



Nixon Peabody Diversity Update

June 2006

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2006 National Diversity Conference a smashing success

Nixon Peabody was the primary sponsor

Nixon Peabody was this year's primary sponsor for what is widely considered one of the most significant diversity conferences in the nation. The Workforce Diversity Network, a Rochester organization, produces the event.

"The conference was attended by more than 500 people, including significant attendance by representatives from Kodak, Bausch & Lomb, ITT Industries, Xerox, Rochester Institute of Technology, University of Rochester, Excellus, and Cornell University, among others," according to **Liz Moore** (NYC), a Nixon Peabody partner and a conference speaker.

"There was lots of positive energy, lots of shared ideas, and some collaboration possibilities, which is exactly what we would hope to achieve," according to **Maggie Clemens**, a partner in the Rochester office and a significant contributor to the development of this year's event. For example, Maggie says, Liz gave a participant from Kodak an idea that included partnering with them to allow our summer clerks to work at Kodak for a time. The two are planning to discuss the details further to see if something could be worked out. And **Roz Mitchell** (SF), says she came away from the conference with a couple of business leads, Maggie adds.

"The feedback we are getting is very positive. This conference has allowed us to showcase our diversity successes and the strong labor and employment practice within the firm," Liz notes.



NIXON PEABODY LLP
ATTORNEYS AT LAW



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This year's conference, "*The Case for Diversity: It's Everybody's Business*," was held May 22 through May 24. The opening day speaker was Nixon Peabody's managing partner, **Harry Trueheart**. The diversity conference drew participants from across the nation and even included an international presence. For example, the keynote luncheon speaker was the Honorable Michael Tulloch, judge of the Superior Court of Justice, Ontario, Canada. **Kendal Tyre**, a partner in the Washington D.C. office, invited and introduced the conference's closing keynote speaker, Taswell Papier, a preeminent South African attorney and partner at Sonnenberg Hoffmann Galombik, South Africa. Earlier this year, Taswell won the global 2006 Lawyer of the Year award at the *Legal Business Awards* in the United Kingdom. The award was a first for South Africa. Kendal and Taswell have developed an excellent working relationship that has been instrumental in introducing Nixon Peabody to business opportunities in South Africa.

This year, the three-day conference included an exclusive final half day devoted specifically to law firm diversity. The law symposium included best practices, as well as an examination of the diversity challenges facing law firms today. "Each year, the conference devotes a portion of the time to a specific industry. Last year, for example, it was health care," Maggie explains. This year, Nixon Peabody, as an accredited provider of Continuing Legal Education (CLE) for New York, offered 1.0 New York CLE credits for each of the symposium sessions.

Special thanks go to the Rochester marketing staff, **Glenda Lusk** (ROC), office manager, and many others who worked hard to make Nixon Peabody's sponsorship of this event such a success. **Bill Simpson**, Nixon Peabody's director of human resources, has long been involved—he was a founder—with the Workforce Diversity Network; and he was also very involved with the development of this year's conference, along with the organization's executive director, Mike Streeter.

Nixon Peabody attorneys took leadership roles in conference sessions

The agenda for the 2006 National Diversity Conference featured more than 40 sessions and keynotes. Among the session speakers were Nixon Peabody's **Liz Moore** (NYC) and **John Higgins** (ALB), who presented *How Lawful is Your Diversity Initiative and How to Make it More So*. The session was widely praised by attendees. "People were saying it was the best presentation at the conference," according to **Maggie Clemens**, a partner in the Rochester office. John and Liz's presentation discussed recent cases and potential legal challenges in the creation of diversity programs and affinity groups. They provided information about designing and defending popular corporate diversity initiatives, such as affinity groups, hiring and recruitment efforts, and promotion strategies.

Kendal Tyre (DC), **Maggie Clemens** (ROC), **Liz Moore** (NYC), and **Bill Simpson**, Nixon Peabody's director of human resources, were also part of a panel presentation, *Diary of a Diversity Initiative*, which was moderated by Mauricio Velázquez, president of Diversity Training Group and Nixon Peabody's diversity consultant. The panel examined the benefits and challenges the firm faced during the development of Nixon Peabody's diversity initiative. "The panel presented an overview of our experiences in setting up the diversity initiatives, what we experienced, and what we would have done differently. Approximately 50 people attended the discussion, which was a very interactive session," according to Kendal Tyre.

Jill Schulz (ROC), in her role as president-elect of the Monroe County Bar Association, was part of a panel discussing the "pipeline," which examined efforts by bar associations and others to increase the numbers of minorities and women entering law school.

Diversity dinner generates dialogue, builds relationships

Thanks to Bill Simpson's great work and long involvement with the Workforce Diversity Network Counsel, Nixon Peabody was able to capitalize on the opportunity presented by the gathering of the attendees for the conference and host an inaugural diversity dinner in the Rochester office.

"The dinner was attended by affinity group leaders in companies and organizations in the Rochester area. Clay Osborne, senior vice president for human resources at Bausch & Lomb attended, as did senior-level managers from many other companies and organizations. A number



During the 2006 National Diversity Conference, Nixon Peabody hosted an inaugural diversity dinner in the Rochester office for affinity group leaders.

of Nixon Peabody's affinity group leaders attended, including Roz Mitchell, John Higgins and Jim Montes. And Kendal, Maggie, Bill Simpson, and I represented DAC," Liz Moore notes.

"This dinner was the first of its kind and there was just a lot of dialogue. Many attendees expressed an interest in holding follow-up events," according to **Bill Simpson**. We invited representatives from each of the affinity groups at different organizations and there were several representatives from Nixon Peabody. Nearly all of the outside attendees were our clients, he adds.

The dinner event included a panel discussion and a question and answer period. "It was an opportunity for the firm to share our experiences, learn more about what is going on in the community, and have a dialogue about diversity issues. Some companies have considerably more experience in these areas than law firms. For example, Kodak has had affinity groups in place for 20 years," Bill said.

Congratulations to Liz Moore

She is a recipient of the inaugural Diversity Champion Award

Liz, a partner in the Labor and Employment Practice Group, was one of three recipients of the New York City Bar Association's (NYCBA) Diversity Champion Award. The awards were presented at a May 16 luncheon at the organization's Third Annual Diversity Conference. The awards recognize individuals who are initiating and sustaining change within their organizations and the New York City legal community.

Art Rosner, the New York City office's managing partner, introduced Liz at the luncheon. The other two recipients were the Honorable Daniel Donovan, Jr., district attorney, Richmond County, and William Malpica, an associate at Mayer, Brown, Rowe & Maw. All three have demonstrated extraordinary commitment to diversity issues and to building a more diverse legal community.

According to the NYCBA's award announcement, Liz was chosen because she is a driving force behind Nixon Peabody's goals to foster an inclusive work environment. As co-chair of the firm's Diversity Action Committee (DAC), she has spearheaded the creation of a multiyear diversity plan



Thanks to Liz Moore (second from the left), whose hard work on diversity earned her a New York City Bar Association Diversity Champion Award.

focused on gender, race/ethnicity, sexual orientation, and staff/attorney relations. As part of the firm's diversity proposal, Liz led the firm in implementing a series of initiatives including affinity groups, a women's leadership summit, and a quarterly diversity newsletter. Externally, some of Liz's notable efforts have included driving diversity initiatives at Cornell University and Rochester Institute of Technology (RIT) to support and strengthen their pipeline of racial/ethnic minority students.

The Diversity Champion Award is granted to individuals based on a number of criteria, including: the influence the candidate has had on others; the candidate's ability to be a positive role model; the extent to which the candidate has continued to learn; the cultivation of diverse teams; accountability for fostering an atmosphere of diversity; and external leadership involvement. A selection panel, composed of in-house and outside counsel, conducted interviews with finalists and their references before making final selections.

"Congratulations to Liz and thanks for all that she and the other members of the Diversity Action Committee have done to develop and implement our diversity initiatives," Art said.

New Hispanic Affinity Network launched

Interested in joining the firm's newest affinity group? The Hispanic Affinity Network is just getting started and **Jim Montes**, an associate in the New York City office and the group's initial chairperson, invites anyone who is interested to join. "The group is not just open to Hispanics. We are more than happy to welcome anyone who wants to participate," he says. To help get the group going, Jim sent out e-mails to several attorneys identified as potential members and he received many positive responses. As the group gains visibility, he hopes others will provide additional potential members. Please send him an e-mail if you would like to join or if you know someone who might be interested.

With the collaboration and support of **Joe Ortego**, a partner in the Long Island office and a member of the DAC, Jim filed his proposal with DAC in January and received preliminary approval for the group in March. A copy of the proposal will be posted on the DAC Website soon, and Jim hopes interested parties will read it and provide additional input.

“Initially I’d like to focus on attracting, retaining, and promoting Hispanics at the firm. Across the nation, not just at the firm, retention rates are a particularly big problem,” he says. Jim envisions doing outreach programs, such as working with Latin American groups at law schools; doing half-day seminars, such as resume workshops, at Nixon Peabody for Hispanic law students; and providing mentoring programs. “I’d like to make Nixon Peabody the ‘firm of choice’ for Hispanic law students and laterals who are considering a change,” Jim says.

The Hispanic affinity group will also focus on bringing business to the firm. The meetings, which will generally be teleconferences but will most likely include at least one in-person gathering, will help the group begin to develop personal contacts. “Before we can effectively network in the community, we need to network within the firm and get to know each other,” Jim explains. The group hasn’t met yet, but Jim anticipates having the first meeting soon.

As a part of Nixon Peabody’s diversity initiative, the DAC encourages the development of groups and activities for underrepresented individuals within the firm through the formation of affinity groups. The groups are designed to help the firm expand its diversity efforts in a number of ways, including hiring, retention, mentoring, partnership projects with clients or potential clients, business opportunities, and enhancing a supportive environment for everyone in the firm. Several affinity groups have already been formed and more are expected soon.

If you’re interested in forming an affinity group, here are the steps:

1. Submit an application to NP’s Diversity Action Committee. (Specific information is required, so please ask one of the DAC committee members for details.)
2. After you receive approval for your group, send out a notice to the proposed members soliciting their participation. (DAC will provide a template to follow for the wording of the initial e-mail.)
3. Create an e-mail distribution list of members who indicated a desire to participate.
4. Open a non-billable number to record your time spent as a member of your affinity group.

After the group is formed, it will be up to the members to schedule and attend events or other activities.

Ongoing affinity group activities

Nixon Peabody's affinity group movement continues to gain momentum, as new groups are formed and established groups determine their agendas, hold meetings, and participate in a wide variety of affiliate activities. Here is a sampling of some of those activities:

African American Affinity Network

The new African American Affinity Network continued its activities with a March meeting featuring Guy Rounsaville, executive vice president and general counsel, Visa International. Guy is a pioneer in diversity issues and a founder of the California Minority Counsel Program (CMCP). He spoke on diversity and inclusion in law firms and the importance of those issues to general counsel.

"The event was available to anyone who wanted to attend and it was very well received," says **Rosalyn Mitchell** (SF), the network's co-chair, along with **John Higgins** (ALB). Numerous attorneys from the San Francisco office attended the meeting in person and others from around the firm called in to hear the speaker.

James Potter, Del Monte's senior vice president and general counsel, was the guest speaker at the launch of the African American Affinity Network in the San Francisco office during the first quarter. About 50 attorneys in San Francisco attended that event.

Other plans for the network include new employee orientation, a mentoring program, and a communication plan to keep members informed about what is going on inside the firm, as well as in their legal communities. The network is also involved in business-building efforts, and plans to actively pursue opportunities to cross-sell existing firm clients and develop and build partnerships with new clients.

Gay, Lesbian, Bisexual and Transgender (GLBT) Affinity Group

The GLBT Affinity Group is off to a fast start. The group held its first kickoff meeting on April 21, at the firm's San Francisco office, and participated in a number of other major events. For example, Nixon Peabody sponsored a table and was an advocate sponsor of the National Center for Lesbian Rights 29th Anniversary Gala on April 22.

On May 15, the GLBT and the firm's New York City office sponsored a table at the Gay, Lesbian, Straight Education Network (GLSEN) Respect Awards, which were held in NYC.

Nixon Peabody was also a Grand Patron Sponsor, along with firm clients Bausch & Lomb and Wegmans, of the Empire State Pride Agenda's Seventh Annual Spring Dinner. The keynote speaker was David Mixner, an activist and a political strategist for the past three decades and author of the highly praised memoir, *Stranger Among Friends*. The emcee for the evening was Jai Rodriguez of Bravo's *Queer Eye for the Straight Guy*.

In conjunction with the firm's affinity group dinner on May 23, which was attended by members of the GLBT, the group invited Desma Holcomb of the Empire State Pride Agenda to address participants on "*Pride in the Workplace*." GLBT also has several major events planned for next quarter. The GLBT co-chairs are **Jennifer Collins** (BOS) and **Laura Chapman** (SF). **Maggie Clemens**, a member of the DAC, is the group's sponsor and a member.

Nixon Peabody partners with client for diversity roundtable

Nixon Peabody's Diversity Action Committee and MetLife's Legal Affairs Diversity Committee jointly hosted a roundtable discussion aimed at bar association presidents on June 12, 2006.

The Diverse Bar Association Presidents' Roundtable Discussion was held at Nixon Peabody's New York City offices. The topic was "Embracing Diversity as a Core Value—Building More Diverse Corporate Law Departments and Law Firms." The event started with a cocktail reception and hors d'oeuvres to give attendees an opportunity for networking. **John Higgins**, from Nixon Peabody's Albany office, rounded out the evening by leading a discussion on the legal framework of various diversity initiatives organizations undertake.

The event was developed through the efforts of **Kendal Tyre** and in-house counsel at MetLife, Taa Grays. It is intended to be the first of many diversity related programs between Nixon Peabody and MetLife.

Kendal Tyre and Jeff Cohen return from South African Roadshow

Two clients have since retained Nixon Peabody

Kendal Tyre and **Jeff Cohen**, both partners in Nixon Peabody's Washington D.C. office, recently returned from South Africa where they presented the first of a series of "Doing Business in the U.S." global roadshows organized by Nixon Peabody.

Kendal and Jeff were accompanied by **Chevan Daniels**, a South African lawyer interning in Nixon Peabody's Washington D.C. office. Chevan is an associate with the South African law firm of Sonnenberg Hoffmann Galombik. Kendal and Jeff teamed with Sonnenberg and presented the

business seminar to 40 Sonnenberg clients in Cape Town and another 30 in Johannesburg. The relationship with Sonnenberg is part of Nixon Peabody's international diversity initiative.

The South Africa visit was a highly productive one. "We had a number of successes and are busy following up on a number of leads," Kendal says. Since the trip, a Sonnenberg client in the wine industry and a South African-based hotel and gaming industry conglomerate, have engaged Nixon Peabody on significant matters.

Kendal has developed strong ties with Sonnenberg Hoffmann Galombik. Because of this association and Kendal's close relationship with one of their partners, Taswell Papier, Nixon Peabody is their preferred counsel in the U.S. Kendal met Taswell through National Bar Association meetings and through their joint work to further LexNoir, a global referral network for attorneys of Africa descent. Kendal founded the organization several years ago with a group of black attorneys from various countries.

New associate helps judge annual moot court competition

Affinity group networking provided the opportunity

G.M. Grimm, a Rochester associate who has been at Nixon Peabody for about one year, served as chief judge on a three-judge panel that evaluated students' oral arguments in order to determine a winner for this year's McKnight Moot Court Competition.

This year's winner was Tarea Howell. "He was excellent and incredibly mature for a college undergrad....I was amazed at his poise and maturity at such a young age, and he had an understanding of legal concepts that first year law students would struggle to achieve," G.M. says. This year's case dealt with whether or not there would be any prejudice if a defendant who had already been convicted was handcuffed during the second part of a bifurcated trial dealing with sentencing. The winner argued that there was prejudice.

The annual McKnight Moot Court Competition is held at Cornell Law School, which was an added bonus for G.M., who is a Cornell Law School graduate. Upon their arrival, the judges were met by Cornell law students. "Second year law students served as hosts. They showed us where to park and made sure we had water. They had also researched us, so when I hopped out of the car they said 'You do M&A work.'....They really did their homework. It was very welcoming," G.M. says.

The McKnight Moot Court Competition is organized in conjunction with the Cornell Chapter of the Black Law Students Association (BLSA). It is a tribute to Bill McKnight's memory and it serves to introduce minority students to the law in the hope that they will follow in Bill's footsteps. Bill was a partner at Nixon Peabody until his untimely death on Dec. 20, 1985.

The Moot Court Competition is unusual in that it is for undergraduate students rather than law students. Members of BLSA assist in the competition by creating the case study, which contains the facts and the law upon which the participants base their arguments. They also serve as judges in the preliminary rounds. Over the years, a number of attorneys from Nixon Peabody, along with faculty members from Cornell's law school, have served as judges in the final-round arguments. Nixon Peabody underwrites the expense for the competition, including a reception, small stipends for the top two competitors, and plaques for other participants.

G.M. says **John Higgins** (ALB) tapped him for the honor of being a judge. G.M. became a member of the African American Affinity Group when it was organized several months ago and he met John through that group. The two have since developed a mentor relationship.

G.M. joined Nixon Peabody because he knew of Nixon Peabody's reputation as a top firm and for the opportunity to become a member of the firm's Mergers and Acquisitions Team, which was his first choice after serving two years as a confidential judicial law clerk for the New York Supreme Court, Appellate Division. G.M. joined the African American Affinity Group because it provided an opportunity to network with members of other offices. "I thought the group provided a good opportunity. One of its aims is to link people with commonalities across the various offices in order to make the firm feel like a smaller, more familiar place," he explains.

Diversity reception 'hits big' at ICSC in Vegas

Nixon Peabody won big with the 2006 Diversity Reception held during the International Council of Shopping Centers' (ICSC) annual Spring Convention in Las Vegas. Attended annually by over 47,000 people working in virtually all aspects of the real estate and retail industry, the three-day-long convention provides the perfect opportunity to network with some of the industry's most prominent retailers and developers. The Diversity Reception, one of three events spearheaded by Nixon Peabody, provided just such an opportunity and falls right in line with Nixon Peabody's own core values, which include the promotion of diversity and inclusion in our workplace.



Co-sponsored with the ICSC, Simon Properties, Forest City Enterprises, UrbanAmerica, Limited Brands, General Growth Properties, Concordis Real Estate, and Target, the 2006 Diversity Reception allows people from diverse backgrounds who attend the convention to network and form business relationships in the real estate development and

retail industries. Two speakers were featured at the reception: Michael Kercheval, president and CEO of ICSC, and Charles Ratner, president and CEO of Forest City Enterprises. After being introduced to the crowd by **Gina Love** (NYC), Kercheval praised the event, singling out Nixon Peabody for our work in organizing and sponsoring the Diversity Reception, and referring to NP as a leader in promoting diversity initiatives within the retail and shopping center industries. After speaking about Forest City's commitment to diversity in the workplace and the real estate industry, the keynote speaker of the evening, Charles Ratner, also lauded Nixon Peabody for our efforts in promoting diversity within the industry.

Before Nixon Peabody took the lead in organizing this event three years ago, the convention program offered no specific event designed to promote and celebrate diversity among ICSC members. Over the course of the past three years, however, the Diversity Reception has grown exponentially and has become even more diverse than ever before.

About 550 people attended the 2006 reception, which was up significantly from 2005, when approximately 300 people attended, and significantly greater than the 2004 reception, when approximately 150 people participated in the event. "This year's increase in attendance was due in part to our efforts to increase participation at the reception among the Latino community, which in previous years had been low," says Gina, the driving force behind Nixon Peabody's role in the popular reception. "In fact, this year we sent invitations in Spanish to attendees coming to the convention from Spanish-speaking countries. Our sponsors loved it and as a result, several convention attendees from Central and South America came to the event," she continued.

"People are recognizing that [diversity] is an issue that can no longer be ignored. You can't do business without considering and serving multiple demographics....With sponsors like Target and General Growth on board, obviously we've come a long way," Gina told the SCT Xtra, a trade publication for the shopping center industry. The trade publication provided coverage of the convention and ran a separate article specifically covering the diversity reception.



Harry Trueheart speaks at women's leadership conference

'Best Places to Work' designation helped provide opportunity

On June 9, Nixon Peabody's **Harry Trueheart** was a panelist for the "Second Annual Forum for Women Leadership in the Law: Best Practices for Developing and Retaining Women Leaders in the Legal Profession."

The conference, held in New York City, focused on issues and possible solutions to the challenge of retaining women in the legal profession. It included speakers "...drawn from some of the nation's leading corporations, law firms and diversity consulting firms," according to The Hildebrandt Institute, the program developer.

Harry was on a panel during an afternoon session, which was titled "What Really Works—and What's Next." His topic was Nixon Peabody's job satisfaction program and how the firm has been working to be a great place to work for everyone, including women attorneys. "The conference focused on what law firms and legal departments, as well as some other professional firms, are doing to provide career paths for women. Particularly techniques for blending career opportunities with other demands, such as family responsibilities, which tend to fall more heavily on women," says Harry, who was invited to speak, in part, because of Nixon Peabody's designation as a "best place to work" by Fortune magazine.

The daylong conference provided an opportunity for participants and attendees to share general observations and best practices. "Everyone is struggling with the same issue; no one has found the solution. We are doing as much, or more, as many firms. We have a more open environment and culture for women than a number of firms and more of a pattern of success, but no one has made 'break out' progress on these issues," Harry notes.