



Dewey Asks Clients to Consider Diversity in the Partner Ranks

BY NATE RAYMOND

FOR YEARS clients have pressured outside counsel to improve diversity at their law firms. Now some firms are initiating the diversity discussion themselves.

Dewey & LeBoeuf, for example, in recent weeks has been sending letters to general counsel encouraging them to consider outside counsel that can offer teams of diverse partners to work on client matters. The goal is to help junior and mid-level women, minority and gay partners develop a client base.

Lawyers outside of Dewey & LeBoeuf said it is rare, but not unheard of, for law firms to suggest to clients ways in which to promote diversity. More often it has been the clients who press firms to increase the ranks of women and minority lawyers in their firms.

"Firms have probably been more the recipient of requests to do things rather than the ones initiating the discussion," said Michele Coleman Mayes, general counsel of Allstate Corporation, a Dewey client.

In its letter, Dewey encourages clients to "consider taking diversity into account on a more systematic basis when retaining outside counsel." In particular, Dewey & LeBoeuf suggests that general counsel require that legal departments interview outside counsel that can offer diverse senior teams of lawyers.

"Even if the sole outcome is that the corporation's 'go-to' firms improve their diversity efforts in order to remain in consideration for the new assignments, this type of process will result in greater diversity in the profession," Vivian L. Polak, a partner who chairs Dewey's diversity committee, wrote in the letter.

The idea was to encourage companies to put more attention on diversity among partners at law firms, rather than the firm as a whole, Ms. Polak said in an interview.

Dewey & LeBoeuf in the letter said it had developed teams of two or more partners in 16 of its practices areas who attend interviews, or "beauty contests," with at least one partner being a minority or woman. When the teams land business, the firm said the partners who pitched the business will then join the team that services the client.

Ms. Polak said the partners would split client credit within the firm. The ultimate goal, she said, was to help women, minority, and gay partners build relationships with the clients and grow their own books of business.

The idea is taken from the National Football League, where since 2003 teams have been required to interview minority candidates for coaching and football operations positions. Within three years of the "Rooney Rule" going into effect, the percentage of diverse coaches jumped to 22 percent from 6 percent. The Rooney Rule is named after Dan Rooney, the owner of the Pittsburgh Steelers and the chairman of the league's diversity committee.

So far, Dewey has sent the letter to three or four clients and planned this fall to "make a broader pitch," Ms. Polak said.

The initiative, coupled with another effort by Dewey that emphasizes the way senior partners transition business to younger women, minority and gay partners, comes amid a long simmering debate over how to increase diversity in the profession. At Dewey, women comprise 18.2 percent of the 236 partners, while minorities make up 5.9 percent, according to the National Association for Law Placement.

Law firms nationally have shown "only marginal" change in the percentage of their partners who are women or minorities since 1993, NALP said in an October report.

Women in 2009 accounted for 19.2 percent of partners nationally, compared to 12.2 percent in 1993, when NALP first began keeping statistics. Minorities have increased to 6.05 percent from 2.55 percent during that same period, NALP said. Critics, most notably the National Association of Women Judges, have suggested those statistics may be inflated as they do not distinguish between equity and non-equity partners.

Agreed on the Issue

For several years, pressure to diversify the profession has come directly from clients. In 2004, then-Sara Lee Corporation general counsel Rick Palmore called on other general counsel to demand law firms show results in improving their diversity. Ultimately, 110 signed onto what was called "A Call to Action."

Today, the discussion is becoming more collaborative, said Robert Grey Jr., a partner at Hunton & Williams who is the executive director of the Leadership Council on Legal Diversity. Launched last year with the backing of Mr. Palmore, now general counsel of General Mills Inc., the organization counts as members managing partners from 100 law firms, including Steven H. Davis, chairman of Dewey.

Mr. Grey, a former American Bar Association president, said Dewey's letter should be interpreted in the context of the increased

participation by law firms in the discussion.

"The letter is a law firm's effort at trying to make a corporation know it is pro-active, where in the past law firms have been re-active," he said.

Ms. Mayes said Dewey is not the first firm to approach her about an idea to increase diversity. Following a suggestion by lawyers at Chicago-based Seyfarth Shaw, Ms. Mayes said Allstate began work on a soon-to-be-launched "Allstate Diversity Scorecard" that would "permit us to give scores, in certain key categories, that focus at the end of the day on what the diversity profile of the firm really looks like." Firms that score high will get more legal work and those with low scores will see work shifted to other firms, she said.

Gerald L. Pauling II, a Seyfarth partner in Chicago who was involved in the discussions with Allstate, said the firm has reached out to other clients on diversity issues as well. Mr. Pauling called the direct discussions with clients on how to build diversity initiatives "an evolution, because it puts us on the same side of the same issue to work together."

Jessie Kornberg, executive director of the non-profit Ms. JD, said she would not be surprised to see more direct approaches like Dewey's and Seyfarth's.

"I think it is only natural firms would include that information in their pitches," she said, "either because they are required to or because it's effective."

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