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Affinity Groups in Large Law Firms: What to Consider

By Sandra S. Yamate

In the world of large corporations, it is uncommon to have affinity groups to represent the needs, interests, and concerns of diverse segments of the workforce. These groups serve as an effective means of bringing together sub-groups of employees from different areas within the corporation who desire an outlet within the corporate structure in which to share and address commonalities that may be grounded in culture, gender, sexual orientation, or other facets of their individuality. These groups often focus their efforts on providing mutual professional support, exercising leadership skills, supporting corporate goals (such as marketing or recruitment), and representing the group's particular interests to corporate management.

Recent years have seen large law firms expand from creating diversity committees to establishing affinity groups following the corporate model. Law firms, however, need to be sensitive to the fact that they are not corporations and the affinity groups that might thrive in a corporate environment can easily become derailed or even sabotage a law firm's diversity efforts if handled poorly. What follows are issues that law firms need to consider or address before establishing affinity groups.

Do we need affinity groups?

Affinity groups may seem non-threatening, but a firm needs to be careful in how the purpose and goals of these groups is expressed. There is a huge difference between needing an affinity group because the members of the particular group cannot succeed at the firm and establishing a group to support the professional and social development needs of the group members. Be clear about the group's purpose from the firm's perspective. Avoid anything that suggests that the members of an affinity group require remedial training or special support in order to be successful within the firm.

What affinity groups will we have?

In the context of the firm's purpose for these groups, consider in advance what criteria you wish to have for current and future affinity groups. You can expect to have affinity groups addressing gender, race and ethnicity, and sexual orientation, but what other groups might seek to become established and how should these requests be handled? For example, how will the firm feel about affinity groups with a focus on a particular religion or political agenda? In addition, do affinity groups need to meet a size requirement? Can a single person make up an affinity group? What happens if sub-groups of an affinity group wish to form separate individual affinity groups? For example, if you have an affinity group representing Hispanics and Latinos, what will be the firm's policy regarding the creation of a separate affinity group specifically for those of Mexican ancestry?

What is the firm's expectation from its affinity groups?

Consider what the firm expects from its affinity groups. Should their purpose be purely social? Educational? Should they have a role in recruitment of new members for their group?

The most effective law firm affinity groups are those that have a clear sense of purpose, direction, and objective. Firm management should meet with the group early in its development to discuss the group's focus. Is it to reach out to law students who would benefit from membership in the group? Is it to provide additional business development opportunities for the members of the group? Is it to support charitable efforts within the community the group represents? These are important questions to consider when determining the purpose of the affinity group.

How will the affinity groups be funded?

Affinity groups invariably come up with many ideas for programs and activities, almost all of which require funding. Determine ahead of time what the process will be with regard to funding these ideas. Will all affinity groups receive the same amount of funding so that none is perceived as more valued than the others? Or will funding be used to reward those activities the firm finds of greatest value? Or will it be determined on a first come, first served basis? Or should it depend upon the membership size of the affinity group?

Bear in mind that an overarching goal for most firms is to have everyone within the firm function as part of a single organization. You may want to have policies and protocols in place about how funding requests will be handled that reinforce this principle. For example, you may want to give higher priority to activities that are joint endeavors of two or more affinity groups as a way of encouraging these groups to work together, which will hopefully translate into working together in the broader firm.

Who can join the affinity groups?

Can someone who does not share a group's affinity join that affinity group? How will membership in an affinity group be determined? Can a male join an affinity group for women? Do all women automatically become members of a women's affinity group or can they choose not to be part of it? While a firm does not want to discriminate in membership nor force membership upon the unwilling, it needs to have a clearly stated policy about membership in these groups.

Also, unlike corporations, law firms that are considering establishing affinity groups need to consider the scope of affinity group membership. Will the affinity groups be focused on only the lawyers in the firm or will it also include professional and support staff?

Do affinity groups have to represent minority groups or underrepresented groups?

The term "affinity group" tends to conjure images of minority or underrepresented groups based upon gender or race and ethnicity. What if the majority group in the firm wishes to form an affinity group? Firm management needs to be prepared to address how they wish to handle this type of request. Many gender or minority affinity groups often perceive the need for their existence to be predicated on the fact that they do not feel included by the majority group. At the same time, the members of the majority group may feel excluded without belonging to an affinity group of their own. A proposed affinity group for the majority can create undesired tensions no matter the eventual outcome. Firms should anticipate this as a potentially divisive issue and determine ahead of time what the firm policy will be.

Who should lead the individual affinity groups?

Leadership of affinity groups within law firms can be tricky. On the one hand, leadership by a well-established partner who is a member of the group sends a message that the group is of value and is to be taken seriously. On the other hand, however, associates who would like to use the affinity group to support their professional development needs within the firm may complain that having a partner as the leader stifles the ability of the group to be responsive to the members' needs.

As a general rule, firms should allow affinity groups to choose their own leaders. More importantly, there should be term limits or rotation among the leaders of the affinity groups so that no single person or small clique within the group has perpetual control over it. This will allow leadership within the group to evolve naturally. It allows the group to make its own choices about what it values in leadership whether it be stature, popularity, or willingness to take on the burden of work.

How do we make sure that affinity groups do not become the nexus for those who are discontent?

Firm management should be aware that sometimes affinity groups can become loosely veiled groups whose sole function seems to be to serve as an outlet for grumbling and grievances. While it is fine to provide an outlet through which people can let off steam, laugh at the vagaries of management, or even commiserate about perceived common problems or inequities, there is also a point where if it becomes too much, the group is no longer productive or effective. The best way to minimize the possibility that this will occur is to keep the firm's affinity groups feeling active and productive without firm management having to exercise heavy-handed involvement. A simple way to do this is to require affinity groups to provide periodic updates on their group's activities and accomplishments to firm management and the firm's Diversity Committee.

How do we establish the internal structures within our affinity groups?

The lawyers at your firm were hired because they are good lawyers. That does not necessarily mean that they are good small-group leaders or administrators. Therefore, in order to ensure a higher likelihood of success in each of a firm's affinity groups, a basic leadership structure should be put in place for each group, including a person to lead the group, a person designated as a successor to the leader, and other members who will be responsible for whatever standard roles or functions the firm expects from the group, (e.g., communications, programming). The firm can also ask each group as a minimum requirement to have in place a mission statement and a list of goals and objectives. This helps ensure that the firm and the members of the affinity groups do not have greatly divergent views as to the role and purpose of the affinity group.

What do we do if an affinity group fails to sustain itself?

Assess whether the lack of sustainability is the result of a lack of interest or need, poor leadership, or the degree of support from the firm. If the group fades away from lack of interest, then there may simply not be a need for it. If it stems from poor leadership, the firm may want to have a predetermined method for jump-starting the group, perhaps by helping the group with a special project or program until new leadership can take office. If a group fails because of lack of support from the firm or a perceived lack of support, it may behoove firm leadership to personally address the issue with leaders within the group.

How do affinity groups work in relation to the firm's Diversity Committee?

Structurally, affinity groups, to the extent that they are based on characteristics that would generally be considered under the purview of the firm's Diversity Committee, should fall under that committee. Otherwise, the firm runs the risk of setting up competing forces and internal turf wars between the Diversity Committee and the affinity groups. Affinity groups should have some sort of representation within the Diversity Committee so as to foster communication and collaboration among the groups and also to engage the groups in the

broader work of the Diversity Committee.

Conclusion

Affinity groups are one way that law firms can recognize and support the diversity of the individuals that comprise a firm. To make affinity groups work well within the structure of a law firm, however, requires careful consideration of a number of factors and, most especially, an appreciation for how a law firm environment and structure, as well as the personalities and expectations within it, can differ significantly from a corporate model.

Affinity groups can play a positive role in a firm's diversity efforts but they cannot and should not try to replace or compete with a central firm Diversity Committee. Proper planning and anticipation of the challenges that may come with the establishment of affinity groups is crucial to their successful implementation within a firm's overall diversity strategy.

Keywords: Affinity groups, diversity, gender, ethnicity, discrimination

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