

DIVERSITY

COMMITTEE NEWSLETTER

Winter/Spring 2005

Inside This Issue

The Birth of K&LNG	1
Personal Note from the Editor	2
Case Study: Chief Diversity Officer	2
Diversity as a Global Competitiveness Strategy	3
Charting Your Own Course Corporate Career Conference	5
Becoming a Diverse Law Firm — Why It Is Important, and the Skills Necessary To Be Effective in an Increasingly Diverse Environment	6
Building a Monument to Diversity	8
Asian Pacific American Bar Association of South Florida	9
<i>The Final Word From the Office of the Chair of the Diversity Committee</i>	
Diversity Guest Speaker at the K&LNG Lawyer Retreat	11

The Birth of K&LNG

Effective January 1, Kirkpatrick & Lockhart LLP combined with the English firm Nicholson Graham & Jones to form Kirkpatrick & Lockhart Nicholson Graham LLP (“K&LNG”). We now are nearly 1,000 lawyers spanning eight time zones.

In addition to its distinguished resources in the practice of law — as a 140-lawyer firm in the City of London, NGJ is situated as our new London office to handle the most complex matters for our clients in the U.K. and in Europe at large — NGJ brings to our combination values and traditions consonant with our own. Our new London colleagues have embraced our Diversity Initiative with great enthusiasm, as it resonates with their own traditional approach to their workplace. Indeed, an accomplished executive in our London office, Tina Two, will include management of diversity matters in the U.K. within her portfolio of duties and will collaborate with our Chief Diversity Officer, Carl Cooper, to ensure that we are at the forefront of the profession in the U.K. no less than in the U.S.

From a variety of perspectives, this is an interesting time in the history of the legal profession in the U.K. A reform agenda is being pursued, for example, that could dismantle or at least greatly reduce the traditional barrier between barristers and solicitors. From the standpoint of diversity in particular, it is an especially intriguing period, as the Law Society of England and Wales, major clients and law firms, including K&LNG, are prioritizing diversity goals within the profession. In recent decades, Britain has become increasingly multi-cultural, and our mission is to ensure that the multi-culturalism is fully embraced in the highest reaches of the profession.

With great enthusiasm, we enter this exciting new period of our firm’s development, and we intend to measure our success now, no less than before, along a range of goals, of which diversity in the workplace is in the first tier.

Peter J. Kalis



by Peter J. Kalis
Chair, Management Committee



Tina Two
Director of Recruitment,
Development & Diversity

PERSONAL NOTE FROM THE EDITOR

It has indeed been a pleasure to serve as the Executive Editor for the winter/spring edition of the K&LNG



by **Sandra L. Geiger**
Associate, K&LNG San Francisco

Diversity Committee Newsletter. I am proud to say that many of the articles in this edition are quite timely, as Kirkpatrick & Lockhart LLP becomes the most recent participant in the international legal market upon consummation of its merger with Nicholson Graham & Jones. From Paul Sweeney's article on Robert J. Gerrard's speech at the 2004 annual retreat in Boston to Thurmond Woodard's article on Global Diversity as a Competitive Strategy, these articles reflect a recognition, by both management here at K&LNG and by business leaders in the international marketplace, that a diverse workforce contributes to the overall growth and prosperity of a company. Corporations recognize that a diverse workforce better

reflects the world we live in and contributes to the bottom line by, among other things, developing a reputation that helps attract new employees and making it easier to retain existing employees. Continued focus on diversity issues is particularly important at a time when women and minority lawyers continue to be underrepresented in mainstream business and legal environments. We should all keep in mind that each of us has an important role to play to ensure that the mandates espoused by management are reflected, not only in our mission statement, but also in our workplace and in the communities in which we serve as role models for others.

To all of the writers who submitted articles and to all of the professionals who worked diligently to produce this edition, my sincere thanks. The success of this edition of the K&LNG Diversity Committee Newsletter could not have been accomplished without your contributions.

Sandra L. Geiger

Diversity Committee Membership

Carl G. Cooper
Chief Diversity Officer
Pittsburgh

Paul W. Sweeney, Jr.
Chair
Los Angeles

Jason N. Golub
Boston

Jaime Ramón
Dallas

Patricia C. Shea
Harrisburg

Tina Two
London

Beatrice A. Butchko
Miami

Sherry D. Williams
Newark

Betty Louie
New York

Mary M. O'Day
Pittsburgh

Edward W. Diggs
Pittsburgh

Sandra L. Geiger
San Francisco

Ndenisarya Meekins
Washington

Case Study: Chief Diversity Officer

On February 18, 2003, shortly after the Dr. Martin Luther King, Jr. celebration, K&LNG then Kirkpatrick & Lockhart LLP, appointed its first Chief Diversity Officer ("CDO"), Carl G. Cooper, Esq. The CDO's mission was quite simple and yet profound: (1) to effect positive and demonstrable change within the firm in the direction of greater diversity and sensitivity; and (2) to serve as a change agent in the profession at large so that diversity goals become a living reality among major law firms and their corporate clients. It is believed that Carl Cooper was the legal community's first CDO participant at Management Committee meetings. With the innovation of the CDO, diversity became a "top of mind" core value at K&LNG

In the almost two years since Carl Cooper's appointment, minority and women lawyers have become increasingly more engaged at K&LNG. They have taken on leadership roles that currently include service on the Management Committee and senior practice leadership positions. Moreover, minority and women lawyers at K&LNG have also taken on leadership roles in community organizations whose missions embrace diversity goals; in bar and other professional organizations with diversity and gender agendas; and through participation in recruitment and networking aimed at minority and women lawyers. To further these initiatives, each of K&LNG's offices has been allotted a significant amount of money from the diversity budget to develop or sponsor a community outreach program in its respective city.

Continued on page 4

Diversity as a Global Competitiveness Strategy

Discussions about the competitiveness of the American workforce and the United States' ability to succeed in today's global market are now occurring in boardrooms, break rooms and political forums around the nation. Long-term success for many U.S. companies will be based on their ability to compete effectively here and in the rapidly developing economies of Latin America, Central and Eastern Europe, Asia and Africa.

Many successful U.S. companies are already preparing themselves for such success by leveraging the competitive advantage inherent in the diversity of our society and its workforce. No other country brings such a broad spectrum of cultural experiences, opinions and talents to the international marketplace.

Today, nearly one-half of FORTUNE Global 100 companies are U.S. multinationals. By integrating our nation's rich cultural and ethnic experiences throughout their operations here – from executive management to the production floor – many U.S. companies are better equipped to compete and succeed around the world, in good and bad economic times. According to research conducted by Covenant Investment Management in 2000, U.S. companies with high industry rankings on diversity and equal-opportunity hiring have earnings two and a half times higher, on average, than companies that don't.

Diversity is increasingly being recognized as a proven, powerful element of a winning global-performance strategy, not just statistical representations of race, ethnicity and gender. This is no surprise at Dell, where we have seen that a workforce that truly mirrors our customers domestically and around the world is better able to engage and understand those customers, and shape products and services to meet their needs.

How are successful companies using diversity at home to their global competitive advantage? They are integrating diversity of thinking, business strategy and talent acquisition throughout their businesses and supplier bases. Once embedded in an organization's culture, diversity is reflected in how it leads and identifies the range of experiences and skills needed now and in the future. Common traits of companies enhancing their performance through diversity include:

- Understanding their corporate cultures and how various ethnicities and genders are experiencing them;
- Using cultural findings to more fully use existing employee talent;
- Ensuring that business leaders throughout the organization "own" diversity and set their respective priorities; and
- Establishing methods for assessing progress and, where necessary, modifying approaches to creating genuine diversity.

It's critical that diversity be recognized as part of how companies do business, and not perceived as a separate program. You can see the impact of diversity at Dell and at many other companies that are competing in the global marketplace. Many companies recognize the impact of a truly integrated corporate diversity positioning and find it particularly relevant in the following ways:

First, our changing international marketplace creates opportunities and challenges for companies to effectively sustain and develop loyal relationships with diverse employees and customers. At Dell, we have approximately 50,000 employees who live and work on six continents and deliver products and services to more than 190 countries. We recognize that diversity is essential to enhancing our customers' experience and it is key to being a great company.

Secondly, diversity is good for our people. It is an important part of Dell's culture, as our direct model is built on the absence of barriers. A respectful and inclusive work environment is contagious and enables each employee to perform at his or her best, allowing us to better serve our customers.

Diversity also strengthens a company's talent acquisition efforts. At Dell, we know that our ability to truly access the talent of each person, work together and leverage the differences and similarities each of us brings to Dell makes us more productive and ensures our continued success.



by **Thurmond B. Woodard**
Chief Ethics Officer and
Vice President of
Global Diversity, Dell, Inc.

Continued on page 5

Case Study

continued from page 2

On the recruitment front, K&LNG participates in minority job fairs and intensely recruits minority candidates during on-campus interviews at targeted law schools around the country. For example, K&LNG participates in the following minority job fairs: BLSA (Harvard, Mid-Atlantic, Northeastern), Boston Lawyers Group Job Fair/Students of Color, DuPont Minority Job Fair (Chicago, Houston, Los Angeles, Wilmington), Lavender Law Career Fair, and The Southeastern Minority Job Fair. K&LNG also visits the following minority law schools for on-campus interviews: Howard University School of Law and Texas Southern University's Thurgood Marshall School of Law.



by Benjamin H. Kail
K&LNG Managing Editor

As a result of these initiatives and commitments, the total number of minority and women lawyers at K&LNG has been increasing steadily. This past year, the firm's minority lawyers increased in number from 70 to 92, and the number of women lawyers increased from 221 to 254. More importantly, a year ago K&LNG had seven minority partners; the firm now has 13. Clearly, this is just the beginning of things to come. K&LNG has made it a strategic priority to continue its effort to increase these numbers at all levels within all of its offices.

Recruitment, however, is only half the story. In collaboration with the Chief Officer for Recruitment and Development, Susan V. Fried, Esq., K&LNG recently designed and launched a firmwide mentoring initiative and hired two Professional Development and Mentoring Program Administrators, Maureen A. Shannon, Esq. and Richard M. Weinerman, Esq., to further facilitate the mentoring process. K&LNG is committed to mentoring young lawyers and looks forward to the success of its revamped mentoring program.

Lastly, K&LNG has partnered with like-minded law schools and corporate clients in sponsoring diversity-related lecture series. In March of 2004, K&LNG sponsored and participated in the first of a four-part lecture series honoring James M. Nabrit at the Howard University School of Law. Additionally, K&LNG has coupled with The University of Pittsburgh School of Law in sponsoring a biannual lecture series on race and social justice. The two-lecture series will continue to serve as a way for K&LNG to promote diversity awareness and to involve the community, academia and corporate entities in its efforts. The general counsel who share our vision of diversity include Jim Diggs of PPG Industries, Inc.; Stacey Mobley of DuPont I.E. deNemours; Ken Frazier of Merck & Co., Inc.; Rick Palmore of Sara Lee Corporation; Don Liu of IKON Office Solutions; and Michele Coleman Mayes of Pitney Bowes, Inc. We look forward to further affiliations with other corporations in the future.

The upcoming year will be critical to our success at K&LNG. As proof that changes have already begun to take shape is the fact that nearly one-third of the firm's 2004 summer associate class was of a minority status and one-half were women. Furthermore, nearly one-fourth of K&LNG's fall class of 2004 was of a minority status and nearly two-thirds were women. The firm's mentoring program has been embraced by lawyers in all offices and the mentoring program coordinators in each office have already established pairings of associates with partner mentors. Under the leadership of Carl Cooper, diversity has begun to permeate K&LNG's culture, creating a dynamic and enriched organization. This has been reflected not only in the increase of diversity in its pool of lawyers, but also in the number of lawyers who have chosen to stay and become partners and members of the firm's committees and management team.

Benjamin H. Kail

Charting Your Own Course Corporate Career Conference

To meaningfully intervene in the career pathways of minority in-house counsel and corporate lawyers in the law firm pipeline by sharing insights on proven career strategies and cultivating the community of thought leaders and stakeholders - Charting Your Own Course Foundation Mission Statement.

This past September, K&LNG joined an impressive group of large national law firms and corporations to sponsor the 7th Annual Charting Your Own Course Corporate Career Conference (“CYOC”). CYOC was founded by a small group of minority in-house corporate counsel who sought to address the unmet career development needs of minority lawyers. Having to look no further than to their own personal experience, the founders were well aware that the minority legal community had a wealth of expertise and proven strategies for success from which to draw. Through CYOC, the founders sought to create an environment within which these resources could be directed to support and enhance the career needs of junior in-house counsel and minority law firm lawyers. Their intent was to allow attendees to share insights on charting a career course and to encourage each to cultivate a community of stakeholders with whom to continue this process following the close of the final conference session.

Within hours of arriving at the conference, it was clear that CYOC had drawn speakers, panel members and attendees who had much to offer. We spent each day interacting with decision makers at corporations such as The Coca-Cola Company, Wyeth Pharmaceuticals, Phillip Morris, CBS Broadcasting, Shell Oil, Bank of America, Phelps Dodge Mining and Johnson & Johnson, to name a few. The law firms that sponsored the event, a prerequisite to sending partners and associates to attend, were among the best of our peers. K&LNG made an impressive showing, as the number of K&LNG attendees far exceeded the number of attendees from any other single corporation or law firm. We found that CEOs, presidents and general counsel at these major corporations were very much drawn to the clear stand K&LNG has taken to support diversity. Because CYOC limits its total attendees to only 200, we had a unique opportunity to develop personal in-house contacts at these corporations and lay the foundation for future business development.

Those of us who attended CYOC were able to take advantage not only of the focused conference offerings and immeasurable business development possibilities, but also of an opportunity to realize the impressive resources we have within K&LNG’s own minority lawyer ranks. By all accounts, the experience of attending CYOC was unlike that of attending any other legal conference. The emphasis on the need to actively chart one’s own course ensured that we came away with proven career strategies on which to build. The equally strong emphasis on cultivating a strong minority business and legal community ensured that we came away with personal corporate and peer firm contacts that have easily survived the close of the final conference session.

Ndenisarya Meekins



by **Ndenisarya Meekins**
Associate, K&LNG Washington

Diversity as a Competitiveness Strategy

continued from page 3

Finally, contributing positively in the communities where your employees live and work is essential to a company’s success, and it is an important part of Dell’s winning culture. For example, Dell currently partners with more than 20 school districts across the U.S. to teach technology skills in what we call “Dell TechKnow.” To date, more than 2,000 students have graduated from the program and most of these students are African-American and Hispanic. Internationally, we have supported digital inclusion efforts from South Africa to Brazil, providing technical education for low-income children through the creation of technology computing schools.

It is evident that diversity is changing the way companies do business in the U.S. and abroad. A keen understanding of the role that diversity plays inside and outside of a company is necessary for continued success.

Thurmond B. Woodard

Becoming a Diverse Law Firm — Why It Is Important, and the Skills Necessary To Be Effective in an Increasingly Diverse Environment

The most compelling question about diversity a law firm must consider is whether the firm as a whole *believes* diversity is crucial to its short- and long-term business success. Diversity permeates every aspect of the firm's operation, from lawyers and staff to clients. So the question is not whether diversity is important; the question is: "Is there a sense of urgency regarding its aggressive implementation?"

Even though leadership may be committed to diversity, each of us will have to make a similar individual commitment. This commitment means that when our day-to-day way of functioning involves a business, ethical, or values-based decision regarding diversity, we will take the action necessary for diversity to become a reality. It is important to realize that creating diversity is crucial to an organization's long-term success and, correspondingly, job security—particularly in a competitive business environment.

Leadership also provides support through resources, communication, and the achievement of personally established goals. Their commitment is ultimately measured by the results they and the firm produce.

CHANGE

The United States, and in fact the entire planet, is in the midst of the most accelerated change in the history of civilization. The world is shrinking, technology is escalating, business is unrestricted, and e-commerce is creating a seamless world. These changes have forced us to deal with issues that we have previously had the luxury to ignore—or at best explore at our convenience. These issues include differences in people; widely varying attitudes, ethics, and values; and even how we conduct business locally and globally. Major themes that have dominated the thinking of small and large firms are:

- rapidly changing expectations of lawyers, staff and clients;
- continual adaptation to the changing business environment; and
- leadership's role in creating this environment.

Each of these themes will be discussed below.

EMPLOYEES

Given the uncertainties and requirements in today's workplace regarding job security, increased workloads, and the balancing of work and personal life, lawyers and staff are asking fundamental questions about what is important to them. The answers to such questions are based upon their widely different value sets. For example, some cultures view weekends and holidays as sacrosanct family time. Their attitude might be "I work to live," not "I live to work." Other value sets might view working after hours or weekends as an expression of their passion for what they do. The point is, both value sets can be accommodated in a workforce where advancement, reward, and inclusion are based upon productivity and performance. Lawyers and staff seek and positively respond to a workplace where they feel valued, included, and experience quality of life, in spite of workplace pressures.

CLIENTS

Correspondingly, the expectations of clients have changed dramatically during the 1980s and 1990s and will continue to change in the 21st century. With an unlimited number of sources to fit their needs, both locally and globally, clients demand exceptional service beyond the product or commodity they purchase. This requires interpersonal relationship and communication skills, and an understanding of second languages. Most of all, it requires an understanding and acceptance of other cultures.

These are also the skills necessary to acquire and retain customers for the long term. For example, a well-known pharmaceutical company noticed that its sales of an anticoagulant drug were poor in the Hispanic market. Subsequently, a Hispanic manager pointed out that the drug was labeled only in English. The manager had additional labels translated into Spanish and sales took off. Since then, educational materials for the drug have been translated into 15 languages,

resulting in millions of dollars of new business. The point is, without diversity, it is highly probable that this oversight would not have been noticed *and* addressed. Although this is not specific to law firms, there are plenty of analogies you can think of that would be similar for a global firm.

A LEADERSHIP SUPPORT SYSTEM

Although highly competent lawyers and staff are the essential element for quality client service and profitability, establishing a support system that allows their competency to be expressed is also necessary. Most firms established in the U.S. are based on a Eurocentric value system and are a reflection of those who originate the firms. Therefore, it is not unusual that such values are dominant. However, as the percentage of minorities, women, and immigrants entering the workplace over the last 10 to 15 years has increased, we have attempted to make them fit, whether it was natural or not. The result has been a systematic filtering and exclusion process, not because of a conscious plot to exclude them, but because firm cultures are like human organisms. Their major instinct is to evolve, fundamentally unchanged, over the longest period of time. The result is the same as natural selection in biological systems. A dominant culture naturally includes those who are culturally compatible and excludes those who are naturally incompatible. Hence, in most U.S. firms, the number of women and ethnic minorities become diminishingly small or nonexistent at the upper levels of leadership. This is why we stated earlier that transformation to an inclusive culture is the “crux of commitment.” The major barriers to commitment are overcoming the *perception* of loss of power, domination, and control by creating a culture where the playing field is truly level.

SKILLS FOR THE LAWYER WORKING WITH DIVERSE GROUPS— DOMESTICALLY OR GLOBALLY

When a lawyer begins to work more extensively with diverse lawyers and clients inside and outside of the United States, a new skill set is required. All too often, lawyers will focus exclusively on technical competence—however, particularly when working

internationally or with diverse groups, personal relationships play a much more significant role in achieving a successful resolution of issues for clients.

Instead of discussing particular skills for each individual group, country or region of the world, we tend to work with people to develop a mindset that will ensure success across cultures. It is impossible to predict every situation that one will encounter while working internationally—our objective here is to help readers develop an overall mindset and approach that can apply anywhere, anytime.

Three key skills that a lawyer should develop to be successful in the global marketplace are (1) adaptability in new situations, (2) sensitivity to different cultures, and (3) international negotiation skills.

ADAPTABILITY IN NEW SITUATIONS

The key element of adaptability is being comfortable with not being in control of how situations naturally evolve, particularly where chaos appears to be occurring. The skill is to let go and trust the process. Important elements of adaptability are:

1. **Education** is understanding the explicit dimensions of diversity as well as the implicit aspects of a different culture (e.g., verbal/non-verbal communications).
2. **Psychological openness** is the willingness to alter one’s beliefs, attitudes, tastes, relationships, values and worldviews in adapting to a different culture. For example, Asian cultures tend to value integrity, trust and relationship as a basis for business.
3. **Cultural immersion** involves the willingness to become a part of a host culture to the extent that you feel a natural part of it (e.g., carnivals, professional organizations, etc.).



by Dr. William Guillory



by Daniel Guillory, Esq.

Continued on page 10

Building a Monument to Diversity

K&LNG Harrisburg recently sponsored the attendance of eight young women from local high schools and the area's community college at the first annual Pennsylvania Governor's Conference for Women in Philadelphia. This was a nonpartisan event designed to inspire, educate, motivate and provide a forum for women to network. It brought together nationally recognized experts and woman leaders in the fields of health, media, business, finance and personal development. More than 3,000 women from across the Commonwealth of Pennsylvania attended.



by Marsha A. Sajer
Associate, K&LNG Harrisburg

The conference offered a number of keynote speakers, among them Laura Liswood, founder, Council of Women World Leaders; Bertice Berry, Ph.D., author, comedienne, educator, and former syndicated talk show host; Ann W. Richards, former Texas governor; Jean Chatzky, financial expert and author; and Zainab Salbi, president and CEO, Women for Women International. The young women who attended were particularly inspired by Dr. Berry's personal example of achievement: her change from a

poor and unmotivated student to a positive and directed woman who earned her doctorate at the age of 26. She gave credit to a persistent teacher, good fortune (for example, a business owner who decided to endow a scholarship just as Dr. Berry was scrambling to find financial aid to attend college), and the support of her community.

The program offered a special series of seminars designed for young women and high school girls that focused on networking and its importance as a resource, overcoming adversity, pursuing nontraditional vocations, and how to decide what path to pursue. Two students from Harrisburg University's Science and Technology High School have an interest in the health profession and attended a seminar entitled "Becoming Your Own Health Advocate." That seminar provided commonsense advice, including taking a friend along to a medical appointment and obtaining copies of all documents reflecting diagnosis and treatment of a health issue.

Another practical note was sounded by financial expert Jean Chatzky, who serves as financial editor for NBC's Today Show and a contributor to *Money Magazine*. Ms. Chatzky addressed the debt epidemic in this country and advocated a strategy of saving ten dollars a day, avoiding a significant amount of debt and allowing those savings to compound to ensure security in retirement. The conference ended with a somber reminder of an international problem – violence against women. Zainab Salbi, an Iraqi native who arrived in the U.S. at age 19, described the use of rape as an instrument of war and its effects on women survivors. Ms. Salbi heads a nonprofit organization that currently assists women survivors in eight countries to overcome the brutality and stigma of such attacks and to move from crisis and poverty to self-sufficiency.

The students who attended the Governor's Conference for Women received a message of self-confidence and self-empowerment and were exposed to a diverse group of women leaders and professionals both behind the lectern and in the audience.

Marsha A. Sajer



Back row: Wendy S. Neiss, K&LNG, Harrisburg, PA; A'erielle Waters, Central Dauphin High School, Harrisburg, PA; Cara Heisey, Bishop McDevitt High School, Harrisburg, PA; Merren Adams, Harrisburg Area Community College, Harrisburg, PA; Kara Snyder, Central Dauphin East High School, Harrisburg, PA; Noadiah Kelly, Harrisburg University's Science and Technology High School, Harrisburg, PA.

Front row: Marsha A. Sajer, K&LNG, Harrisburg, PA; Maoria Kirker, Bishop McDevitt High School, Harrisburg, PA; Nicole Jackson, Harrisburg Area Community College, Harrisburg, PA; Bracee Harris, Harrisburg University's Science and Technology High School, Harrisburg, PA.

Asian Pacific American Bar Association of South Florida

Sometimes you have to create your own opportunities. In March 2004, ten South Florida lawyers of Asian Pacific descent did just that. We founded the Asian Pacific American Bar Association of South Florida (“APABASF”), an affiliate of the National Asian Pacific American Bar Association.

One of the better-kept secrets in South Florida is that the Asian Pacific American (“APA”) population is booming. From 1990 to 2000 the APA population in South Florida increased 68%, from 52,457 to 87,868 people. APAs are still just a fragment of the overall population, but they are gradually having a cultural and economic impact.

Without realizing a common vision was forming, a number of us began independently discussing the conspicuous absence of an APA bar association. South Florida, particularly Miami-Dade County, is a very diverse region. Through word of mouth, a core founding group came together, which included lawyers with varied practices and affiliations, from large national firms to solo practitioners. Eventually, government lawyers and legal educators joined our ranks as well. Today, we are at almost 30 members, and our numbers increase monthly.

The mission of APABASF is to promote justice, equity, and opportunities for all South Florida APAs. We strive to foster professional development, advocacy, and community involvement. I can say with confidence and pride that, in less than one year, APABASF has made an impact in the community and has laid the groundwork for some ambitious programs in 2005, which include a domestic violence awareness initiative.

For example, domestic violence, an issue that affects people of all races and ethnicities, is a top priority for APABASF. Unfortunately, organizations that provide community education or support for victims of domestic violence have made few inroads in the APA community. This is not due to disinterest, but from lack of opportunity and from cultural barriers. APABASF solicited the active participation of APA community groups in a major domestic violence awareness event held at Lummus Park in Miami Beach, October 24, 2004. APABASF also acted as a liaison

between APA community leaders and a leading anti-domestic violence group to initiate a dialogue on this issue. As a result, APA community leaders will be working with this group, jointly with APABASF, to create APA-specific educational programs and foreign language materials and to provide a support structure for APA victims and their families. The successful launch of this joint project is one of APABASF’s major goals for 2005.

In addition, APABASF is currently working with APA community activists to amend the Florida constitution—specifically to remove language referencing the state’s authority to prohibit or otherwise regulate the rights of “aliens ineligible for citizenship” to own real property. A large majority of states adopted this language—commonly referred to as “alien land laws”—in the 1920s in connection with Chinese and Japanese exclusion laws. Florida is one of only two states in the country that has not removed this dead, but still offensive, language from its books.

Finally, APABASF sponsors events to provide APA lawyers an opportunity to network and discuss common issues. The APA population is more heterogeneous than many people realize, but despite cultural and historical differences, we do have many shared experiences in life and in the practice of law.

APABASF owes a great deal of its success to the strong support it has gotten from law firms such as K&LNG. On a national level, K&LNG has supported the National Asian Pacific American Bar Association by sponsoring the 2004 national convention and by offering all of its APA lawyers the opportunity to participate in that great event. I look forward to continuing my work with APABASF and the national organization. The opportunities for both professional and business development that have arisen from my participation with APABASF have been invaluable. I encourage other lawyers to get involved with voluntary bar associations in their areas, or if need be, to start their own.



by William J. Simonitsch
Associate, K&LNG Miami

William J. Simonitsch

Becoming a Diverse Law Firm

continued from page 7

4. **Time adaptation** is the realization and acceptance of the pace and meeting customs of a different culture. For example, in Mexico or certain countries in South America, time is relative, not absolute. Meetings may not start “on time,” people may come “late,” and the agenda may be general, etc. On the other hand, Germans tend to be very precise with respect to time.
5. **Work practices** - For many cultures, family and family relationships are primary. In such cultures, people “work to live” rather than “live to work.” Even in the U.S., the cultural values of workers under the age of 35 are transforming to give up the “fast track” in favor of family.
6. **Cultural context** - Western cultures tend to be logical in thinking, whereas Asian, Middle Eastern and South American cultures tend to adjust their thinking to a given situation. The former are called low-context cultures and the latter are called high-context cultures.
4. **Interpersonal sensitivity** - To operate effectively across cultures, one must also develop an awareness and understanding of both verbal and non-verbal behavior. Western European and North American countries tend to attach more value to verbal communication (low context), while Asian cultures tend to value non-verbal communication (high context). In high context countries, one has to be extremely sensitive to non-verbal cues in order to know what is occurring.
5. **Interpersonal relationships** - For many cultures, relationship is everything, and is the foundation upon which business is based and required for long-term business interaction.
6. **Religious beliefs** - Most cultures of the world are not Christian. Some have strong beliefs about the supernatural, mystical and metaphysical that are different from the various Western-oriented Christian belief systems and can influence how individuals conduct business on a day-to-day basis.

SENSITIVITY TO DIFFERENT CULTURES

The vital keys to cultural sensitivity involve resolving two fundamental issues of human relationship: human equality and ethnocentrism. Below we have included several other tips that you will find helpful.

1. **Human equality** is the fundamental realization that human beings are inherently equal. There are no superior or inferior human beings based upon race, ethnicity, sex or national origin.
2. **Ethnocentrism** is the belief in the superiority of one’s own group and culture. Resolving this issue requires experientially realizing its falsity.
3. **Patience, understanding and acceptance** - In international situations, one must be tolerant and flexible. We must give ourselves time to understand why and how things are as they are. For example, the roles of women in different cultures may be very dramatically different based upon the situation and context.

NEGOTIATION

The essential competency in negotiation is to find a solution or agreement that is of mutual benefit to everyone involved. A successful negotiation is a win/win for everyone. In addition to the competencies that we have described above, international negotiators need four key skills:

1. **Empathy** - One must be able to see the world (or situation) through the eyes of others as a basis for understanding their behavior. Surprisingly, no matter how unreasonable they may be or behave, from their reality, they are perfectly justified.
2. **Persuasion** - One must be able to demonstrate the mutual value of one’s proposal as an impetus to initiate change in their position.
3. **Personally centered** - One must be poised and in control when dealing with stressful situations and unreasonable demands. This requires an understanding of protocol, appropriate social behavior,

Continued on page 12

The Final Report

FROM THE OFFICE OF THE CHAIR OF THE DIVERSITY COMMITTEE

Diversity Guest Speaker at the K&LNG Lawyer Retreat

Robert J. Gerrard, Jr., Executive Vice President and General Counsel of Scripps Networks—parent company of Home and Garden Television and the Food Network, among other cable channels—attended the 2004 K&LNG lawyer retreat to address diversity issues. Scripps is a firm client.

After describing the diversity initiatives that have been undertaken by the cable industry in general, Mr. Gerrard explained that diversity is a core value for Scripps. For example, the company established a Diversity Committee, implemented mandatory diversity training, created the position of Vice President of Strategic Resourcing, and established subcommittees in programming and marketing to address diversity issues. Employee bonuses are tied to achieving diversity goals.

The reasons for focusing on diversity issues at Scripps Networks include, among others, the desire to meet one of the company's key mission statements, which is as follows:

“Through our products and services, our people and community involvement, Scripps Networks aims to convey the rich and varied fabric of American society by reflecting a multiplicity of backgrounds, experiences and living situations.

Scripps Networks endorses the value and benefits of diversity in both our network programming and our workforce. We affirm the dignity of all individuals and regard equal employment opportunity as good business practice....”

Mr. Gerrard pointed out that being vigilant about diversity at Scripps Networks is good business for the company. Its audiences are ethnically diverse, the company knows the age groups into which the audiences fall, and it knows how to target the audiences' interests through programming in a way that will ensure viewer loyalty and advertiser revenues.

In this regard, Mr. Gerrard described his job as General Counsel as including the responsibility for seeing that Scripps Networks' goals are properly served by outside counsel. He said: “Your firm and others are an extension of our workforce. You are an extension of our creativity. You are an extension of our integrity. You are an extension of the ‘face’ we put out in local communities and the nation. You are active participants in what we do and how we do it.”

Whether it's advice on an intellectual property matter that affects a national campaign, or an employee relations issue that, if mishandled, could erupt into a major problem for the company, Mr. Gerrard stated that the arguments constructed by outside counsel and the paths that the company follows are very important to the company's success. Thus, he believes it is his job to ensure that the quality, breadth and diversity of outside counsel conforms to the company's core values and the standards that it has set for itself.

Finally, Mr. Gerrard stated that forward-looking law firms fully realize and understand that they represent an extensive range of clients who reflect the diversity of the communities in which they live and do business. He indicated that those law firms that do not recognize this, and fail to adequately address diversity issues, would find themselves at a competitive disadvantage in attracting quality clients in the future.

Mr. Gerrard's speech was well-reviewed by K&LNG's lawyers.



by PAUL W. SWEENEY, JR.
Chair, Diversity Committee
Partner, K&LNG Los Angeles

Paul W. Sweeney, Jr.

DIVERSITY

COMMITTEE NEWSLETTER

Becoming a Diverse Law Firm

continued from page 10

patience and, most importantly, introspective personal growth.

4. **Sensitivity and Awareness** — it is also vital to understand the cultural backgrounds of others and how they influence their expectations. Knowing that relationship, trust and tolerance for ambiguity are all crucial factors in engaging in a successful negotiation.

If you are willing to engage in the personal work necessary to develop the skills identified above, you will have a mindset that will aid you across cultures and situations—and have a foundation upon which you can become a successful lawyer in diverse environments both domestically and globally.

Dr. William Guillory is the founder of Innovations International, a global training and development firm, and the author of many books on diversity, work-life balance and leadership.

Daniel Guillory, Esq. is the co-owner of Innovations International and a former corporate securities associate at Pillsbury Madison and Sutro.

You can find out more about Innovations at www.innovint.com.

BOSTON

75 State Street
Boston, Massachusetts 02109
617.261.3100 PHONE
617.261.3175 FAX

DALLAS

2828 North Harwood Street
Suite 1800
Dallas, Texas 75201
214.939.4900 PHONE
214.939.4949 FAX

HARRISBURG

Payne Shoemaker Building
240 North Third Street
Harrisburg, Pennsylvania 17101
717.231.4500 PHONE
717.231.4501 FAX

LONDON

110 Cannon Street
London EC4N 6AR
United Kingdom
44 (0) 20 7648 9000 PHONE
44 (0) 20 7648 9001 FAX

LOS ANGELES

10100 Santa Monica Boulevard
Seventh Floor
Los Angeles, California 90067
310.552.5000 PHONE
310.552.5001 FAX

MIAMI

Miami Center - 20th Floor
201 South Biscayne Boulevard
Miami, Florida 33131
305.539.3300 PHONE
305.358.7095 FAX

NEWARK

One Newark Center
Tenth Floor
Newark, New Jersey 07102
973.848.4000 PHONE
973.848.4001 FAX

NEW YORK

599 Lexington Avenue
New York, New York 10022
212.536.3900 PHONE
212.536.3901 FAX

PITTSBURGH

Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222
412.355.6500 PHONE
412.355.6501 FAX

SAN FRANCISCO

Four Embarcadero Center, 10th Floor
San Francisco, California 94111
415.249.1000 PHONE
415.249.1001 FAX

WASHINGTON

1800 Massachusetts Avenue, N.W.
Suite 200
Washington, DC 20036
202.778.9000 PHONE
202.778.9100 FAX

Challenge us.  **Kirkpatrick & Lockhart
Nicholson Graham LLP**

www.klng.com

BOSTON • DALLAS • HARRISBURG • LONDON • LOS ANGELES • MIAMI • NEWARK • NEW YORK • PITTSBURGH • SAN FRANCISCO • WASHINGTON

Kirkpatrick & Lockhart Nicholson Graham is a combination of two limited liability partnerships, each named Kirkpatrick & Lockhart Nicholson Graham LLP, one established in Delaware, USA, and one incorporated in England.

This publication/newsletter is for informational purposes and does not contain or convey legal advice.

The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

Unless otherwise indicated, the lawyers are not certified by the Texas Board of Legal Specialization.

© 2005 KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP. ALL RIGHTS RESERVED.