

Fueling the Pipeline:

State Bar of Georgia Diversity Program's 15th Annual CLE and Luncheon

by Marian Cover Dockery

Law professors, general counsels, attorneys and educators who are working to diversify the profession and enhance educational opportunities for at-risk youth convened at the Bar Center in September to discuss the importance of fueling the pipeline in law schools, firms and corporations with minorities and women and how communications may negatively impact employees in the workplace.

Law School Deans Panel

Robin Rone, director of the American Bar Association Office of Diversity Initiatives, moderated the first panel, which included Dean Daisy Hurst Floyd of Mercer University School of Law, Dean Rebecca White of the University of Georgia School of Law, Assistant Dean Katherine Brokaw of Emory Law School, Dean Richardson Lynn of John Marshall Law School and Dean Steven Kaminshine of Georgia State University College of Law.

Despite the national statistics reporting more than a 10 percent decline in minorities (African-Americans and Hispanics) enrolled in law schools, according to White, Georgia's law schools have one of the largest concentrations of African-American law students in the country.

Mercer, UGA and GSU all rely heavily on their Black American Law Student Association (BALSA) chapters to attract future students. Floyd reported that



Photos by Don Morgan

Marian Dockery, Charles Huddleston, vice-chair and partner, Arnall Golden Gregory, present Justice Robert Benham with an appreciation gift following his keynote luncheon address compliments of Macy's, Inc.

Mercer's BALSA chapter has won national awards for sponsoring mentoring programs and UGA's BALSA chapter is, according to White, "...the most effective recruiting device for the school." These law schools dig deep into the pipeline by whetting the appetites of high school students for a career in law.

Mercer has a modest pipeline effort where high school students meet faculty and law students. GSU has joined other organizations to present a new pipeline project, "Justice Benham's Boot Camp," a three-week program that offers instruction to minority high school students who are taught by GSU's law professors. The objective is to get students excited about the law and encourage them to pursue law school in the future. (A full description of the program is detailed later in this article.)

Percentages of Minorities and Women at Georgia Law Schools For the Year 2007-08

Law School	Percent Minorities	Percent African-American	Percent Women
Emory	40	13	50
GSU	25	n/a	50
John Marshall	29.9	18.9	50.8
Mercer+	17	11	48
UGA+	22	14.1	46

+Mercer is located in Macon and UGA is located in Athens.

In law schools where early exits are not an exception, retaining students is of paramount importance. Minority orientation programs, early mentoring, summer academic enrichment programs for any student who may be “at risk,” diversity training for all students and ongoing academic support programs are among the programs offered by these schools to lower attrition rates of students. To promote retention of all students, including minorities, UGA offers an “Early Start Program” to expose students to the law school experience and to provide instruction on writing, briefing cases and Constitutional Law. Mercer took a novel approach by recruiting and enrolling a critical mass of five talented Hampton University minority graduates. The relationship with the school goes beyond recruiting Hampton students. Mercer annually funds the Hampton Deans Scholarship, a full scholarship for one graduate of this historically black college.

According to Brokaw, Emory Law School has long enjoyed a high percentage of minority enrollment. Students come from all over the United States because Atlanta is a huge draw. Brokaw also reported that the percentage of minority enrollment has increased from 18 percent in 1995 to 40 percent in 2007. The traditional 90 percent bar exam passage rate of Emory students has actually increased to 96 percent with the rise in minority enrollment.

Among the challenges the law schools face despite their success in recruiting diverse student populations are:

- Recruiting more minority and women faculty
- Creating a more inviting environment for minority and women students
- Securing funds to create valuable academic assistance programs
- Changing a widely publicized ranking system that does not take into account diversity in the student body (*U.S. News & World Report*)
- Addressing issues of accreditation by the American Bar Association (ABA) which pressure law schools to select students with higher LSAT scores that adversely impact the number of minority students enrolled

Lynn, who has in the past served on accreditation teams, reported how the ABA accreditation rules impacted John Marshall’s minority enrollment. According to Lynn, although the number of minority students at his law school increased, the percentage of minorities actually declined from 52 percent (44 percent African-American) to 46.5 percent (18.9 percent African-American) since 2000 because the ABA accreditation process includes reviewing the admission figures, namely LSAT

scores of applicants. Admitting students with low LSAT scores, e.g. the low 140s, hurts the accreditation chances of law schools. When the ABA inspects law schools every seven years, numbers of minority students in many cases decline. John Marshall, a provisional law school and now ABA accredited, has traditionally recruited minorities with lower scores because the first tier schools successfully recruit from the same limited pool of minorities with the higher LSAT scores. Lynn also stated that law schools must walk a fine line between satisfying the ABA and recruiting a diverse population of students.

Decline of Women Applicants

Despite the schools’ success recruiting minority students and their past success recruiting women, the majority of the deans on the panel reported an alarming trend—the decline of female applicants. Although the percentage of women at Georgia’s law schools is almost half of the total law student population, these numbers still reflect a slight decline from previous years.

Continued Push for Diversity

Emory will continue to push for diversity through its recruitment fairs, diverse admissions staff and its Office of Diversity and Community Initiatives.

An effective diversity program requires money, and a recent \$1 million gift to Emory University School of Law will fund scholarships aimed at increasing and sustaining diversity at the law school.

In response to the declining numbers of women applicants, Emory’s Spring 2007 conference “No More Early Exits” created a forum for female law students, practicing attorneys and Emory law professors to address the exodus of women from the profession and strategies to preserve the talent pool.

Georgia law schools’ commitment to fueling the pipeline pro-

vides the state's law firms with a diverse recruitment pool from which to draw first year associates. The law school deans emphasized that the next step is for the law firms to recruit, hire, develop and retain their talent in order to successfully diversify the workforce.

The Solution Starts Here

The second panel at the annual diversity CLE program consisted of State Bar of Georgia members in private practice and an Atlanta middle school principal. These panelists generously volunteer their time, talent and resources to support the academic preparation of middle, high school and college students. Glen Fagan, associate with Constangy, Brooks & Smith, LLC, and a volunteer with the Truancy Intervention Project, moderated.

South Atlanta School for Law and Social Justice

Peter McKnight, principal of the South Atlanta School for Law and Social Justice, began his career with Teach for America. McKnight said that the mission of his school is to prepare students for college and to develop leaders for positive change. Students have a core curriculum of math, English, science and social studies and are instructed in critical reading, logical reasoning, persuasive writing and public speaking. Each neighborhood school has at least 100 students and any student can apply. Although many of these students are behind academically, through quality instruction, high expectations and relationships with community organizations, committed teachers work to accomplish the school's mission. Before becoming principal, McKnight taught geometry, calculus and advanced placement (AP) calculus. In his first year teaching AP calculus, McKnight



Dean Steven Kaminshine, Robin Rone, Dean Daisy Hurst Floyd, Marian Cover Dockery, Dean Rebecca White, Dean Richardson Lynn and Assistant Dean Katherine Brokaw pose after the dean's roundtable.

led his students to achieve the highest scores in school history, including two students who achieved the highest score possible.

The school's teaching philosophy is to:

- Teach students to solve complex, multi-step problems that require students to draw from multiple disciplines
- Use research-based engaging instructional strategies
- Hire a dynamic faculty and staff
- Offer themed elective courses supported by partnerships with local law schools and social justice organizations

In the future, McKnight hopes that these theme schools will increase academic performance for all students, promote greater community involvement and provide more authentic experiences for students.

Justice Benham's Law Camp

Justice Robert Benham's Law Camp was created in 2007 to address the low percentage of law degrees conferred to minority students. Harold Franklin Jr., partner at King & Spalding and president

of the Gate City Bar, reported that less than 7 percent of law degrees conferred are to African-Americans. Further, the percentage of African-Americans enrolled in law school has reached a 13-year low.

Justice Benham, who has worked with law school students for many years, launched this three-week program in cooperation with the Gate City Bar, Clark Atlanta University and Georgia State University School of Law, which provided space for the camp's program as well as instructors.

The program's curriculum was intense. Daily classes included "Lawyer for the Day," critical thinking taught by law instructors and trial attorneys; the Socratic method; trial technique; and legal research. Every afternoon, students attended more classes, visited courts and law firms and spoke with judges, partners and public defenders. The third week of the program, law firms hosted paid internships for further exposure to a career in law. According to Franklin, students who completed the program want to return next year and are excited about becoming lawyers.

The Boys & Girls Club of Metro Atlanta

The Boys & Girls Club College Bound Program of Metro Atlanta is designed to help participants graduate from high school and pursue college. Seventy percent of these children are "at risk" and more than 80 percent are minorities. According to Brent Wilson, partner at Elarbee, Thompson, Sapp & Wilson and member of the Metro Atlanta Board of Directors, the key to the program's success is parental involvement. The program requires parents to sign a contract where they agree to get their children to the program on time and bring

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them to scheduled interviews. The program also offers mentoring and assistance for parents by connecting them to other resources to help improve their quality of life and providing advice on securing financial aid for their college-bound students. The more than 80 percent high school graduation rate of participants underscores the success of this program.

Programs for Future Law Students

College students who aspire to attend law school may require extra help to reach that goal. Law school boot camps popping up all over the country satisfy that need. St. John's Pipeline Project in Jamaica, N.Y., serves college minority and majority students of the City University of New York system who are first generation college attendees, financially challenged and have at least a 3.0 GPA. Professors from St. John's Law School teach students writing, critical thinking, test-taking techniques, LSAT preparation and oral advocacy to prepare them for the rigors of law school.

Members of the State Bar of Georgia who are not committed to a mentoring program are encouraged to volunteer and support these programs in any way they can.

Corporate General Counsel

A diverse panel of general counsels spoke about their companies' commitment to diversity. The panel included Teri Plummer McClure, senior vice president of compliance, general counsel and secretary, UPS; Robin Sangston, vice-president and general counsel, Cox Communications; Meredith Mays, vice-president and general counsel, AT&T-Georgia; Douglas Gaston, senior vice-president, Comcast Cable; and John Lewis Jr., senior managing counsel-litigation of Coca-Cola's Global Legal Center. William Hawthorne, vice-president of diversity strategies and legal affairs, Macy's, Inc., moderated the panel.

Why is diversity critical for these corporations? One factor is that the companies serve diverse customers.

For example, Macy's general customer base is located in the most diverse major cities in the United States according to Hawthorne. Likewise, Gaston reported that Comcast's operations are located in 20 of the biggest urban areas and its customer base is diversified; and Lewis of Coca-Cola, the largest distributor of nonalcoholic beverages, and a company where 70 percent of its revenues are derived outside of the United States, said that its customers represent every ethnicity, nationality and race. Given the diversity of the customers they serve, these companies must be concerned about diversity.

Policies to hire and retain diverse employees by tying compensation directly to a manager's diversity efforts have proven successful for Coke. According to Lewis, 20 percent of management compensation is impacted by diversity efforts. Lewis quipped, "That which gets measured, gets done." The results of such policies are impressive. In 2003, 18 percent of Coke employees were people of color but today, 34 percent are



(Top left) Glenn Fagan, Constangy, Brooks & Smith, moderator of the panel, "The Solution Starts Here" and panelists Harold E. Franklin Jr., partner, King & Spalding, and Peter McKnight, principal of The South Atlanta School for Law & Social Justice listen to Brent Wilson, partner at Elarbee, Thompson Hines & Sapp. (Top right) Charles Forlidas, Bryan Cavan, Katherine Drolett, David Eldridge, Tamika Nordstrom and Luke Curtis are from the firm of Miller & Martin PLLC, which continually supports the Georgia Diversity Program. (Bottom left) John Lewis Jr., Meredith Mays, Robin Sangston, Teri Plummer McClure, Douglas Gaston and William Hawthorne pose after the presentation of the Corporate Initiatives Panel. (Bottom right) John Latham (far right) responds to an audience question as (left to right) Kwame Benjamin, Allegra Lawrence-Hardy and Gerry Williams looks on.

minorities. The company's minority representation in the management ranks has also increased from 8.3 percent in 2003 to 21 percent in 2007. And although a discrimination lawsuit filed years ago against the company served as a catalyst for change, the continued commitment from top management fuels a diverse culture.

Pipeline recruitment efforts at Cox Communications include the hiring of 11 minority summer interns in its law department. Sangston reported that three interns secured permanent positions with the company's outside counsel as a result of Cox's referral calls and recommendations. During their internships, students met the chief executive officer, vice presidents and human resources; found role models and received valuable mentoring that will benefit them in the future.

Companies in the last 10 years have encouraged their outside counsel to diversify. According to Hawthorne, a mere 4 percent of partners working at major law firms are minorities. But the companies still expect firms to make the effort and Mays said AT&T-GA will give firms a stern talk if diverse attorneys are not given these opportunities. McClure reported that she sees a lot of "window dressing" but Gaston said the bottom-line is: "Who shows up to handle the lawsuit?"

Another important component for corporations' diversity initiatives includes working with minority-owned businesses. According to Gaston, Comcast committed a 70 percent increase in spending with these entities, but McClure added that women and minority firms should not expect to automatically get work because they are minority and woman owned, but need to learn the company's business and build a relationship with in-house counsel. According to Mays, AT&T-GA looks for specific skill sets and expertise from its outside firms. She advised small minority and women owned firms to consider partnering

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with big firms to break into the business. When asked how do minorities and women-owned firms get work, Mays responded, "It's a marathon not a sprint!"

Law Firm Partners

Although Georgia law schools are successfully graduating diverse lawyers, not all of those attorneys necessarily wish to stay in Georgia. Allegra Lawrence-Hardy, partner at Sutherland Asbill & Brennan, John Latham, partner at Alston & Bird, and Gerry Williams, partner at Hunton & Williams, were members of this panel.

Moderator Kwame Benjamin, senior associate of Seyfarth Shaw opened the panel with the question, "What is the business case for diversity?" Lawrence-Hardy responded that Sutherland's clients are asking for diversity, but that is not the biggest reason. The goal of having the best talent, the best brain power and maximizing the firm's business development opportunities are among Sutherland's reasons for diversifying its firm.

Latham said his firm is committed to diversity because "it's simply the right thing to do."

Since the issue of diversity is with the white males and not the diverse partners, Latham stated that it makes good sense for a white male to be in charge of the diversity program.

The commitment for diversity must start from the top in any firm or company and at all the firms represented at the Diversity Program's CLE seminar, diversity is promoted by the managing partner and the executive committee.

Components of Alston's diversity initiatives include a steering committee comprised of senior attorneys and staff, a coordinator, a newsletter and a substantial budget for diversity. Alston's diverse partners are "home grown," that is the firm has successfully recruited and retained women and minorities who have advanced to partnership, which is a major achievement. Having role models in a major firm

is a critical component to retaining new diverse attorneys because the success of those diverse partners encourages future success for new associates.

Initiatives in place to help retain minorities at Sutherland include diversity training for the firm's partners, a four-person diversity staff and a firm-wide diversity committee. More importantly, a partner's performance regarding diversity is a key part of the compensation process according to Lawrence-Hardy. To help retain attorneys, every Sutherland lawyer

attorneys. Williams explained that many of their women and minority partners succeed because they had pre-existing relationships with clients when they joined the firm, a formula for success. Also, Hunton is not experiencing a high attrition rate of minorities and women, another testament to a supportive work environment for diverse attorneys.

In the case of Sutherland, fueling the pipeline has become a major firm initiative.

The Sutherland Boot Camp, founded by Lawrence-Hardy, pro-



Anita Wallace Thomas, Debra Schwartz, Judge Janis Gordon, Julie Seaman, Lisa Chang and Jay Cook pose after their participation on the Communications in the Workplace panel.

has a career plan advisor, a diversity committee mentor and a mentor from his/her affinity group. Recruitment efforts start early at Sutherland where first-year law students are targeted for internships and, this past summer 28 associates were hired, 10 of whom were women or minorities.

Historically Hunton & Williams hired female lawyers when no other firm in Richmond, Va., would do so, and the firm has a reputation in the legal community for creating a culture that is conducive to the success of diverse

vides scholarships and instruction for students who seek legal education. Partners volunteer to teach oral advocacy skills, writing skills and other subjects to prepare students for law school.

The Imus Factor: Communications in the Workplace

The final panel, moderated by Anita Wallace Thomas, member, Nelson Mullins Riley Scarborough, addressed the issue of communications in the workplace: what is con-

sidered appropriate and why the law still has not changed behavior at work. Answering these questions were panelists Lisa Chang, employment discrimination expert and solo practitioner; Judge Janis Gordon, DeKalb County Court; Debra Schwartz, partner, Thompson, Rollins & Schwartz; Julie Seaman, assistant professor, Emory School of Law; and Jay Cook, partner, Cook, Noell, Tolley & Bates.

Speech is not always illegal, and Chang, an expert in employment discrimination, presented several unreported court cases where judges ruled on whether a violation of the law had occurred. Chang outlined that courts consider the context, the tone and the historical context in which the defendant's comments are made. Chang reported that in one 11th Circuit court case, the plaintiff's supervisor told her she looked like Dolly and "she would bust out of her blouse." (*Henderson v. Waffle House*) Although the court did not find sex discrimination, this was certainly offensive and inappropriate speech. And where African-Americans were called "boy" by their supervisors in another case, no violation of the law was found. Thus, offensive speech is not always considered illegal speech, no matter how outrageous. However, employees do often deal with subtle unconscious comments that are equally offensive. Schwartz added that employees also often contend with subtle nonverbal communications. Giving the Asian associate a back office job "number crunching" or simply being condescending to a peer who is a woman or minority can be just as devastating.

What steps should a manager take when an employee engages in inappropriate behavior or uses inappropriate speech? Gordan advised not to embarrass the employee, but first to educate them and give a warning. If an employee continues the behavior, more serious disciplinary action should follow. Behavior outside the workplace is not always acceptable on

the job and anything that causes embarrassment is off limits.

Through powerful images from the media, our society is bombarded with racism and sexism, and all of these "isms" are institutionalized, powerfully affecting our thought patterns. We subconsciously, or consciously, buy into opinions, ideas and beliefs, no matter how discriminatory or inappropriate. Seaman, who teaches a seminar on hate speech, explained how an "implicit bias test" confirmed that regardless of one's race or sex, we all unconsciously make certain biased conclusions. Further, brain research proves that biased speech and inappropriate communications does affect the performance and behavior of people.

Thomas did not take lightly to a partner calling her "girlfriend." Her question for the panel was, "What does one do to discourage employees from communicating this way?" An attorney in the audience had an even tougher question: "How do you address inappropriate comments with a colleague without jeopardizing your career?" Cook, immediate past president of the State Bar of Georgia, emphasized that although some incidents are too egregious to overlook and must be litigated, others are not. Cook attributed many insensitive comments to ignorance. Cook said the solution is direct communications with the individual. Consider who the person is and take steps to teach them. Education, training, patience and learning to be gracious with others are critical if we are to get beyond this problem. 



Marian Cover Dockery is an attorney with a background in employment discrimination and 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/.

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