



THE

MONTH

March 2022

"WE NEED TO RESIST THE TYRANNY OF LOW EXPECTATIONS. WE NEED TO OPEN OUR EYES TO THE INEQUALITY THAT REMAINS. WE WON'T UNLOCK THE FULL POTENTIAL OF THE WORKPLACE UNTIL WE SEE HOW FAR FROM EQUALITY WE REALLY ARE."

- SHERYL SANDBERG

**GLOBAL LEADERS
IN LAW**

WE ARE COMMITTED TO A DIVERSE AND INCLUSIVE COMMUNITY OF MEMBERS, SPEAKERS, AMBASSADORS AND ADVISERS.

CHARITIES

Below, please find three verified charities that are supporting those affected by the Russian Ukrainian conflict. If you would like to donate to any of them, you just need to scan the QR code and it will take you to their donation page.



THE UN REFUGEE AGENCY

With teams across Ukraine and in neighbouring countries hosting refugees from Ukraine, UNCHR is providing protection and humanitarian assistance, including emergency shelters, repaired for homes damaged by shelling, emergency cash assistance, and protection such as psychological support. Winter relief is also provided for displaced people in need as temperatures plummet, such as winter clothing and blankets. UNHCR has also provided training for Ukrainian civil society organisations involved in helping to protect refugees and other displaced families.



WORLD CENTRAL KITCHEN

Food relief is not just a meal that keeps hunger away. It's a plate of hope. It tells you in your darkest hour that someone, somewhere, cares about you. Working at a 24-hour pedestrian border crossing in southern Poland, WCK began serving hot, nourishing meals within hours of the initial invasion and are now set up at eight border crossings across the country. Additionally, they are supporting local restaurants by preparing meals in five Ukrainian cities including Odessa and Lviv. WCK teams are also on the ground in Romania and Moldova, and arriving soon in Slovakia and Hungary.



SAVE THE CHILDREN

Ukraine's children are in grave danger of physical harm, severe emotional distress and mass displacement. Save the Children is concerned for children caught in the middle of armed conflict, forced from their homes in freezing temperatures and exposed to injury, hunger and cold. Your donation to Save the Children's Ukraine Crisis Relief Fund can help provide children and families with immediate aid, such as food, water, hygiene kits, psychosocial support and cash assistance. Together, we can protect children in crisis.

THE MONTH

Is a monthly magazine with key takeaways, highlights and content driven by our community.

For our March edition, we have chosen the theme of diversity and inclusion to coincide with International Women's Day 2022.

In this issue, we have explored what it takes to build and develop an inclusive culture and share with you four easy tactics that you can implement to generate an open discussion around D, E&I without even leaving your desk! We also explore how D, E&I practices have become part of merger talks, and ALM Intelligence examines the relationship between Am Law 200 PEP tier and minority equity partner percentage.

Grab a cup of coffee, turn off your emails and catch up on the latest insights from your community.

We hope you will find this a useful and enjoyable read. If you are ever interested in including any content then please do get in touch with

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LAWYERS WITHOUT BORDERS

Global Leaders in Law are extremely excited to announce our partnership with Lawyers without Borders. Here, you will learn about who they are, what they do, and what you can do to help.

WHO ARE THEY?

Lawyers Without Borders is a global nonprofit organization that for over 20 years has assisted lawyers, governments, civil society, and students to strengthen the rule of law in their own countries.

By sharing lessons learned from our experience and from other countries, we help to protect the disadvantaged, promote judicial integrity and efficiency, and advance human rights.

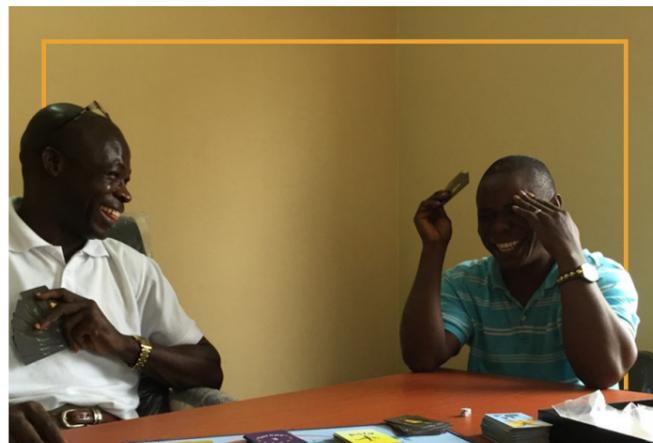
Staffed largely by pro bono lawyers, we work internationally with police, judges, prosecutors, prison officials, community leaders, paralegals, tribal councils, and other local arbitrators to help them solve complex legal, organizational, and community problems.

THEIR MISSION

- **BUILD** capacity & integrity in justice systems
- **PROMOTE** the rule of law
- **SERVE** the underserved
- **PROTECT** the disadvantaged
- **PROMOTE** human rights

IN ORDER TO:

Develop programs that improve access to justice guided by a mandate of neutrality and independence



THE POWER OF PRO BONO

- Community Leaders
- LWOB Staff & Board
- Student Divisions
- Civil Litigators & Corporate Expertise
- Police, Prosecutors & Judges/ Public Defenders
- Supporting Law Firms

Access To Justice

Skills Development

Combatting Crime

5000+ high impact workshops, technical assistance projects, and specialized presentations developed and implemented

- 1000's of Students and Interns Contribute Research & Service Directly to Our Mission and Work
- Prosecutors and Judges increasing Access to Courts and Fair Trials
- Training Institute, a National Resource for 800+ Prosecutors



- Creation of Case Digests for Government of Liberia
- Governments of Kenya, Bolivia, Paraguay, and Thailand Adopted Human Trafficking Standards
- Human Trafficking Standard Operating Procedures for Law Enforcement in Tanzania
 - Created and launched Kenya's Prosecution Training Institute
 - Trial Advocacy Training for 500+ Kenyans

WHY THEY NEED YOUR SUPPORT

You can help grow Lawyers Without Borders' programming to promote the Rule of Law across the globe

HUMAN TRAFFICKING ROUNDTABLE

Harness LWOB & stakeholder expertise and experience to combat global human trafficking

QUICK RESPONSE RULE OF LAW PROJECTS

Deploy LWOB's programmatic expertise for rapid response trainings

WILDLIFE CRIME ROUNDTABLE

Harness LWOB & stakeholder expertise and experience to combat wildlife crime

'Major Drivers of Deal Value': Diversity and Inclusion Practices Become Part of Merger Talks



As more businesses focus on how they could benefit from diversity, equity and inclusion, lawyers say a related trend is on the horizon: businesses looking for—or even demanding—the same practices at the companies they acquire or merge with.

"There's data that proves diverse companies with diverse boards [have a higher] bottom line," said Robert Johnson, chief diversity officer with the law firm Gibbons. **"It's logical to think ... diversity, equity and inclusion could be major drivers of deal value."**

Johnson, who focuses on mergers and acquisitions at Gibbons' Newark, New Jersey, office, said he hasn't seen DEI be an explicit factor in recent transactions he's worked on. But he said he has been seeing more conversations about it within companies, as discourse about diversity expands across the culture.

Lawyers say companies have multiple reasons to bring DEI into their M&A analyses.

'Companies that follow through with DEI policies are more likely to retain talent' Johnson said, adding those companies could also effectively engage with a more diverse—and therefore wider—range of customers. Meanwhile, Taylor White, a Dallas-based shareholder at Winstead, said a number of studies show corporate cultures that emphasize diversity and inclusion tend to be more innovative and profitable.

McKinsey & Co. in 2020 released [the third in a series of reports](#) showing that among 1,000 large companies in 15 countries, those with more diverse corporate leadership were more likely "to outperform less diverse peers on profitability." [A 2018 study](#)

[by Boston Consulting Group](#) that surveyed more than 1,700 companies in eight countries found management teams with above-average diversity in terms of national origin, industry background, gender, and career paths fostered more innovation.

Given this data, companies should be taking DEI into account when negotiating a purchase price, Johnson said, adding he believed more diverse companies are "absolutely" worth more.

Do companies with diverse leadership "outperform companies that are in the same line of business?" Johnson asked. "Yes, they have proved that. So if I'm evaluating two or three different companies in the same line of business ... that's something maybe I should consider."

Conversely, companies where DEI has been a weakness may lose negotiating leverage. In fact, the gaming company Activision Blizzard, which recently announced [a sale to Microsoft for \\$68.7 billion](#), hadn't even been considering such a deal before Wall Street Journal articles last year alleged widespread sexual harassment problems at the company. The reports caused the stock price to tumble.

In the wake of those articles, Activision pushed out more than three dozen employees and disciplined about 40 others. In an interview with the newspaper last

week, Phil Spencer, Microsoft's gaming head, suggested the housecleaning helped pave the way for the deal.

"We see the progress that they're making that was pretty fundamental to us deciding to go forward here," he said.

Clarifying that he was not commenting on the Microsoft deal specifically, White said many buyers not only assess a company's DEI efforts before a deal, but their potential to improve after a transaction.

"I think that there's a lot that can be said for proper and regular training on inclusion on diversity. I think gaps can be filled with the right plan, philosophy and approaches in place," White said. "I like to think that if there are risks, that they can be addressed, whether as part of the deal itself or as part of proper planning before and after the closing."

Johnson agreed that buyers can incorporate a company's prospects for improving into their DEI analysis. But he said this is a relatively new phenomenon.

"Microsoft wouldn't be the first company that acquired a company that had issues with DEI," he said. "We've just reached a new time in society where we're even talking about it."

[See full article here](#)

7

Key Actions to Create an Inclusive Community for Women

Inclusion is very different from diversity, yet the two are often spoken about as a single concept. Inclusion is hard to measure and even harder to achieve. Leaders can strive to create a diverse team but if the people within those teams do not have parity in how they bring issues to the table then they are not moving the needle.

GLL spoke with Áine Lyons, VP & Deputy General Counsel at VMware, about the steps leaders can take to foster a more inclusive environment. Here the article has been edited for clarity, [read the full interview here](#).

Áine Lyons strongly believes that everyone in an organization has a role to play in inciting change and disrupting the status quo, and even small changes can be incredibly impactful.

"Acts of inclusion big and small drive systemic change. Cultural transformation requires everyone, but especially, Leaders, to get involved and it requires them to speak up and challenge the status quo. One small action by each of us can have an enormous impact in creating a culture where there are no limits to what women can achieve; where everyone soars professionally. **It starts with each one of us** – being roles models, being change agents and being champions to make our organizations more diverse and inclusive. Diversity fuels innovation which powers business success, so not only is it the right thing to do, but it is also the smart thing to do", she said.

Lyons highlights that for leaders to be able to create positive change, they need to fully understand the barriers that exist for women.

"To help drive this change, we need to fully understand what barriers still exist for women, and how we can work together to remove them. We need to create the space to talk about what holds women back, and what prevents them from seeing an open road ahead" she said.

Cultural change is the key to creating a more inclusive working environment, and everyone in the organization can be a change leader. **I believe, the single most important force behind building an inclusive culture is PEOPLE.** Strategy and mission are simply words unless People make lasting, systemic cultural change a reality, she said.

Below, Áine Lyons shares seven practical actions that leaders can take to help create an inclusive community for women:

- 1 Authenticity and Integrity:** bring our true and authentic selves to work every day, so people feel "safe" to follow suit.
- 2 Collaboration:** hear and promote voices on your teams. Pay attention to all of the facets of human differences: introverts and extroverts, cultures, customs, differences in age, sexual orientation, and abilities.
- 3 Empowerment:** empower and support people to hold events and develop ideas on how to build a culture of inclusiveness.
- 4 Courage:** advocate for human differences of all kinds. Have the courage to challenge the status quo and break down stereotypes. Ask the tough questions: Ask why women are not on your hiring lists, talent pipeline, and promotions lists?
- 5 Commitment:** make it a priority to hire diverse people or advocate for more diversity on your teams.
- 6 Be resilient.** It takes time to make a measurable difference—but it's important work, and if we don't take action, we risk being left behind in a world that is quickly changing in its diversity of markets, customers, ideas and talent.
- 7** Finally, **take ownership for shaping your organization's culture so people feel they belong** and see an open road ahead to drive business success and develop their careers.



What Will it Take to Create a Truly Diverse and Inclusive Legal Industry?



Ludo Tema, Group Legal Counsel for Debswana Diamond Company, shared with GLL the key strategies to ensure diverse voices are

a part of the business narrative, and the importance of coaching and mentoring to nurture diverse talent. The article has been edited for clarity. You can [read the full interview here](#).

Global Leaders in Law: What do you think is the future of diversity in the legal profession?

Ludo Tema: I believe that to demonstrate diversity, our profession should truly be representative of our society and especially our particular customers. **While in the in-house profession, you will find a fair representation of women, the same cannot be said for our external counterparts.** That is something which needs to be dealt with in order for them to better understand our businesses and what needs to be driving them into the future.

We also need to pay attention to other types of diversity, including racial, sexual orientation, religious, disability etc. otherwise we run the risk of the diversity message sounding 'hollow' to those who are not included and therefore minimising the potential impact.

From my perspective, we really need to push the envelope to ensure that women are represented in our field in the very top positions and also in external legal practice. In my engagements with the law firms that do legal work for our business I have tried to better understand the problem of lack of diversity and its frightening to realise that some of the issues remain the same, issues such as lack of flexibility in the working environment, sexism and harassment continue to prevail even in this modern day and age). As Debswana now has metrics around the representation of women in our business, especially at leadership level, I am including similar requirements in the law firm conditions of doing business with the company.

Looking to the future, I do believe that there will be an evolution in diversity and inclusion as those organisations that fail to recognize and implement these will simply become unsustainable.

GLL: How do you get diverse voices to be part of the business narrative?

Tema: In my role, it's very important to be able to communicate with and earn the trust of varied colleagues from across the business and value chain. I believe that the nature of the role helps you to learn very early on, the power of diversity in problem-solving. A strategy employed by Debswana is providing opportunities for talented employees to be involved in various multi-disciplinary business projects for business improvement. You get exposed to people working for the company in very different areas and from different walks of life and again the creativity that I have experienced from such as been very refreshing!

Of course, you also have to be very intentional as well as employing such strategies. In the wider group that we are part of, the business units have targets that relate to various aspects of diversity at the business entity level. **Having those targets can sometimes seem mechanistic, but they are a good reminder of the commitment of the business to creating a more equitable working environment.**

GLL: For a while now we've been hearing lawyers, both in-house and outside counsel, calling for equality and diversity in the law. But it doesn't seem that much has really changed. What will it take for that to change?

Tema: Everyone seems to go in for the politically correct phrases of the day, but its much more difficult to get meaningful consideration of what is then required to be done to make diversity a reality. **I believe that in any organization seeking to make real change, the first step is to ensure that the leadership are fully committed to the process and understand why it will be beneficial to their business and operations. Otherwise you get those who are actually comfortable with the status quo and will only respond in so far as they need to meet targets but are not mentally committed.** The tone is set at the top after all.

Our leaders, from all walks of life, need to take coaching and mentoring seriously as it is one of the most important requirements of their roles. Identify talent in the business from diverse backgrounds and nurture it to succeed.

GLL: If there are any GCs out there who might be reluctant to push for more diversity within their legal departments or to breach that topic with the executive team, is there any advice that you can give them?

Tema: The science is out there about the effectiveness of diverse teams in financial, cultural and innovation achievement. This is amplified when your core business is problem-solving and creating legal solutions for business strategies. **Look at the community that you serve and try to find the various pockets of talent which you could be missing out on and then extrapolate the lost opportunities to do more business,** to connect with your communities, make your working environment more comfortable and find new and better ways of making your job easier.

GLL: What do you think is not being asked that is an important part of this discussion?

Tema: I think that with race and what I have seen with gender balancing, there is a silence from those who have benefitted from the status quo. We need to get them into the debate in order to co-create the new rules and environment, or else we will be repeating the ills of the past just in a different way. They must also be willing and committed partners in this journey.

The US debates about 'cancel culture' are also important. While it's important to call out open misogyny or racism, I don't believe that its helpful to shut down honest discussion and debate. **If we are going to really live diversity, then we need to be inclusive about how we get there.**



STRATEGIES TO MASTER

LEADERSHIP PRESENCE

Jacqui Harper MBE, visiting Professor at INSEAD and executive coach, has previously led one of the sessions at the GLL UK Mini MBA. In an interview with GLL, Jacqui shared her top strategies to master leadership presence. Here, we have included the key highlights from the interview and you can [read the full article here](#).

“The voice is crucial to communication. It powers ideas, brings them alive and connects us to our audience.”

1

The purpose of external presence is building connection to the audience. It's this that creates the opportunity to influence. Clarity is paramount. It's always about what it means to the organisation and the individuals you are talking directly to.

2

Research tells us that audience connect much quicker to speakers with a vocal variation. To speak with more vocal variation listen to recordings of yourself speaking and get feedback from colleagues and friends.

3

The voice is such a wonderful tool for powering up your presence and it is incredibly underused. One quick hack is to pause more frequently. When you are giving legal advice to non-legal audiences the pause is really important. It helps the audience process what you are saying and it ensures the speaker stays in control. Utilise the 'super pause' which is where you stop speaking at the end of a key idea, this will make enhance gravitas and credibility.

4

Implement the presence audit to ensure you have an authentic presence. Its purpose is authentic presence. The presence audit connects who you are with how you show up. It starts with questions. Who am I? What is my purpose? What am I about? How do I want to express my authenticity?

It's the shortest audit you'll ever see because it's only three words. It's the three words that best describe your presence when you answer the questions above. Use the three words to guide you in every business meeting, every email and every phone call.

5

If you want to be an impactful business leader avoid doing the following:

- Dazzling with detail. Ask yourself how much detail do they really need to know?
- Lack of awareness of personal impact. How are you coming across?
- Not making a connection. Without connection positive outcomes are unlikely. Improve connection to others with eye contact, the relevance of your message, how you illustrate ideas and the language you use.
- Striving for perfection. Forget it. Focus on forming a relationship with an audience and building that trust.

“The presence audit connects who you are with how you show up.”

Four Tactics to Generate an Open Discussion Around D,E&I

Simon White, Former General Counsel EMEA LATAM at technology company Cognizant, shares with GLL impactful strategies to incite change that you can make without even leaving your desk!

"You do not need to read every book on the shelves of Harvard Business School to be an effective champion of diversity, inclusion and equality."



CHANGE YOUR EMAIL SIGNATURE.

Think about how many emails you send every day. This is a platform – use it!! A simple change can be to add pronouns to your email signature. Whether the pronouns by which someone refers to you are important to you or not, understand for some people, the use of a seemingly simple pronoun can be devastating. By adding this to your email signature, you are simply saying I support everyone to define themselves as they want. Its about basic respect. This simple, small act can start a chain reaction for a better community. If you don't want put pronouns, put a tag-line to say "I support BLM", "I am an ally to my LGBTQ+ colleagues", put a rainbow flag. The question is not "why should I put a rainbow flag on my email signature – I am not gay". The question should be "why am I not willing to put a symbol which says I support equality all?"

SELF-REFLECTION.

Stop for five minutes and think about the conversations, email and things you have done today and what you are going to do tomorrow. What have you done to actively show you support diversity, inclusion and equality? It is all too easy to say "I support D&I, I don't discriminate" but **unless you are willing to actively demonstrate this, we will never move the needle. Change needs energy and drive. If you are strong and confident enough to feel happy in all you do, lend that energy to someone else and support them.**

START THE CONVERSATION.

You do not need to be a HR or D&I professional to start the conversation (but see 4. below). In fact, you can start the conversation out of ignorance. If you want to support equality, diversity and inclusion, talk to your team, either one on one or in a team meeting. At the end of a team meeting, ask everyone round the table – what did we discuss today that drove D&I forward? **You don't need the answers but start the conversation.**

EDUCATE YOURSELF.

BUT we do all need to learn more. The internet is full of podcasts, short articles and clips which you can listen to for five to ten minutes. **Read, listen and learn. And then don't keep those thoughts inside** (see 3 above!)

REFLECTIONS ON LEADERSHIP

Here, **Lisa Burton**, GLL Ambassador and Chief Executive Officer of Legal Data Workspace, reflects on leadership lessons learnt and shares her advice on creating your own career path based on your passions.



Global Leaders in Law: Looking back on your career, what has been the most useful piece of advice you have received?

Lisa Burton: To be myself, to trust in my own judgment and to be brave enough to challenge when you know in your heart that you it is the right thing to do, even if scary i.e. when you think your peers/clients are going to look at you with a worried expression of wonder! I can honestly say, that in a polite, reasoned challenge, I have achieved more for my team, clients and business partners whilst broadening my own learning. With ESG and CSR high on the agenda, personal integrity is highlighted when 'playing the game' in business. I believe both are achievable and I have been extremely fortunate to work with some stellar men and women who have helped shape and guide me

into the successful businesswoman I am today.

GLL: You have had several different careers, what advice would you offer to leaders that are looking to change career paths?

Lisa: During my career, although predominantly, an expert data and legal technologist, I have flirted with, and indeed set up two successful food businesses. Over the years I had these businesses, it took me some while before I realised, I am a serial businesswoman and entrepreneur. That was a big realisation as I had made very good friends with The Imposter syndrome and although felt I was bursting with a lot of knowledge, skill and ability to help my clients in both of my passions, legal data/tech and healthy, great food. I often stayed quiet when I could have and should

have spoken up. So the first thing I would say, is understand your own patterns around thinking and stuff you have a passion for in your work, because in recurring themes (and pushing aside the imposter syndrome - something that we know effects women more than men), you may realise a new skill set or a strength that you did not really appreciate you had. The positive power of professional and personal relationships in networking is also never to be underestimated. Networking is a tool that I have found has helped propel me to where I want to go. That said, I think we have to be passionate about what we are doing and there has to be a purpose. Afterall, most people tend to think of the term 'vocation' to mean what you do to earn money but the true meaning of the word actually runs much deeper than that... 'Vocare' is a latin word, meaning to call, name

or invoke. That means that when you're doing your true vocation, you're doing so as a response to a calling you have within you. **A vocation increases your sense of aliveness, creativity and energy as you do it and the work you're doing is visible and felt by colleagues, customers and everyone you engage with.** If you love what you are doing, engagement in networks as part of my professional development journey has helped me to expand and grow and evolve my career. That said, I have worked in environments where I have been miserable because for example, written policies on diversity and inclusion are not 'lived' operationally (i.e. where I have experienced sexism and passive aggressive bullying first-hand). Having the courage to move on when I have been unhappy, although scary, has ultimately meant that the growth I have experienced has been rewarding which eventually far outweighs the fear.

GLL: How do you ensure you foster a creative mindset?

Lisa: It may be a cliché or considered a bit 'woowoo', but I would say, be a brave thinker. You may have ideas and want to go down an entirely different path, but that path feels full of unknowns and uncertainty, and I know many folks who have stayed in the same role as a 'safety' valve of a well-trodden albeit, unfulfilling role that provides certainty. But without change, we don't grow, we stagnate. Life's about change...It's how we face it that's a choice. Whether we strive for it or try to avoid it, change WILL happen. Creativity in any role is our

licence to be who we really are. To foster creativity on an individual level, get away from your desk and expose yourself to new situations and experiences. Giving your brain more inputs is scientifically proven to encourage new mental connections and spark new ideas. Listen to a podcast, have creative conversations; you never know where inspiration might come from.

GLL: How have you navigated a successful relationship with fellow board members? What advice would you offer GCs that are looking to grow their influence?

Lisa: I think what I call 'wise honesty' staying true to and constantly examining my values, integrity and principles is a good start with a view to leaning into and understanding more about the individuals on my Board in context of the depth and breadth of the business. Greater than that though is the ability to listen. To give space to fellow board members. Obviously, there are always some colleagues that have more of a commonality, a resonance and those that do not. Raising challenges and concerns can be tricky, but I find if I write out the issues or concerns first and think about it before I take action, it can help steer what maybe a difficult conversation into a positive outcome for the individuals concerned. I have learned a lot about how to effectively challenge a situation and it is never easy! It is easy to say, that just being who we are as unique individuals is enough to successful Board relationships – be ourselves, be confident in our abilities. **Creativity and thinking outside the box whilst staying**

within the main boundaries of the business, for example, identifying how to improve inefficiencies across inter-active teams, needs some thought as to approach but baby steps can often achieve greater influence than trying to compete or jostle to be heard. As individual board members, we each have so much richness to bring and with a great degree of compassion and respect for good and bad days that we all experience, **I sincerely believe that individual empowerment creates strength in business leadership as a team.**

Science-Driven Steps to Boost the Equality Levels for Outside Partners



Caren Ulrich Stacy is a talent and behavioural science expert and founder of Diversity Lab. She spoke to GLL about what it means for an organisation to be truly inclusive. Here, we have pulled out the key themes from the interview and you can [read the full article here](#).

1 Inclusivity begets diversity, so that must be a legal department leader's first priority. To measure whether or not they are on the path to achieving an inclusive workplace for everyone, including historically underrepresented individuals, they should ask themselves this question and measure the outcomes at regular intervals: "Does everyone in the legal department have equal and

ample access to career-enhancing opportunities such as influential sponsors, promotions, and high-visibility work options?"

2 To boost the diversity and inclusion of outside counsel, one of the most important first steps is to set goals with meaningful accountability measures and outcomes baked in. For instance, if a legal department wants to

increase the inclusivity and diversity of its outside counsel firms and teams, it must explicitly state the expectations and what will happen if a firm does or doesn't comply. HP, Coca-Cola, and Apple are outstanding examples on this front. They have set and communicated specific diversity metrics that firms are expected to achieve with regard to relationship partners, teams for each matter, and who gets origination credit.



3 To increase diversity and inclusion internally, create fairness and equity in talent management processes by minimizing unconscious bias in the design of the system. Simply put, fix the system not the humans.

4 If I was a GC pushing for greater emphasis on diversity within my company,

I'd highlight three main things for my team and the company's leaders.

- **Look at our competitors** — if they have more diverse work environments, they will likely begin to or have already outpaced us in customers, profits, and talent.
- **Listen to our company's customers and shareholders** — many are placing their hard-earned

dollars and trust into brands and products whose workplaces and people represent them and society as a whole.

- **And finally, pay attention to our board** — they are likely feeling pressure to be more inclusive and diverse; our legal department is uniquely positioned to role model this for them and assist in their efforts.

ASKING DIVERSE EMPLOYEES TO ASSIMILATE WON'T MAKE THEM FEEL THEY BELONG

If efforts to increase diversity and inclusion in the workplace are growing more common, then why do so many businesses continue to struggle with these very issues?

Troubleshooting this issue involves making diverse employees feel they truly belong—a task that panelists at a conference last week say may require corporate leaders to reassess their beliefs about how employees should comport themselves in the workplace.

"We know historically, with respect to increases in representation of racial and ethnic minorities and women and much of the LGBT community and other marginalized groups, is that their integration into a workplace culture ... was predicated on assimilation," said Tammy Bennett, a partner at Dinsmore & Shohl, said at the conference, which was put on by the University of California Berkeley and focused on sexual harassment in the workplace. "So they needed to mimic ... this masculinity that was in the culture."

Ann McGinley, another panelist for the conference workshop, which focused on how diversity and inclusion policies can help prevent gender-based discrimination and harassment, agreed.

"The way the scholars talk about this is performance," said McGinley, a professor at the University of Nevada's William S. Boyd School of Law. "If you're a person of color ... in a job where it's mostly white people, you have to come in and act like those people."

Citing work by UCLA School of Law professor Devon Carbado, McGinley added: "You might have four or five African Americans in a particular workplace, and only one of them or two of them will be accepted, because those two live in the right neighborhood, went to the right schools, straighten their hair—do all the things that

make them look more white ... don't speak a certain way, etc. I think that's true with the LGBTQ community [too]."

Things are changing, the legal experts say. While diverse employees in the past might have been more open to conforming to long-established corporate norms, cultural shifts in recent years—propelled by the #MeToo movement and discourse on race prompted by the police killings of George Floyd and other Black Americans in 2020—have shifted the attitudes of many. Younger generations of employees, particularly millennials and Gen Z, are also more likely to question—and challenge—those norms, they say.

The notion of "belongingness" has shifted, and the expectation is that people can belong as their authentic best selves," Bennett said.

"We have to begin to step away from these preconceived notions of what the appropriate standard is, and be open and willing to invite new thinking, innovative approaches."

Creating a workplace culture that accommodates—rather than quashes—the idiosyncrasies of a diverse workforce demands effort and could require corporate leaders to examine their own biases and tendencies to jump to certain conclusions, the panelists said.

In harassment cases, for example, corporate leaders should not automatically assume the problem stemmed from a few exceptional bad actors. Instead, they should consider whether and how the culture of their workplace as a whole made it possible for harassment to take place.

Corporate leaders should make

a concerted effort to not just hire and elevate people who resemble themselves. If they feel compelled to dismiss an employee's concerns about discrimination as insignificant, they need to make a concerted effort to put themselves in that employee's shoes.

This isn't always easy feat, but it's possible, panelists said. Doug Reynolds, another panelist and an executive at DDI Consulting, shared a recent breakthrough. Referencing a video his team developed to help people become conscious of their implicit biases, Reynolds said, "The white males that went through it didn't detect the bias at play that we were injecting into these situations, whereas women and minorities would pick it up."

Reynolds and his team shifted to a virtual reality approach, "where you're in an immersed

environment, and you're playing a role where you have to persuade an executive team on a business decision, and that executive team is ignoring you, diminishing your input, not including you in a decision that you're there to advocate for. They do that over and over."

"It's amazing to see the reactions from the participants, because they finally get it, being immersed in that situation. They will say things like, 'Have I really done this?'"

Rudy Mendoza Denton, a professor at the University of California Berkeley School of Psychology, also participated in the panel. Denise Oldham of the Berkeley Center on Comparative Equality and Anti-Discrimination Law moderated.

[See article here](#)



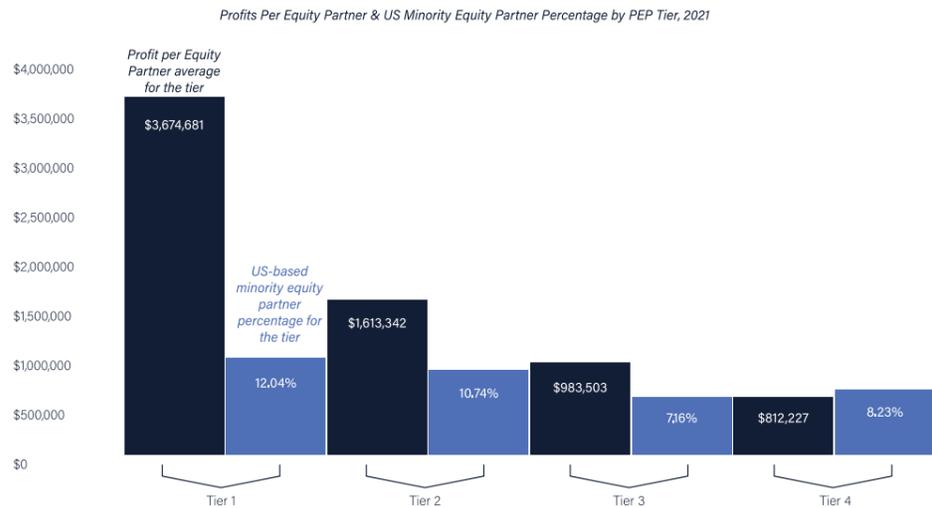
Intelligence and Data

In this data-driven analysis, ALM Intelligence examines the relationship between Am Law 200 PEP tier and minority equity partner percentage.

What's clear from the data is that a focus on equity in all senses of the word in a law firm has to be a priority for those firms looking to ensure their diversity efforts have staying power.

For key performance metrics (KPM), such as revenue per lawyer and profits per equity partner, ALM Intelligence segments firms into four tiers based on each KPM ranking within the Am Law 200. The tier one firms are the top 50 by each metric; the second tier is the following 50 firms, the third tier includes firms ranked 101-150, and the fourth tier represents firms ranked 151-200. The 4-tier segmentation enables unique perspectives with various trends including lateral movement, turnover metrics, expansion and diversity.

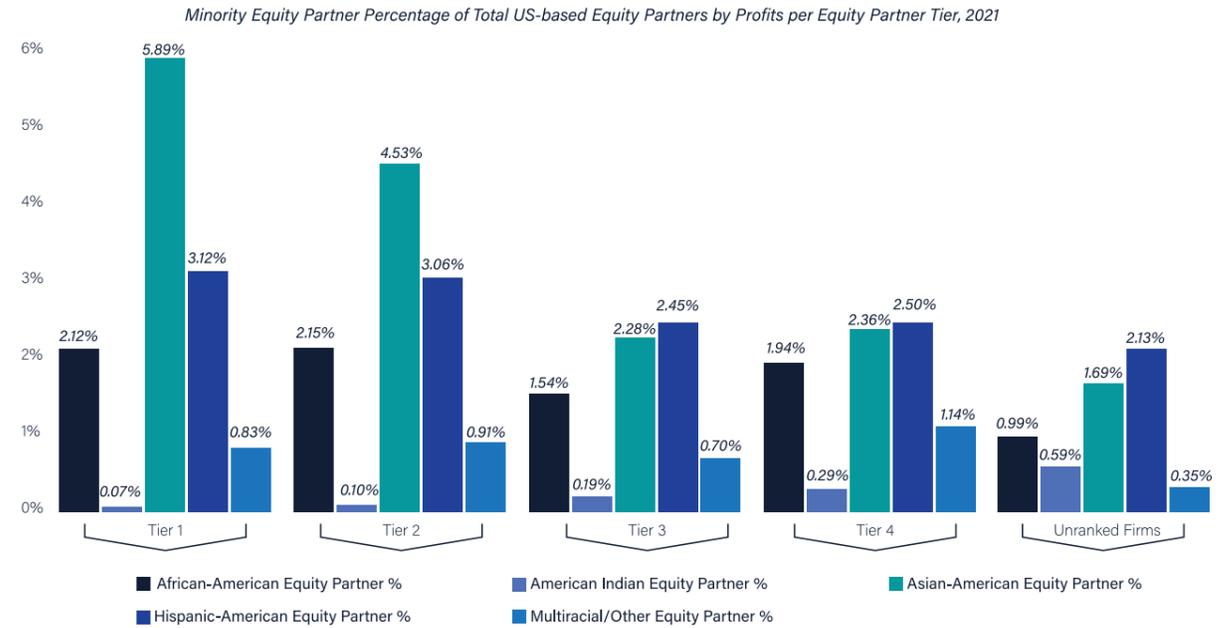
For example, the below chart illustrates profits per equity partner (PEP) and minority equity partner percentage by tier. The stark contrast between the tier 1 and 2 PEP averages is what immediately stands out, as the PEP average for the first tier is more than double that of tier 2 and nearly 5x better than tier 4. However, this spread between the tier 1 and tier 4 segments for PEP disappears when broken down by minority equity partner percentage. The playing field is similarly matched across all four tiers, with tier 1 just slightly outperforming other tiers when it comes to elevating minorities to equity status.



In tiers 1 and 2, Asian-American equity partners are the most prevalent among minority equity partners. For tiers 3 and 4, Hispanic equity partners represented the highest percentage of minority equity partners. Across all four tiers, the percentage of African-American equity partners ranked behind both Asian-American and Hispanic-American partners.

In tiers 1 and 2, African-American attorneys just surpassed 2% of equity partners. In tiers 3 and 4, it was less than 2%. And among unranked firms

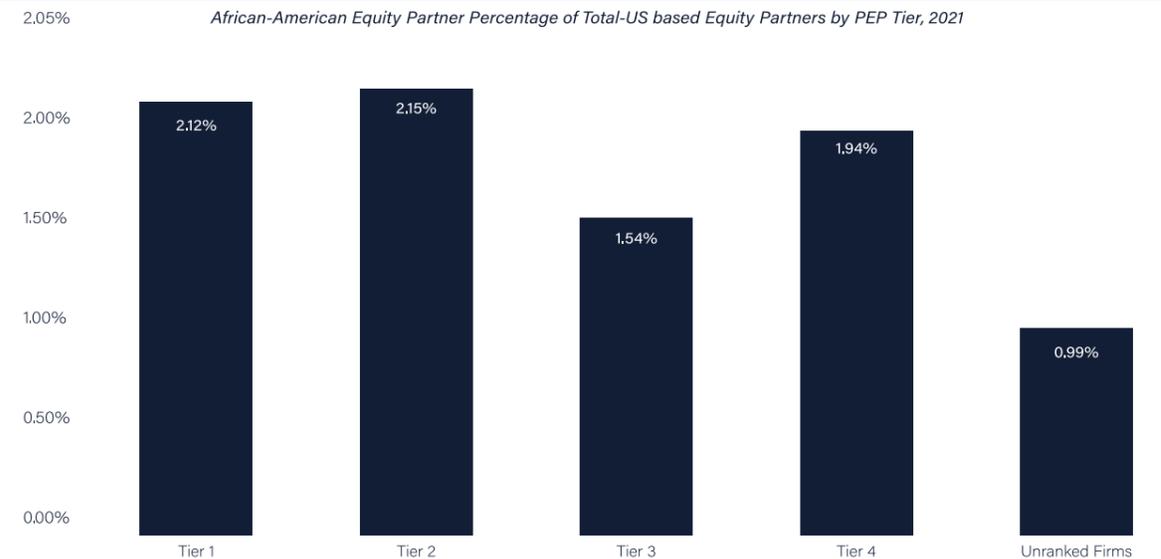
who submitted data, African-American attorneys represented slightly less than 1%. The numbers reflect what is well-known: The legal profession, and especially Big Law, has substantial work to do around improving diversity numbers, specifically as it relates to African-American partners. The top PEP tier, with profits per equity partner more than double the next-closest tier and five times greater than the lowest PEP tier, is just 0.18% better than the lowest tier with African-American equity partner percentage.



There are, of course, real financial consequences to these numbers as well. Within the Am Law 200, white attorneys represent nearly 91% of all U.S.-based equity partners. Collectively, the Am Law 200 generated slightly more than \$55 billion in profit during the 2020 fiscal year, with 9% of that, on average, going to minority equity partners. There is no doubt the competition

for diverse talent is fierce, and that the number of firms with, say, no black partners, is dwindling. However, there is now increasing expectation from clients for outside counsel to keep the momentum going. There are of course a number of reasons why firms will struggle to post huge gains in short periods of time. But what is clear from this

data and the feelings of those who focus on diversity for a living, a focus on equity in all senses of the word in a law firm has to be a priority for those firms looking to ensure their diversity efforts have staying power—and that their diverse talent has any power to succeed.



THINK OUTSIDE THE BOX: DIVERSITY STRATEGIES TO SPARK YOUR CREATIVITY

Here, we asked some of our GLL Adviser members to share the D, E&I initiatives that they are most proud of. Hopefully, you will gain inspiration and ideas on initiatives for your own organisation.



SHEARMAN & STERLING

WORKPLACE DISABILITY INCLUSION

One of our ongoing aims has been to create more positive awareness around disability in the workplace, especially focussing on hidden disabilities. Our key objectives have been to:

- Create an environment where our disabled employees feel supported by the firm to achieve their full potential and feel more comfortable declaring their disability at work.
- Recruit more candidates with disabilities to ensure we have a diverse and inclusive workforce that can bring together ideas, experiences and cultures to meet the needs of our diverse range of clients worldwide.

WE HAVE BEEN PROUD TO ACHIEVE THE FOLLOWING:

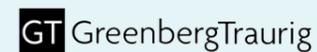
- We have run general disability inclusion training, neurodiversity training and have senior champions open our sessions to recognise its importance in the workplace.
- We worked with one of our associates to set up the first hearing loss network across the legal sector.
- We have conducted a workplace disability audit – this resulted in glasses in the kitchen changed to a different area to be more accessible for wheelchair users. Printers were also moved out of the corridor into more user-friendly areas.
- Our HR team had Disability Confidence Training.



Lathrop GPM takes great pride in maintaining consistent, responsive, and engaging Diversity and Inclusion (D&I) programming. Despite a challenging year during a time when we were unable to be physically together, D&I programming provided a space for community, connection and understanding. It's hard to put our finger on just one thing we're most proud of, so here's a quick summary of a few of our D&I initiatives.

Last year, our firm presented nearly 20 D&I webinars in partnership with academics, historians, teaching artists, and inclusion practitioners. We explored Hispanic heritage and immigrant experiences through poetry; used music and art history lenses to discover Juneteenth's roots; honored Indigenous history and resilience; and took time to analyze implicit bias and code-switching.

Lathrop GPM was also proud to celebrate firm veterans as well as our progress in LGBTQ+ and women's inclusion, including achieving gender parity in our new partner promotion class for the third consecutive year. We also addressed opportunities for minorities in firm leadership by launching a new executive sponsorship program for BIPOC attorneys while also examining promotion and committee appointment transparency. Lathrop GPM paused to acknowledge antisemitism and Asian hate while connecting folks to intervention resources and training.



We are proud of our Social, Racial & Economic Justice Action Plan because it speaks to our core beliefs as a firm and our passion for people and communities. The multi-prong plan supports the rule of law, funds the fight for equality, and provides an impactful platform to educate our people, clients, and communities. Equally important, the Action Plan gives our firm family the room to grow, change and respond to the needs supporting justice for all.

Our efforts have included the commitment of \$5 million over five years to combat systemic racism and support impoverished communities; instituting billable hours for DE&I and community and civic activities; founding of our Courageous Conversations (online forums on race and social justice); and creation of the GTDrives: Dynamic Dialogues Podcast. Other successes include achieving Mansfield Rule 3.0 Certification in 2020. The program, administered by The Diversity Lab, is designed to boost diversity and inclusion in law firms and legal departments. Subsequently in July 2021, the firm achieved Mansfield Rule 4.0 Certification Plus, indicating it went beyond the original program requirements of considering 30% diverse talent.



SHOOSMITHS' SHADOW BOARD

Last year, Shoosmiths introduced a Shadow Board, which mirrors the current structure of Shoosmiths' senior management Board. Anybody working at Shoosmiths could apply for a place on the Shadow Board and review the same business topics that the Board regularly meets to discuss.

Hayley Saunders, regulatory partner at Shoosmiths and chair of the Shadow Board, said: "The aim of the Shadow Board is to bring in diverse perspectives from around the firm to create a feedback loop that makes strategic recommendations to the senior management Board. One of the key priorities for Shoosmiths is to ensure equal opportunities, valuing diversity and creating an inclusive working environment are integral to how the firm operates. It's great the firm recognises the value in a Shadow Board and according to our Board having one is already making a real difference."



At Husch Blackwell, we are most proud of the continued increases we see in the diversity metrics we have tracked for many years. We are specifically seeing continued increases in the representation of women in leadership roles across the firm. We increased representation of women at the equity partner level by 2% from 2020 to 2021 (our equity partners overall are 21% women). Further, 30% of our Office Managing Partners are women and 33% of our Practice Specialty Center leaders are women.

However, this is just one part of our DE&I efforts. We hired our first Chief DE&I Officer in 2021, who oversees an expanded team of five DE&I professionals to strategically grow our program. Our Diversity Liaison Program provides one-on-one support focused on development, retention and advancement for of color and LGBTQ+ attorneys. And our Sponsorship Initiative pairs select senior associates and fixed income partners who elect to participate with sponsors who will help them advance to partner or equity partner. Lastly, we continue to receive external recognition for our work, receiving the Mansfield Certification Plus designation in 2019, 2020, and 2021 and a perfect score on the Human Rights Campaign (HRC) Corporate Equality Index consecutively since 2016.

In Touch, In Tune, Inclusive

Baker Donelson's *Diversity Ever After* podcast features a wide range of internal and external guests navigating uncomfortable but necessary conversations to raise awareness of D&I workplace and societal issues. Season 1 centered around code-switching, a phenomenon the Harvard Business Review refers to as "...adjusting one's style of speech, appearance, behavior, and expression in ways that will optimize the comfort of others in exchange for fair treatment, quality service, and employment opportunities." In season 2, the hosts tackled the various forms privilege can take and how it impacts life inside and outside the legal industry.

EPISODE HIGHLIGHTS INCLUDE:

SEASON 1, EPISODE 2: Guest host [Brianna Gaddy](#) joins Baker Donelson attorney hosts to discuss her essay, "What's Hair Got to Do With It?: How School Hair Policies Violate the United States Constitution," which takes a deep dive into issues surrounding Black hair, how schools' personal grooming policies can disproportionately impact students who style their hair in a way that is natural and authentic to

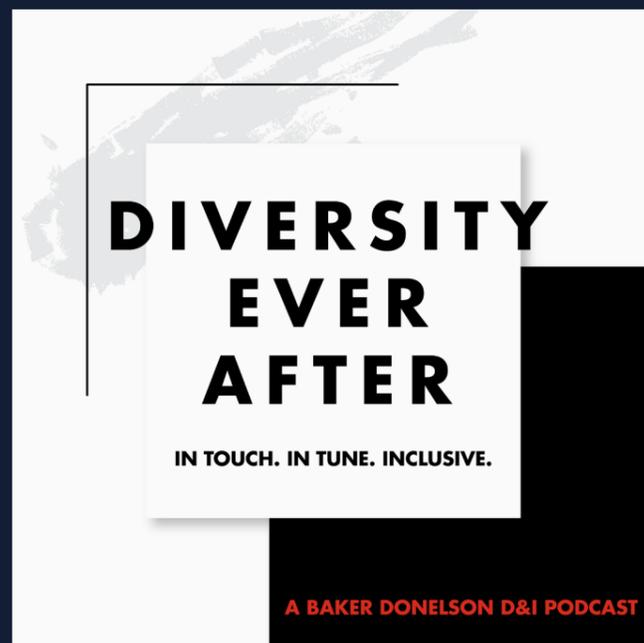
them, and legislative efforts to address this issue.

SEASON 1, EPISODE 5: Guest host and professor [Dr. Courtney McCluney](#), co-author of "[The Cost of Code-Switching](#)," leads a discussion about Black fatigue and the upsides and downsides of code-switching.

SEASON 2, EPISODE 3: Guest host [Alycia Sutor](#) from GrowthPlay helps unpack best practices to combat tokenism, whether you're a trailblazer, an illuminator or an advocate.

SEASON 2, EPISODE 4: Guest host [Catarina Rivera](#), a diversity, equity and inclusion consultant specializing in disability diversity, unpacks ableism, which is hardly discussed, and offers guidance on addressing ableism in the workplace.

Season 3 will launch later this month. The podcast can be found here, or search for "Baker Donelson" in the Apple podcast app or your favorite podcast platform.



A BAKER DONELSON D&I PODCAST

2022 CALENDAR

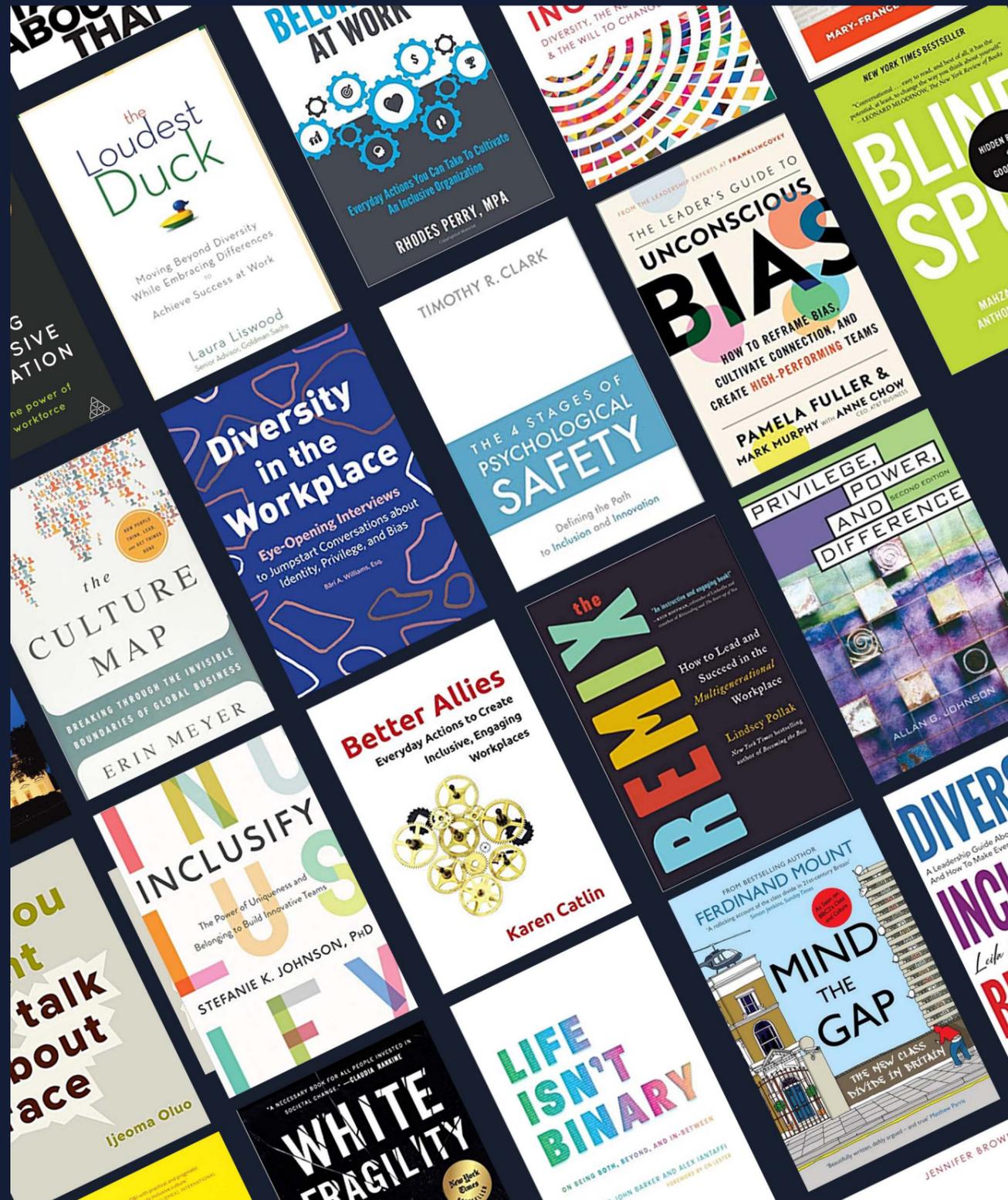
THURSDAY 17 MARCH	New York Dinner <i>The Loeb Boathouse Central Park</i>
THURSDAY 28 - SATURDAY 30 APRIL	GLL General Counsel Forum, International <i>Villa d'Este, Lake Como</i>
THURSDAY 12 MAY	GLL Middle East Exchange <i>The Ritz Carlton, Middle East</i>
WEDNESDAY 1- FRIDAY 3 JUNE	GLL General Counsel Forum, Americas <i>Solage, Napa Valley, CA</i>
TUESDAY 7 - FRIDAY 10 JUNE	GLL UK Mini MBA <i>Somerville College, Oxford</i>
THURSDAY 16 JUNE	London Dinner <i>The Ned, London</i>
FRIDAY 2 SEPTEMBER	GLL Africa Exchange <i>Houghton Hotel, Johannesburg</i>
THURSDAY 6 OCTOBER	GLL Women's Day Exchange <i>Glaziers Hall, London</i>
THURSDAY 13 OCTOBER	Dallas Dinner <i>Rosewood Mansion on Turtle Creek</i>
THURSDAY 20 OCTOBER	San Francisco Dinner <i>Foreign Cinema</i>
THURSDAY 24 - FRIDAY 25 NOVEMBER	GLL Exchange UK <i>Cliveden House, Berkshire, UK</i>
TUESDAY 15 - FRIDAY 18 FEBRUARY	GLL US Mini MBA <i>Harvard Faculty Club, Boston</i>

Lead Member Only

All events include accommodation except for the Mini MBAs, GLL Womens Day Exchange, GLL Forum Middle East and GLL Forum South Africa.

One lead member or team member

Recommended Books on Diversity and Inclusion



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GLOBAL LEADERS IN LAW