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I am going to speak to you today about two items. First, what corporations are doing, from my perspective as corporate counsel, to encourage diversity in its use of both our legal profession and legal services, and how we can use this as an example to meet some of the initiatives the OBA can spearhead. Second, I will talk about the racial piece; what the barriers are to diversity and what can be done to break those barriers down.

In my experience, having sat on both sides of in-house and private practice, it appears that companies tend to be a bit further ahead. I am not saying they are exactly where they need to be, but that companies seem to be a lot further ahead in at least recognizing the need for diversity, and of putting programs in place to encourage diversity in both their work force and that of their suppliers. One of the main reasons is pretty simple - it helps them.

Organizations have determined that if their employees and their suppliers reflect the customer base it helps the bottom line; it helps their business. This has been in place a long time but what I think is changing now is this: as companies put programs in place to encourage diversity within themselves and their suppliers, they are also looking at the legal profession as one of these suppliers.

I just briefly want to give two examples.

In the United States, Dupont have a very interesting legal model, and if you Google it you can read about it. Dupont attached a diversity program to a preferred law firm program which they had for many years. They have a number of firms who are “preferred firms”, with whom they negotiated discounted rates and have a certain amount of work which would be directed to them. Dupont also decided that, as part of this preferred firm program, they would encourage diversity in these law firms. What made this process different was they didn’t want to mandate it; they didn’t want to say “thou shall have diversity”, or “thou shall have X number of Black lawyers or Hispanic lawyers”. What they really wanted to do was to have an ideas approach to it, and the way they did this was by sharing with those law firms what was happening at Dupont. Dupont General Counsel shared how they were able to diversify their organization and their internal legal department, and the way they were able to diversify other legal departments. Dupont was able to sit down with these preferred firms, share what they had done, and encourage these firms to duplicate their diversity program. These types of meetings were held on a regular basis and I can’t remember who talked about this, maybe it was David, but not just having this idea and then go forth and do it, but there was a continual meeting and discussing about that and in the report, if you look on the website, you will see that they found this to be very effective.

At Aon, both the United States and most certainly in Canada, we have encouraged diversity within the company, but have also mandated it broadly across three areas: Talent (our human resources group), Operations, the category in which legal and suppliers fall, and with our Clients, and we work to ensure diversity in these three areas of our business.

Aon recently did an RFP process for legal services in Canada. In our RFP we stated, “At Aon, our commitment to diversity is reflected in our global client base in more than 130 countries. The diversity of our staff reflects the diversity of our clients and our cultures. We believe that diversity in people, interests, expertise and points of view enhances our ability to provide high quality legal and other

professional services to our client, enriches our workplace and connects us to the communities in which we work and live. We expect the law firms to reflect our commitment to diversity through the staffing of the personnel on Aon matters and we ask the firm to please discuss your efforts to achieve and retain a diverse group of lawyers in your practice area.”

I wish I could record some of the calls I received after our RFP went out. There were a lot of panicked calls from a lot of firms asking, ‘What do you want us to do?’, and my answer was simple: I want you to work with us to increase diversity within your law firm and within the lawyers that are going to service Aon. A lot of law firms didn’t know where to start and what we ended up doing was really encouraging then. We suggested they start with a diversity committee and we shared ideas and talked about it. We have put firms in touch with Aon’s Chief Diversity Officer in the US who spoke with a couple of firms to share ideas and find solutions. I would encourage the OBA to really reach out to your partners such as groups like CABL, to understand what are successes and challenges companies have experienced. Maybe we can duplicate some of those successes here.

There is one experience very near and dear to my heart and I asked Fraser Milner Casgrain if I could share this with you. Frasers is the law firm I started with. When I joined them I was the first black lawyer they had ever hired in 150 years and, while my experience there was wonderful, I can tell you that I was a bit of a shock to a lot of systems. That was in 1996, and we have gone from that point to today where Frasers is one of four law firms who work very closely with an association I work with, The Black Business and Professional Association.

We have a national scholarship that BBPA puts out for Black students right across Canada who have the academic but not the financial abilities to attend post secondary school. Frasers is one of four law firms who are now providing scholarships. In Frasers case, they sponsor a three year scholarship for a Black law student who is in any Canadian law program, and they also encourage Black students to apply to their law firm for summer articling jobs. I am pleased to say one of the students is currently working at Frasers. This is just one example of achieving diversity by sharing ideas.

I also wanted to make a couple of comments on racial diversity and how we can encourage it.

Unfortunately a lot of us have certain notions about certain people, deep down. Sometimes we don’t even know we have these notions until we are face to face with them – when we are forced to work with people of different cultures, races, religions, sexual orientations and share ideas, share office space - and it can be very challenging. I am not going to go through stories - there are some pretty funny ones and some pretty horrific ones. What I will say is that I really think the only way we are going to break down these barriers which is to encourage diversity work and programs to continue. I have had to deal with people who have expressed a certain awkwardness, and a desire to not work together, but in my experience the first way to get past this is just to work together, to share ideas, to partner and eventually, if everything goes well, it just doesn’t matter anymore. So one of the things I would really encourage is having diversity committees, and having programs where law firms can be encouraged to increase the number of diversified people in their programs. Again, the OBA can encourage law firms to partner with their clients to put these programs in place.