

# Trailblazers in the Fight for Racial Justice and Diversity

► **Ahmed J. Davis, principal at Fish & Richardson and national chair of the firm's Diversity Initiative, talks about the work Fish is doing on the racial justice front, from the firm's efforts to hire and promote more diverse leaders to its broader efforts to help address systemic inequalities in our society.**

**CCBJ: As the long-time national chair of Fish's Diversity Initiative, what do you believe are the most critical issues that the legal profession needs to confront in order to dismantle racial biases and address systemic racism?**

**Ahmed J. Davis:** The most critical issue to confront in addressing systemic racism also happens to be the most fundamental: an acknowledgment that it exists in numerous aspects of our society – such as in education, economics, health care and law enforcement. Far too many times, we see fundamental failures of equity that are misdiagnosed as personal or group failures (which create feedback loops for bias), when the issue is, in fact, systemic. We must acknowledge those systemic causes, and then purposefully and proactively legislate to eradicate them.

On a personal level, my Christian beliefs impel me to recognize racial bias foremost for what it is – sin – so unfortunately, I do not think we can ever truly “dismantle” it. We can minimize its impact by continually educating ourselves about the more nuanced, implicit biases that drive us each day – think of the Central Park incident in May between a white woman walking her dog and a Black birdwatcher, for example – and by doing so, hopefully disrupt those patterns and practices.

**In June, Fish launched its Racial Justice Initiative to begin the hard work of tackling these issues. Tell us about the program and what the firm hopes to achieve.**

The Racial Justice Initiative was born out of an acknowledgment that we as a firm have an obligation to help effect change in our society beyond the general practice areas that are our core competencies and the pro bono work that we have historically done. It is a commitment to be a boon and an encouragement to the racial justice movement, since we ourselves have been so fortunate. It is intended to be both inward-facing and outward-facing. The internal component focuses on providing resources and education to firm members about racial justice issues (and addressing any within the firm). The external component is directed at Fish using its legal abilities, diverse workforce and financial wherewithal to assist in addressing societal and systemic issues we know exist.

**The Racial Justice Initiative kicked off with a firmwide diversity town hall where firm leaders and members of your management committee read the anonymous personal stories and experiences of what it's like to be diverse in Big Law. What was your goal with this approach, and was it effective?**

We had more than 425 firm employees join the town hall. In addition to reading anonymous stories, we conducted real-time polling that allowed the participants to share how the stories made them feel, and we finished with a robust Q&A session. The goal of this approach was really twofold. First, by dissociating the stories from their authors (including their offices and positions), it encouraged candor in the disclosures and also demonstrated that these issues are not unique to lawyers or staff, but common across pay grade and diversity characteristics. Second, by having well-known, nondiverse firm leaders read the stories, it allowed our leaders to see what's happening in the organization while allowing the organization's top firm leaders to actively (and voluntarily) participate in the process. It was incredibly effective, and based on the feedback I received from staff and attorneys alike, it was an overwhelming success. We will definitely do it again.



**Many companies require that their law firms meet certain diversity and inclusion metrics. Why is this so important to clients, and what role do they play in moving the needle forward on racial justice?**

Diversity and inclusion (D&I) is important to clients because they have learned, empirically, that you obtain better overall results with a diverse team. They've recognized the value of diversity of thought and experience in their own organizations, and requiring it of outside counsel is a natural outgrowth of that learning. And just as clients have moved (and continue to move) the needle on diversity and inclusion, they can do so on issues of racial justice. The private practice of law is a service industry, and distinguishing yourself as a firm means doing great work and caring about the things your clients care about. If clients and potential clients show an interest in racial justice matters, law firms will respond.

**At the beginning of this year, Fish partnered with Mind Gym, a consultancy that uses the latest psychology and behavioral science to analyze organizational culture. How will their findings help you expand and improve the firm's racial justice and diversity and inclusion efforts?**

Time and experience have shown that when you know better you do better, and the empirical information the Mind Gym consultants collected and shared helps us to "know" better. I believe this is particularly true in an intellectual property law environment such as ours, where so many of my colleagues have backgrounds and training steeped in scientific rigor. Scientists and engineers naturally rely on data to formulate hypotheses and confirm results. The qualitative, data-driven analyses that we receive from Mind Gym will help us validate the importance and impact of our D&I efforts with empirical evidence, which I expect will resonate here.

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**Fish was one of a small number of law firms to participate in the Mansfield Rule pilot in 2018, and it has been certified at the highest level every year since. Participants in this program pledge that when hiring for leadership roles, the candidate pool will consist of at least 50 percent women, LGBTQ+ members, lawyers with disabilities, and racial and/or ethnic minorities. What has the effect been in terms of helping Fish increase diversity and inclusion among its ranks?**

It has been said that if you do not know where you are going, then any road will take you there. In the D&I context, broadly defined (or undefined) targets and goals can lead you down an indeterminate path that can result in at least two problems: protean definitions of success and an impaired ability to diagnose D&I failure points within your organization. To me, participating in the Mansfield Rule program has been important for Fish because it provides our management with external, measurable criteria and key performance indicators whereby we can evaluate quantitative success and home in on where failure points may be in the organization.

**Where does management fit into the picture – can true change happen without them?**

No, it really can't. In my view, as a member of our nine-person, firmwide Management Committee, top-down leadership on D&I is a necessary but insufficient factor in

the creation of a truly diverse and inclusive workspace. Firm management must not only set policy but also diligently practice the policy so that others can see leadership by example. Everyone won't always agree on everything – that is to be expected – but there must be an earnest effort. More than anything, it has to be authentic. It is not enough for the leaders of an organization to mouth the words of diversity and inclusion – they have to be willing to wear the badge and carry the banner.

**What is your vision for the future? Where do you hope Fish will be in one year? Five years? Ten years?**

We have positioned ourselves well and continued to provide exceptional legal services in the intellectual property space, even in the face of a pandemic. One year from now, I pray that the coronavirus will be behind us, and that we are moving through the inevitable backlog of civil IP cases and also doing great pro bono work as a part of our racial justice initiative. In five years, I hope that we will be viewed as a beacon and a trailblazer – an IP firm that lent its considerable talents and abilities to racial justice causes and stayed committed beyond the George Floyd moment. Ten years from now, I hope to look around the Fish principalship and see many more Black faces than just mine. ■



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