



Allyship for Lawyers in an Awakened America

Many consider themselves an “ally” of the LGBTQ+ or BIPOC (black, Indigenous and people of color) communities and other marginalized groups. However, “allyship” is different; it’s the action part of being an ally. And because we’re human—which means we’re often afraid or confused—we frequently don’t engage in true allyship.

In the 2020’s, when many are finally beginning to understand how the system has historically favored white-color people over all others, what does true allyship look like, particularly for legal professionals inside and out of their workplaces?

Even more, with many legal workplaces operating on six-minute increments of billable time, how do time constraints and internal politics affect one’s ability to engage in allyship?

With this presentation, I talk about fear as a hurdle to allyship and offer strategies for how to approach workplace and everyday situations where it’s necessary to speak up or do on behalf of others.

As legal professionals, it’s time for us to get allyship right. This talk is a start.

I. Basics re: Allyship

- “Ally” is an *identity*; “Allyship” is a form of *action*.
- An ally acts to help humans who often lack a voice to speak on their own behalf or who aren’t always in the room when demeaning or marginalizing comments/behaviors occur, or marginalizing policies or plans are made. Thus, “ally” connotes way more than mere awareness; “allyship” means actively protecting or speaking up in support of humans who lack equity. This may also include calculating the risks of speaking up/engaging in allyship—we’re talking about **FEAR**.
- Words and Phrases for \$500: An important first step in allyship is understanding the historical/statistical framework for why certain groups of human need allies. Hence, one must understand words and phrases like “privilege,” “marginalization,” “sexism,” “equity,” “legal rights,” “mansplaining” and “It was only a joke!”
- Recognizing that there are many communities which identify by race, gender, LGBTQ status, ethnicity, disability status, religion, socioeconomic status, age, etc. I know, things are complicated!
- Covering the Territory: Allyship is not limited to protecting/speaking up on behalf of one group. Rather, many groups—women, people of color, persons practicing non-mainstream religions (or none), LGBTQ persons, older persons and persons with disabilities all need

workplace allies; sometimes they need for those allies to show up in different ways.

- Culture and Systems: Allyship can't operate in a vacuum. A workplace culture that values marginalized humans/team members operates way differently than a workplace or system that doesn't (e.g., does the organization have an inclusivity mission or value statement and/or employee resource groups?).
- Do's and Don'ts: Because we lack a Human Owner's Manual, we humans must figure out things as we go along. As with anything else, there's a right way to be an ally and a wrong way. Every ally makes mistakes; it's critical to apologize; forgiveness is equally critical; and good intent matters on both sides of the equation.
- Intersectionalities: Allyship usually intersects with other core workplace factors, such as management styles; personal growth; political correctness; and balancing workplace life with personal life. Yep, nothing is easy!
- Allyship is inconvenient: A true ally shows up *all the time* regardless of the setting or parties involved. It's not the kind of thing one might turn on or off...
- Compassion=giving of time to be a **mentor or a sponsor**. Sponsorship is the highest form of compassion. It also can be a way of demonstrating allyship to another person or group of people.
- An Acronym to Remember: **ALLY: A** (Awareness—both historical and present-day); **L** (Looking—to protect who is present and who isn't); **L** (Listening—to what's said and what isn't said); **Y** ("Yo"—as in "Yo, that's not a cool thing to say." In other words, actually *acting* as an Ally).
- Process, process, process: It's okay if you miss an opportunity to be someone's active ally—things happen. Just resolve to try harder next time. Persistence does pay off!
- Allyship can involve (1) speaking up (verbally or through writings); (2) the use of symbols; and (3) creating or modifying policies.
- Allyship ripples to others; the rippling can be endless.
- "Accomplice": Allyship on steroids.

II. Historical Awareness—Critical to Allyship

- Understand that everyone has both obvious and hidden identities and traumas; daily occurrences (nationally/world-wide or locally) can add to the trauma.
- Our identities are informed by history (and often, historical trauma), family, an intrinsic need to live authentically, current political or social landscapes, and a host of other things.
- Many of us have blind spots relative to the historical and present-day challenges of others.
- Practice expanding/reformulating your perspective and minimizing judgment. Read up about others' challenges.

- If you want to be an ally, you must educate yourself about the history and challenges of the group you're an ally of. It also means reaching out—during the Chauvin trial; when AAPI people are hurt.
- Many of us simply want to be “seen”—respected for who we are. Learning about marginalized groups will help to see “them.”
- “I want to understand this” vs. “Help me to understand this.” The first statement puts the burden on you to self-educate as an ally; the second statement puts the burden on the marginalized person. The goal: it's your responsibility to self-educate and not that of the marginalized person.

III. Engaging in Courageous Conversations (e.g. Talking or Speaking Up)

- The parties to an allyship-related conversation or event often include:
 The **Actor/Vocalizer/Marginalizer**—the person who engages in marginalizing behavior either intentionally or ignorantly;
 The **Target**—the person who is the object of the marginalizing words or behavior;
 The **Ally**—the person in a position to speak up/act on behalf of the Target.
 The **Witness**—someone who sees/hears what's happening and who's trying to decide whether to engage in allyship.
 The **Avoider**—someone who feigns ignorance or who avoids, runs away, or simply refuses to do anything due to fear or indifference (more likely the former rather than the latter).
- **Styles of Allyship (or not):**
Sliding Up—making your presence known and using body language to let the Actor/Marginalizer know that their words/actions aren't acceptable.
Direct Approach—using the “Yo” in ALLY to specifically communicate to the Actor/Marginalizer that what they've said/done isn't acceptable.
Sidebar—Engaging the Target and/or the Actor/Marginalizer after the microaggression takes place (to provide support for the Target and to call out the Actor/Marginalizer re: their words or actions).
Reporter—alerting a person in power/in charge to the Actor/Marginalizer's words or action and letting them take it from there.
Avoidance—failing to engage in allyship; remember, humans are great at denial/avoidance. However, avoidance won't prevent your empathetic heart from making you feel shame.
*****Your Escape Phrase*****—because we often don't know what to say when we experience or witness marginalization, a good “escape phrase” is the word, “Uncomfortable,” as in, “What you just said makes me feel uncomfortable.” Many times, this will stop the marginalizing behavior, and using the phrase may buy you time to figure out a secondary strategy for how to deal with what you just heard/witnessed (e.g., contacting a person in power to report the incident).

- A reminder about what it means to be a “leader.” A leader actually leads; they “do.” It takes personal courage to “do.”
- Talking about inclusivity and allyship is difficult for many since we’re always afraid of saying the “wrong thing” or of offending someone who’s on the conversation (or who may later hear about the conversation). Once more, we’re back to the lack of a Human Owner’s Manual and fear.
- Often the most intimidating part of allyship is the actual conversation (words, actions, body language) involved in advocating on behalf of another human. Culture leaders need to model ways that promote safe conversations and which still make the point. This includes handling those “backroom conversations” where “it’s just us men” (or “women” or “gay folks” etc.).
- Ground rules for productive, safe Courageous Conversations: **The Three Freedoms and One Responsibility**—freedom to think and imagine; freedom to speak without risk of retribution; and the freedom to reply without being judged. The responsibility: to speak only for myself.
- Constants: Respect, civility and respecting one’s personal space.
- More constants: Focusing on intent and the need for forgiveness on all sides.
- The No Seeping Rule: While it’s critical that productive action/conversations ripple from a Courageous Conversation, what shouldn’t ever seep are gossip/marginalizing words about conversation participants.
- No shaming: It does absolutely no good to shame someone who has engaged in marginalizing behavior. (Note, this rule doesn’t apply to public figures where shaming may be the only tool available.)
- “Struggle”: This one word encapsulates the arc of humanity as we have moved from the “isms” (racism, colonialism, classism, sexism, homophobe-ism, disability-ism, etc.) to freedom, mutual recognition and respect. Everyone deserves an equal place at the table.
- Work and Incrementalism: Every item of progress relative to inclusivity and allyship is incremental and most of all, it takes *work*.

IV. Apology and Forgiveness

- **Apology:** You are going to make a mistake/say/do the wrong thing; I guarantee this. Own up to it and apologize to the person/group whom you’ve offended.
- **Timeliness:** An apology needs to be timely—don’t delay thinking that the offended person (survivor) might forget what was said or done or by believing that the survivor’s behavior suggests that no harm has occurred.
- **Genuine:** An apology must be real and heartfelt. Just going through the motions won’t cut it and the survivor will see through you.
- **Forgiveness:** It’s equally important to forgive; failing to forgive will create festering that can infect the entire team and emotionally harm the survivor.

- If the survivor is having difficulty forgiving a transgression after the marginalizer has genuinely apologized, the survivor must double down/work to forgive. If need be, involve a therapist or counselor to assist in overcoming the difficulty to forgiving.
- A wonderful resource for understanding how to forgive is the Worthington REACH Forgiveness Model: <http://www.evworthington-forgiveness.com/reach-forgiveness-of-others/>

V. Shutting Down Micro-Aggressions (aka Confronting Racism, Homophobia, Transphobia and other Marginalizing Behavior)

- **Questioning:** “I’m not sure what you mean by that statement (or question). Can you tell me more?” Or if it’s a joke: “I don’t understand the joke; can you break that down for me?”
- **Educating:** “Actually, I just read an article that says quite the opposite” or “Really? I just read an online article (or saw on TV) that in fact the reality is....”
- **Empathetic Relating:** “I wonder how it actually feels to be in her (his) (their) shoes.”
- **Expressed Emotions:** “I Statements” such as “I’m hurt by what you just said.” Or “I’m really rethinking our relationship (project, joint paper, party plans....) because of your statement.”
- **Returning to it later/Avoiding the Fight or Flight Emotion (aka Sidebar):** “Yesterday in the staff lounge you said....”
- **Direct Approach:** “Not cool dude. Not cool at all.” (My favorite.)
- Fight against normalization. We’re human and operate off cues from each other.
- Everything takes work and facing our fears. Remember that, please!

VI. Things Lawyers Can Do—Allyship for an Awakened America

- With a professional life often measured in six-minute increments, lawyers frequently believe they lack the time to engage in allyship. We need to resist/fight this false internal limitation.
- To an incredible degree, the legal profession has historically failed to embrace diversity, equity, and inclusion practices that the business community long ago adopted. Reasons: fear; money; and a lack of imagination. This has to end/copy what your clients are doing.
- In many ways, America is at a tipping point. Lawyers are uniquely positioned to engage in allyship (pro bono representation; drafting/advocating for legislation; prosecuting wrongdoers). **It is our obligation to undertake this allyship in order to protect basic democratic values.**
- Understand the value of metrics: what are the demographics for your community/state; what are the disparities relative to educational achievement, median earnings/wages, home

ownership, and arrest/incarceration rates? Knowing and sharing this information is a form of allyship.

- Similarly, know the demographics/disparities of your workplace. Ask two questions: 1. "How many of 'them' are there?" and 2. "Where are 'they' within the organization?"
- Create pipelines to attract diverse law students and lawyers; for example, offer scholarships/job shadowing/internships to diverse college (even high school) students. Think imaginatively!
- Examine the "culture" of your workplace; is it welcoming to all? Is it risk adverse/stuck due to a fear of "making the clients uncomfortable"?
- Understand that not everyone should be a mentor, and even fewer people should mentor to diverse attorneys or support colleagues.
- Look out for the Jackie or Julie Robinsons in your organization.
- Become a Big Brother or Big Sister/mentor to a kid. (Yes, it's more time that you don't have, but the payoffs are immense.)
- Hold your local bar association accountable for marginalizing practices such as male-only outings or a lack of diverse leadership.

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You can do this work! Keep trying even though it's difficult; and please know that I care about you!

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