

*Celebrating Ten Years of MCCA and Diversity & the Bar*

# 'Round the Table with Top Managing Partners

## *Law Firm Leaders Discuss How Their Firms Are Tackling Diversity Changes*

By Francisco Ramos, Jr.



**T**he Minority Corporate Counsel Association (MCCA<sup>®</sup>) brought together the leaders of four law firms—each at the forefront of diversity, each fostering it in its own way. By sharing how these firms address diversity issues, the MCCA hopes that other law firms will identify potential ways to improve their own diversity efforts and share similar success stories.

The discussion was conducted especially for the tenth anniversary of the MCCA, and this issue commemorates that anniversary. During its infancy, the MCCA held several similar roundtable discussions with the leaders of corporate law

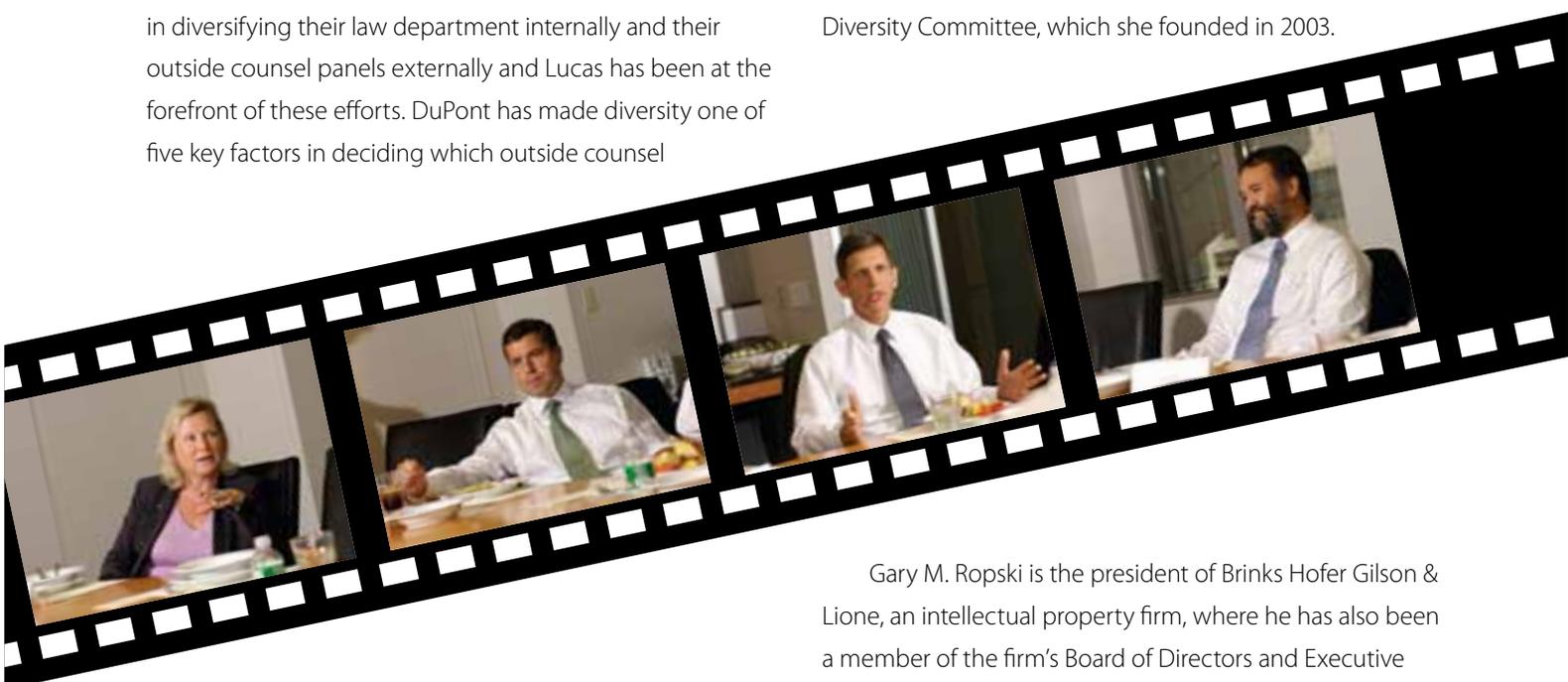
departments, affording in-house counsel the opportunity to address diversity issues in their own ranks and in the ranks of their outside counsel firms. The MCCA hopes that this roundtable discussion, 10 years after the organization's inception, will prompt many more similar dialogues in the months and years to come.

Hinton Lucas, associate general counsel of the DuPont Company and board member of the MCCA, did a superb job moderating the event. DuPont has been a world leader in diversifying their law department internally and their outside counsel panels externally and Lucas has been at the forefront of these efforts. DuPont has made diversity one of five key factors in deciding which outside counsel

Paul E. Bateman is a member of the five-attorney Executive Committee of Littler Mendelson, a national labor firm, and is a member of the firm's Diversity Council.

Greg Jordan is managing partner at Reed Smith, an international full-service firm, and is chairman of its Senior Management Team and Executive Committee.

Chérie Kiser is the managing partner for the Washington, D.C., office of Mintz Levin Ferris Glovsky & Popeo, a national full-service firm. She is also the chair of the firm's Diversity Committee, which she founded in 2003.



to hire and in evaluating the performance of their current primary network of law firms. Their approach—the DuPont Legal Model—has been studied and copied by dozens, if not hundreds, of other law departments nationwide and worldwide.

The participants were chosen because their respective firms have been at the forefront of embracing and seeking diversity, several having been recognized for their efforts on a local or national basis. Just as important, these firms were chosen because they cover a broad spectrum of law firms out there. Some are giant firms, some are a bit smaller. Some are international firms, some are more national in focus. Some have a general practice, some are boutiques. Each has its own unique shape and size and dynamic approaches, and each is striving for leadership in the areas of diversity and inclusion.

Gary M. Ropski is the president of Brinks Hofer Gilson & Lione, an intellectual property firm, where he has also been a member of the firm's Board of Directors and Executive Committee prior to being elected president.

Lucas reflects that a lot has changed over the last 10 years in the area of diversity, and he believes most of those changes have been positive. "But how do we really know that?" asks Lucas. "How do we know that we are building successful programs, and that we are moving in the right direction?" The panel addressed these and other questions. What follow are excerpts from their discussion. To read more of their discussion, where they address what diversity initiatives they have tried, which ones have worked, and which ones are still works in progress, please visit the MCCA web site at <http://www.mcca.com>.

**Mr. Lucas:** Please give me an overview of what prompted your firms to implement these initiatives. Why did your firm all of a sudden think that diversity had to be on the front burner?

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**“How do we know that we are building successful programs, and that we are moving in the right direction?”**

**— Hinton Lucas, DuPont Company**

**Mr. Ropski:** First, because it's the right thing to do. Second, the clients are saying this is important to them, and as a law firm, you listen to your clients. You try to do the right thing, but you also try to meet their demands. And when their demands overlap with what is right, it's a happy marriage. More and more, there is that kind of request. They are asking questions that maybe 10 or 15 years ago wouldn't be asked: "Tell us about the composition of your teams."

**Mr. Bateman:** If I can piggyback on that—our law firm represents employers dealing with employment and labor law issues. We deal with people. These are issues that have to be dealt with from a people-oriented standpoint. For us to exclude a segment of the population, to not bring every resource to bear on our clients' legal needs, is just insane. And, so we looked at what we were doing and asked ourselves, "Okay, we're doing a good job in terms of including certain amounts of individuals; can we do a better job?" And the answer was yes. Do our clients demand that we do a better job? Are our clients demanding that we bring to bear on the legal issues the best possible talent? You need a team that can think differently, that doesn't have all the same individuals sharing the same mind-set, approaching the legal issue from the same perspective.

**Mr. Lucas:** Chérie, can you speak about why your firm decided to take diversity to the next step?

**Ms. Kiser:** First, there was the business case for diversity, which in large part was being driven by Corporate America. Corporate America is much further along than law firms, and Corporate America was stepping up and saying, "Look, we're there. We have people of color and women in our

organizations, and they're talented, and we're going to continue to promote them, and we expect the same from all of you whom we're hiring."

Second, there were lawyers of color, and women, within the organization who were becoming more and more outspoken as the diversity umbrella was being highlighted in the marketplace. And they were saying, "You know, we don't think we get the same opportunities internally. We don't think we get access to the same cases, or the professional development or the training."

And most of those things within our organization had been free-form. It was a free market society for getting work, which is very common. And so we wanted to respond to our people—which is the greatest investment that you have—by going back to our roots and ensuring that everybody had an equal opportunity. So we hired a consultant to do a cultural audit throughout the entire firm. And then, based upon those recommendations, we implemented, in 2004, a very strategic plan for ensuring that we would have the kind of culture that the firm was founded on.

**Mr. Lucas:** If Corporate America and organizations such as the MCCA had not been pushing the private practice to include more diversity, what would have been the status of diversity in private law firms now?

**Mr. Jordan:** We clearly benefited from MCCA and Corporate America speaking on this. We would have moved forward without that, but it wouldn't have been as easy, and we wouldn't be as far along, and it would have gone a lot more slowly.

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— **Greg Jordan, Reed Smith**



Trying to make change at a law firm is not as impossible as most people think, but you really need to have the evidence to convince the analytical minds in our partnerships that doing something is the right thing to do: right both from a moral standpoint and right from a business standpoint. And the clients helped us make that second case more clearly.

I brought in-house counsel Jim Diggs, Stacy Mobley, and Rick Palmore to our partner retreat, and I had them on the stage, and they were there to say their piece to the Reed Smith partners about what was happening in the world, and how simply being a really good lawyer in a really good firm would no longer be good enough. And for the partners to see that, up on the stage in front of them, pushed our diversity program ahead by years, and kind of gave me the wind at my back to get the buy-in to move things forward. So, the client support on this and the leadership has been critical.

**Mr. Lucas:** How do you deal with the naysayers, and deal with pushback from some of your partners and associates?

**Mr. Jordan:** Well, the easiest way to deal with those who may not get engaged on the moral issue is to deal with them from a business perspective. So when you have major clients speaking out on it, that's very powerful. Or when you have a company like Sara Lee, which lifted us on their roster of preferred firms from third tier to first tier. We didn't get any better at lawyering, but

they put us on the top tier because of the success of our [diversity] initiative.

That is what gets some of the naysayers' attention. But some of it is very personal, one-on-one communication. And, if I have to, I go talk to the partners about why this is not going away, and why it is critical, and why they need to attend the workshop, or why they need to include certain people on the team, to go pitch for this business. Now, fortunately, those people who need that personal, one-on-one face time are pretty small in number, and it gets smaller every year.

**Mr. Bateman:** If you take the Call to Action, and you make a PowerPoint out of that, and you just take the companies that have signed the Call to Action, and you look at the business and say, "Wouldn't you like to represent them? Don't you think you ought to have the same value of inclusion that these companies have?" Those signatories, they send a very powerful message. And when we speak about it in terms of inclusion for diversity, as opposed to exclusion, I think it resonates.

**Mr. Ropski:** The way you address pushback is one-on-one. You have a dialogue with them so they understand. I think we're at a point where, in my firm, the business case for diversity has been made, and there isn't as much pushback as you might expect. What you see is, perhaps here and there, people who aren't familiar with the processes that can be used, either to advance diversity or measure diversity. And they have questions about that: "Is this

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okay? Should we do this? What can we do better?” So our Diversity Committee members answer their questions, our board members do that, and I do that.

**Mr. Lucas:** Now, let’s get to some of the initiatives. I would like for you to talk about one or two of your key initiatives that you have implemented over the last several years.

**Ms. Kiser:** We have seven key subcommittees of the Diversity Committee that focus on initiatives throughout the firm. Two key ones are the hiring initiative and assignment allocation. We have 14 different practice groups within the firm, and we wanted to ensure that everybody was getting the same opportunity with respect to developing as young lawyers, and eventually becoming partners. And so, we required every single section manager to develop benchmarks for all associates, starting the first year, up through membership. Those section managers are held accountable for the success of all associates while we were targeting diverse individuals who may not have been getting the same opportunity. This ensures that all boats rise, and they rise for the benefit of the organization.

Also, if there’s a lot of individual attention early on, we can identify problems sooner. So each section has clearly defined benchmarks. The associates have it, the section managers have it, and the mentors have it—so you have a group of people that are all working together to ensure success in their professional development.

The other piece, when it comes to hiring, is that we wanted to find senior-level women and people of color. One initiative we undertook was to hire a recruiter who specialized in recruiting people of color, to go out and find us senior-level people. We brought in a group of 13

attorneys—five partners, and the rest associates. They’ve been with us for about two years, and the response in the Washington, D.C., office into which we brought them is extremely positive.

**Mr. Bateman:** One of the things that we did was create affinity groups for minority attorneys. It started because we have about 40 offices nationwide and some of them do not have attorneys of color. And so we thought about it in terms of “How do we create situations where individuals of similar experience or backgrounds can get together and talk on an informal basis about what it takes to succeed?”

And we started with our African American attorneys. Jaffe Dickerson, who’s a shareholder in our LA office, and I hosted the African American attorneys in Chicago at a two-day conference. We went through a program of identifying the various stages that attorneys face in the developmental process, in terms of going from associate to becoming a successful shareholder within our firm.

We were encouraged by the management of the firm to maintain this in such a manner that people could be as open as possible. We had very candid discussions. We had individuals who would say, “I didn’t know that you were able to do this,” or, “I didn’t know that African Americans had been in these positions within the firm.”

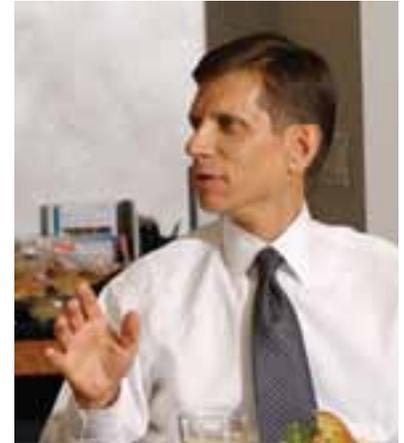
Since doing this two years ago with the African American attorneys, all but one individual who participated in that event—we called it a “bollo,” which was an African term for a gathering—have remained with the firm.

So we rolled it up last year with Hispanic and Latino attorneys. This year we’re doing it with Asian Pacific attorneys, and we’re looking at it in terms of making it more

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inclusive and capturing other groups, and making it just part and parcel of the way life is done at Littler.

**Mr. Ropski:** We have an Associate Committee and a Diversity Chair who meet regularly to look at how our associates are doing, and in particular, how our diverse associates are doing. To look at their work schedules, the type of work they're getting, and to go around to the shareholders and partners and say, "Don't forget to include this person," or even to ask the question, "How come you're not including this person? Is it a work quality issue, or something else?"

And, when necessary, although we have traditional mentors, we may have a person that we set aside, specifically a shareholder, for the purpose of really working with and mentoring a minority attorney, so the attorney will become better integrated within the firm, and we will have better retention.

With regard to bringing attorneys into the firm, just last year we were very pleased to be involved in the MCCA Job Fair,<sup>1</sup> and we're involved in it again this year. We didn't just go to support the MCCA. We hired three people from the job fair last year, and we hope to hire a group again from this year's job fair. We found some very talented, interesting, wonderful people who have become a part of our firm. The different attitudes and insights that they bring to the firm just make it so much better.

**Mr. Jordan:** Our firm has expanded geographically. Before 2001, we did not have any lawyers outside of the United States, and we now have 500. We didn't have any in Califor-

nia, and now we have 300. Expanding into other markets has had a huge impact on the diversity within the firm.

But that doesn't solve everything. Pittsburgh, for example, is one of the more homogenous cities, and so what do you do about that? Well, it's tougher. We've put together an aggressive program, recruiting at law school job fairs and running around the country. We have been able, throughout all of our offices, including Pittsburgh, to have starting classes that have been at least one-third minority because we made it a priority. We set targets in terms of how many schools we're going to go to. And we're really going out there and finding the candidates.

Still, it wasn't enough, and so we launched a fellowship initiative, first in Pittsburgh. We select from applicants who have completed the first year of law school. We pay for their last two years of law school and we give them a summer job. And if they want, and do well, they get an offer to join us full time. Each of those five prior winners in Pittsburgh is still with us. And so, we are filling the pipeline.

We have now taken that program to Philadelphia and New York, and Washington, and the West Coast. And so we're paying for a lot of people to go to school. There's no requirement that they come work for us, but we hope they will, and they have.

**Ms. Kiser:** I would like to throw in that implementing flexible work arrangements has really made a difference for us. Our paternity and maternity policies are defined very broadly, and they seem to be making a difference in attracting women and people of color.

**Mr. Lucas:** You've mentioned some great initiatives. How are they conceived? Do you use consultants in coming up with your diversity programs?

**Mr. Ropski:** We hired a consultant to work with us on our diversity efforts. She took a census of how we're doing and what we can do better. We are redoing our web site, in particular, to focus on diversity and recruitment. The consultant interviewed a number of our associates without anybody there to interfere with the discussions that were had. We learned we're doing the right things on diversity, but we also learned what we could better.

**Mr. Bateman:** We've used consultants as a sounding board, but in terms of actual development of programs, we actually have done that in-house. That doesn't stop us, however, from going to another law firm's web site and looking at it, seeing what they're doing, and saying, "Why aren't we doing this?"

We have an annual budget, and the thing we do is, we sit down with the Diversity Council leadership as we go through the budget process for the firm and we try to look and see what it is that we want to do during the coming year. What do we think local offices ought to be doing out

of their budgets for the coming year? And then we decide, this is what we're going to do and this is how we're going to channel our resources.

**Mr. Lucas:** This has been great. I know how much I've learned from this and hopefully each of you has learned

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what is going on in other organizations. And hopefully you can steal religiously from them and use it. Thanks very much for participating in this discussion.

To read more of this fascinating and informative discussion and learn how these firms are measuring whether their programs have been successful, please visit the MCCA web site ([www.mcca.com](http://www.mcca.com)). **DB**

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*Francisco Ramos, Jr., is a partner at the Miami law firm of Clarke Silverglate & Campbell.*

### Note

1. In 2006, MCCA started to partner with Vault, Inc., to offer new opportunities for diverse groups of law students to meet with and connect with law firms around the nation to discuss professional development and career strategies. The success of the 2006 events prompted MCCA to partner a second year with Vault to offer career fairs in San Francisco, New York, Chicago, and New Orleans. Thousands of law students of diverse backgrounds had an opportunity to meet with representatives from law firms, government agencies, corporations, and legal service providers. For additional information about participating next year, please contact [ksisko@vault.com](mailto:ksisko@vault.com)