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How to Get Hired – August 6, 2024

2024 Mid-Atlantic Bankruptcy Workshop

Annapolis, MD

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Moving the Needle on Outside Counsel Team Diversity

By Leila Hock

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Appears in: Corporate Counsel

The current profusion of outside counsel DEI surveys that law firms receive from their clients has hit an all-time high. While well intended, these surveys haven't moved the needle at a rate commensurate with the work involved. And, at their worst, they can actually work at *cross-purposes* with legal departments' objective of fostering a culture of diversity and inclusivity by diverting valuable time from diversity leaders to repeatedly define the problem rather than working on solutions. This need not be the case.

Most legal departments have neither the resources nor the scientific expertise to craft and conduct an effective assessment of their outside counsel DEI that produces more inclusive teams. Many have told us they don't know where to start other than perhaps the raft of firmwide data produced annually by dozens of reputable third-party organizations. And even then, it takes substantial time and ability to analyze the data and successfully operationalize the findings to align with organizational values.

In 2021, the Diversity Dividends Collective (DDC), an award-winning collection of 40+ legal departments, endeavored to solve this problem with an experiment. The premise was simple: focus the data collection on the outside counsel teams working on the legal department's behalf; keep the metrics actionable, spare, and straightforward; and commit to follow-up and action—an integral piece to progress that is often an afterthought in the initial design.

The cooperative fabric resulted in the most extensive data on outside counsel team diversity ever collected and shared publicly across the legal profession. The results encompass 13,667 lawyers across 620 client teams from 320 firms. And the firms include a genuinely representative sample, consisting of 92% of the AmLaw 50, 90% of the AmLaw 100, and 72% of the AmLaw 200, with more than half of the responding firms outside of the AmLaw 200. With support from the DDC's facilitating team of talent experts and data scientists from Diversity Lab, the Collective achieved an unheard-of 93 percent response rate. The complete results are accessible through a public, interactive dashboard.

The goal of the DDC—outside of supporting its members in this undertaking—is to provide a framework for legal departments to apply when embarking on this effort for the first time and to improve upon existing outside counsel team surveys. In addition to the aggregate data, the DDC offers the following "lessons learned" for legal departments that wish to influence inclusion with their outside counsel.

1. Only ask for data on which the legal department is willing and able to take action. While legal

departments are less likely to impact firmwide hiring, attrition, and other intrinsic talent trends, they *can* influence how relationship partners staff their matters and promote inclusion on a daily basis within their teams. It is helpful, though, to ascertain whether client teams are more or less diverse than the firm as a whole. Still, legal departments can do so with the myriad of firmwide data sources that are already publicly available—there's no need to ask for that data again in their own surveys. For their outside counsel teams, DDC members collect just five metrics they can influence in any given year:

2. Protect timekeeper privacy by requesting aggregate, team-level data. DDC members ask for these five metrics from their firms in the aggregate. By proactively addressing firm policies that prohibit sharing individual timekeeper data with clients without individual lawyer consent, this aggregate approach undoubtedly contributed to the 93 percent response rate. It also stifles the unintended consequence of many inclusion initiatives that amplify underrepresented lawyers' feelings of otherness with every request for their identity. And with small teams, this approach minimizes "outing" anyone who may or may not want their identity known.

3. Engage relationship partners. Law firm DEI assessments should not be so automatic that they can be completed solely by HR or data analytics professionals. DDC members engage relationship partners in the assessment by asking for information that cannot be generated by a report—such as "who at the firm had consistent and direct interaction with the in-house lawyers." In doing so, the DDC assessment has matured beyond a mere data collection tool into a structural, behavioral intervention that impacts how matters are staffed by keeping the assessment top of mind for those partners who directly influence staffing and allocation of high-quality work daily.

4. Follow up. While the initial engagement of the relationship partner is important, following up on the back end matters most to spark measurable results and pays dividends in understanding what is *behind* the data to spawn richer partnerships between legal departments and outside counsel. DDC members have all committed to follow up with their firms to further propel the collective's impact, which shows in the firms' responsiveness and year-over-year improvements across the metrics thus far.

5. Strive for consistency. Legal departments can better measure progress over time by standardizing the requested information. Consistency also gives law firms a greater sense of where they should focus their DEI efforts. An added bonus is that standardization considerably reduces the not-insignificant amount of time required for law firms to complete surveys so they can prioritize real action that will impact the data.

There is no better time to initiate this exercise or its close equivalent. Inclusion is under assault. The U.S. Supreme Court's ruling on affirmative action, while ostensibly limited to academia, threatens a ripple effect that impacts the business world and challenges the guarantee enshrined in Title VII of the Civil Right Act. Bolstering DEI in the workplace through all legal means serves as a buffer against unfounded bullying and illuminates the true values that an organization holds. Clients (aka legal departments) have the right, the responsibility, and the power to push for inclusive and diverse outside counsel teams.

Corporate Counsel, Moving the Needle on Outside Counsel Team Diversity

And this is the time to be loud and proud about your efforts. The recent AG letters and lawsuits against organizations has led some companies to duck and cover in an attempt to avoid being a target. Silence speaks volumes.

That's a mistake, says Stacey Abrams, the former Georgia House minority leader and gubernatorial candidate. Abrams, who is also an attorney, further illustrated this point at the recent Fortune Impact Initiative conference: "There's no way to avoid being sued. There's so many who are going silent, hoping that if they just stand still and keep their mouth shut, no one will notice them. They've already found you. They know who you are. It is more important that we band together." DDC is a vivid demonstration of organizations banding together to remain grounded in their principles.

The lessons learned from this pilot inform legal departments' evaluation of outside counsel DEI progress—or lack thereof—by leveraging these foundational metrics. Additional details on the results from the Collective can be accessed through this interactive dashboard. Following this approach has proven to add increased relevance to DEI metrics and greater authenticity to the calculations—but most importantly, it has fostered more inclusive and productive collaborations between legal departments and their outside counsel. After all, it's all about the people.

Leila Hock *is the Chief Growth Officer at Diversity Lab.*

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General Information

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Commitment to Widening the Leadership Talent Pool Continues to Grow as 240+ Law Firms Become Mansfield Certified

*– Over 65 midsize and 175 large firms in the U.S. and Canada achieve
Mansfield Certification focused on increasing inclusivity and diversity in leadership –*

SAN FRANCISCO (October 10, 2023) – [Diversity Lab](#) announced today that more than 240 law firms have achieved 2022-2023 Mansfield Certification. The Mansfield Rule is a structured certification process designed to ensure all talent at participating law firms has a fair and equal opportunity to advance into leadership. Mansfield is focused on broadening the talent pool for consideration, including those historically underrepresented in the legal profession, to facilitate transparent pathways to leadership.

To achieve Mansfield Certification, these firms have implemented a behavioral science and data-driven approach—designed by Diversity Lab in collaboration with talent experts, data scientists, and lawyers—to help increase diversity in leadership. Focused on opening the door wider and ensuring that opportunities are inclusive, certified firms considered broad slates of qualified talent for leadership roles that included at least 30% historically underrepresented lawyers—such as women lawyers, underrepresented racial and ethnic lawyers, LGBTQ+ lawyers, and lawyers with disabilities. In addition, as part of the Certification process, these firms have worked hard to enhance the transparency of their leadership roles, advancement processes, and compensation policies.

[Mansfield's methodology](#), which has proven to build more diverse leadership teams, is rooted in changes to systems and processes, not exclusivity or discrimination. Mansfield ensures that opportunities for advancement are inclusive by broadening talent pools instead of instilling quotas, set-asides, or requirements unrelated to an individual's qualifications.

“At a time when efforts to expand opportunities to underrepresented groups are needed now more than ever, these Mansfield firms are making their advancement processes more open and transparent,” said Alyssa Jarvis, Director of Mansfield & Strategic Innovations at Diversity Lab. “The firms honored for achieving Certification have articulated and broadened the paths to leadership. The expectations, and avenues to success, have never been clearer. And this commitment to transparency benefits everyone. I am proud to work with each of these firms.”

Prior to joining Mansfield, [aggregate firm data shows](#) that less than one-quarter of the participating firms tracked the makeup of their leadership talent pipelines and less than one-half had written, transparent job descriptions for leadership roles or advancement processes. Through Mansfield's framework, these firms are now attaching metrics to processes and experiencing positive changes



as a result. A [recent analysis shows](#) that Mansfield early adopter firms—those that joined in the inaugural year—are diversifying their leadership at roughly double the rate of non-Mansfield firms. They achieved these outcomes by reimagining and modernizing how they communicate their expectations for leaders throughout the firm and ensuring that everyone who meets those expectations has an opportunity to be considered for leadership.

As demonstrated by this certified cohort, similar outcomes can be seen over time with firms that joined more recently. Nearly one-half of these firms opted into “Mansfield Certification Plus,” a designation reserved for firms that voluntarily measure the outcomes of their inclusive processes and have achieved positive results.

“These Mansfield Certified firms’ efforts to expand opportunities are on the right side of history and the law,” said Caren Ulrich Stacy, CEO of Diversity Lab. “Not a single firm has backed out of their commitment to Mansfield in the face of unwarranted threats to organizations that remain steady in their values of inclusivity and equity. In fact, even as the certification requirements get more challenging year-over-year, additional firms are committing to this important work.”

More than 350 midsize and large firms—including 100% of the large firms listed below—have committed to continuing this hard work as part of the next certification cohort in 2023-2024.

Join Diversity Lab in congratulating the 2022-2023 Mansfield Certified large and midsize law firms listed below. These firms have demonstrated their commitment to learning together, working together, and creating a more inclusive legal profession together.

Certified Large Firms

**Indicates firms that achieved Certification Plus Metrics*

Participating for 6 Years

Arnold & Porter*	Jenner & Block*
Blank Rome	Katten Muchin Rosenman*
Brownstein Hyatt Farber Schreck*	Latham & Watkins*
Bryan Cave Leighton Paisner	Little Mendelson*
Buchanan Ingersoll & Rooney*	McDermott Will & Emery*
Clifford Chance US	Miller Canfield*
Cooley	Morgan, Lewis & Bockius*
Covington & Burling*	Morris, Manning & Martin
Day Pitney	Morrison & Foerster*
Dentons US	Munger, Tolles & Olson*
DLA Piper US*	Nixon Peabody*
Dorsey & Whitney*	Orrick*
Faegre Drinker Biddle & Reath*	Reed Smith*
Fasken*	Seyfarth Shaw*
Fenwick & West*	Sheppard Mullin Richter Hampton*

Fish & Richardson*
Goodwin Procter
Holland & Hart*
Holland & Knight

Troutman Pepper Hamilton Sanders*
White & Case
WilmerHale*
Winston & Strawn*

"This certification is a testament to our unwavering commitment to advancing DEIA in the legal industry. In addition to attracting, developing, and advancing the most talented and diverse group of attorneys, MoFo strives to provide the most equitable and inclusive environment, both inside and outside of the firm."
Natalie Kernisant, Chief Diversity and Inclusion Officer, Morrison Foerster

"We have participated in the Mansfield Rule from its inception and are honoured to again receive this recognition. The annual objectives set by Mansfield align with our data-driven, programmatic approach to equity, diversity and inclusion and supports our efforts to build a more inclusive firm and profession."
Peter Feldberg, Managing Partner, Fasken Martineau DuMoulin

Participating for 4-5 Years

Akin Gump Strauss Hauer & Feld*
Allen & Overy*
Archer & Greiner
ArentFox Schiff*
Baker Botts*
Baker McKenzie*
Baker, Donelson, Bearman, Caldwell & Berkowitz*
Beveridge & Diamond*
Boies Schiller Flexner
Brown Rudnick
Cozen O'Connor*
Crowell & Moring*
Davis Wright Tremaine*
Dechert*
Eversheds Sutherland
Finnegan, Henderson, Farabow, Garrett & Dunner*
Fredrikson & Byron
Frost Brown Todd*
Goulston & Storrs
Greenberg Traurig*
Haynes and Boone*
Hogan Lovells*
Hunton Andrews Kurth
Husch Blackwell*
Jackson Lewis*
Kaufman Dolowich

Kean Miller
Locke Lord
McGuireWoods*
MG+M The Law Firm*
Miller Nash*
Neal Gerber Eisenberg
Norton Rose Fulbright*
Paul Hastings*
Perkins Coie*
Porter Wright Morris & Arthur*
Procopio, Cory, Hargreaves & Savitch*
Robins Kaplan
Robinson+Cole*
Saul Ewing*
Shearman & Sterling
Shipman & Goodwin*
Stinson*
Stoel Rives*
Stoll Keenon Ogden
Taft Stettinius & Hollister*
Thompson Coburn*
Thompson Hine
Williams & Connolly
Wilson Sonsini Goodrich & Rosati*
Womble Bond Dickinson*

"We are proud to achieve Mansfield Certification Plus status for the fourth year in a row. We are committed to making informed, transparent, and equitable decisions – and Mansfield provides us with a tool to help us on this journey." **Scott MacCormack, Managing Partner, Davis Wright Tremaine**

Participating for 2-3 Years

Adams and Reese	Kramer Levin Naftalis & Frankel
Alston & Bird	Lane Powell*
BakerHostetler	Lathrop GPM
Ballard Spahr	Lewis Brisbois Bisgaard & Smith
Barnes & Thornburg	Lewis Roca
Benesch	Loeb & Loeb
Bricker Graydon*	Manatt, Phelps & Phillips
Butler Snow*	Mayer Brown
Calfee, Halter & Griswold	Ogletree Deakins
Chapman and Cutler*	Patterson Belknap Webb & Tyler
Clark Hill*	Paul, Weiss, Rifkind, Wharton & Garrison
Cleary Gottlieb Steen & Hamilton	Phelps Dunbar
Clyde & Co.	Pillsbury Winthrop Shaw Pittman*
Connell Foley	Polsinelli*
Davis Polk & Wardwell	Quarles and Brady
Debevoise & Plimpton	Robinson Bradshaw
Dentons Canada	Roetzel & Andress
Dinsmore & Shohl	Sandberg Phoenix & von Gontard
Duane Morris*	Shook, Hardy & Bacon*
Dykema Gossett*	Skadden, Arps, Slate, Meagher & Flom*
Epstein Becker Green*	Squire Patton Boggs*
Fisher Phillips*	Steptoe & Johnson PLLC
Foley Hoag*	Stradley Ronon Stevens & Young
Fox Rothschild	Sullivan & Cromwell
Freshfields Bruckhaus Deringer US*	Sullivan & Worcester
Greenspoon Marder	Tucker Ellis*
Hanson Bridgett*	Varnum
Hinshaw & Culbertson	Venable*
Honigman	Vinson & Elkins
Ice Miller	Vorys, Sater, Seymour and Pease
Jackson Walker	Weil, Gotshal & Manges
K&L Gates*	Willkie Farr & Gallagher*
Kennedys*	Wilson Elser Moskowitz Edelman & Dicker*

"We view diversity and inclusion as a key priority. We understand that it is important to represent the diversity of our people, our clients and our communities, and to create an inclusive culture in which everyone, regardless of their background, identity or circumstance, can thrive at work. We take great

pride in this accomplishment and look forward to continuing to work with Diversity Lab to drive diversity in leadership within the legal profession.” **Meg Catalano, US Regional Managing Partner, Kennedys**

Participating for 1 Year

Armstrong Teasdale*

Bass Berry & Sims

Bodman*

Bradley Arant Boult Cummings

Buchalter

Burr & Forman

Cassels Brock & Blackwell*

Constangy, Brooks, Smith & Prophete*

Fried, Frank, Harris, Shriver & Jacobson

Gibbons

Gibson, Dunn & Crutcher

Jones Walker

Linklaters*

Maynard Nexsen

Milbank

Mintz Levin Cohn Ferris Glovsky & Popeo

Nelson Mullins Riley & Scarborough

Parker Poe Adams & Bernstein

Pryor Cashman

Steptoe & Johnson LLP

Vedder Price

“Nelson Mullins is committed to diversity, equity, and inclusion, and our involvement in the Mansfield certification process over the past year is another important example of our ongoing investment. We are pleased to join the ranks of those with the Mansfield certification.”

Jim Lehman, Managing Partner, Nelson Mullins

Certified Midsize Firms

**Indicates firms that achieved Certification Plus Metrics*

The following firms join the 2021-2023 cohort of 70+ midsize firms that were certified in March 2023.

[See the list here.](#)

Participating for 3-4 Years

Bailey & Glasser

Brooks Kushman*

Drew Eckl & Farnham

Goldberg Kohn

Hausfeld*

Ivins, Phillips & Barker, Chartered*

Keesal, Young & Logan*

Koley Jessen

Marshall, Gerstein & Borun*

McAndrews, Held & Malloy*

McDowell Hetherington

Merchant & Gould*

Meunier Carlin and Curfman*

Moye White

Much Shelist*

Nutter McClennen & Fish

Osha Bergman Watanabe and Burton*

Patterson + Sheridan

Reinhart Boerner Van Deuren

Severson & Werson*

Starnes Davis Florie

Summit Law Group*

The Cook Group*

Wilkinson Barker Knauer*

ZwillGen*

Participating for 1-2 Years

Aronberg Goldgehn	Keker, Van Nest & Peters*
Barack Ferrazzano Kirschbaum & Nagelberg*	Keller and Heckman
Bose McKinney & Evans	Kelley Jasons McGowan Spinelli Hanna & Reber
Brouse McDowell	Kitch Law Firm
Brown & Connery	Klinedinst
Brown & James	Levenfeld Pearlstein
Burke, Williams & Sorensen*	Liskow
Bush Seyferth*	Loopstra Nixon
Chamberlain, Hrdlicka, White, Williams & Aughtry*	Martin Clearwater & Bell*
Cowan, Liebowitz & Latman*	McBrayer*
Erise	McGrath North Mullin & Kratz*
Frantz Ward	McKool Smith
Friedman Kaplan Seiler Adelman & Robbins*	McLane Middleton, Professional Association
Gould & Ratner	Morrison Cohen
Grant & Eisenhofer	Nilan Johnson Lewis*
Harter Secrest & Emery	Pearne & Gordon
Haug Partners*	Porter Hedges
Hawkins Parnell & Young	Porzio, Bromberg & Newman
Hillis Clark Martin & Peterson	Robbins Schwartz*
Hirschler	Rutan & Tucker
Hooper, Lundy & Bookman	Sherman & Howard
Keating Muething & Klekamp*	Ulmer & Berne
Kegler Brown Hill & Ritter Co.	Wiggin and Dana*

"KPC is deeply committed to creating opportunities for all, and we are thrilled to achieve the Midsize Mansfield Certification. Our DEIB committee is to be commended for working with other firms during the certification process, both learning about and implementing best practices. We are excited to now be part of a community of law firms committed to making real, positive change in the legal field."

Heather L. Rosing, CEO and President, Klinedinst

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About Diversity Lab: We envision a world where the leaders are as diverse as the workforces and communities they represent. For more details, visit www.diversitylab.com.

Our Work: Diversity Lab designs, tests, and measures the outcomes of science-based and data-driven talent practices that allow for fair and equal access to advancement opportunities.

Our Focus: Our primary focus is on leaders in law, since they often rise to positions of influence in government, boardrooms, courtrooms, and beyond. The more diverse our leadership, the more inclusive and equitable the decisions for the benefit of the entire workforce and society.

Our Impact: Inclusion is the goal, greater diversity – in leadership and beyond – is the outcome.



ABA Model Diversity Survey

Share:



What is the Model Diversity Survey?

The Model Diversity Survey is the primary tool to implement Resolution 113. The purpose of the survey is to serve as the standard for law firms' reporting of their diversity metrics. The benefits the survey has are data uniformity, time efficiency, and trending year over year in aggregate and for individual firms.

The survey is free of charge for corporate signatories and stakeholders and does not require a paid membership to use. Corporations simply need to become a signatory in order to gain real-time access to any law firms' diversity demographic data submitted in response to the Model Diversity Survey. GCs can now gain access to the diversity data reported by any firm. The law firms' role is to simply complete the standardized Model Diversity Survey on the ABA portal on an annual basis and monitor firm trends over time. By participating in this effort, the firms and corporations will have the ability to use the survey results as a benchmarking tool.

The Creation & Evolution of the Model Diversity Survey

The American Bar Association has four goals to achieve its mission. Goal III seeks to eliminate bias and enhance diversity in the legal profession. Under Goal III, diversity is considered race/ethnicity, gender, LGBTQ+ status and disability status.

One of the many questions asked when considering how we advance diversity, equity and inclusion is "why should we seek to provide equal opportunities to qualified individuals regardless of background besides it being 'the right thing to do?'" The most understood reasons are that it leads to better talent, better understanding of customers, better decision-making, better innovation and creativity, and better engaged and productive teams.

Diverse individuals' representation in the U.S. population is not commensurate with their representation in the legal profession. For example, consider the following:

- Women are slightly over half of the population but are only 35% of attorneys.
- Blacks and Latinos are just over a third of the population but are only approximately 10% of attorneys.

In-house counsel senior leadership has shown a greater increase in diversity than law firms (which lag behind with essentially no increase at the senior leadership level).

- The percentage of women general counsel of the Fortune 500 has increased continuously since 2014 to 25% in 2016.
- The percentage of racially diverse (black, Latino, and Asian) general counsel of the Fortune 500 is approximately 10%.
- The percentage of women in equity partnership ranks has increased less than a percentage point to 17.8% between 2014 and 2015.
- The percentage of racial minorities in equity partnership ranks remained at 5.6% between 2014 to 2015.

The lack of diversity within law firms does not appear to be a pipeline issue:

- Women constituting half of law school graduates.
- People of color constituting a quarter of law school graduates.
- Women and people of color make up 45% and 22% of law firm associates, respectively.

The American Bar Association's Diversity & Inclusion 360 Commission

During her ABA presidency in 2015 – 2016, Paulette Brown created the Diversity & Inclusion 360 Commission. Four working groups were created to assess diversity and inclusion in the legal profession and create action plans to achieve the ABA's Goal III. The four working groups were: Economic Case, Diversity & Inclusion, Pipeline and Implicit Bias. The Economic Case working group explored ways to increase economic opportunities for diverse attorneys and drafted ABA Resolution 113 ("Resolution").

Resolution 113 (and How it Created the Model Diversity Survey)

The Resolution was passed in August 2016. It urges legal service providers to expand and create opportunities for diverse attorneys and urges the buyers of legal services to direct a greater percentage of legal spend towards diverse attorneys. In the report supporting the Resolution, the following goals were stated:

- Increase diversity at all levels within the legal profession which will make the legal field a more appealing profession for diverse individuals;
- Increase in the number of diverse attorneys and remediate the issues of implicit bias in the legal profession; and
- Encourage corporate clients to use a Model Diversity Survey in procuring and evaluating legal service providers.

How to Join the GC Pledge

Download Letter from the original Signatories describing the importance of the Pledge [here](#).

Please [contact us](#) to "Join the GC Pledge."

2022 Model Diversity Survey Report - 3rd Edition

2021 Model Diversity Survey Report - 2nd Edition

2020 Model Diversity Survey Report

List of Model Diversity Survey Signatories

*Signatories who wish to view the "HOW TO" guide on the portal, please reach out to Resolution113@americanbar.org

2024 ABA Model Diversity Survey Information

Firms that have not received an invitation from a Signatory, or have not completed previous surveys please [click here](#) to submit your survey based on your 2023 firm demographics and policies. The ABA validates the information provided within 7 business days after receiving. You will then be sent further instructions by the ABA with a link to the portal to the email address provided by the firm during the registration process. If you have not received instructions after 7 business days please contact directly Keevin.woods@americanbar.org with a copy to resolution113@americanbar.org.

- Please [click here](#) to download a copy of the sample client matters supplement
- For questions and assistance regarding the ABA Model Diversity Survey, please send an email to resolution113@americanbar.org

Benefits of the Model Diversity Survey for All Attorneys

- Law firms will gain a greater assortment of perspectives in their firms to enable them to achieve better results.
- Diverse attorneys, given an equal opportunity, will have greater chances of obtaining leadership roles in the legal profession.
- The efforts of the Economic Case work group, and all supporters of the Resolution, are intended to increase trust that the legal profession is one of ethical conduct and integrity that is seeking equal opportunity for access, acceptance, and advancement for all attorneys.

➤ The cultural shift toward more inclusion in law firms will benefit law firms, as they must be prepared to operate in an increasingly diverse society with increasingly diverse clients.

Corporate America's Implementation of the Resolution

To become a signatory, general counsel is asked to do the following:

- Notify the ABA that they support the Resolution and wish to sign the pledge;
- Ask the firms that provide a significant portion of legal services to complete the Survey;
- Require firms that are competing to handle a significant matter for the company to complete the Survey;
- Use the Survey results, as a tool in determining what firms to retain or with which to continue doing business; and
- Advise the ABA that they support the above four principles, such that an ongoing list of those that have committed to the principles can be maintained and published.

What Does This Mean for the Big Picture?

The survey offers transparency to corporate clients. It allows for the measurement of trends in law firm partnership ranks, hiring practices, attrition rates, lawyers working on flexible schedules, and the ranks of highest compensated attorneys. The survey also allows for GCs and law firm relationship partners to agree upon “client-specific” questions, which is more efficient and cost-effective than filling out entire separate questionnaires. Finally, having a comprehensive annual report of aggregated data that trends over time will offer the ability to advance diversity, equity, and inclusion in the legal profession.



US Law Week
June 14, 2021, 4:01 AM EDT

Five Ways In-House Counsel Can Boost Outside Counsel Diversity

By Leila Hock and Caren Ulrich Stacy

Diversity Lab's CEO Caren Ulrich Stacy, and Leila Hock, director of legal department partnerships, challenge in-house counsel to move from demanding diversity to taking action to support the advancement of underrepresented lawyers within law firms. They recommend five powerful, yet simple steps that can have a lifetime impact on a diverse lawyer's career.

Collective efforts such as the ABA's Model Diversity Survey and the 2019 letter signed by more than 150 general counsel have proven that legal departments care about outside counsel diversity. But despite these efforts and other similar pledges, the power and influence within elite law firms is primarily in the hands of heterosexual, cisgender, able-bodied, white men. And they consistently garner higher billable hours and origination credit—the dominating factors that determine compensation.

With such strong messaging from clients for diversity, why does the equity partnership of AmLaw 200 firms persistently hover around 80% male? And how is it possible that the equity partnership consists of 91% White lawyers?

This is especially disheartening knowing that the graduating classes of law schools have been over 50% women and roughly 30% racial and ethnic minorities for decades. The data proves it—it's not primarily a pipeline issue. Diverse junior lawyers are not progressing at the same pace into leadership in firms as their majority counterparts.

To truly effect change, in-house counsel must close the gap between demanding diversity and taking action at the individual level to support advancement of underrepresented lawyers within firms. In that spirit, we challenge in-house counsel who wish to wield their power more effectively to prioritize and take five actions to impact the power structure within firms.

1. Origination & Compensation: Require that Diverse Partners Receive 'Credit'

Whether you engage outside counsel by matter or leverage preferred providers, you must dictate "who gets credit" as part of the hiring decision. Most law firms award credit towards their compensation—often called origination, engagement, supervising, or billing credit—for each relationship and matter. When you allow firms to pitch for new matters or your panel, require that at least one diverse partner leading the work receives equitable "credit."

Ask hard questions to understand how firms reward their lawyers for bringing in new business. Persist until you know that the diverse lawyer's advancement and compensation will be positively impacted as a result of your work.

Remember that the first point of contact at a firm for a relationship or matter often gets the credit. If your legal operations or procurement experts lead the process, help them manage who is the first point of contact to ensure credit is appropriately awarded.

2. Diverse Teams: Require a Diverse Pipeline of Lawyers

Require outside counsel to staff each new matter with at least 50% underrepresented lawyers. You, the client, have the right to ask for diverse teams and understand succession plans for future teams.

To ensure diverse teams work on your matters now and in future, the firm must build a pipeline of diverse lawyers with the skills and institutional knowledge to support your needs. If the relationship partner doesn't proactively talk with you about their pipeline, ask. Your firms should provide a business continuity plan in line with your organizational and departmental values, similar to other key suppliers to your business.

3. Quality Work: Monitor the Type of Work Diverse Lawyers Do

Ask your outside counsel to demonstrate that the diverse lawyers on your matters have equal access to high-level work and direct interactions with in-house lawyers. Direct access to clients and career-enhancing work is essential to advancement within a firm.

It is also a key indicator of whether a lawyer will stay at the firm. When firm lawyers feel connected to their clients and know they are developing critical skills to advance, they stay, giving them the experience and knowledge to become your leaders in the future.

4. Advocacy: Be a Vocal Ally for the Diverse Lawyers Working on Your Matters

When a diverse lawyer does a good job for you, send a note to someone influential at the firm who can influence that lawyer's compensation and advancement. If you're not sure who that is, ask. Regardless of your level within the legal department, a note from a client to a firm leader makes a significant impact.

In your note, be clear about what the lawyer did well for you. And if you'd like them to start or continue leading or working on your matters, say that. Your advocacy inside the firm on behalf of a diverse lawyer has the potential to exponentially advance their career.

5. Referrals: Introduce Diverse Outside Counsel to Other In-House Counsel

When a diverse lawyer does a good job for you, refer them to other counsel at your organization and other companies. Few firm lawyers advance at their firms with only one client. Your role in helping lawyers obtain clients and raising their visibility cannot be overstated. And when you do refer counsel to someone else, send them this article to continue the cycle.

Institutionalizing Individual Actions for a Bigger Impact

Each of these five actions only takes a few minutes of your time, but can have a lifetime impact on a diverse lawyer's career. If you want to institutionalize these actions, consider joining the Diversity Dividends Collective facilitated by the Move the Needle Fund. In collaboration with 15 legal departments already signed on, you can have an exponential impact.

Each action has the potential to quickly and meaningfully accelerate a diverse lawyer's career. Done together and by hundreds of in-house counsel, as the Diversity Dividends Collective intends, they will lead to real progress to close the power and economic gaps in law firms to create a significantly more inclusive and diverse legal profession.

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Faculty

Hon. Maria Ellena Chavez-Ruark is a U.S. Bankruptcy Judge for the District of Maryland in Baltimore, appointed in 2020. Prior to joining the bench, she was a partner in the Bankruptcy and Restructuring practice group at Saul Ewing Arnstein & Lehr LLP in Baltimore, where she represented parties in complex chapter 11 bankruptcy cases, receiverships, workouts, restructurings and complex commercial litigation in state and federal courts throughout the U.S. Judge Ruark serves on numerous committees for the Fourth Circuit, the District of Maryland and the National Conference of Bankruptcy Judges. She is also a past president of the Maryland Bankruptcy Bar Association, a past president of the Chesapeake Chapter of the Turnaround Management Association, a former member of the Global Executive Board for the Turnaround Management Association, and a past president of the Pro Bono Resource Center of Maryland. In fall 2022, Judge Ruark received the Turnaround Management Association's Chapter Impact Award for her impact on the TMA Chesapeake Chapter, which is one of 85 chapters worldwide. In spring 2022, the Bankruptcy Bar Association for the District of Maryland honored her with the Mannes Memorial Award, presented annually to an individual who has contributed to the betterment of the bar association and the practice of law in Maryland. Judge Ruark was named to the *Lawdragon 500* Leading U.S. Bankruptcy & Restructuring Lawyers in 2020. She also was named one of "America's Leading Lawyers for Bankruptcy/Restructuring" by *Chambers USA* from 2015-20, named in *The Best Lawyers in America* for Bankruptcy and Creditor/Debtor Rights Law from 2013-20, and selected for inclusion in *Maryland Super Lawyers* from 2010-20. In addition, in 2009, 2011 and 2020, she was named one of Maryland's Top 100 Women in Business by *The Daily Record*, and in 2010, she was named one of the *Pro Bono* Resource Center of Maryland's "pro bono stars" for her exemplary service and commitment to providing *pro bono* legal representation to Maryland's underrepresented citizens. In 2006, Judge Ruark earned the first annual Educator of the Year Award by Maryland Volunteer Lawyers Service for her *pro bono* service in the State of Maryland. She served on her firms' *Pro Bono* Committees and Diversity and Inclusion Committees for many years, served as the chair of the Saul Ewing Minority Attorney Resource Group in 2019 and 2020, and has mentored law students and young lawyers throughout her career. Judge Ruark received both her B.A. in accounting and her M.B.A. from Salisbury University and her J.D. from the University of Baltimore School of Law.

Melissa A. Martinez is senior counsel at Cencora, formerly AmerisourceBergen, in Philadelphia. She supports the distribution side of the business, with a focus on retail, long-term care, and specialty channels through commercial contracting, as well as supports credit and bankruptcy. Ms. Martinez previously was an associate with Saul Ewing Arnstein & Lehr LLP. She received her B.B.A. in marketing and international business from Villanova University in 2012, and her M.B.A. from Rutgers University School of Business - Camden and J.D. in 2016 from Rutgers Law School.

Lucian (Luke) Murley is a partner with Saul Ewing LLP in Wilmington, Del. He has experience representing debtors, committees, acquirers, fiduciaries and other significant parties in interest in complex reorganizations and financially distressed situations, both in and out of court. Mr. Murley regularly advises financially healthy businesses that find themselves creditors in chapter 11 cases. He has represented creditors serving on official committees in recent chapter 11 cases such as Alpha Media Holdings LLC and Extraction Oil & Gas, Inc. Mr. Murley has been named in *The Best Law-*

yers in America list for Bankruptcy Litigation since 2023, and he is a court-appointed mediator for Delaware. He received his B.Mus. in 1998 from Northwestern University and his J.D. in 2004 from the University of Kentucky School of Law, where he served as managing editor of the *Kentucky Law Journal* editorial board and received the Stoll, Keenon & Park *Kentucky Law Journal* Outstanding Service Award.

Jordana L. Renert is a senior vice president of Distressed Debt/Specialty Corporate Trust at CMB Bank in New York, where she manages a portfolio of corporate and municipal workout transactions as part of UMB's seasoned distressed-debt specialty corporate trust team. She previously was a partner with Lowenstein Sandler LLP and with ArentFox LLP, where she focused her practice on all aspects of financial restructurings, distressed situations and bankruptcy reorganization, municipality and liquidation proceedings. Her practice involved representing creditors' committees, indenture trustees, agents and bondholders in bankruptcy proceedings, as well as acquirors of and investors in troubled, distressed and bankrupt companies. Ms. Renert has a broad range of restructuring experience across a number of industries, including oil and gas, energy, mining and exploration, publishing, manufacturing, retail and health care. Over the last several years, she has played a lead role in several significant corporate reorganizations, including the chapter 11 cases of PG&E Corp., R.E. Gas Development, LLC, Sabine Oil and Gas Corp., SandRidge Energy, Inc., Magnum Hunter Re-resources Corp., SquareTwo Financial Services Corp. and Cengage Learning Inc. Ms. Renert is a member of ABI, the New York Institute of Credit and the International Women's Insolvency & Restructuring Confederation. Additionally, she has participated in the Family Court Clinic Project, providing free legal consultations in Manhattan and Brooklyn Family Court relating to matters of child support, paternity, custody, visitation, guardianship and family offense. Ms. Renert received her B.S. in 2003 in industrial and labor relations from Cornell University and her J.D. *magna cum laude* in 2007 from Brooklyn Law School, where she received the Professor Barry L. Zaretsky Bankruptcy Fellowship.