

Utah Bar IP Summit Diversity and Inclusion Panel

February 21, 2020

- Diversity: Traits and Characteristics that Make People Unique
- Inclusion: Behaviors and Social Norms that Ensure People Feel Welcome
- Implicit Bias: Having Attitudes Toward People or Associating Stereotypes With Them Without Conscious Knowledge

<https://implicit.harvard.edu/implicit/takeatest.html>

According to AIPLA 2019 Report of the Economic Survey, IP attorneys and agents are (961 respondents):

80.3% male

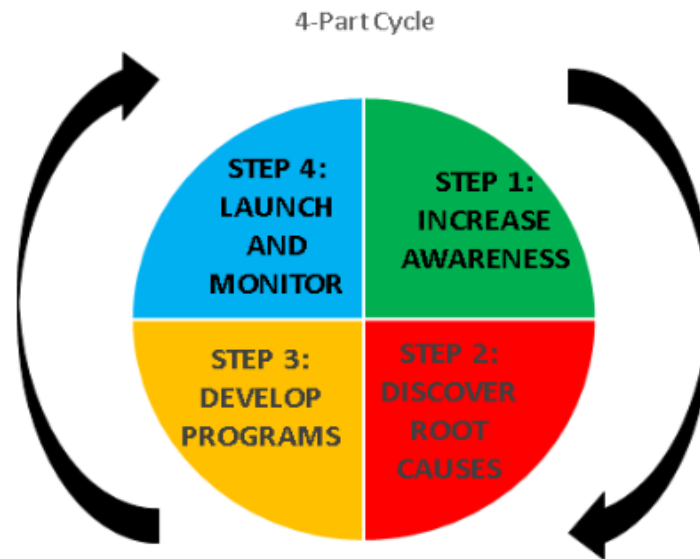
19.7% female

86.5% White/Caucasian

5.6% Asian/Pacific Islander

1.9% Hispanic/Latinx

1.7% Black/African American



Adapted from the IPO “Gender Diversity in Innovation Toolkit” available at <https://ipo.org/index.php/diversity-in-innovation-toolkit/>

Step 1 – Increase Awareness and Support

Raising awareness and internal support of the lack of diversity is an essential first step in making significant change within an organization. Increasing awareness is important in all organizations, but is especially important for those having leaders and/or employees that are largely unaware of diversity issues and are devoting little effort to addressing this issue. Awareness and support should be an ongoing, regular activity.

Step 2 – Discover Root Causes

Organizations that are most effective at implementing change are those that spend time upfront assessing the key root causes for their current state. As such, organizations that devote time to understanding the causes for disparities or lack of diversity will be able to address those specific root causes with targeted programs and thereby be more effective at implementing systemic, long-term change.

Step 3 – Develop Short- and Long-Term Programs

Once root causes are identified, organizations should develop a mix of short-term and long-term programs that address the specific root causes identified in step 2. Ideas would include things like developing the pipeline both by engaging with law students (short-term program) as well as with programs designed to engage under-represented high school students in the sciences (long-term program).

Step 4 – Launch and Monitor the Programs

This step focuses on ideas for successful program launch as well as developing metrics and/or monitoring activities that will enable an organization to measure the success or progress of the diversity programs/efforts. The metrics and monitoring activities will also enable organizations to identify and augment programs that produce superior results.

Unconsidered Advantages/Disadvantages

- Do you worry about being harmed because of your gender identity or sexual orientation?
- Do co-workers tend to make assumptions about your skills, interests or personal life?
- Do you call ahead to businesses to see if they have elevators or ramps?
- Do colleagues listen to you in meetings?
- Do colleagues give you credit for ideas?
- Are you ever asked to speak on behalf of a group to which you belong?
- Do your children have friends who are like them?
- Can you access and use the internet without assistance?
- Are people surprised to learn what you do for a living?

Further Reading

Diversifying Intellectual Property Law: Why Women of Color Remain “Invisible” and How to Provide More Seats at the Table, by J. Shontavia Johnson, Tonya M. Evans, and Yolanda M. King,
https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2017-18/march-april/diversifying-intellectual-property-law/

Diversity from the Corporate Perspective, by Naresh Kilaru,
<https://www.finnegan.com/en/insights/diversity-from-the-corporate-perspective.html>

7 Ways Unconscious Bias Inhibits Legal Diversity & Inclusion, by Bernard Knight,
<https://www.ipwatchdog.com/2018/01/16/7-ways-unconscious-bias-inhibits-legal-diversity-inclusion/id=92198/>

White Privilege: Unpacking the Invisible Knapsack by Peggy McIntosh,
<https://www.racialequitytools.org/resourcefiles/mcintosh.pdf>