

AABANY 12TH ANNUAL FALL CONFERENCE

**GC Roundtable: The Evolving Role of General Counsels
in Promoting Justice and DE&I in the Workplace**

Presented by the In-House Counsel Committee

October 22, 2021 – 4:00 to 5:30 PM (Eastern Time)

Panelists

Ann Lee Benedict

General Counsel and Secretary
Thomas James Homes

Hannah Kim

Chief Legal Officer, Chief Compliance Officer
and Corporate Secretary
Neiman Marcus Group

Tracey Lesetar-Smith

General Counsel, SVP
NASCAR

Nishat Ruitter

General Counsel
TED Conferences

Michael Tang

Senior Vice President, General Counsel
& Secretary
Agilent Technologies

Henry Wang

Executive Vice President, General Counsel
Herbalife Nutrition

Moderated by:

Shaila Rahman Diwan

Partner

King & Spalding LLP

Description

The GC panelists will discuss their respective roles in and perspectives on promoting justice and diversity, equity and inclusion (DE&I) in the workplace, including with respect to hiring in-house and outside counsel, uniting teams to create and promote a culture of justice and equity and addressing timely and sensitive racially charged issues. Topics will include, among other things, how companies have reacted and taken action following the Black Lives Matter movement and the increase in hate crimes toward Asian Pacific Americans, how organizations have evolved following these events and their DE&I goals for the future. The panel will also discuss the paths taken to the position of GC and advice for becoming a GC. The panel aligns with the “Uniting for Justice & Equity” theme of this year’s Fall Conference by focusing on the roles and perspectives of GCs in addressing the very important issues of justice and equity as these affect their legal departments and their organizations more broadly.

I. Introduction of the Panelists (5 minutes)

- Icebreaker : tell us your most frivolous/coveted COVID purchase. (ALL)

II. Paths Taken to the Position of GC and Advice for Becoming a GC (25 minutes)

- Paths Taken to the Position of GC
 - What drew you to the job? (Anne, Hannah)
 - Describe the path you took to get to the position of General Counsel. (Tracey, Nishat)
- Advice for Becoming a GC
 - What are common roadblocks you’ve seen on the path to GC? (Michael, Henry)
 - Advice for navigating those roadblocks?
 - What key advice would you give to our audience for becoming a GC? (ALL)

III. Promoting Justice and DE&I in the Workplace (60 minutes)

- GCs’ roles in and perspectives on promoting justice and DE&I in the workplace

- The BLM movement spurred a resurgence in addressing this issue in the legal community. We saw a lot of movement in past year and a half with GCs leading the charge on diversity, but we've also seen some abrupt departures.
 - What do you view the GC's role as in advancing justice, DE&I in the legal industry generally? (Anne, Hannah)
 - There are a number of diversity initiatives directed at both in-house legal departments and law firms – in your experience, what policies “work” at advancing the ball? (Tracey, Nishat)
 - What can the legal industry do to accelerate that process? (Michael, Henry)
- o Hiring in-house counsel
 - You've all built strong, diverse in-house teams. What processes (if any) do you have in place to ensure principles of DE&I factor into your hiring/promotion process. (ALL)
 - The results of the most recent MCCA Fortune 1000 GC Survey indicate that in-house diversity has suffered due to COVID (and there has been a lot lateral of movement in the legal industry).
 - How has your team adapted during COVID and ensured team members are getting the experience(s) / mentorship they need or otherwise continue to support DE&I as a priority during this time? (Tracey, Nishat)
 - How have you worked to retain diverse talent and/or strengthen teams during this time? (Anne, Hannah)
- o Hiring outside counsel
 - What approach have you taken to promote DE&I when hiring outside counsel? (e.g., data gathering, scorecards, carrot and/or stick) (Michael, Henry)
 - Do you have practices to ensure diverse attorneys continue to work on your matters after hiring a team? (Anne, Hannah)
 - A lot of law firms took public positions and action in the wake of the BLM movement. Do you consider a firm's (or a team's) commitment to racial or social justice in your hiring decisions, and if so, what do you consider? (Tracey, Nishat)

- Can you describe an instance where diversity was pitched ineffectively by outside counsel? (ALL)
- o Uniting teams to create and promote a culture of justice and equity
 - In your role as GC, how do you create and promote a culture of justice and equity at your company? (Tracey, Nishat)
 - As diverse GCs, have you heard any surprising/unexpected feedback from team members (in-house or outside counsel) on how to make teams more inclusive? (Michael, Henry)
- o Addressing timely and sensitively racially charged issues, e.g. post-BLM movement and the increase in hate crimes toward APAs
 - What concrete steps did your company take after these events? (Tracey, Nishat)
 - How do you see your company evolving (especially over the longer term) after these events? (Anne, Hannah)
 - What are your company's DE&I goals for the future? (Michael, Henry)

RESOURCES

In-House Leader Diversity, Already Slow to Change, Stalled in the Pandemic, Oct. 13, 2021, Law.com, available at:
<https://www.law.com/corpocounsel/2021/10/13/in-house-leader-diversity-already-slow-to-change-stalled-in-the-pandemic/>

MCCA 2021 Fortune 1000 GC Survey, available at:
<https://www.mcca.com/resources/reports/2021-fortune-1000-gc-survey/>

Global In-House Legal Leaders Share What's Working in Diversity, Equity and Inclusion, June 03, 2021, Law.com, available at:
<https://www.law.com/corpocounsel/2021/06/03/global-in-house-legal-leaders-share-whats-working-in-diversity-equity-and-inclusion/>

Deborah L. Rhode and Lucy Buford Ricca, *Diversity in the Legal Profession: Perspectives from Managing Partners and General Counsel*, 83 *Fordham L. Rev.* 2483 (2015), available at:
<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5095&context=flr>

Deborah L. Rhode, *Diversity and Gender Equity in Legal Practice*, 82 *U. Cin. L. Rev.* 871 (2018)
Available at: <https://scholarship.law.uc.edu/uclr/vol82/iss3/5>