



DALLAS BAR ASSOCIATION

DIVERSITY SUMMIT 2012

Diversity Matters – Make a Difference



FINAL REPORT

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November 29, 2012

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Adopted DBA Board June 19, 2013

PAST, AS PROLOGUE

Questions of race, justice, equality, and inclusion have been long-standing challenges in the history of this nation and the legal profession.

The demographics of our nation reflect an increasingly diverse landscape, and the nation's attitude towards diversity and inclusion has gradually evolved. In response to the nation's increasing diversity, our historically non-diverse legal profession has evolved as well. But, its evolution has been much more gradual.

Within the profession, bar associations are the conscience of the legal community. Like most other bar associations, the Dallas Bar Association is dedicated to the continuing legal education of its members and the community, the betterment of the profession, service to the community and the profession, and fellowship among legal professionals. However, it is the Dallas Bar Association's dynamism that sets it apart from other bar associations. Even with its rich history of success and progress, the DBA constantly strives to adapt to current challenges and opportunities within the profession.

The DBA and its membership accurately reflects the demographics of the State Bar of Texas. Consequently, like the State Bar and the profession itself, that reflection means that the DBA has historically been a predominantly non-minority professional, community service, social, and networking organization; however, through the years, the DBA has made great strides in increasing its diversity and that of the profession. As the nation's attitude has become more inclusive and progressive on diversity matters, so too has the attitude of the DBA in realizing the imperative of diversity and its implementation. Examples of the DBA's commitment to diversity throughout the years include the following:

- In 1990, the Dallas Bar Association's Task Force on Opportunities for Minorities in the Profession promulgated the *Long Range Plan for Inclusion*, which (among other goals) called for increased minority lawyer participation in the DBA, an enhanced relationship between the DBA and the Minority Bar Associations, increased economic opportunities for minority lawyers, and an increased presence of minority lawyers in majority law firms.
- In 1994, the Dallas Bar Association issued its *Statement of Goals of Dallas Law Firms and Corporate Legal Departments for Increasing Minority Hiring, Retention and Promotion*, which reinforced the goals of

the Long Range Plan for Inclusion, with many of Dallas' largest and most prominent firms as signatories, as well as endorsements by all of the major bar associations in Dallas.

- In 2006, Dallas Diversity Task Force, through a collaborative effort of the J.L. Turner Legal Association, the Dallas Hispanic Bar Association, and the Dallas Asian American Bar Association, researched, compiled, and promulgated the first of its annual reports on the racial and ethnic diversity of the largest law firms in Dallas. In time, these efforts gained increasing support by the DBA, and the DBA continues its efforts to collaborate with the Task Force.
- In 2008, the DBA promulgated an inclusive Final Report of the "*A Bar For All*" Initiative envisioned by DBA Past-President Frank Stevenson. As stated in the "Final Report – A Bar For All", the mission of the "*A Bar For All*" Initiative was to "...encourage entry into the legal profession by under-represented groups ("sub-communities"), encourage law students to choose the Dallas metropolitan area for their professional home, and to encourage membership in the Dallas Bar Association and the sister bars."

The DBA's commitment to diversity and inclusion is also evident in various other promulgations of the DBA, including the "*Membership*" portion of its *Statement of Long Range Planning Goals*, which asserts that "[T]he Dallas Bar Association should maintain and increase its number of lawyer members and provide its members with a full and diverse array of membership opportunities and benefits", and recommends that one manner in which the DBA can accomplish this goal is to target minority lawyers for membership. The "*Inclusion*" portion of the *Statement of Long Range Planning Goals* also states that "[T]he Dallas Bar Association should include diverse members and leaders from all practice areas, genders, races and backgrounds."

Much like the *Statement of Long Range Planning Goals*, the DBA's *Vision 2020 Strategic Plan* (2010) focuses, in part, on the challenges of increasing membership and inclusion within a strategic ten-year framework. Regarding membership, inclusion, and mentoring, the Report of the Vision 2020 Commission recommends, in part, that the DBA "[C]ollaborate with sister bar associations to increase the number of diverse mentors for existing programs, as well as to compare "best practices" of the sister bar associations for more effective mentoring."

The Bylaws of the DBA provide for a unified bar association board, with members of the various sister bar associations serving as Directors (Presidents of sister bar associations) or Advisory Directors (Presidents-Elect of sister bar associations). This aspect of the DBA continues to promote diversity and inclusion in our legal community and helps make the bar associations in Dallas premiere among our counter-parts in other cities.

The goals, objectives, aspirations and philosophy embodied in the aforementioned organizational and foundational documents have endured and will continue to endure. However, the DBA's commitment to a diverse profession and bar association is also evident through its programming, including mentoring at Dallas ISD, through the Big Brothers Big Sisters Amachi program, and at SMU and Texas Wesleyan law schools; through its commitment to Pipeline Projects, including Mock Trial, the Summer Law Intern Program and Law in the Classrooms; and through the Dallas Bar Foundation's Sarah T. Hughes Diversity Scholarships, funded in part through the efforts of Bar None and the annual "*An Evening With*" dinner.

PURPOSE OF THE DIVERSITY SUMMIT

Demonstrating that diversity is a priority starts at the top – from the general counsel of a corporation, to the managing partner of a firm, to the leadership of a bar association.

As a premiere bar association, the DBA committed its focus and resources to promoting a forum in which best practices for a diverse and inclusive profession could be discussed, with the goal of implementing these best practices in the profession in the short and long-term.

Accordingly, the DBA, in collaboration with the State Bar of Texas, the Dallas Bar Foundation, the Dallas Association of Young Lawyers, the J.L. Turner Legal Association, the Dallas Hispanic Bar Association, the Dallas Asian American Bar Association, and various other sponsors and stakeholders, envisioned a Diversity Summit with the following purposes:

- Promote diversity and inclusion in all sectors of the local, state, and national legal community.
- Develop best practices designed to increase diversity in the legal profession.
- Discuss innovative models for increasing diversity throughout the legal profession.

With these purposes in mind, on November 29, 2012, the DBA held its inaugural DBA Diversity Summit at the Belo Mansion. The estimated three hundred-fifty attendees included general counsel from various corporations, members of corporate legal departments, law firm partners and associates, diversity officers, bar association leaders and members, and law school deans, admission officers, and students. All attended with a commitment to diversity and inclusion, to providing input and ideas regarding diversity, and to learn about implementing diversity programs in their respective legal communities.

OPENING REMARKS:

Paul K. Stafford - Carter Stafford Arnett Hamada & Mockler, PLLC;
2012 President, Dallas Bar Association

President Stafford provided a brief overview of the historical diversity efforts of the DBA, sister bar associations, and legal community, while outlining the purpose of the Diversity Summit, and the focus on best practices.

President Stafford's opening remarks were followed by introductions by Diversity Summit Chair Rhonda Hunter – a diversity pioneer in her own rite by virtue of being the first African-American President of the DBA in 2004.

THE STATE OF DIVERSITY IN 2012

Opening Address:

Robert J. Grey, Jr. – Hunton & Williams, LLP;
Executive Director, Leadership Council on Legal Diversity.

Robert Grey articulated the case for diversity in 2012 by addressing current statistics and survey findings, (including the 7th *Annual Law Firm Survey Results*, presented by the *Dallas Diversity Task Force Report on Diversity*), as well as how to increase diversity in the legal profession.

Diversity Update:

Jeff Tillotson – Lynn Tillotson Pinker & Cox, LLP

Mr. Tillotson addressed the current state of diversity and updated the attendees on litigation involving diversity in law schools, specifically (*Fisher v. The University of Texas*, an affirmative action case involving the University of Texas, recently argued before the U.S. Supreme Court).

SUCCESSFUL CORPORATE DIVERSITY INSIDE AND OUT

Panelists:

Jack Balagia – General Counsel, Exxon Mobil

Janet Dhillon – Executive Vice President,
General Counsel & Secretary, JC Penney

Chris Luna – Staff Vice President and Assistant General Counsel, Metro PCS

Dr. Walter Sutton, Jr. – Associate General Counsel, Wal-Mart Stores, Inc.

The panelists of corporate counsel discussed successful programs that have increased diversity and best practices for promoting diversity and successful outside counsel relationships. The panelists also challenged the audience about methods to increase corporate and law firm diversity.

Best Practices:

- **Diversity In-House**
 - There must be a mandate from the top (Executive Management and the Board of Directors)
 - You get diverse outside counsel when the legal department is diverse
 - Success with diversity should be measured through yearly review of the initiatives
 - Participate in minority job fairs and hire from them
 - Raise profile in minority programs such as the Texas Minority Counsel Program, Corporate Counsel Women of Color, and the Leadership Council on Legal Diversity
 - Make success in diversity initiatives a substantive portion of annual evaluations of in-house staff and a tie it to compensation
 - Require that in-house counsel attend diversity seminars and come back with names of potential minority outside counsel or candidates to hire

- **Diversity in Outside Counsel**
 - Require that firms be diverse and monitor how firms are doing by paying attention to the annual Diversity Task Force Report Card
 - Closely monitor the firm's participation in diversity initiatives and that cases are staffed as appropriate with diverse lawyers who are *actively participating* in the matters
 - Hold firms accountable by declining to give them continued business if they are merely paying lip service to diversity or places them on the "Do Not Hire" list
 - Hire outside counsel who offer flexible schedules and alternative paths to partnership to their attorneys
 - Attend diversity programs to maximize networking opportunities with clients and corporations who are committed to increasing diversity
 - Outside counsel should find out what diverse organizations your clients support and strategically partner with and learn more about them
 - Hire certified minority and women-owned law firms and small firms
 - Outside counsel should allow and encourage young diverse lawyers to attend client pitches
 - Outside counsel should allow and encourage diverse lawyers to present CLE to clients on-site in lieu of lunches.

MODELS FOR RECRUITING AND RETAINING ATTORNEYS OF COLOR

Panelists:

Terry W. Conner – Haynes and Boone, LLP

Kevyn Orr – Jones Day, Washington, D.C.

Stanley B. Stallworth – Sidley Austin, LLP, Chicago, Illinois

The panel of managing attorneys and law firm partners discussed programs to address diversity in law firms, including recruiting attorneys of color, formation of coalitions to increase diversity, and methods for retaining minority attorneys at law firms.

Models for Recruiting and Retaining Attorneys of Color

- **Pipeline**
 - Recruiting from the top of the class at law firms where firms do not traditionally recruit
 - Requiring diverse recruits to develop innovative ideas to increase diversity in the legal profession
 - Reach out to pipeline programs such as SEO, CLEO, and StreetLaw for a diverse pool of talent
 - Get involved with mentoring high school students in Dallas who will become the pipeline for jobs in our community in the future
 - Partner with clients and organizations to develop scholarships and other support services for diverse undergraduates who need substantive and financial support with applying to law school

- **Retention**
 - Enhanced Mentoring Program – each diverse associate paired with a partner in their practice area who has substantial client relationships, provide them work, review their work and help them get into the fabric and fiber of the firm
 - Assign a Partner Mentor and Associate Mentor
 - By the sixth, seventh or eighth year, the associate should be a known commodity to the firm and should be seeking out every opportunity to become one
 - Offer and support associates in opportunities to make CLE presentations at the DBA, TexasBarCLE or for clients
 - Offer a Minority Firm Retreat where attorneys can collaborate on diversity issues and provide feedback on diversity priorities
 - Pair Board Members and Firm Management with young diverse attorneys to develop leadership within the firm

- Offer a Leadership Development Program for women attorneys to prepare them for partnership by offering career coaching, business development techniques, and networking opportunities
- Analyze allocation of work to women and minority associates via a practice group report card

LUNCHEON KEYNOTE SPEAKER

Roland Martin-Guest Correspondent, CNN

In articulating the state of diversity in today’s global business market and economy, Mr. Martin stressed the business imperative of understanding diverse audiences and markets to maximize effectiveness and strategic objectives. Mr. Martin stated that every firm and company has an annual report to show progress from the previous year, and that every individual should have a personal annual report. Mr. Martin stressed the importance of those committed to diversity acting to promote and improve diversity, and challenged the audience about methods to increase diversity in the profession by committing to two actionable items over the next year to make substantive change in their community. He also urged each audience member to identify an “accountability partner” who will hold each of the participants to their commitment, and who can be held to their commitment as well. Individuals engaging in this diversity challenge should report their respective progress through next year’s “personal report.”

INCLUSION OUTSIDE THE BOX

Panelists:

Robert J. Grey, Jr. – Hunton & Williams, LLP;
Executive Director, Leadership Council on Legal Diversity

Benny Agosto, Jr. – National Hispanic Bar Association

Kelly-Ann Clarke – Former Chair, ABA-Young Lawyers Division

Lisa Tatum – President-Elect, State Bar of Texas

This panel of bar association leaders discussed innovative ideas for increasing diversity in leadership of bar associations, engaging solo and specialty bars and addressing tactics to increase diversity at higher levels in bar associations.

Inclusion Outside the Box

- **Diverse Attorneys**
 - Set goals and be concerted in your efforts so that your expectations meet the expectations of your partners and mentors

- Show up, step up, and make the connection
 - Be different and embrace the unique perspective you bring to bar leadership and your firm
 - Get involved with bar leadership. It affords you the opportunity to develop your passion and to meet life changers who are impacting the community and practice areas.
 - Be dedicated and pursue leadership opportunities within the bar associations. Leaders are associated with success
 - Ask the hard questions and develop the answers
 - Be a mentor and find a mentor. They don't have to look like you
 - Be a star every day in everything you do
- **Bar Associations**
 - Ensure that that LGBT lawyers are invited to the conversation on diversity within the bar associations, bar leadership, and the legal community
 - Engage with law schools. Find out what they are doing to increase the pipeline of diverse attorneys and how bar associations can strategically partner with them to accomplish diversity goals
 - Develop leadership and ensure that diverse lawyers are included among those you are developing

PROGRAMS

- Create programs that support the diverse membership of your bar association.
- Consider diversity when selecting speakers.
- Provide training to expand the diverse pool of speakers
- Encourage diverse members to write articles for publication
- Provide and encourage diversity programs and diversity training

LEADERSHIP

- Encourage diverse members of a bar association to consider bar leadership
- Offer leadership training to bar association members
- Make diversity training a part of leadership training
- Provide a mechanism to identify diverse members in the leadership pipeline

OUTREACH

- Set goals and be concerted in diversity efforts
- Create and reach out to support student pipeline programs
- Consider non-traditional diversity
- Provide support for diversity efforts in law firms and corporate legal offices
- Collaborate and encourage idea of building with other diverse organizations.

INCREASING THE PIPELINE

Panelists:

Sally L. Crawford – Jones Day, Dallas, Texas;
2012 President-Elect, Dallas Bar Association

William A. Goodloe – Sponsors for Educational Opportunity

Lisa Soto – Clinical Professor, University of Texas at El Paso,
Law School Preparation Institute

These attorneys and industry professionals debated issues affecting increasing attacks on diversity in admissions, programs designed to increase the pipeline and ideas that attorneys can implement to increase diversity of the law student population.

Increasing the Pipeline

- Pipeline problems start long before law school graduates are looking for jobs
- Reach kids early, beginning in elementary school and continuing through junior high, high school, and college
- Students need to be exposed to the legal profession early (many minority students do not know any lawyers or what lawyers do)
- Law firms must get involved to increase the pipeline (SEO's internship programs, for example)
- There are numerous programs offered by the DBA that provide opportunities to mentor students beginning as early as elementary school
- Train young lawyers and integrate them in your firm
- Mentoring and guidance are the keys to increasing the pipeline

CRACKING THE GLASS CEILING

Panelists:

Kim Askew – K&L Gates

Regina Montoya – General Counsel, Children's Medical Center

Emily A. Parker – Thompson & Knight, LLP

Kathleen Wu – Andrews Kurth, LLP

Innovators in promoting diversity issues provided ideas for dealing with gender disparity in the number of law firm managing partners and in compensation, best practices for

promoting the advancement of women and lawyers of color in the legal field, and what can be done to help lawyers break the glass ceiling.

Cracking the Glass Ceiling

- Find a sponsor and be a sponsor (someone who takes you under their wing, introduces you to their clients, and allows you to take responsibility). Sponsor support is essential for anyone's success and particularly female and diverse lawyers
- Management will have to be flexible and address alternative paths to partnership, flexible work schedules, and disparities in compensation between women and male partners
- Often women do not have the same opportunities because they do not ask. Ask for the opportunity

DIVERSITY SUMMIT WRAP UP – DEVELOPING BEST PRACTICES

Dyan House – Carter Stafford Arnett Hamada & Mockler

Michael Hurst – Gruber Hurst Johansen Hail Shank

Michele Wong Krause – Wong Krause & Associates

Courtney Barksdale Perez – Carter Stafford Arnett Hamada & Mockler, PLLC

Each of these individuals assisted in compiling the final report of the Diversity Summit, and participated in a panel discussion which provided an overview of the Diversity Summit and addressed potential outcomes.

ACKNOWLEDGEMENTS

DBA Diversity Summit Planning Committee, particularly:

Rhonda Hunter, Chair of the Diversity Summit and DBA Past-President (2004)

Courtney Barksdale Perez and Maricela Moore, Co-Chairs of the DBA's Minority Participation Committee (2012 JoAnna Moreland Committee of the Year).

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Fulbright & Jaworski

Friends of the Diversity Summit:

Victor N. Corpuz

Bar Association Sponsors:

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DBA Minority Participation Committee
DBA Public Forum Committee
Dallas Bar Foundation
Dallas Association of Young Lawyers
J.L. Turner Legal Association
Dallas Hispanic Bar Association
Dallas Asian American Bar Association

Cathy Maher, Alicia Hernandez, and the Dallas Bar Association Staff

CONCLUSION

As stated in the November 2012 President's Column of DBA's *Headnotes*, "[F]or decades, the DBA and the sister bars have worked together to promote a diverse and inclusive legal environment.... Progress has been made though the Dallas Bar Association, the sister bars and countless other stakeholders—armed with knowledge and conviction, steadied by courage and committed to positive change for the profession." Bar associations must continue to collaborate with law firms, corporate counsel, law schools, and the community to improve diversity and inclusion within the profession. As efforts to promote the imperative of diversity continue to evolve, and modern realities require our continued diligence, the continuing conviction, courage, and commitment of our legal community has never been more critical.

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Appendix 1
Final Report References

Dallas Bar Association Long Range Plan for Inclusion
DBA Task Force on Opportunities for Minorities in the Profession, 1990

Dallas Bar Association Statement of Goals of Dallas Law Firms and Corporate Legal Departments for Increasing Minority Hiring, Retention and Promotion
Dallas Bar Association, 1994

Dallas Diversity Task Force Report
Dallas Diversity Task Force, 2006

Dallas Bar Association "A Bar For All" Final Report
Dallas Bar Association, 2008

Dallas Bar Association Statement of Long Range Planning Goals
Dallas Bar Association

Dallas Bar Association Vision 2020 Strategic Plan
Dallas Bar Association, 2010

Dallas Bar Association Bylaws

7th Annual Law Firm Survey Results
Dallas Diversity Task Force Report on Diversity, 2012

Fisher v. The University of Texas, 132 S. Ct. 1536 (2012)

President's Column
Paul Stafford
Dallas Bar Association *Headnotes*, November 2012

Appendix 2 Diversity Summit Handouts

A Current Glance at Women in the Law

American Bar Association, Commission on Women in the Profession
September 2012

Executive Summary - Visible Invisibility, Women of color in Fortune 500 Legal Departments

American Bar Association, Commission on Women in the Profession
2006

Haynes and Boone Attorney Diversity Committee

Law School Preparation Institute

University of Texas at El Paso

Report of the Seventh Annual National Survey on Retention and Promotion of Women in Law Firms

The National Association of Women Lawyers and the NAWL Foundation, October 2012

Sidley & Austin Diversity & Inclusion Scholarship

Statistical Evidence on the Gender Gap in Law Firm Partner Compensation

Marina Engel, Temple University – James E. Beasley School of Law
Eun-Young Whang, University of Texas – Pan American
Rajiv D. Banker, Temple University – Fox School of Business
Joseph Lopez, Temple University – James E. Beasley School of Law

Status of Racial/Ethnic Minorities in the State Bar of Texas (2011-12)

State Bar of Texas Department of Research & Analysis

Status of Women in the State Bar of Texas (2011-12)

State Bar of Texas Department of Research & Analysis

Presentation Materials

DBA Pipeline Programs

Diversity Snapshot - Haynes and Boone

Law Firm Pipeline Programs

Law School Preparation Institute – UTEP

SEO Law Program – One Internship Infinite Opportunities