to go out there and assist as much as possible.

AzAT: Are you optimistic for the prospects of the legal profession?

OTU: I am. When you look at what the business world as a whole is doing, we should have been doing this a long time ago. We are actually late. So I am optimistic that as time goes on people will see that. We cannot stop the changes that are happening in our communities. We have to look at that and say, "How do we align business practices to meet those changes?"

AzAT: Internally at the State Bar, you've formed a staff Diversity Committee. Why?

OTU: Because we need to start at home. It would be very difficult for us to go out and tell a law firm that it does not recognize any important dates or cultural heritage, or that they do not have enough women and minorities, and then we come back home, and we don't have anything at home.

So when we go out, we can be ambassadors of this organization. We can say, "Look what we've done. We have a diversity committee, we recognize the Hispanic Heritage Month, the Black Heritage Month, the Women's Equality Month," and so on. So we can speak to other people knowing that our house is in order. It would be difficult to do that if somebody challenged us and said, "What have you done at the State Bar?"

AzAT: You mentioned a five-year plan at the City of Phoenix. Can you generate that kind of strategy at the Bar for your outreach to the legal community? What can be done in the next year, for instance?

OTU: I have what I call the first-year plan, but I have extended it to a three-year plan. But it's too early to say, "This is the implementation." I do have initiatives in place. One is the Diversity Committee. We have the Diversity Pipeline Program, which is very important right now.

AzAT: What is that?

OTU: When you are talking about hiring and retention, you need to have a pool. The law schools do not have enough minorities to recruit from. So the pipeline program is very important. We want to go to elementary schools, go to high schools, to tell the young people about what it means to be an attorney, to show them, for example, what a mock trial looks like, so that they have some idea what an attorney does.

If we could have some impact, eventually we'll have the pool from which to recruit.

AzAT: Is there any other strategy on the horizon?

OTU: Yes. The Diversity Action Alliance.

AzAT: What is the alliance? A State Bar entity, or something affiliated?

OTU: It doesn't yet exist; it's one of the initiatives I hope to put in place. I've talked to a few law firms who are interested. We just want to start with a few large or medium-sized firms, and see where we go from there. Eventually, we'll be able to attract people so that we make the philosophy of diversity important to the firms, so that they see it makes good business sense.

AzAT: Specifically what would the alliance do?

OTU: I plan to bring together law firms to brainstorm what we can do to make Arizona's law firms more attractive to minorities and women.

AzAT: They are not attractive now?

OTU: One of the things I have found in my research is that although the number of

women graduating from Arizona's law schools are as many as the number of men, when you go to the law firms, you don't see the woman in the higher ranks. They are not the decision-makers. Why?

We think that the environment does not favor women to stay. Retention of women at law firms becomes a problem. What do we do to make it more attractive to women? How do we talk about balancing family and career?

When women leave the law firms and go to corporate law departments or public agencies, the law firms are losing good talent. They won't have that perspective and thought within the law firm.

The alliance will also plan on how to sell Arizona to tell attorneys nationwide about the state.

AzAT: I think the large firms, and maybe the medium-sized ones, already recruit from outside the state. But do you think they don't do it intensively?

OTU: They do recruit outside the state. But we want them to do it even more. We want to bring people in with different backgrounds, from different places, both large metropolitan areas, small cities and smaller towns. When we are able to do that, we are building a very diverse and good organization.

AzAT: The magazine recently published an article on part-time law practice (January 2008). I think as a profession we now have some data that indicate some of the reasons women may not feel they can progress in a law firm, and it's often an economic decision.

But do you have an idea about why people of color may not feel welcome there? It's not an economic decision, is it? What is going on in law firms?

OTU: A lot of things happen. People of color go into law firms and they don't see the firms as environments they could thrive in. Statistics show that of all the professions—medicine, accounting and others—the law profession is the least diverse in terms of minorities and people of color and people

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with disabilities and so on.

And it's not unfounded. Some of them have had the experience where they go to law firms and [senior attorneys] choose someone to mentor, and the woman or other minority is not enjoying that benefit of mentorship. So that is not a very welcoming environment.

The same thing is true of meaningful work—good, quality work that allows a person to develop their skills. It has happened that those people do not have the same opportunity. I have heard this over and over again.

A good example, though not in the legal profession, was a young lady who went to Wall Street. This was a three-part story in a very popular magazine. All she found was total frustration. ... There was a lot of sexual harassment, a lot of general harassment, there were ethnic jokes that were directed at her. This is the same thing that I have heard happening in some law firms: harassment, maltreatment, disrespect for individuals.

So women tend to go toward public agencies or legal departments of corporate organizations.

AZAT: Some of these challenges are more amenable to a solution than others, don't you agree? For instance, many law firms can wrap their mind around creating more part-time opportunities. But discomfort or even bigotry, whether subtle or overt, is a far more difficult challenge.

OTU: It's very difficult. It's normally said that you cannot legislate morality.

Some people think that “If I hire a certain number of women or minorities, our diversity strategy is very successful.” Not necessarily so. Your diversity strategy has to do with your business goals. If you don't do that, but you say you have minorities and women, it's not exactly so. Therefore, it becomes very important for law firms to begin changing the culture and looking at people for what they can provide, what they can bring to the organization, rather than [just looking at] their gender, their skin color, their disability, their sexual orientation, or whatever. Law firms have to move away from that kind of thinking. It's not

something that anybody can force anybody to do. But we have to start changing our perception of people.

How dangerous it is to just put people in a box and label them.

AZAT: If the legal profession lags behind other professions, as you say, could we attribute that to its structure? Until recently, the national population of lawyers has not been very mobile, due to state-by-state bar exams, as compared with doctors, say, who take national or regional board certification exams, or CPAs, who do the same. Isn't it more likely to find a diverse doctor pool at your HMO than to find such diversity at a law firm?

OTU: I think that has something to do with it, [as compared with] other countries, where the law profession is more centralized, like the British Commonwealth countries. Lawyers there can practice anywhere; they can settle anywhere. That's not the case here.

AZAT: Returning to the pipeline question, what would you like to see happen in the next few years? Lawyers speaking to junior high and high school kids?

OTU: That is already happening, but it's the law schools doing it, and some volunteer lawyers doing it on their own. But I would like to bring these efforts under one umbrella. With the Bar coordinating all of this, we can bring our resources together. We don't have to reinvent the wheel.

When I looked at the young people, the

enthusiasm in their eyes and faces, during the mock trial, it was something very encouraging. So we want to expand this, and encourage law firms to adopt schools, to volunteer and talk to those kids, who probably have never had any exposure to the legal profession except in negative circumstances.

If attorneys begin to build these bridges to the community, our kids will see this and say, “Wow. This is great. An attorney actually came and talked with us.” Maybe we can also begin to dismantle some of the misperceptions about attorneys.

AZAT: One of your most visible commitments is the Bar Leadership Institute, which fosters leadership among a select group of lawyers. Where are you with that initiative?

OTU: We are now almost wrapping up the first class of the BLI; it has been a very, very successful program. It's incredible not just because of the caliber of the participants, but also the caliber of people who have volunteered to facilitate the different sessions. We've had attorneys with 20 years', 40 years' experience sharing with the young people. [The next session], in fact, we will meet at the Sandra Day O'Connor Courthouse, where they will meet so many judges, an opportunity they otherwise wouldn't have. It's going to be incredible.

AZAT: The first class is almost graduated?

OTU: Yes. It will end in May. We already have the materials ready for the next class, which will start in September.



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AzAT: What are the primary goals of having a leadership institute?

OTU: According to the Task Force report, there is a two-year commitment on the part of the participants. One year is for them to go through the sessions in the nine-month program. After that, they have to volunteer in some capacity, whether joining a committee or a section or whatever, for at least one year. So the goal is to groom these young attorneys from different backgrounds so that when they graduate they can serve the State Bar in some leadership role.

But from what I see now, it's even more than that. The kind of experience they're having now, the caliber of people who are coming in to talk with them, have given them the kind of exposure that they wouldn't have had if they just remained in their law firm.

AzAT: The BLI classes are 15 to 20 people per year. That's a relatively small impact. Would you like to see the class size grow in the future?

OTU: There is a possibility of that expanding. In the first year, we had more than 80 applicants, and only 15 were selected. Depending on the level of sponsorship, we may be able to expand that number.

But we'd still also like to see the cohesive, small group that provides them the opportunity to interact with one another, with the faculty, with the people who come in to share their experiences. If we expand it too much we might lose that.

AzAT: How can lawyers apply to the second class of BLI?

OTU: That information is on the Web now (www.myazbar.org/BarLeadership). The application deadline is June 6. People will know in early August the status of their application.

We have streamlined the application process so that it would not be as cumbersome as it was. It will be easy for them to go online and apply.

AzAT: Applicants will still need a recom-

mendation from their employer?

OTU: Yes. The reason for that is so that the law firm knows and supports their participation in the Bar Leadership Institute—the time commitment. And sole practitioners would get a recommendation from an attorney who knows them, or some organization.

AzAT: Are you involved with the Minority Bar Convention?

OTU: Somewhat. The Committee on Minorities and Women in the Law comes under my area, and the convention is part of that. I am working with the co-chairs, however they'd like me to. In fact, I assisted them with their keynote speaker—[former Arizona legislator] Art Hamilton.

The brochure is now out, and registration is available online (www.legalspan.com/azbar/calendar.asp). (The convention is on April 18-19.)

AzAT: Who should attend the Minority Bar Convention?

OTU: It's for anyone who wants to attend.

When I came onboard, they had wanted to change the name, because they were concerned that they were not having enough turnout. I advised them that it would be good to keep the identity, but at the same time to write a mission statement that would assist them to keep on track. That statement would explain that it is open to everybody. They are going to have people from the Sexual Orientation and Gender Identity Committee, people from the disability community, and so on.

AzAT: Changing gears, let's talk about a possible ballot initiative we may see in Arizona that would eliminate affirmative action in all forms. What would it do if passed?

OTU: It would be very detrimental to law school admissions. We've seen what happened in California, Michigan and elsewhere. It would do a lot of damage to the things we are trying to do now.

We just want to provide the opportunity to people who have been denied it. We have

to recognize that things that happened in this country did deny a lot of people, especially ethnic minorities, the opportunity to go to school. Affirmative action was meant to correct some of these anomalies.

When you look at the damage it could cause, it may not stop with lack of minorities in law schools or elsewhere, but it might send people into the communities that we don't really want. We don't want deteriorating communities. We want kids to go to school, to make things out of their lives, not to sit idle and look to things that will get them into trouble.

This is a reality. We have to look at it beyond law schools. Some people who are pushing this don't think about the economic impact, the blight in the neighborhoods that may result.

AzAT: Wherever it's been on the ballot, it's been very popular with voters.

OTU: It is, because the people who put it out misrepresent what they're doing. What this initiative is not doing is providing people correct information.

AzAT: If lawyers need to know anything about diversity, what would it be?

OTU: That diversity and inclusion make a lot of business sense. If you isolate yourself from the community in which you live and work, you may look like you're succeeding, but eventually it won't work. If you don't know your community, you cannot serve them.

AzAT: Why is diversity such a difficult concept to discuss? Why do people often feel "unsafe" when the topic arises?

OTU: Because people don't quite understand what diversity is. So when people talk about it, some think about affirmative action, some about ethnicity, some about race and gender. But it's about being open-minded, it's about empowerment to bring out the best in people. The ultimate objective is to use diversity in building an empowered organization. That's what diversity should be. That's what we are working for it to become for the State Bar and its affiliates. **BT**