

**MSBA Diversity Task Force  
Focus Group  
Facilitator Preparation Checklist**

**Timing**

- Day before: confirm w/ MSBA re: court reporter/transcriber & room setup
- Day of: Arrive at least 15 minutes early

**Materials**

- Flip Chart & marker(s)
- Sheet with Ground Rules listed by bullets\*
- Sheet with Definition of Diversity\*
- ID "Tent" cards with letters on them for identification: A B, C, D, etc.
- Script
- Paper and pen to make notes, if necessary

**Refreshments**

- Check to make sure all is there: napkins, etc.
- Encourage participants to take their refreshments as they come in

**Code for Restroom**

- Have the code for the restroom on a tent card somewhere in the room, with directions to restroom

**Closure & Followup**

- Order e-transcript by deadline
- Review e-transcript and create table of quotes & comments by participant and question (template to be provided)
- Submit table of quotes to Subcommittee

\*We are creating a sheet of these for each of the rooms, so they will be consistent, and available for each session in that room.

# **MSBA DIVERSITY TASK FORCE**

## **FOCUS GROUP QUESTIONS & SCRIPT**

### **WELCOME**

Use the following script to welcome the focus group participants and explain the process and guidelines:

Good Morning/Evening. My name is \_\_\_\_\_. On behalf of the Minnesota State Bar Association's Diversity Task Force, I want to welcome you to [location: e.g., the MSBA offices] and to thank you for agreeing to take part in today's focus group. This conversation, which we anticipate will run for about two hours, is one of several the MSBA is coordinating to get a current snapshot of the various so-called "diversity" issues within workplaces in the legal profession, and to gather ideas for Best Practices in addressing such issues. The focus groups are themselves part of a larger effort to study issues related to race, gender, sexual orientation, disability, and religion/creed that lawyers in Minnesota face in their professional lives. When I use the word "diversity" I am referring to all five of these areas [POINT TO LIST]. The goal is to produce a comprehensive report by the MSBA Convention in June, 2006, which will help guide discussion of these topics in future years. Your participation is critical to the success of the project.

Today's conversation will be confidential. We want to encourage you to answer as candidly as possible. Each of you has been given a card with a letter on it. When you want to respond to a question, please raise the card and identify your designated letter when you speak. Our conversation is being transcribed by a court reporter [or being recorded for later transcription], and the letter will be used in the transcription to identify each speaker, to keep identities anonymous. We are using a transcriber so that we can preserve the accuracy and ensure confidentiality of your comments. Any reference to individuals or to specific employers in your answers will not be included in any transcription, and thus not included in the final report. Nobody here today is required to identify

themselves or their employers in order to participate, and in fact we discourage this. Any tape-recording being produced as part of the transcription process will be destroyed once the transcription is complete. We are confident that the identities of participants will remain confidential as a result.

Some helpful Groundrules to make this effort as successful as possible include:

1. **CONFIDENTIALITY:** It is essential that all of you agree to keep confidential the identities of individual participants and any names inadvertently mentioned in our conversation.
2. **PARTICIPATE:** Please participate freely in the discussion. We need feedback and information from each of you. Many of you were specifically invited because your voice may represent a particular type of workplace, experience, or demographic.
3. **ONE-AT-A-TIME:** To ease the transcription, please speak one at a time.
4. **STICK-TO-TOPIC:** Base your answers on the subject of diversity so we don't run out of time.
5. **DON'T DOMINATE:** Be careful not to dominate the discussion. In our eagerness to share, we need to leave opportunity for all to respond.
6. **QUESTION:** We encourage questions if you are uncertain about the process or topics- just ask!
7. **REMEMBER:** there are no "right" or "wrong" answers- just tell us your experience!

### **ICEBREAKER**

Ask the focus group participants to introduce themselves by telling the group how long they have been in practice and what type of practice they have. For example "I am letter A, I am [age], and have been practicing law for over 20 years as a trial attorney in a private large/small firm."

## **QUESTIONS**

### **Diversity Issues/Problems**

1. First, have you ever noticed anyone at your workplace being treated differently because of their gender, race, sexual orientation, religion, or disabilities?

IF YES: When did this happen, and can you give some examples? (LIST ON CHART)

IF NOT MENTIONED, ASK ABOUT:

- \*Case assignments
- \*Client meetings
- \*Task/job assignments
- \*Advancement/Promotions
- \*Compensation
- \*Work environment
- \*Mentoring
- \*[others specific to diverse group's perspective- eg wheelchair access, etc.?]

2. How does this any of the treatment you mentioned in response to question 1 affect people on a personal and/or professional level?

IF NOT MENTIONED:

- a. How has this treatment affected people's development professionally (that is, beyond just being attending CLEs—see list above)?
  - b. How has this treatment affected other things such as evaluations, compensation, or advancement?
3. What about the issue of retention? Do you think that all lawyers have a similar experience when it comes to retention, or are there differences based on gender, race, sexual orientation, disabilities, or religion/creed?

PROBE: What are these differences? (LIST ON CHART)

4. Next, I'd like you to think about the hiring of women and the four other groups we have mentioned. Do you think it is easier or harder to get hired if you are a woman or a member of one of these diverse groups?

IF YES: Can you give me some examples?

Generally, do you think there is a PERCEPTION that it is easier or harder to get hired if you are a woman or a member of a minority group?

IF YES: Can you give me some examples?

## Senior Management Commitment

5. Now I'd like you to think about what has been done at your workplace with regard to diversity. Thinking about your workplace, what has senior management done to promote diversity, or to minimize or eliminate discrimination?

(MAKE A LIST ON CHART.)

PROBE: IF NOT MENTIONED, ASK ABOUT:

Open discussion of diversity issues.

Promotion/advancement

Compensation

Retention

Nondiscrimination or anti-harassment policies.

Offer meaningful opportunities for recognition for all employees.

- a. On a scale of 1 to 5 (1 being low, 5 being high) how successful would you say senior management has been at accomplishing these diversity efforts? (WRITE SUCCESS "RATINGS" ON THE SAME PAGE.)

## Best Practices

Next, I'd like to have you discuss what experiences you have had that have helped you in your development professionally—I would like to hear what's working in the profession in terms of diversity.

6. What experiences have been most effective in your development professionally?

LIST ON CHART

PROBE: IF NOT MENTIONED, INQUIRE ABOUT:

- \*Case assignments
- \*Client meetings
- \*Task/job assignments
- \*Firm/company/bar appointments
- \*Advancement/Promotions
- \*Compensation
- \*Work environment
- \*Mentoring

7. Next I'd like you to talk about what type of person or activity has been most valuable to you in helping you to be successful in your profession (no names, please just describe the person's title/position or relation to you)?

LIST ON CHART

8. And what about mentoring—have you had a professional mentor or been one?

IF YES, how did the mentoring relationship(s) happen, and what was the impact?

9. Are there things that we in the profession could all do with regard to promoting diversity that are not currently being done (or not being done well)?

IF YES: And what are those things? (LIST ON THE CHART)  
How could these things be accomplished?

### **Final Wrap Up**

Those are all the questions I have for you tonight/today. Do you have any final comments or thoughts about the issues we have discussed here?

Thank you very much for your participation. Your feedback and suggestions will be very useful and we really appreciate your help.

**MSBA Diversity Task Force  
Focus Group  
Facilitator Information**

1. Arrive at least 15 minutes prior to the scheduled time for the focus group to begin. As the participants arrive, greet them and introduce yourself.
2. It is important to create as much consistency as possible among the facilitators of the groups. Please read the welcome script as written.
3. After you read a question, allow as much **silence** as is needed for someone to respond.
4. If a person responds but does not answer the question, stop the participant and suggest he/she is not addressing the question.
5. Responding to Participant Comments:
  - Head nodding - use this sparingly.
  - Short verbal responses (OK, yes, uh-huh). Don't use judgmental comments like "correct," "that's good," or "excellent."
  - **The "expert"** participant may inhibit others. Underscore that everyone's opinion is important. After the "expert" speaks, you might say: "Thank you. Does anyone else . . .?"
  - **Shy respondents:** Use eye contact to engage them. Smile and encourage them to participate.
  - **Rambling respondents:** discontinue eye contact after 20 to 30 seconds. As soon as the rambler stops talking, be ready with the next question or repeat the current question and ask others for their points of view. For the rest of the discussion, avoid eye contact with the rambler.
  - **EXTREME ramblers or dominators:** You may have to interrupt those who talk excessively. As politely as possible, cut them off and explain that you have a lot of ground to cover and want to make sure everyone gets an opportunity to talk about all of the agenda topics.

# **DIVERSITY**

✘ GENDER

✘ RACE

✘ SEXUAL ORIENTATION

✘ DISABILITIES

✘ RELIGION / CREED

# GROUND RULES:

- ✘ **CONFIDENTIALITY**
- ✘ PARTICIPATE
- ✘ ONE · AT · A · TIME
- ✘ STICK · TO · TOPIC
- ✘ DON'T DOMINATE
- ✘ QUESTION
- ✘ NO RIGHT / WRONG

**MSBA DIVERSITY TASKFORCE 2005-06**  
**FOCUS GROUP SUBCOMMITTEE GOAL STATEMENT**

**PURPOSE:** The purpose of the Focus Groups is to take the pulse of the legal profession on those subjectively hard to quantify perspectives regarding diversity and provide a diagnosis for best practices to promote and embrace diversity going forward.

**GOALS:** To accomplish this purpose or mission, it is our goal to

- (1) gather subjective perspectives on diversity in the legal profession in collaboration with efforts to gather statistics; and
- (2) identify Best Practices for addressing any new or ongoing issues of diversity.

**PROCESS:**

- (3) Contact individuals and/or bar association groups to identify focus groups of those who have not necessarily been in positions of (e.g. Women, People of Color, Lavender Bar (Sexual Orientation), disabilities, religion/creed);
- (4) Compose questions to gather subjective information or perspectives on Diversity; and
- (5) Conduct focus groups of like groups face to face.

**END RESULT:**

- (6) Describe the current state of diversity in the Legal Profession in these same areas; and
- (7) Articulate Best Practices for improvement on addressing any new or ongoing issues of diversity.