

Partnering Perspectives

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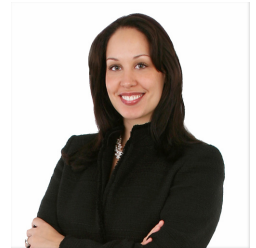
SUTHERLAND

Bringing Diversity into the Legal Profession

By Valerie Jackson

With contributions from Rick Meade of Prudential Financial, Inc., and Alita Wingfield of Morgan Stanley

According to the American Bar Association's 2009 "Diversity in the Legal Profession" report, "[s]everal racial and ethnic groups, sexual and gender minorities, and lawyers with disabilities continue to be vastly underrepresented in the legal profession." The legal profession continues to struggle to become more diverse. Fortunately, a number of corporate legal departments have made diversity a top priority.



The Law Compliance and Business Ethics Department (LCBE) of Prudential Financial, Inc., embracing a strong "tone at the top" message from Susan Blount, General Counsel, supports and contributes to Prudential's commitment to inclusion through programs designed to promote diversity in the legal and compliance professions. Rick Meade, Prudential's Vice President, Chief Legal Officer-International, and Chair of the Department's Diversity Steering Committee, discusses various LCBE diversity initiatives: "Right now our major focus is on the legal profession—looking at diversity within our own department but also diversity within the legal profession as a whole and how to encourage diverse professionals to come into the field and stay in the field."

Rick Meade
Prudential's Vice President,
Chief Legal Officer-International

Contribution to the Future

To facilitate the growth of diversity in the legal field, LCBE develops and supports pipeline programs for students considering or pursuing a career in law. The department's summer intern program provides 12 to 16 first-year law students with a competitively paid job and professional enrichment activities for 10 weeks during the summer. The interns, drawn from law school and association programs for minority and economically disadvantaged law students, receive real work experience and onsite training in multiple areas from LCBE staff as well as from law firm attorneys with whom LCBE works.

Awards and Recognitions

In recognition of the department's diversity initiatives, Prudential's LCBE was:

- Twice given the Employer of Choice Award for the Northeast by the Minority Corporate Counsel Association;
- Featured in *Diversity & the Bar* magazine;
- Named one of the top 10 diversity councils in the United States in 2010 by The Association of Diversity Councils; and
- Named a 2010 Honoree for its diversity programs by the Hispanic Bar Association of New Jersey, the New Jersey Law Journal and The National Association of Minority & Women Owned Law Firms.

By the end of the internship, the students have completed a writing sample and a mock interview with one of the department's partner law firms. The writing sample, interview experience and real work experience help the students build confidence and can poise them for a second year summer job. Meade points out that the second year summer job is "a big launching pad for their career" and the summer intern position gives them "real resume power" when applying. In the past, a number of the interns have obtained positions with some of the law firms with which LCBE partners. "By bringing diverse people into the profession and helping them get their start, ultimately we all benefit not just by creating goodwill but by enhancing the pool of candidates for our own workforce," said Meade.

The LCBE Department also contributes to diversity programs already in place in the community. The department provides support for the New Jersey Legal Education & Empowerment Program (NJ LEEP), which helps educate and mentor, at no cost, inner-city high school students who have expressed an interest

in developing the skills and discipline that may lead to a career in law. Prudential's LCBE Department participates on the organization's Advisory Board and Board of Trustees and assists in the mentorship of the students. The participants



come into LCBE's office for a number of weeks and are given mock assignments, such as a trial to work on or a contract to negotiate, to give them a feel for what it is like to work in a legal organization.

Both the intern program and NJ LEEP are conducted in LCBE's New Jersey offices and have more than 40 percent participation by LCBE's New Jersey based attorneys. According to Meade, the attorneys involved are happy to participate and find personal satisfaction in participating in the programs. "There are some intrinsic rewards in doing good, but it is also just fun. You are with kids who are still in school. They have a different approach to life than you do when you are sitting in your office in a corporation for a number of years. You also have an opportunity to impact a person's development and future career. That is incredibly powerful, and it makes it personal."

Building Awareness Within

In January 2006, Prudential's LCBE made a public commitment to diversity in the legal profession by signing the "Call to Action," a diversity statement authored by a board member of the Corporate Counsel Association and Rick Palmore, General Counsel of General Mills Inc., and the New York City Bar's "Statement of Diversity Principles." LCBE then established an organization-wide diversity council. The council and its subcommittees consist of 53 lawyers, compliance professionals and support staff drawn from every level across the department. Together, the diversity council and its subcommittees work to build and maintain an inclusive and accepting culture within the department to attract and retain diverse talent.

Diversity efforts that the council and subcommittees implemented cover a wide range of areas including:

- Communications: For example, the council developed an internal diversity intranet page providing information on all diversity initiatives.
- Training and educational opportunities within the department: The council instituted a yearly department-wide Diversity Day Town Hall that focuses solely on diversity topics. This year's town hall facilitated awareness of challenges faced by the disabled through exercises that gave participants an idea of what it may be like to have a specific challenge.

Diversity in the Compliance Profession

Prudential's LCBE also seeks to promote diversity within the developing compliance profession. Because the profession is relatively recent, there is a less established infrastructure. Consequently, LCBE is now looking to replicate some of its diversity programs for the compliance profession.

For example, LCBE works directly with nine specialty bar associations to support them in building diversity in the legal profession. In most instances, LCBE has two lawyers from the in-house staff serve as relationship managers to these associations to build the relationship with the various groups, assist with visibility within the organizations, support the missions and serve as conduits between the organizations and Prudential's law department. The relationship manager structure is another component of the department's effort to leverage the staff and the organizations that serve the broad goals of diversity in the profession. Similar efforts are now underway involving members of the compliance section of LCBE and several national organizations of compliance and ethics professionals.

In addition, this summer the compliance and ethics group launched an intern program providing three undergraduates with hands-on working experience. The program is expected to expand in 2011. Efforts are also underway to assess the diversity practices of compliance industry vendors as a prelude to generating a "preferred vendor list."

Highlights from Another Legal Department

Morgan Stanley's legal department also is very active in promoting diversity. Alita Wingfield, Managing Attorney of the Global Litigation Group of Morgan Stanley, took the time to highlight several legal diversity initiatives of Morgan Stanley's Legal and Compliance Division (LCD).

Legal Outreach

Like Prudential's LCBE, Morgan Stanley's LCD supports the diversity pipeline through a summer intern program for first year law students and through its support and participation in Legal Outreach. Legal Outreach is a program that prepares youth from underserved communities in New York City to compete at high academic levels through intensive legal and educational programs. From eighth grade through high school graduation, students work after school, on weekends and during summers to build the skills and confidence necessary to achieve their goals. Along with being a sponsor, LCD puts on an intensive four day program for the students to learn about financial matters, including training with a financial adviser about how to choose stocks and bonds. At the end of the four days, the students present portfolio suggestions to a fictitious client.

International Reach

LCD's diversity efforts reach beyond the United States. Every other year, LCD sponsors a South African attorney who comes to the United States to learn more about the U.S. legal practice and gain corporate practice experience through a program developed by the New York City Bar Association. LCD provides the South African attorney with a salaried position at the corporation for six months and organizes for a partner law firm to host the attorney for another six months.

The international reach of LCD's diversity initiatives includes both London and Asia, where several diversity committee members work and reside. The diversity committee in London is very active in the community and has its own mentorship program and summer intern program.

Current Focus

As the current chair of the division's diversity committee, Wingfield is concentrating on increasing diversity awareness internally. For example, the committee has raised the

awareness of women's issues through a speaker series with senior female attorneys discussing issues that women face in the workplace. The series was conducted over a number of weeks and covered several different topics. In addition, the committee organized a women's networking event with attorneys at a partner firm.



Alita Wingfield
Managing Attorney of the
Global Litigation Group of
Morgan Stanley

Assessment of Partnering Firms

Morgan Stanley's LCD makes certain that partner law firms are staffing the Morgan Stanley team with diverse attorneys and that the firm itself promotes diversity. One way the division tries to ensure this is by having an annual outside counsel survey. The survey includes both quantitative and qualitative questions regarding diversity within the firm and the firm's diversity programs. LCD collects the surveys from the top 50 firms based on billing and reviews the data. At the end of the process, LCD gives an award to the firm that best promoted diversity.

In addition to the survey, LCD finds opportunities to include partner law firms in diversity initiatives. For example, the division held a panel discussion for diverse attorneys with one of its partner law firms. The General Counsel of Legal and a senior business person from Morgan Stanley and two senior partners from the partner law firm spoke about client development and relationships. According to Wingfield, client development is one area in which diverse attorneys are seeking assistance. "We have heard over time from diverse attorneys that they are not given some of the opportunities that other attorneys are given to develop relationships with clients. This panel was a way to give them tips on how to do that."

Looking to Expand

Even with a robust diversity program, LCD's 45 member diversity committee looks for ways to expand its diversity initiatives. Currently, the department is considering possible structures for an in-house mentoring program. With a strong commitment to diversity, Morgan Stanley's LCD will continue to promote diversity in the pipeline, internally, externally and internationally.

- Developing relationships: The council has created a liaison function with Prudential’s business resource groups (support networks for diverse employees).
- Mentorship: LCBE has a robust mentoring program, which the council launched and continues to maintain. The mentor program, with over 70 mentoring pairs, promotes networking and career development opportunities for associates.

Meade highlighted the benefits of one-on-one attention in the mentorship program and the opportunities posed through the formation of the various programs. “These different programs provide visibility within the department to employees who are running a program or chairing a subcommittee, and an opportunity to demonstrate leadership skills and to develop themselves while building an inclusive environment.”

Expectations and Assistance for Firms

LCBE also looks closely at the diversity and diversity efforts of the firms with which Prudential works. The department tracks diversity statistics published for those firms and involves many of them in LCBE’s own diversity programs. In addition, when looking to bring new firms into the fold, LCBE establishes expectations upfront regarding diversity. “Firms who are not very good in that regard hear from us early on, and we are not likely to create a relationship with a firm unwilling to put effort toward the promotion of diversity,” states Meade.

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LCBE continues to expand its efforts to increase diversity in the legal profession through new programs. This past year, the Inclusion Initiative began as a group of 11 companies that made a joint commitment to spend \$30 million or more this year on minority- and women-owned law firms. Prudential was one of the companies instrumental in the creation of this group. Law department representatives of the involved companies have regular meetings and exchange ideas about minority- and women-owned law firm programs as well as other aspects of their diversity programs. Participants in the initiative plan to continue the program next year, with more firms and a higher monetary goal.

Participation Encouraged

Both Prudential and its LCBE Department encourage employees to support diversity initiatives. LCBE representatives sit down each year with Prudential’s Equal Opportunity/Diversity Office to discuss the department’s actions, future plans and performance measurements. “It is clear from a company perspective that there is an expectation that departments and businesses participate in these activities,” said Meade. In Meade’s view, “LCBE’s programs are a logical extension of the company’s overall commitment to diversity.”

Looking at the Long-Term Goal

Meade acknowledges the challenge of not only attracting diverse candidates into the legal profession but also retaining diverse professionals and helping create successful career paths. “The long-term social goal is that the legal profession should represent society. There should be relatively equal numbers or percentages of women and men and of different ethnic groups that we represent and all the other variations that you consider when we talk about diversity. All our efforts are just little steps to reach that big, long-term societal goal.”

Valerie Jackson is the Director of Diversity at Sutherland, where she is responsible for managing the firm’s continuing development and implementation of strategic diversity initiatives and programs.