

GENERAL COUNSEL

DIVERSITY, EQUITY & INCLUSION SURVEY

ACC Association of
Corporate Counsel



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INTRODUCTION

The General Counsel Oath was introduced in August 2020 by Simon Zinger and endorsed by the Association of Corporate Counsel (ACC) soon thereafter. Suggesting a set of personal commitments that go beyond professional responsibility, the Oath provides a leadership and behavioral roadmap for individuals in the most senior legal and compliance roles. The areas covered in the Oath include diversity, equity & inclusion (DE&I), social impact, pro bono, and behaviors for managing teams, working within organizations, and working with external parties.

The General Counsel DE&I Survey was launched in September 2022 to assess the impact and sentiment of General Counsel (GC) and Chief Legal Officers (CLOs) from around the world in one specific area – DE&I. The Survey asked GC and CLOs to consider the last 24 months, a period of intense effort and focus on the DE&I space, and to share their feedback on the level of progress made. The Survey asked for feedback across three key areas: (i) individual progress by the GC/CLO and their ability to impact within the legal team’s progress; (ii) wider organizational progress, including whether the GC/CLOs believed that their organizations met any DE&I commitments made over the last 24 months; and (iii) the level of progress made by law firms in offering diverse teams.

With 232 GC participants, the results reveal that GC are experiencing moderate progress in their organizations but are able to have the greatest impact in DEI within their own teams. The survey suggests that there is still much work to do but GC are in a uniquely influential role to help make progress toward their organizations’ DEI objectives.

ACKNOWLEDGEMENTS

We are grateful for the support of the following organizations who shared the survey with their GC/CLO membership or client base and/or helped promote it publicly.

Addleshaw Goddard

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Clifford Chance

Control Risks

DLA Piper

General Counsel for
Diversity & Inclusion

Herbert Smith Freehills

Husch Blackwell

Mishcon de Reya

Reed Smith

TozziniFreire Advogados

World 50

KEY FINDINGS

01

GC are having success promoting DEI practices among their own teams

GC were asked to what extent they were able to promote and support progress in DE&I (1) within their organizations and (2) inside their teams and in their approach to hiring. Both were rated with a high degree of progress, but GC indicated having the most success within their own teams, suggesting that the most progress may be associated with areas in which the GC exerts the most control and influence.

02

GC are experiencing only moderate support from their organizations to help progress in DEI efforts

Beyond rating the impact of their own individual efforts, GC were asked to rate (1) the extent to which they had organizational support and resources to move DE&I efforts forward and (2) the degree to which the organization met their DE&I objectives. Both cases were rated as moderately successful. Whether organizations met their DE&I objectives was rated with more variability, with 41 percent rating as an 8, 9, or 10 (out of 10) compared to 53 percent who rated their degree of organizational support as an 8, 9, or 10.

03

GC in larger organizations experience more success in achieving their DEI objectives

Whether rating the impact of their own individual efforts to progress in DE&I or that of their organization, GC in larger legal departments and in larger organizations (as measured by total staff) experienced more success across the board. This may indicate that, on average, larger organizations have more support and resources to offer DE&I programs.

04

There are mixed results in the impact of the Covid pandemic on DEI progress

While it is clear that the Covid-19 pandemic caused significant disruption to many aspects of work life, there is wide variation in GC responses to whether the pandemic slowed or disrupted organizational DE&I efforts, with an average score of 5.1 on a scale ranging from 1 (little disruption) to 10 (significant disruption).

05

GC who request their law firms to track advanced DEI KPIs observe significant progress in achieving their DEI objectives

Sixty-two percent of GC said they do not request that their law firms track KPIs or make similar commitments to measure their DE&I progress. Thirty-eight percent of GC said they do request KPIs and just seven percent said they request this at an advanced level. The use of KPIs does not guarantee immediate progress but those GC who have requested that KPIs be tracked at an advanced level do rate significantly higher progress in achieving their DE&I objectives.

TOPLINE RESULTS

The survey consisted of eight questions, which intended to capture a very high-level overview of (i) individual progress in DE&I by the GC/CLO and their ability to impact within the legal team's progress; (ii) wider organizational progress, including whether the GC/CLOs believed that their organizations met any DE&I commitments made over the last 24 months; and (iii) the level of progress made by law firms in offering diverse teams. The data below present the overall results to each of the eight survey questions. The following sections then provide a more detailed breakdown of each question by presenting the data segmented by department size, company size, and global region.

It is important to note that the survey results are based on the subjective interpretation of progress among each respondent and are not objective measures of progress.

GC/CLOs from 28 countries participated in the survey. The top four countries in terms of participation rate were: United States (58%), United Kingdom (8%), Australia (5%), and Canada (5%).

GENERAL COUNSEL DE&I EFFORTS

Q1. Please rank the degree to which you were able to promote and support progress in DE&I inside your organization.

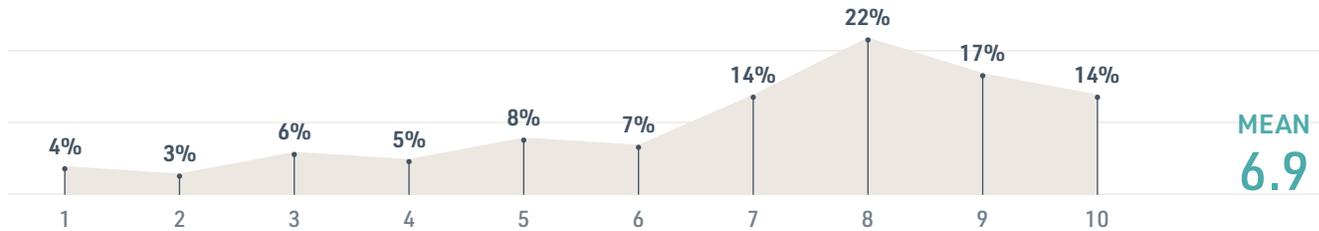


Q2. Please rank the degree to which you were able to promote and foster DE&I inside your team and in your approach to hiring.

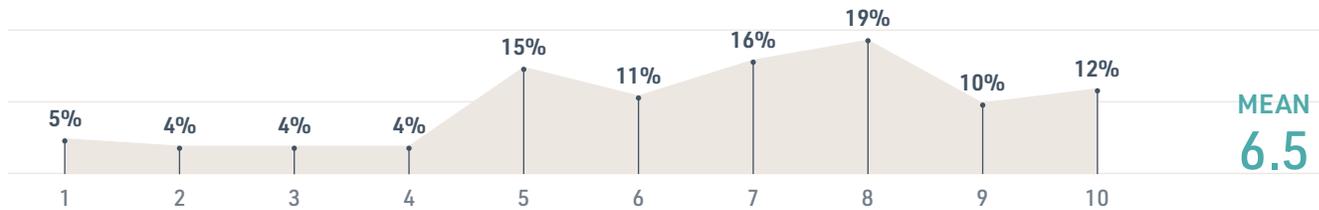


ORGANIZATIONAL DE&I SUPPORT AND OBJECTIVES

Q3. Please rank the degree to which you had organizational support and resources to progress DE&I efforts (whether for your team or on a broader scale).

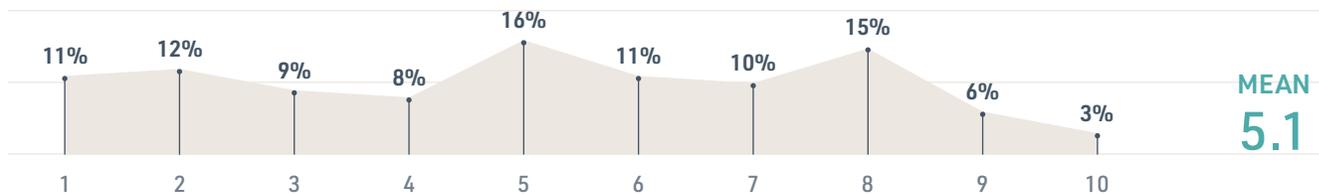


Q4. Please rank the degree to which the organization met the DE&I objectives that it set and announced.



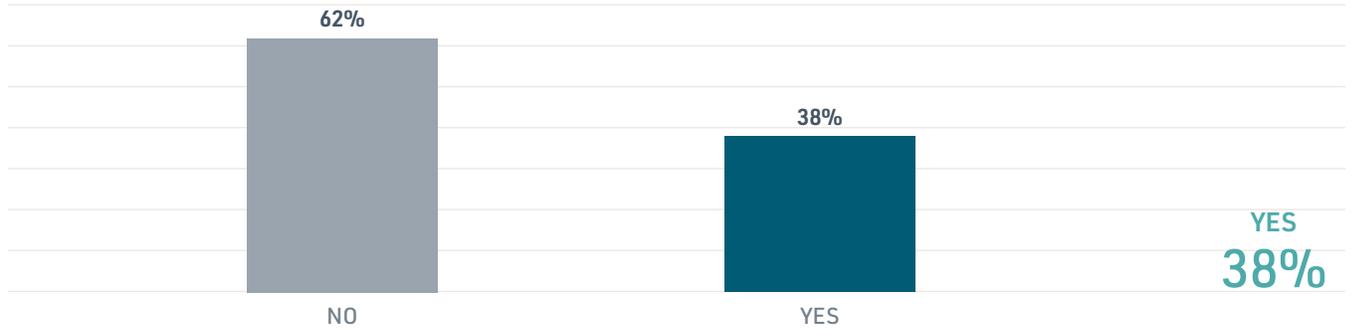
IMPACT OF COVID ON DE&I EFFORTS

Q5. Please rank the degree to which the pandemic slowed or disrupted DE&I efforts inside your organization.

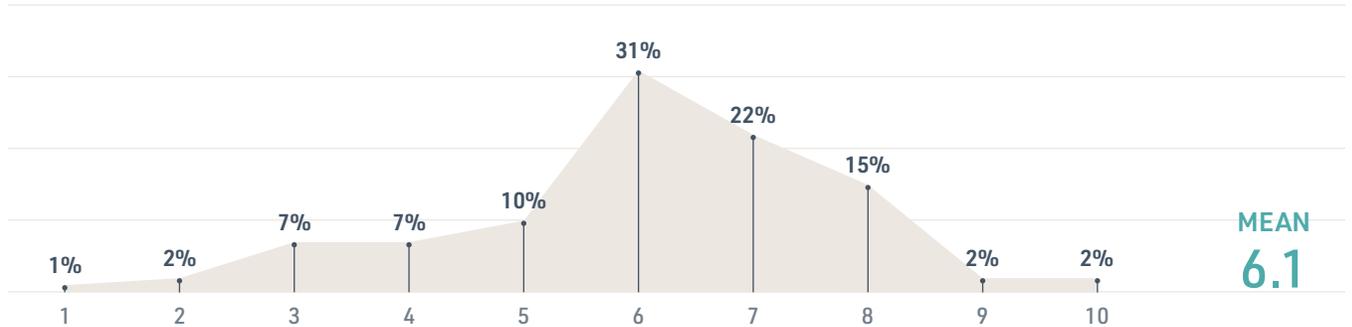


LAW FIRM DE&I EFFORTS AND PROGRESS

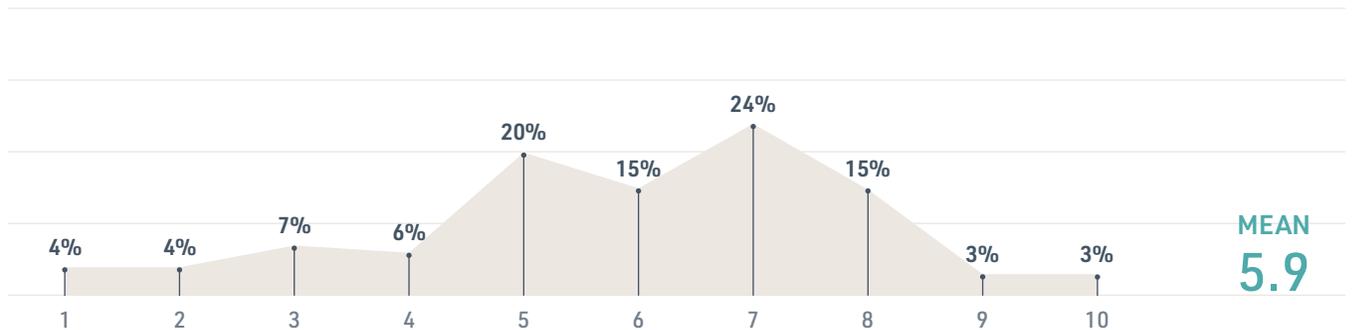
Q6. Did you request your law firms to follow measures such as metrics, KPIs or similar commitments to measure their progress in DE&I?



Q7. If you answered Yes (either advanced or basic) above, please rank the degree to which you believe that your efforts achieved their objectives.



Q8. Please rank the degree to which the law firms you worked with made progress in DE&I and were able to offer diverse teams of lawyers.



GENERAL COUNSEL DE&I EFFORTS

Q1

Please rank the degree to which you were able to promote and support progress in DE&I inside your organization.

OVERALL RESULTS



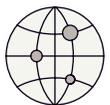
AVERAGE SCORES



**LAW
DEPARTMENT
SIZE**



**NUMBER OF
ORGANIZATION
EMPLOYEES**



**GLOBAL
REGION**

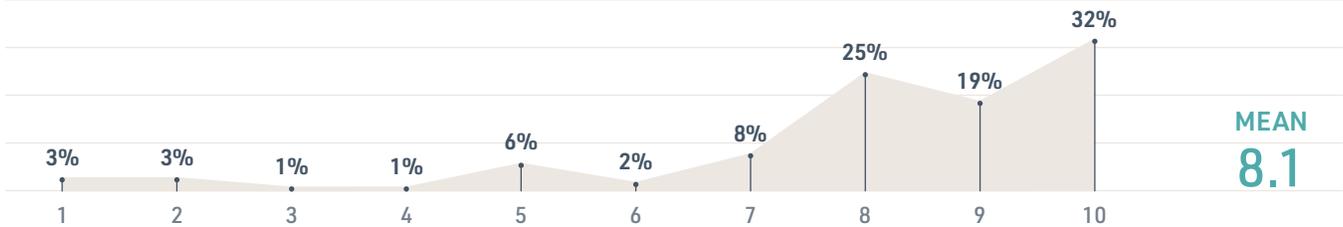


General counsel ranked their ability to promote and support progress in DE&I as seven points on average on a 1-to-10 scale, with 51 percent of them scoring at least eight points. GC in larger legal departments and organizations were better able to support DE&I organizational initiatives, with respondents in the largest organizations scoring on average nearly two points more than participants in the smallest companies. By region, participants in Asia-Pacific scored slightly higher than GC in the Americas and EMEA regions (albeit Asia-Pacific had the lowest survey participation rate).

Q2

Please rank the degree to which you were able to promote and foster DE&I inside your team and in your approach to hiring.

OVERALL RESULTS



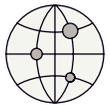
AVERAGE SCORES



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION



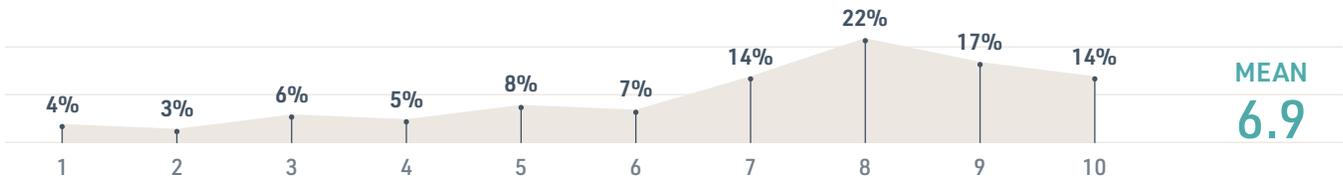
GC were better able to foster DE&I values inside their team compared to the organization as a whole, recoding an average score of 8.1 on a 1-to-10 scale – slightly over one point compared to the organization-level mean. Fifty-one percent rated their ability to promote DE&I in the legal department with a score of nine or 10. GC in largest organizations scored higher than those in smaller organizations, though the differences are smaller compared to the ability to support progress on DE&I issues at the organization level. GC in the EMEA region scored about half-point higher on average than those in the Americas.

ORGANIZATIONAL DE&I SUPPORT AND OBJECTIVES

Q3

Please rank the degree to which you had organizational support and resources to progress DE&I efforts (whether for your team or on a broader scale).

OVERALL RESULTS



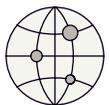
AVERAGE SCORES



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION

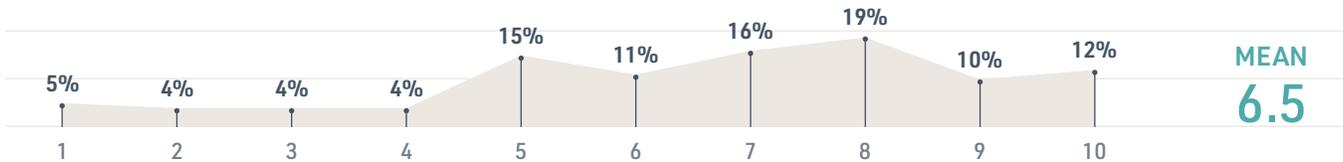


When asked about the degree to which GC received organizational support and resources to foster DE&I efforts, about 53 percent gave their organizations a rating of eight or higher on a 1-to-10 scale, though a relatively even distribution across the remaining values resulted in an average score of 6.9 points. Larger organizations provided higher support to advance DE&I initiatives, according to participants, with those in the larger organizations reporting average scores about 1.5 points higher than those in the smallest companies. GC in the Asia-Pacific region rated their organizational support more than one point higher than their counterparts in EMEA.

Q4

Please rank the degree to which the organization met the DE&I objectives that it set and announced.

OVERALL RESULTS



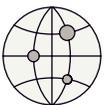
AVERAGE SCORES



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION



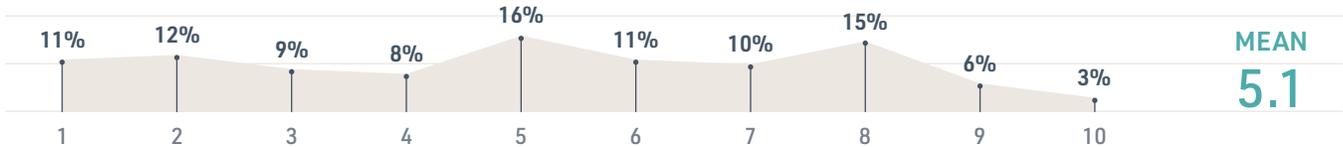
Just 12 percent of GC indicated that their organization met all the DE&I objectives that it had set and announced, that is, a 10-out-of-10 score. The average score given by all participants was 6.5, and about one third of participants gave their organization a score below the middle point – one through five. GC in larger organizations scored their companies’ managing to achieve their set objectives slightly higher than those in smaller organizations, and companies in Asia-Pacific achieved their DE&I objectives to a larger extent than those in other global regions.

IMPACT OF COVID ON DE&I EFFORTS

Q5

Please rank the degree to which the pandemic slowed or disrupted DE&I efforts inside your organization.

OVERALL RESULTS



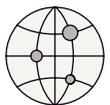
AVERAGE SCORES



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION



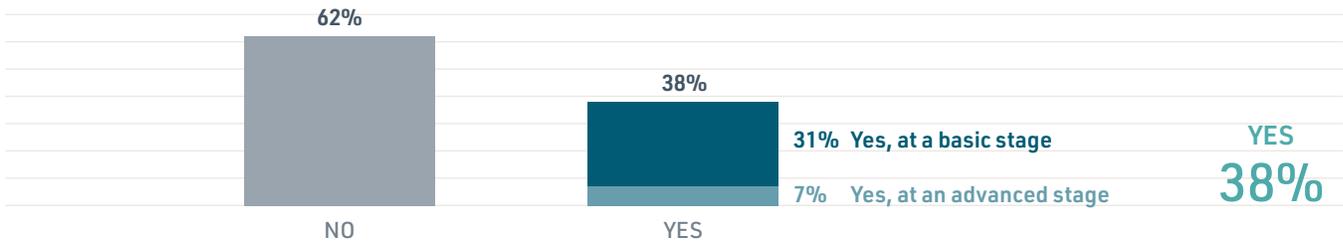
GC do not agree on whether the pandemic slowed or disrupted organizational DE&I efforts, with an average rating of 5.1 on a scale ranging from 1 (little disruption) to 10 (significant disruption). A majority of participants provided a disruptive score on the lower end of the scale – one through five – and 23 percent reported very little disruption on DE&I as a result of the pandemic – scores of one and two – compared to just around 10 percent reporting the highest disruption scores – nine and 10. The results show no clear pattern when analyzed by the size of the legal department and GC in larger organizations in terms of number of employees report a higher disruption, but with only a modest difference compared to GC in small organizations. GC in Asia-Pacific gave an average disruption score one point higher than participants in the Americas.

LAW FIRM DE&I EFFORTS AND PROGRESS

Q6

Did you request your law firms to follow measures such as metrics, KPIs or similar commitments to measure their progress in DE&I?

OVERALL RESULTS



PERCENTAGE OF RESPONDENTS

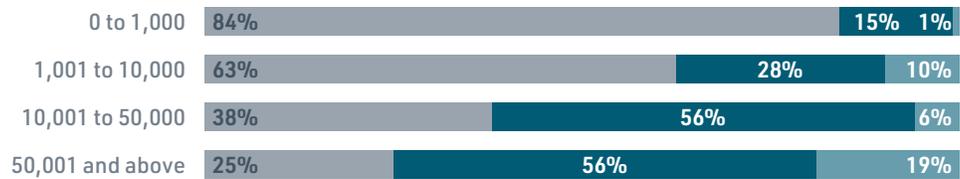
■ No ■ Yes, at a basic stage ■ Yes, at an advanced stage



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION

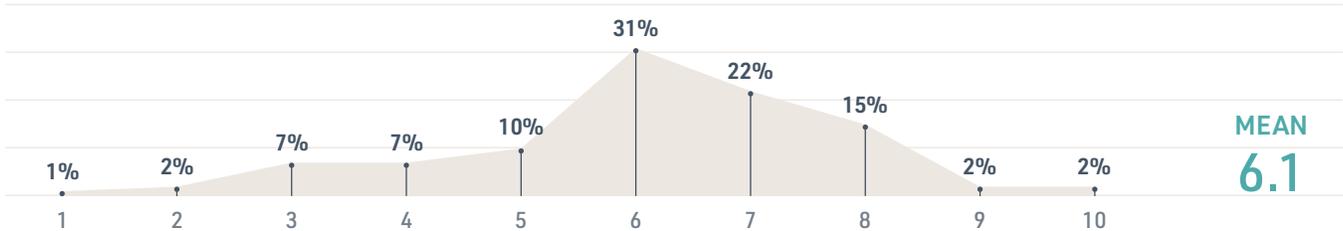


Sixty-two percent of GC reported that they did not request law firms to follow measures, such as metrics or KPIs, to measure DE&I progress, while 38 percent did request law firms to track and follow these measures – seven percent require following DE&I metrics at an advanced stage. Larger organizations with 50,000 or more employees are practically five times more likely to request DE&I metrics and measures from law firms than small organizations with 1,000 or fewer employees – 75 percent compared to 16 percent, respectively. Twenty percent of participants in the largest organizations requested that their law firms follow DE&I-related measures at an advanced stage. By region, GC in EMEA requested DE&I metrics from law firms in larger numbers than those in the Americas and Asia-Pacific regions.

Q7

If you answered Yes (either advanced or basic) above, please rank the degree to which you believe that your efforts achieved their objectives.

OVERALL RESULTS



AVERAGE SCORES

■ All "Yes" ■ Yes, at a basic stage ■ Yes, at an advanced stage



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION

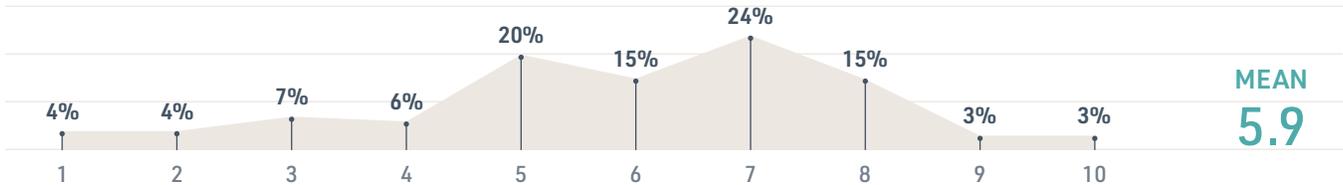


GC who requested law firms to track and provide DE&I metrics and KPIs reported a rating of 6.1 on a 1-to-10 scale related to the success of their efforts in making law firms better committed to DE&I efforts. Approximately one in four participants provided a score on the lower end of scale – one through five. There are no clear patterns in the results by company size, but GC that requested law firms to follow DE&I measures and track metrics at an advanced stage believe their efforts are making a more significant impact on law firm diversity than GC who required DE&I metrics at a basic stage. By region, GC in Asia-Pacific tend to believe that their efforts are less successful than their counterparts' in the Americas and EMEA regions.

Q8

Please rank the degree to which the law firms you worked with made progress in DE&I and were able to offer diverse teams of lawyers

OVERALL RESULTS



AVERAGE SCORES



LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION



REQUESTING LAW FIRM DE&I METRICS



Six in ten GC believe the law firms they worked with made progress in DE&I by providing a high rating – six through 10 on the 10-point scale. The average score for all participants was a 6.1. GC in larger companies are more likely to say that the law firms they work with have made progress in DE&I, while participants in Asia-Pacific reported the most moderate average score related to recent DE&I progress by law firms. GC that requested law firms to follow DE&I-related metrics and KPIs at an advanced stage reported higher levels of law firm DE&I progress compared to those who only requested such metrics at a basic level, and those who did not request law firms to track DE&I metrics at all.

DE&I EFFORTS IN EUROPE AND NORTH AMERICA



There are no significant differences in the responses from GC in Europe and North America, with both groups of participants reporting similar averages across all questions. European GC reported a slightly higher average rating on their ability to foster DE&I inside their team – 8.5 compared to 7.9 for GC in North America – and also reported higher average rating related to the impact of DE&I metrics tracking for law firms. Sixty-four percent of European participants requested law firms to follow DE&I measures to some extent, compared to just 33 percent of GC in North America. The largest difference here was in the participation rates, with GC in North America showing much more interest in participating in the survey than those in Europe (63% of survey participants were from North America, compared to 25% from Europe).

GENERAL COUNSEL INSIGHTS ON DE&I EFFORTS

Participants were also given the opportunity to provide open-ended comments on their experience promoting DE&I efforts across their organizations and the law firms they work with. GC insights have been grouped based on success stories, or critical steps taken to advance DE&I efforts, situations where GC found there is room to improve as an organization on DE&I, and some of the most pressing challenges that participants have encountered when advocating for greater DE&I progress.

SUCCESS STORIES

“DE&I has become relevant in the senior management’s eyes as part of the broader ESG landscape. Once we started measuring and reporting on ESG metrics, there was more appetite for pursuing DE&I initiatives.”

“We partnered with a third-party company to assess where we stand currently with DEI, and we’re now making progress by implementing changes.”

“I founded our D&I program as I was frustrated with previous minimal efforts. We now have six pillars, a mental health program, and 150 network members.”

“I have been encouraged by the sincere support of the C-suite and leadership in articulating their commitment to DEI”.

“We prefer to only retain firms that have a demonstrated commitment to diversity and who can provide diverse lawyers for our projects.”

“It’s been challenging and very rewarding to have direct conversations with our law firms on improving the diversity of the teams that staff our files.”

ROOM TO IMPROVE

“It’s generally accepted that DE&I is ‘on top’ of your everyday job, with limited specific funding to focus on it in a meaningful manner. This is not a recipe for success.”

“In a very small company having a formal DEI program is not really a thing – there isn’t the bandwidth to focus on formalizing it.”

“DE&I in some countries seems to be focused on gender rather than all aspects of diversity.”

“Diversity of gender and sexuality has been the main areas of focus with less opportunity for other equally important areas.”

“Our leadership set D&I goals two years ago, and tactics which we have implemented to meet the goals. We still have room for improvement, but we have made material progress.”

“I’m on our internal DE&I committee, and although the work is inspired and well-intentioned, sometimes budgeting or other internal focuses derails projects.”

“Our DE&I committee is very interested on some diversity issues, but nowhere near as interested in issues impacting other people.”

“I have an incredibly diverse team and company, but our efforts have been ignored by organizations, publications, and other groups that promote diversity.”

MOST PRESSING CHALLENGES

"I am consistently stretched by the utter disinterest that my team members show toward my organization's DEI efforts."

"Law firms have a long way to go in terms of DEI. They can provide basic information but do not provide the training necessary to retain diverse lawyers."

"The more direct the connection with revenue, the easier it is to convince our leadership to adopt DE&I initiatives."

"I find it difficult to influence the wider enterprise on DE&I. It is frustrating that we cannot find even a small sum to put towards DE&I efforts."

"The murder of George Floyd in 2020 caused a substantial, albeit somewhat transitory increase in awareness around DE&I issues at my company."

"DEI has been a stated goal, but the organization has not had the resources to devote to it in a sustained manner."

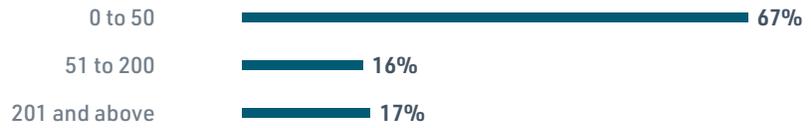
"DE&I is not the priority it should be for my company. It's top of my list for the coming year!"

PARTICIPANT PROFILE

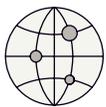
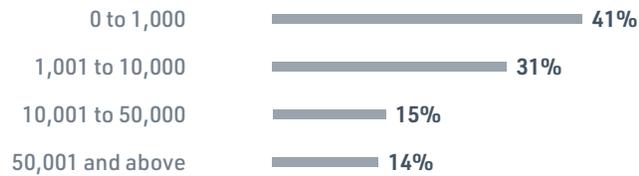
PERCENTAGE OF RESPONDENTS



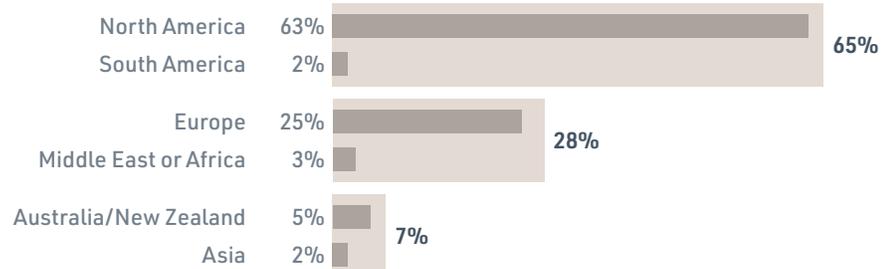
LAW DEPARTMENT SIZE



NUMBER OF ORGANIZATION EMPLOYEES



GLOBAL REGION



COUNTRIES REPRESENTED

- | | | |
|-----------|-------------|----------------------|
| Argentina | Italy | Singapore |
| Australia | Latvia | South Africa |
| Belgium | Luxembourg | Spain |
| Brazil | Malaysia | Switzerland |
| Canada | Mauritius | Thailand |
| Denmark | Mexico | United Arab Emirates |
| France | Netherlands | United Kingdom |
| Germany | Nigeria | United States |
| Greece | Norway | |
| India | Poland | |

Turn Diversity, Equity, and Inclusion (DEI) Into a Competitive Advantage with the ACC Foundation and Ethisphere's **FREE** DEI Maturity Model Assessment Tool

The ACC Foundation DEI Maturity Model was developed in consultation with an advisory board of DEI and legal leaders at major corporations from around the world and has been designed for legal departments to benchmark the maturity of their DEI practices across a wide range of functional areas. Take the free assessment to quantitatively measure and improve your DEI program.

- ✓ Assess your DEI approach against leading practices
- ✓ Understand your DEI maturity to map a path forward
- ✓ See how DEI is integrated into your organization strategy

CATEGORIES COVERED IN THE DEI MATURITY MODEL



Strategy & Organizational Development

- ▶ Strategic planning
- ▶ Governance and resourcing
- ▶ Operational model/ workstreams



Internal

- ▶ Recruitment
- ▶ Talent development— career development
- ▶ Professional development
- ▶ Talent development— advancement
- ▶ Talent retention
- ▶ Succession planning



External

- ▶ Measurement
- ▶ Goal-setting/ communications
- ▶ Incentives and consequences
- ▶ Community engagement

TAKE THE ASSESSMENT NOW →

ABOUT ACC

The Association of Corporate Counsel (ACC) is a global legal association that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other organizations through information, education, networking opportunities and advocacy initiatives. With more than 45,000 members employed by over 10,000 organizations in 85 countries, ACC connects its members to the people and resources necessary for both personal and professional growth.

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