

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2012

PHILADELPHIA, THURSDAY, JANUARY 19, 2012

VOL 245 • NO. 12

An **ALM** Publication

INSIGHT ON DIVERSITY

Diversity Growing in Corporate America and the Law

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Special to the Legal

As many know, Dan Rooney, the owner of the Pittsburgh Steelers, created the Rooney Rule in the National Football League. The purpose of the Rooney Rule is to ensure that NFL teams interview minority coaches for high-level coaching positions. Although the Rooney Rule is often debated and challenged, since its implementation, one reporter revealed that the percentage of minority head coaches increased to over 22 percent from a modest 6 percent. Within the last five years, five of 10 head coaches who led their teams to the Super Bowl were African-American, and the teams coached by two of the five African-American coaches won the Super Bowl. Despite disputes over whether the Rooney Rule is necessary or politically correct, its success is notable.

Also a topic of great debate is whether the Rooney Rule will or should be implemented in corporate America, and to what extent. The Minority Corporate Counsel



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Association reported that 101 women served as general counsel at Fortune 500 companies in 2010, women now represent 20 percent of top legal positions at Fortune 500 companies and minorities represent 10 percent. Is this a result of corporate America implementing the Rooney Rule?

In today's climate, minority and women attorneys hold lead corporate legal and business positions. In 2009, United Parcel Services Inc. promoted an African-American woman as its chief legal counsel; an African-American woman is also vice president of legal affairs for one of its affiliates. Comcast Corp., the nation's largest cable operator, employs several minority and women counsel in highly ranked positions to provide internal legal counsel and support business operations. Today, Wal-Mart Stores Inc. has one of

the largest and most diverse legal departments in the country, with 57 minority attorneys and 70 women attorneys.

Minorities and women in high-ranking legal and corporate positions are transforming corporate America and they are selecting and retaining outside counsel to represent their companies. Like the football coaches for the NFL, the visage of companies is changing.

It appears that more of corporate America requires instrumental inclusion of minority and women attorneys in their outside legal teams. It is customary for Fortune 500 companies to issue a request for proposal to law firms or to otherwise request that outside counsel disclose the number of minority and women partners employed by the firms, the number of minority and women associates employed by the firms and whether diverse counsel has decision-making authority on cases assigned to them. Most of today's corporations and businesses also have their own internal diversity policies, and not only request that their chosen law firms provide them

with a copy of the firms' diversity policy but also with proof that the firms' practices in hiring and assigning counsel to cases are consistent with the firms' and the client's diversity policies.

One national financial institution, in defining its beliefs and commitment to retaining minority and women counsel, expressly provides in its Outside Counsel Policy and Procedure that "we stop doing business with law firms who do not share these beliefs." It further reserves the right to request annual updates on the firms' progress in implementing their own diversity policies. These steps stem from the belief that diversity promotes growth and exposure to creative thinkers with different points of view and that different interpretations of facts and issues lead to creative strategies and legal resolutions. These are some of the benefits to having talented, diverse representation and diverse clientele.

Clients who trust in the stellar reputation of a firm also trust in the firm's process to attract and retain talented attorneys, including minority and women attorneys. Private law practices and corporations have made great strides to hire women attorneys to serve as leaders. And, although it remains a challenge for minorities to access limited opportunities at notable firms, the opportunities are becoming more available — largely due, in my opinion, to the marked increase of diverse clients.

In a 2011 PaLAW survey of Pennsylvania law firms, 71 firms identified their percentage of minority attorneys and 95 firms identified their percentage of women attorneys. While the percentages are modest for both groups, they continue to improve. Law firms are beginning to acknowledge that one of the benefits of hiring and retaining talented, diverse attorneys is the attraction to all of their clients.

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Many law firms now have their own diversity policies; some have a diversity committee or other similar structure in place to address the hiring and retention of minority and women attorneys. It is without doubt that increased diversity eventually will dispel myopic thinking, especially when coupled with excellence. Law firms that embrace and proactively practice diversity by hiring and retaining minority and women lawyers certainly will increase their opportunities to expand their client base. The Rooney Rule may have been a catalyst for broadcasting the belief that diversity works, but it appears that corporate America and the legal community have embraced the spirit of the Rooney Rule.

As a minority woman attorney, I have been selected to represent one of America's Fortune 500 beverage companies to provide strategic advice and representation in state and federal court matters. I have also successfully marketed and represented another Fortune 500 company in several litigation matters. However, providing them with great legal representation and achieving successful results for my clients solidified these relationships. Several clients whom I represent in complex litigation, bankruptcy, loan workouts and restructuring and employment matters candidly value my legal representation because of my experience, talent, guidance and problem-solving abilities.

In generating business, building client relationships and assisting colleagues in client management and client growth, diverse representation is profitable. Is it possible that the spirit of the Rooney Rule or desire for diverse representation by corporate America was instrumental in my success? It has made an undeniable imprint and certainly enhances opportunities for talented minority and women counsel to be players on the playing field. This is something to be optimistic about. •