



Nixon Peabody Diversity Update

May 2009

Inside this issue:

Outside perspective Q&A	1
2009 DAC plan aimed at supporting firm's 'Seven Key Strategies'	3
Firm makes progress on improving diversity	4
Nixon Peabody ranked among 'Top 100 Law Firms for Diversity'	4
Manchester, Boston attorneys host Indian ambassador	5
Firm lends support to LGBT community at Bay Area dinner	5
Women's Initiative lunch offers 'In-House' perspective	6
Hispanic Affinity Network co-sponsors academic forum on Puerto Rico	7
Brewington receives Civil Rights Award at Boston event	7

Outside perspective Q&A

Sherrese Smith, General Counsel,
Washingtonpost.Newsweek Interactive

*As part of Nixon Peabody's commitment to diversity, Nixon Peabody Washington, DC partner **Kendal Tyre**, a member of the firm's Diversity Action Committee, spent time chatting with **Sherrese Smith**, General Counsel, Washingtonpost.Newsweek Interactive (WPNI).*

Here is a recap of that conversation, which included a discussion about her employer's diversity strategy, her personal experiences as a diverse attorney and her thoughts on the importance of diversity in the distribution of work.

Tyre: Talk a little bit about WPNI's approach to diversity. Does your employer have a formal diversity initiative?

Smith: We don't have a formal initiative per se. However, we recognized that it was, and is, a very important issue for all businesses, including ours. To that end, about five or six years ago, we instituted the Diversity Committee, whose job was to meet periodically to discuss these issues as [they] relate to our business and our industry. Its initial goal consisted of two parts. The first was identifying issues that were important to our business and our industry, i.e., increasing minority representation, identifying organizations that we could partner with to help us tackle these issues, etc. The second part of the program focused more on the issue of retention. What was interesting was that we discovered the most important aspect of that focus was to identify a clear pathway to success for *every* employee. After that review, we decided we didn't need a separate diversity initiative, but we needed to ensure that employees are given the freedom to pursue their career interests. We focused on continuing to develop a strong environment [that] encourages that. Essentially, we learned that diverse members of the workforce are looking for the same things as all employees—a level playing field, a clear path to advancement, a supportive environment, and mentorship.

Tyre: What trends have you noticed within your company since those first diversity assessments?

Smith: In news, as the country has become more diverse, the people covering the news have become more diverse. We serve as a mirror of that society. In the last year, with the first African-American president, our diverse writers were able to bring views from a wide variety of cultures, which really showed in our reporting. Our diverse employee base has really brought different voices to the table, thus, offering a unique perspective on a number of very important issues.

Tyre: Is there any tangible evidence that a diverse workforce has contributed to the bottom line?

Smith: With the news industry suffering as a whole, how you engage readers becomes even more important. Diverse writers produce a wider variety of stories, so readers see more stories of direct interest to them—stories reflecting their culture and their environment, which helps keep the product relevant. I would posit that one of the reasons that we have been able to keep readers is because we offer such a unique perspective. This always contributes to the bottom line.

Tyre: Do you think that the diversity you are seeing within your organization has differed from what is going on in the industry as a whole? Have other organizations gone as far as your organization has?

Smith: I can't say what other organizations are doing, but I think businesses must always be reflective of the groups and cultures they serve. In today's more diverse environment, the issue of diversity becomes a top priority, and it's up to the organization to make the effort to find the diverse talent to accomplish that. If an organization is saying that it cannot always find diverse talent to fill positions, I'd say that organization isn't really looking. For any job I've seen posted externally, I have always known someone who could do that job. Recruiting diverse talent may require an organization to be more aggressive in recruiting or to go outside normal recruiting channels, but the talent is available.



Sherrese Smith is General Counsel, WPNI, which is the Washington Post Company's Internet subsidiary. Before joining WPNI, Ms. Smith was an associate at Arnold & Porter in Washington, D.C., where she was a member of the intellectual property practice group. Ms. Smith received a J.D. from Northwestern University and earned a B.A. from the University of South Carolina.

Tyre: Can you talk a little bit about the personal career choices you have made and the role diversity played?

Smith: I chose Arnold & Porter, in part, because of their diverse culture. When I started at the firm, there were eight or nine other black attorneys and, when I left, there were 30 or 40 and I didn't even know all of them. I was offered a job at a mid-sized law firm in Cleveland and I turned that job down because I would [have been] the first black attorney in the firm. I turned them down because I didn't want to be that person. I didn't want to deal with that at a time when I just wanted to concentrate on learning to be a good lawyer. At Arnold & Porter, I was able to do that. I found mentors and a support system in place there from my first day.

Tyre: When you are selecting an outside law firm to distribute work, does diversity play a role in your hiring decisions?

Smith: If a law firm has a diversity initiative and a high number of women and minorities, it's a positive. But my ultimate

decision depends on the type of case and the expertise that I need. For matters involving Internet law and media law, the number of options is limited because these are narrow areas of legal expertise.

2009 DAC plan aimed at supporting firm's 'Seven Key Strategies'

The Diversity Action Committee (DAC) recently mapped out a dynamic development plan for 2009, which is aimed at continuing to build Nixon Peabody's strong performance on diversity while supporting the firm's "Seven Key Strategies."

DAC launches Supplier Diversity Program

As part of the firm's diversity initiative, the Diversity Action Committee (DAC) launched a formal Supplier Diversity Program on March 5, 2009. The program is aimed at tracking the firm's business relationships with minority, women, and other diverse business owners. While the firm has historically engaged with minority vendors, including women-owned search firms and minority-owned law firms, there has not been a formal tracking program in place.

To assess the current vendors, the firm conducted a survey with existing vendors to identify current diverse business owners and to introduce a new vendor profile form. The firm seeks to develop and maintain successful partnerships with vendors, and diversity will be one component that will be used in identifying potential vendors.

With clients increasingly inquiring about our external diversity efforts, the firm's supplier diversity program will provide opportunities to establish business partnerships with minority- and women-owned businesses.

To date, of the 3,200 vendors surveyed for the program, we have received 613 responses (19%). Vendor classification: 3%, LGBT; 9%, Minority Business Enterprise; 30%, Women-Owned Enterprise.

The firm's diversity initiatives are an important aspect of business development, as many requests for proposals require detailed information about the firm's efforts to foster an inclusive work environment. Nixon Peabody's strong performance and reputation in this area play a significant role for many clients in their decision-making process when they consider engaging the firm for their matters. The firm's commitment to diversity also affects Nixon Peabody's ability to attract and retain high-caliber professionals from a wide range of backgrounds and cultures.

The following are just a few key components of the 2009 DAC Development Plan that are currently being implemented:

- Launching a supplier diversity program (see related article detailing the results of this survey);
- Increasing activities of the firm's Affinity Groups;
- Pursuing more international networking and business development in Europe, Asia, and Africa;
- Establishing a new internship program; and
- Providing leadership for firm-wide diversity training.

Additionally, the DAC committee structure is changing. Former firm partner and co-chair of DAC, **Liz Moore**, recently left the firm to become the general counsel of ConEdison. Liz was a "driving force" behind the firm's goal to foster an inclusive work environment. She was also instrumental in spearheading our diversity initiative, from the recruitment and retention of attorneys and personnel to new business development and client service.



Liz Moore.

As co-chair of DAC, Liz helped to initiate a variety of strategic programs during the past four years, including diversity training, the creation of affinity groups, the women's leadership summit, and internships with clients. "We thank Liz for her tremendous contributions and will miss her insight," said **Kendal Tyre**.

Kendal will continue to head the DAC as the committee's chair. Firm CEO and Managing Partner **Dick Langan** will continue to serve as executive chair of DAC.

Firm makes progress on improving diversity

Nixon Peabody's ongoing diversity progress continues to be significantly reflected through statistical tracking. Statistics from December 2008 show that the firm's diversity numbers are strong.

For example, the firm's total percentage of minority attorneys is 12 percent; the percentage of women attorneys is 32 percent; and the percentage of gay, lesbian, bisexual, and transgender (GLBT) partners is 2.5 percent. All of these statistics represent an increase from the firm's 2004 statistics, when our diversity initiatives were launched.

Behind these statistics are an impressive group of attorneys and a demonstrated effort by the Diversity Action Committee (DAC) and firm leadership to maintain the firm's strong record on diversity. This commitment is important for the overall recruitment and retention of attorneys, and it also plays a key role in attracting and retaining clients.

Nixon Peabody ranked among 'Top 100 Law Firms for Diversity'

MultiCultural Law magazine recently ranked Nixon Peabody among the "Top 100 Law Firms for Diversity" in its spring 2009 issue. The magazine annually recognizes the nation's top firms for excellence in ensuring diversity and inclusion in the legal profession. Nixon Peabody not only earned distinction as a top firm overall, but the firm's efforts were also acknowledged in a sub-category, earning a spot on the "Top 100 Law Firms for Women."

"We are honored to be recognized among the top 100 firms who are making strides in diversity," said partner and DAC chair **Kendal Tyre**. "We are constantly striving to be thought leaders in the field of diversity and to adopt best practices for continuous improvement of our diversity initiative."

MultiCultural Law is a diversity publication from L.P. Green & Partners, Inc. focusing on "lawyer retention, partnership promotion, and corporate profiles with a blend of legal news trends and information that is valuable to improving the careers of minority and women lawyers." The magazine states that it "serve[s] as a role model to future lawyers in law schools throughout the country."

Manchester, Boston attorneys host Indian Ambassador



Event participants (top row, left to right) John Palmeri, Wayne Jennings, Rod Fraser, and Dave McLaughlin; (bottom row, left to right) Kumu Gupta, Ambassador Prabhu Dayal, Larry DiCara, and Lesley Varghese.

The Boston office of Nixon Peabody and the New Hampshire Cultural Diversity Awareness Council welcomed Indian Consul General (Ambassador) Prabhu Dayal for an informal lunch meeting.

Ambassador Dayal was in the area because he had been the keynote speaker at the New Hampshire Cultural Diversity Awareness Council's 8th Annual "Keeping the Dream Alive" dinner the previous evening, February 5. Before the visit, Dayal had never visited the Northeast.

Luncheon attendees included a select group of local luminaries who were invited to discuss business between India and the United States.

Attendees included John Palmeri, director of the Boston Redevelopment Authority; Wayne Jennings, chairman, N.H. Cultural Diversity Awareness Council; Rod Fraser, Boston Fire commissioner; Dave McLaughlin, executive director, Boston World Partnerships; Commissioner Navjeet Bal, Massachusetts Department of Revenue; Boston Councilman Sam Yoon; Raj Sharma, Merrill Lynch; Namrita Kapur, Root Capital; Jeremy Liu, Asian Community Development Corporation; Shiva Ganapathy, Marco Polo; Ramesh Advani, the Commonwealth's Asian American Commission; and Al Kapoor and Dr. Vanita Shastri, TiE Boston.

Nixon Peabody attorneys present included Manchester partner **Gordon MacDonald**; Boston partners **Larry DiCara**, **Rick Pedone**, and **Andrew Glincher** (Boston's OMP); Boston counsel **Michelle Massicotte**; and Boston associates **Lesley Varghese**, **Juan Concepcion**, and **Brian Childs**.

Firm lends support to LGBT community at Bay Area dinner



Rich Chicotel, Paul DiSangro, and David Spaulding.

Nixon Peabody recently sponsored a table at this year's dinner for Bay Area Lawyers for Individual Freedom (BALIF), the local lesbian, gay, bisexual, and transgender (LGBT) bar association for the Bay Area of California.

The theme of this year's March 12 dinner, "Toward a More Perfect Union," focused on the California Supreme Court's historic Marriage Cases decision and the pending challenge to Proposition 8, on which oral arguments took place on March 5. The event's honorees included Phyllis Lyon and her late wife Del Martin, founders of the Daughters of Bilitis (the country's first lesbian rights organization) and the first couple legally married in California; and California Attorney General Jerry Brown, whose office opposed Proposition 8 before the California Supreme Court.



Doug Ott, Hailey Hibler, John Chatowski, and Tzaddi Thompson.

San Francisco labor and employment counsel **Ellen Papadakis**, who coordinated the event for the Nixon Peabody attendees, called it a “great success and a lot of fun.” Perhaps most uplifting, however, was the reaffirmation of Nixon Peabody’s positive reputation for being supportive of the LGBT community, which Ellen experienced through a chance conversation with a law student from UC Hastings College of Law. As recounted by Ellen: “We introduced ourselves, and he asked me what firm I was with. When I said Nixon Peabody, his eyes brightened, and he mentioned that NP ‘has a great reputation on LGBT issues. They hosted a Lavender Law reception last fall and everything. You must be so proud to work there!’”



Tanya Tudor and Ellen Papadakis.

Thanks to labor and employment partner **Rob Carrol**, Senior Marketing Manager **David Kaufman**, and the Diversity Action Committee for supporting the event and maintaining the firm’s visibility in the LGBT community. The firm’s table was center to the stage, right behind the highest-level donors. Special thanks to Labor and Employment Associate **Tzaddi Thompson**, Business Litigation Associate **Hailey Hibler**, and Business Litigation Counsel **John Chatowski** for giving up a Friday night to join Global Taxation Partner **Paul DiSangro** and Ellen at the event. Also joining were clients and prospects who included Fireman’s Fund Senior Tax Counsel Tanya Tudor, Liberty & Church LLC President Brian Porea, Shorenstein Co. CFO Rich Chicotel, and Doug Ott from Deloitte & Touche.

Women’s Initiative lunch offers ‘In-House’ perspective



Jessica White.

In San Francisco on March 19, approximately 20 female lawyers attended the latest installment of the Women’s Initiative’s bi-monthly lunch meeting, which featured a discussion on what in-house counsel are looking for in their lawyers.

The meeting, organized by associate **Jessica White**, co-leader of the SF/SV Women’s Initiative, and partner **Ann Miller**, firm-wide leader of the Nixon Peabody Women’s Initiative, featured three guest speakers: Michelle Leetham, principal counsel and manager of litigation for Bechtel Corporation; Joyce Schenewerk, assistant general counsel for First Republic Bank; and Darcy Manning, corporate counsel for DHC USA Incorporated.

The three in-house attorneys offered their perspectives on what they look for in hiring outside counsel and provided excellent advice on networking within the local community and within industry specific areas of the law. Each of the speakers had a unique approach—both to hiring outside counsel and networking—and was able to give insight into how different companies’ needs drive their selections of outside counsel. It was a lively group, which provided a great opportunity for good discussion between Nixon Peabody lawyers and the speakers.

“I think this type of interaction between in-house and outside counsel is invaluable, and we are very thankful such impressive attorneys were able to participate in the program,” Jessica said. “Because of the positive response we received from the attendees, I think this was a successful

venture, and we hope to continue to have similar presentations as part of our women attorneys' lunches."

Hispanic Affinity Network co-sponsors academic forum on Puerto Rico



Jim Montes, Victoria Donohue, Virginia Wong, Kenneth McClintock, Natalie Dennery, and Jennifer Wheeler.

Nixon Peabody's Hispanic Affinity Network, in collaboration with the Center for Puerto Rico Equality and Advancement, Fordham Law School, and the Latin American Law Students Association (LALSA), recently sponsored an academic forum entitled "Civil Rights and Equality For Puerto Rico: Puerto Rico's Relationship within the Federal Union."

The forum's panelists included former New York State Governor George Pataki; Hon. Kenneth McClintock, Secretary of State for the Commonwealth of Puerto Rico; William Treanor, dean of Fordham Law School; and Christina Duffy Burnett, associate professor at Columbia Law School. There were more than 100 attendees, including judges and elected officials, at the academic forum, where the panel debated the issue of Puerto Rico's current relationship with the U.S.

Following the educational forum at Fordham Law School, Nixon Peabody hosted a reception at its New York City offices. There were about 80 attendees, including Mr. McClintock and Pedro Pierluisi, Puerto Rico Resident Commissioner. Nixon Peabody was well-represented, with the following firm members in attendance: Public Finance Associate **Jim Montes**, chair of Nixon Peabody's Hispanic Affinity Network; Public Finance Associate **Natalie Dennery**, co-chair of the African American Affinity Network; Public Finance Partner **Virginia Wong**; public finance associate **Jennifer Wheeler**; Public Finance Associate **Victoria Donohue**; Business Litigation Law clerk **Jason Clark**; and Private Equity Law Clerk **Michael Garcia**.

Brewington receives Civil Rights Award at Boston event

On March 25, both a current and a past member of the Nixon Peabody family were among those honored when the firm's Boston office hosted the annual reception for Boston's Lawyers' Committee for Civil Rights (LCCR). The annual reception celebrates LCCR's renewed commitment to racial justice and honors local attorneys who are committed to using the legal system to promote racial justice and to eliminate racial and national origin discrimination. This year's event brought an audience of approximately 140 attendees, including Massachusetts Governor Deval Patrick, who delivered the keynote address, and his wife, Diane.



Event participants (from left) Wayne Budd, Larry DiCara, Inez H. Friedman-Boyce, award recipient Tavares Brewington. Photo courtesy of LCCR.

Products Associate **Tavares Brewington** was selected as one of only seven associates in the Greater Boston area to receive LCCR’s first-ever “Civil Rights Recognition Award.” Since joining the firm, Tavares has dedicated his service to the advancement of racial justice and civil rights. He recently cofounded, and currently serves as co-chair of, the Associates for Civil Rights, a sister organization of LCCR. Working with LCCR, Tavares coauthored an amicus brief on a seminal United States Supreme Court 2008 decision involving the constitutionality of voluntary school desegregation plans. In 2009, Tavares became a member of the LCCR’s Subcommittee on Racial Violence and Police Brutality.

Also receiving an award was **Leigh-Ann Durant**, a former partner who now works with client EMD Serono. Business litigation partner **Fred Kelly** presented Leigh-Ann with the LCCR’s “Outstanding Leadership Award.”