



Chambers D&I North America Report 2021

Racial Inclusion in the Legal Profession





Introduction

As we enter the tenth year of our Chambers D&I North America awards and after such a challenging year across the globe, our best practice guide focuses on some of the most innovative and supportive initiatives we have come across in furthering racial inclusion in the workplace.

In light of the tremendous impact of Black Lives Matter and new supportive initiatives for the AAPI community, the lawyers featured in this briefing report are trailblazers representing diverse communities who are also ensuring that racial inclusion remains at the forefront of current and future D&I efforts.

At Chambers and Partners, we have an active Cultural Inclusion Committee and Black Focus group where our colleagues meet regularly to raise awareness of notable dates and discuss key workplace issues with members of the leadership team and cross-departmental colleagues. Recent events include a UK Black History Month panel event and a number of joint celebrations to mark US Black History Month and UK LGBT+ History Month. We have also published our first ever Ethnicity Pay Gap report in 2021.

At the start of 2021, we launched a charity partnership with NGO, Human Rights Watch. We're delighted to include their important contribution on reparations and look forward to collaborating on more content pieces throughout 2021.

We hope that this briefing will help support you in your D&I programs and we look forward to continually collaborating with the legal profession through our research and events.



Dee Sekar
Former D&I Director
Chambers and Partners



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Chambers Diversity & Inclusion North America Awards 2021

Statistics



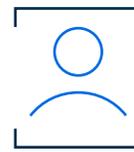
149

applications



273

client references
provided



108

individuals nominated
provided (private practice)



26

individuals nominated
provided (in house)



84

firms or programmes
nominated



22

In house departments
nominated



If you would like to find out more about the nominations process for our 2022 Awards please get in touch with the D&I Team



The Impact of the Black Lives Matter Movement on the Legal Industry

How does change happen? The received wisdom is that if enough people apply enough pressure then enough people in power are convinced and make decisions that lead to change. But the truth is more random than that. A multitude of unpredictable events coalesce to create a defining moment where the barrier is broken – a tipping point.

For the Black Lives Matter movement, the death of George Floyd was that tipping point. The movement had initially launched in 2013 and developed into an array of networks, organisations and protest movements. But little had fundamentally changed. The unique circumstances of the death of George Floyd and the global attention it generated meant this case was different.

In parallel, the legal sector has increasingly placed equality, diversity and inclusion at the forefront of its objectives over the last decade. Pressure has been building from firms and clients to demonstrate measurable progress on diversity metrics. There has been a gradual increase in the number of ethnic minorities entering the profession and reaching partner level over the last 20 years, but entrenched issues of inequity and high attrition rates remained. With the Black Lives Matter movement reignited, would that translate into real change in the profession?

In the submissions we received for the Chambers D&I Awards: North America 2021 the common thread was clear – firms were determined to advance racial justice and equity. Most firms have made progress in recruiting from a broader pool of talent in recent years, attracting more ethnic minority recruits and offering a plethora of work experience and internship programs for students. That work has now progressed to address retention and promotion. In this briefing you will find examples such as Riley Safer Holmes & Cancila LLP requiring documented evidence of the diversity of each team being considered for all new matters, as well as partners' compensation being tied to professional development and mentoring of diverse staff.

When adapting the policies and structure of a firm to advance diversity, it is vital that there is also a broader cultural shift that centres inclusion, providing the necessary space and support for all staff. Many firms have also taken up this mantle, initiating informal sessions for diverse staff to discuss issues affecting them and reaching out to their communities to provide support and resources. A fantastic example of this can be seen in the Racial Justice Task Force launched by McGuireWoods that helped change policing in Virginia.



The Impact of the Black Lives Matter Movement on the Legal Industry

The efforts made by firms to advance racial justice and equity have been matched by companies and in-house legal teams. We saw many examples of huge donations made and funds created to invest in diverse communities and tackle the root causes of inequality. Prime examples include U.S. Bank committing \$116 million in investments to address economic and racial inequities, including the racial wealth gap, and Toyota Financial Services issuing a \$750 million diversity and inclusion bond, only open to underwriting by minority and female-owned investment banking firms.

Most significantly, we have seen a dramatic increase in the number of in-house legal teams incorporating diversity into the RFP process, following in the footsteps of last year's 'Outstanding Company for Diversity and Inclusion' winners, Novartis. Chime have opened their RFP process to specifically include minority-owned firms while Albertsons Company now demand diversity metrics are tracked. These developments are crucial in applying pressure to further racial justice and equity.

In the 2021 Chambers Associate Guide, there was a significant increase in the number of ethnic minority Associates and Partners at the firms researched as gradual progress tipped over into a distinctly upward trend.¹

Diversity has transitioned from something that is 'nice to have' to a core objective for firms, as well as being demanded by in-house counsel. It is too early to tell if this trend will continue, but the early signs are that the Black Lives Matter movement has been the catalyst for a major shift in the legal industry. The floodgates have opened.



Luke Vincett
D&I Manager
Chambers and Partners

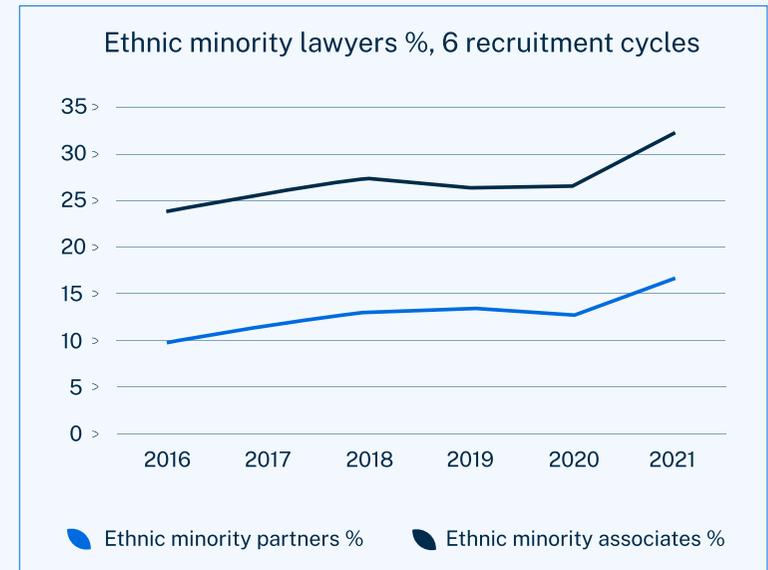


Figure 1: Chambers Associate 2021 Research of surveyed firms



2020/2021 in D&I What Changed?

The last 18 months have been characterized by tremendous uncertainty.

Between the ever changing reality of the Covid-19 pandemic, the constantly evolving conversation about race in America and the fundamental reshuffling of the way our world works, from month to month our reality has changed at home and at work, a level of uncertainty unprecedented in living memory.

But while uncertainty breeds challenge it can also be a tremendous driver of growth. The number, scale and ambition shown in the submissions for our Awards this year are a testament to that growth, with a level of cooperation, innovation and investment in D&I, pro bono and CSR we have never previously seen.

Two main threads were woven throughout the hundreds of nominations our team sifted through. The first is explored through out this report, as we saw an unprecedented level of engagement from the legal community with discussions of racial inclusion. Big or small, boutique or international, progressive or conservative, the events of 2020 ensured that every firm had to look inwards at their own culture, programmes and procedures as well as evaluating their external work through time allocation, funding and commitment to relevant pro bono or community work. Firms and in-house teams have swiftly had to become comfortable with the inherently uncomfortable nature of these conversations, especially given our industry's historical and current internal challenges in achieving racial parity. While many of us engaged in this conversation might believe that we are far from meaningful change happening, it is our hope that the groundswell of activity, empathy and support across the submissions this year in some small way indicates that real change is on the horizon.

The second relates to the pandemic, a medical crisis that it quickly became clear was followed by an unprecedented humanitarian crisis. One of the few silver linings over the last eighteen months has been the willingness of every industry to play it's part in the effort to fight Covid-19 – hotels opened their doors to those who were homeless, community food banks sprung up from nowhere and dormant manufacturing facilities were repurposed to make PPE. The legal profession stepped forward as well, with firms all over North America taking on more pro bono, funding more work in their communities and helping where it could. The nominations this year were full of firms working on deals to repurpose manufacturing facilities to meet the increased need for ventilators, holding will writing clinics with frontline staff and protecting the legal right to vote was respected despite significant opposition.

We do not yet know the long-term impact of the pandemic, particularly on diverse communities, and the ramifications of the past eighteen months will surely be felt decades into the future. The innovation, commitment and collaboration shown in this year's nominations show that the legal community is ready to adapt, to evolve and to step forward.



Ellie Gerzst
D&I Manager
Chambers and Partners



Human Rights Watch

H.R. 40: EXPLORING THE PATH TO REPARATIVE JUSTICE IN AMERICA

Human Rights Watch (HRW) is a non-profit, independent organization that investigates allegations of human rights violations in more than 90 countries worldwide. Their researchers interview victims and witnesses, gather information from a variety of sources, and issue detailed reports. By exposing these abuses and shining a spotlight where they occur, Human Rights Watch’s work gives a voice to victims, generates intense international pressure on governments for lasting action and raises the cost to perpetrators of violating human rights.



H.R. 40: Exploring the Path to Reparative Justice in America

The below text is made up of excerpts from the written testimony of Dreisen Heath, Researcher & Advocate at HRW, submitted to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties

What Is Reparation and Why Is It Necessary?

The full impact of creating laws and policies that forced hundreds of thousands of Africans to be enslaved in the United States, a gross human rights violation, has never been fully examined, accounted for, or assessed at the national level. This US policy reduced Black people to the status of property, subjecting them to horrific violence and unspeakable cruelty. For enslaved women and girls, the trauma of slavery included grotesque sexual violence and abuses, which reinforced white male supremacy and gender hierarchy. The trauma of this violence and cruelty has been passed down, in a variety of ways, through generations.

In addition to the mental and physical harms, enslavement also rendered severe economic damage, which hindered Black people’s ability to obtain and accumulate intergenerational wealth. As law professor Adrienne Davis describes in her essay,

The Case for US Reparations to African Americans:

“Enslavement denied blacks the economic fruits of their two hundred years of backbreaking labor... Property rights of use, ownership, or management did not follow from their market participation in the labor force, but were systematically denied by the state...For the first 250 years of American

economic history, the law excluded blacks from the market in a society in which market participation was emerging as vital to personal, political, and social well-being.”

Though enslaved Black people were declared free by the Emancipation Proclamation in 1863, many US cities and states thereafter raced to enforce white supremacy and racial segregation, passing repressive laws to limit Black people’s rights. Organized racial terror by the Ku Klux Klan, white paramilitary groups, and deputized white mobs aimed to maintain racial social order and corrode Black people’s progress towards equality. Incidents of mass racial violence, including race massacres, intensified during Reconstruction through the early 1900s. Moreover, according to a report by the Equal Justice Initiative (EJI), an estimated 4,300 racial terror lynchings took place from 1877 and 1950.

Jim Crow laws passed by local and state governments in the 20th century entrenched racial discrimination in the North and the South. Federal, state, and local policy decisions in the 20th and 21st centuries, such as redlining and urban renewal, further contributed to structural racism in infrastructure and the creation of present day economic, education, employment, and health inequalities, as well as housing segregation. They also contributed to the creation of discriminatory and abusive policing and criminal legal systems that preserve unequal power structures and that still exist today. The disproportionate toll the Covid-19 pandemic has taken on Black people in the US, among other realizations, is a reminder that at the center of social and economic crisis lies anti-Black structural racism.

The failure to account for the historic racial and gendered injustices of slavery and its legacy has compounded the harm and fueled the persistence of racial inequality today. Despite a shift in racial attitudes, civil rights era legislation from the 1960s did not adequately address the core of systemic racism and resulting racial equity gaps. A holistic inquiry into these injustices and the ways subsequent policy has created and reinforced structures and systems that have prevented Black people from advancing is urgently needed, as is a plan to provide reparation and healing for these harms.



Human Rights Watch

H.R. 40: EXPLORING THE PATH TO REPARATIVE JUSTICE IN AMERICA

The Right to Remedy and Reparation Under International Human Rights Law

The right to remedy and reparation is a longstanding legal standard applicable to the United States. Under international human rights law, governments have an obligation to provide effective remedies for violations of human rights; and victims, people who individually or collectively suffered harm, should receive full and effective reparations that are proportional to the gravity of the violation and the cumulative harm suffered.

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Both core international human rights treaties guarantee the right to an effective remedy for human rights violations, including acts of racial discrimination. This right requires that governments ensure access to justice, truthful information about the violation, and reparation.

Reparation, as defined by international human rights standards, includes the following forms:

Restitution

Measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.

Compensation

Monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.

Rehabilitation

Provision of “medical and psychological care as well as legal and social services.”

Satisfaction

Includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, preservation of historical memory, and expressions of regret or formal apology for wrongdoing.

Guarantees of non-repetition

Includes institutional and legal reform as well as reforms to government practices to end the abuse.

The Urgency of Now, Slavery's Present-Day Impacts

Today, the effects of slavery can be seen throughout US society, as part of its law, culture, and institutions. An H.R. 40 commission should develop concrete proposals that seek to eliminate the racial wealth gap and compensate for material and moral losses. Additionally, proposals need to rectify ongoing harms resulting from violations by the government to the human right to freedom from discrimination, including with respect to housing, health, education, life, security of person, water and sanitation, and a healthy environment.

Conclusion

The US government has never issued its own comprehensive study on the impacts of slavery and subsequent racist federal policies and institutions. The failure to provide full acknowledgment and repair, at the federal level, has compounded past and present harms, worsening injuries in the Black community. Congress should not remain stagnant on the issue of repair while states, city councils, and public and private institutions pass their own reparations measures. Reparative justice demands the “fierce urgency of now.”



To read HRW's full testimony, documenting issues of the racial wealth gap, land and home ownership, access to healthcare and education, the criminal legal system and abusive and discriminatory policing, [click here](#).

To learn more about HRW's efforts to pass H.R.40, currently in the House of Representatives, [click here](#).

To connect with HRW and hear more about their work in your city, email Angela Sharma at sharmaa@hrw.org.



Case Study

TOYOTA FINANCIAL SERVICES AND TOYOTA MOTOR NORTH AMERICA

Toyota’s core philosophy of “Respect for People” serves as a guideline for all the company’s endeavors, and naturally extends to the Diversity and Inclusion space. In 2020, as the topics of social injustices and racial inequities became prevalent in the United States, Toyota North America realized the company needed to dedicate more resources to promoting equity.

The company, typically reserved when addressing social issues, took an unprecedented stance in support of societal change. In addition to issuing statements supporting social justice, Toyota assumed a more proactive role to address these issues externally.

This included:

- Supporting efforts to remove the Confederate symbol from the Mississippi state flag
- Supporting new hate crimes legislation in Georgia
- Allocating an additional \$500,000 in funding to support civil rights and social justice initiatives in the local communities where Toyota has operations
- Enhancing funding for educational curricula targeting underserved communities, including launching a \$1.7 million program to increase opportunities for underrepresented students in the field of engineering
- And increasing funding by \$1 million to national and local Asian American Pacific Islander (AAPI) community organizations

Importantly, Toyota North America realized that it could be doing even more to create understanding of these important topics among its own team members. As a result, it embarked on a high-impact awareness and education campaign, despite the limitations imposed by the pandemic.

In January 2020, the company established a new Social Justice Advocacy Committee comprised of executive leaders across the organization to advance the company’s decision-making related to social justice issues. Among other things, recognizing that effective change would have to come from the company’s senior leadership, the Committee recommended that the CEOs of Toyota Motor North America and Toyota Financial Services co-chair the combined Executive Diversity and Inclusion

Council. The Committee also facilitated listening sessions with business partnering group (employee resource group) leaders who helped provide perspectives from African American, Asian, Hispanic, and other minority group employees. Once a better understanding of the concerns and needs of team members was ascertained, Toyota created a comprehensive training and engagement program. The company:

- Launched a new “Agents of Change” speaker series focused on racial and social justice issues
- Implemented mandatory bystander intervention training for all team members
- Created a new program that double-matched team member contributions to approved civil rights organizations
- Developed a new unconscious bias training which was made mandatory for recruiters
- Redesigned the company’s intranet to allocate prominent front-page space to highlight D+I issues
- And established a new digital library on many D+I topics, including tips for leaders on how to handle difficult conversations

The efforts have proven successful in prompting team members to be more aware of racial topics and to get involved in supporting racial justice. From August 2020 to May 2021, membership in the company’s African American Collaborative (AAC) resource group grew by 42%. The Toyota Asian American Society in Alliance (TAASiA) resource group grew by 33%. During that same time, team members across the company spent thousands of hours participating in training and discussions on diversity and inclusion topics.

Toyota’s dedication to continuous improvement recognizes that although significant progress in this area has been made over the past year, there is still much to do.



In order to promote a truly diverse and inclusive environment, Toyota North America is dedicated to continuing its efforts to promote racial and social justice.



Case Study

LLOYDS BANK NORTH AMERICA REACH ACTION PLAN

Following George Floyd’s tragic death in May 2020, Lloyds Bank (the Bank) entered a period of self-reflection to address systemic racism. The Bank wanted to ensure an inclusive culture where all colleagues are valued and have the ability to reach their full career potential.

In North America, Kelvina Smith, effective July 1, 2021, Chief Legal Officer of the Bank’s US broker-dealer and head of the Race Ethnicity and Cultural Heritage (REACH) employee network, worked with three Black managers and members of senior leadership to develop the REACH Action Plan. This consisted of immediate actions as well as strategic long-term goals and included metrics to track the Action Plan’s success.

The Action Plan focuses on three categories:

Support for Black Colleagues

To obtain honest and unfiltered feedback, three anonymous virtual focus group sessions with Black and other ethnically diverse colleagues were held.

The output was used to develop the REACH Action Plan and define actions to address specific issues that colleagues were experiencing. The Bank offered optional small group ‘Safe Space’ sessions for Black colleagues with external counselors.

Additional support for senior colleagues included a series addressing professional challenges. For junior colleagues, a difficult conversations working group and personal development program was offered.

Education and Conversations

To help colleagues and leaders drive cultural change within the organization, Lloyds Bank needed to better understand systemic racism and ways to take conscious action to help end racial inequality. The Bank created an anti-racism education resource site and gave an early dismissal for Juneteenth – the day that commemorates the end of slavery in the US – so colleagues could learn more about the history of racism in the US.

In August 2020, internationally known teacher and diversity trainer Jane Elliott led the organization through a thought-provoking session on ‘Combating Racism.’ The Bank also hosted a session on ‘Raising Anti-Racist Kids’ for parents. A copy of The New York Times bestseller “So You Want to Talk About Race?” by Ijeoma Oluo was given to every colleague in December. By the end of 2020, almost all of the Bank’s senior population had taken ‘Brave Conversations: Talking about Race’ training with executive coach David McQueen.

For US Black History Month this year, the Bank hosted an event with John Amaechi OBE, organizational psychologist and Founder of APS. It also embarked on a year-long unconscious bias training program with behavioral change management company, Mind Gym.

Attracting and Retaining Diverse Talent

Last December, the Bank appointed an Inclusion & Diversity Officer for the North America – a meaningful commitment to lasting change.

Greater transparency and structure around promotion and hiring processes is being put into place. The Bank set a target of at least 10% Black colleagues at the senior manager level by the end of 2022.

For the 2022 internship program, the Bank has partnered with an organization that specializes in creating opportunities for ethnically diverse undergraduate students.

Human resources and hiring managers have also committed to ensuring a diverse slate of candidates for all externally advertised vacancies.

Impact

Feedback from colleagues has been positive. The Bank plans to hold follow-up focus group sessions to understand the impact these actions are having on the ethnically diverse colleague experience and areas for further improvement.



Profile

CHASITY WILSON HENRY



Chasity Wilson Henry
Senior Vice President,
General Counsel &
Corporate Secretary
CECO Environmental
Corporation

Q | How do you think the conversation surrounding race and ethnicity has changed within the legal industry over the last year?

A | The killings of George Floyd, Breonna Taylor and Ahmaud Arbery, and the shooting of Jacob Black, among others, over the past few years have brought heightened visibility to the centuries-long issues of racial equity and ethnic injustice in the United States and around the world.

Many, including companies large and small, have seized this moment to take action to combat racism in society and in the workplace. While “diversity and inclusion” have been hot topics in the legal profession for more than a decade with few measurable results, I have seen the conversation shift more to outcomes.

This focus on law firms, corporate legal departments, and others, “showing their work” in the area of DEI, has been important and must continue in order for us to finally move beyond conversation to action. This means that general counsel will need to continue to orchestrate and

require diverse outside counsel representation. Corporate law firms will need to focus intensely on developing a diverse pipeline of talent and creating a recruiting and retention program that recruits the best talent across a variety of law schools and geographies and, most importantly, takes full accountability for developing that talent.

This means providing underrepresented lawyers with unprecedented access to plum assignments, mentoring, origination credit, equity partnership and other critical measures of success. These efforts won't be easy, but they are not very complicated. The past couple of years have served to galvanize us, but sustained focus and action will be critical.

Q | What led you to found The NEW Roundtable in 2014?

A | Helping to creating opportunities for others, especially people of color and women of color, has long been a passion of mine. On October 22, 2014, 25 Black women lawyers in Dallas gathered in a conference room at Vinson & Elkins and began to conceptualize how to transform our thoughts and hopes and dreams into action.

At that meeting, I shared a vision for an organization with a three-pronged mission: to empower, impact and influence. Those three prongs were derived from all of our earlier gatherings, and they galvanized and excited us as much on that night as they do to this very day.

We proceeded to organize ourselves, meeting frequently to outline our goals and mission statement, and we have built a supportive, thriving network of nearly 100 African-American women in Dallas, practicing in-house, at law firms, in government, in academia, in the judiciary and as solo practitioners.

Over the past 6 years, with the help and support of many in the DFW legal community, we have helped one another to succeed personally and professionally.

Our in-house members have provided our law firm members with business opportunities valued in the hundreds of thousands of dollars. We have collectively nominated and been nominated by one another for dozens of awards. We have provided opportunities for our members to join Boards, and participated in dozens of job interviews (and received jobs!) facilitated by our members. And, most importantly, we have given back to the profession.

Q | How do you address Diversity & Inclusion with the firms you work with?

A | My approach is diversity/inclusion by design. I have a small legal department and am involved in all of our outside counsel decisions, which allows me to work with my team on the network of individuals we involve as outside

counsel. Because I, and my team, have networks of diverse and highly talented outside counsel, it's fairly simple for us to ensure diversity in our outside counsel ranks. We currently do not need a lot of parameters around numbers of women or people of color we hire, because our talent pool naturally includes the critical mass we need to ensure diverse representation.

I do have very high expectations of our outside law firms and am transparent about my belief (backed by empirical evidence) that diverse teams produce better results. As a result, I have not once, since becoming a GC, been presented with a team of lawyers that was not diverse. With that said, I still have formal outside counsel requirements, which I attached to every engagement letter, stating that we value diversity and expect diverse representation at all times. As my team grows, and since I know that I will not always be directly involved in hiring outside counsel, we are building more concrete measures to hold our outside law firms accountable.

That may include sending a formal survey in the future, such as the ABA model survey, or joining initiatives such as the Mansfield Rule for Legal Departments. I am committed to hiring the best outside counsel representation possible, which necessarily means diverse outside counsel representation – I owe that to my Company.



Case Study

U.S. BANK

At U.S. Bank, drawing strength from diversity is a core value. The U.S. Bank Law Division’s longstanding Diversity, Equity and Inclusion (DEI) program has led initiatives to increase inclusion and equitable outcomes within the Law Division, with partner law firms, and throughout the legal profession.

These efforts took on greater urgency in 2020 after the killing of George Floyd in Minneapolis, U.S. Bank’s hometown. U.S. Bank has since committed \$116 million in investments to address economic and racial inequities, including the racial wealth gap. The Law Division, led by Senior Executive Vice President and General Counsel James “Jim” Chosy, launched a new Equity and Racial Justice Council (ERJC), emphasizing the Law Division’s commitment to standing against racism and fostering change in the department, the broader legal profession and in U.S. Bank’s communities.

With a goal to collaborate across the Law Division and U.S. Bank, the ERJC focused on continuous education and also internal and external partnerships. Early ERJC meetings were facilitated workshops at which the group’s 20 members framed strategy, a vision of success and ways to bring equitable principles into their work. One of ERJC’s first actions was organizing a monthly conversation with leaders of all Law Division programs—ERJC, DEI, Pro Bono, usbWell (focused on well-being) and Recognition and Team Building.

A notable outcome of this partnership was a volunteering opportunity with the Mapping Prejudice project at the University of Minnesota. Law Division members volunteered to map legacy racial covenants in Minneapolis property deeds—which at one time prevented African-Americans from buying or occupying property in certain neighborhoods—by reading deeds and populating a database. While such covenants are unconstitutional and unenforceable today, they had a strong influence on how Minneapolis and other communities were established and developed over time. The ERJC’s continuous education team has offered a series of “Watch and Discuss” events to promote understanding and discussion on systemic racism and offer opportunities for action. For example, earlier this year, Law Division members were invited to view and discuss the film *The 13th*. Guest speakers have addressed topics such as policing reform and voting rights.

The Pro Bono program also hosted a clinic to train lawyers to assist pro bono clients in expunging misdemeanor criminal records so they can successfully apply for housing and employment opportunities. U.S. Bank, in partnership with Volunteer Lawyers Network and the law firm of Dorsey & Whitney LLP, will host six Minnesota criminal expungement clinics by the end of 2021. Expungement opportunities have also been identified in nine other states where U.S. Bank attorneys reside.

The ERJC is also working with the Law Division’s Legal Operation team and U.S. Bank’s Campus Programs to develop a new “internship with potential to hire” program, which will include recruitment from law schools at historically black colleges and universities.



The U.S. Bank Law Division will continue to stand against racism and work with purpose to learn, grow, build community, and foster change. There is much work to do.



Profile

JONATHAN P. HARMON



Jonathan P. Harmon
Chairman
McGuireWoods

Q | How do you think the conversation surrounding race and ethnicity has changed in the legal industry in response to the events of 2020?

A | The legal industry was already increasing efforts around inclusion and diversity prior to the death of George Floyd. However, George Floyd’s vicious killing, the protests and other events in 2020 accelerated conversations, initiatives, and commitments among many in our industry. Most people in the legal industry felt compelled to discuss and address race in ways they had never done so before.

Q | As one of the only Black chairs of an Am Law 100 firm, how do you use your unique position and influence to advocate for change?

A | A big part of leadership is providing a clear vision and influencing people to do great things. My position afforded me the opportunity to provide a clear vision to our wonderful lawyers and staff – that is, how we would collectively bring about positive long lasting change. So, in the wake of George Floyd’s death I formed and lead McGuireWoods’ Racial Justice Task Force with the initial goal of addressing racial inequity in policing.

We marshaled our resources and targeted cities where we believed we could actually help make positive long-lasting change. And we did. In Virginia, we played a part in helping make major changes in policing that will have a long lasting impact on African Americans in Virginia. Additionally, my position allowed me to reach out to other leaders in the law who desired to say and do something during the crisis.

I believed that there were many leaders – of all colors – that needed to have a platform to speak to the legal industry and beyond. So I started a monthly webcast called “Leaders in Color” where I moderate a panel with three different legal industry leaders.

We discuss social justice, inclusion, leadership, and what lawyers can be doing to advance the cause. Finally, I used my position and “voice” to reach out to national news outlets after George Floyd’s death to write an opinion piece on race, discrimination, and how – from my perspective – to handle hateful actions. The Wall Street Journal published my piece not long after George Floyd’s death.

Q | How do you think your background in the Army and involvement with the Fort Hood Independent Review Committee has influenced the way you advocate for Diversity & Inclusion?

A | My background in the Army helped form my inclusive style of leadership. As a young twenty-year-old, I was blessed to lead a group of soldiers

from all walks of life and very quickly learned that having and including diverse viewpoints was mission critical.

Those lessons stayed with me when I left the military almost thirty years ago to attend law school. My recent work on the Fort Hood Independent Review Committee really did not change or influence the way I advocate for diversity and inclusion; rather, it was a unique opportunity to investigate a damaged culture and environment at one of the world’s largest Army bases and apply the approach I had used throughout my career. My background as a young soldier and my twenty-five years at McGuireWoods – following and leading – helped me in that effort.

Q | In the past you’ve collaborated with clients on D&I work, for example in February 2020 with Bank of America. Do you think D&I work can strengthen the firm/client relationship, and if so, how?

A | Whether it is pro-bono, community service, and/or diversity and inclusion, partnering with clients around things that both of us are passionate about certainly strengthens the relationship. When lawyers and staff of firms and clients get together to address problems in our communities and societies, it gives them a greater sense of purpose and affords them the opportunity to know each other on a deeper level.

“A big part of leadership is providing a clear vision and influencing people to do great things.”



Case Study

RILEY SAFER HOLMES & CANCILA

Riley Safer Holmes & Cancila LLP's (RSHC) most effective diversity, equity, and inclusion (DEI) initiative has been the firm's full integration of DEI into all firm business.

From its founding, RSHC has embraced a broad, organic approach to creating an inclusive work environment for all, regardless of gender, race, ethnicity, religion, LGBTQ+, veteran, and disability status. Diversity is not just a founding principle; it is a part of the firm's strategic plan. Like our clients, we recognize that diverse teams are better teams and deliver better results. Our track record proves this.

Everyone at RSHC is responsible. The criticalness of DEI underscores recruiting, staffing, retention, career advancement, professional and business development, community service, and pro bono work. Continuing to make progress on DEI means continually listening to and learning from diverse stakeholders at every level of the firm, clients, and partner organizations.

RSHC's holistic approach to DEI, which involves a continuing relationship with an outside consultant and ongoing inclusion work, keeps the firm true to its values, engages all attorneys and staff, and yields measurable progress across the entire life cycle of the firm, including:

Pipelines

- RSHC's Summer Institute introduces diverse high school and college students to the legal profession, provides meaningful work experience, and builds connections
- RSHC partners with and sponsors many organizations promoting diversity in our communities, including prioritizing minority vendors and providing space and resources to non-profit organizations which encourage students of color to pursue legal careers

Recruiting

- RSHC recruits from a broad pool of talent from, but also beyond, top-tier law schools, reaching a wider variety of backgrounds and experiences
- RSHC uses panel interviews designed to avoid implicit bias in the hiring process

Staffing

- For every new matter opened, RSHC attorneys must document how they considered diversity when staffing the team
- RSHC teams are naturally diverse because the firm is diverse at every level

Client Service

In 2020:

- 60% of the top five timekeepers for eight of RSHC's top ten clients are women or minorities
- 100% of the top five timekeepers for one of RSHC's top ten clients are minorities, over half of which are women
- Over half of RSHC's top ten client teams are led by women or minorities

Performance Review and Compensation

- RSHC does not apply traditional metrics, such as origination credit and mandatory hours requirements, to avoid a narrow focus on the balance sheet, which can unfairly penalize women and diverse attorneys
- The firm honors and compensates contributions to firm management and client service, rewarding ways that attorneys can bring substantial benefit to the firm in addition to client work
- Partners' compensation assessment includes accountability for fostering DEI through professional development and mentoring and requires documentation of efforts on diversity in staffing

Advancement

- Among RSHC partners, 43% identify as women, racial/ethnic minorities, and/or LGBTQ+
- Among RSHC attorneys overall, 60% identify as women, racial/ethnic minorities, and/or LGBTQ+



RSHC has made diversity and inclusion the organizing principle and mission-critical assignment of the firm. The results are evident.



Profile

SHARON NG



Sharon Ng
Partner
Stinson LLP

Q | What have been the biggest challenges for firms engaging with race and ethnicity over the last year?

A | The killing of George Floyd, in addition to the other tragic deaths of African Americans in the United States where law enforcement was involved, sparked a stronger movement for law firms to expressly acknowledge the systemic barriers facing attorneys of color in law firms.

Moreover, the rhetoric surrounding the pandemic that fueled an uptick in violence against Asians in the United States similarly opened a door for Asians in the legal community to speak more forcefully about the stereotypes that have oppressed them. As a result, attorneys of color have been closely observing law firm responses to these challenges.

Q | Your leadership of Stinson's ERG for attorneys of color has increased the retention rate of diverse employees to 88%. What do you ascribe this significant shift to?

A | As the inaugural leader of Stinson's Attorneys of Color Employee Resource Group my co-chair and I had the privilege of forming the ERG in July 2017. Our paramount goal was

simple: engage a community that encouraged active listening to one another's challenges and successes, and then ensure our associates of color had adequate workload, and support partners through cross referrals.

We also established an informal mentoring program so that associates could turn to a partner or more senior attorney of color who would be able to help the associate navigate the unique barriers and challenging facing attorneys of color.

Q | Having been part of Stinson's D&I Committee for a decade, how do you think the landscape within D&I has changed within this time?

A | The hiring of a C-Suite Diversity, Equity, and Inclusion officer ("CDIO") has been the catalyst for more positive and promising change relative to our D&I efforts.

Ten years ago, Stinson's D&I Committee worked hard to address the needs of our diverse attorneys, including discussing policies to address retention and recruitment of diverse attorneys as well as inaugurating Stinson's annual Diversity Week to celebrate the inroads Stinson was making; however, Stinson acknowledged that such work was tremendous and should not be shouldered solely by those who comprised the D&I Committee.

Having a CDIO supported by a dedicated team has resulted in tangible and direct responses

to the needs of diverse attorneys. For example, after the killing of George Floyd in May 2020 and the murders of the six Asian women working in massage parlors in March 2021, Stinson, through efforts of its ERG leaders and D&I team, was able to immediately provide a community space for its African American attorneys and staff and Asian attorneys and staff to ensure the tragic events were addressed and diverse Stinson attorneys and staff understood the firm supported them as we processed the impact of those events.

Q | What advice would you give to others who want to advocate for Diversity & Inclusion within their organization?

A | I encourage all of my D&I advocates to persevere, which is much easier to do when we create bonds between affinity groups and allies within our organization. We need to collectively identify the issues we face, and together, raise the issues to leadership along with effective ways to address the issues.

Perseverance is key because change takes time even though we believe it should happen overnight. Last, do not be afraid to jettison what is not working and try something new. The D&I space evolves quickly.

We must remain nimble yet sure-footed to ensure that we are able to maintain positive and supportive D&I spaces within our organizations.

"I encourage all of my D&I advocates to persevere, which is much easier to do when we create bonds between affinity groups and allies within our organization."



Case Study

DAVIS WRIGHT TREMAINE

Pre-Law Diversity Fellowship

At Davis Wright Tremaine, we seek to foster a culture where all talented individuals — including those from traditionally underrepresented communities — can have, and can see, a path to success.

In October 2019, Davis Wright Tremaine hosted an “Imagine the Impact” competition in the firm’s Seattle office, where teams of lawyers and staff were challenged to come up with high-value, social impact initiatives that would be funded and supported by the firm.



Staff at a 2019 *Imagine the Impact* event

The Pre-Law Diversity Fellowship was one of the winning proposals of this competition and was launched in 2020. This innovative program seeks to draw more students from historically underrepresented communities into the legal profession. The firm selects a cohort of college sophomores and juniors from across the state of Washington and provides them with significant support to explore a career in the legal field.

Pete Johnson, our Seattle partner-in-charge, was one of the key founders and supporters of the program. In his words, “improving the racial/ethnic diversity of the bar is essential for our firm’s success and for the continued success of our clients.”

We provide our Pre-Law Diversity Fellows with guidance and insight into the law school admission process, keys to law school success, and information on diverse pathways within the profession. The program includes participation in a two-day career seminar, regular meetings with an assigned mentor, and a fully funded LSAT prep course. DWT lawyers play key roles throughout the process, including serving on the selection committee and as faculty and mentors.

To support the program and create further engagement, we partnered with our clients around our shared values of diversity, equity, and inclusion. In the inaugural year, T-Mobile and Vulcan (the holding company of the late Microsoft co-founder Paul Allen) were sponsors of the program.

The Pre-Law Diversity Fellows Program helps to address several key challenges that hinder our ability to foster DEI in the profession. These key challenges include inequitable access to information and inequitable access to mentorship. Our program seeks to address those equity gaps and ensure better access to opportunities.

From our initial 2020 cohort, two participants have gone on to law school or graduate school. The remaining participants are college sophomores and continue to express an interest in the law.

One of our Fellows, Ellie Pakzad, was selected as a Gregoire Fellow at the University of Washington School of Law. Pakzad says: “The Davis Wright Tremaine Pre-Law Diversity Fellowship was an incredibly enriching experience. The network of inspiring mentors offered guidance throughout every step of my journey toward law school. This experience was invaluable and I am forever grateful for all of the advice and support I received through the fellowship.”



DWT attorneys, staff, and our 2020-2021 Fellows

In 2021, with the sponsorship and support of T-Mobile, Expedia, Vulcan, and Providence Health Care, we are doubling the size of our fellowship cohort.



We are committed to continuing the work to create a more diverse legal profession.



Profile

SUSAN M. FINEGAN



Susan M. Finegan
Litigation Partner,
Pro Bono Partner
Mintz

Q | What prompted you to co-found the Massachusetts Access to Justice Fellows program (which has led to the donation of more than 110,000 pro bono hours to legal service organizations)?

A | Ten years ago, I started the program with a partner colleague of mine to address two phenomena – an increase in the number of retiring attorneys and an increase in legal need throughout the state. The hundreds of fellows who have since joined the program have made an enormous impact in a number of legal areas, including immigration, criminal justice reform, housing, and veterans. It was our long-term vision that, upon retirement, attorneys throughout the state and, eventually, the rest of the country and the world, would consider a significant pro bono engagement – what a difference that would make in increasing access to justice.

Q | As Chair of Mintz’s pro bono committee you must receive dozens of requests for assistance and support each month. How do you decide which to devote the firm’s resources to?

A | That’s correct – I receive calls every day from worthy individuals and organizations seeking pro bono assistance – and many more inquiries from

attorneys at the firm who are enthusiastic about taking on specific projects. Throughout my time in this position, we’ve developed a wide range of engaged non-profit partners that we trust, which has made the vetting process much more efficient. I’m fortunate to have the benefit of an engaged pro bono committee to work with me on the intake of new matters.

We also have a decentralized method of managing the dozens of the firm’s longstanding pro bono projects, such as our Domestic Violence Project or our asylum work, with an attorney responsible for each.

Using both our non-profit partner relationships, the committee, and a project management framework, we can more easily vet each project and then do our best to try to match our attorneys’ interests with such requests. And, while we can’t take on every project, we can often provide other resources in the community that could provide some assistance, or an introduction to another law firm that can assist pro bono.

Q | Your work within immigrants’ rights spans groundbreaking cases that will have wide-ranging effects (such as Pereria Brito v. Barr) to working with individual pro bono clients. How did you first get involved in the immigration space within pro bono? What makes you so passionate about this area?

A | I first became involved in immigration pro bono work, specifically in political asylum cases, as a second year law student.

Assisting on such matters was a transformative experience. It taught me how impactful lawyers can be – with asylum clients, you can ensure the safety (and, many cases, the survival) of clients who had been tortured and imprisoned in their home countries. It also exposed me to incredibly courageous clients, who have given up everything to keep themselves and their families safe. In 1993, a few weeks after starting at the firm, I partnered with another junior associate to help a vulnerable asylum client from Sri Lanka.

Throughout the next three decades, I’ve continued this important work at my firm, working with individuals and on high impact litigation. It has been the most rewarding work of my career.

Q | What advice would you give to executives wanting to make significant change within their organization?

A | I think it is important to plan strategically for any significant change. First, figure out your own organization’s unique operations, and tailor your efforts accordingly. Think of which stakeholders you will need to reach out to to get buy-in ahead of time.

In doing so, make sure to include those who might be most resistant to the change and listen to their point of view; adjust your plan accordingly. Think ahead of time about any unintended consequences that might arise with the change.

Develop a communication plan – who will announce the change and how will it be framed? Realistically, it may take some time to make impactful change, so be patient and focused; laying the groundwork will be key to your success.

“It was our long-term vision that, upon retirement, attorneys throughout the state and, eventually, the rest of the country and the world, would consider a significant pro bono engagement – what a difference that would make in increasing access to justice.”



Profile

JUDGE RUBÉN CASTILLO



Judge Rubén Castillo
Akerman LLP

Q | How do you think the conversation surrounding race and ethnicity has changed in the legal industry in response to the events of 2020?

A | The tragic events of 2020 have served to focus the legal industry on the twin goals of diversity and racial justice. This has been a welcome focus for the legal profession and will be a tremendous asset for the cause of justice and equality with many firms bringing significant resources and talent to the fight. Many law firms, including Akerman, have started racial justice initiatives which are seeking to positively impact our existing police and community justice relationships.

From a client perspective, the industry is seeing more companies asking thoughtful questions of their law firm providers. These surveys are requesting data on the diversity of the lawyers staffed on their matters with the goal that firms should be walking the talk with respect to not only having diversified ranks, but also diversified teams doing the work.

Q | As co-chair of the Northern District of Illinois Racial Justice Diversity Committee, what best practice have you seen within this area? What reforms are at the top of your priority list?

A | The best practices I have seen as co-chair of the Northern District of Illinois Racial Justice Diversity Committee have been affirmative, broad-based voluntary initiatives that lead to greater diversity among the various court units that service the District’s diverse residents. In the future, these initiatives need to be expanded to include all of the vital components of the federal criminal justice system, including the U.S. Attorney’s Office, as well as other federal law enforcement agencies. It is vital that the federal criminal justice system be seen as representative of the broader community it is trying to serve.

Q | You have served as a federal judge for over 25 years. How have you seen attitudes to D&I on the bench change within that time?

A | During my 25 years of service as a federal judge, I have seen a greater emphasis on diversity and inclusion which has led to good gains, especially at the federal magistrate level. Yet at the same time, because of political reasons, we have seen certain retrenchments at the federal, appellate and district court levels. These retrenchments need to be addressed at the present time.

Q | Of your many achievements in this area, which are you most proud of?

A | I was most pleased as former Chief Judge of my District to bring about more diversity at the federal magistrate, U.S. Probation and U.S. Pretrial Offices. These were all key offices that obtained significant increases in both gender and racial diversity during my tenure. As the first Latino to hold the Chief Judge position in the Northern District of Illinois, I saw it as an imperative to have the court system reflect the tremendous diversity of the Northern District of Illinois.

Q | What would your advice be to the next generation of lawyers?

A | It is vital that the next generation of lawyers continue to bring about positive change in the areas of diversity and racial justice. We have seen new generations of lawyers lead the charge toward greater racial justice during the past two years and it is imperative that this continue over the next several decades to truly achieve the America we are all looking for.

“The tragic events of 2020 have served to focus the legal industry on the twin goals of diversity and racial justice. This has been a welcome focus for the legal profession and will be a tremendous asset for the cause of justice and equality with many firms bringing significant resources and talent to the fight.”



For more information please visit:
diversity.chambers.com

Or contact our team:

Luke Vincett
Manager
Chambers Diversity & Inclusion
E-Mail: Luke.Vincett@chambers.com

Ellie Gerszt
Manager
Chambers Diversity & Inclusion
E-Mail: Ellie.Gerszt@chambers.com

