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**PROGRAM MATERIALS**

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**August 13, 2020**

## **Courageous Conversations about Diversity, Equity, and Inclusion: Strategies to Increase Effectiveness**

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# Courageous Conversations About Diversity, Equity, and Inclusion: Strategies to Increase Effectiveness

**Presented by: Tiffani G. Lee and Dianne R. Phillips**

Live Audio Webcast, August 13, 2020

**Holland & Knight**

# About the Presenters



**Tiffani G. Lee**

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Tiffani Lee is a partner in the Miami office of Holland & Knight and a member of its South Florida Litigation Group. Tiffani focuses her practice on complex commercial litigation in state and federal court.

In addition to being an accomplished litigator, Tiffani has served as the firm's Diversity Partner since 2009. In Tiffani's role as Diversity Partner, she leads the firm-wide Diversity Council, serves on the Practice and Operations Committee (the firm's highest governance body), and serves on the firm's Partner Compensation Committee. She is in direct contact with the firm's Managing Partner and other firm leaders to advance the firm's diversity, equity, and inclusion efforts. Under her leadership, the firm has received numerous awards for its diversity and inclusion accomplishments. In 2019, two significant clients of the firm selected it to receive their annual Diversity & Inclusion Award, the firm was recognized as one of the "Best Places to Work for LGBTQ Equality," received a Chambers USA Diversity & Inclusion Award for "Most Pioneering Firm for Female Lawyers," received the Hispanic National Bar Association's Corporate Partner of the Year Award, and was recognized as one of only 51 firms to earn the "Mansfield Certified Plus" designation.

Tiffani is recognized nationally for her work on diversity and inclusion and frequently speaks to national audiences on these issues. Tiffani recently authored a *Law360* article titled "Lawyers Must Address Racial Injustice with Radical Candor." In the article, Tiffani wrote about the importance and necessity of lawyers and law firms addressing racial injustice and how, as guardians of justice, lawyers have an obligation to work for the greater good. She also encouraged each of us to take steps personally to engage in constructive but candid conversations about racism, to be intentional in our pro bono and community service efforts, all with a goal of eliminating racism in our country.

Following that article, Tiffani was invited to be a guest on a recent episode of the Radical Candor podcast. During the podcast, Host Kim Scott and Tiffani discussed why it is important to have courageous conversations about diversity and inclusion, as well as the importance of metrics and storytelling in creating a diverse, equitable and inclusive workplace.

# About the Presenters



**Dianne Phillips**

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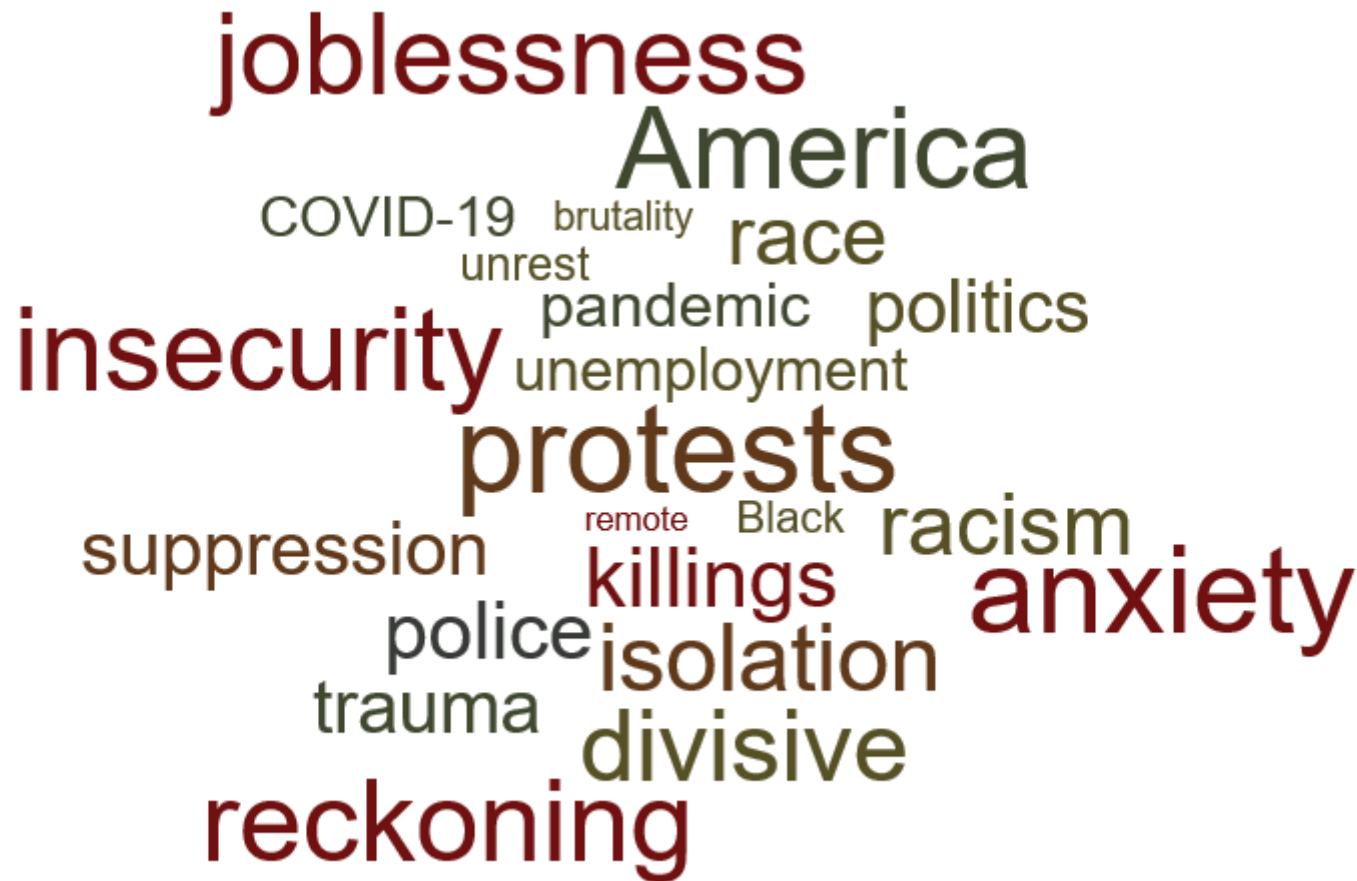
dianne.phillips@hklaw.com

Dianne R. Phillips is a partner in Holland & Knight's Boston office who concentrates her practice in litigation, regulatory, energy and environmental law. She co-chairs the office Diversity & Inclusion Initiative, a role she has held for more than a decade. She is also co-chair of the firm-wide LGBT Affinity Group, a role she has held since its formal recognition in 2005.

In her leadership roles at Holland & Knight, Dianne has championed and initiated many programs and policy changes within the firm including those which have led to Holland & Knight's multi-year perfect score on the Human Rights Campaign's Corporate Equality Index. In addition to her firm roles, until her retirement at the end of 2019, Dianne was a longtime board member of the Boston-based legal nonprofit GLBTQ Legal Advocates & Defenders, Inc. (GLAD) (previously known as Gay & Lesbian Advocates & Defenders). She served as GLAD Board President from 2012 – 2016 during which time she accompanied GLAD lawyers to the U.S. Supreme Court to observe argument in three LGBTQ civil rights cases including the California Prop 8 challenge, the DOMA challenge, and the 2015 case which brought marriage equality to the nation, argued by GLAD attorney Mary Bonauto. Also during her term, she chaired GLAD's strategic visioning effort, known as [Justice 2020](#). Dianne's commitment to diversity, equity and inclusion spans decades. She brings a wealth of experience to this work.

Dianne was recently awarded the Founders Award by the Massachusetts Federation for Children with Special Needs for her leadership pro bono work on behalf of limited English proficient (LEP) parents and guardians of students enrolled in the Holyoke, Massachusetts Public School System previously denied adequate translation and interpretation services in connection with their children's public school education.

# The Complexity of this Moment





Ahmaud Arbery



George Floyd



Breonna Taylor



Elijah McClain





# Definitions: Diversity, Equity, and Inclusion

Diversity, equity, and inclusion are distinct concepts. Understanding each of them is foundational to preparing for and having a courageous conversation.

**Diversity = building a workforce that includes people from all backgrounds, including gender, race, ethnicity, sexual orientation, veteran status, disability, socioeconomic status, etc.**

**Equity = ensuring fair treatment, equality of opportunity, and fairness in access to information and resources**

**Inclusion = building a culture of belonging by actively inviting the contribution of all people and providing an environment where everyone feels they can bring their whole selves to work**



# Definition: “Courageous Conversation”

- Candid and authentic discussion about a difficult topic
- Often where the stakes are high or emotions are triggered
- Requires participants to step outside of their comfort zones
- Requires participants to take risks
- Often avoided, particularly in the workplace,  
BUT
- Impactful (for individuals, teams, and organizations) if done right,  
AND
- Instrumental in building an inclusive workplace.

# Courageous Conversations in Various Contexts

## One-on-One

Feedback session

Between colleagues

## Small Group Discussions

Brown bag lunches

Meetings w/ affinity groups

## Large Group Discussions

Firm-wide town hall via Zoom

Office-level discussion forums

# Courageous Conversations are Hard

- For many, topics of race, politics, and religion are off limits at work.
- Today's climate is intensely emotional and challenging for everyone, both personally and professionally.
- Stakes are higher now because of the current racial reckoning.
- Many worry that their views are in the minority and will attract criticism and unfavorable labeling.
- Many worry that if they engage, they will say the wrong thing.
- Many want to engage, but worry that they will make mistakes, and their mistakes will hurt rather than help.

# Courageous Conversations: Don't Do This!

Many of the things people naturally want to do in a difficult conversation is counterproductive in courageous conversations. In fact, if we don't want such conversations to be derailed, we have to consciously and mindfully avoid certain approaches and behaviors.

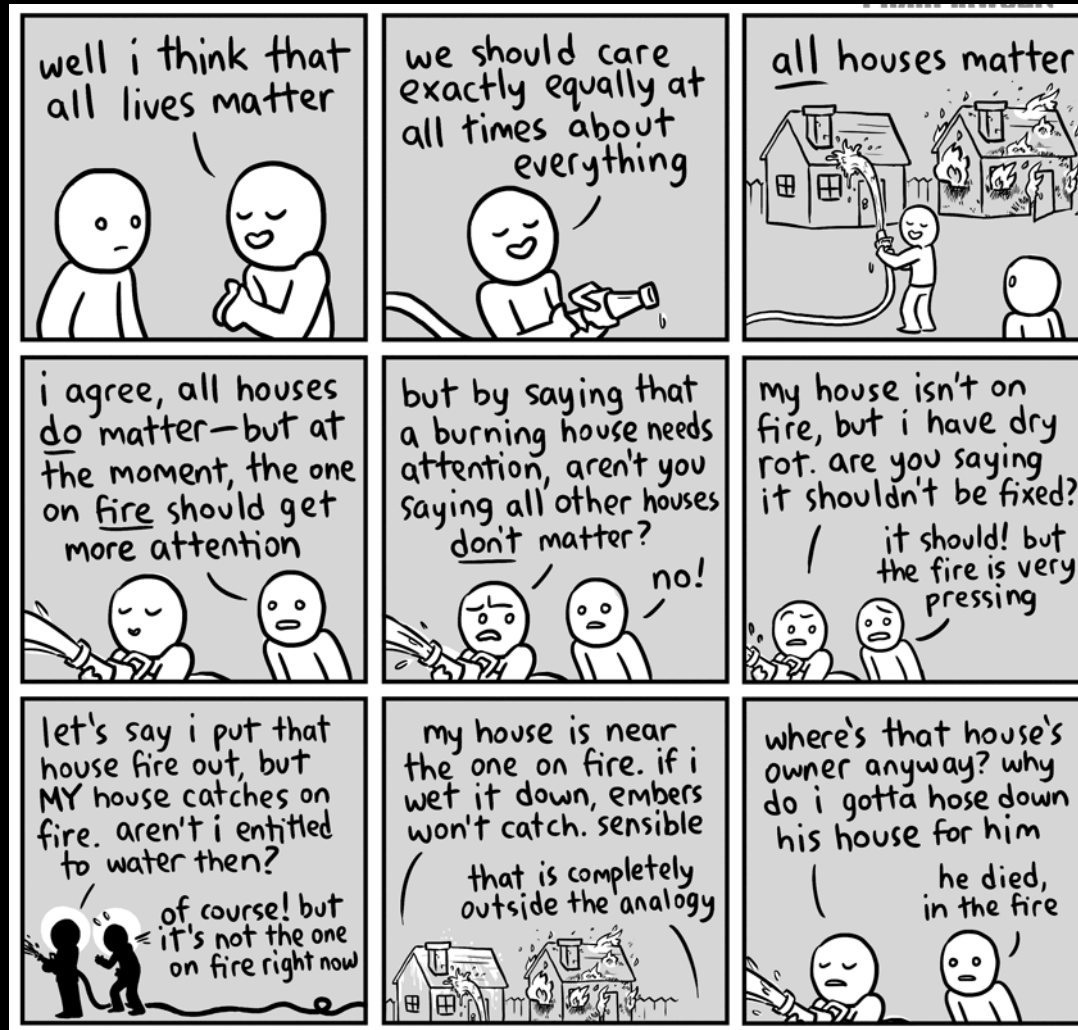
**Don't be afraid of uncomfortable conversations.**

**Don't listen to debate.**

**Drop the need to be right.**

**Don't be defensive.**

**Don't forget to check your privilege.**





# Special Considerations for Attorneys

Attorneys are trained to analyze facts, debate, gauge and mitigate risks, persuade, and point out flaws in arguments. That training can make courageous conversations especially challenging for attorneys and those attempting to interact with them.

**Source:** INSIGHT: Lawyers Need Better Tools for Effective, Mindful Listening on Racism by Rudhir Krishtel, Bloomberg Law (July 23, 2020)

Effective dialogue begins with mindful listening. Don't interrupt.

Use “design thinking” principles: the first step to problem solving is empathy and understanding.

Explore and be curious. We can't judge and be curious at the same time.

Ask clarifying questions using open-ended questions that begin with “what” and “how” rather than “why.”

Use reflective listening – confirm your understanding of the person's feeling and content by paraphrasing in a nonjudgmental way.

# Courageous Conversations: Do This in Advance!

Courageous conversations require preparation on both the individual and group level. Without adequate preparation and the establishment of ground rules and group norms, such conversations often go astray and fail to achieve their goal.

**Build street cred – trust, respect, integrity, goodwill, and empathy.**

**Create a safe space – atmosphere of mutual trust and respect – for open dialogue and meaningful discussion.**

**Get comfortable with being uncomfortable. Growth begins where comfort ends. Prepare to push through the discomfort.**

**Establish agreed upon norms to start every group discussion.**

# Suggested Agreed Upon Norms

- Presume positive, good intent on the part of others.
- Seek to understand and respect multiple perspectives.
- Encourage respect in the presence of disagreement.
- Practice generous listening: suspending judgment, assumptions, and bias.
- Practice candor with care.
- Ensure that no one voice or constituency dominates the process, so that others may actively participate and be heard.
- Acknowledge and forgive inadvertent departures from these guiding principles.

# Courageous Conversations: Do This During the Discussion!

Every participant in a courageous conversation must commit to certain behaviors and mindset to increase the likelihood the conversation will be productive, all voices will be heard, and the conversation will result in the mutual growth and understanding it seeks to foster.

**Listening is key. Listen first. Listen to gain understanding, not to debate.**

**Adopt a growth mindset – knowing that you can grow and change.**

**Accept grace and extend grace because we will all make mistakes.**

**Commit to share views openly and truthfully. Be genuine.**

**Seek to learn with and from each other and to understand others' perspectives.**

# Courageous Conversations: Do This During the Discussion!

Every participant in a courageous conversation must commit to certain behaviors and mindset to increase the likelihood the conversation will be productive, all voices will be heard, and the conversation will result in the mutual growth and understanding it seeks to foster.

**Unlock the power of storytelling.**

**Address the content of comments. Avoid personal attacks or attacks on character.**

**Recognize that opinions are not facts.**

**When sharing feelings, focus on impact rather than ascribing intent.**

**Stay in the conversation – even when you make mistakes or are offended. Be present.**



# Special Considerations for Leaders and Managers

- Unique role of leaders and managers:
  - Drive values
  - Drive behaviors
  - Drive culture
  - Drive performance
- Importance of empathetic leadership. Before empathy, show vulnerability.
- Dynamics of hierarchy. (ex. supervisor v. subordinate; attorney v. staff)
  - Your words are weighted differently.
  - Danger of being “called out” for hypocrisy.
  - Fear of saying the wrong thing.
  - When not sure what to say, try:
    - *I have a lot to learn. Tell me more.*
    - *I realize I need to listen more to better understand this issue.*
    - *Thank you for sharing that perspective (or experience) with me.*

# Considerations for Virtual Conversations

- ✓ Video on is preferred.
- ✓ Muting and unmuting should be carefully managed.
- ✓ Assign roles for co-chairs/leaders, including a “guardian” to watch for changes in body language (open v. defensive) and attempts to be heard (ex. repeated attempts to unmute, raising hand, etc.)
- ✓ Limit group size so all faces can be seen in a single screen when in gallery view.
- ✓ Discourage private chats/texts among participants.

# How to Be a Better Ally to the Underrepresented



# Additional Resources: Articles

- When and How to Respond to Microaggressions, Harvard Business Review (July 2020)
- Moving Beyond Diversity Toward Racial Equality, Harvard Business Review (June 2020)
- Left Out and Left Behind, American Bar Association (June 2020)
- Is Your Company Actually Fighting Racism, or Just Talking About It?, Harvard Business Review (June 2020)
- Dear White People: Here Are 10 Actions You Can Take To Promote Racial Justice In The Workplace, Forbes (June 2020)

# Additional Resources: Books

- How to Be an Anti-Racist, Ibram X. Kendi (August 2019)
- Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do, Jennifer Eberhardt (March 2019)
- Better Allies: Everyday Actions to Create Inclusive, Engaging Workplaces, Karen Catlin (January 2019)
- White Fragility: Why It's So Hard for White People to Talk About Racism, Robin DiAngelo (June 2018)
- Going All-In on Diversity and Inclusion: the Law Firm Leader's Playbook, Kathleen Nalty (January 2015)



## **How To Be An Ally**

### **First Steps**

Each of us has the ability to create real change by fostering diverse, equitable, and inclusive workplaces. To be an ally is to take on the struggle as your own, even if you cannot fully understand what it is like to be discriminated against because of race (or ethnicity, gender, gender identity, sexual orientation, ability, class, religion, or any other identity marker). As an ally to Black people, you can take actions to support and transfer the benefits of your privilege to those who lack it by playing several roles:

#### **BE AN OBSERVER**

- Just as economics and gender politics affect and influence everything that we do, assume that racism is present and affecting your daily life.
- Notice who speaks and who is silent.
- Notice who is at the center of attention/power.
- Notice the type of talk that occurs when underrepresented groups are not present.
- Notice how racism is denied, minimized, and justified.

#### **BE A SPONSOR**

- Vocally support the work of your colleagues from underrepresented groups, especially in situations that will help boost their standing and reputation.
- Be vocal about their expertise, especially during performance evaluations and promotion discussions.
- Lend your credibility and influence.
- Recommend them for stretch assignments and learning opportunities.
- Share their goals with influencers.

#### **BE A CHAMPION**

- Create spaces for your colleagues from underrepresented groups to display their strengths in public arenas.
- Include them in conversations where they can demonstrate their subject-matter expertise.
- Advocate for them to receive access to opportunities to speak and publish.

#### **BE AN AMPLIFIER**

- Ensure that your colleagues from underrepresented groups are heard and respected.
- When they propose a good idea, give them credit.
- Invite them to take on highly visible roles.

#### **BE AN ADVOCATE**

- Hold your peers and the organization accountable by ensuring that your colleagues from underrepresented groups are included.
- Advocate for them to be included in invitation lists for events, meetings, and career-building opportunities.
- Offer to introduce them to influential people in your network.
- Ask them to collaborate on a client pitch or publication.

### **BE A SCHOLAR**

- Actively spend time researching and learning about underrepresented populations. Understand and own that your education is your responsibility/obligation.
- Investigate and read publications, podcasts, or social media by and about underrepresented groups.
- Ask them about their experiences working at our law firm.

### **BE AN UPSTANDER**

- Do not be a bystander; rather, when you see wrongdoing, combat it. Speaking up makes a difference.
- Speak up if you witness behavior or speech that is degrading or offensive.
- If you witness bullying, diffuse the situation and check with the victim privately.
- Stand up, even when you feel scared or unsure.

### **BE A CONFIDANT**

- Create safe spaces for members of underrepresented groups to express their fears, frustrations, and needs.
- Hold regular meetings with your team encouraging them to share issues that are troubling them.
- Believe the experiences of others and do not assume something could not happen just because you have never personally experienced it.
- Listen and ask questions when someone describes an experience you have not had.

### **BE A FLAWED HUMAN AND DO THE WORK ANYWAY**

- No one expects you to be perfect. To be an effective ally, you must be willing to de-center yourself, and be open to learning and growth.
- Do the inner work to acknowledge your participation in oppressive systems.
- Acknowledge your own implicit biases.
- Acknowledge your own mistakes.
- Listen and accept criticism with grace. Be curious, not defensive.
- Continue to do the work to learn to be a better ally every day.

### Sources:

- Better Allies: Everyday Actions to Create Inclusive, Engaging Workplaces, Karen Catlin (2019)
- Guidelines for Being Strong White Allies, Paul Kivel (2006)
- Guide to Allyship, Amélie Lamont



DIVERSITY  
— & —  
INCLUSION  
Holland & Knight

**Courageous Conversations  
Guide and Toolkit**

Human conversation is the most ancient and easiest way to cultivate the conditions for change – personal change, community and organizational change, planetary change. If we can sit together and talk about what’s important to us, we begin to come alive. We share what we see, what we feel, and we listen to what others see and feel.

- Margaret Wheatley

### **Introduction:**

As Holland & Knight seeks to build a more diverse and inclusive workplace, the Diversity Council invites you to have more courageous conversations. A “courageous conversation” is one that is often difficult to have but necessary, and when done effectively, can have a dramatic impact on how we lead ourselves, our teams, and our organizations. It requires us to step out of our comfort zone to discuss a topic that might well cause an emotional response. While often avoided, these conversations can be instrumental in building an inclusive workplace. Courageous conversations require an atmosphere of trust and respect. Participants must be free to share their views openly and truthfully. And all participants must come with an openness to learn.

### **Benefits of Courageous Conversations:**

- Helps you understand others’ perspectives and broadens your diversity and inclusion awareness and understanding
- Helps you gain understanding of intent and impact
- Helps you address unconscious biases and non-inclusive behaviors
- Helps you be open to and receptive of feedback
- Enables you to have more effective, productive and collaborative conversations up, down and across organizational levels
- Builds transferable skills you can use inside and outside of the workplace

### **Ground Rules:**

The following are ground rules for each courageous conversation session. **These ground rules should be read by the facilitator before the start of each session.**

- **Stay engaged:** stay morally, emotionally, intellectually, and socially involved in the conversation
- **Be present:** Once you join the conversation, stay in the conversation and avoid distractions such as checking e-mails
- **Experience discomfort:** acknowledge that discomfort is inevitable and that it can create space for learning and growth
- **Be vulnerable:** be prepared for uncertainty, risk, and emotional exposure
- **Speak your truth:** be open about your thoughts and feelings

- **Listen for understanding:** listen to others to understand, not respond
- **Honor confidentiality:** keep the information discussed confidential
- **Expect and accept non-closure:** be aware that conversations may end in uncertainty and an ongoing dialogue is required

### **Exercises:**

There are eight courageous conversation exercises attached. Each of these exercises should take approximately 45-60 minutes to complete. With each exercise, the office diversity committee chair is expected to facilitate the conversation based on the guidance and instructions provided.

The eight exercises are:

1. Learning about microaggressions
2. Exploring racial consciousness
3. The courageous conversations compass
4. Understanding privilege
5. Community report card
6. The full picture
7. Learning perspectives
8. Project implicit

These exercises are listed in no particular order. You may select to proceed in any order and select the exercises that feel most appropriate for your office.

### **Format & Feedback**

The courageous conversation sessions would be open to the entire office (attorneys and staff). As mentioned above, the conversations would be facilitated by the office diversity committee chair, based on the instructions provided in this toolkit.

In 2020, we would envision that each office would host at least one courageous conversation session each quarter, for a total of four sessions per office per year. At the conclusion of the year, we would invite each office diversity committee to reflect on the successes and challenges of the courageous conversations and provide feedback, so that we can continue to adapt and improve for following years.

### **Sources:**

- Dnika J. Travis, Julie S. Nugent, and Courtney McCluney, *Tool: Engaging in Conversations About Gender, Race, and Ethnicity in the Workplace*, Catalyst (October 4, 2016)
- Lisa D'Aunno and Michelle Heinz, *Continuing Courageous Conversations Toolkit*, Iowa Department of Human Services (August 8, 2017)



- Glenn E. Singleton and Curtis Linton, *Courageous Conversations About Race: A Field Guide for Achieving Equity in Schools* (2006)
- Courtland Butts, *Beyond Diversity – Introduction to Courageous Conversation & A Foundation for Deinstitutionalizing Racism & Eliminating Racial Achievement Disparities*, Pacific Educational Group (October 23, 2008)

## **1. Exercise: Learning About Microaggressions**

- **Learning Objective:** To define microaggressions, recognize their hidden meaning and learn ways to avoid committing them
- **Setup:**
  - *Materials needed:* copies of microaggressions worksheet, notepad and pens
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

### **Introduction**

*Facilitator Reads:*

What are microaggressions? Microaggressions are brief, every day, verbal, behavioral and environmental exchanges, both unintentional and intentional, that send disparaging messages to individuals based on their group membership. Microaggressions can have a serious impact and should not be dismissed because of their brief or often unintentional nature. Researchers have linked continuous exposure of microaggressions to depression, anxiety-related symptoms, diminished psychological well-being and physical health.

Behavioral examples of microaggressions:

- Mistaking a person of color as a service worker.
- Confusing the names of underrepresented colleagues.
- Always asking your female colleague to take notes or get the coffee.
- Always assuming that people are heterosexual.

Verbal examples of microaggressions:

- "You are so articulate."
- "I don't see color."
- "You should smile more."
- "You speak great English."
- "Where are you *actually* from?"
- "That's so gay."

### **Discussion (15 minutes)**

*Facilitator Asks:*

- Have you experienced microaggressions? How did it make you feel?
- Some feel that since microaggressions can be unintentional, that people should just "let it go" or not dwell on them when they occur. Do you agree with that? Why or why not?

### **Worksheet Exercise (5 minutes)**

*Facilitator Reads:*

On your worksheet, draw a line connecting the statements in the first column to the possible interpretations in the second column. There may be multiple possible interpretations for each statement. Think about how these statements can be interpreted as disparaging remarks.

### **Discussion (10 minutes)**

*Facilitator Asks:*

- How did it feel to connect the statements to the possible interpretations?
- Did this exercise make you aware of any microaggressions you may have committed? If so, how does it feel?

### **Reflection**

*Facilitator Reads:*

It is important to acknowledge that everyone has committed or experienced microaggressions. Part of eliminating microaggressions is learning to recognize them. If you commit a microaggression and someone calls you on it, stop and listen to that individual. Do not dismiss someone when they feel a microaggression has occurred. Try to avoid becoming defensive. Instead, be open to discussing and clarifying the matter. Afterward, acknowledge your own cultural conditioning and biases which may have contributed to your actions and think about how to challenge those personal biases.

### **Exercise (5 minutes)**

*Facilitator Reads:*

Think of a microaggression you have personally committed, received, or heard. How could it be communicated without the microaggression? For example: "How long have you lived in this country?" suggests an incorrect assumption that the person is a foreigner. Instead you could ask "How long have you lived in this city?" Try rewriting the microaggression. After writing the microaggression, share it with the person next to you.

### **Discussion (10 minutes)**

*Facilitator Asks:*

- Was it difficult or easy to rewrite the statement?
- Have you been called out on committing a microaggression? How could you have rephrased it?

### Microaggressions Worksheet

Draw one or more lines connecting the statements in the first column to the possible interpretations in the second column. There may be multiple possible interpretations for each statement. Think about how these statements can be interpreted as disparaging remarks.

Column A: Statements
"Don't be such a sissy."
"Of course you have a bad relationship with your parents."
"You're so gay."
"You speak English very well."
[A professor asks a Latina student in front of a class] "What do Latinas think about this situation?"
"I don't see color."
"I have Black friends, so what I say can't be offensive."
"Everyone knows <i>they</i> are more likely to shoplift."
"America is a melting pot."
"That's retarded."

Column B: Possible Interpretations
Feminine traits are undesirable.
People with disabilities are less important, likeable or competent.
You don't belong.
Being gay is unacceptable.
Your sexual orientation is your most important characteristic.
You are not man enough.
Your culture is your most defining feature.
People of your background are unintelligent.
You look like a criminal.
I see you as your skin color only.

## **2. Exercise: Exploring Racial Consciousness**

- **Learning Objective:** to increase awareness of our own racial experiences as well as learn from others.
- **Setup:**
  - *Materials needed:* notepads and pens
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

### **Introduction**

*Facilitator Reads:*

Many of us are inhibited when conversing about race and racial issues. This is due in part to limited awareness of our own racial experience and the experience of others who have different racial backgrounds and perspectives. In this exercise, the group will discuss our own personal experiences, to establish a racial context that is personal, local, and immediate.

### **Discussion (10 minutes)**

*Facilitator Asks:*

- Why is it important to address race personally and individually before trying to understand it at a group or societal level?

### **Exercise (15 minutes)**

*Facilitator Reads:*

- Individually, write down: how much, on a scale of 0-100%, is your life impacted by race?
- Now, divide into small groups (with people of different backgrounds, if possible). In groups, share your percentages with each other and discuss the following questions:
  - What are our highest and lowest percentages?
  - What are the reasons for discrepancies and similarities in our percentages?

### **Reflection**

*Facilitator Reads:*

The percentage we entered represents our racial consciousness. Another way to think about it is that the difference between our percentage and 100% is our racial unconsciousness. Racial unconsciousness is the extent to which “I don’t know what I don’t know” in terms of how race impacts us. The work we need to do is represented by that difference. Now, let’s go deeper into the conversation by discussing the various ways that race impacts us.

### **Discussion (20 minutes)**

*Facilitator Asks:*

- How does my race impact my life emotionally?
- How does my race impact my life relationally?
- How does my race impact my life intellectually?
- How does my race impact my life morally (my beliefs/what I see as right and wrong)?

### **3. Exercise: The Courageous Conversation Compass**

- **Learning Objective:** to think about how individuals deal with information, with the goal of being able to better understand people's perspectives.
- **Set Up:**
  - *Materials needed:* Courageous Conversation Compass worksheet
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

#### **Exercise (5 minutes)**

*Facilitator Reads:*

The worksheet has a series of topics followed by space to write. To begin, write a personal reflection for each of the topics on your worksheet. Write one to two sentences for each. Only write your personal reflection, we will discuss the other sections later.

#### **Reflection**

*Facilitator Reads:*

The Courageous Conversation Compass was developed by educator Glenn Singleton as a "personal navigational tool" to guide participants through courageous conversations. The compass identifies four primary ways that people deal with racial information, events and issues: emotional, intellectual, moral and relational. Using the Compass during courageous conversations helps us identify our and others' starting points, with the goal of being able to move to the center of the compass for a more empathetic understanding of each other.

- Emotionally, we respond to information through feelings, i.e., when an issue causes an internal sensation such as anger, sadness, joy or embarrassment.
- Intellectually, we respond with either personal understanding, personal disconnection, or a search for more information or data.
- Morally, we respond from a deep-seated belief that relates to the issue or event. This belief has to do with the rightness or wrongness of a given issue. The justifications for one's moral views are often situated in the "gut."
- Socially, we respond to racial information through our acting or what is most often characterized as specific behaviors or actions, with and between others.

#### **Exercise (10 minutes)**

*Facilitator Reads:*

Next we will be identifying where each of the reflections we wrote are located on the compass (such as moral, emotional, intellectual or social). For example: for the topic of Affirmative Action, someone's reflection could be: "Affirmative Action is good because it corrects inequalities." This reflection would be located in the Moral (believing) section of the compass because it focuses on the rightness or wrongness of a given racial issue.

- **Step 1:** Have one person in the group volunteer to read one of their statements and as a group, work together to identify where on the compass their statement may be.

- Step 2: After going through the example as a group, each person should review their reflects and write down where their reflection sits on the compass (i.e., moral, emotional, intellectual, or social).

### **Exercise (10 minutes)**

#### *Facilitator Reads:*

Form small groups and listen to others reflections to these subjects. When sharing, first state where your reflection is located on the compass, and then share your reflection. It is important that there should be no discussion or debate after hearing another's opinion – this is meant only as an exercise in listening to and hearing different points of view.

### **Discussion (10 minutes)**

#### *Facilitator Asks:*

- Could you find people whose opinions were positioned differently on the compass?
- Was it difficult to listen to the multiple perspectives without commenting?

### **Reflection**

#### *Facilitator Reads:*

Conversations about race, gender, and sexual orientation often end unfavorably because people struggle to understand the perspectives of others. For example, a straight person may speak from an intellectual perspective when arguing in favor of a transgender military ban, whereas a transgender person may try to convey emotionally how such a policy prevents them from pursuing their interests. Without understanding how others are positioned, participants in this dialogue would walk away frustrated, believing others had little understanding of or respect for their perspective.

### **Discussion (10 minutes)**

#### *Facilitator Asks:*

- Can you imagine how a person who approaches a conversation on a deep feeling level might react if the listener responds quickly with an intellectual perspective?
- How do you think where you fall on the compass shapes the way you listen and engage with others?

## **Courageous Conversation Compass Worksheet**

**Affirmative Action** (in the context of the allocation of resources or employment, the practice or policy of favoring individuals belonging to groups known to have been discriminated against previously).

My Personal Reflection:

My Personal Location on the Compass:

Multiple Perspective(s) From Others:

**The Me Too Movement** (a global movement against sexual harassment and sexual assault).

My Personal Reflection:

My Personal Location on the Compass:

Multiple Perspective(s) From Others:

**Transgender Military Ban** (regulations barring transgender persons from military service)

My Personal Reflection:

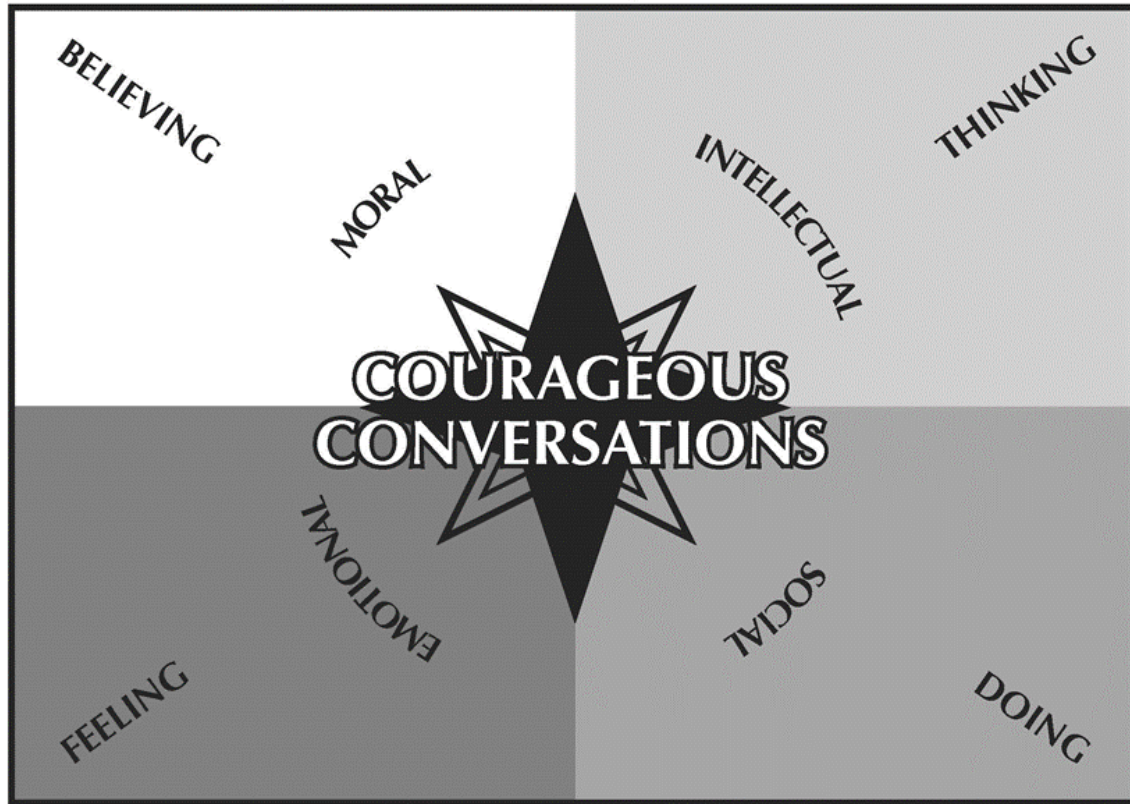
My Personal Location on the Compass:

Multiple Perspective(s) From Others:



## Courageous Conversation Compass

*from Courageous Conversations about Race by Glenn E. Singleton and Curtis Linton, Corwin Press, 2006*



#### **4. Exercise: Understanding Privilege**

- **Learning Objective:** To understand privilege and its implications.
- **Set Up:**
  - *Materials needed:* equipment for watching a video (computer, projector, speakers); Privileges worksheet
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

##### **Introduction**

*Facilitator Reads:*

Privilege is a key element in perpetuating oppressive systems. Privilege is “a right, favor, or immunity, granted to one individual or group and withheld from another.” By having someone exercising privilege that favors one over the other and not questioning the system or being invested in dismantling it, oppressive systems are maintained.

##### **Exercise (5 minutes)**

*Facilitator Reads:*

Read through the privilege statements on the worksheet. If you identify with any statement, put a checkmark beside it.

##### **Discussion (10 minutes)**

*Facilitator Asks:*

- How does it feel to have or not have certain privileges?
- Did you become aware of any privileges you had not previously considered?

##### **Exercise (5 minutes)**

*Facilitator Reads:*

Together, we are going to watch a short video. It is a clip from the television show, *What Would You Do?*, a hidden camera television show.

<https://www.youtube.com/watch?v=ge7i60GuNRg&t=2s>

##### **Discussion (10 minutes)**

*Facilitator Asks:*

- What are your thoughts watching that video? How did it make you feel?
- Why do you think that different people in the video were treated differently for the same act?
- How might those differences show up in other situations?
- Have you had experiences where someone supported you because of your privilege? When someone opposed you?
- Have you used your privilege to support others?

## Privileges Worksheet

On your own, read through the following statements. If you identify with one of the privileges listed, put a checkmark beside the number.

1. The leader of my country is also a person of my racial group.
2. When going shopping, I can easily find clothes that fit my size and shape.
3. In public, I can kiss and hold hands with the person I am dating without fear of name-calling or violence.
4. When I go shopping, I know that sales or security people will not follow me.
5. Most of the religious and cultural holidays celebrated by my family are recognized with days off from work or school.
6. When someone is trying to describe me, they do not mention my race.
7. When I am angry or emotional, people do not dismiss my opinions as symptoms of "that time of the month."
8. When expressing my opinion, I am not automatically assumed to be a spokesperson of my race.
9. I can easily buy greeting cards that represent my relationship with my significant others.
10. I can easily find hair products and people who know how to style my hair.
11. In my family, it is seen as normal to obtain a college degree.
12. If I am going out to dinner with friends, I do not worry if the building will be accessible to me.
13. I can be certain that when I attend an event there will be people of my race there.
14. People do not make assumptions about my work ethic or intelligence based on the size of my body.
15. When I strongly state my opinion, people see it as assertive rather than aggressive.
16. When I am with others of my race, people do not think that we are segregating ourselves.
17. I can feel comfortable speaking about my culture without feeling that I'll be judged.
18. I can usually afford (without much hardship) to do the things that my friends want to do for entertainment.
19. When filling out forms for school or work, I easily identify with the box that I have to check.
20. I can choose the style of dress that I feel comfortable in and most reflects my identity, and I know that I will not be stared at in public.
21. If pulled over by a police officer, I can be sure that I have not been unfairly singled out.
22. My professionalism is never questioned because of my age.
23. I do not worry about walking alone at night.
24. People do not make assumptions about my intelligence based upon my style of speech.
25. When attending class or other events, I do not have to worry about having an interpreter present to understand or to participate.
26. I can book an airline flight, go to a movie, or ride in a car and not worry about whether there will be a seat that can accommodate me.

27. People assume I was admitted to school or hired based upon my credentials, rather than my race or gender.
28. As a child, I could use the “flesh-colored” crayons to color my family and have it match our skin color.

## **5. Exercise: Community Report Card**

- **Learning Objective:** To think about whether individuals in your community have equal access to services.
- **Set-up:**
  - *Materials needed:* Community Report Card worksheet
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

### **Exercise (5 minutes)**

*Facilitator Reads:*

Do individuals from all backgrounds have a fair chance to succeed? Let's talk about our community and if individuals have equal access to services. Read through the statements on the Community Report Card and record what you think the grade is for each section.

### **Discuss (40 minutes)**

*Facilitator Reads:*

Let's choose several categories we would like to discuss as a group. For each category, let us discuss together:

- Where do we agree on grades? Where do we differ?
- How did you choose the grades?
- When you look at the report card, what successes do you see?
- What challenges do you see that we need to address?

## COMMUNITY REPORT CARD

Select one grade for each question

Category	Statement	A	B	C	D	F	Q
Education	In our community, every child receives a quality education.						
Employment	Everyone in our community has an equal opportunity for a good-paying job.						
Criminal Justice	All members of the community are treated fairly by the criminal justice system.						
Leadership	Our community leaders (in government, financial institutions, education, law enforcement, etc.) reflect the diversity of our residents.						
Social Services	The social services system in our community (e.g., welfare, job training, etc.) meets everyone's needs.						
Media	Local radio, TV stations, and newspapers offer fair and full coverage about people from different racial, ethnic, and cultural backgrounds.						
Health Care	Our community's health care system serves the needs of all our residents.						
Public Works	All areas in our community have access to public services (such as water, trash pickup, and sidewalk and road maintenance).						

### Explanation of Grading System

A - We are doing great!

C - We are doing OK.

F - We have taken steps backward.

B - We are doing well.

D - We've had no success.

Q - Not sure.

## **6. Exercise: The Full Picture**

- **Learning Objective:** To explore the extent to which our experiences have exposed us to diversity and how it may affect our perspectives.
- **Set-up:**
  - *Materials needed:* two blank sheets of white paper per person, with pen or pencil
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

### **Introduction**

*Facilitator Reads:*

The world is full of thousands of different languages, experiences, and classes of people. But our upbringing, family, and friends, from which we develop our world view, are often not so diverse. We will explore two questions: First, did your background expose you to diversity? And second: does your current life expose you to diversity?

### **Exercise (5 minutes)**

*Facilitator Reads:*

On one of your sheets of paper, draw a face-shaped oval or circle. Draw one component of a human face (eye, nose, mouth, ear, another ear, hair, etc.) for every “yes” answer you have for the following questions as they relate to your childhood. It’s okay if you don’t draw a completed face.

1. At least one member of my extended family was from a racial/ethnic group other than my own.
2. At least one member of my extended family was openly lesbian, gay, bisexual, transgender, or queer.
3. At least one member of my extended family was a military veteran.
4. At least one family in the neighborhood of my childhood home was of a racial/ethnic group other than my own.
5. At least one family in the neighborhood of my childhood home was a same-sex couple.
6. At least one family in the neighborhood of my childhood home was a military family.
7. At least one of my close childhood friends was from a racial/ethnic group other than my own.
8. At least one of my close childhood friends was openly lesbian, gay, bisexual, transgender, or queer.
9. The schools I attended were racially mixed (at least 10 percent of the student body were from a racial group or groups other than my own).
10. There were openly lesbian, gay, bisexual, transgender, or queer students at the schools I attended.
11. At least one of my school teachers or coaches was of a racial/ethnic group other than my own.

12. At least one of my school teachers or coaches was openly lesbian, gay, bisexual, transgender, or queer.
13. At least one of my school teachers or coaches was a military veteran.
14. I grew up in a home where I NEVER heard my parents or siblings say a negative word about groups of people by race, or ethnicity.
15. I grew up in a home where I NEVER heard my parents or siblings say a negative word about LGBTQ people.
16. I grew up in a home where I NEVER heard my parents or siblings say a negative word about military veterans.
17. Of the friends my parent(s) socialized with and regularly invited to our home, at least one was from a racial/ethnic group other than their own.
18. Of the friends my parent(s) socialized with and regularly invited to our home, at least one was openly lesbian, gay, bisexual, transgender, or queer.
19. Of the friends my parent(s) socialized with and regularly invited to our home, at least one was a military veteran.

### **Discussion (10 minutes)**

*Facilitator Asks:*

- Were you able to create a full face?
- During your childhood, how were you exposed to diversity?

### **Exercise (5 minutes)**

*Facilitator Reads:*

Let's now look at our current exposure to diversity. On the other piece of paper, once again draw an oval or circle face shape. As with the previous questions, add a facial component each time you answer "yes" to a question. But this time, think about the questions as they pertain to your current adult life.

1. At least one member of my extended family is from a racial/ethnic group other than my own.
2. At least one member of my extended family is openly lesbian, gay, bisexual, transgender, or queer.
3. At least one member of my extended family is a military veteran.
4. At least one family in my current neighborhood is of a racial/ethnic group other than my own.
5. At least one family in my current neighborhood is a same-sex couple.
6. At least one family in my current neighborhood is a military family.
7. At least one of my close friends is from a racial/ethnic group other than my own.
8. At least one of my close friends is openly lesbian, gay, bisexual, transgender, or queer.
9. At least one of my close friends is a military veteran.
10. In my home, we NEVER say negative words about groups of people by race or ethnicity.
11. In my home, we NEVER say negative words about LGBTQ people.
12. In my home, we NEVER say negative words about military veterans.



13. Of the friends I socialize with and regularly invite to my home, at least one is from a racial/ethnic group other than my own.
14. Of the friends I socialize with and regularly invite to my home, at least one is openly lesbian, gay, bisexual, transgender, or queer.
15. Of the friends I socialize with and regularly invite to my home, at least one is a military veteran.

**Discussion: (10 minutes)**

*Facilitator Asks:*

- What does your “adult” face look like compared to your “childhood” face?
- Does your current environment have more exposure to diversity?
- How do your past and present experiences with diversity shape how you view others?

## **7. Exercise: Learning Perspectives**

- **Learning Objective:** To better understand how our backgrounds affect how we relate to our community and to engage in conversations about diversity-related challenges.
- **Set-Up:**
  - *Time:* One volunteer is needed to watch time and prompt the group to move on to the next section when needed

### **Exercise**

#### *Facilitator Reads:*

The scenarios below will help us have conversations about overt and implicit challenges related to diversity and inclusion. We will read each scenario and then discuss.

### **Discussion (5-10 minutes per scenario)**

#### *Facilitator Asks:*

- How is each individual/group in the scenario feeling? What are their perspectives on the situation?
- Have you had similar experiences?
- What can be done to promote better understanding and acceptance?

### **Scenarios**

#### **Scenario #1:**

A Latina speaks English with an accent. Some of her co-workers have a hard time understanding her and she is left out of several team projects.

#### **Scenario #2:**

There is a project team consisting of three males and one female. Consistently, the female is asked to take notes for team meetings, while her male colleagues are hardly ever asked to do so.

#### **Scenario #3:**

Two colleagues on the police force, one a white person and the other a person of color, apply for the same promotion. The person of color gets the job. The white person, within earshot of the person of color, says "it was obviously a diversity hire."

#### **Scenario #4:**

After a terrorist attack is in the news, a man who is from the Middle East cancels his travel plans. He is afraid of being bullied by airport guards. His co-worker of Northern European descent thinks the man is over-reacting.

**Scenario #5**

A gay man is working with a realtor to search for a new home to purchase. The gay man believes the realtor is not showing him properties in the best neighborhoods because of his sexual orientation.

**Scenario #6:**

A military reservist applies for a job. During the job interview, the interviewer asks a number of questions about when and whether the individual will be deployed. The reservist is ultimately denied the job.

**Scenario #7:**

A woman returns from maternity leave. Without being asked, she is automatically not given projects where travel is required because her supervisor assumes that she would not want to leave her child.

**Scenario #8:**

A man enters a neighborhood store. He feels that the manager, who is from a different ethnic group, is keeping an eye on him. He thinks the manager doesn't trust him.

## **8. Exercise: Project Implicit**

- **Learning Objective:** To explore our implicit biases and discuss strategies for mitigating them.
- **Set Up:**
  - Before this exercise, each participant needs to complete an Implicit Association Test (IAT) of their choice from <http://implicit.harvard.edu/implicit>. Distribute this test to participants at least one week before the exercise.

### **Introduction**

*Facilitator Reads:*

What is implicit bias? Unlike explicit bias (which reflects the attitudes or beliefs that one endorses at a conscious level), implicit bias is the bias in judgment and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) that often operate at a level below conscious awareness and without intentional control.

The Project Implicit website and Implicit Association Tests (IAT) are products of research being conducted by several universities (Harvard, Yale, University of Virginia, and University of Washington). Participants have the opportunity to take one or more Implicit Association Tests covering a range of topics including race (black/white; Native American; skin tone; ethnic groups; weapons, disability, mental illness, weight, gender, gay/straight, etc.)

Each test measures the strength of associations between concepts (e.g., black people, gay people) and evaluations (e.g., good, bad) or stereotypes (e.g., athletic, clumsy). The results are shown on the website immediately after the individual finishes the test, and are then collected (without identifying information) for research purposes. At the end of each test, the website offers some possible interpretations of one's responses based on research being conducted on implicit attitudes and biases. Results and interpretations can be uncomfortable.

The idea behind the IATs is that we are likely to have more implicit or "unconscious" biases than we realize. Seeing the discrepancy between our test results and our beliefs about our attitudes may spur us to further exploration.

We want to engage in a discussion about these tests. We want to be clear, however: you should NOT reveal which test you took and you should NOT reveal the specific results of your test. Your responses to these questions should be general.

### **Discussion (20-40 minutes)**

*Facilitator Asks:*

- How did the results of your test make you feel? Were you surprised? Skeptical? Defensive?
- What are the potential sources of your bias?
- How might these biases impact your decision-making?
- How do you think you can alter or mitigate your biases?

Business & Practice

# INSIGHT: Lawyers Need Better Tools for Effective, Mindful Listening on Racism

By Rudhir Krishtel

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Conversations about race in the workplace are not comfortable, especially for attorneys trained to analyze facts, debate, and point out flaws in arguments. Executive coach Rudhir Krishtel, formerly senior counsel at Apple, offers steps to help attorneys deepen their understanding of challenges others face and work toward meaningful next steps to meaningful change.

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Finding it hard to dialogue about race at work? As we awaken further to the uncomfortable truths about systemic racism in our communities and workplaces, we may find it challenging to have these difficult conversations.

It's no surprise. We've never really learned how to do it effectively. In the past, we may have avoided these conversations or engaged unskillfully. That option is no longer available. As one data point, lawyers are currently only required to fulfill minimal continuing education requirements for eliminating bias in the legal profession (in California, it's one hour every three years). We have a responsibility to learn to navigate these dialogues with openness and effectiveness.

Effective dialogue begins with mindful listening: seeking to understand, being present to someone who is expressing concern, listening without judgment, and observing without evaluating. It is something most of us have never learned to do. As critical thinkers and advocates, our impulse is to problem solve, take action and win.

For litigators, especially, we are trained to make an argument, debate and point out flaws in other people's positions. Unfortunately, the structural challenges we face have been in place for a long time, so rushing to solutions at this stage is short-sighted. Basic "design thinking" principles tell us the first step to problem solving is empathy and understanding. We first need to learn how to listen, effectively and mindfully.

Included below are some fundamental tools lawyers and law firms can utilize to establish a framework for more productive dialogues and to help move us forward in addressing systemic and structural racism.

**B.E. H.E.A.R.****Breath and Body (Relax)**

Paying attention to your breath and body when listening to others will help you avoid becoming reactive. These simple relaxation techniques keep you steady and grounded in the conversation and rescue any emotional charge. Because humans “mirror” in conversation, your steady breathing will subconsciously support the speaker in also remaining calm. Belly breathing can be a huge help. Breathing with both your chest and abdomen subconsciously lets your organs know you’re safe and not being threatened, which minimizes emotional reactivity.

Calming your body helps to calm your mind. When you are listening, do you notice tightness in your chest or shoulders or discomfort in your stomach? These physical cues let you know you’re getting tense and serve as a prompt to breathe more. Loosen the grip of tensed muscles, relax the body, settle down, get out of your own head and focus on actually hearing the other person.

**Explore and Be Curious**

Listen and withhold judgment. We can’t judge and be curious at the same time, so choose curiosity. Listen to the speaker with the goal to understand what is said and what feeling is being expressed underneath their words — not to analyze its substance, which can be nearly instinctive for lawyers.

Avoid interrupting, but feel free to ask clarifying questions occasionally. Ask open-ended questions that begin with “what” and “how” (rather than why,” which can put people on the defensive), can prompt new details that deepen your understanding.

**Have Kindness and Compassion**

Save the brute force “listening” tactics for your next call with opposing counsel.

Practice accepting what you hear with sincere kindness and compassion. Think about the care you would have for a loved one or close friend, and approach this dialogue in that way. Don’t shut out anything they are saying, remove any preconceived notions or judgments you have about the person or their opinion, and set them at ease for this dialogue.

**Engage with the Speaker, Not Your Own Mind**

As critical thinkers, we are often listening with mental distraction, anticipating what the other person might say, comparing their words with our own situation, or preparing our response. Instead, stop preparing your retort and commit to paying attention to their words.

“Self manage” the thinking about your own experience or what you might say. Put your desire to be understood on the back burner. Focus on understanding each word the other person is saying.

### Acknowledge Their Feelings

Use the steps above to try to identify a label for the emotions you think the speaker is experiencing, as they may not articulate them out loud. You can do this by listening for feeling words, inferring feelings based on the content, noticing where they hesitate, or observing comfort or discomfort in their body language.

If you don't have a nuanced understanding of the range of emotions a person can experience, review a list to better understand.

### Reflective Listening

When the other person is done speaking, confirm your understanding of the feeling and content by paraphrasing specifically what you have heard in a nonjudgmental way. This step of reflective listening affirms to the speaker they are truly being "heard" and ultimately lowers their defenses and comforts them.

Also, it's ok to get the paraphrasing wrong, so long as you give the speaker the opportunity to correct your understanding. Lawyers are used to being experts and speaking with authority. Be careful to avoid presenting as the authority on the other person's experience.

Conversations about race in the workplace are not comfortable, but if you are willing to try the above tactics and step out of your comfort zone, you may begin to deepen your understanding of the challenges others face and work towards meaningful next steps. The companies and firms that start to take these efforts seriously will be able to set the pace and develop the playbook for meaningful change.

*This column does not necessarily reflect the opinion of The Bureau of National Affairs, Inc. or its owners.*

### **Author Information**

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