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The Business Case for Diversity

A Clear Vision for Collaboration

BY NAOMI K. MCLAURIN



Wild About Warbirds

BY JEFF LYONS



10 Questions for Judge Magdeline D. Coleman

BY ANTOINETTE R. STONE



Advancing DIVERSITY AND INCLUSION THROUGH COLLABORATION

BUSINESS CASE AND/OR MORAL IMPERATIVE?

By Naomi K. McLaurin

Some people believe there is a moral imperative to advance diversity and inclusion in the legal profession because it is the “right thing to do.” They point to the historical exclusion of women and minority attorneys and the social justice gained from a more inclusive profession.

Others emphasize the “business case” for advancing diversity and inclusion because of the global market and corporations’ insistence that law firms better reflect society and their employees and customer base. They believe diversity is good for business and organizations that understand this principle are more competitive than organizations that do not.

Of course, advancing diversity and inclusion is the “right thing to do.” But, law firms and corporations are businesses. As such, they seem more responsive to the impact diversity may have on the bottom line.

According to the Institute for Inclusion in the Legal Profession’s (IILP) recently released research study, “The Business Case for Diversity: Reality or Wishful Thinking?”: *“The business case for diversity is important. In many instances, it has been the driving force behind the decisions by some individuals and organizations to more actively support and engage in diversity and inclusion efforts. While we can all understand and appreciate that, and indeed it is one of the reasons we chose to undertake this project, it is equally important to remind ourselves that the importance and value of a more diverse and inclusive legal profession goes well beyond dollars and cents. A diverse and inclusive*

legal profession is fundamental to social justice.”

Sandra S. Yamate, chief executive officer, says “IILP undertook this research project because despite all the attention paid to the business case for diversity, none of the stakeholders – corporate clients, law firms and diverse partners – have found it satisfactory in achieving meaningful improvement in

the profession’s diversity and inclusion goals and objectives. This report provides the first measurable data about whether the business case for diversity is working.”

The study found that “while a business case for diversity does exist, it stops short of generating the significant amounts of business necessary to enhance career sustainability, vitality and success of meaningful numbers of diverse partners. 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, and to otherwise support diversity efforts in the broader profession.”

According to Yamate, “An added bonus to IILP’s report is that we’re able to see how the business case for diversity plays out differently or similarly, depending upon the type of diversity about which we are speaking. It allows us to challenge assumptions about the effectiveness of the most common business development strategies. And it provides us with a basis upon which to develop and implement strategies based upon more than just anecdotal evidence or intuition.”

Some white men may feel vulnerable because of an increased focus on diversity and inclusion. Ironically, white

men may feel *excluded*, particularly when prospective clients demand a diverse team of attorneys during the RFP process or current clients talk about changing relationship partners or staffing matters to include women and minority attorneys. Yet, despite the increased focus on diversity and inclusion, white men continue to hold leadership positions in the legal profession serving as managing partners, practice group leaders and general counsel.

According to a NALP: The Association for Legal Career Professionals' November 2010 press release, nationwide, minority attorneys account for 6.16 percent of law firm partners and 19.53 percent of associates. Women account for 19.43 percent of law firm partners and 45.41 percent of associates. In Philadelphia, minority attorneys account for 3.97 percent of law firm partners and 13.29 percent of associates. Women account for 19.04 percent of law firm partners and 45.79 percent of associates.

According to the Minority Corporate Counsel Association's (MCCA) 2010 surveys, minorities account for 8.6 percent of Fortune 500 general counsel. Women account for 18.8 percent of Fortune 500 general counsel.

Collaboration is good for diversity whether you subscribe to the moral imperative or business case argument, or both. Diversity of people leads to diversity of thought and a better work product. Says Anthony K. Greene, longtime MCCA board member and director of the Jamison Group, "it's more critical that diversity of thought is leveraged in moving the ball forward in the advocacy for diversity than leveraging diversity of thought is in any other area. To do that, there are ethnic, gender and generational reservoirs of thought that are housed in the multitude of organizations."

"Through collaboration between the organizations that invested in the development of reservoirs of knowledge, we can more efficiently and effectively move the ball forward. As the census projections for the 'browning' and 'urbanization' of America and global market come to fruition, the above collaboration is necessary for all of us to thrive."

Moreover, in the last 10 to 12 years, the legal landscape has changed dramatically with corporations laying the groundwork for collaboration and the formation of groups

dedicated to advancing diversity and inclusion.

In 1999, Charles Morgan, then general counsel of BellSouth Corporation, authored "Diversity in the Workplace – A Statement of Principle": *"As the chief legal officers of the companies listed [], we wish to express to the law firms which represent us our strong commitment to the goal of diversity in the workplace. Our companies conduct business throughout the United States and around the world, and we value highly the perspectives and varied experiences which are found only in a diverse workplace. Our companies recognize that diversity makes for a broader, richer environment that produces more*

creative thinking and solutions. Thus, we believe that promoting diversity is essential to the success of our respective businesses. It is also the right thing to do."

"We expect the law firms which represent our companies to work actively to promote diversity within their workplace. In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm's commitment and progress in this area."

Eventually the number of signatories to the statement exceeded 500. Years later, dissatisfied with the lack of progress, Roderick A. Palmore, then general counsel of Sara Lee Corporation, authored "A Call to Action – Diversity in the Legal Profession": *"As chief legal officers, we hereby reaffirm our commitment to diversity in the*

legal profession. Our action is based on the need to enhance opportunity in the legal profession and our recognition that the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business. In furtherance of this renewed commitment, this is intended to be a Call to Action for the profession generally and in particular for our law departments and for the law firms with which our companies do business."

"In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced Statement. To that end, in addition to our abiding commitment to diversity in our own departments, we pledge that we will make decisions regarding which law firms represent our companies based in significant

"Through collaboration between the organizations that invested in the development of reservoirs of knowledge, we can more efficiently and effectively move the ball forward."

Philadelphia Diversity Law Group, Inc.

The Philadelphia Diversity Law Group, Inc. is well known for its first-year minority clerkship program in which law students complete a rigorous interview process and are hired at law firms and corporate law departments for the summer. The clerkship program launched with the hiring

of 12 students. Since its inception, 212 minority law students have participated in the clerkship program. Of the 29 students in last summer's clerkship program, 26

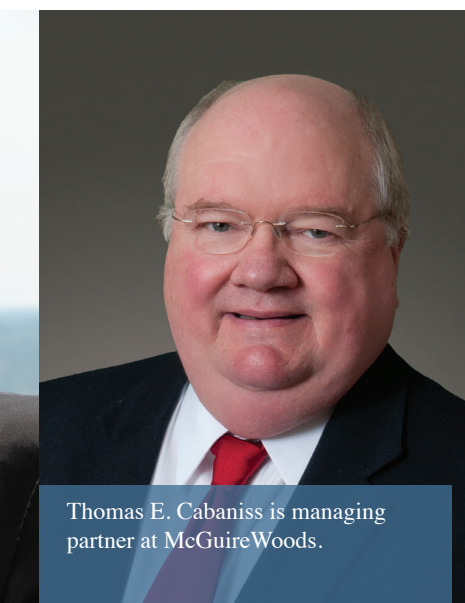
received an offer of employment for their second summer. This summer, 34 students are employed at 30 different organizations.



Sandra S. Yamate is chief executive officer of the Institute for Inclusion in the Legal Profession.



Robert J. Grey Jr. is executive director of the Leadership Council on Legal Diversity.



Thomas E. Cabaniss is managing partner at McGuireWoods.

part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse.

Palmore currently serves as executive vice president, general counsel and chief compliance and risk management officer of General Mills, Inc.

LEADERSHIP COUNCIL ON LEGAL DIVERSITY (LCLD)

In May 2009, the Leadership Council on Legal Diversity, an organization comprised of chief legal officers and managing partners of the nation's leading law firms, was formed. Palmore serves as chair of the LCLD board of directors.

According to its website, the LCLD "mission is to continue the work of the Call to Action initiative by having [its] organizations hire, retain, promote and engage the best talent. A critical and necessary element of having the best talent is having diverse talent."

Also posted on its website is a letter from Palmore, which reads in part: *"It is at that level – with the involvement of the managing partners of the nation's leading law firms and of the general counsels of the nation's leading corporations – that great and significant improvements can be made,*

measured, and multiplied."

"It is also imperative that the LCLD work in collaboration with other organizations committed to diversity in the legal profession. Much more can be accomplished as we look for ways to partner, share wisdom and experience, and celebrate the wins, wherever they are initiated."

"There has never been anything like the LCLD," says LCLD Executive Director Robert J. Grey Jr.

"For the first time ever, the leaders of the profession – the top individuals in the largest law firms and in the country's preeminent corporations – have come together and made a commitment to build a profession that is free of any hindrance or any barrier to talent. There is, among these leaders, a shared and deep conviction that the best talent is diverse talent, particularly in a time of great change, when markets, here at home and around the world, are rich in diversity."

McGuireWoods is one of the LCLD's member law firms. Managing partner Thomas E. Cabaniss explained that "McGuireWoods saw the LCLD as being in a unique position to help increase the number of successful diverse lawyers in both large corporate law departments and large law firms by increasing both the number of successful diverse students in law schools and – on the opposite end – law firm partners and general counsel. In the end, participation in a program

like this makes us a better law firm and helps us better represent our clients."

Cabaniss went on to say, "The LCLD is coming up with several new programs to advance diversity. We found two strong examples in both the creation of a new mentoring program for diverse law students that help them succeed in law school to the launching of a new program focused on training promising lawyers in member law firms and corporations to take on leadership roles in their organizations."

Added Grey, "What excites me most about the LCLD is that while the vision is large and inspiring, the actions being taken are concrete and specific. The membership has defined four distinct areas for strategic focus – strengthening the pipeline of diverse talent entering the profession; developing diverse talent to eventually take the reins of the member organizations; recognizing and replicating successful models and programs that encourage diversity and inclusion; and creating new metrics that can benchmark and measure the improvement of the profession's progress toward greater diversity."

PHILADELPHIA DIVERSITY LAW GROUP, INC. (PDLG)

Local organizations also understand that collaboration is critical to achieving meaningful diversity. And, like the LCLD, the Philadelphia Diversity Law Group, Inc. believes in collaboration. PDLG is a consortium of law firms



Scott W. Reid, chair of the Philadelphia Bar Association's Diversity in the Profession Committee, Cabinet-level diversity chair and Board of Governors member, says advancing diversity and inclusion in the legal profession is a shared responsibility.

orientation and gender identity, and many other aspects of diversity. It is committed to advancing diversity in the profession, so that all members of the bar can fully participate in all aspects of the profession.

This year, Philadelphia Bar Association Chancellor Rudolph Garcia converted the Minorities in the Profession Committee to the Diversity in the Profession Committee, a forum for collaboration with and among the local minority and affinity bars. The heads of the groups serve as *ex-officio* members of the committee. "This brings them together to work on

common goals, share ideas and develop best practices, with the full support of the Association," Garcia said.

According to Scott W. Reid, DIPC chair, Cabinet-level diversity chair, Board of Governors member and Cozen O'Connor member, "We must work together to further these efforts. Advancing diversity and inclusion in the legal profession is a shared responsibility. At the end of the day, what truly matters is a profession that is reflective of our increasingly diverse and global society." ■

Naomi K. McLaurin, Esq. (nmclaurin@philabar.org) is director of diversity for the Philadelphia Bar Association.

and corporations that has worked for 10 years to increase the number of attorneys of diverse backgrounds working at law firms and corporate law departments in the greater Philadelphia region.

According to its website, PDLG "will, in collaboration with area educational institutions, governments, professional associations and businesses, develop initiatives and programs that will support the success of these lawyers and encourage them to come to and practice law in Philadelphia. Among other initiatives, [PDLG] will create programs to enhance recruitment and retention of lawyers of diverse backgrounds by law firms and corporations in the region."

At its 10th anniversary luncheon on Sept. 21, 2011, PDLG will unveil a mentoring program that pairs minority attorneys with white male attorneys who are rainmakers and can pass on business. Says Danielle Banks, PDLG co-president and Stradley Ronon Stevens & Young, LLP, partner, "White men are the decision-makers about where business goes. The idea is to get the mentor invested in your success and to want you to inherit their business."

DIVERSITY IN THE PROFESSION COMMITTEE (DIPC)

The Philadelphia Bar Association has a broad concept of diversity that includes race, ethnicity, gender, religion, age, disability, sexual

National Symposium on Diversity in the Legal Profession

The Philadelphia Bar Association's Office of Diversity will present a National Symposium on Diversity in the Legal Profession on Tuesday, November 8 from 12:30 to 5:30 p.m. at The Union League of Philadelphia, 140 S. Broad St.

The half-day CLE program will begin with a luncheon featuring keynote remarks by Robert J. Grey Jr., executive director, Leadership Council on Legal Diversity (LCLD), and former president, American Bar Association (ABA).

At the opening plenary, a panel of local and non-local general counsel and law firm managing partners will discuss the importance of collaboration to advance diversity and inclusion in the legal profession; benchmarks to measure success; and best practices for the recruitment, retention

and advancement of women and diverse attorneys.

Three concurrent breakout sessions may focus on topics such as the role(s) white men can play to advance diversity and inclusion in corporate legal departments and law firms; generational diversity and its impact in the workplace; successful pipeline initiatives and mentoring programs; and an employment law update. A VIP networking reception will follow from 5:30 to 7:30 p.m.

For additional information or questions, please contact Naomi K. McLaurin, Esq., director of diversity, Philadelphia Bar Association, 1101 Market St., 11th Floor, Philadelphia, PA 19107-2955; nmclaurin@philabar.org or 215-238-6340.



Table of Contents

Volume I

- ▶ Preliminary Instructions
- ▶ General Instructions During Trial
- ▶ Evidence
- ▶ Believability of Witnesses
- ▶ Burden of Proof and Presumption
- ▶ Agency
- ▶ Damages
- ▶ Punitive Damages
- ▶ Miscellaneous Instructions
- ▶ Concluding Instructions

Volume II

- ▶ Negligence Actions
- ▶ Medical Professional Negligence
- ▶ Non-medical Professional Negligence
- ▶ Products Liability
- ▶ Intentional Torts
- ▶ Owner/Occupier of Land
- ▶ Contracts
- ▶ Warranty
- ▶ Employment
- ▶ Eminent Domain

Plus

- ▶ Subject Index
- ▶ Deleted Instructions Chart
- ▶ Appellate Citations Table, Citing SSCJI

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