



# Nixon Peabody Diversity Update

## March 2007

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## Nixon Peabody received Harlem Opera Theater Corporate Leadership Award

Thanks to the hard work of **Tim Kober** (NYC) and **Anita Pelletier** (ROC), Nixon Peabody was honored on February 23 during the Harlem Opera Theater’s concert at the Schomburg Center for Research in Black Culture.

The evening was part of the organization’s Salute to Black History Month. At the event, Nixon Peabody was presented with the Harlem Opera Theater Corporate Leadership Award. Both Anita and Tim were on hand to receive the award.

“We’re working on several matters for the theater. We helped them complete an IRS filing so they could maintain their public-charity status; we’ve recommended revisions to their bylaws; and we are helping them with corporate governance best practices and working on the organization’s strategic plan,” Anita said. “It has been a great pleasure and very satisfying to work with a local charity like the Harlem Opera Theater,” Tim added.

Anita and Tim became involved after Leigh-Ann Patterson Durant mentioned the firm’s ongoing pro bono efforts to a Pfizer attorney with whom she was working. That attorney asked if Nixon Peabody had anyone available to work with the Harlem Opera Theater. “One thing just led to another,” said Anita, who has dedicated extensive time to helping non-profit groups properly structure their organizations and comply with federal and state tax-exemption requirements.

According to its Web site, Harlem Opera Theater is a not-for-profit organization incorporated in 2002. “The inaugural concert of Harlem Opera Theater was a Memorial Concert for the families of the victims of the World Trade and Pentagon disasters. The firefighters from Harlem’s NYFD Ladder Company 30 were part of the assembly,” according to the site.

## Liz Moore featured in “Attorneys at the Top” article



Liz Moore, New York City office

A recent article, and cover photo, in *The Network Journal* featured five African-American partners in New York City firms — including Nixon Peabody’s **Liz Moore**.

In addition to the five attorney profiles, the article, titled “Attorneys at the Top,” included a breakdown of the “high-ranking minority attorneys at Fortune 500 and Fortune 501-1000 firms.” The information, which was based on the “Minority Corporate Counsel Association’s 2006 Survey of Fortune 1000 Minority General Counsel,” compared progress based on statistics from the 2005 survey.

Liz’s individual profile provided an in-depth review of her education, past experience and current work. In addition to Liz, the other four profiled attorneys included Sharon Bowen, a partner at Latham & Watkins; David Crichlow, managing partner at Pillsbury Winthrop Shaw Pittman; Darrell Gay, a partner at DLA Piper U.S.; and Kenneth Standard, a partner at Epstein Becker & Green.

## Nixon Peabody fares well in New York City diversity survey

A recently released survey by the Association of the Bar for the City of New York provided some good news about Nixon Peabody’s diversity efforts.

“I am very pleased to report that the firm’s results were well above average with regard to racial and ethnic minorities,” according to **Maggie Clemens**, a partner in the Rochester office and a member of the firm’s Diversity Action Committee.

The “2006 Law Firm Diversity Benchmarking Report” was released on November 28, 2006, to the 93 signatories of the NYC Bar Association’s Statement of Diversity Principles, as well as 15 additional companies in New York City that chose to participate.

The bar also supplied a confidential report to each of the signatory firms. That report provided comparative information, ranking the firm against the survey’s New York City averages.

As one of the signatories, Nixon Peabody participated in the benchmarking study, which was limited to reviewing only the NYC offices of the signatory law firms. Of the 93 signatory firms, 48 employ more than 500 attorneys. About 22 percent of the signatories had NYC offices about the size of Nixon Peabody's office.

Here are some interesting findings from the study:

- On average, racial and ethnic minorities accounted for about 15.5 percent of a firm's attorneys. Nixon Peabody's NYC office, however, is above average at 20.65 percent.
- Minority partners accounted for, on average, 5 percent of the partnership, according to the study. Nixon Peabody's NYC office is above average at 9.09 percent.
- Overall, minority associates account for 21.3 percent of associates, with Nixon Peabody's NYC office again above average, at 34.2 percent.
- Although there are different ways to account for turnover, using the bar's method, the minority turnover rate for all junior, mid-level and senior-level associates varied, but was on average 29.6 percent for minorities. Nixon Peabody's turnover rate in the New York City office, for the same period and for minority associates at every level, was zero.

There was also good news regarding women and openly gay attorneys. Although Nixon Peabody was not above average in these categories, the overall rankings were comparable to other firms. Here are the specifics:

- Nixon Peabody's New York City office is about average with regard to openly gay attorneys, at 2.27 percent. The overall NYC average, according to the study, is 2.3 percent. Since the openly gay category is a newly reported one, no data was collected to differentiate between partners and associates, nor was there any turnover data.
- With regard to women, on average, women represent 16.6 percent of partners, with Nixon Peabody's NYC office at 15.91 percent.
- However, women do represent 50 percent of the firm's NYC associates, which is above the overall NYC average of 45 percent.
- The overall average turnover rate for women associates was 28.5 percent, with Nixon Peabody's turnover rate for women associates, during the same period, at zero.

While Nixon Peabody's NYC office fared well in the survey, the firm will proactively use the data to improve upon these percentages. "The report made recommendations to each of the signatory firms, as to both how to interpret the data as well as what steps can be taken next. DAC will be looking at this information," Maggie said.

# Women's Leadership Conference follow-up

Approximately 90 Nixon Peabody women attorneys attended the firm's "Women's Leadership Conference," held in Tarrytown, New York, on November 2 and 3. Since then, actions have been taken to follow up on the suggestions and issues discussed during the conference.

The purpose of the Leadership Conference was to increase the likelihood of attracting and retaining the best talent and to discuss ways to optimize opportunities for women lawyers to become

senior leaders, practice developers and managers at the firm. The participants ranged from fifth year associate to senior partner. **Ann Miller, Maggie Clemens and Liz Moore**, all partners, spearheaded the event, with advice and participation from several other women lawyers at the firm. The conference was a first step in the firm's women's initiative — a part of the overall diversity action of the firm.



The first night's panel presentation included Nixon Peabody attorneys Deborah Thaxter, Martha Anderson, Susan Robfogel, Virginia Wong and Lori Green (not pictured).

The overarching topics, of which there were many subparts that formed the basis of breakout discussions, were internal participation, external participation and work/life balance. While the conference focused on women and the obstacles and opportunities experienced by women, the initiative will have an impact firm wide, as all benefit from advances to follow from the conference.

Ann Miller, Liz Moore and Maggie Clemens have been working with John Snellings and others of the management committee to explore and act on matters of alternate work arrangements, greater work/life balance, mentoring of women (to be included in a firm wide mentoring program), inclusion of women in leadership training and in practice development, and client relationship management. All acknowledge that the leadership of the firm and the individual all bear responsibility for taking steps to move the initiative forward.

By all accounts, the Leadership Conference was a huge success. The energy throughout the conference was palpable. Attendees welcomed the opportunity to meet with their colleagues from other practice groups and offices and felt that it increased the potential for cross-selling and general relationship building. Attendees also expressed their pride in belonging to such an impressive group of lawyers and were inspired to work together to achieve an unprecedented level of success for women lawyers at the firm. It is the intention of those working on the women's initiative and the firm's other diversity initiatives, that the success of such programs will benefit the entire firm and its participants.

# Libby Ford, Environmental Group help Gay Alliance of the Genesee Valley

One of the goals of the Diversity Action Committee and the Pro Bono Initiative is to take on some affinity group-related pro bono work. Recently, Nixon Peabody was offered the opportunity to help further this goal.



Libby Ford, Rochester office

Libby Ford, a senior environmental health engineer in the firm's Rochester office, was contacted by a local not-for-profit, ARTWalk, Inc., and asked to do the needed Phase I Environmental Assessment for its purchase of a building.

The Gay Alliance of the Genesee Valley (GAGV) owned the building. "The Alliance evidently gave ARTWalk the Phase I report we did back in 1990 when the Alliance purchased the property. My name was on the report as the principal technical investigator. ARTWalk was wondering if we could just update the old Phase I Report for them relatively cheaply. However, too much time had passed and recently a new federal regulation, the 'All Appropriate Inquiry' standard for doing these environmental assessments had gone into effect. Thus, I told them it would have to be a brand new report," Libby explained.

Because Nixon Peabody did the original report as a pro bono project for GAGV, Libby told ARTWalk that she thought it would be more appropriate if the GAGV was, once again, the client for this work. "Because buyers and sellers typically agree who is going to do a Phase I prior to a property transfer (and who will fund it), ARTWalk was more than happy for GAGV to be our client on this project. I followed up with the president of the GAGV board, who was thrilled to learn that the firm has agreed to, once again, take the project on a pro bono basis," Libby said.

The Gay Alliance purchased the building in 1990, but they have outgrown the space. Because the new "All Appropriate Inquiry" standard recently went into effect, taking on this pro bono work provided an excellent opportunity for the training of both a new associate and an associate environmental scientist in the firm's Environmental Group. It also allowed the firm to take on work that supports the firm's GLBT affinity group and the GAGV, of which the firm is a platinum sponsor, Libby explained.

The environmental assessment found no serious problems with the building. The transaction closed on January 16. Now ARTWalk, Rochester's outdoor museum and art trail, has its first office space and the GAGV has seed money to put toward another, larger, building.

# Renée Case helps with community project in El Salvador

Renée Case (ROC) recently spent a week in El Salvador helping build one of three villages, essentially from scratch. Renée's village is the Episcopal Village of El Maizal.

Each village is a cluster of 30 simple houses with water, electricity and clean composting sanitary facilities for each home, a school, clinic and church. Applicants must contribute "sweat equity" and \$29 a month as a mortgage payment, of sorts. The funds help support community services and the mortgage amount is, in reality, whatever a family can afford to pay. Only families with children are permitted to apply, but "family" is broadly defined. It can mean three generations, a young man raising his siblings or any configuration of related people. There were nearly 1,000 applicants for the 30 houses in El Maizal.



Hauling rock and shoveling clay in the blazing tropical sun was a humbling experience for volunteers.

Before leaving the United States, Renée filled her luggage with as many donated medical supplies, school supplies, children's books, toys and clothing as she could carry — but that was the easy part. "Trying to haul rock and shovel wet clay, in the blazing tropical sun with temperatures averaging 85 to 92 degrees and with 85 percent plus humidity, using nothing but worn-out garden tools and our bare hands, is a humbling experience," Renée explained.

While that doesn't sound like much fun, Renée considered it an experience of a lifetime and she's excited about finding more such experiences. "I am learning to speak Spanish and I do plan to go back," she said.

Nixon Peabody's tradition and support of pro bono activities, as well as Renée's personal circumstances, helped drive her passion for helping others. "I have always been involved in some kind of community service close to home. At this point in my life, with my children grown..., I have a little more flexibility to broaden my experience.... When I came to work at Nixon Peabody 20 years ago, my own situation was pretty difficult. But between the organizational support, the benefits and the kindness of this one little lady who saw to it that surplus food from luncheon meetings made its way to people at the firm in need, I came to realize the impact of quiet and simple acts. So now it's my turn," she explained.

Before her trip, Renée didn't have any ties to El Salvador, in fact, she knew little about the country's history. After her week, she will be forever tied to El Salvador. In early 2001, the country suffered

three major earthquakes and about 10,500 aftershocks, registering between 3.5 and 7.5 on the Richter Scale. This intense seismic activity cumulatively destroyed more than 25 percent of the country's housing infrastructure, and more than 335,000 houses were crushed or severely damaged. Landslides and flooding in subsequent years, from the combined effects of tropical storms and deforestation, added to the suffering. Personal losses were devastating and, as a poor country, the government was able to offer little more to its rural citizens than free sheets of corrugated tin, with which to rebuild.

Renée was given the opportunity to take this trip through her hometown church and the Episcopal Relief and Development (ERD) group. ERD's mission is broad, but part of its effort is to provide continuing work to lift communities and people out of poverty.

Renée's relatively tiny hometown church put together a mission team of five to send to El Salvador to support that effort. "I do not think we could have accomplished it without the support of many. The Anglican Church of El Salvador provided accommodations in church buildings, safe drinking water, a driver, our meals and even a cook to ensure our food was Salvadoran, but safe and appropriate for delicate American tummies.... Our travel costs were partially defrayed by a combination of grants from the Merriel and Almus Thorp Lay Theological Foundation, fundraisers and dona-

tions by our congregation.... Both in terms of financial support and the spiritual and personal support we received from friends and strangers — including those at Nixon Peabody who bought raffle tickets — I think we all felt we carried the love of our church family and our community with us as we traveled," she said.



Volunteers learn the art of tortilla making from their Salvadoran hosts.

While most of the trip was about helping create a village, the group also spent some time seeing the gorgeous beaches, visiting urban areas and learning more about the country. "I would not have believed we could pack so much into seven days, but we did. I learned more about Central America, El Salvador and its people in one week than all the years leading to it," she said.

"We were seeing a lot of good being done, but there is so much to do. Many of the children I saw had eye problems. And the life expectancy of a rural male is very short due to the practice of spraying pesticides and herbicides, like Paraquat, from tanks strapped to their backs — without any protective clothing or breathing apparatus. Chemicals, by the way, that were made by U.S. companies in El Salvador, so they're cheap," she said.

The extreme disparity between the "haves" and the "have nots" in El Salvador, as well as the acute contrast between life in the United States and life in El Salvador, helped change Renée's world view, but it didn't deter her from her enthusiasm for helping others. "I could have easily stayed there for

a month or two and worked. I'm not a high maintenance person, anyway, so the fact that I couldn't use a hairdryer and have a hot shower, wasn't a problem. The ants in the bedroom bothered me a little, but they weren't scorpions, and we had flush toilets and safe drinking water, so we didn't have it too bad. And the people were so friendly....," she said.

## Society for Human Resource Management puts Nixon Peabody on Wall of Fame

On Dec. 14, 2006, Nixon Peabody received an award for outstanding accomplishments in human resources and diversity initiatives from the Society for Human Resource Management (SHRM) Genesee Valley Chapter.

The organization honored the firm by adding Nixon Peabody to its Wall of Fame — a recognition of Rochester employers that won national human resources awards in 2006. The event was held at the Memorial Art Gallery Bausch & Lomb Parlor.

The SHRM Wall of Fame award resulted from the culmination of a number of honors this year for Nixon Peabody's work in employee relations and diversity. The other honors included:

- Nixon Peabody was recognized, for the second consecutive year, by Fortune magazine as one of the "100 Best Companies to Work For," placing 49th on the list. The listing specifically mentioned the firm's diversity efforts.
- Nixon Peabody received the highest rating — 100 percent — from the Human Rights Campaign in its annual Corporate Equality Index. The firm is one of only 12 law firms to receive the highest rating from this organization.
- The firm received the Business Leadership Award from the Gay Alliance of the Genesee Valley at the 2006 Equality Leadership Conference in Rochester.

"It's a distinct honor for Nixon Peabody to be recognized by the members of the Genesee Valley SHRM chapter," said **Scott Turner**, managing partner of Nixon Peabody's Rochester office. "A great deal of credit goes to HR director **Bill Simpson** and our Diversity Action Committee, whose tireless work in pursuit of a wide range of initiatives for employees — including diversity efforts — have benefited everyone in the firm, and have made us a better organization with which to do business. This Wall of Fame award affirms Nixon Peabody's continuing commitment to being an employer of choice not just for attorneys, but for people in various careers throughout the firm."

“As an award-winning employer, Nixon Peabody shows an understanding of the critical importance of diversity,” said Frank Cania, treasurer of Genesee Valley Chapter of SHRM, Northwest District director for New York State Council of SHRM and president of CANIAHR. “All of this year’s honorees — Bausch & Lomb, Eastman Kodak, Label World and Nixon Peabody — are exemplary employers others can learn from. They know that diversity and other evolutionary workplace practices are the best ways to attract and retain high-quality talent, and are just plain good for business.”

## Nixon Peabody is a “Best Place to Work” for second consecutive year

For the second consecutive year, Nixon Peabody earned a 49th ranking on the exclusive “100 Best Companies To Work For” listing by *Fortune* magazine. The rankings and accompanying story appeared in the Jan. 22, 2007, issue of the magazine and generated other publicity, as well.

**FORTUNE®  
100 BEST  
COMPANIES  
TO WORK FOR 2007**

This year, the magazine specifically cited Nixon Peabody’s leadership in diversity, pro bono work, pay and benefits as reasons why the firm was selected for the list. The award has been a factor in other recognition and awards, as well, including the recent Society for Human Resource Management (SHRM) Genesee Valley Chapter Wall of Fame.

Every year, *Fortune* magazine selects the 100 best companies to work for in the United States from hundreds of candidates. An organization must excel in many areas to be chosen. Companies are scored on job satisfaction, benefits, diversity, compensation, employee communications, camaraderie, and philanthropy. Two-thirds of a company’s score is based on the opinions of the company’s own employees.

“We at Nixon Peabody are delighted by this recognition, especially because it calls attention to something that we have known for quite some time — that the best companies to work for are made up of the best people to work with,” said **Harry P. Trueheart**, chairman of Nixon Peabody. “Our people are our essence. The spirit, skills, and dedication of our personnel have made Nixon Peabody a special place to work, and a great organization for our clients to do business with. We are pleased to stand among many of the nation’s most respected companies, and to pay tribute to our personnel in such a powerful way.”

Nixon Peabody uses five strategic objectives — client satisfaction, employee satisfaction, professional development, quality processes, and financial performance — to guide its financial and workplace success. William Simpson, director of human resources at Nixon Peabody, said, “At Nixon Peabody, our strategic drivers constantly remind us to listen to our people and focus evenly on all, rather than just one, of our objectives. These underlying objectives provide a roadmap for continuous improvement in a number of key areas, ensuring that year after year progress is achieved in making Nixon Peabody a better place to work.”

# Firm increased its AmLaw Summer Associate Survey ranking

Nixon Peabody's rankings in the 2006 "AmLaw Summer Associate Survey" increased in several categories, based on comparative numbers from 2005. The most significant improvements included:

- An increased 2006 national ranking of 53, out of 172, up from 114 out of 156 in 2005.
- Overall the firm improved in 24 out of the 29 categories in which it was ranked. The improved responses to the following five categories were the most significant:
  - Make efforts toward diversity
  - Felt comfortable asking in-depth financial questions
  - Firm did a good job of communicating about job prospects
  - Opportunity for pro bono
  - How well firm communicates its goal and expectations

With respect to the firm's city rankings, Nixon Peabody's Boston office went from tenth out of 19 in 2005 to third out of 18 in 2006. The firm's New York City office, which did not appear on the city rankings list in 2005, ranked forty-fourth out of 79 in 2006. Finally, the Washington D.C. office, which also did not appear on the city rankings list in 2005, ranked fortieth out of 61 in 2006.

"Our improvement in the AmLaw survey is a testament to the hard work of many, many individuals. Congratulations to the Recruiting Committee and the recruiting staff, who administers all aspects of the summer program," said Karen Marr, attorney recruitment manager. It truly 'takes a village' to run a successful summer program so a special thank you also goes to:

- summer associate mentors
- work assignment coordinators
- all those who gave work assignments and feedback
- everyone who attended summer social events and practice group-sponsored events
- the secretaries and support staff who assisted our summer associates and who, each year, demonstrate what makes Nixon Peabody a great place to work



Kendal Tyre,  
Washington D.C. office

## Kendal Tyre speaks to MetLife’s Legal Department

As part of its diversity outreach, MetLife recently invited **Kendal Tyre** (DC) to speak to its legal department in New York City regarding risk allocation in mergers and acquisitions. This presentation is part of Nixon Peabody’s Diversity Action Committee’s efforts to collaborate on diversity initiatives with clients and potential clients.



Sheldon Smith,  
Buffalo office

## Congratulations to Sheldon Smith

**Sheldon Smith**, a litigation associate in the Buffalo office, was recently elected to the 2007 Board of Officers of the Minority Bar Association of Western New York. Congratulations, Sheldon, on this honor.

Sheldon has worked with the Minority Bar Association on fundraising and scholarship programs for minority high school and college students. As an elected director sitting on the executive board, he regularly investigates, reviews and votes on all fiscal and policy matters concerning the organization.



Barbara Lukeman,  
Garden City office

## Barbara Lukeman speaks about diversity in the workplace

**Barbara Lukeman** was the featured speaker at a recent event that was jointly sponsored by Hofstra Law School’s LGBT group, Prism, and the student arm of the Women’s Bar Association. Barbara spoke on diversity in the workplace, particularly focusing on the new affinity groups that are developing in large law firms. “I talked a lot about Nixon Peabody’s affinity groups,” she said. The program was well attended; in fact, the venue was packed.

An associate in Nixon Peabody’s Garden City office and the director of the gay and lesbian student organization at Hofstra Law School, Barbara is an active advocate for equality. Currently, she is teaching “Sexuality, Gender and the Law” at the university. Barbara also serves as director of Hofstra law school’s lesbian, gay, bisexual, and transgender (LGBT) fellowship program. This year, she is working with nine fellows.

# Leigh-Ann Patterson Durant honored as a top woman lawyer

**Leigh-Ann Patterson Durant**, formerly a partner in the Boston office, was selected, for the third consecutive year, as one of the “Top 10 Women Lawyers in Massachusetts” by *Women’s Business*. An announcement and accompanying article recently appeared in *Women’s Business*. Three of Leigh-Ann’s clients nominated her. Here are some of their comments:

Kim Pineau, president of Affiliated Family Funeral Services, Inc.: “During the past two years, Leigh-Ann has represented our company in some very difficult litigation. I have been struck by her ability to successfully strike the delicate balance between aggressively defending our company and exhibiting sensitivity and compassion. Her strategic advice at various points in the litigation has been invaluable to us, which is why we are nominating her as one of the ‘Top 10 Women Lawyers in Massachusetts.’”

Chris Doremus, president of New England Water Heater Co., Inc.: “Leigh-Ann has represented our company for over three years in connection with complex regulatory litigation. During this time, she has carefully guided our company and management team through the perplexing and time-consuming maze of discovery motions, document productions, depositions and class certification papers, all the while keeping an eye on our company’s ultimate business objectives. Her strategic advice and advocacy skills were top-notch and proved invaluable to our management team as we made critical decisions about the litigation. She successfully defeated class certification, which led to the prompt dismissal of a three-year-long litigation battle. Thanks to Leigh-Ann, we put the litigation to rest and can now get back to business!”

Dr. Dianne Quibell, president and founder of WellnessMD: “Drawing on her wealth of experience in the health care industry, Leigh-Ann used her expertise to help me successfully navigate the incredibly complex health care regulatory environment and launch one of the first woman-owned concierge medical practices in Massachusetts.... Her legal guidance and business advice were invaluable to us and she is a key player on our team. She is truly one of the best lawyers in Massachusetts and deserves to win this award.”

Leigh-Ann left Nixon Peabody on Feb. 16 to go in-house at Serono.