

# Conversation and a Scorecard:

## The Impact of the Economy on Diversity in the Profession

by Marian C. Dockery

**T**wo leaders in the profession shared their life stories with conference attendees at the 17th Annual State Bar of Georgia Diversity Luncheon on Sept. 30. Chief Justice Carol Hunstein and Thomas G. Sampson, founder and member of Thomas, Kennedy, Sampson & Patterson, Atlanta's oldest minority law firm, answered questions posed by Valerie Jackson, former first lady of Atlanta and host of NPR's "Between the Lines," much to the delight of the attorneys and luncheon guests.

Justice Hunstein responded to Jackson's questions about her life journey. She recalled with ease the painful experiences of her childhood: a diagnosis of polio, the death of her mother when she was only 11 and the almost immediate remarriage of her father and the addition of three siblings to the family. The Chief, which is how Jackson addressed her, recalled that she married very young and had a son. The road did not get easier for Justice Hunstein, who faced a diagnosis of cancer that eventually resulted in a leg amputation. But Justice Hunstein, a young, divorced single mother, was not to be deterred. She pursued a law degree despite her father's words of discouragement—"a woman's place is in the home." The rest of Justice Hunstein's story is recent history and her life reads like a movie script.

Sampson told the audience that he grew up in North Carolina where his father was an attorney and dean of North Carolina State. Five days a week, his dad worked at the college and on the weekends he prac-



Photos by Don Morgan

(Left to right) Chief Justice Carol Hunstein and Thomas G. Sampson at the State Bar of Georgia Diversity Program's 2009 Luncheon.

ticed law. Although his father's profession would logically lead one to believe that Sampson would seek to follow in his footsteps, his motivation to pursue the law was in fact the injustices of the civil rights era. The murder of Emmett Till, the bombing of a Birmingham church where three young girls were killed and the many tragedies suffered by minorities during the 1960s shaped his goals and aspirations. Sampson decided to pursue a law degree because he thought he could be a catalyst for change. He became an extremely successful

attorney and founding partner of one of the most notable minority law firms in Atlanta.

Jackson continued the conversation, commenting on her husband's, the late Maynard Jackson, unwavering commitment to diversity, his support of the two speakers and how under his leadership minority business partnerships with the city increased from less than one percent to a stunning 28 percent. This conversation was an important teaching moment for many of the attorneys in attendance.

Prior to the luncheon, three panels presented on the theme of the conference: "A Scorecard: How the Economy is Impacting Diversity in the Profession."

### Bar Association Leaders Panel

State and national specialty bar association leaders engaged in a roundtable discussion moderated by Avarita Hanson, executive director of the Chief Justice's Commission on Professionalism. The panelists included Rodney Moore, partner, Adorno & Yoss, immediate past president, the National Bar Association (NBA); Sonjui Kumar, partner, Kumar Pathak, LLC, president of the North American South Asian Bar Association (NASABA); Jeremy Burnett, partner, Troutman Sanders LLP, president, Stonewall Bar Association; Linda Klein, managing partner, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, past president of the State Bar of Georgia; and Erik Rodriguez, associate, Seyfarth Shaw LLP, regional president of the Hispanic National Bar Association (HNBA). The panel agreed that the current economy has taught attorneys in private practice an important lesson: to build a book of business to avoid losing your job. Bigger books of business equal higher retention rates regardless of an attorney's race, national origin, gender or sexual orientation.

Klein shared how her participation in the Bar helped her develop a book of business because it made her more visible, created future opportunities and served as a great networking tool with other attorneys. She also explained how her involvement and willingness to volunteer as chair for the more unpopular committees helped her practice. Klein also recommended that firms educate themselves about diverse attorneys' experiences by reading such publications as *Visible Invisibility*, *Visibly Successful* and *Fair Measure*, all available on the ABA website.

The national bar associations have established different strategies to oversee how the economy has impacted the layoffs of minorities. Moore reported that the NBA Diversity Task Force is examining large law firms in Washington, D.C., Seattle and New York. The task force studied the diversity efforts of these firms, comparing the minority population with the majority population of their attorneys. The study showed that some firms are doing a good job by providing scholarships for minority law students, appointing diversity counsel to focus on the firm's diversity efforts and having good representation of

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(Left to right) Avarita L. Hanson, Rodney Moore, Linda Klein, Sonjui Kumar, Jeremy Burnette and Erik Rodriguez, members of the Bar Association Leaders panel.

diversity in their firms. The NBA Diversity Task Force will host several roundtable discussions in the future. Moore then noted that the economic downturn has negatively impacted the representation of the African-American population of attorneys nationwide.

Kumar shared that within the 27 chapters of NASABA, national mentoring circles were instituted to provide support to Southeast Asian women who drop out of firms at a rate higher than anyone else, a trend seen before the recession.

Burnette stated that many gay lesbian bisexual and transgender (GLBT) attorneys are successfully forming their own firms, some of which are hiring and thriving in this poor economic climate. He has not heard that more gay attorneys are necessarily losing their positions. His observation is that firms are laying off attorneys, not because of their sexual orientation, but because business for a specialty has slowed down.

Rodriguez commented on the appointment of Sonia Sotomayor, the first Hispanic and third female justice to the U.S. Supreme Court. He reported that HNBA's president, Carlos Ortiz, participated in talks with the White House to push Sotomayor's appointment. Rodriguez emphasized the ongoing

need to reach out to all bar associations on both the local and national level and by forming these alliances, minority attorneys can have a tremendous impact to ensure they remain in the pipeline and employed with law firms even during down economic times.

## Corporate In-House Counsel Roundtable

Rick Goerss, chief privacy officer, Equifax, moderated the panel of in-house attorneys that consisted of Paul Weisbecker, manager of litigation, AT&T Wireless; Sonya Richburg, in-house counsel, Compass Group USA; Rick McMurtry, assistant general counsel, Turner Broadcasting System, Inc. (Turner); and John Lewis, senior managing counsel—litigation, the Coca-Cola Company. Each panelist emphasized corporations are changing the way they do business because of the current state of the economy. Weisbecker said, "We are doing more in-house and farming out less hourly work for law firms." Flat fees are replacing billable hours. Companies are also seeking more reasonable billable hours from smaller firms instead of using the larger firms to perform the same work. McMurtry gave an example where

Turner hired a small women-owned law firm instead of a larger firm because their rates were more competitive. Lewis said recession, inflation and political unrest are always factors in a global economy and from this perspective there is no "one size fits all" answer to how one responds to an economic downturn and maintain a diverse workforce.

Compass Group North America is growing its business but not adding staff, reported Richburg. She added that their attorneys are doing more with less and managing their resources. All the panelists agreed that regardless of the economy, their companies continue to: contract out work to minority- and women-owned law firms; support pipeline programs and in-house affinity groups; and recruit diverse legal associates.

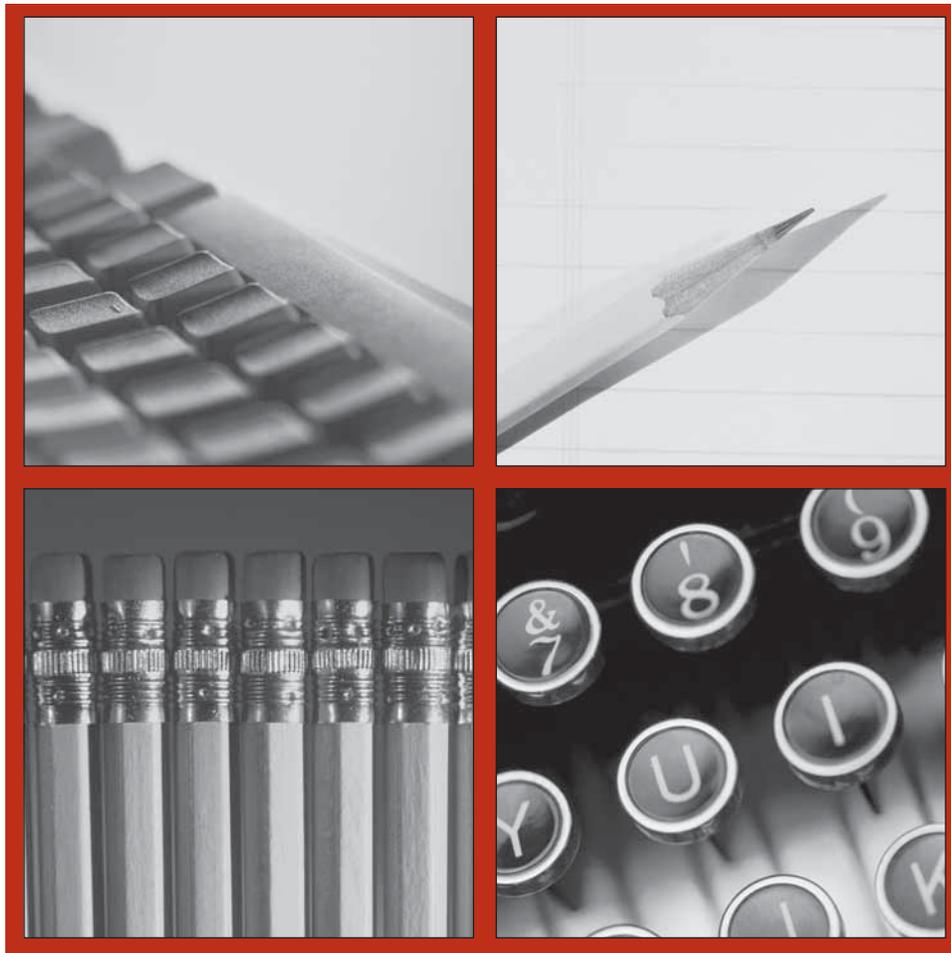
All the panelists reported that there are challenges in a slow economy and more work must remain in-house, a trend that should continue. They also agreed if something new is tried, such as working with small firms instead of large ones to perform outside work, companies will continue to use these models in the post-recession era.

## Law Firm Partners Roundtable

Michael Tyler, partner, Kilpatrick Stockton LLP, was the moderator for the law firm panel. He was joined by Lovita Tandy, diversity partner, King & Spalding, LLP; Kenneth Southall, partner, Adorno & Yoss LLP; June Towery, partner, Nelson Mullins Riley & Scarborough, LLP; and Sam Choy, partner, Seyfarth Shaw LLP.

Tyler asked how the economic downturn and resulting firm layoffs impacted diversity in the panelists' law firms. Tandy reported that no efforts were made to maintain a certain percentage of minority attorneys. Instead, objective criteria were applied in determining who would be laid off at the

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firm. Southall reported that his firm has been diverse since its inception. He added that the firm did not see a reduction in its workforce due to the recession. Towery discussed the plan her firm implemented in 2007 to provide training, including a three-day training weekend, consultants, a mentoring program and an alliance with Kumar Pathek, LLC, to promote and improve diversity. The plan yielded positive results. However,

in 2009, it was reported that their diversity strategy was no longer working. Towery reiterated the importance of corporate clients demanding that law firms step up and fix the problem. She also advised minority attorneys to become more visible during the business development process. Choy reported that the economic downturn did not cause a decline in his firm's diversity.

After the Diversity CLE, attendees were invited to participate in

a free workshop presenting tips on starting your own law firm. 



**Marian Cover Dockery** is an attorney with a background in employment discrimination and she is also the executive director

of the State Bar of Georgia Diversity Program. For more information on the Diversity Program, go to [www.gabar.org/programs/georgia\\_diversity\\_program](http://www.gabar.org/programs/georgia_diversity_program).



(Left to right) Law Firm Panel members Sam Choy, June Towery, Lovita Tandy, moderator Michael Tyler and Kenneth Southall.



Members of the Corporate Panel included (left to right) moderator Richard Goerss, John Lewis, Paul Weisbecker, Rick McMurty and Sonya Richburg.

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