Announcements »
Letter from the Editor
By Judge Karen Wells Roby
Welcome to the Summer 2014 newsletter from the Diversity & Inclusion committee!

2015 Diversity Leadership Award: Now Accepting Nominations!
The ABA Section of Litigation and the Diversity and Inclusion Committee are pleased to announce that it is accepting applications for the Navigant-sponsored 2015 Diversity Leadership Award.

JIOP Selected as State Bar Diversity Award Recipient
Congratulations to the Section's Judicial Internship Opportunity Program for fostering diversity and inclusion in the legal profession.

The First Class of Diverse Leaders Graduates
The Diversity and Inclusion Committee salutes its first class of diverse leaders!

Diverse Leaders Academy Class of 2014–2016 Pictorial
Get to know the 2014–2016 DLA mentors and mentees.

Articles »
Section Leader Paulette Brown Ascends to ABA Presidency
By Andre' B. Caldwell
The president-elect discusses diversity, membership, service, and her favorite old-school music.

Nancy Scott Degan: Leading the Section of Litigation
By Ghenete Wright Muir
Two qualities are apparent in this year's chair: grace and an interest in service.

Practical Steps for Engaging White Male Attorneys as Champions for Diversity and Inclusion
By Kathleen Nalty
When asked why they advocate for greater diversity and inclusion, white male allies and champions point to different reasons.

The Business Case: Six Things Law Firms Can Do to Achieve Diversity
By Judge Karen Wells Roby
A new IILP report details whether diversity is reality or wishful thinking.

JIOP Mentoring Program: Developing a New Generation of Lawyers
By Kelly Matayoshi
Mentors and mentees share their experiences.

The Young Lawyer Leadership Program Continues Developing Leaders
By Keathan Frink
The two-year program is designed to provide opportunities for young lawyers to become actively involved in the Section.
The Diversity and Inclusion Committee is excited about its second newsletter. In this issue we shine a light on two leaders who represent what it means to see diversity at work in the ABA.

We have two dynamic leaders who have risen through the ranks of this Section, assuming important leadership positions in the ABA: Paulette Brown, President-Elect of the ABA, 2015–2016, and Nancy Scott Degan, Chair of the Section of Litigation, 2014–2015. Ms. Brown and Ms. Degan were recently sworn in to their posts during the 2014 ABA Annual Meeting, which took place over August 2–6 in Boston.

As a result, we have decided to have two of our Leadership Fellows who are learning about leadership in the Section of Litigation to interview these two dynamic leaders. I think when you read their articles you will agree with me that they did a fantastic job and that you will be proud of these diverse leaders who have risen through the Section ranks.

You will also find stimulating articles addressing how to expand and improve diversity in the profession by appointing white men who are committed to diversity to chair corporate and firm diversity committees rather than a minority, which is usually the case in legal environments. If corporations and firms really believe in the business case for diversity, it will be reflected in the composition of the committees they create, they would track the business generated as a result of the commitment, and they would reward its partners without regard to their status for their work in the area of diversity.

We are excited that our law school initiative, JIOP, is being honored in September. We are also thrilled about the graduation of our first class of Diverse Leaders in Santa Fe, New Mexico, at the Spring Leadership Meeting this past June. As you may recall, the Diverse Leaders Academy, formerly known as the Leadership Fellows, was created two years ago by former Section Chair, Bill Bay.
I hope this edition stimulates your interest in the Section’s work in this area. I also hope that you consider joining the Section and helping us work toward the change we wish to see in the area of diversity within the legal profession.

Very Truly Yours,

Karen Wells Roby

Judge Karen Wells Roby is a magistrate judge in the U.S. District Court of the Eastern District of Louisiana in New Orleans.

2015 Diversity Leadership Award: Now Accepting Nominations!

The ABA Section of Litigation and the Diversity and Inclusion Committee are pleased to announce that they are accepting applications for the Navigant-sponsored 2015 Diversity Leadership Award.

Established in 2008, the Section of Litigation Diversity Leadership Award is designed to recognized individuals or entities who have demonstrated a commitment to promoting full and equal participation in the legal profession through the hiring and inclusion of underrepresented minorities. If you know of someone or an entity that does a stellar job in this area, please consider nominating them for the award.

Learn more about this special recognition or go to the form to submit a nomination. The deadline for submissions is November 10, 2014.
JIOP Selected as State Bar Diversity Award Recipient

The Judicial Intern Opportunity Program (JIOP) was named a 2014 State Bar Diversity Award Recipient for the program’s long-term, sustained accomplishments toward increasing diversity in the legal profession. The award will be presented during the 13th Annual Awards reception at the State Bar of California’s Annual Meeting in San Diego on September 13.

JIOP’s mission is to provide judicial internships for diverse law students, enhancing the qualified, skilled, and diverse practitioners into the profession. The goal is twofold: (1) to increase diversity in the courts by providing internship opportunities to those who would not otherwise have them and (2) to provide life-changing, career-advancing opportunities to vault underrepresented populations forward in the profession.

Since the program began in February 2000, more than 1,900 diverse law students have been placed with judges for internships, and nearly $3 million has been raised in contributed funds to support these efforts. JIOP places students with judges in 10 different program locations throughout the country.

The California program began in Los Angeles in 2006. JIOP expanded to include San Francisco the following year. California is one of the more popular JIOP locations. In 2014, for example, more than 200 JIOP applicants—more than 25 percent of total program applicants—were from
California. Of those students, more than 175 desired a California placement. Since 2006, nearly 330 students have been placed with California judges.

Diversity in the legal profession is strengthened by JIOP students. The program receives more than 800 applications a year. Students participating in the program benefit from the internship experience and other program benefits, including interviewing skills training and mentoring support. JIOP helps students get valuable feedback and support early in their careers, and the “real world” internship experience allows them to gain the skills necessary to obtain a position following law school.

First Class of Diverse Leaders Graduates

During the June's Spring Leadership Meeting in Santa Fe, New Mexico, the Section of Litigation celebrated the graduation of its First Class of the Diverse Leaders Academy. The 2012–2014 Diverse Leaders (wearing the blue ribbons in the photo) are Juan Alberto Artega, Sabrina Beavens, Angela Anji Foster, Mark Hamby, Curtis Miller (not pictured), and Damany Ransom.

The Diverse Leaders Academy was created under the leadership of former chair Bill Bay (second from the right) to provide opportunities for lawyers in underrepresented groups, such as racially or ethnically diverse lawyers, persons with disabilities, and lesbian, gay, bisexual, and transgender lawyers, to participate in leadership roles within the Section of Litigation. The
primary objectives of the program are to attract, retain, and develop talented diverse Section leaders, foster a culture of diversity and inclusion, further demonstrate the Section’s commitment to ensuring equal opportunity in the profession, and create a pipeline of future Section leaders.

The fellows worked alongside their mentors on the Woman Advocate, Ethics & Professionalism, Bankruptcy and Insolvency Litigation, and Corporate Counsel committees. They were responsible for substantive initiatives and learned about the operations of ABA Leadership. Several of them have been appointed to leadership positions for the 2014–2015 year.

The Diversity and Inclusion Committee salutes its first class of diverse leaders!
<table>
<thead>
<tr>
<th>Mentee</th>
<th>Mentor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonya Armfield</td>
<td>Anna Torres</td>
</tr>
<tr>
<td>Principal, Armfield Law Firm</td>
<td>Cochair Construction Litigation Committee</td>
</tr>
<tr>
<td>Connecticut</td>
<td></td>
</tr>
<tr>
<td>John Clark</td>
<td>Joseph Drayton</td>
</tr>
<tr>
<td>Clark Law Firm LLC</td>
<td>Trial Practice Committee</td>
</tr>
<tr>
<td>South Carolina</td>
<td></td>
</tr>
<tr>
<td>Marcia Escobedo</td>
<td>Tracy Salmon-Smith</td>
</tr>
<tr>
<td>Cohen and Wolf, P.C.</td>
<td>ABA Litigation Section Council Member</td>
</tr>
<tr>
<td>Connecticut</td>
<td></td>
</tr>
<tr>
<td>Ashish Joseph</td>
<td>Carmalette Bertaut</td>
</tr>
<tr>
<td>Lorandos Joshi PC</td>
<td>Membership &amp; Marketing</td>
</tr>
<tr>
<td>Michigan</td>
<td></td>
</tr>
<tr>
<td>Marcos Ramos</td>
<td>Bruce Rubin</td>
</tr>
<tr>
<td>Richards, Layton &amp; Finger, P.A.</td>
<td>Cochair ADR Committee</td>
</tr>
<tr>
<td>Delaware</td>
<td></td>
</tr>
<tr>
<td>Denise Zamore</td>
<td>Jessica Hew</td>
</tr>
<tr>
<td>UnitedHealthcare</td>
<td>Cochair Pretrial Practice &amp; Discovery Committee</td>
</tr>
<tr>
<td>Connecticut</td>
<td></td>
</tr>
</tbody>
</table>
ARTICLES

Section Leader Paulette Brown Ascends to ABA Presidency

By Andre' B. Caldwell

Caldwell: Ms. Brown, thank you for taking the time to speak with me today. First and foremost, congratulations on your nomination as president of the American Bar Association!

Brown: Thank you!

Caldwell: And not only president of the ABA, but the first woman of color to serve as president of the ABA.

Brown: Yes, that’s correct. Thank you.

Caldwell: I’m curious—what made you decide to become a lawyer?

Brown: You want the truth? I honestly went to college to be a social worker because I wanted to help people. My college roommates, however, came to school with the intent to be attorneys. Over the course of the time we spent as roommates they slowly convinced me to look at law school. I knew that I could still help people as a lawyer and that’s what I have aimed to do since becoming one.

Caldwell: And when you say college, you are referring to Howard University, right? You went to law school at Seton Hall?

Brown: That’s correct.

Caldwell: Howard is a great HBCU with a great reputation! How did your attendance there impact your choice, if at all, to get involved in the ABA?

Brown: Howard has a great tradition of developing leaders. Their curriculum and ideals are centered on developing leadership skills, teaching self-worth, instilling excellence, and encouraging their students to always be on their “A game.” My interest and involvement in leadership began at Howard, where I served as president of the class, editor of the yearbook, and vice president of my sorority.

Caldwell: Speaking of Howard’s development of leaders, it is my understanding that Charles Hamilton Houston is one of your legal heroes?
Brown: “If you are not an engineer for justice, you are a parasite on society.” That’s one of my favorite quotes of his. Charles Hamilton Houston died well before his time.

Caldwell: Being that he was one of your legal heroes, how do you plan to emulate him and his philosophies through your presidency?

Brown: While I can’t officially reveal my initiatives as president, I assure you that I have plans to address the justice system in a way that would make Charles Hamilton Houston very proud.

Caldwell: Mr. Houston is known as the man who killed Jim Crow based on his quest to end social injustice. He stood tough in a time when racial inequities were ever-present. It is my understanding that you served as the president of the National Bar Association, which was formed in 1925 because the ABA would not grant membership to African-American lawyers. What does it mean to you to be the first African-American female president of the ABA?

Brown: My nomination as president shows that the ABA has evolved in a good way. This is such an incredible opportunity, and it is an incredible responsibility, and I look forward to what the future holds!

Caldwell: What do you see as the toughest issues that the ABA faces, and how do you plan to address them in your presidency?

Brown: The first major issue I see is membership. There are so many volunteer organizations out there and limited amounts of funds available to people. There are also many benefits of the ABA of which people are unaware. I hope to raise awareness about the ABA and all of the benefits it has to offer in an effort to increase membership. The second major issue I see is a need to make sure that the ABA will be a viable organization in perpetuity. It is such a great organization, but unless it continues to provide services and increase its membership, it will lose its significance over time. Again, while I can’t officially reveal my initiatives, I do plan to address these issues.

Caldwell: You practice employment law at Edwards Wildman in Morristown, New Jersey, right?

Brown: That’s correct.

Caldwell: Do you anticipate that your practice of employment law will assist you in addressing the issues you’ve identified and carrying out your initiatives as president?

Brown: I believe my law practice will have a direct impact. I represent companies and defend employment lawsuits, so lots of HR issues come into play. Representing companies allows you to review policies and assure that policies are properly put into effect. Sometimes in reviewing
those policies, I see policies that may need revision to be more fair and inclusive, and of course I counsel my clients in that respect so as to prevent litigation. As the president of the ABA, I will continue the efforts of inclusion and make sure that the appropriate policies are created/revised and implemented.

Caldwell: Not only have you been a leader in the legal organizations in which you’ve been involved, but you’ve also been a leader in your firm serving as its chief diversity officer. How has that experience impacted you?

Brown: As the chief diversity officer, I have the opportunity to participate in the Association of Law Firm Diversity Professionals. I have seen lots of things and had lots of experiences, but the important thing about my experiences is that they have helped me realize that I have my own biases. No one is exempt from having some bias. I support the implicit bias work and research being conducted by the ABA as I believe it is very important. Everyone needs to identify and recognize their biases so that they do not let them affect their behavior.

Caldwell: As with every president of the ABA, the Section of Litigation always seeks to provide support and assist the organization. How can the Section assist you as president?

Brown: I would like to see a deeper dive into the implicit bias work that is being done right now. As I said, I think that’s very important and I would like to be invited to speak at Litigation Section meetings on this and other topics. I think it is important to look not only at what non-diverse people can do, but more broadly at what everyone can do. I also would like to collaborate with the Section on membership. I know that people speak of the “Litigation Section of the ABA” and “Big ABA,” but I want to remove that distinction. I want all components and groups of the ABA to be seen globally as the ABA.

Caldwell: Do you have any advice for young lawyers involved, or looking to get involved, in the ABA?

Brown: I’m a fan of old-school music like Earth, Wind and Fire. I think my advice is best characterized by the title of their song “Keep your Head to the Sky.” I encourage young lawyers to be more broad thinking on where and what you can practice and not be so colloquial. Many young lawyers these days are concerned about the lack of jobs in a certain geographical area or about not being able to practice a certain area of law, but they fail to think about places outside this region where lawyers are needed. I encourage young lawyers to learn as much as possible about various areas of law and broaden their horizons.

Caldwell: What about any advice that you have for me and other diverse leaders of the Section?

Brown: I encourage you all to learn more about the committees and to get involved. Be sure to let people know that you know about things other than diversity.
Caldwell: That’s great advice and much appreciated! Ms. Brown, I couldn’t help but notice that you and I share a favorite quote—“To whom much is given, much is required.”

Brown: Absolutely! I have had enormous opportunities that I did not know I could have or ever dreamed of having. I have had the opportunity to monitor the first free and democratic elections in South Africa, I founded the Association of Black Women Lawyers in New Jersey and now I have the opportunity to be the president of the American Bar Association. I have been given so much that I feel it is necessary to share what I have learned and what I have done with others so that they can have the same enormous opportunities.

Caldwell: Ms. Brown, thank you for your time, for your advice, and for your future service to the ABA. I look forward to your presidency and wish you the best of luck!

Andre’ B. Caldwell is an associate at Crowe & Dunlevy in Oklahoma City, Oklahoma, and is part of the 2013–2015 class of the Section of Litigation's Diverse Leaders Academy.
Nancy Scott Degan: Leading the Section of Litigation
By Ghenette Wright Muir

Recently, I had the opportunity to interview Nancy Scott Degan, who was recently sworn in as 2014–2015 Chair of the Section. Two qualities became apparent as we discussed her goals and plans for the future: grace and service.

A business litigator for over 30 years, Degan has planned a number of initiatives for her upcoming year. One is the Law School Outreach Program. Degan explained that “law students need the guiding hands of experienced practitioners.” Each leader in the Section will assist with advancing this initiative. Degan pointed out that everyone who accepted a leadership position for this year has committed to conduct a program designed to help law students while they are in law school and also show them how they can benefit by partnering with the ABA throughout their legal careers.

Degan, a member of the ABA for 31 years, has been a leader in the Section of Litigation for over 20 years. Her service to the ABA provides an example of how young lawyers can get involved and how serving others can help expand your knowledge, relationships, and ability to make positive impacts on the legal profession. Nancy recalled being a big fan of Litigation News when she was a young lawyer. In 1991, after speaking with her mentor, she decided to answer a call for editors for the publication. Bob Rothman was the editor-in-chief at the time, and Bob gave Degan a chance.

Since holding that first position, Degan states that she has held many Section leadership positions: cochair of the Business Torts Committee; Division V director; cochair of the 2002 Section Annual Conference; member of Council; managing director; and revenue officer. Degan believes that all of her leadership roles have prepared her well for the position as chair of the Section of Litigation.

In addition to her commitment to helping law students get involved in the ABA, Degan is passionate about expanding Project H.E.L.P (Homeless Experience Legal Protection), a project started in her hometown New Orleans. Project H.E.L.P provides pro bono services to homeless people on a regular basis. Degan has personally volunteered for the program and has seen how pro bono service to the homeless can change lives. “We have the power to help the people,” she said. Degan found that homeless people are often unaware that they are entitled to benefits such as veteran’s benefits or social security benefits, and assistance from a lawyer can make a world of a difference. Project H.E.L.P. is now in 20 cities throughout the United States, and Degan
wants to expand the program to 10 more cities, including Miami, Houston, and Washington, D.C.

Degan also plans to zealously advocate for our members and points out that we are the voice of the litigators for the United States. "The American Bar Association is the biggest professional organization in the world with over 400,000 members. The Section of Litigation is the largest section in the ABA. Due to our size and prestige we are the voice for litigators, and I will continue to embrace that role and embrace resolutions that help our members," said Degan.

Degan is also committed to diversity and inclusion and will keep her finger on the pulse of the fine work that the Section has been doing to ensure that “diverse members of the legal community have meaningful positions within our organization.” She commends the efforts of the LGBT Litigator Committee, Access to Justice, and the Leadership Fellows Program, which provides opportunities for diverse lawyers to participate in leadership roles within the Section. Degan also applauds the work of U.S. Magistrate Judge Karen Wells Roby for her commitment to and progress in promoting diversity and inclusion within the Section.

Degan is inspired by leaders who lead in order to assist others rather than those who lead to seek recognition. She is passionate about serving society and admires leaders such as Mother Teresa, who said, “Not all of us can do great things. But we can do small things with great love.” The Section of Litigation is fortunate to have Nancy Scott Degan, a lawyer who humbly serves with passion and grace, as our next leader.

Degan was born and raised in New Orleans and is a shareholder in the New Orleans office of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. She received her BA in English from the University of New Orleans and her JD at Loyola University. She has been married for 34 years and is the proud mother of two daughters, one a naval flight officer and the other a certified public accountant.

Ghenette Wright Muir is a senior attorney at the Florida Bar in Fort Lauderdale, Florida.
Practical Steps for Engaging White Male Attorneys as Champions for Diversity and Inclusion
By Kathleen Nalty

White male executives who engage in diversity-valuing behaviors are given higher performance ratings by their peers, according to a new research study. While a career boost is certainly beneficial, it is the least compelling reason driving the white male champions I have worked with to advance diversity and inclusion in the legal industry.

When asked why they advocate for greater diversity and inclusion, white male allies and champions point to different reasons. Some are innately motivated because it is the right thing to do. A few have experienced exclusion themselves and have greater empathy for others who are marginalized. Others have experienced “aha” moments through exposure to colleagues who changed their worldview, research studies documenting hidden barriers in the legal profession, the bottom-line business benefits of diversity and inclusion, or the simple fact that their clients value and require it. Still others are involved because they see how their spouses/partners and children are impacted by inequities in the workplace.

However they arrive at this position, white male champions are absolutely indispensable in diversity and inclusion efforts, and they should all be more actively involved.

A few years ago, I wrote an article listing eight practical steps for engaging white men in diversity and inclusiveness efforts for NALP. Kathleen Nalty, “Practical Steps for Engaging White Men in Diversity and Inclusiveness Efforts,” NALP Bulletin, September 2010, pp. 15–16. The steps outlined were based on my work with many white male attorneys and are still relevant today. I have personally witnessed the transformative impact of these steps on many white male lawyers.

1. Include White Men in the Process of Uncovering Instances of Hidden Barriers in the Firm
Hidden barriers that disproportionately impact attorneys in underrepresented groups are usually completely invisible to those in the majority, which is why so many white male attorneys aren’t fully engaged in diversity and inclusion efforts. According to several national research studies, there are hidden barriers to success for female, LGBTQ, disabled, and racially/ethnically diverse attorneys. These groups are disproportionately excluded from opportunities that are often intangible but critically important in any lawyer’s career development. Hard work and technical skill are the foundation of career progress, but without these intangible opportunities, attorneys simply cannot advance in their firms.

According to the research studies, these opportunities are shared unevenly by people in positions of power and influence, often without realizing that certain groups are disproportionately excluded, which causes them to remain on the margins in the firm. Specifically, the research
reveals that attorneys in underrepresented groups (female, LGBTQ, disabled, and racially/ethnically diverse) have less access to the following benefits:

1. Networking opportunities—informal and formal
2. Internal information or intelligence
3. Access to decision-makers
4. Mentors and sponsors
5. Meaningful work assignments
6. Candid and frequent feedback
7. Social integration
8. Training and development
9. Client contact
10. Promotions

The studies all point to bias as the major cause of these hidden barriers. Certainly, discrimination still exists and contributes to this dynamic. But it turns out that a specific kind of unconscious bias plays the biggest role. Affinity bias, which is a bias for others who are more like you, causes people to develop more meaningful work relationships with those who have similar identities, interests, and backgrounds. When senior white male attorneys gravitate toward and share opportunities with others who are like themselves, they (mostly unwittingly) leave out female, LGBTQ, disabled, and racially/ethnically diverse attorneys.

Tracking who gets these opportunities makes inequities visible—who gets to go on client pitches, who receives the best work assignments, who is serving on committees that lead to promotion, who gets invited to client meetings and networking opportunities, who has influential mentors and sponsors, and who has access to leaders more often? Affinity bias is a very powerful form of unconscious bias—you don’t have to do anything bad to people who are different from you; you can unintentionally disrupt their careers just by doing more favors for people who are like you.

**Light Bulb Moment:** After a meeting on diversity and inclusiveness for 35 law firm managing partners (more than 95 percent of whom were white and male), one white male managing partner took me aside and said his outlook completely changed when I explained how affinity bias causes hidden barriers that disproportionately impact the career paths for attorneys in underrepresented groups. He said, “I never thought about it that way before. I can really see that happening.”

**2. Change the Discussion**
Stop talking just about diversity. Adding inclusiveness to traditional diversity efforts fundamentally changes the conversation. Inclusiveness is about everyone in the organization and focuses on maximizing everyone’s access to the opportunities they need to do their best work. When white male allies understand that inclusiveness is about them too, they are more inclined to participate. While research studies demonstrate that hidden barriers in law firms
disproportionately impact the careers of attorneys in underrepresented groups, these barriers can impact white male attorneys as well. Allies and champions recognize that removing the barriers to increase utilization, engagement, productivity, and commitment is in everyone’s best interest.

3. Ask White Men to Participate
Oftentimes, white male attorneys stand on the sidelines, wondering whether and how to participate in the firm’s diversity and inclusiveness efforts because they aren’t diverse. Simply being asked to be involved is just what many are waiting for. Converting white male attorneys from passive bystanders into active participants is actually critical to the long-term success of any diversity and inclusiveness initiative. They can be particularly effective with their peers in discussing the “why” of diversity and inclusion.

4. Leverage White Males in Influential or Leadership Positions
Nothing changes in law firms unless influential leaders are on board. Because white men comprise 74 percent of equity partners in U.S. law firms, diversity and inclusion initiatives must focus on leveraging the power of white male allies and champions in order to make the requisite structural, cultural, and behavioral changes. The best way to leverage their positions and power is to make sure they have important roles in the change efforts.

Real Life Example: In my former role as executive director of the Center for Legal Inclusiveness, I oversaw a pilot project through which several law firms, corporate law departments, and government law offices started inclusiveness initiatives. The heads of many of these organizations (mostly white male attorneys) “walked the talk” by using their positions of influence to drive their organization’s change efforts.

5. Include White Men on the Diversity and Inclusiveness Committee
Inclusiveness is about everyone, including straight white men, so their voices must be included in the firm’s diversity and inclusiveness strategy. As I wrote four years ago, “[i]f you can persuade powerful white men to play an active role on the . . . committee, that alone will send a strong message to the rest of the organization about the importance of diversity and inclusiveness.”

Real Life Example: One law firm’s white male managing partner decided that every attorney in the office would be required to serve a term on the diversity and inclusion committee at some point (and he had the influence to enforce this requirement). A white male partner, viewed by his peers as a skeptic, was asked to fill a vacancy on the committee. The chair asked him to review background materials on diversity and inclusion before his first meeting. Everyone was surprised when he shared a creative idea for changing the work assignment system to help interrupt unconscious bias in the firm’s free-market system. He later became the chair of the diversity and inclusiveness committee.

6. Educate White Men about Why Inclusiveness Is a Business Imperative
It is true that “[p]eople are more apt to change if they perceive a personal benefit in doing so.”
Many white male attorneys have not been exposed to the research on how diversity and inclusion improve the performance of decision-making groups and adds to the bottom line. Corporate counsel are generally more knowledgeable about this research, which is one reason why they insist on diverse teams of lawyers on their cases. That’s the external business case for diversity—meeting client’s expectations and desires for greater diversity—which necessarily requires creating the inclusive environment that leads to sustainable diversity.

But the internal business case for diversity is just as compelling. Research studies published in the past two years clearly document the link between greater diversity and inclusion and essential components of the bottom line, such as engagement, productivity, team commitment, and retention. Law firms that don’t address the hidden barriers through inclusiveness initiatives are simply leaving money on the table.

7. Give White Men a List of Tasks and They Will Help
If you ask them, most white male attorneys will say they want to help foster a more diverse and inclusive workplace, but they just don’t know exactly what to do. When I wrote on this subject a few years ago, I suggested a to-do checklist. Several law firms have also developed extensive lists of activities that everyone in the firm can engage in to advance diversity and inclusion. However, I have found that this “activities checklist” approach conflates “activity” with meaningful “action” and results.

If an attorney can complete his/her checklist on the day of the deadline, that is not inclusion. An authentic inclusiveness initiative is about embedding inclusive behaviors and practices into what people do every day as a part of their jobs (much like ethics, cost control, efficiency, quality, revenue maximization, and other behaviors that underlie people’s daily behaviors and decisions). The better course is to develop diversity/inclusiveness-related competencies, which help people incorporate inclusiveness into their job duties and responsibilities, for which they are held accountable in evaluations and compensation decisions. When the competencies are related to accomplishing the firm’s business goals, inclusiveness is seen as an integral part of doing business rather than a side issue that involves just a few people in the firm.

Real Life Example: Within one year, the general counsel of a Fortune 500 company formed a diversity and inclusiveness committee that includes himself, several top leaders, lawyers, and staff from his global team. This committee held training programs, formed subcommittees to start and expand programs and communications, and created a comprehensive list of diversity- and inclusiveness-related competencies that spell out behaviors in three categories—“unskilled,” “skilled,” and “highly skilled”—so all employees know exactly how to incorporate greater diversity and inclusiveness into what they do every day. These competencies are part of a set of “critical success factors” that are incorporated into individual performance evaluations.

8. Provide Incentives to Sustain Diversity and Inclusiveness Efforts
Sustainability requires recognition and rewards. Even the most ardent advocate will get burned
out if his or her contributions are not acknowledged in some way. As I wrote previously, “organizations that are serious about change and sustainability provide credit toward billable hour requirements, offer awards or bonuses, and/or otherwise include individual efforts in job duties and responsibilities that factor into the compensation system.” The latter is the real key to success because the end game for inclusiveness is embedding it into what everyone does every day to make the firm more successful.

Inclusive behaviors, endorsed and modeled by law firm leaders, “unlock” the diversity in the organization, allowing the full potential of the firm and its diverse composition to be brought to bear on driving greater levels of organizational performance. Going all in is the only way to achieve genuine success in diversity and inclusion efforts. Adoption of diversity and inclusiveness competencies and organizational competencies—not just by leaders but by everyone in the firm—will embed diversity and inclusion into the structure, culture, and behaviors of the firm and lead to real change and results.

Kathleen Nalty is a diversity and inclusion consultant in Denver, Colorado.
The Business Case: Six Things Law Firms Can Do to Achieve Diversity
By Judge Karen Wells Roby

In diversity circles, you often hear this phrase: “the business case for diversity.” In fact in our inaugural edition of the Diversity and Inclusion Committee’s Newsletter, issued in June, we had an article that laid out a strong case for why there is a legitimate business reason for diversity.

Since the committee’s first newsletter, however, the Institute for Inclusion in the Legal Profession published a report on the business case for diversity and whether it is reality or simply wishful thinking. This report represents the first time that hard data measuring the accuracy of this perspective or the extent of these experiences has been obtained.

The study participants, in addition to corporations, included 391 law firms representing 65.8 percent of law firms with 501 or more lawyers and 39.8 percent of law firms with 251–500 lawyers on the National Law Journal’s list of 250 largest U.S. firms (subscription required). It also included 1,032 diverse partners. This article will focus on the law firm’s response to the business case for diversity. We will look at the corporation’s response in the forthcoming Fall newsletter.

The study focused its research on law firms located within the United States and did not include offices or lawyers in other countries. Interestingly, the study concluded that while a business case for diversity does exist, law firms as a group note that there is lack of measurable increases in the amount of business they receive in recognition of their diversity efforts. This has resulted in a relatively uniform approach to diversity: few firms find it worthwhile to step outside the parameters of acceptable diversity programs and activities.

The report notes that structurally law firms as a group are following an unremarkable strategy of diversity efforts with little reason to attempt to do anything that might be considered particularly dramatic or innovative, until one firm or another is able to demonstrate that a new approach might merit consideration.

Diverse partners in the firms indicated that the business case for diversity has proven very disappointing. While many of these partners receive business from corporate clients who have expressed a commitment to greater diversity, the number of actual clients that use their services and the amount of work they actually receive as a result has been lower than the publicity surrounding corporate diversity commitments.

In contrast, law firms reportedly have an inflated expectation about the amount of business that a diverse partner should be able to generate. This misperception by the diverse lawyer and their law firm creates an inaccurate perception about the value the diverse lawyer has or the business
that the diverse lawyer should be able to develop. It may also provide an explanation for some of the attrition challenges of diverse partners from firms where they first became partners.

In light of the challenges firms face in achieving diversity, the report suggests that law firms and their partners should implement these six things to improve their business case for diversity:

1. Support its diverse lawyers’ membership in, attendance at, and sponsorship of national and local minority/women/diversity bar associations whose meetings they find beneficial in their business development efforts.

2. Engage diverse partners in firm management beyond diversity committees and hiring committees.

3. Track conversion rates of associates to partners and non-equity partners to equity partners for diversity categories and address those instances where conversion rates are less than desired.

4. Consider adopting internal policies wherein upper firm management shares direct responsibility for the firm’s diversity efforts.

5. Implement business development strategies that emphasize personal contact (one-on-one meetings, email, and telephone calls) rather than scattershot, mass-marketing approaches.

6. Include lawyers with ADA-recognized disabilities in efforts to promote diversity.

The study concluded that while there is a business case for diversity, it stops short of generating the significant amounts of business to enhance career sustainability, and success of meaningful numbers of diverse partners. While a corporate clients’ interest in diversity serves as an impetus for law firms to increase efforts to recruit, retain, and promote diverse lawyers to their partnership ranks, law firms still do not track the corresponding increase or decrease in business from clients committed to diversity.

As a result, diverse partners become disenchanted and their value is often misunderstood by well-meaning people. As firms begin to implement the six practices recommended by the report, maybe then the picture will become clearer regarding the diverse lawyers’ value as well as strengthening the firm's business reason for diversity.

For more information, see *The Business Case for Diversity: Reality or Wishful Thinking?*

Judge Karen Wells Roby is chair of the Section of Litigation's Diversity & Inclusion Committee and a district magistrate judge in New Orleans, Louisiana.
JIOP Mentoring Program: Developing a New Generation of Lawyers
By Kelly Matayoshi

The JIOP Mentoring Program provides diverse students an opportunity to meet practicing attorneys and develop a mentoring relationship with them. These mentors provide support and guidance for the students’ judicial externship and beyond. Primarily, the mentors address questions or issues that arise during the judicial externship, making sure students have a successful experience and take advantage of all of its opportunities. In addition, mentors provide students with a chance to interact with and learn from practicing attorneys who were once JIOP students. Mentors can create real and sustained mentoring relationships with their students. The Mentoring Circles are the heart of the JIOP Mentoring Program. Mentors lead a group of students and meet several times during the summer, where students can discuss issues and questions relating to their judicial externship or other topics of interest. Mentoring Circles allow students to learn from and talk to their mentor and each other.

In addition to meeting in smaller Mentoring Circles, mentors and students meet as a large group. This can take many formats, and it is up to the mentors to decide what works best. The events can be something as simple as a happy hour at a nearby bar or restaurant, but they can also include speakers, a networking aspect, or anything else that may appeal to the students.

An important yet difficult skill for law students is networking. Mentors invite students to attend events with them and keep them informed of other local legal events. Mentors also offer to review resumes, conduct mock interviews, and put students in touch with lawyers who share their interests.

Q&A With Mentors and Mentees

Catherine Ngo, JIOP 2010, Mentor in San Francisco
What have you enjoyed most about being a mentor?
Mentoring connects me with new students who are eager to become attorneys and helps me stay connected with the colleagues that I mentor with. I enjoy meeting students who are enthusiastic about learning and about the practice of law.

Why is mentoring important to you?
Mentoring is important because navigating the legal profession as a new lawyer can be difficult without guidance. When I started law school, I didn’t know anyone in my immediate circle who was an attorney. Since then, I’ve been thankful to find mentors at work and in my professional circle. As a mentor, I hope that I can provide that personal perspective to a student to make the idea of starting a legal career less daunting. Specifically as to JIOP, I strongly believe in the purpose of the program as it is important to provide opportunities for diversity in the profession. The students come from such different backgrounds and have the potential to make a meaningful contribution in the law.

© 2014 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
What was your favorite mentoring event this summer?
My favorite mentoring events this summer are the informal meetings I have with my students. I enjoy meeting with them one-on-one and hearing about their law school goals because I remember being in those same shoes not too long ago.

Shirley Kim, Mentee in San Francisco

How has the mentoring program helped you?
As a law student attending school in southern California, I have seen the JIOP Mentoring program play a significant role during my summer externship experience. From organizing regular check-ins to graciously offering time to discuss the on-campus interview process, the JIOP mentors offer an incredible support network.

What type of events did you attend as part of the mentoring program?
I attended workshops hosted by Farella Braun + Martel and Arnold & Porter. These workshops provided a great opportunity to network with other law students, partners, and recruiters. Additionally, they provided a safe environment to ask questions about the recruiting process and what employers are seeking for their summer associate positions.

What was your favorite part of the mentoring program?
My favorite part of the mentoring program was meeting associates and JIOP alumni who were once in my position and learning about their experiences.

Gus Schneider, JIOP 2007, Mentor in Arizona

Why is mentoring important to you?
I’ve received excellent mentoring and it has really helped my career. I’m looking to pay it forward. Law school may teach you to think like a lawyer, but you’ll ultimately learn the art and business of lawyering from other lawyers. You go at it alone at your peril.

Jennifer Najjar, Mentee in Arizona

How has the mentoring program helped you?
The JIOP mentoring program served as an excellent bridge between law school and the practice of law. During my externship in Judge Murguia's chambers I was exposed to a wide array of legal issues, which helped me figure out what area of the law I would like to pursue in my career. Moreover, I was mentored by some amazing individuals. Even though Judge Murguia is very busy, she took the time to take me to lunch and offered excellent legal advice for a rising 2L.

Moreover, the clerks and the JA also served as great mentors. They took the time to review each piece of work I submitted and were always offering their guidance. Overall I met some great individuals and learned more than I had during my entire first year of law school.

What type of events did you attend as part of the mentoring program?
I attended a number of events hosted by JIOP. Many of these events were at law firms in the
local community. These events provided a great platform to connect with local attorneys as well as others participating in the JIOP program.

My favorite JIOP event was not a formal event. My professional mentor, William Knight, was kind enough to take me to lunch during the middle of his trial! It was incredibly meaningful for such a busy attorney to take the time to meet with me. Not only did we discuss interesting legal issues, Mr. Knight offered to help me strategically map out what I want to gain from a legal career. While it was interesting meeting the large number of attorneys interested in the JIOP program, it was a unique experience to hear Mr. Knight's perspective and get his advice as a former JIOP extern himself.

**What was your favorite part of the mentoring program?**
My favorite part of the mentoring program was the externship. Both Judge Murguia and her four law clerks were committed to aiding in my legal development. I learned more in six weeks than my entire first year of law school. I hope to clerk one day as a direct result of my JIOP experience.

*William Knight, JIOP 2011, Mentor in Arizona*

**What have you enjoyed most about being a mentor?**
If the best way to learn something is to teach it, I’ve loved mentoring because it galvanized a lot about professional development and networking that I hadn’t thought about in some time. In teaching the JIOP interns the benefit of putting themselves out there, I remembered that I needed to take some time away from my practice and get back out there myself.

**Why is mentoring important to you?**
Mentoring is important, particularly with diversity pipeline programs like JIOP, because many diverse students face socioeconomic hurdles that others do not, and having a good mentor can mean the difference between feeling like an outsider trying to break into the profession and gaining the confidence to accept that you’ve earned a seat at the table. As the YLD’s liaison to the ABA’s Commission on Hispanic Legal Rights and Responsibilities, I feel like it is our responsibility as diverse leaders to help other diverse, young professionals along the path to success.

**What was your favorite mentoring event this summer?**
My favorite event was the mentoring circle, because it gave mentors and mentees a chance to talk about the real difficulties they are facing with their placements and job hunts. It enabled mentors to really connect with their mentees, and it fostered solidarity among the interns as they realized that other people were facing (or had faced) similar obstacles. Together we were able to help each other find solutions to issues as wide ranging as how to break into a niche practice area and how to make a personal connection in a chamber filled with colleagues from very different backgrounds.
Marcos Tapia, JIOP 2013, Mentor in Arizona

What have you enjoyed most about being a mentor?
I have enjoyed all the questions asked by the mentees. They have been motivated and their energy and enthusiasm makes it easy to want to help. Being able to talk the pros and cons about various aspects of being an intern and even for navigating through law school has been rewarding. The hope is that I have given them something new to think about so they make informed decisions throughout their time at their placements and going forward in law school.

Why is mentoring important to you?
Mentoring is important because I have personally seen and experienced the benefits that great mentoring can provide. I attribute many of my successes to my mentors and that makes me eager to pass it forward to those individuals that seek to reach their personal goals. If there is a chance I can contribute in a positive manner to their success, like my mentors did for me, then I think being a mentor and providing what I can is very rewarding.

What was your favorite mentoring event this summer?
This summer I enjoyed the luncheon at Aiken Schenk because the mentees were able to express their questions and goals and we were able to have an open discussion where we brainstormed how we, as mentors, could help them specifically achieve their goals.

Kwan Piensook, JIOP 2011, Mentor in Arizona

What have you enjoyed most about being a mentor?
I have really enjoyed getting to know my mentees. They are both enthusiastic about their futures in law and have shown a sincere interest in getting the most out of their JIOP experiences.

Why is mentoring important to you?
I have enjoyed mentoring because it allows me to give back to the JIOP program. I hope that by being a mentor, I can be an accessible resource to a student—answering questions about the program, law school, and legal practice now and into the future. When I participated in the program, I had wonderful mentors and I hope to offer the same kind of support that I had received.

What was your favorite mentoring event this summer?
I enjoyed the mentoring circle. The format was small and informal, and I was able to hear from the students about how they were enjoying the program.

Aaron V. Gleaton, JIOP 2011, Mentor in Washington, D.C.

What have you enjoyed most about being a mentor?
I have really enjoyed getting to know my mentee and spending time with her one-on-one to discuss her summer internship experience, law school, and career goals. My mentee has been genuinely engaged during the entire process, making this a very rewarding and productive experience for us both. I am lucky to have had the privilege of working with such a great student, and I look forward to keeping in touch with her for years to come.
Why is mentoring important to you?
As a JIOP alum, I believe it is important to give back to the organization that gave me valuable opportunities during law school. Through JIOP and a number of mentors along the way, I received quality mentorship, which led me to a federal clerkship and eventually to practice, and mentoring is a way for me to give back. I also think that it is important for diverse students to establish relationships with diverse mentors in practice.

What was your favorite mentoring event this summer?
I really enjoyed the D.C. orientation and reception. The event included several panel discussions on a variety of topics, including careers and professional development, and concluded with a networking reception attended by JIOP alumni practicing in the D.C. area.

Mehreen Rasheed, Mentee in D.C.

How has the mentoring program helped you?
The mentoring program has given me the opportunity to connect with a practitioner who has recently been through the program. As a JIOP alum, my mentor has unique insights into how I can make the most of my summer internship and has been able to give specific suggestions. In addition to his support throughout my internship, my mentor has given me valuable advice about school and careers.

What type of events did you attend as part of the mentoring program?
I attended the JIOP orientation, which gave me the chance to meet practitioners from many different backgrounds who spoke on clerkships, interviews, and other aspects of professional development.

What was your favorite part of the mentoring program?
I truly appreciated the open and welcoming atmosphere of the mentoring program. My mentor and the other JIOP alumni I met are accessible, approachable, and candid.

Zara Najam, JIOP 2010, Mentor in Dallas

What have you enjoyed most about being a mentor?
Meeting law students with different personalities and from all walks of life. There is so much to be learned from different people's experiences in life and for me, mentoring is not limited to providing legal advice. I like to get to know my mentees as people first, law students second.

Why is mentoring important to you?
While I was in law school, I truly appreciated the insight my mentors provided about the legal profession. It helped set my expectations as I graduated from law school and gave me a network of people that I still reach out to for legal advice. I was lucky enough to have mentors that showed me the importance of one-on-one interactions with experienced attorneys, and I want to play my part and reach out to law students in hopes of helping them by sharing my experiences.

© 2014 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.
What was your favorite mentoring event this summer?

I enjoyed getting the opportunity to meet all the JIOP students at the Dallas JIOP reception, but my favorite JIOP event was my one-on-one meetings with my mentees. I took my mentees to a CLE on tips for young lawyers followed by lunch, where we got to chat about personal and professional goals.
The Young Lawyer Leadership Program Continues Developing Leaders
By Keathan Frink and Damian Thomas

The Young Lawyer Leadership Program (YLLP) is a two-year program awarded annually to four attorneys nationally. It is designed to provide opportunities for young lawyers to become actively involved in the ABA Section of Litigation. The program is committed to increasing participation of young lawyers in the Section by (1) involving young lawyers in the work of the Section with the hope that they will develop into future leaders of the Section and (2) enhancing the image of the Section among young lawyers, including those who are members of the Section and the Young Lawyers Division of the ABA. YLLP representatives become members of a Section committee or task force, engage in substantive work, and are paired with a mentor from the Section’s experienced leaders.

For 14 years, the YLLP has developed leaders who have held various leadership positions within the Section. There have been 8 associate editors, 63 cochairs, 8 division directors, 2 managing directors, 74 committee members, 1 revenue officer, 1 team editor, and 5 Young Lawyers Division representatives. The 2013–2014 YLLP participants are no exception. Many of the representatives have assumed leadership roles within the Section for the upcoming bar year.

Representatives for 2013–2015 are Alexis Foster, Dahlia Dorman, Brandon Smith, and Joy Tolliver. Alexis Foster is a prosecuting attorney at the Kitsap County Prosecuting Office, Civil Division, in Port Orchard, Washington. Ms. Foster was assigned to the Minority Trial Lawyer Committee, where she was involved in the membership and newsletter subcommittees. Ms. Foster was tasked with creating the social media accounts for the Minority Trial Lawyer. She was also responsible for updating the Minority Trial Lawyer website on a monthly basis.

Dahlia Dorman is an associate at Modrall Sperling, LLP in Albuquerque, New Mexico, focusing on defending clients in civil disputes, including employment litigation and personal injury. She was assigned to the Employment and Labor Relations Committee. Ms. Dorman was appointed to serve as a cochair of the committee’s newsletter. She has written two articles for the committee: “NLRB Sheds More Light on Why Facebook Post Not Protected Activity” and “Employees on Military Leave Entitled to Equal Treatment.” Ms. Dorman will be attending the Editor’s Symposium on behalf of the Committee at the Section’s Fall Leadership Meeting in Nashville, TN, in September 2014.

Brandon Smith is an associate at Nelson, Mullins, Riley & Scarborough, LLP in Columbia, South Carolina, focusing his practice in the areas of products liability, commercial litigation, environmental litigation, and class action defense. Mr. Smith is a member of the Section’s Commercial & Business Litigation Committee. Mr. Smith completed a Sound Advice entitled “Getting Involved with the Section of Litigation Pays Off,” in which he discusses how involvement in the Section has enriched his career and why it’s particularly
beneficial for young lawyers. Mr. Smith also participated in a telephone membership drive on behalf of his committee while attending the Winter Leadership Meeting in San Diego, CA. Joy Tolliver is the fourth member of the 2013–2015 YLLP class. Ms. Tolliver is an associate at Weiner Lesniak, LLP in Parsippany, New Jersey, where her practice areas include education law and labor and employment law. Ms. Tolliver was assigned to the Children’s Rights Committee and assisted with the launch of their book entitled “Changing Lives: Lawyers Fighting for Children.” In addition to working with the Children’s Rights Committee, Ms. Tolliver was a Programming Subcommittee Chair for the Young Advocates Committee.

The 2012–2014 class of YLLP participants is comprised of Adrian Felix, Emily Harlan, Stephanie Loquvam, and Alexander Wharton. These young leaders have completed their two years in the program and will be transitioning into various leadership positions within the Section.

Adrian Felix is a senior litigation associate at Carlton Fields Jorden Burt, PA in Miami, Florida focusing on complex commercial litigation and trade regulation. An active member in both the Young Lawyers Division of the American Bar Association and the Section of Litigation, Mr. Felix has been serving as the YLD representative to the Section. Next year, Mr. Felix will be a voting member of the Section’s leadership Council.

Emily Harlan is an associate at Nixon Peabody, LLP, in Washington, D.C. Ms. Harlan’s practice areas include government investigations and white collar criminal defense litigation. She was a natural fit for the Section’s Criminal Litigation Committee. She served as web editor-in-chief and was responsible for soliciting content, editing content, and updating the website on a regular basis. Ms. Harlan will continue working with the Criminal Litigation Committee next year and will also be a member of the Roundtables Committee.

Stephanie Loquvam practices commercial litigation at Aiken, Schenk, Hawkins & Ricciardi, P.C., in Phoenix, Arizona. Ms. Loquvam was an active member of the Membership & Marketing Committee of the Section. Her hard work earned her a presidential appointment to the Standing Committee on Membership, the Legal Access Job Corps Task Force, and the Gender Equity Task Force, as well as an appointment by the Section Chair to the Commission on the American Jury Project.

Alexander Wharton is the final member of the Young Lawyer Leadership Program. He is a partner at the Wharton Law Firm, where his practice areas include personal injury, workers’ compensation, premises liability and criminal defense. Mr. Wharton is a member of the Solo & Small Firm Committee and was recognized as an Outstanding Sub-Committee Chair within the Section. Mr. Wharton will continue working with the Solo & Small Firm Committee in addition to his new position as a member of the Regional Meetings Committee.

As a group, the YLLP hosted a Section Roundtable discussion entitled “Women in Criminal Law.” This Roundtable, moderated by Emily Harlan, touched on some of the challenges and
experiences women face in the area of criminal litigation. The panel, comprised of experienced women practicing criminal law, offered advice on handling clients, various types of criminal cases, and trial presentation.

Keathan Frink is an associate with Beckham & Beckham in Miami, Florida. Damian Thomas is a partner at Wasserman and Thomas in Miami. Both are co-chairs of the Young Lawyers Leadership Program.
EDITORIAL BOARD

Committee Cochairs
» Judge Karen Wells Roby
» Daniel Van Horn

Members
» Eileen M. Letts
» Ronald L. Marmer
» Victoria T. McGhee
» Sarah E. Redfield
» Anna D. Torres

Staff Editor
» Steve Gartland

The views expressed herein are those of the author(s) and do not necessarily reflect the positions or policies of the American Bar Association, the Section of Litigation, this committee, or the employer(s) of the author(s).

ABA Section of Litigation Business Torts Litigation Committee
http://apps.americanbar.org/litigation/committees/businesstorts/home.html