



# Nixon Peabody Diversity Update

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## Celebrating diversity: NP takes a proactive approach

### A message from Harry Trueheart

I'm pleased to present the inaugural issue of Nixon Peabody's diversity newsletter and to introduce our new Diversity Action Committee.

#### **Documenting our commitment to diversity**

This newsletter is a tribute to the enriched environment we enjoy at the firm because of our dedication to diversity. Within this collection of articles you'll find an overview of the extra efforts by many among us to help ensure that all members of our firm have equal opportunities and feel comfortable as part of the Nixon Peabody family.

The newsletter also serves as a way of sharing how we are continuing to build a community within the firm that reflects the diversity in our country and within our client organizations. It is vitally important for each of us—whether part of a minority group or not—to dedicate ourselves to broadening our horizons and our understanding of all people.

#### **Recognizing our history of encouraging diversity**

The firm is proud of its history of encouraging diversity:

- Our firm was the first major upstate New York law firm to hire women in 1968.
- In 1973, we hired William McKnight, who became our first African-American partner in 1981.
- In 1994, three of the firm's associates became the founding members and first officers of the Rochester Black Bar Association.



**NIXON PEABODY LLP**  
ATTORNEYS AT LAW

- In 1996, our firm became the founding member of the Greater Rochester Diversity Council, which serves as a catalyst for understanding, promoting, and managing diversity within the Rochester business community.
- Our firm also has a long history of respecting differences in sexual orientation and gender expression and identity and, indeed, was one of the first law firms to offer domestic partner benefits.

More recently, our firm has engaged in innovative diversity initiatives such as:

- Partnering with John Hancock Insurance Company to create internship programs for the firm's summer associates of color and sponsoring a Web-based business referral network for lawyers of African descent.
- We have sponsored a number of local and national diversity conferences as well as scholarships for diverse students.
- Many Nixon Peabody attorneys have been actively involved and held leadership positions in such diverse organizations as the National Bar Association, the Hispanic National Bar Association, the National Asian Pacific American Bar Association, the ABA Commission on Women in the Legal Profession, the Greater Rochester Association of Women Attorneys, the National Urban League, the Capital District Black and Hispanic Bar Association, the New York State Committee on Diversity on the Courts, not-for-profit gay rights organizations, and many others.

While we are proud of our achievements to date, we know we still have work to do. Achieving true diversity is a continuing journey and this year we are recommitting ourselves to our diversity goals.

### **The Diversity Action Committee and looking forward**

We created the Diversity Action Committee, which I lead. Our goal is to attract, retain, and promote individuals of exceptional ability and talent from both sexes and a broad range of racial, ethnic, social, economic, and personal backgrounds. The mission is to become an innovative leader in diversity and create an open and inclusive culture.

The individuals chosen for this important work are charged with providing direction and focus to the firm. The committee members are: Elizabeth D. Moore and Kendal H. Tyre, Co-Chairs, Robert K. Carrol, Margaret A. Clemens, Joseph J. Ortego, William Simpson, and John V. Snellings.

The Diversity Action Committee ("DAC") is charged with focusing our efforts. Already, the DAC has met with a diversity consultant, begun working with a diversity recruiter specializing in diverse candidates, reached out to find the best practices in the country for achieving diversity, and presented their views and findings to the entire partnership. Most importantly, the DAC has prepared a three-year development plan that will provide direction to the firm in becoming an innovative leader in diversity. Through nurturing a diverse workforce, we can better serve our clients and our communities.

Harry Trueheart,  
Chairman and CEO

# Mentoring the next generation

## Nixon Peabody helps city high school students build legal careers

Sixteen-year-old Ashley Osborne is a high school student and an aspiring lawyer. Shaunte Carley, a mother of three who graduated from high school in 1996, is currently attending college so she, too, can one day practice law. Yantise Fulton, mother of two-year-old Azhari, graduated from high school in 2003 and is currently in college. She doesn't want to go to law school, but she does want to work in the legal field.



Shaunte Carley, Yantise Fulton, Rita Douglas, Ashley Osborne, Glenda Lusk

And all three women have at least one thing in common: they were hired at Nixon Peabody through a program designed to provide opportunities for promising high school youth who have an interest in the law. The women chose the Law & Government Academy at Rochester's John Marshall High School, signifying their interest in the legal field. They were subsequently selected by Nixon Peabody to participate in this unique opportunity aimed at helping young students realize their career dreams.

"Nixon Peabody has participated in this program, which provides work opportunities for city high school students who are enrolled in a law magnet

program, since its inception. That's been about ten years, and it has been very successful for us," says Glenda Lusk, a Nixon Peabody administrator in the Rochester office who oversees the program.

"We currently employ three women who were hired through the program. Of the three, two are single moms who are attending school and working," Glenda says.

To be chosen for the program, students need more than simply an interest in the law. They must also have good grades and attendance, which Nixon Peabody monitors throughout their employment to be sure that work does not interfere with school. The goal is to provide the students with real-world work experience, but the schedule is flexible to accommodate school obligations.

Shaunte has worked at Nixon Peabody since 1995, when she was a high school student. She started in Nixon Peabody's mailroom, but has held several positions, all with increasing responsibilities. Currently, Shaunte works full time in data management, where she is excelling. "Shaunte is new to the group, but she is already a superstar," says Rita Douglas, NP's support services manager in the Rochester office. When Shaunte began at Nixon Peabody, it was a temporary assignment. "They told me it was temporary, but I didn't see a reason for it not to be permanent. I let them know that I had an interest in longer-term work and they offered me something when it came up," she says. Shaunte was part of the first class to participate in the school/work program. "It helped me decide on a career path," she says. In addition to her full-time work and her responsibilities as the mother of three children, ages 12, 6, and 5, Shaunte attends college and hopes to enroll in law school in the future.

Ashley also wants to attend law school and she hopes the experience she is gaining at Nixon Peabody will help. “Working at Nixon Peabody teaches me about the law and can benefit my future career by allowing me to work with the attorneys. The best part of the job is being around so many different people. Every day it’s something new and different,” says Ashley, who works part-time in the mailroom while she continues her high school education.

Yantise also started in Nixon Peabody’s mail department, but she has been promoted to switchboard operator. She works part-time while she attends college, where she is studying business law. “I don’t want to be a lawyer, but I want to have some knowledge of the law,” she says. That knowledge has already helped Yantise negotiate in life. “From my law classes, I’ve learned what to sign and what not to sign when dealing with my landlord,” she says.

Negotiating challenges is an issue many of the students face when they begin the program. Rita Douglas serves as mentor to all of the students—a job that can require some individual counseling. “There is always an adjustment period. Many of the students initially have trouble making eye contact because they lack confidence. They also need coaching regarding appropriate attire and showing up on time for work. I believe in having a direct dialogue with them and it usually works out. The goal is to make it a good experience for everyone,” Rita says. While she doesn’t keep in touch with all of the students that have been through the program, she says many of them will call her periodically just to keep in touch—an extra reward for her efforts.

## Nixon Peabody/client partnership broadens diversity efforts

Summer associates in Nixon Peabody’s Boston office gained a unique opportunity—thanks to some innovative thinking by Nixon Peabody’s Liz Moore (NYC) and clients Karen Morton and Wayne Budd.

Karen Morton, vice president and counsel, and Wayne Budd, former general counsel, at John Hancock Financial Services are highly successful African-American attorneys who teamed up with Liz, a member of Nixon Peabody’s Labor and Employment Group, to create an inventive partnership. The affiliation improves opportunities for aspiring young attorneys, increases recruiting opportunities for Nixon Peabody, and provides additional legal assistance for John Hancock.

The concept is simple. Nixon Peabody, acting in partnership with John Hancock, lends selected summer associates to the financial services company for a two-week period. This gives the associates an invaluable chance to work both in a large law firm and as part of an in-house counsel team—all within a single summer’s internship.

“The interns were excited to work with two such accomplished mentors, who are both interested in helping others realize their full potential and build successful careers,” Liz says.

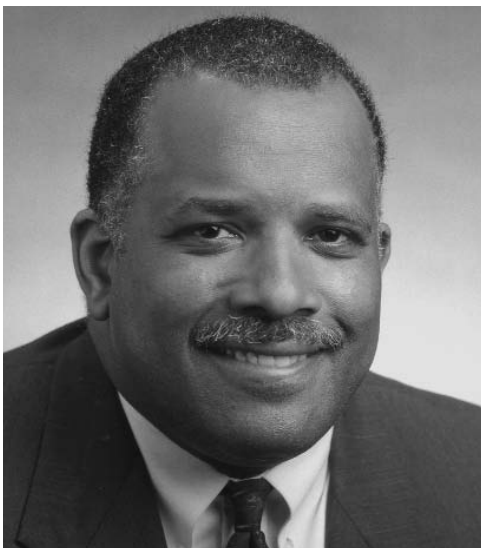
Since Nixon Peabody began this initiative, all selected summer associates have been minorities and all either joined or accepted offers from the firm. “In addition to the opportunities this arrangement provides to our associates, it has also helped enhance our recruiting tools for Nixon Peabody,” Liz says.

“Since we created the program, several partners have expressed interest in creating a similar partnership with their clients, and we’re open to exploring ways to broaden the program,” Liz added.

The benefits of the Nixon Peabody/John Hancock program were touted in 2003, in a speech given by Wayne Budd after John Hancock won a prestigious “Employers of Choice” award. The award is given to law firms or to corporations with legal departments that are inclusive. Wayne Budd accepted the Employers of Choice award on behalf of John Hancock, and commended Nixon Peabody for the firm’s partnering program with John Hancock. “In accepting the award, Wayne really focused on the value of this partnership and Nixon Peabody’s efforts,” Liz says.

The speech, at the annual Minority Corporate Counsel Association dinner held at the Marriott Marquis Hotel in New York City, honored Phillip Morris, Verizon, Met Life and John Hancock as Employers of Choice. NP’s Labor and Employment Group and other practice groups regularly attend this event. However, this particular dinner was especially rewarding because two of the recipients, John Hancock and Verizon, were NP clients.

## Part of the solution: John Higgins dedicated to diversity



John Higgins, Counsel, Albany Office

Recently, John Higgins, counsel in Nixon Peabody’s Albany office and president of the Capital District Black and Hispanic Bar Association (CDBHBA), was tapped by Chief Judge Judith Kaye of the New York State Court of Appeals and the New York State Bar Association to help plan, coordinate, and cosponsor a diversity celebration held at the State Court of Appeals on December 3, 2004.

The program, called “Celebrating Diversity in the Legal Profession,” was held at the recently refurbished Court of Appeals Hall in Albany and featured remarks by Chief Judge Kaye, who welcomed a number of distinguished speakers and guests, including Kenneth Standard, president of the New York State Bar Association, and Robert Grey, Jr., current president of the American Bar Association. This diversity celebration attracted nearly 150 participants, including judges, local and state political leaders, representatives of many of the area’s largest law firms, and members of the CDBHBA, a new minority bar association reorganized in 2004 with Nixon Peabody’s support. Also in

attendance were Nixon Peabody partner and Diversity Action Committee co-chair Elizabeth Moore and Andy Gansberg, managing partner of the firm’s Albany Office.

John's involvement in this diversity celebration is just one of the many ways in which John has been recognized for his demonstrated commitment to increasing diversity in the legal profession. In December 2003, John was appointed by the past president of the New York State Bar Association to a new statewide Committee on Diversity and Leadership Development. This fifteen-member committee was created to encourage and mentor future leaders of the bar and advance diversity initiatives in the association. In June, 2004, John was also asked and agreed to serve as co-chair of the NYSBA Committee on Minorities in the Profession.

More recently, the current president of the NYSBA appointed John to serve as one of twelve members of the association's House of Delegates. These new positions, and John's appointment to this position, are designed to help increase racial and ethnic diversity in the association's governance structure.

## Building a network— harnessing the power of the Internet

Kendal Tyre, a partner in the Washington D.C. office, has contributed to the firm's diversity efforts in innumerable ways. He helped launch a Nixon Peabody diversity initiative in August 2002 and is now co-chair of the recently formed Diversity Action Committee.



Kendal Tyre, Partner, Washington DC Office

Kendal's work expands well beyond the firm. He is one of the founders of the Rochester Black Bar Association (RBBA), which recently celebrated its tenth anniversary. For his extraordinary efforts developing and building that organization, the RBBA presented Kendal with an award at its tenth anniversary dinner, which was attended by more than 300 community leaders.

Kendal, who has been with NP for eleven years, also served as the chief of staff for Clyde E. Bailey, Sr., president of the National Bar Association (NBA), during the 2003-2004 bar year. Most recently, he was appointed to lead the NBA's Diversity Initiative in 2005. This national NBA initiative seeks to promote issues of diversity in law firms and corporate legal departments across the nation.

Kendal focuses his efforts on leveraging his community and NBA ties to develop business for the firm. He is one of a number of attorneys responsible for the creation of a Web-based business referral network for lawyers of African descent. The network, LexNoir.org, helps member attorneys develop business and has been used by the NBA to connect with black bar associations across the globe. To date Nixon Peabody's participation in LexNoir.org has resulted in referrals to the firm from South Africa and Nigeria. Its e-mail updates reach over 7,000 attorneys in thirty-one countries.

"I've received great support throughout my career with Nixon Peabody, and that support has helped me manage these additional responsibilities," says Kendal.

# Global diversity

## Reaching beyond national borders

The diversity initiative undertaken by Nixon Peabody also extends to international diversity. The firm recognizes that its clients are working internationally in a global economy, and that in order to serve such clients well Nixon Peabody has to make efforts to understand better not just the business of its clients, and not just the law applicable to such business, but the cultures outside of the United States in which the businesses are operating and the cultures of those foreign clients who want to understand how to do business in the U.S.



Ann Miller, Partner, San Francisco Office

One of the ways that the firm can gain a better understanding of the international business place is to support lawyer exchanges between the firm and the foreign clients or foreign law firms with which the firm does business. Another way is to seek out and hire lawyers with foreign legal training and qualification and with diverse cultural backgrounds and language ability.

Ann Miller, leader of the International Team and a partner in Nixon Peabody's San Francisco office, focuses on ways to diversify in the context of the international practice of law, and says that the firm is committed to international diversity.

In addition to seeking to hire lawyers from other countries who are also qualified to practice law in the U.S., or U.S. citizen lawyers from diverse cultural backgrounds, the firm has revived its foreign intern program to provide Nixon Peabody lawyers opportunities to work for a period of time in foreign law firms or in the offices of overseas clients; and to provide lawyers from foreign law firms and clients with an opportunity to spend time in one of the

firm's offices. The temporary assignments range from a few months to as long as a year.

At the moment, for example, a senior associate from the Boston office is working in-house at the offices of a significant overseas telecommunications client, and one of the in-house counsel from that client is working for a year in Nixon Peabody's New York offices. The firm also presently has interns from Korea, Japan and Brazil, and is seeking other qualified lawyers both internally and externally to participate in the foreign intern program.

Liz Moore, co-chair of the firm's Diversity Committee and a partner in the New York office, notes that this "is an example of the breadth of Nixon Peabody's look at diversity. It means more than targeting specific minority groups within the U.S. It is a global effort."

"I would like to see Nixon Peabody do more international hiring, not simply exchange programs. Bringing in people with different backgrounds is good for the firm and it increases our international presence. It also opens our minds. We need to think creatively about ways to establish relationships with people in all parts of the world, so that we can effectively represent our clients and have the right to play on the global stage." Ann says.

Nixon Peabody works constantly at establishing excellent reciprocal working relationships with law firms throughout the world and with clients in an international setting. The firm has deep roots in some of the heartland cities of the U.S., as well as in its border cities on both the east and west coasts. The firm looks outward to both the East and West rather than satisfying itself with looking only internally and at people with like backgrounds and cultures. “Nixon Peabody is an exciting place to be these days,” Ann concludes.

“Because the firm does not yet have offices outside of the U.S., working and interacting with local lawyers from countries around the world, and attracting lawyers from diverse cultural and ethnic backgrounds to work in our firm is important to us. The firm is and wants to continue to be a player in the business and other communities of the world. We want to deserve to do that,” she says.

## Building relationships in the hispanic community

“Unidos en Nueva York: United in New York” was the theme for the Hispanic National Bar Association (HNBA) 2004 Convention held at the Marriott Marquis, Times Square, New York City.



Joe Ortego, Partner, Long Island Office

The event, which was attended by hundreds of influential Hispanic leaders, included Nixon Peabody as a sponsor. In recognition for his ongoing service to the association, Joe Ortego, a partner in Nixon Peabody’s Garden City office, was selected as one of the convention’s honorary co-chairs. Joe is past president of the HNBA New York and a member of its founding circle.

“Supporting the HNBA helps solidify our relationship with clients in the Hispanic community and helps in the recruitment of Hispanic attorneys,” Joe says. During the most recent convention, Nixon Peabody attorneys in attendance were able to make connections with some promising new candidates who were interviewed by the firm. “The convention is an excellent networking opportunity, and it also provides continuing legal education programs unique to Hispanic issues,” Joe says.

The 2004 convention attracted a number of dignitaries from both the corporate and political community, including a visit by New York City Mayor Michael Bloomberg and other politicians.

The HNBA represents approximately 27,000 Hispanic American attorneys and members. Its goal is to “ensure the meaningful participation of Hispanic Americans in the legal professions.” As part of his work with the HNBA, Joe has served in various capacities aimed at fulfilling the organization’s mission. For example, in addition to his role as president of HNBA New York, he is a past member of the association’s Judicial Appointments Committee, which screens state and federal judicial candidates and makes recommendations.

# Client opportunities—expanding the reach of diversity efforts

People generally think of hiring and promotion practices when confronted with diversity issues, but Gina Love, a partner in Nixon Peabody's Real Estate Group, recently promoted diversity among business contacts, as well.

The firm's highly respected real estate group has long been a major participant in the annual International Council of Shopping Centers (ICSC) Convention held each spring in Las Vegas, Nevada. For over five years, NP has cosponsored a reception promoting retail development in Washington, DC. Over three hundred people attended this reception at the 2004 convention. Additionally, Nixon Peabody continues to host its annual Developer's Dinner, an invitation-only event attended by developers who are interested in doing business in Washington, DC.



Gina Love, Partner, New York City Office

At this year's convention, Nixon Peabody also cosponsored the first formal Diversity Reception held at the ICSC convention. Gina, working with a colleague from Wilmorite Properties, helped to develop the Diversity Reception to promote networking and business development among minorities attending the convention. In addition to the funds and marketing support provided by Nixon Peabody and Wilmorite Properties, Gina obtained additional sponsorship of the event from General Growth Properties, Concordis Real Estate, and Cushman & Wakefield.

"The ICSC Annual Convention in Las Vegas is attended by 30,000+ people annually and provides minorities attending the convention with a terrific opportunity to meet with one another, not only to support each other's efforts in the shopping center development and retail industry, but to provide each other with another venue for networking and a means of engendering business development. People of color have been gathering in small informal groups at ICSC for years. This was the first year where these informal gatherings were formalized into one event for all groups of people who attend ICSC."

Gina and the other sponsors of the Diversity Reception did not expect more than thirty to forty attendees at the 2004 event. To everyone's surprise, the event was attended by more than 150 people, including the president of ICSC and the past and president chairmen of ICSC. Both during and after the event, ICSC expressed an interest in being a part of next year's Diversity Reception, which promises to be larger than this year's event and will be sponsored by Nixon Peabody, General Growth Properties, Urban America, and Forest City Enterprises.

# Greater Rochester Diversity Council

## Building a model program

In 1993, Bill Simpson, Nixon Peabody's director of human resources in the Rochester office, and a colleague were lamenting the lack of diversity-related resources in the Rochester area when they hit upon an idea—forming the Greater Rochester Diversity Council.

“At the time there were no existing organizations in the country devoted to working together to help resolve diversity concerns. Since then, several communities have contacted the council for advice on how to form their own groups based on the Rochester model,” Bill says.

In Rochester, the group is flourishing. The council was formed in 1994 and officially chartered in 1996 as an alliance of companies that came together to sponsor the area's first conference on workforce diversity and to meet regularly to share information and resources. “To begin, we sponsored a breakfast and invited local companies. Thirteen of those attendees wanted to be part of the council and eleven more companies joined soon after. Currently, about thirty-five local Rochester companies are members of the council,” says Bill, who served as chairman of the board. Glenda Lusk, office administrator in Nixon Peabody's Rochester office, is also a past board chair for the organization.

The group serves as a catalyst in enhancing the understanding, promotion and management of diversity as an essential part of the success of the Rochester business community. Today, the council is a driving force for the region's workplace diversity initiatives.

From September 13 to September 15, 2004, the council held its biennial conference, an event that attracted approximately six hundred attendees from seventeen states, Europe, Canada, and South America. The conference is typically attended by human resources professionals, executives from larger organizations and managers who manage diverse workforces. “This was our sixth conference, and it was one of the largest diversity conferences in the country,” Bill says.

## Diversity Action Committee Members

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