



## Principles for Working with and Supporting Students from Historically Marginalized Populations in the Field

Alexi Freeman, Associate Professor of the Practice; Director of Externships & Public Interest Initiatives,  
University of Denver Sturm College of Law

*The following is a modified excerpt from a forthcoming article, "Don't Hire Me as a Token: Best Practices for Recruiting and Supporting Diverse Externs." South Carolina Law Review has given permission for this use. The citation is Alexi N. Freeman, "Don't Hire Me as A Token: Best Practices for Recruiting and Supporting Diverse Externs," 72 S.C. L. Rev. (forthcoming 2021).*

### **Introduction**

While legal organizations cannot change law school diversity statistics or the overall profession's diversity, equity, and inclusion problems overnight, they must try to avoid repeating, or worse, increasing, isolation and alienation for students from marginalized backgrounds, particularly if they are in the business of heavily recruiting such students. Intentional, proactive measures are needed to ensure access, equity, and opportunity to students who identify as members of historically marginalized groups now more than ever.

What follows is a set of principles and strategies that externship programs, career offices, summer associate programs, diversity fellowship personnel, and practitioner supervisors should consider and work to implement in order to best support students from historically marginalized communities, and elevate and enrich their opportunities to learn and thrive as future lawyers. The principles developed are broken down into three categories: *Pre-Recruitment*, *Recruitment/Hiring*, and *During the Position*. Some of the principles can be implemented fairly easily, while others require more preparation and/or analysis.

### **Pre-Recruitment**

#### ***A. Principle 1: Work Towards Cultural Proficiency***

Cultural Proficiency is defined as the policies and practices of an organization or the values and behaviors of an individual that enable that agency or person to interact effectively in a diverse environment.<sup>1</sup> This is an ongoing process that requires honest assessment and evaluation to determine the culture of an office. Some steps offices can take to begin the pathway towards such proficiency includes:

1. Require or strongly encourage all employees to complete Implicit Association Tests (IATs), which are online tools that have been shown to accurately assess one's implicit biases across a range of topics (race, disability, gender, and more). Follow up individual testing with individual conversations as well as honest group dialogue.
2. Review your organization's policies, with an eye toward identifying implicit or explicit biases and microaggressions. Look for potentially problematic language around religious holidays, hair, dress, and other things that might disadvantage or offend a group. Ensure

---

<sup>1</sup> See *Cultural Competence Continuum*, UCSD CULTURALLY COMPETENT MANAGE PROGRAM, [https://webtutorials.ucsd.edu/ccmp/01\\_02\\_005.html](https://webtutorials.ucsd.edu/ccmp/01_02_005.html).

- you are using employees' proper gender pronouns<sup>2</sup> and ensure relevant human resources paperwork has more than a F/M option.
3. Address biases that the entity may already have and address those before the student comes to work. Look at the organization's history as it relates to diversity and inclusion and have tough, courageous conversations about such history prior to launching any concentrated outreach.
  4. Consider organizing and promoting professional development opportunities that focus on bias, microaggressions, diversity, and inclusion.<sup>3</sup> These could include informational seminars, role-playing exercises, and book groups that include reading works from different cultures or reading studies on the relevant topics.

#### ***B. Principle 2: Ensure Committed and Supportive Upper Level Management***

Often, the attorneys who work with externs/clerks are more junior--i.e. they are not members of management. While individuals in positions of power often do not have the capacity to work with students, when it comes to diversity and inclusion, it is critical that leadership believe in the efforts, vocalize such beliefs, and participate in the organization's conversations around inclusion. Such participation from management helps ensure that inclusive values are lived out when the student is there.

#### ***C. Principle 3: Recognize that Diversity Statistics are Just the First Step***

Opening up access is critical, but it does not fulfill the commitment to diversity.<sup>4</sup> "Inviting a diverse group into an unyielding institution will not advance the goal of diversity, even if all those invited make an appearance. The quality of the interactions that [individuals from historically marginalized groups] experience once inside is as much a part of achieving diversity as ushering them through the door."<sup>5</sup> Relatedly, "attention should be on creating conditions in which the diversity of students... is not just welcomed and solicited, but actively fostered."<sup>6</sup> An organization needs to ensure that everyone understands that the work of diversity and inclusion is not complete because the office hired an extern from a historically marginalized background.

#### ***D. Principle 4: Find Ways to Incentivize Attorney/Staff Engagement on Diversity and Inclusion Efforts***

With the busy schedules of lawyers and competing interests, incentivizing engagement can help ensure that diversity and inclusion become everyone's interests and priorities. Some ways to do this include counting diversity engagement as billable hours<sup>7</sup> and/or allowing work on diversity initiatives to be a

<sup>2</sup> Misgendering can trigger gender dysphoria, may "out" an individual to others without their permission in potentially unsafe environments, may result in transgender non confirming individuals feeling targeted and humiliated, and may make [such] individuals feel erased because their gender identity is ignored." LGBTQ+ BEST PRACTICES FOR LAW SCHOOLS: A GUIDE TO INSTITUTIONAL EQUITY 16 (2019), THE LGBT BAR, <https://lgbtbar.org/wp-content/uploads/sites/6/sites/8/2019/04/Law-School-Campus-Climate-Toolkit-April-2019.pdf>.

<sup>3</sup> For example, "studies have shown that when employees receive training about gender transitions, sensitivity and understanding is increased toward transgender employees." Wheeler, *supra* note 40, at 329 (citing Melanie E. Brewster et al., *Voices from Beyond: A Thematic Context Analysis of Transgender Employees' Workplace Experiences*, 1 PSYCHOL. SEXUAL ORIENTATION & GENDER DIVERSITY 159, 164 (2014)).

<sup>4</sup> Cruz Reynoso & Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491, 492 (2002) (citing MINORITY DATABOOK, eds. Kent D. Lollis et al. (Newtown, 2002)).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> For example, one law firm, Dorsey & Whitney, has implemented a new "Diversity Hours" policy allowing associates to count work and training that promotes diversity toward their billable hours requirement. Patrick Smith,

part of leadership, inclusive, or service competencies that are measured in evaluations and assessments. Diversity engagement can be measured by what activities attorneys participated in, how they were evaluated by externs, and whether they brought topics, speakers, and relationships to the legal entity that were relevant to diversity and inclusion.

**E. Principle 5: Confirm the Accessibility of Materials**

Visitors to an organization's website may have visual impairments that make accessing information challenging without screen readers or other technological tools. In many instances the words on a web page are accessible with a screen reader, but photos are not. Organizations must commit to working with their technology team to be sure that the entire website is accessible via screen readers.

**Recruitment/Hiring**

**A. Principle 6: Provide Clear Information on Application Procedures To Ensure Accessibility and Broad Reach**

Be very transparent about the application process. Share how to apply, where to submit, and any applicable deadlines and requirements. Creating and publishing clear standards helps ensure everyone understands application procedures and is likely to expand the network of applicants versus risking that only those students with certain access and/or relationships receive the information. Organizations should also utilize law schools' externships and career offices, but also reach out directly to leadership associated with affinity organizations, diversity personnel at a law school, and bar association affinity groups that may have connections to law school students with similar identities or to the respective law school affinity groups.

**B. Principle 7: Use Authentic Images and Inclusive Language on Promotional Materials**

Recently, colleges and business entities have come under fire for doctoring images to show a group of diverse individuals interacting.<sup>8</sup> Images on an organization's website and promotional materials should be authentic, not staged, and reflect the organization (in terms of staff and clients, with permission). Websites and promotional materials should embed inclusion and equity throughout, instead of stating only that people from diverse backgrounds are encouraged to apply at the end of a job listing. For example, while having a diversity tab on a website is important, diversity and inclusion topics should not only be limited to such section. This helps signal a broader commitment to students.

Organizations should also be mindful of language that might be unfamiliar to some individuals because of their backgrounds or status as first generation law students. For example, the overuse of acronyms might favor students who have more familiarity with the law and the profession. Organizations should consider language that is stereotypically associated with certain cultures or genders. For example, indicating that you want a student who is assertive, a word typically associated with males, might

---

*Diversity Meets the Billable Hour at Dorsey & Whitney*, LAW.COM (July 23, 2019, 5:36 PM),

<https://www.law.com/americanlawyer/2019/07/23/diversity-meets-the-billable-hour-at-dorsey-whitney/>.

<sup>8</sup> See this article discussing how York College doctored a photo, replacing white students with diverse students, to portray a more diverse campus: Scott Jaschik, *When Colleges Seek Diversity Through Photoshop*, INSIDE HIGHER ED (Feb. 4, 2019), <https://www.insidehighered.com/admissions/article/2019/02/04/york-college-pennsylvania-illustrates-issues-when-colleges-change>; see also this article revealing how one diverse student was photoshopped into the college brochure: Deena Prichep, *A Campus More Colorful than Reality: Beware that College Brochure*, NPR (Dec. 29, 2013, 10:31 AM), <https://www.npr.org/2013/12/29/257765543/a-campus-more-colorful-than-reality-beware-that-college-brochure>.

indirectly discourage women from applying. It may also discourage people from certain cultures from applying.

**C. Principle 8: Have a Clear Statement on Why Your Organization has a Diversity Statement, Diversity Recruitment Plan, and/or Values Diversity and Inclusion**

If your organization has done some hard work internally already on thinking through your history and your goals associated with diversity and inclusion, this should be a relatively easy step to take. It signals to the student that you are taking this outreach seriously and that you have thought deeply about it.

In addition to having such a statement and sharing it at diversity focused recruitment events as well as broader recruitment events, an organization can signal commitment by developing specific recruitment materials, highlighting the ways in which the organization supports historically marginalized students, and sharing diversity related programming, including details about upcoming meetings and activities.<sup>9</sup>

**D. Principle 9: Be Open about Where Your Organization Stands on Diversity Recruitment, Retention, and Philosophy**

Some large law firms share quantitative data about their demographic make-up through organizations like the National Association for Law Placement.<sup>10</sup> Whether or not your organization is required to share such information, sharing statistical data is important. It can be hard to do when your numbers do not correspond to what you believe to be your philosophy and values, but it gives students information on what to expect, taking away the tough moment of surprise. It also provides you with an opportunity to share where you want to go – quantitatively and qualitatively.

**E. Principle 10: Be Proactive about Discussing the Value of the Perspective of Law Students/Lawyers from Diverse Backgrounds Generally and with Your Office's Culture and Work in Particular**

In conjunction with your recruitment plan, explaining why you believe in such intentional recruitment helps bring confidence and validate the students' expertise and experience. Relatedly, discussing diversity and inclusion in the interview process – with any prospective extern, diverse or not – encourages dialogue on such topics and signals to students that these topics matter to you and your office.

**F. Principle 11: Recognize that Actively Recruiting Diverse Students Can Have Detrimental Effects for their Engagement with their Peers and Take Steps to Minimize Such Effects**

While an organization seeking a student cannot control how other students feel about extern selections or diversity programs, students who identify as diverse can be ostracized and targeted by majority students because of such programs. This can lead diverse students to feel they have to prove that they belong in the office regardless of their diversity status, which is an additional burden not faced by majority students. While an organization cannot control peers' reactions, an organization can avoid scheduling diversity-focused interviews and events during class time. This helps limit the circumstances where other students see that only "certain students" are missing class. The organization can also develop a clear answer as to why there isn't a "White male, cis-gendered" recruitment program. They can share this idea with diverse students and other students who may reach out at times for information on the organization's recruitment processes.

---

<sup>9</sup> A legal organization can signal commitment similarly to how a law school signals commitment to such students. See LGBTQ+ BEST PRACTICES FOR LAW SCHOOLS: A GUIDE TO INSTITUTIONAL EQUITY 6 (2019), THE LGBT BAR, <https://lgbtbar.org/wp-content/uploads/sites/6/sites/8/2019/04/Law-School-Campus-Climate-Toolkit-April-2019.pdf>.

<sup>10</sup> See, e.g., NALP Directory of Legal Employers, NALP, <https://www.nalpdirectory.com/>.

**G. Principle 12: Allow and Proactively Suggest Students Receive Credit and Pay Simultaneously (if pay is a viable option for your organization)**

We tend to think students, regardless of diversity status, perform better, when they are juggling fewer priorities.<sup>11</sup> By allowing credit and pay to be received simultaneously, students can enroll in fewer classes so they can devote the time needed for the placement. The externship credit also provides the organization and the student with additional support should questions or challenges arise. For students from historically marginalized communities, this can provide support into learning the “behind the curtain” aspects of legal practice and can help level the playing field for students with less knowledge about the legal profession.

**H. Principle 13: Understand Disability Accommodation Requirements if Working with a Student for Credit**

If your student is earning credit through a legal externship, be mindful of disability accommodation requirements that might apply. Reach out to your law school externship program to best understand what might be required in advance. Students with disabilities are entitled to absolute confidentiality; however, if externship faculty or personnel believe the student may benefit from disclosure, the faculty member may encourage disclosure by the student and offer to act as go-between.<sup>12</sup> The school may also be able to provide some support or assistance at minimal or no cost.<sup>13</sup> If the student requires an accommodation, there is a question about whose responsibility it is to facilitate and pay for such accommodations.<sup>14</sup> An early conversation about this is recommended to see whether cost sharing is available,<sup>15</sup> perhaps at least in public sector placements.

**I. Principle 14: Be Supportive of Candidates’ Experience and Interest in Activism, if applicable**

Some, but not all, students from historically marginalized groups have engaged in service or political activism that focuses on identity. Students may shy away from discussing these activities and/or even including them on application materials. Even if inapplicable to the day to day work of your organization or the position the student is seeking, you can signal interest in such activities by inquiring about them during an interview process and/or expressing support.<sup>16</sup> This is especially important in times of unrest and active movements, such as in summer 2020.

**J. Principle 15: Consider Your Recruitment Schedule and Interview Locations for Accessibility**

Do you plan to have candidates visit with a handful of attorneys as part of the interview process? Do your attorneys have offices on multiple floors of your building? Will a student in a wheelchair be able to easily navigate your messiest associate’s office? Think about whether it makes sense from an accessibility perspective to have interviews all conducted in a conference room where the employees

---

<sup>11</sup> See this webinar, discussing how multitasking takes away from efficiency and offering advice on optimizing performance through time management: *How to Get it All Done: Tackling Time Management Challenges in Your Practice*, ABA, <https://www.americanbar.org/careercenter/career-development-series/how-to-get-it-all-done-tackling-time-management-challenges-in-your-practice/>.

<sup>12</sup> Susan Johanne Adams, *Leveling the Floor: Classroom Accommodations for Law Students with Disabilities*, 48 J. LEGAL EDUC. 273, 279 (1998).

<sup>13</sup> *Id.* at 283.

<sup>14</sup> Laura Rothstein, *Forty Years of Disability Policy in Legal Education and the Legal Profession: What Has Changed and What are the New Issues?*, 22 AM. U. J. GENDER SOC. POL’Y & L. 519, 607 (2014).

<sup>15</sup> *Id.*

<sup>16</sup> LGBTQ+ BEST PRACTICES FOR LAW SCHOOLS: A GUIDE TO INSTITUTIONAL EQUITY 11 (2019), THE LGBT BAR, <https://lgbtbar.org/wp-content/uploads/sites/6/sites/8/2019/04/Law-School-Campus-Climate-Toolkit-April-2019.pdf>.

can come to the candidate rather than the candidate trying to navigate your office space in a wheelchair or with a seeing eye dog, for example.

**K. Principle 16: Do Not Be Afraid of a Candidate that May Need Accommodations**

If you are worried or concerned about how you might accommodate a person with a disability, reach out to your law school contact about what that student's needs may be, though the school may be unable to share specific information because of privacy mandates.<sup>17</sup> Organizations should also feel comfortable asking the new student if there are any accommodations they need to be successful in the office environment. First, proactively asking about this has an impact on the student; it may decrease a student's anxiety about disclosure or ability to succeed.<sup>18</sup> Second, they have often been dealing with their disability for many years – they can tell you what they need. Finally, in many cases, they will need no accommodation at all, despite what you might assume. At the same time, as you host different events, whether at restaurants, other firms, and the like, consider whether the location is accessible to ensure access and full participation.<sup>19</sup>

**L. Principle 17: Ensure all individuals participating in recruiting and interviewing teams fully understand your organization's interest and experience in working with marginalized students.**

Everyone directly involved in the interviewing and recruiting processes must be well versed on diversity and inclusion matters. The interviewing team should be fully informed on the risks of implicit bias, aware of macroaggressions, and conversant about the organization's interests and goals around these issues and inclusion more broadly.<sup>20</sup>

**During The Position (Externship/ Clerkship)**

**A. Principle 18: Build Connections with Similarly Situated Organizations**

Growing a student's legal connections provides the student a better, broader sense of the field, and can also create a sense of community. In a profession that still has a lot of room to improve in terms of diversity and inclusion, it also expands the pool of individuals that students can connect with, get advice from, and learn from.

**B. Principle 19: Identify a Mentor(s) and/or Establish a Buddy System**

Extensive research documents the value of mentors.<sup>21</sup> While the organization can and should identify a mentor within their organization, it can also look outside of the organization and form alliances with bar associations, affinity bar groups, law schools, and alumni from the organization or school. If the mentor is not diverse, ensuring that the mentor is equipped and interested in supporting a student from a historically marginalized background is important.<sup>22</sup>

---

<sup>17</sup> See e.g., Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (1974).

<sup>18</sup> Susan Johanne Adams, *Leveling the Floor: Classroom Accommodations for Law Students with Disabilities*, 48 J. LEGAL EDUC. 273, 279-80 (1998).

<sup>19</sup> Laura Rothstein, *Forty Years of Disability Policy in Legal Education and the Legal Profession: What Has Changed and What are the New Issues?*, 22 AM. U. J. GENDER SOC. POL'Y & L. 519, 614 (2014).

<sup>20</sup> LGBTQ+ BEST PRACTICES FOR LAW SCHOOLS: A GUIDE TO INSTITUTIONAL EQUITY 7 (2019), THE LGBT BAR, <https://lgbtbar.org/wp-content/uploads/sites/6/sites/8/2019/04/Law-School-Campus-Climate-Toolkit-April-2019.pdf>.

<sup>21</sup> Carmen G. Gonález, *Women of Color in Legal Education*, 61-JUL FED. LAW. 48, 55 (2014).

<sup>22</sup> Jeffrey A. Dodge, *Supporting Diversity: From Pre-Law to the Legal Profession*, 62-JUL ADVOC 26, 28 (“Colleagues who actively encourage diverse attorneys to engage with these associations will be seen as allies”); LGBTQ+ BEST PRACTICES FOR LAW SCHOOLS: A GUIDE TO INSTITUTIONAL EQUITY 11 (2019), THE LGBT BAR, <https://lgbtbar.org/wp-content/uploads/sites/6/sites/8/2019/04/Law-School-Campus-Climate-Toolkit-April-2019.pdf>.

**C. Principle 20: Avoid “Flaunting” the “Diverse Extern”**

While it is a positive step to work with students from an underrepresented population, it can be counterproductive to continually publicize their diversity status. This is especially important if there are other students in the office during the same semester. Be mindful of what you advertise about any programs you run and whether the student has a distinct “label” (e.g. Diverse Summer Extern). Consider whether such labeling will make the student uncomfortable or feel like they are present only because of their diverse status. As described in a piece by the former chair of the AALS Sexual Orientation Section,<sup>23</sup> “Few things are more off-putting than feeling tokenized or having one's difference on display and used for the benefit of others. As diverse attorneys enter new spheres of our profession, avoid over-relying on their identity as a basis for placing them on hiring or climate committees, assigning them a certain type of client, or limiting them to matters before certain courts. These attorneys deserve the richness of experiences provided by their employer and shouldn't carry the burden of the sole representative of diversity through service or unseen and unbillable work.”

**D. Principle 21: Be Mindful of News in the Legal Profession and Society More Broadly that Might Particularly Have an Effect on Students from Historically Marginalized Communities**

Consider whether your office addresses issues that affect people from historically marginalized communities when events occur on the national and local scales. Your office can likely do more to have active conversations about such incidents and at the minimum, acknowledge their occurrence. With that said, conversations should occur with all members of an organization versus singling out any particular students. Legal offices should also consider whether they need to take any proactive and reactive steps in response to the incidents. Such incidents should also trigger an examination of policies and practices, which could include examination by external experts and all staff within the office.

**E. Principle 22: Ensure all Externs Receive a Variety of Meaningful Work, e.g. equity in types of assignments, in distribution, in working with different people, and so on**

Students feel they belong when they get quality work and when they feel like they are not getting less important work than other students. If you have a larger office, you can assign a “coordinator” who reviews assignments to ensure they are meaningful, robust, and challenging and who can manage student workflow and compare assignments and opportunities across students. This coordinator can also help with active communication should there be questions or concerns at any point.

Students also do not need to work only on projects related to marginalization. Seek out the student’s particular interests at the outset of the experience and work to find mutually beneficial projects in those interest areas when possible. Relatedly, ensure that you are not treating diverse students different than other students working with your organization. While every student, regardless of how they identify, arrives with their own set of skills and areas for growth, try not to distinguish the type of work given to diverse students and non-diverse students.

**F. Principle 23: Equalize Access to Individuals within your Organization As Much As Possible, Being Mindful of Power Dynamics and Unwritten Rules in Your Office**

Some students are naturally more extroverted and more willing to reach out to different people in an office. Some cultures promote such engagement more than others. And, people from historically marginalized backgrounds sometimes do not feel empowered to reach out to those people who they do

---

<sup>23</sup> Jeffrey Dodge is Associate Dean of Students, Academic Affairs & Administration at Dickinson Law and also recently served a two-year term on the LSAC Diversity, Equity, and Inclusion Committee.

not regularly interact with. The organization should develop social and networking activities for all students to attend to help ensure all are included in the regular flow of activities and that certain students are not getting particular access over others. Offices can organize brown bag lunches and other events whether in person or virtual with key individuals so everyone has the same baseline of access and opportunity for discussion.

**G. Principle 24: Ensure Equity in Knowledge As Much As Possible**

While there will always be some students who arrive with greater knowledge than others, offices can organize group trainings on everything from substantive law to skills training to communication within the office to help ensure there is a baseline of knowledge that all students have. Professional development, professionalism, and ethical practices are also important topics for trainings. Relatedly, be mindful about who is delivering such trainings in terms of race, gender, sexual orientation, disability status, and other identities.

**H. Principle 25: Promote Culturally Conscious Community Building, Networking, and Social Events**

Organizations should try multiple ways to foster community with all students, and should diversify both what they are doing and where they are doing it. For example, looking critically at where events are held, what cuisine is being served, and what books are read in a book club can help ensure different groups and cultures are represented and all feel welcome.

**I. Principle 26: Be Mindful of Different Learning Styles and Take Steps to Learn about your Students Learning Preferences, Abilities, and Strengths**

There is a growing understanding that individuals acquire and process information and subsequently learn in many different ways.<sup>24</sup> This may be amplified for students with learning disabilities<sup>25</sup> or students from different cultural backgrounds.<sup>26</sup> Organizations should attempt to share assignments in multiple formats, and offer professional development and other trainings using a range of mediums.

If budget allows, organizations can consider having students participate in the Myers-Briggs Inventory, the Kolb Experiential Learning Model, or StrengthsFinder to help them and the students understand individual strengths, weaknesses, and learning styles.<sup>27</sup> Ask if students have already taken such tests as well and see if they are willing to share them to save you costs and them time.

**J. Principle 27: Demystify the Post-Graduate Job Search Process with your Organization and Do So Early to Give Students a Genuine Opportunity at Employment**

While externships are academic learning experiences first, we know that externships can often lead to employment. The challenge is that some students have no idea how that is possible and/or whether there are steps they can take to gain information. While law school representatives coach them on these

---

<sup>24</sup> Adams, *supra* note 18, at 286.

<sup>25</sup> *Id.* (“There are many learning disabilities that make certain processing patterns difficult or even impossible”).

<sup>26</sup> Johanna K.P. Dennis, *Ensuring a Multicultural Educational Experience in Legal Education: Start with the Legal Writing Classroom*, 16 TEX. WESLEYAN L. REV. 613, 615 (2010).

<sup>27</sup> Adams, *supra* note 18, at 287; see MBTI Basics, THE MYERS & BRIGGS FOUNDATION, <https://www.myersbriggs.org/my-mbti-personality-type/mbti-basics/home.htm?bhcp=1> (Myer-Briggs Type Indicator measures personality types); see also Kolb’s Learning Styles and Experiential Learning Cycle, SIMPLY PSYCHOLOGY (updated 2017) (Kolb’s experiential learning theory is concerned with the learner’s internal cognitive processes to develop more appropriate learning opportunities); see also Clifton StrengthsFinder, GALLUP, <https://www.gallup.com/cliftonstrengths/en/strengthsfinder.aspx> (an assessment created to build a profile for the individual to understand their strong skills in learning).

topics, organizations can host a session that includes information on their hiring practices, their area of work more broadly, and the steps students can take to enhance their competitiveness for future employment. For students less extroverted or who feel the power dynamics more clearly in the office, this again ensures a baseline of information.

Organizations can also consider guaranteeing an interview for all interested students who have worked with their organization within a particular timeframe (e.g. last two years). This can help temper the implicit and sometimes explicit bias that research shows exists when reviewing resumes from applicants from historically marginalized groups.<sup>28</sup>

#### **K. Principle 28: Set up Ongoing, Two-Way Street Formal Feedback and Evaluation Measures**

If the student is enrolled for credit, the externship program will likely require the completion of written evaluations. However, an organization can consider whether it can do more to align with the American Bar Association standard requiring ongoing, contemporaneous feedback to the student regardless of credit enrollment.<sup>29</sup> The organization can also seek out a multitude of voices in such evaluations – from all attorneys worked with to staff persons that students may have interacted with – to help ensure a robust well-rounded evaluation of the student.

The organization should also actively seek out feedback from the student. It can be hard for a student to share honest feedback in light of power dynamics and their potential interest in future employment, but asking all students about diversity and inclusion can help organizations assess their efforts and signal importance of the issue. Organizations should consider developing and administering quantitative and qualitative measures to assess the student’s experience and the perceived value and effect of the diversity related efforts led by the organization.<sup>30</sup>

### **Conclusion**

Efforts by legal offices that proactively seek to diversify their staff, including at the law student level, are critically important. However, such efforts cannot and should not occur without intentional planning and processes. Legal offices must work harder to support students from historically marginalized groups, and to ensure equity at every stage of engagement. Students cannot simply be used to increase statistics or help with marketing for a legal office. To truly support diversity and inclusion, legal offices promoting diversity-based recruitment programs have to do more. They must invest time and energy and they must be critically introspective. While each office, each law school, and each individual student offer their own unique strengths, challenges, and particularities, these principles should provide a foundation for offices to build upon and tailor so that law students from historically marginalized groups feel heard, feel supported, and have an opportunity to thrive and succeed while learning how to be a lawyer.

---

<sup>28</sup> See Marianna Bertrand & Sendhil Mullainthan, *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, 94 Am. Econ. Rev. 991 (2004) (researchers observed discriminatory impact on candidates whose resumes contained an “African American sounding” name); see also Nicolas Jacquemen & Constatine Yannelis, *Indiscriminate Discrimination: A Correspondence Test for Ethnic Homophily in the Chicago Labor Market*, 19 Labour Econ. 824, 830 (2012) (researchers also observed discriminatory impact on resumes containing “foreign sounding” names).

<sup>29</sup> PROGRAM OF LEGAL EDUCATION 17 (2019), ABA, [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf).

<sup>30</sup> DIVERSITY IN THE LEGAL PROFESSION: THE NEXT STEPS, ABA PRESIDENTIAL DIVERSITY INITIATIVE 28, (2010), [https://www.americanbar.org/content/dam/aba/administrative/diversity/next\\_steps\\_2011.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/diversity/next_steps_2011.authcheckdam.pdf).