

The Case for Diversity in a Down Economy

by Marian Cover Dockery

The 18th annual State Bar of Georgia Diversity CLE focused on the impact of the economy on diversity in law schools, law firms and corporate and government law offices; provided tips from an expert on how diverse attorneys must chart their own course; and presented a roundtable of Georgia judges who explored the positive impact of diversity in the courtroom.

Members of the first panel, moderated by Lori Garrett, Southeast Regional Director of the Minority Corporate Council, discussed the recession's negative impact on the placement rate of students in law schools and the hiring and retention of diverse attorneys in law firms. Panel members included Dean Richardson Lynn, Atlanta's John Marshall Law School; Rick Deane, partner, Jones Day; Robin Sangston, vice-president, legal affairs, Cox Communications; and Lisa Chang, DeKalb County attorney. Lynn observed that at John Marshall, the placement rate for graduates declined from 96 percent in 2008 to 92 percent in 2010. Other panelists observed that a large number of associates have left law firms, and women and minorities, who typically have the least seniority, were



Photos by Marian Cover Dockery

State Bar President Lester Tate addresses the attendees of the State Bar of Georgia Diversity CLE during the luncheon sponsored by Troutman Sanders and Jones Day.

adversely impacted, e.g., among the first to be fired. Sangston stated that because corporate law offices have limited opportunities, they also are under pressure and create fewer opportunities to hire new attorneys. Companies like Cox are now focusing on development and retention and designing in-house programs to strategically advance their attorneys to become leaders. In order to motivate outside counsel to retain diverse attorneys, many companies track the outside counsel who work on their legal matters by sex and race as well as the hours and rates that these law firms charge. By demanding transparency, Cox and other corporations can determine if a law firm retained to work on company legal matters is committed to utilizing and developing diverse attorneys.

Municipalities are also cutting back. Budget cuts at DeKalb in 2009 and 2010 resulted in closing job openings as well as layoffs in the legal departments. Many firms are not creating new opportunities for women and minorities. Deane shared with the audience that Jones Day's class of 2010 hired 100 diverse associates and 23 diverse summer associates. In 2011, the firm projects hiring 32 diverse attorneys. Because Jones Day is committed to its core values and continues to build and strengthen its existing diversity partnerships, it has successfully increased the number of diverse associates in the firm's pipeline. The firm also has a partnership with Morehouse and Spelman juniors and seniors who wish to attend law school. One Morehouse graduate who joined the firm as an intern recently made partner in the Atlanta office.

Chang advised diverse attorneys to be more proactive and more flexible and pointed out that although diverse attorneys in private practice are always needed, they still must sell themselves, prove their competence and patiently build relationships to successfully secure work.



(Left to right) Members of the first roundtable included Dean Richardson Lynn, Atlanta's John Marshall Law School; Lisa Chang, DeKalb County attorney; Robin Sangston, vice-president, legal affairs, Cox Communications; Lori Garrett, Southeast Regional Director MCCA; and Rick Deane, partner, Jones Day.



(Left to right) J. Marbury Rainer, partner; Rylan Smith and Raj Shah, associates of Georgia Diversity Program member Parker Hudson Rainer & Dobbs, at the Diversity Luncheon.

Tips for Achieving Career Growth in a Down Economy

Werten Bellamy, president and founder of "Chart Your Own Course" and CEO of Stakeholders, Inc., spoke to the attendees on the topic of survival in a down economy.

Bellamy emphasized that among other things, attorneys cannot confuse commitment with reliance and tenure does not equal value in the way it once did. Diverse lawyers must demonstrate their value to the marketplace and routinely assess their value. Technical competence is important in the profes-



(Left to right) Members of the judges panel included Hon. J. Antonio DelCampo, Hon. Michael Johnson, Hon. Henry Newkirk, Hon. Cynthia J. Becker and Hon. Kimberly Esmond Adams.

sion, but also a positive experience of working with people is critical to one's success as well. Bellamy emphasized that although people respect differences, they ultimately invest in "likeness" where it is easier to build trust through shared experiences.

The Positive Impact of Diversity in the Courtroom

The final session showcased a diverse panel of judges; moderator, Hon. Kimberly Esmond Adams, Fulton County Superior Court; Hon. Cynthia J. Becker, Superior Court, Stone Mountain Circuit; Hon. J. Antonio DelCampo, State Court of DeKalb County; Hon. Michael Johnson, Superior Court, Fulton County; and Hon. Henry M. Newkirk, Superior Court, Fulton County. Statistics confirm that an increased number of women and minorities are serving on the bench in Georgia. These numbers are consistent with what is happening nationwide. In Georgia's superior courts, once dominated by white males, there are now 42 women and as of 1995, 14 African-Americans and

one Native American. Newkirk pointed out that this shift was due to the appointments made by Zell Miller and Roy Barnes who made an effort to diversify the bench. The public wants diverse judges because Georgia's citizens continue to elect more diverse lawyers to judgeships. Becker observed that in 1984, when Chief Justice Carol Hunstein ran for superior court and Hon. Anne Workman ran for state court, the environment began to change through the elective process. In addition, there has been a visible shift in age in the makeup of the court where now 43 percent of judges are between the ages of 50 and 60 and 40 percent are over the age of 60. Johnson, who trained under Newkirk, stated that he brought his own generational perspective and experience to the bench which is much different from a judge who is 55 or 65 years old. In his opinion, older judges appreciate this different perspective. The most diverse courts in Georgia are in DeKalb County where there are now two Hispanic judges and two Asian-American judges on the bench in addition to the African-American jurists. The judges all agreed that

the new environment in the court system created by a more diverse panel of judges is positive for the next generation of lawyers.

Diversity on the court has also positively impacted the future of first-time, misdemeanor defendants. Judges recognize their responsibilities to a diverse population which includes assisting immigrants and young minority male defendants who have dropped out of school (16–21 years old). Creative strategies implemented by diverse judges on the bench work to get drop-outs back in school and perform community service when the defendants have no priors and have committed misdemeanors. If the defendants accept the offer to return to school and graduate or earn a GED, their cases are dismissed. One defendant returned to DelCampo's court and reported that he not only got his GED, but had enrolled in Perimeter College.

Adams closed the discussion stating that because judges serve at the pleasure of the people, it is the responsibility of judges to interact with people in the community and change their perspectives regarding race and sex. Diversity works when people meet you and see who you are and for that reason, Adams makes an effort to give the public an opportunity to meet her by accepting multiple speaking engagements throughout the state of Georgia.

18th Annual Luncheon

After welcoming the participants, State Bar President Lester Tate shared that he became more sensitive to the issues of discrimination after his daughter was born. He emphasized that our profession must continue the conversation regarding diversity and make concerted efforts to meet the challenges of this century with diverse legal staffs.

Keynote speaker, Paul Lancaster Adams, associate general counsel of litigation and chair, Microsoft, Inc., Diversity Outreach Program, stated that the most powerful nations commit to diversity and

since the global economy is increasingly interdependent, our diversity is key in persuading other nations on any number of topics. The legal profession, despite its increase of minorities in the United States, has experienced a decline in the enrollment of African-Americans and Hispanics in law schools despite their rising GPAs and LSAT scores. Consequently, the pool of diverse attorneys has decreased during the last decade, with the problem exacerbated by the recession. For each ethnic group, the percentage of Asian-Americans, Hispanics and African-Americans practicing law continues to decline by 10 percent for Asians, 13 percent for Hispanics and 16 percent for African-Americans.

Microsoft's diversity strategy, in place to help stem the decline of minority attorneys in the workplace, ties the bonuses of its most senior attorneys to their respective success in motivating outside counsel to increase their diversity. They desire their outside counsel to be as diverse as Microsoft and uses a "pay for performance" approach to hold its managers accountable. Their goal is to increase their outside counsel's percentage of minorities. To do so, the last 5 percent of the bonuses of the most senior Microsoft lawyers are tied to the success of the law firms they manage. When law firms fail to increase their percentages of minority attorneys, Microsoft does not reward its most senior lawyers that last 5 percent of their bonus. Unapplied bonus money is added to a pool for minority scholarships for students in Seattle and Washington, D.C. A point system was developed to gauge the success of firms in hiring, promotion and retention of diverse attorneys. There is still much work to be done, but Microsoft's effective strategy can be replicated by other companies to motivate their in-house counsel. Fifty-two percent of Microsoft's staff are women or minorities. By Microsoft requiring transparency of its outside counsel, it is working to motivate its outside



(Left to right) Charles Huddleson, Baker Donelson Bearman Caldwell & Berkowitz PC; Aja Diamond, Yoss LLP; Paul Lancaster Adams, Microsoft, Inc.; and Marian Cover Dockery, director, State Bar of Georgia Diversity Program, after presenting Adams with a token of appreciation for his willingness to serve as luncheon keynote speaker.

counsel to become just as diverse as Microsoft.

Creative corporate diversity initiatives which 1) require a diverse team of attorneys; 2) monitor the utilization of these attorneys on legal assignments; and 3) not only hold the senior corporate counsel accountable if the firms do not adhere to the company's diversity goals for their outside counsel, but reduce their bonuses accordingly, may be the only way most law firms will retain their diverse attorneys. No firm wishes to lose a client, so the retention of diverse attorneys becomes a business decision. Additionally, diverse attorneys must continue to demonstrate their value to the marketplace, develop their leadership talents and learn to focus on the similarities with their peers to guarantee they are selected when opportunities cross their paths. ^{CBI}



Marian Cover Dockery is an attorney with a background in employment discrimination and the director of

the State Bar of Georgia Diversity Program. For more information on the Diversity Program, go to www.gabar.org/programs.

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