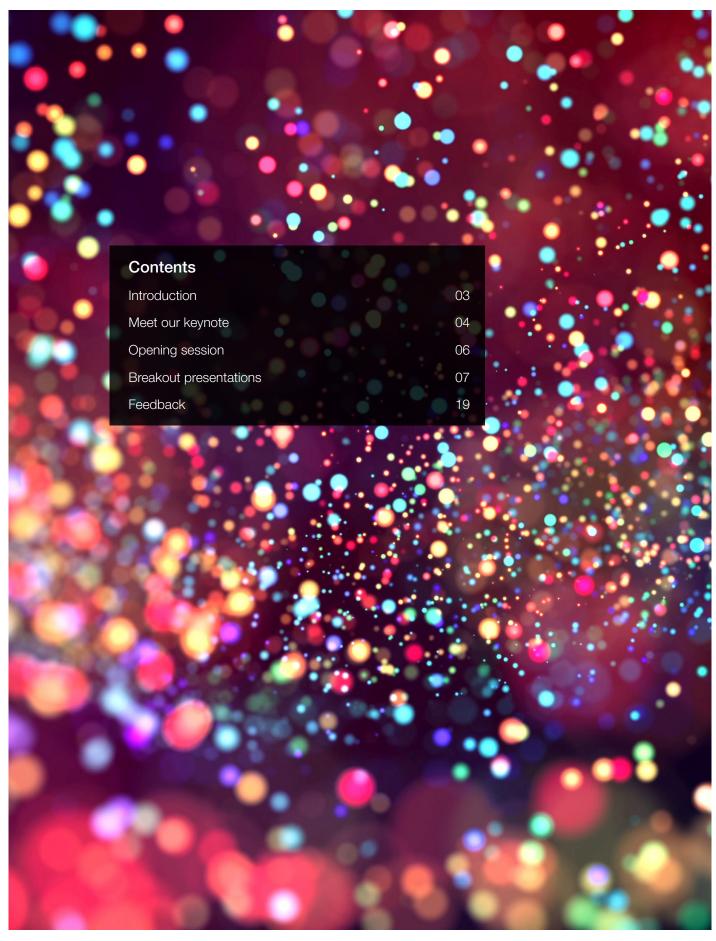
Report

## 2022 Diversity, Equity and Inclusion Summit Key Takeaways Report

November 2022







## Introduction

As in previous years, Reed Smith kicked off Global Diversity Awareness Month in October with our annual Diversity, Equity and Inclusion Summit - the first since 2019 that we could hold in person.

This report outlines some of the key takeaways that emerged from our discussions and some of the challenges and best practices highlighted during the summit. We invite you to reflect on this content and create your own ally action plan to help drive inclusion in your organizations.

This year, we took as the theme for our summit our diversity, equity and inclusion (DEI) mission – All Rise - a simple expression of the common thread of intent behind all that we do in the name of DEI. All Rise serves to recognize the historical barriers that have prevented certain groups from entering and advancing within the legal industry and the inherent value that DEI brings to our profession, our firm, and our services.

All Rise reinforces our commitment to addressing barriers and creating opportunities, and to ensuring that we create the kind of workplace where every single one of us - irrespective of who we are - can succeed, be seen, and be heard to be truly valued. This is not a commitment we take lightly our DEI program has existed for over 20 years. We have continuously striven to create a more diverse, inclusive, and equitable law firm and industry.

All Rise calls us all to action. In order to create the kind of workplace environment and industry where all of us can succeed, we must all take on the responsibility of driving change and progress.

All seen, All heard, All valued, All included, All Rise,

We hope you enjoy this report, and we look forward to seeing you at our next summit!



**Sandy Thomas** Global Managing Partner, Washington, D.C.



John lino Director of Diversity, Equity and Inclusion, Century City



**Cristina Shea** Global Chair, Women's Initiative Network, San Francisco

## Meet our **keynote**

**Deborah Archer**, president of the American Civil Liberties Union, professor of Clinical Law and co-faculty director of the Center on Race, Inequality, and the Law at NYU School of Law, delivered a thought-provoking and moving keynote address. She shared her personal story and described her work as a civil rights attorney, and she underscored the importance of continuing to fight for civil liberties.

Archer cautioned that the law is a powerful tool for both liberation and oppression and that we all share the responsibility to support the people and communities being most hurt by the current legislative attacks on civil rights and civil liberties.

Archer reminded us that for us to "All Rise," it's not enough to want to create opportunities; we need to be willing to tear down systems that hold up oppression and build new systems that lead us to equality. Acknowledging that systemic change is slow, she reminded us that we owe it to future generations to continue pushing the needle forward, commenting that we are all drinking from wells we did not dig and sitting in the shade of trees that we did not plant.



**Deborah N. Archer** President. ACLU

#### Meet our awardees

#### **Client Impact Award**

On October 11 at our DEI Summit, the Bank of New York Mellon Corp. (BNY Mellon) received the firm's 2022 Client DEI Partnership Award. This award highlights not only BNY Mellon's DEI commitment but also the bank's partnership with Reed Smith and the breadth and scope of their joint DEI efforts.



Perry Napolitano
Partner,
Client Relationship
Leader, Reed Smith



Allison Sizemore
Partner,
Client Inclusion
Leader, Reed Smith



Michael Heyrich
Director for Strategy
and Outside Counsel
Governance, The Bank
of New York Mellon
Corporation

#### **Staff Impact Award**

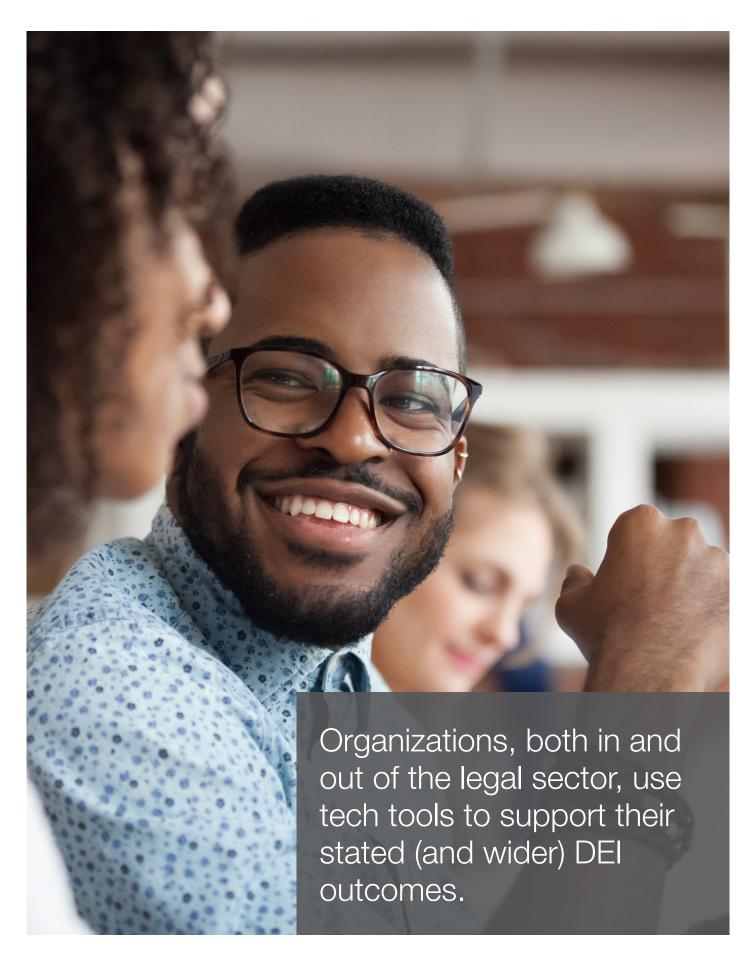
In 2018, we expanded our DEI program to include professional staff. Since then, our professional staff have become an integral part of our DEI program. Without our professional staff, this summit and much of our programming would not be possible. In recognition of their hard work and commitment, we are excited to announce the inaugural Diversity, Equity and Inclusion Staff Impact Award. This year, we received several nominations, reflecting professional staff across many departments and offices. While each of the nominees reflected the very best of our firm, two nominations stood out: Joanne Christopher's ... and Clare Sutton's.



Joanne Christopher Senior Human Resources Manager (Winner)



**Clare Sutton**Executive Assistant (Runner up)



## Opening session

## DEI transparency, goals, and accountability to drive progress

Over the last few years, law firms have seen a dramatic increase in the use of DEI data. Increasingly, clients are asking for this data in requests for proposal, panel appointments, pitch and proposals, and annual or even monthly surveys. But when it comes to transparency in DEI, company leaders face a hard choice: Should they take the leap of faith and share data that might be used against them, or should they limit exposure and keep their targets private? In this session, panelists explored the value of transparency and the challenges in moving toward a culture of transparency and accountability.

#### Panelists and moderator

- Tamara Box, Managing Partner EME and Senior Management Team, Reed Smith
- Sandra Yamate, CEO, The Institute for Inclusion in the Legal Profession
- John lino, Diversity, Equity and Inclusion Global Chair, Reed Smith (moderator)

Increasingly, clients are asking for this data in requests for proposal, panel appointments, pitches and proposals, and annual or even monthly surveys.

#### Key takeaways

The legal profession is resistant to change, but client demands for transparency are helping to drive change

- Clients are requesting data that goes beyond representation and demographics.
- Requests are now focusing on access to opportunities, including work allocation and credit origination.

Despite the importance of transparency, fear often holds leaders back from establishing and publishing DEI-related goals and targets

- Several factors prevent leaders from being transparent on DEI goals, including fear of embarrassment, failure, and potential liability.
- However, companies routinely establish key performance indicators and goals that they sometimes fail to meet. The difference with DEI transparency is that leaders are reluctant to challenge themselves to find solutions for improvement.

Establishing and being transparent on DEIrelated goals engenders trust, strengthens client relationships, and aids in retention and recruiting

- What gets measured gets done. Setting goals is more work, but it means that any progress made is happenstance and not strategic.
- Sometimes, failure is inevitable on the path to success. Clients, employees, and potential recruits do not just care about whether we meet our targets. They also want to know how we are getting there.
- These goals demonstrate what we are aiming for and who we are.

## Breakout presentations

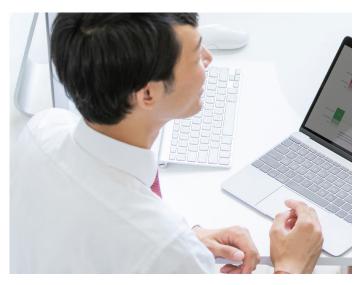
#### Breakout presentations organized by Reed Smith's business inclusion groups, featuring top DEI thought leaders

## A global perspective on using technology to advance equity

Organizations, both in and out of the legal sector, use tech tools to support their stated (and wider) DEI outcomes. In this session, industry leaders shared their strategies for using technology to help advance DEI.

#### **Panelists and moderators**

- Jenny Burton-Johnson, Commercial Director, Pirical
- Darrell Coker, Co-founder & Head of Product, FLAIR
- David Cunningham, Chief Innovation Officer, Reed Smith
- Olivia Grant, Associate, Reed Smith (moderator)
- Ali Ishaq, Associate, Reed Smith (moderator)



#### Key takeaways

#### Data is an important tool in advancing DEI

- Data-driven decision-making is both more profitable and fairer.
- Good data provides evidence of the challenges organizations are facing, which helps to ensure buy-in for change.
- Data provides a road map for organizations. It helps establish strategic direction, priorities, etc.
- Data provides a benchmark. It helps determine and prove whether progress is being made.

### Avoid these common mistakes when collecting and using data

- Do not just focus on data that is easy to measure.
   For example, looking only at employees' demographic information will not necessarily tell you anything about company culture or where your inclusion barriers are.
- Create a process for collecting and interpreting data that does not burden employees of specific social groups (e.g., employees of color).

## Strategies for maintaining momentum and preventing diversity fatigue

- Prioritize what is most important.
- Focus on things that are easy to do with big returns (low risk/high reward).
- Present data in a user-friendly way. Continue to strive to make things as easy as possible for leaders – tell a smart story with good evidence.
- Keep up to date on advancements in technology.
   Ongoing innovations in technology help us to continue to improve how we obtain and then convey the data, so it is easy to understand and use.

## A leader's framework to allyship: Leveraging influence and privilege

To "All Rise" means, in part, leading inclusively and engaging in consistent allyship. In this session, panelists discussed what allyship is and what it isn't, who can be an ally, and the benefits of allyship.

#### **Panelists and moderators**

Colonel J. Scott Calder, USAF MD (ret), Former Command Surgeon, U.S. Central Command

Captain Roy Love USN (ret), President, Association of Naval Services Officers

**Judge Linda Murnane**, Associate Justice of the High Court of the Republic of the Marshall Islands (Colonel USAF, ret)

**Thor Maalouf**, Partner and Deputy Partner Chair – Veteran Business Inclusion Group, Reed Smith (moderator)

**Carolyn Pepper**, Partner and Co-chair – Disability Business Inclusion Group, Reed Smith (moderator)

To "All Rise" means, in part, leading inclusively and engaging in consistent allyship.

#### Key takeaways

#### Anyone can be an ally

- An ally can be anyone with power, privilege, or influence. It is someone who reaches out and lends a hand to another person whose climb is too steep or whose ladder is too high.
- Even members of historically excluded groups can do that kind of reaching out, to champion for those that need it.

#### How to become a stronger ally

- Take the step to immerse yourself in an environment that is unfamiliar to you. Doing so is an important step to becoming an ally.
- Understand the instances when we can all be part of a solution. See where you can make a difference as an individual. Don't wait for someone else to solve a problem.
- Think about the team of people who are at the table when solving a problem and add someone new.
   Don't keep using the same cast of characters to solve problems; change things up.

## Strategies for organizations to actively encourage allyship and advocacy

- It starts from the top. Focus on developing leaders that are empathetic, attentive, eager to learn, and respectful.
   Being a leader means taking care of others. It's about humanism and taking care of one another regardless of differences.
- Create an environment of cross-cultural learning.
   Encourage people to connect and learn from people different from them.
- Position leaders to actively challenge assumptions and biases. These assumptions and biases serve as barriers to certain groups, and leaders must openly and unambiguously address these barriers.



## A critical look at how language impacts the way we think and act

Cognitive scientists agree that the way we use language has tangible power to shape the way we think. In this session, panelists addressed the importance of language in creating a truly inclusive workplace, how and why the language we use has a real impact on the world around us, and the importance of using intentional language even when it disrupts the language we have become accustomed to.

#### Panelists and moderator

- Rebecca Benavides, Director of Legal Business and Strategy, Microsoft
- Julia López, Partner and Partner Chair Hispanic/ Latinx Business Inclusion Group, Reed Smith
- Alan York, Partner and Partner Chair LGBTQ+ Business Inclusion Group, Reed Smith
- Christian Castile, Associate, Reed Smith (moderator)

Panelists addressed the importance of language in creating a truly inclusive workplace.

#### Key takeaways

### Using language in a way that affirms others can change the world

- Do not underestimate the power of inclusive language.
   Affirmatively seeking and using new and inclusive language is a way to signal recognition and safety and to invite people to bring their whole selves into the workplace, where we all benefit from their contributions.
- Use the language that people use for themselves.
   For example, using declared pronouns is a simple way to affirm someone's identity and make them feel included.
- Avoid generalizations or assumptions about groups.
   For example, most Latinx people identify by national origin (e.g., Puerto Rican, Mexican, Guatemalan, Peruvian, etc.). It's important not to assume that all groups are similar because the cultures within them are all so different. As Julia Lopez noted: "The wide variety of Latino/Latina/Latinx experiences and backgrounds can't be reduced to a monolithic identifier."
- Be mindful that perspectives and language use change over time and can reflect generational differences. For example, the term "queer" was used as a slur in the past, but later generations use the term to self-identify and feel as though they are reclaiming a hateful word.

#### Strategies for using inclusive language

- When making mistakes, avoid being defensive.
   We must be willing to be uncomfortable, and to make others a little uncomfortable, too.
- Educate yourself. Expand your networks to include people that have different lived experiences.
- Practice. The more you practice the intentional use of language, the better you'll be able (and the easier it becomes) to be supportive and inclusive.
- Be an upstander and willing to practice and study how to shut down hurtful language use.



This panel discussion addressed the rise in antisemitism and provided a forum for discussion about how organizations can promote a safe and productive space for Jewish colleagues. Our panel also highlighted ways in which organizations and their leadership can continue to support their Jewish employees and foster allyship.

#### **Panelists and moderators**

- Robert Carlton, Senior Legal Counsel, Litigation, Hess Corporation
- Renee Lafair, Former Regional Director, Anti-Defamation League, Austin
- Jason Gordon, Partner, Reed Smith (moderator)
- Carolyn Rosenberg, Partner, Reed Smith (moderator)

#### Key takeaways

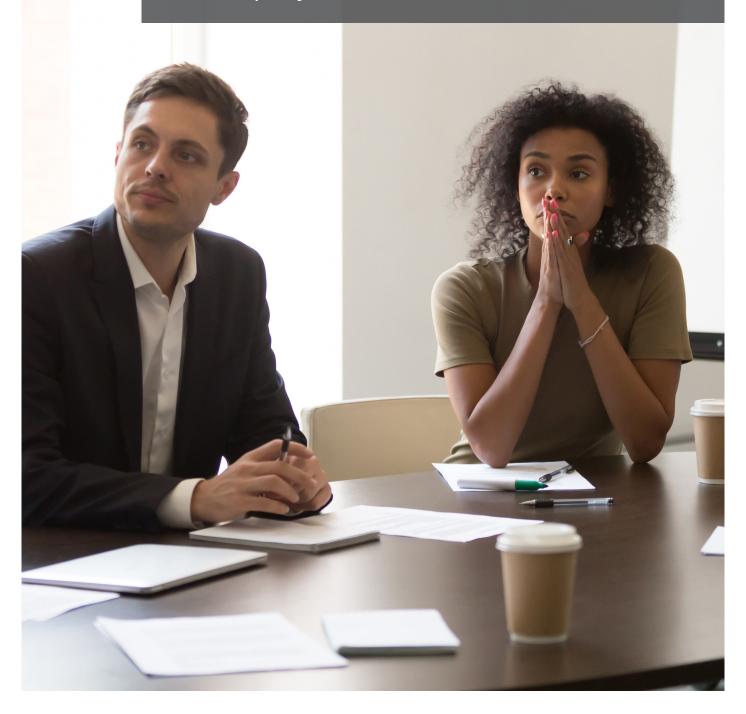
#### Antisemitism exists in the workplace and beyond

- Jewish people make up 0.2 percent of the world's population, but experienced the highest percentage of hate crimes in 2022.
- These experiences are not limited to the United States. Antisemitism is a global issue.
- These experiences are not limited to outside of the workplace. Jewish employees experience discrimination, microaggressions, and negative stereotypes.
- These concerns are not often openly expressed compared to those of other communities for various reasons, sometimes even due to fear.

## Strategies for organizational leaders to combat antisemitism and support their Jewish employees

- Ensure events, celebrations, and company communications are respectful of Jewish holidays and the Sabbath. For example, companies should recognize, respect, and work to avoid scheduling company or firm events during the Jewish holidays. These efforts make individuals feel included and create a sense of belonging.
- Create and support Jewish employee resource groups. These groups help create community, educate, and aid in recruitment and retention.
- **Cultivate allyship**. Encourage people to reach out and support different communities.
- Address bigotry directly. Be an upstander and speak up if you hear or see something that is antisemitic.

## World events continue to take a toll on employees' mental health



## The effects of world events on suicide and mental health in today's workforce

World events continue to take a toll on employees' mental health. Suicide rates are climbing, workers' stress and depression levels are rising, and addiction continues to concern employers. In this session, panelists discussed the significant need for improvement of mental health and suicide prevention resources in workplaces, including improved suicide prevention training and policies, improved employee assistance programs during health insurance coverage transitions, and continuing to address the social stigmas surrounding mental health care.

#### Panelists and moderator

- Dr. Amy Grosso, Director of Behavioral Health Services, Round Rock ISD
- Josh Verdi, Labor & Employment Counsel, Matthews International
- Casey Ryan, Global Head of Legal Personnel, Reed Smith
- Mark Goldstein, Partner, Reed Smith (moderator)

## People who are struggling with mental health issues often feel very isolated.

#### Key takeaways

#### **Understand the issues**

- Suicide is a leading cause of death in the U.S.
   According to the WHO, over 800,000 people per year are lost to suicide.
- People who are struggling with mental health issues often feel very isolated because they feel like nobody else is facing the same challenges. This makes them hesitant to speak when they are struggling, making it so important for leaders to build trust.

## Leaders must work to create workplaces that prioritize employee mental health and well-being

- Organizations should be prepared to address stigma.
- Be proactive and respond to world events. Leaders
  need to understand the impact of a drastic change on
  mental health, and they need to put the message out to
  employees that they are there to offer support and put
  measures in place so that employees feel supported.
- Encourage leaders to share their own struggles.
   It is really impactful when leaders stand up and tell their stories. It empowers others to share their stories as well.
- Create mental health employee resource groups.
   These groups can have a big impact and can help shape your approach.
- Train your leaders to effectively identify and help with mental health issues. Training and education can help leaders to understand how to talk with people who may be struggling with mental health issues.

## In addition to litigation, lawyers can use their privilege to address civil rights challenges.

#### The role of the legal profession in the modernday civil rights movement

In this session, panelists discussed the critical role today's lawyers play in what has been called the next phase of the civil rights movement and shared strategies for leveraging resources for both in-house and outside counsel.

Panelists provided an update on the federal lawsuit filed by NAACP Legal Defense and Education Fund, Inc. (LDF), Reed Smith LLP, and The Arc, challenging S.B. 1, a new Texas law targeting voting rights. S.B. 1 includes a series of suppressive voting-related provisions that will make it much harder for Texas residents to vote and will disenfranchise some altogether, particularly Black and Latino voters and voters with disabilities. The lawsuit challenges multiple provisions in S.B. 1, including:

- Limitations on early voting hours and a ban on 24-hour voting.
- The elimination of drive-thru voting centers.
- The prohibition of mail-in ballot drop-boxes.
- Limitations on the distribution of mail-in ballot applications.
- Limitations and possible penalties for voter assistants, including criminal felonies.

#### Panelists and moderator

- Kathryn Sadasivan, Redistricting Counsel, Legal Defense Fund
- Lisa Snead, Attorney, Disability Rights Texas
- Roswill Mejia, Associate, Reed Smith
- Cheryl Lagay, Counsel, Reed Smith (moderator)

#### Key takeaways

Lawyers play a crucial role in civil rights and social justice movements

- Large-impact litigation is essential to protect civil rights. However, this is often resource-intensive. More firms are leveraging their resources to help to enable these cases to move forward.
- Law firms can partner with community organizations and nonprofits. These groups can bring insights from impacted communities and help establish priorities.
   For example, Reed Smith has partnered with various community organizations to help challenge S.B. 1.
- Law firms can utilize their resources and staffing to bring cases on behalf of community organizations.
   Often, the adversaries on these matters have large legal teams, and law firms have the staffing and lawyers to ensure these cases are litigated.
- In addition to litigation, lawyers can use their privilege to address civil rights challenges.
   For example, lawyers can lobby to keep more restrictions from passing.
- In-house counsel can also leverage resources to protect civil rights. There are roles for all attorneys in these types of cases. For example, Reed Smith lawyers sent out a Public Information Act request. This can be done by any lawyer, including in-house counsel.
- It is important for lawyers to keep intersectionality in mind when approaching cases. These attacks on civil liberties often overlap and impact multiple groups. It is important to have subject matter experts and community organizations involved to address all the issues created by these attacks.

## Reed Smith alumni perspectives: All about the people

DEI is sometimes talked about in the abstract, with these concepts often used as buzzwords, but at the heart of it all, it's about community and building a culture that truly embraces, supports, and values its people. In this session, several Reed Smith alumni shared their challenges, thoughts, and experiences around embracing DEI.

#### Panelists and moderator

- Ira Lefton, General Counsel, Amnesty International
- Diane Boyle, Deputy General Counsel, Department of Navy
- Rana Wright, Chief Administrative Officer, General Counsel, Harris Associates
- Diane Rodgers, Senior Director, Insurance Law, Global, Uber
- Casey Ryan, Global Head of Legal Personnel, Reed Smith (moderator)



#### Key takeaways

Reed Smith recently launched its alumni program and invited two distinguished alumni to share their commitment to DEI

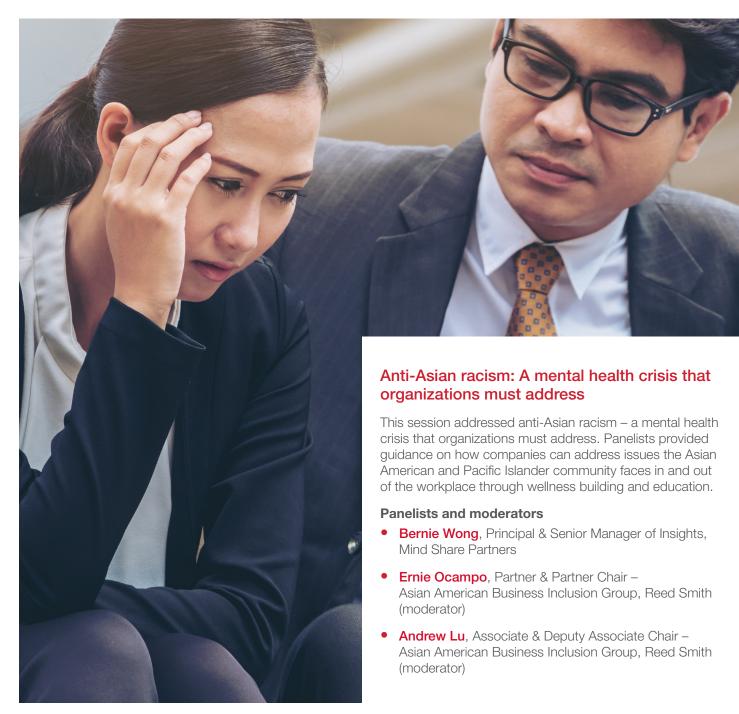
- Rana Wright joined Reed Smith in 2002, working in three different offices during her tenure.
- Ira Lefton started his career in Pittsburgh in 1978, chaired the LGBT committee, and worked on many probono matters.

Clients want to know that the law firms they work with value DEI

- Clients want the best talent working on their matters. Law firms should ensure they provide diverse teams with diverse perspectives.
- Clients will avoid using law firms that do not prioritize DEI.
- Clients want to partner with law firms on addressing DEI and human rights issues.

Organizations should be intentional about recruiting and developing diverse legal talent

- Bias and stereotypes act as barriers to recruiting, developing, and retaining talent, and organizations need to address these issues.
- Ensure a diverse slate of applicants interview for each position.
- Consider partnering with search firms that specialize in recruiting diverse talent.
- Ensure you provide access to opportunities.
   Employees want to know they have a pathway to success.



# Normalizing discussion of and seeking professional help for mental health – like physical health – are prerequisites for success.



#### Key takeaways

An increase in anti-Asian hate crimes has had an adverse impact on mental health

- One in five Asian Pacific Americans (APAs) in the U.S. experienced a hate incident in 2020 or 2021.
- Some 50 percent of those who reported a hate incident also reported symptoms of anxiety or depression.
- Although incidents appear to be on the decline this year, they're still happening, and lower statistics about incidents might be due, in part, to less reporting.

### Challenges to the mental health of people in the APA community

- Stigma.
- Discrimination (implicit bias, verbal harassment, and violence).
- Migration status (English fluency, isolation, education, and professional background).
- **Economic factors** (inequality, job stability, working conditions, worker protections).
- Social factors (sense of belonging, cultural identity, and community).
- Health behavior (understanding of resources, willingness to seek treatment, trust in healthcare, and availability of culturally competent care).

### Strategies to support the mental health of APA workers

- Demonstrating a willingness to be vulnerable is important.
- Normalizing discussion of and seeking professional help for mental health – like physical health – is a prerequisite for success in any endeavor, not just at work.
- Provide culturally competent support.
- Establish systems and policies that support mental health goals and are accessible.
- Ensure there is accountability. Develop a strategy with measurable goals and create a budget for mental health initiatives.

## Busting the zero-sum bias: Reframing gender equity

Zero-sum bias – the idea that resources gained by one party are matched by corresponding losses to another party – remains a persistent hurdle to equity efforts. Regarding gender equity, it often deters men from engaging in equity efforts due to the incorrect belief that in order for women to earn a place at the table, a corresponding number of men must give up their seats. Panelists discussed how organizations can instead focus on mutually beneficial outcomes and take specific actions to overcome the zero-sum bias and move the needle on gender equity.

#### **Panelists and moderators**

- Cherise Latortue, Associate General Counsel, Flynn Restaurant Group
- Adam Martinez, Deputy General Counsel, Offerpad
- Teresa Garcia-Reyes, Senior Counsel, Baker Hughes
- Dana Alvaré, Global Gender Equity Advisor, Reed Smith (moderator)
- Cristina Shea, Partner and Global Chair Women's Initiative Network, Reed Smith (moderator)

#### Key takeaways

Zero-sum bias impacts company profits, innovation, and retention

- Zero-sum bias is a cognitive bias that describes the belief that for one party to get resources, another party must lose resources.
- This bias creates unnecessary competition for power, pay, prestige, and clients.
- Zero-sum thinking leads to a reluctance to discuss inequity. However, research demonstrates that closing the equity gap increases profits, innovation, and retention. For example, for every 10 percent increase in gender equity, companies see a one to two percent increase in profit.

#### Strategies to advance equity

- Provide incentives and hold leaders accountable.
   Panelist/clients discussed how they hold law firms accountable to DEI, including not working with law firms that fail to provide diverse teams. They also discussed how they hold themselves accountable for the same.
- Avoid tokenization and provide women and other diverse groups with quality work. Also, in-house departments have moved beyond insisting on diverse teams and are now asking law firms to provide origination and source credit information for their work.
- Provide access to opportunities for advancement.
   Beyond the demographics, companies should also provide opportunities for mentorship and sponsorship.

## Feedback from the 2022 Diversity, Equity and Inclusion Summit

## Some feedback from the 2022 Diversity, Equity and Inclusion Summit

- "Yesterday I attended a DEI Summit hosted by Reed Smith. The keynote speaker was the president of the ACLU and they had other very impressive speakers. They had about 10 different panels on the importance of DEI and how to set, reach, and maintain DEI goals... it was also clear that Reed Smith is at the forefront of DEI work among law firms, so if you have a chance to work with them, I'd encourage you to do so."
- "The retreat was the most impactful experience of my legal career. I walked away from the retreat feeling motivated, uplifted, excited, and fulfilled. I am reenergized and am thrilled to continue to uphold the excellence of Reed Smith throughout my legal career. I am beyond proud to be an associate at Reed Smith."
- "It was by far one of the most fun and fruitful experiences I have had since starting at the firm.
   I am very much looking forward to events like this in the future."
- "I was sitting here reflecting on the words of Deborah Archer. What a gift the meeting was for me. I'm honored and humbled that you asked me here."
- "Once again, thank you for hosting such a wonderful event. . . . Again, truly appreciate the partnership and work that we do together."
- "Just a line to express my gratitude for this week's summit. You knocked it out of the ballpark. It is impossible to understate the value of seeing each other in person I know our leadership team emerged stronger and more connected than ever, and I am returning to Paris with a renewed commitment to making DEI advocacy a cornerstone of our practice."

"Exceptional panel discussion. You and your fellow panel members were outstanding."

"Once again, thank you for hosting such a wonderful event ... Again, truly appreciate the partnership and work that we do together."

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