

Educate, Empower, Elevate: Awareness and Introspection On the Path to Diversity

SCOTT MOSKOL
BURNS & LEVINSON

► An interview with Burns & Levinson partner Scott Moskol.

CCBJ: You recently took on the leadership of your firm's diversity and inclusion efforts. Tell us about your background and what led you to this new role.

Scott Moskol: As a gay man, when I started working in the legal profession in the mid-'90s, there were few out LGBTQ professionals in the legal field. Consequently, I felt the need to hide my sexual orientation, refer to my then partner as my "roommate" and otherwise hide a part of myself. Fast-forward to the 2000s, and while I had finally come out, discrimination was still rampant, even in a big law firm with a supposedly very liberal bent in Boston. In my old law firm, to become partner, one had to work with certain partners in their department and get their buy-in to advance. Despite always requesting such an opportunity to do so, I was always denied, thereby putting barriers to my

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advancement. After this powerful partner made certain derogatory comments about me in front of others, including a client, I refused to allow myself to be a victim and stood up for myself. I was lucky – my career advanced, albeit not at the firm, and I decided I needed to make a difference, not just for gay men but for all underrepresented talent, and be a role model, a mentor and a sponsor, but never a victim.

What obstacles did you encounter in your career and how did you overcome them?

While homophobia is becoming less prevalent in the industry (or at least, people keep their comments to themselves), "hetero privilege" is still as rampant. Words have power, even if the speaker doesn't realize it. Where LGBTQ are being discriminated daily with respect to simple things like housing or even the ability to adopt a child, it can be maddening when colleagues and leaders believe they deserve special status because they have children. Thus hetero privilege rears its ugly head when people make comments like "This person doesn't need as much compensation as someone with children" or "I have children, so only I get to take the week of February vacation or April vacation off."

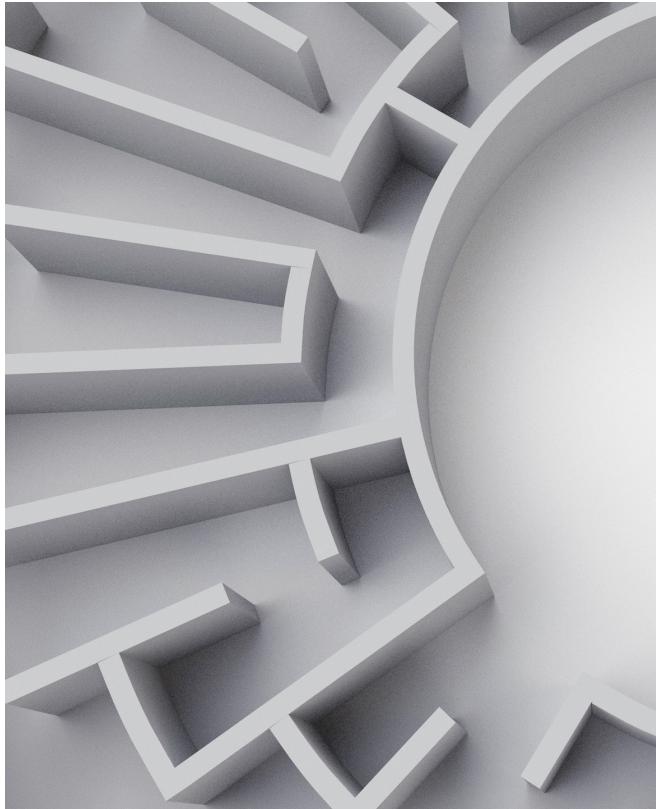
Hetero privilege is an issue that I don't see going away anytime in the foreseeable future, but I try to educate people as I go along – whether they listen, that is up to them.

What advice would you give other diverse attorneys moving up the pipeline?

Find mentors and sponsors who will take you under their wing. Learn from them. Take their advice. Unfortunately, the old adage that Rome wasn't built in a day is dead on



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point. It takes time. And also, when looking for a mentor and/or sponsor, don't always assume that a white straight man can't fill that role. Allies are everywhere.

How have law firms changed their approach to diversity since you first started practicing law, and how would you like to see it change in the future?

There is more awareness of the importance of diversity and inclusion by the legal profession. But I am not sure if that is driven by internal policy change or as a result of industry and corporate pressure on firms to embrace the importance of diversity and inclusion. While there

is a strong business case to be made that diversity and inclusion are important and can drive revenue, profits, new clients, etc., it would be nice if one day the legal profession supported these initiatives simply because all people, despite their background, deserve to be equally respected.

The recent 2018 *Law360* diversity survey shows that minority representation at law firms increased by less than a percentage point from last year. Why has it been so hard for law firms to make headway on this important business issue?

Law firms are very resistant to change. Moreover, most law firms are led by lawyers, who generally aren't business people with a background in management or organizational change. Inertia can be a difficult force to overcome.

Studies show that 30 percent of law students identify as racial or ethnic minorities, yet only 15 percent of attorneys and 9 percent of partners at law firms identify as a minority. What accounts for this disparity? Is it a recruitment issue, a training issue or both?

The problem is that many minority law students don't end up in law firms, or if they do, they feel like outsiders and depart to more embracing places to work.

What are your three top diversity goals for Burns & Levinson over the next year, three years and five years?

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