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## HUMAN RESOURCES

### Coming out at work

By Lynne Curry

“He’s talented but anti-social,” the business owner said of his accounting manager when he called. “At first, we thought the problem was that “Gene” was a finance type and kind of a geek. But there have been odd comments from others over the last two years,” explained the business owner as he asked for my help as an HR consultant.

“The latest problem is he doesn’t want to attend our Christmas party. We’ve asked all the managers to make an appearance. We’d like to promote him to CFO and don’t want someone unstable in that position. Could you interview him and give us a read?”

Gene sent me a Zoom link for the interview and was tight-lipped, so I invited him to meet off-site. Before we met, I asked the owner for the comments he could

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## HIRING

### Black lawyers and students drive diversity for associates but partnerships lag

Diversity continues to rise at US law firms, with greater gains at the associate level than the partnership level.

NALP has released its annual [Report on Diversity at U.S. Law Firms](#). The report, based on information from the 2022-2023 NALP Directory of Legal Employers (NDLE), shows that overall gains continued to be made in the representation of women, people of color, and LGBTQ individuals in the associate and summer associate ranks at major U.S. law firms in 2022 as compared to

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remember. They included “a stickler for details,” “hard to get to know” and “gets weird when you ask him about his family.” The last one gave me a clue.

When we met, both masked, I asked about his background, career goals, and thoughts about the company. I asked him about the Christmas party, and he explained his COVID concerns. “Makes sense,” I said, “For you and your company. Any other reasons?” I’ve often found interviewees have a practiced answer to the first question about any topic. He blinked.

When we talked about his thoughts about the potential promotion, I brought up the Girdwood strategic planning off-site for senior executives planned for January in Girdwood. He was all in favor, until I asked about the planned dinner for managers and spouses. “After working together all day,” he said, “I’d like the chance to get some downhill skiing in instead of the dinner.”

“Makes sense,” I said. “Any other reason?”

After he studied me for a full minute, he asked, “Do you have an agenda here?”

### **“Are you worried you’ll fit in?” I asked.**

That’s when the interview changed. Gene said, “I work with a fairly conservative group of people. Maybe you’ll have advice for me.” Like others who hesitate to “come out” at work, Gene worried how the other managers would handle learning he was gay. He didn’t want to torpedo his chance of promotion, but feared they’d have a trust issue if he didn’t reveal his sexual orientation” and it came out later.

“You’re right, the senior managers may have biases that impact you,” I said. “But your silence already costs you. You’re considered anti-social. If you want to stay undercover, you’ll have to come up with more effective ways to dodge personal questions.”

### **“Do you have to out me?”**

“Given the U.S. Supreme Court’s June 2020 ruling making against discrimination against employees because of their sexual orientation illegal, I won’t be mentioning it. Because if I do, and you experience retaliation, I’ll have created a problem for your employer.”

## Law Office Manager

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“Meanwhile, keeping your personal life hidden exacts a toll on you. You remain awkwardly silent when others talk about their home lives. This is a small town, and you fear exposure.”

“What will you do when this issue comes up with an employee in your company and other senior managers ask your opinion, or make derogatory comments about the employee’s orientation? This may happen. Although only 7.1% of Americans currently identify as gay, lesbian, bisexual, transgender or queer, the percentage increases to 20.8 for generation Z.” <https://news.gallup.com/topic/lgbt.aspx>

Gene decided to come out to the business owner and others on the senior team one at a time, so he could judge reactions and answer questions.

I called the business owner and said, “Gene plans to have a conversation with you. He’s not unstable.”

When I asked Gene, “How did it go?” he said, “The owner said, ‘that explains a lot.’ Some were clearly uncomfortable, but others told me they had a son or daughter who was gay. It’s like a huge weight has lifted.”



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## HUMAN RESOURCES

# How to support an employee who chooses to come out at work

Supporting a staffer who has chosen to come out at work can be an important way to create a welcoming and inclusive workplace for all employees.

Coming out of the closet, often shortened to coming out, is a metaphor used to describe LGBT people’s self-disclosure of their sexual orientation, romantic orientation, or gender identity.

### Here are some ways you can support an employee who has come out at work:

- Listen to the employee’s concerns and feelings and provide a safe and supportive space for them to share.
- Offer your support and affirm the employee’s identity. Let them know that you respect and value them as an individual.
- Educate yourself about the challenges and issues that LGBTQ+ individuals may face in the workplace and

in society. This can help you better understand the employee’s perspective and be a more supportive ally.

- Encourage open and respectful communication within the workplace, and discourage any discrimination or harassment based on sexual orientation or gender identity.
- Work with the employee to identify any accommodations or support they may need, such as changes to their work schedule or workspace, and make any necessary arrangements.
- Advocate for the inclusion and acceptance of LGBTQ+ individuals in the workplace and in society. This may involve supporting company policies and initiatives that promote diversity and inclusion, or participating in LGBTQ+ events and activities.

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- Seek out resources and support for both the employee and the rest of the team, such as training on diversity and inclusion or resources for LGBTQ+ individuals.

By following these steps, you can help create a welcoming and inclusive workplace for all employees, regardless of their sexual orientation or gender identity.



MANAGING STAFF

## Six mistakes to avoid when you mentor millennials in your law office

Somebody probably helped you move ahead in your career in law office administration. Now it's your turn to help another person progress in your field. Chances are this younger colleague is a millennial, born between 1981 and 1996. Here are some potential pitfalls to be aware of when mentoring millennials:

- 1. Assumptions about their values and motivations:** It is important to avoid making assumptions about the values and motivations of your millennial mentee. Each individual is unique and may have different priorities and goals.
- 2. Lack of clarity in goals and expectations:** It is important to establish clear goals and expectations from the outset of the mentorship relationship. Without clear goals, it can be difficult for the mentee to know what is expected of them and how to progress in their career.
- 3. Insufficient support and guidance:** Mentoring is about more than just providing advice; it's about supporting and guiding your mentee as they navigate their career path. Failing to provide adequate support and guidance can lead to frustration and disappointment for the mentee.
- 4. Insufficient communication:** Millennials often value open and

honest communication, and they may feel neglected if their mentor is not available or responsive. Make sure to set aside time for regular check-ins and be open to your mentee's feedback and ideas.

- 5. Lack of flexibility and diversity in learning opportunities:** Millennials often appreciate the opportunity to learn and grow in their careers, and they may be more motivated when they are given a variety of learning opportunities. Failing to offer flexible and diverse learning opportunities can lead to boredom and a lack of motivation for the mentee.
- 6. Insufficient support for work-life balance:** Work-life balance is important to many millennials, and they may be more productive when they are able to maintain a healthy balance between their personal and professional lives. Failing to support your mentee's efforts to maintain a healthy work-life balance can lead to burnout and reduced productivity.

By avoiding these pitfalls, mentors can effectively support and guide their millennial mentees as they navigate their career paths and strive to achieve their goals.



## WORKING WITH ATTORNEYS

# How to compensate managing partners

By [Brenda A. Barnes](#) and [Camille Stell](#)

Law firms are not unlike other professional service firms with regard to how they compensate the leaders of their firms. Historically, the compensation of the managing partner has developed over time and correlates to the role that the partner will play in leading the firm. A successful managing partner compensation plan should include merits for developing a strategic plan, increasing lawyer and client profitability and recruitment of lateral partners.

There are several fundamental approaches to managing partner compensation plans: the one-size fits-all approach, the CEO approach and the balanced approach. We will review each over the next several paragraphs.

### One-size-fits-all approach

It is not uncommon in many small to medium sized firms to treat the managing partner compensation the same as the other partners are compensated. This is commonly called the one-size-fits-all approach. Through this approach, a firm assigns a value to the managing partner non billable hours and then fits it into the current partner compensation model. Unfortunately, this approach does not take into account the value that the managing partner adds to the firm. It also can lead to partner resentment or confusion if partners suspect that the managing partner is getting unreasonable credit for the nonbillable hours that others do not.

### CEO approach

Another approach is often called the CEO approach. This approach frequently

employs an analogy between law firms and public companies. If profits go up, then the managing partner should be compensated accordingly, and if profits go down, their compensation should decrease as well, just as public company leaders are rewarded and penalized for trends in their stock. Of course, many public CEOs have a base compensation plan that is extremely lucrative.

If a law firm managing partner was compensated solely on the profitability of the firm it could lead to a biased decision making process. One example is a decision by a managing partner to upgrade the firm's technology platform. Decisions such as these take from the coffers of the firm. If the firm philosophy is to empty the coffers each year, visionary decisions such as an upgrade to technology will not be seen as beneficial.

### The balanced approach

The balanced approach is a system that evaluates managing partner performance based on subjective and objective criteria. To be successful in implementing a balanced approach, the partners would need to be committed to evaluating the factors of a successful managing partner.

***Brenda A. Barnes and Camille Stell*** are co-authors of RESPECT — An Insight to Attorney Compensation Plans ([lawofficemanagementbooks.com](http://lawofficemanagementbooks.com)). Their recent webinar on [Compensation and Bonuses](#) is available as a recording, for members of [Law Office Manager](#).



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## Still managing remote staff? 8 tips to do it better

As lawyers continue to drag their feet about returning to work at the office, many legal support staff also want to continue to work remotely. Unless your law office is taking a hard stance about working on the premises, it's likely you will continue to supervise some of your team from afar.

While managing a remote workforce can present its own set of challenges, it can also be a highly effective way for law offices to expand their reach and attract top talent. So let's review some tips for effective management of remote law office staff.

### 1. **Clearly communicate expectations:**

One of the key challenges of managing a remote workforce is ensuring that everyone is on the same page and working towards the same goals. It is important to clearly communicate your expectations for your remote staff, including their responsibilities, deadlines, and performance standards. This can be done through regular check-ins, email updates, and video conference meetings.

### 2. **Use project management tools:**

Project management tools can be a valuable asset for keeping track of tasks, deadlines, and progress for remote teams. Platforms like Asana, Trello, and Basecamp allow you to assign tasks, set reminders, and track progress in real-time, making it easier to manage remote staff from a distance.

**3. Set clear boundaries:** When working with remote staff, it can be easy for the lines between work and personal life to blur. It is important to set clear boundaries around work hours and availability to ensure that your remote

staff has the time and space they need to recharge and stay productive.

### 4. **Foster a sense of community:**

It can be easy for remote staff to feel isolated and disconnected from the rest of the team, so it is important to foster a sense of community and connection. This can be done through regular video conference meetings, team-building activities, and social events.

### 5. **Ensure that your remote staff has the necessary resources:**

In order to be effective, your remote staff will need access to the same resources and tools as your in-office staff. This can include everything from computer hardware and software, to legal research databases and client management systems. It is important to ensure that your remote staff has access to these resources and is trained on how to use them.

### 6. **Provide ongoing support and training:**

Remote staff may need additional support and training in order to be effective in their roles. This can include training on new technologies or processes, as well as ongoing support and guidance as they navigate their work tasks.

### 7. **Stay in touch:**

Regular communication is key to the success of any remote team. Make sure to stay in touch with your remote staff on a regular basis, through email, phone, or video conference calls. This can help you stay up-to-date on their progress, address any concerns or challenges, and provide support and guidance as needed.

**8. Foster trust:** Trust is an essential component of any successful remote

team. It is important to demonstrate trust in your remote staff by giving them the autonomy and independence they need to do their jobs effectively. This can help to build a sense of ownership and commitment to the team's success.

Overall, managing a remote workforce can be a rewarding and effective way for law offices to expand their reach

and tap into a wider pool of talent. By clearly communicating expectations, using project management tools, setting clear boundaries, fostering a sense of community, providing necessary resources, and staying in touch, you can effectively manage your remote staff and ensure their success.



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## COMPLIANCE CORNER

# What does the Americans with Disabilities Act require of your office?

The Americans with Disabilities Act (ADA) requires law offices to make reasonable modifications to their policies, practices, and procedures to accommodate the needs of individuals with disabilities, unless doing so would create an undue burden or fundamentally alter the nature of the services provided. This includes ensuring that the facility is physically accessible to individuals with disabilities, as well as providing appropriate communication accommodations and assistive technology.

### Specifically, law offices must take the following steps to comply with the ADA:

**1. Physical accessibility:** Law offices must ensure that their facilities are physically accessible to individuals with disabilities. This includes installing ramps or chair lifts for individuals who use wheelchairs or mobility devices, providing designated parking spaces for individuals with disabilities, and ensuring that doorways and hallways are wide enough for individuals using mobility devices to pass through easily. Law

offices should also consider installing grab bars and handrails in appropriate locations to assist with balance and stability, and providing signage with braille and raised letters to assist individuals with visual impairments.

### 2. Communication accessibility:

Law offices must provide appropriate communication accommodations for individuals with disabilities. This includes providing assistive listening devices for individuals with hearing impairments and ensuring that all written materials, including forms and client education materials, are available in alternative formats, such as large print or electronic versions. Law offices should also consider training staff in communication strategies for interacting with individuals with disabilities, such as using clear and concise language and providing written instructions when necessary. In addition, law offices should provide American Sign Language interpretation or other forms of interpretation for individuals who are deaf or hard of hearing.

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(COMPLIANCE CORNER: What does the Americans with Disabilities Act require of your office?, from page 7)

**3. Technological accessibility:** Law offices should ensure that their websites and online resources are accessible to individuals with disabilities, such as providing alternative text for images and using descriptive headings and labels. Law offices should also consider providing assistive technology, such as screen reader software, for individuals with visual impairments and using electronic document management systems that are accessible to individuals with disabilities.

**4. Client-centered care:** Law offices should allow individuals with disabilities to bring support persons or service animals to appointments and provide private areas for individuals with disabilities to express their needs and concerns. In addition, law offices should offer flexible appointment times and alternative communication methods, such as email or telephone, for individuals with disabilities.

By complying with the ADA, law offices can ensure that all individuals with disabilities have equal access to legal services.



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## HIRING

# Prepare and practice for conducting an online job interview

**By Robert Half**

By now, you've likely discovered the advantages of conducting a remote interview. It's convenient for you and the candidate, it's easier to schedule separate interviews with the hiring committee, it saves you the cost of a candidate's lunch or travel expenses, and you can conduct more assessments more quickly.

Most importantly, and especially in this very challenging labor market, the remote interview allows you to meet your top candidates and make a hiring decision before many old-school competitors can even finalize arrangements for an on-site meet-and-greet.

Still, the remote interview presents a few complications. Details you never had to consider when interviewing at the office—your background, screen

presence and technology, for example—must now be part of any well-planned meeting. Otherwise, you risk mishaps that can distract and frustrate you and the candidate.

Following are seven basic tips for carrying out a smooth and efficient remote interview process that will help ensure you, the candidate and anyone else involved has a positive experience:

### 1. Set expectations

For many candidates, a job interview, whether remote or on-site, can be stressful. You can help ease some of the anxiety by telling them what to expect and how to prepare. That includes:

#### **Easing the technology curve**

Don't assume the candidate is familiar with the video platform you're using, even if it's a well-known, popular

platform like Microsoft Teams or Zoom. When you send the interview invitation, include instructions on how to call in at the scheduled time and additional steps the candidate might need to take to sign in. This is especially important if you're using specialized remote interview software, such as VidCruiter or MyInterview.

### **Providing details about the interviewers**

Share the names, titles and LinkedIn profiles of everyone from your company who will meet the candidate. Also provide an agenda that makes clear whether everyone will be on the call for, say, one 60- or 90-minute interview, or if there'll be a series of 20- or 30-minute one-on-one meetings.

If you're planning to conduct a longer interview, be sure to build in a break every hour or between each session for the candidate to go off camera to stretch and refresh while you write up your notes.

### **Conducting a trial run**

Prior to the interview, check the status of your webcam, microphone and internet connection. Take a few minutes to review your video platform's tips on how to resolve lags and freezes, echoes and other common problems. Suggest to the candidate, too, that they do the same.

### **Assigning any 'homework' in advance**

If the position requires a performance task or skills test as part of the interview process, send it to the candidate with clear instructions and enough time for them to complete and return it before the call.

## **2. Have a backup plan**

A technology glitch can often be addressed with a measure of patience and a couple minutes of troubleshooting.

But what if, despite all your efforts, the video platform you're using keeps crashing, the audio won't work, or someone's computer simply calls it quits?

When all else fails, move to the phone. Make sure you have the candidate's number and email handy so you can easily connect. The phone won't be ideal, and you may decide to just call and reschedule the interview for another day. But better to start or postpone the conversation than allow a tech snafu to raise stress and frustration levels.

## **3. Minimize distractions**

See that pets and young children are supervised safely in another room and housemates know not to disturb you during the interview. Also, be sure to switch off your computer's screen alerts and IM chats during the interview. This is not the time to multitask. Mute calls and text messages and place your phone out of sight, so you don't unthinkingly reach out for it during your conversation.

When the camera's on, hide the platform's self-view feature so the candidate takes up the entire screen and your full attention. Also, try to reduce movement during an online interview. If you're constantly shifting or walking around, it can make it hard for the other person to focus on the conversation.

## **4. Look professional**

It's a remote interview, but you should still dress as though you're going to work, even if you're at home.

Also, before you join the video call to interview a candidate, consider the following:

- Are your shoulders and face centered on the screen—not too close and not too distant?
- Do you need to adjust ambient lighting by opening or closing blinds

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in your home office, or the lighting near your camera so that you look natural and welcoming?

- Is your background professional? Consider choosing a background such as a tidy bookshelf or go for a plain wall. Alternatively, open your video platform's settings and select a blurred background.

## 5. Come prepared with probing questions

Thoroughly review the candidate's work history, skill set and—if assigned—the returned performance task before starting the call. Print out the potential hire's resume, too, as well as your list of questions, so you don't click around your screen looking for them during the call.

If conducting a panel interview, share the agenda with all interviewers and confirm everyone knows what they're going to ask, who's asking the first question, the second, and so on. Or, if it's to be a series of interviews, in what order (and what time) they'll meet the candidate, and what each team member will ask during their session.

After introductory necessities and open-ended warm-ups (For example: What about the job attracted you? or Can you tell me about your background?), employ a mix of behavioral and situational interview questions that will help you learn more about the candidate's suitability for the job and workplace culture, their potential to upskill and advance, and their work ethic.

Skills and professional history aside, make a point of gauging the candidate's experience working with remote teams. You want an employee who is comfortable with off-site and, if your company plans to return to the office when safety protocols allow, on-site work arrangements.

## 6. Be inquisitive yet friendly

Look at the camera when you're speaking, not the other person's image, as tempting as that may be. Keep your voice calm and speak clearly, and smile when appropriate, just like you would in person. You want to put the candidate at ease and demonstrate that you're engaged in the conversation. Also, wait a few seconds at the end of sentences or after the candidate speaks to minimize talking over each other.

## 7. Deliver a strong close

You might be making the final hiring decision. But remember that the job interview is a two-way street: You're looking for the ideal employee, and the candidate wants the best possible career opportunity. That means you have to make your own sales pitch.

[The job description](#) you posted was the initial pitch. It continued during the remote interview, when you picked up on cues to share what interests and excites you about the company: The workplace culture and values, for example, or the opportunity to advance, support for professional development, or company milestones and goals all might have come up during your conversation.

As you near the end of the remote interview, deliver a strong close so you make a lasting, positive impression. Ask the candidate if they have any questions, giving whatever time they need for this part of the call. Circle back on anything you'd like to add to the earlier conversation, then invite the candidate to make a final statement (For example: Is there anything else we should know about you?).

When the remote interview is over, thank the candidate for their time, and tell them what's going to happen next in the process and when they can expect to hear from you. Honor that commitment, whether it's good news or bad. Never leave a candidate hanging.

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**(HIRING: Black lawyers and students drive diversity for associates but partnerships lag, from page 1)**

2021. Of particular note, the percentage of Black associates grew by nearly 0.6 percentage points to 5.77%, and the percentage of Black summer associates increased by 0.7 percentage points to 11.85%.

While improvements were also made at the partnership level in 2022, progress continues to lag far behind that of associates and summer associates, with people of color and women comprising just 11.40% and 26.65% of all partners, respectively, in 2022. For comparison, 28.32% of associates are people of color and 49.42% are women. The percentage of Black and Latinx partners each increased by just 0.1 percentage points to 2.32% and 2.97%, respectively as compared to 2021.

"While the legal industry continues to make measurable gains in the representation of women, people of color, and LGBTQ individuals in the associate and summer associate ranks, it is equally clear that law firm leaders have failed to do the work necessary to break down the systemic barriers that prevent these individuals from joining them in the hallowed halls

of partnership," said NALP Executive Director Nikia L. Gray. "The data demonstrates that we are nowhere near achieving the progress one would expect from an industry that has been focused on the issue of diversity for over three decades."

**Highlights:**

- By race/ethnicity, Black associates saw the biggest year-over-year rise in representation, increasing by nearly 0.6 percentage points to 5.77% of all associates in 2022.
- The percentage of summer associates who are people of color grew by 1.7 percentage points, increasing from 41.34% in 2021 to 43.03% in 2022. Most of this growth can be attributed to the rise in the percentage of Black and multiracial summer associates, both increasing by approximately 0.7 percentage points to 11.85% and 5.48% of all summer associates, respectively.
- The percentage of women summer associates was essentially flat at 55.11%. However, women accounted for more than half of all summer associates for the fifth year in a row.

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**(HIRING: Black lawyers and students drive diversity for associates but partnerships lag, from page 11)**

- In 2022, people of color accounted for only 11.40% of all partners (equity and non-equity), while women comprised only 26.65%. Over the more than 30-year span in which NALP has been reporting these data, the representation of people of color and women in the partnership ranks has increased by less than 10 and 16 percentage points, respectively.
- Despite small gains in 2022, just over 4% of all partners are women of color, and Black and Latinx women each continued to represent less than 1% of all partners in U.S. law firms.
- The percentage of Black partners overall increased by just 0.1 percentage points, from 2.22% of all partners in 2021 to 2.32% in 2022. Latinx partners experienced a similar increase, growing from 2.86% of all partners in 2021 to 2.97% in 2022.
- San Diego and Miami had the largest share of partners of color, at 33.33% and 29.66% respectively, primarily due to a high percentage of Latinx partners in those cities.
- Within multi-tier law firms, white men remain disproportionately represented in the equity partner ranks. In 2022, just 22.6% of equity partners were women. Additionally, only 9.0% were people of color – a figure that is unchanged from 2021.
- While the percentage of LGBTQ lawyers overall grew by half of a percentage point from 2021 to 2022 (the largest year-over-year increase since NALP began tracking these data) the proportion of LGBTQ summer associates continued to grow at a more accelerated pace, climbing by nearing 1 percentage point to 9.37% in 2022. Overall, 4.17% of all lawyers identified as LGBTQ.

- Although reporting of gender non-binary lawyers remains limited since NALP first began collecting these data in 2020, the figure has grown each year. In 2022, 42 non-binary lawyers and 17 non-binary summer associates were reported by law firms, compared to 20 non-binary lawyers and 11 non-binary summer associates in 2021.

**NALP** is an association of more than 2,500 legal career professionals who advise law students, lawyers, law offices, and law schools in North America and beyond.



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