

# DENVER LAW FIRM COALITION FOR RACIAL EQUITY



## DENVER LAW FIRM **COALITION FOR RACIAL EQUITY**

### CONVENING SUMMARY REPORT

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# INTRODUCTION

On November 11, 2020, the Denver Law Firm Coalition for Racial Equity and IAALS brought together management representatives from the five largest Denver-based law firms that make up the Coalition, federal and state court judges, leading government lawyers and in-house counsel, law school representatives, and other DEI leaders from across the legal community to identify specific issues and challenges, collaborate, develop, and improve strategies to recruit, retain, and advance racially diverse attorneys in Denver. The goal for this gathering was to identify and explore sustainable and long-term DEI solutions.

The Coalition and IAALS structured the convening into sessions dedicated to recruiting, retention, advancement, and networking. Each session began with brief presentations on the topic, followed by breakout sessions for participants to discuss and share ideas, brainstorm solutions, and explore the potential for future collaboration. Each break out group had a facilitator and note taker present to record the ideas discussed and explored in every group. Break out groups were then brought back for reporting out of ideas to all convening participants.

This report is based on an analysis of the notes from the convening. The report begins with important background that informs the Coalition's mission, followed by a structure that largely follows the structure of the November convening, arranged by session topics, except for a few foundational themes distilled from the convening that form a broad basis for the ideas that follow. Thus, this report is organized first by general themes, followed by recruiting, retention, advancement, and networking topics. The report is not intended to be an exhaustive list of recommendations or ideas for improving DEI efforts, but is instead a collection of commonly shared or prominent ideas among our participants that can serve as a starting point for concrete action.<sup>1</sup> Each topic includes ideas for enacting change at the organizational or law firm level, and the report concludes with specific recommendations for next steps that the Coalition can take as a whole.<sup>2</sup>

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<sup>1</sup> Chatham House Rules governed the convening to encourage participants to be as candid as possible and to foster free-flowing communication and ideation. Consequently, nothing contained in this report will be attributed to any specific individual or firm/organization.

<sup>2</sup> For ease of reference, this report will refer only to law firms, even though many if not most of the ideas contained in this report may have broader application to government entities or other organizations.

# BACKGROUND

## THE CRISIS OF RACIAL INEQUITY IN THE LEGAL PROFESSION

The lack of diversity in the legal profession has long been an intractable problem. As of 2020, the American Bar Association reported that 86% of all lawyers were non-Hispanic whites. To put that in context, while African Americans make up 13.4% of the U.S. population, they make up only 5% of all lawyers. And that percentage has not budged in 10 years. According to the ABA, in 2010, 5% of attorneys were African American, 2% were Asian, and 4% Hispanic. A decade later, in 2020, lawyers were made up of 5% of African Americans, 2% of Asians, and 5% of Hispanics.<sup>3</sup> The legal profession also does a poor job of retaining these lawyers. Women are hit the hardest, with 70% of female minority lawyers reporting having left or considered leaving the legal profession.<sup>4</sup> And even if a Black, Indigenous, or person of color (BIPOC) stays in the profession, many do not reach partnership. In 2020, only about 2% of partners were Black, around 4% Asian, and close to 3% Hispanic.<sup>5</sup> The legal profession remains one of the least diverse in the United States. A 2015 study by the Bureau of Labor Statistics found that the law was the *least* racially diverse profession in the country, and it remains so today.<sup>6</sup>

The stakes could not be higher. In the wake of ceaseless and unjustifiable murders of Black men and women at the hands of police across the country, demand for justice is taking on a new urgency and manifesting itself in shifting policy priorities. Injustice at the hands of police may be the most recent catalyst to draw our attention to racial inequity, but these injustices extend far beyond law enforcement in our society—racial

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<sup>3</sup>National Lawyer Population Survey: 10-Year Trend in Lawyer Demographics, A.B.A. (2020),

[https://www.americanbar.org/content/dam/aba/administrative/market\\_research/national-lawyer-population-demographics-2010-2020.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-demographics-2010-2020.pdf)

<sup>4</sup> Debra Cassens Weiss, *Majority of Minority Female Lawyers Consider Leaving Law; ABA Study Explains Why*, A.B.A. J. (June 22, 2020),

<https://www.abajournal.com/news/article/most-minority-female-lawyers-consider-leaving-law-aba-study-explains-why>

<sup>5</sup> NAT'L ASSOC. FOR LAW PLACEMENT, INC., *2020 Report on Diversity in U.S. Law Firms* 26 (2020), [https://www.nalp.org/uploads/2020\\_NALP\\_Diversity\\_Report.pdf](https://www.nalp.org/uploads/2020_NALP_Diversity_Report.pdf)

<sup>6</sup> See Deborah L. Rhode, *Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that*, WASH. POST, May 27, 2015, <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/> and *Labor Force Statistics from the Current Population Survey*, U.S. BUREAU OF LABOR STATISTICS (2020),

<https://www.bls.gov/cps/cpsaat11.htm>

inequities are endemic in our criminal *and* civil justice systems, making the lack of diversity in the legal profession all the more critical. The problem is deep-seated. There are systemic factors at work that create obstacles to prevent BIPOC individuals from joining or succeeding in the legal profession.<sup>7</sup>

These systemic inequities are having real consequences for the profession. The Biden administration recently broke with tradition and decided to no longer share with the ABA the names of people it considers nominating for judicial appointments for advance vetting, in part because most of the ABA's peer-review "not qualified" ratings were for women or people of color, frustrating the goal of diversifying the bench.<sup>8</sup> In addition,

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<sup>7</sup> For instance, the average LSAT prep course is costly, and the average score on the LSAT varies vastly by race, with 153 as the average score for white and Asian test takers, while the average for Black test takers is 142 and for Latinos is 146. See Marisa Manzi and Nina Totenberg, *'Already Behind': Diversifying the Legal Profession Starts Before the LSAT*, NPR, December 22, 2020, <https://www.npr.org/2020/12/22/944434661/already-behind-diversifying-the-legal-profession-starts-before-the-lsat>. Once admitted into law school, Black, Indigenous, and people of color must contend with cost, and 79% of scholarships in law school are merit-based—not need-based—so they are tied to LSAT scores. See *Law School Survey of Student Engagement*, LSSSE UNDERSTANDING OF LEGAL EDUCATION 8 (2016), <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf#page=8>. Consequently, debt is disproportionately carried by students of color, making them more likely to face financial stress while in school, *id* at 12. The bar exam is also rife with inequities, with the largest performance gap existing between white and Black exam takers and Black and Hispanic law school graduates at least twice as likely as white graduates to never pass the bar exam. See, e.g., Jane R. Bambauer, *The Marooned Law School Graduates: An Empirical Investigation of Law School Graduates that Fail the Bar Exam* (August 3, 2009), <https://ssrn.com/abstract=1443541> ; <http://www.unc.edu/edp/pdf/NLBPS.pdf> ; *General Statistics Report July 2016 California Bar Examination*, December 7, 2016, [http://www.calbar.ca.gov/Portals/0/documents/admissions/Statistics/JULY2016STATS120716\\_R.pdf](http://www.calbar.ca.gov/Portals/0/documents/admissions/Statistics/JULY2016STATS120716_R.pdf). Hiring practices are another obstacle. The traditional focus on credentials like law school attended or grade point average significantly diminishes diversity in the hiring pool at the outset, disproportionately excluding people of color. See, e.g., *Law School Survey of Student Engagement*, LSSSE UNDERSTANDING OF LEGAL EDUCATION (2020), <https://lssse.indiana.edu/wp-content/uploads/2020/09/Diversity-and-Exclusion-Final-9.29.20.pdf> [hereinafter LSSSE 2020] (showing that Black, Latino, and Asian American law students tend to have lower grades in law school than White students); Zack Needles, *Law.com Trendspotter: Big Law Doesn't Have a Pipeline Problem. It Has an Elitism Problem*, LAW.COM, February 15, 2021, <https://www.law.com/2021/02/15/law-com-trendspotter-big-law-doesnt-have-a-pipeline-problem-it-has-an-elitism-problem/>.

<sup>8</sup> Charlie Savage, *Biden Won't Restore Bar Association's Role in Vetting Judges*, THE N.Y. TIMES, Feb. 11 2021, <https://www.nytimes.com/2021/02/05/us/politics/biden-american-bar-association-judges.html>

many corporate clients have initiated new diversity, equity and inclusion protocols and requirements with respect to outside counsel work and staffing, as well as offered collaborative programs to improve retention and equity in the legal profession. As these recent events demonstrate, diversity, equity, and inclusion (“DEI”) are critically important for society, business, and law.<sup>9</sup> Not only do clients want DEI values reflected in the legal teams they hire, which more accurately reflect the composition of society, but such legal teams create a better work product. DEI brings a wider variety of viewpoints and, consequently, fosters innovation, creativity, and more effective problem solving. In contrast, the lack of diversity among the legal profession has a devastating effect on public’s perception of and confidence in the legal system. With so few BIPOC individuals entering and achieving leadership or judicial positions in the legal profession, we are left with a system that is obviously not representative of the people it is intended to serve.

The problem is rooted in the apparent inability of the profession to make systemic change. As General Counsel for Coca-Cola Company Bradley M. Gayton recently wrote, “For decades, our profession has had discussions about why diversity is important” and “developed score cards, held summits, established committees and written action plans.”<sup>10</sup> But while some may be able to point to improvement at the individual or organizational level, it is the absence of any lasting, profession-wide improvement that characterizes the experiences of the vast majority of lawyers. It is time for the legal profession to treat DEI as a business imperative. It is time to commit to specific actions that will embed change into the culture of the legal profession. What is required is bold and structural change.

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<sup>9</sup> This report relies on the following definitions and values:

- **Diversity** is the representation of all our varied identities and differences (race, ethnicity, gender, disability, sexual orientation, gender identity, national origin, tribe, caste, socio-economic status, thinking and communication styles, etc.), collectively and as individuals. Proactively engaging, understanding, and drawing on a variety of perspectives strengthens an organization.
- **Equity** seeks to ensure fair treatment, equality of opportunity, and fairness in access to information and resources for all. This is possible in an environment built on respect and dignity.
- **Inclusion** builds a culture of belonging by actively inviting the contribution and participation of all people. Every person’s voice adds value and creates a balance in the face of power differences, but no one person can or should be called upon to represent an entire community.

<sup>10</sup> Letter from Bradley M. Gayton, Gen. Couns., The Coca-Cola Company, to U.S. Law Firms Supporting The Coca-Cola Company (Jan. 28, 2021), <https://aboutblaw.com/Vif>

# DENVER LAW FIRM COALITION FOR RACIAL EQUITY

In 2020, the five largest Denver-based law firms—Brownstein Hyatt Farber Schreck, Davis Graham & Stubbs, Holland & Hart, Sherman & Howard, and Wheeler Trigg O’Donnell—joined forces to form the Denver Law Firm Coalition for Racial Equity (the Coalition). The purpose of the Coalition is to advance racial equity within its member firms and the greater Denver legal community through knowledge-sharing, joint initiatives, and accountability measures. In partnership with IAALS, Coalition firms collaborate to take informed, targeted action to increase racial equity for diverse lawyers in Denver. The Coalition goes beyond simply recruiting diverse attorneys. Though they compete for business, Coalition firms are united to make the Denver legal community a desirable place for attorneys of color—with an initial focus on Black and African American attorneys—from across the country to build a lifelong legal practice and reach the highest levels of the profession. More specifically, the Coalitions in designed to do the following:

- Empower Coalition representatives. Firms send managing members and heads of DEI, Recruiting, and Retention.
- Share lessons learned and secrets of success. These include best practices as to diversity recruiting, retention, and promotion; demographic data across attorney levels; and detailed approaches to and outcomes of internal DEI initiatives.
- Create accountability. The Coalition will track and measure outcomes of Coalition joint initiatives on a group basis. IAALS aggregates the data that firms share and reports back to the Coalition. Collectively, firms report outcomes and commit to improving equity for diverse attorneys across the Denver legal community.

## ANALYSIS & RECOMMENDATIONS

### FOUNDATIONAL THEMES

Foundational themes are issues that are relevant to all the other topics discussed in this report and provide the necessary groundwork from which to build successful DEI efforts in recruiting, retention, advancement, and networking. Participants recognized that efforts toward diversifying the profession historically fade away over time and are often characterized by some improvement or success in the short term but fail to transform the status quo in a lasting way. Achieving long-term results requires more than working within the bounds of the current system. Law firms must be willing to change things structurally to ensure that DEI impact is not limited by being compartmentalized into small programs or isolated to the efforts of a few individuals.

Law firms should enact culture change that embeds DEI as an inherent value. The themes of organizational leadership and organizational restructuring are critically important because effective leadership and organizational change pave the way for successful engagement with every topic that follows.

## ORGANIZATIONAL LEADERSHIP

The theme of organizational leadership includes individual actions by law firm leaders that promote long term DEI success. Participants agreed that a requisite first step is for senior leadership to support and promote DEI efforts to affect real culture change. That means leadership must commit to more than just tacit approval for DEI efforts to make meaningful and lasting impact.

Participants specifically identified the following things leaders can do to actively promote DEI efforts, including:

- *Genuinely Committing to DEI Values.* Leaders need to understand the value of DEI, the challenges of diversifying the profession, and the need for bold leadership. Appreciating and acknowledging the role of systemic inequity, elitism, and white privilege is a part of developing an authentic understanding of these issues, which in turn equips leaders to model positive action and lead the organization towards a DEI culture shift.
- *Championship.* Leaders should recognize their unique role and position in fostering development and advancement for new talent and be willing to champion developing Black lawyers in the organization. Junior partners can also help (and should be encouraged to help), but those who can decide and make powerful referrals and connections can pave the way towards lasting DEI impact.<sup>11</sup>
- *Taking Initiative.* Senior leadership should proactively ask questions of practice group leaders about what they are doing on DEI to demonstrate the importance of these issues, create awareness around them, and monitor how people are progressing in their commitment to advancing DEI.
- *Embedding DEI Values.* Relatedly, leaders can embed DEI values in the organization by routinely prioritizing them in broader group settings. For

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<sup>11</sup> Because the Coalition is initially focusing on outreach to Black and African American attorneys, this report will often default to addressing Black lawyers, but the Coalition and IAALS do not intend to limit DEI efforts in the long term. The Coalition and IAALS recognize the broader impact of many, if not most, of the ideas presented in this report, and acknowledge that more expansive work will be needed to diversity the legal profession and the Denver legal market.

instance, holding leadership meetings every week starting with a “DEI Moment”—in which leadership discusses an ongoing challenge to DEI efforts in the organization, discusses a struggle that has happened in the past, or recognizes something positive in the DEI space that has occurred—can promote broader awareness around DEI values.

## ORGANIZATIONAL RESTRUCTURING

Embedding DEI values in leadership alone may not result in long-term culture change unless a law firm can restructure its framework in a way that promotes DEI values and removes obstacles to DEI impact. In terms of structure, participants focused on creating new roles and new ways of organizing DEI efforts. They also emphasized the importance of ensuring that these changes remain central to a law firm’s organization. More specifically:

- *Chief Diversity Officer.* Create a Chief Diversity Officer role if one doesn’t already exist.
- *Diversity Committee.* Create a diversity committee that is equipped and able to affect positive change in the firm. Set concrete and specific goals for the committee, and ensure it has the resources it needs and that it can engage the entire firm. Additionally, the committee needs a variety of viewpoints from its members to be effective, so membership should include BIPOC individuals, but also a combination of senior and junior lawyers, and attorneys from different practice areas and backgrounds, i.e., gender diversity and socioeconomic background.
- *Network Champion.* Identify a Networking Champion who will be responsible for gathering, organizing, and directing all networking information.
- *Development Plan.* Create a robust development plan that includes support for a pipeline program, such as [Law School...Yes We Can](#), which creates internships for undergraduate and graduate level students and college graduates, and a formal mentorship and engagement program that directly addresses DEI issues and drives new lawyers’ advancement.
- *Succession Planning.* Institutionalize succession planning with DEI values as a core component.

## METRICS AND ACCOUNTABILITY

Another important bedrock to DEI efforts is establishing metrics and accountability within a law firm. This requires creating specific objectives for DEI efforts and then identifying the information needed to measure whether those objectives are being met

and how to collect, organize, and analyze that information. Once an organization has created a set of deliberate and uniform criteria for identifying whether and how DEI efforts are effective, it can more clearly communicate expectations and goals internally and to law schools, affinity groups, judges, students, and others. This clarity is integral to ensuring that everyone who participates in the recruitment, hiring, and development process understands the criteria created and how to apply it.

Metrics and clear criteria also set standards for continual assessment to track progress, spot areas of improvement, and learn from successes. Changes to recruiting, hiring, retention, and advancement need accountability measures to ensure the firm is consistently striving to improve. Organizations with uniform and measurable criteria can more easily recognize inconsistent application of those criteria, such as assessments by individuals that rely on the same evidence but come to different conclusions or assessments that come to the same conclusion, but with different evidence. These inconsistencies can be used to identify biases in the process and to fuel discussion about how assessors can be more consistent in their evaluation of candidates. Law firms can build accountability into the recruiting, hiring, and advancement processes with these discussions. Law firms should take any feedback or lessons learned to continually update, analyze and adapt frameworks within these areas, taking care to stay fluid without losing accountability.

For example:

- Start with specific objectives, then identify metrics to evaluate whether DEI initiatives are meeting those objectives and identify the sources of data to inform those metrics and the evaluation process.
- Create outcome-oriented metrics for recruitment, hiring, and advancement that are quantitative and qualitative, allowing firms to better assess things like competencies and satisfaction over credentials or numbers.
- Incorporate user-centered design to better understand viewpoints, challenges, and needs of the people involved in DEI efforts. For example, seek feedback from participants in DEI programs to understand how to make the organization more welcoming.
- Accountability can be achieved through new incentive structures and transparency around fair advancement procedures, including providing significant credit given for involvement in DEI activities and promoting DEI within the organization. This is discussed in more detail in the Advancement section of this report.

- Incorporate metrics and standards into daily routines to maintain a consistent cycle of assessment and feedback to create clarity and disrupt bias. For example, make metrics a feature of quarterly meetings.

## SESSION I: RECRUITMENT

Diversifying the profession begins with opening pathways for new talent at the recruitment level. Participants discussed the need to improve recruitment in two ways. First, law firms need to widen the scope of recruitment to identify quality candidates who would otherwise be overlooked. Second, law firms should invest earlier in the pipeline of potential talent by actively engaging, supporting, and cultivating law students and pre-law students. Better recruitment and hiring practices require new ways to simultaneously create equitable and objective systems.

### WIDENING THE POOL OF CANDIDATES

Traditional recruiting and hiring criteria, including credentials like prestige of law school, are in place to signal to employers that a candidate possesses some mastery in the competencies important to that employer. In other words, these criteria serve as proxies for specific abilities. For example, good grades may signify intelligence or a strong work ethic. But traditional criteria like law school attended or grade point average are imperfect representations of specific competencies by their broad and sometimes vague application and by their susceptibility to being influenced by systemic racial inequity.

A single-minded reliance on traditional criteria for recruiting significantly diminishes the hiring pool at the outset of the process, disproportionately excluding Black candidates from the candidate pool.<sup>12</sup> When employers limit their hiring to these factors, they do more than limit their ability to find a diverse set of prospective new lawyers—the also forego talented and capable candidates. Candidates can develop and sharpen competencies like intelligence, resilience, emotional intelligence, and dependability through nontraditional factors, but so long as recruitment and hiring criteria remain static, such candidates will not likely be recognized. This may not require a total disregard for grade point average or other traditional criteria, but it does suggest a more critical analysis and expansion of the criteria used for recruiting and hiring.

By clearly defining the necessary skills, competencies, and qualifications for new lawyers, a law firm can more ably shift its focus to objective criteria instead of subjective ideas like “fit” that could easily—and, in reality, often do—result in biased hiring practices (like favoring candidates of a particular ethnic background or gender). The idea of a culture “fit” without any more definition has the potential to validate explicit or

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<sup>12</sup> See, e.g., LSSSE 2020, *supra* note 9 (showing that Black, Latino, and Asian American law students tend to have lower grades in law school than White students).

implicit bias based on race, gender, or other traits in hiring, which directly contradicts DEI values.

The following examples offer some specific guidance for how to restructure recruitment and hiring to create more objective criteria and widen the pool of diverse candidates to select from:

- *Critically Analyze Hiring Criteria.* For example, if grades are important, discuss internally why they are important. What do they signify? Do good grades reflect diligence, intelligence, or the ability to take ownership over a project? How can an employer measure or assess whether grades accurately reflect certain competencies? Approaching it from the opposite direction, employers should carefully consider how a student can demonstrate that they have developed the competencies they are seeking, including consideration of non-traditional factors. Are there other experiences or achievements that can also signal a degree of mastery in these abilities? If employers want to find candidates who can handle dissatisfaction appropriately, what real-world experiences or achievements would they rely on to point to such an ability? This analysis will equip an employer to understand how experiences, attributes, and academic achievement form the basis of a balanced and qualified candidate and will open recruitment and hiring to a more diverse pool of candidates.
- *Create Comprehensive Hiring Criteria that Balance Objectivity with Equity.* Employers should be intentional about defining the qualities they seek in new hires so that they can design hiring criteria to best meet their goals and objectives. That means building consensus in the hiring process around identifying competencies important to the employer and understanding where candidates can develop and demonstrate them in both traditional and non-traditional contexts. This approach to hiring allows employers to better identify the exact skill sets, attitudes, and abilities possessed by desired candidates. Because this approach also requires explicitly identifying the qualities an employer is seeking, recruiters who use it can better identify appropriate candidates rather than mismatching candidates around ambiguous expectations. And with a more objective set of hiring criteria, employers substantially reduce any perceived risk associated with recruiting from a wider range of law schools.
- *Avoid Bias.* It is critically important to include a diversity of viewpoints represented in achieving consensus around hiring criteria. Otherwise, these exercises can simply perpetuate more bias by narrowly defining competencies. For example, white men from the same socio-economic background who are not primary caregivers in a family may not be equipped to recognize how a strong work ethic presents itself among more diverse candidates, candidates who are primary caregivers, or candidates from a different socio-economic background. While this group could create uniform criteria for hiring, the criteria may still be

exclusionary and used in a way that reinforces the same biases an employer is attempting to avoid.

- *Expanding Scope.* An organization should increase its scope in terms of the schools it works with for OCI and recruiting efforts, including additional out-of-state schools. In addition, firms should ensure that hiring practices that reflect DEI values are not limited to hiring right out of law school but are applied to the hiring process for lateral hiring too.

Organizations such as [Diversity Lab](#) and IAALS, through its [Foundations for Practice](#) project, offer expertise and guidance for organizations willing to make these changes.

## BETTER PRACTICES

Creating more inclusive criteria that also better identify qualified candidates is an important piece to improving recruitment and hiring, but there are other considerations when it comes to improving the recruitment and hiring processes that are also critical. Participants identified the following practices to improve hiring and reduce bias:

- *Blind Reviews.* There is ample evidence that implicit bias associated with a candidate's name may affect hiring decisions. Blind reviews that anonymize resumes or other hiring application materials may reduce or eliminate this bias to better inform hiring decisions. In addition, organizations may want to consider hiding the law school attended from review, at least for the initial portion of the hiring process, to allow decision-makers to focus primarily on a candidate's competencies, experiences, and background.
- *Hiring Committees.* Effective hiring committees include a diversity of viewpoints and backgrounds. Organizations should ensure that not only senior staff is represented, but also junior level associates and lawyers of different genders that come from different racial, ethnic, and socio-economic backgrounds.
- *Standardizing the Hiring Process.* Once an organization has created more objective hiring criteria, it should standardize the hiring process to ensure consistency and accountability. For example, all interviewers should be using the same types of assessments or behavioral interviewing questions to ensure everyone is measuring the same factors and using the same criteria.
- *Create Accountability.* Assessment tools like scorecards and rubrics allow organizations to identify inconsistent application of hiring criteria.
- *Offer Flexibility for Recruiting.* If an organization has a clear set of criteria that emphasize competencies over credentials, members of that organization will have the flexibility to more easily spot a talented candidate and bring that person into the recruiting process. As one participant mentioned, the ability to "tap people on

the shoulder” and “recruit where you see someone will be a good fit, even if they don’t see themselves there” can improve DEI outcomes.

- *Bring the Candidate’s Experience into the Process.* The firm should ask for feedback from participants to understand how to improve or make the firm more welcoming.

## ESTABLISHING A PRESENCE

Internal structuring, leadership, and process are all vital to making a culture shift towards more diversity and inclusivity, but an organization should also prioritize communicating its values, commitment, actions, and expectations to students, the profession, and society at large. This includes broad outreach efforts, but also developing authentic connections between the people in the organization and those outside of the organization.

### VISUAL REPRESENTATION & PERSONAL OUTREACH

Communicating an organization’s commitment to diversity requires more than messaging. Members of the organization should be able to model and display a commitment to DEI. To that end, participants suggested:

- *Visual Representation.* Make sure recruitment efforts have visual representation of Black attorneys. Black candidates may be encouraged to take interest in a firm where other Black attorneys are succeeding.
- *Personal Connections.* Encourage attorneys and others representing the organization to personally connect with people in the recruiting and hiring stages and make it clear that there is real care and concern for that person’s experience. When appropriate, allow these people to share a personal phone number to make it easy to connect. Research suggests that this kind of outreach may be particularly valuable with women and Black attorneys, who often feel overlooked or undervalued by legal employers. Personal outreach from Black senior lawyers or associates at the organization to candidates to provide information about the firm and the job before interviews take place can be particularly effective to make authentic connections.

## OUTREACH

Proactive engagement with stakeholders and people in the profession is an important way to build a presence and increase awareness around an organization’s values. Participants offered the following ideas:

- *The Roadshow.* Proactive outreach by Black lawyers to popular feeder schools and judges across the country to promote Denver as a legal market that values DEI.
- *Visibility.* Making Black senior partners who have succeeded in Denver law firms much more visible to a national audience.

## INVESTING IN THE PIPELINE

Providing resources and support to students and junior lawyers early in the process of career development allows a law firm to play an active role in making the systemic change necessary to diversity the profession. But it also ensures that the firm is investing in goodwill and a better environment overall for expanding, developing, and promoting future talent. Participants noted that the legal profession is losing diversity because Black students often lack the support they need to succeed and graduate from law school in the first place. Investing in, widening, and strengthening the pipeline for diverse talent begins by offering guidance to pre-law students, but it continues through law school and in the early part of a lawyer's career.

### PRE-LAW STUDENTS

- *High School Partnerships.* Forge partnerships with high schools to create programs that will expose diverse students to the field. For instance, there may be opportunities to create internships at the high school level, or sponsor and provide coaching for programs like teen court, street law, other law and advocacy programs, or activities like student business clubs, student government, or debate.
- *Undergraduate Partnerships.* Likewise, create partnerships with undergraduate institutions to generate interest among students in joining the legal profession and to offer them support to develop relevant competencies early on. Examples include work scholar programs that provide job experience allow students to earn a tuition scholarship and stipend, summer pre-law activities and programs, participation in legal studies programs, internships, tutoring for the LSAT, mentorship programs, and writing programs.

### LAW STUDENTS

- *Early Integration.* Participating in work scholar, externship, and internship programs open paths for recruiting and supporting diverse law students in their career development. Organizations can create and offer their own diversity-focused paid internship programs or participate in activities such as the Colorado Pledge to Diversity Summer Clerkship program or work scholar programs. Similarly, externships offer students the opportunity to learn through practical experience. The University of Colorado Law School allows for externships at

government or non-profit organizations and agencies, and the University of Denver Sturm College of Law has a robust externship program that includes paid externships for students working in private practice. Both internships and externships offer employers the opportunity for mentorship, coaching, and supporting diverse law students in their career development. Employers can use these programs to guide students on what to do next in law school to position themselves for firm success, such as steering them into advanced legal writing. These types of programs may also provide students access to greater networking.

- *Maintain a Positive Presence.* Participants encouraged law firms to have a presence at local law schools and support or participate where they are able. One specific example raised by participants is hosting academic sessions within affinity groups to help 1L students with things like exam structure, life skills, and wellness, and to offer coaching, boost confidence, and develop networking skills. Other examples raised by participants include writing instruction, networking development, and offering StrengthsFinder or similar types of assessments. Law School Transparency has a self-evaluation that offers students perspective on their relative strengths and weaknesses and what practices might be a natural fit in the legal profession. The IAALS *Foundations for Practice* project also offers students insight into what professional competencies, legal skills, and characteristics they need right out of law school, and the achievements and experiences most helpful for developing them.
- *Engage on the National Level.* Similarly, law firms should be proactive in seeking opportunities to support and promote goodwill with national affinity and diversity organizations, such as the Black Law Student Association.
- *Interviewing Preparation.* Black law students may lack opportunities to develop interviewing skills, so providing coaching and practical experience could be particularly impactful. Participants suggested creating moot interview programs that provide students with real-world experience and valuable feedback to practice and improve these skills.

## JUNIOR ATTORNEYS

- *Lateral Recruiting.* For those who do not recruit right out of law school, it can be a challenge to diversify lateral hires. One solution could be to create or participate in programs that teach client service skills to diverse lawyers from around the country to eliminate potential barriers. Another is to work with judges to tap into clerkships and identify and connect with candidates who have clerkships.

## SESSION 2: RETENTION

Creating programs and practices that diversify recruitment and hiring is a necessary first step, but unless law firms also look to retention, the gains will be short lived. During the convening, participants shared firsthand experiences with this challenge. A strong recruiting and hiring program must be backed by a culture of inclusivity to make lasting impact, and this often requires some structural or systemic change. Intentional and proactive effort is necessary to shape an organization's culture in a way that allows people from all backgrounds to feel valued and to feel like they can be their authentic selves and still succeed in the profession. Participants also noted that retention would improve if organizations were successful in making new diverse lawyers feel a sense of belonging.

Participants identified some of the major obstacles that organizations should consider when framing strategies for better retention. First, many lawyers leave law firms by the fourth or fifth year, which suggests that solutions should be designed to have maximum impact early in an attorney's career. Second, Black lawyers may not feel comfortable being their authentic selves in front of a judge or client, let alone a senior partner in a law firm. At the root of this problem are cultural misunderstandings that can be misinterpreted to the detriment of Black attorneys. What may be needed is better guidance and support for these attorneys, but also an understanding and awareness on the part of the law firm and its leaders to better accommodate diverse attorneys.

### CREATING AN INCLUSIVE ENVIRONMENT

- *Core Values.* Law firms should be explicit about DEI values for all aspects of the work, not only when hiring or training new associates.
- *Empathy and Intervention.* Law firms should develop an understanding of how to identify when an attorney is feeling isolated and lonely and how to address those feelings. This includes being mindful about inclusivity and messaging around events and activities, providing meaningful participation in work assignments, committees, or other activities, and exploring different intervention techniques. Providing platforms for shared experiences and meaningful conversation around these issues can create empathy among others and lead to increasing awareness around inclusivity, but only if junior lawyers feel comfortable being open with senior lawyers.
- *Growth Mindset.* Law firms should promote a growth mindset in how they structure training, workshops, or other education and development initiatives, and ensure that mentors and other senior attorneys understand the difference between a growth and fixed mindset, and how to foster the former.

- *Back to the Metrics.* Participants supported regular reminders on how the organization or how individuals are doing on diversity metrics to maintain a focus on what can be done to improve the firm's culture.
- *Client Collaboration.* Firms should explore the possibility of collaborating with and learning from clients in the corporate world that have experienced lasting success with DEI efforts.

## MENTORS

The most successful mentorships offer opportunities for the mentor and the mentee to learn and grow, and mentoring programs have the potential to significantly advance DEI goals. Mentoring programs can foster a much more inclusive work environment and keep lawyers connected to and invested in an organization and in one another. Our participants outlined some specific parameters to foster effective mentoring programs:

- *Structure and Accountability.* Mentoring programs should be designed with clear goals and outcomes-based metrics on how to gauge effectiveness, guidelines, and accountability measures.
- *Meaningful Participation.* Mentors should be invested in the program by being willing to provide tangible and meaningful coaching and assistance. Mentoring programs should focus on developing strengths in a junior attorney as much as identifying weaknesses. This means occasionally going beyond conversation to provide support such as accompanying mentees in networking events, allowing mentees to be a part of developing or strengthening client relationships, or offering support for mentees to join outside organizations or committees. Mentoring programs should encourage formal and informal one-on-one interactions and mentoring groups, being mindful to be as inclusive as possible.
- *Strong Mentors.* Identify those senior lawyers who have talents and abilities that make for great mentors and acknowledge that not everyone wants to or knows how to do it. This includes encouraging Black senior attorneys in the Denver community to participate. Provide education to prospective mentors on how to develop and strengthen relevant skills.
- *Matching.* There should be intention and transparency around the pairing of mentors and mentees. Junior lawyers should have a clear understanding as to why their mentors were assigned to them, particularly if the mentor does not share the mentee's racial or ethnic background.
- *Specialized Abilities as Resources.* Mentorship program managers should identify attorneys within the firm who have specialized abilities in things like business development, client communications, and legal writing, and make sure they are

available and known to junior attorneys as a resource in those areas. Mentors should also have a wider presence in the firm by joining committees or actively participating in recruitment, hiring, advancement, or networking initiatives.

- *Reverse Mentoring.* Mentoring programs should include reverse mentorship dynamics and identify areas where mentees can help mentors learn and grow, such as awareness and understanding of systemic racial inequity, insight on law school and law student experiences, insights into effective (and ineffective) recruiting efforts, or technological proficiency.
- *Timely Feedback.* Developing a strong mentoring program can promote better management and communication practices firm-wide that will contribute to better retention. For example, promoting and providing incentives for intentional, timely, and relevant feedback from mentors to mentees can shape a more collegial atmosphere and provide junior attorneys with the information they need to grow and improve. It can also help to connect senior lawyers with junior lawyers as a key element of an organization's culture and form a dynamic where associates feel comfortable expressing their viewpoints to senior lawyers.

## ASSIGNING "REAL WORK"

Providing opportunities for attorneys to shoulder substantial responsibility furthers their career advancement, but also gives them a better sense of ownership and belonging with the law firm.

- *Proactive Support.* Law firms should be mindful about proactively assigning important matters to developing attorneys and providing the support those attorneys need to be successful.
- *Client Interaction.* In addition to substantial and meaningful work, organizations should also be intentional about ensuring attorneys have opportunities to work directly with clients.

## SESSION 3: ADVANCEMENT

The framework that governs how attorneys advance in their career path is a critical component to whether a law firm will be able to make DEI values core to what drives it. Participants focused on the traditional incentive structure of rewarding attorneys for hours worked and explored how to retool that framework to promote DEI efforts and ensure DEI values remain at the heart of the firm's management and practice.

## CHANGING THE INCENTIVES STRUCTURE

- *Compensation and Advancement.* Explore shifts in compensation systems to provide concrete positive incentives for behavior and put in place accountability measures that emphasize the importance of DEI efforts. Examples include bonuses for DEI efforts, providing billable hour credit for DEI activities, exploring other rewards outside of direct financial contributions, and factoring levels of DEI engagement into promotion considerations when associations are eligible for partner.
- *Accountability Structures.* Participants also discussed the prospect of organizing incentives in a way that holds supervisors accountable for advancement and success. For example, law firms can monitor originations, billing attorney credits, and monthly reports of who is doing work for specific clients to identify partners who are sharing origination credits to Black lawyers or are staffing diverse teams of lawyers for client matters. Law firms can also create an incentive structure that promotes and rewards collaboration, making it a business prerogative to share business development opportunities.<sup>13</sup> Participants also suggested that supervisors should hold attorneys accountable for goals and measurable improvement on DEI initiatives that are linked to the firm’s metrics and be evaluated on their effectiveness in staying abreast of attorney efforts.
- *Track Attorney Efforts Beyond Billable Hours.* For example, provide credit to partners who are successful at achieving outcome goals set by the firm or effective at leading or managing DEI activities.
- *Mansfield Rule.* Diversity Lab has been effective in helping firms diversify leadership and governance roles through its [Mansfield Rule](#) initiative. Diversity Lab has worked with the participating firms to annually measure the outcomes and iterate the program based on those outcomes to ensure firms are moving toward our goal of diversifying firm leadership as inclusively and impactfully as possible.

## PROMOTE DEI EFFORTS AS PART OF ADVANCEMENT

- *Transparency Around Reward Incentives.* Create transparency around how the firm rewards people for their DEI involvement and how metrics are used to assess DEI achievements at the organizational and individual levels.
- *Increased Awareness.* Create awareness and monitor how people are doing regarding commitment to advancing diversity. Promoting DEI efforts is not the responsibility of a DEI committee alone. Other committees and leaders in the firm

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<sup>13</sup> There may be real-world models that can inform these efforts. Participants mentioned that Bryan Cave and Husch Blackwell at one point had programs that incentivized senior leaders to promote business development for younger lawyers in different ways.

should promote those activities, encourage involvement among lawyers in the firm, model that involvement, and champion the effort. Partners should discuss specific examples of engaging in diversity efforts during leadership, department, or other firm-wide meetings. Make it routine among firm leadership to proactively ask questions of practice group leaders about what they are doing on DEI.

- *Personal and Professional Development.* Firms should dedicate time and resources to support personal and professional development. For example, participants recognized that “advancement is a function of relationships” and suggested that firms promote collegial and supporting interaction among lawyers, in addition to training leadership and senior lawyers on how to cultivate positive relationships within the firm. In addition, participants noted that advancement may also require that junior lawyers receive management training at some point along their career path to ensure they develop leadership abilities and strengthen specific characteristics needed to effectively manage other attorneys in a way that promotes DEI.

## STANDARDIZE THE PROCESS

- *Smart Codes.* Create “smart codes” for timekeeping around diversity activities to track diversity engagement by attorneys.

## SESSION 4: NETWORKING

Participants emphasized making an organized effort to promote awareness about the role and importance of networking, as well as providing support to junior attorneys through education, practical experience, and opportunity. Participants also made the point that networking opportunities are most effective when they provide meaningful engagement and are well-suited to a given attorney’s goals and professional development.

## BROADEN NETWORKING OPPORTUNITIES

- *Avoid Exclusive Events.* Any effort to support diverse candidates in building their network and networking skills should begin with an awareness and understanding that many traditional networking events are exclusive in nature and may not offer the same opportunities depending on the backgrounds of people invited. Law firms should be mindful that they are creating equal opportunities for differently situated attorneys. For example, network opportunities should take into consideration the scheduling demands on attorneys with children. Organizations should also be mindful that Black attorneys may be concerned that joining a specific group or networking event will single them out as the only Black attorney there. Law firms provide can mitigate this concern by working together to create a

larger community that increases the pool of Black attorneys available for these opportunities.

- *Networking as an Organizational Effort.* The traditional law firm model for networking is structured as an individual effort. Law firms should change that model to provide more collective support for individual attorneys. Firms can proactively educate attorneys about groups or upcoming events that provide networking opportunities.
- *Incentives to Provide Support.* Incentivize partners who have client relationships to create opportunities for junior associates to gain more direct exposure to them and to be connected with the client's work.

## NETWORK STRATEGICALLY AND INTENTIONALLY

- *Strategically Selecting Opportunities.* Firms should be supportive of networking opportunities that lawyers identify as the most helpful for developing professional interests, competencies, and skills. Mentoring can be effective in identifying which networking opportunities an attorney may be particularly interested in, given their goals and individual professional development, and how to be strategic in matching an attorney with people and organizations to get the most impact. Firms can also critically evaluate and identify networking opportunities that offer more substance and connection over those that may only offer superficial engagement.
- *Guidance for Networking Effectively.* Junior associates often have a better understanding of their professional goals than how to use networking to further them. Providing guidance can close that gap. Organizations can offer support by requiring associates to write out separate professional development and business development plans, and then coordinate meetings with partners and associates (perhaps through a mentoring program) to discuss those plans, offer feedback and direction, and establish concrete next steps. These plans should be routinely updated and revisited, perhaps on an annual basis. The goal is to identify specific goals, the professional and networking organizations and opportunities can further those goals, and where the firm can use its resources to offer support.
- *Developing Networking Skills.* Law firms can host or create workshops to teach and develop soft skills that are otherwise overlooked, such as skills and competencies that build leadership and networking abilities.
- *Collaboration to Expand Networking Opportunities.* Explore opportunities to collaborate with other law firms, clients, and programs like general counsel mentoring to teach networking skills, provide opportunities for attorneys to meet

people that are in the same stage of career development in other companies or law firms, and create networks early in an outside counsel's career.

- *The Posse Approach.* Pooling efforts among many organizations also allows for the ability to pursue an approach towards networking and advancement in much the same way that the [Posse Foundation](#) provides opportunity and training to small, diverse groups of talented students as a catalyst for individual and community development. The idea is to bring a group of diverse attorneys together to offer one another support, even as their employers provide the training and resources they need to succeed.
- *Incentive Structures.* Offer concrete incentives such as billable hours credit for developing networking abilities.

## SUGGESTED DIRECTION FOR THE COALITION

Based on the rich discussion that took place during the convenings and the variety of ideas explored, we identified guidance as concrete next steps the Coalition can take to begin its efforts as an organization. We include them here separately to highlight that while individual firms could also take these steps, these are actions well-suited to the Coalition model. Many firms working together will amplify the impact of these activities, but they begin with the following key foundations for Coalition members:

- Get buy-in from senior leadership and an internal commitment to facing the challenges of making lasting change within the firm. Make that commitment a central component of the firm's values, mission, and identity.
- As a Coalition, pledge to diversify the profession and to commit to more proactive engagement on a professional and community level. Individual Coalition member firms should also reaffirm their support to the [Colorado Pledge to Diversity](#).
- Collectively identify and create key metrics, set goals and standards based on those metrics, and implement processes to collect, track, and analyze data.

Additional recommendations for the Coalition specified by topic are below.

### RECRUITING: NEXT STEPS

- Critically assess current hiring practices and reform them to emphasize competencies in addition to credentials, allow for a wider pool of candidates, create more objective hiring criteria, and create more objective, uniform, and consistent hiring practices.

- Create a framework for Coalition members to work together to initiate outcome driven practices, revolutionize recruiting and hiring, and use that to promote the Denver legal market as far out ahead on DEI. Then work together to strategically plan outreach and engagement campaigns locally and nationally to deploy those new practices and attract attention.
  - Design meaningful dynamics for interaction between Coalition members to accomplish more together than could be accomplished individually. For example, representatives from each firm can collaborate at hiring fairs to collectively sell Denver. If any one student was invited back, they would be guaranteed an interview with at least one other law firm within the Coalition to increase their chances of coming to Denver. Apart from hiring, Coalition members should also develop a concrete plan to work together to create a whole community from its members and other organizations in Denver and Colorado, pooling a larger population to ensure attorneys of color are less isolated, and creating opportunities for members of this new community to develop relationships, support one another, and create a sense of belonging to their law firm, the legal community, and to the Denver area. This includes developing, strengthening, and promoting a collegial and inclusive culture that is distinct in the legal profession.
  - At the local and statewide level, focus on creating more and stronger law student connections by designing a proactive engagement strategy that includes exploring opportunities to support law student programs, creating a stronger presence at job fairs and on law school campuses, and designing internship or externship programs as a Coalition.
  - The Coalition should also consider targeting areas for recruitment outside of Colorado. The first major feature of this kind of campaign would be strategically identifying law schools and judges for outreach. One approach could be tracking and conducting outreach to areas where Colorado high school students who are going to college or law school. The second step would be planning and conducting an outreach campaign that also promotes the market for legal services in Denver and the efforts of the Coalition. In effect, the Coalition can build a brand for itself, its members, and the city of Denver.
    - Initial steps would include identifying law schools, national organizations, judges, and events to conduct proactive outreach, and cultivating a network of potential partners to extend the reach of the Coalition to other cities and states.

- In addition, the Coalition should explore how to directly involve the City of Denver to collaborate on messaging and other efforts to “sell” the benefits of the Denver legal market abroad.
  - Create a “roadshow” plan of engagement to showcase Denver as leader in the legal profession for DEI to engage strategically selected law schools and judges across the country.
  - Promote Denver’s brand as a legal market and the Coalition’s goals and leadership, including marketing and public relations efforts, articles in trade journals and other publications, and other promotional activities.
- In addition, the Coalition should explore how to invest in the pipeline for new talent by assessing where the most impact could be achieved by promoting a career in law among pre-law and high school students and supporting those students by bolstering foundational skills to help them succeed along that career path. This includes developing or participating in clerkship programs at the law school level, and college pipeline programs for students who have been accepted into law school.

## RETENTION: NEXT STEPS

- Create a framework and process that allows organizations to share best practices with one another so Coalition members can better build, improve, and avoid duplicating efforts.
- Create a formal mentorship program that functions across the firms and even works with outside companies or organization, allowing for open interaction and professional development opportunities for diverse lawyers.
- Create a framework that allows diverse candidates and attorneys to explore opportunities within the Coalition, rather than being limited by any one individual law firm or member. Two primary goals would include 1) providing candidates the opportunity to interview with multiple firms if not offered a position with any one firm (e.g., if one Coalition member invites a candidate to interview, all others extend the invitation), and 2) providing support for attorneys to laterally move within the Coalition if a particular member cannot retain them.
- Design a mentorship program that can operate across firms, and include the collective participation of senior attorneys of color in the Denver community

## ADVANCEMENT: NEXT STEPS

- Take a hard look at incentive structures such as compensation dynamics and how they can be reframed to promote DEI efforts and build accountability into the commitment to improve DEI outcomes.
- Explore whether there are other incentives that could promote DEI efforts, such as CLE opportunities or court recognition awards.
- Apart from compensation models, build accountability measures that are outcome oriented and tied to the DEI metrics created by the Coalition.

## NETWORKING: NEXT STEPS

- As part of developing and strengthening a legal community in Denver, create a “Practice Denver” initiative that invests in creating a supportive networking community among law firms, businesses, and other organizations in Denver.
- Identify a Networking Champion in each member firm who would be responsible for gathering networking information and working with Networking Champions in the other Coalition member firms to promote Coalition-wide and Denver-wide networking resources and opportunities. This group could also be responsible for developing better ways of communicating networking opportunities and creating accountability measures to promote networking development overall.

# APPENDIX A: CONVENING SCHEDULE

## Denver Law Firm Coalition for Racial Equity Convening Agenda

The Denver Law Firm Coalition for Racial Equity, in partnership with IAALS—the Institute for the Advancement of the American Legal System—invites you to a Convening focused on strategies to recruit, retain, and advance racially diverse attorneys in Denver.

**When:** Wednesday, November 11, 2020

**Where:** Zoom Platform (*with breakout sessions*)

**Time:** 10:00 a.m. – 4:00 p.m.

### What is the Denver Law Firm Coalition for Racial Equity?

Denver's five largest law firms—Brownstein Hyatt Farber Schreck, Davis Graham & Stubbs, Holland & Hart, Sherman & Howard, and Wheeler Trigg O'Donnell—have joined forces to form the Denver Law Firm Coalition for Racial Equity. The purpose of the Coalition is to advance racial equity within our law firms and the greater Denver legal community through knowledge-sharing, joint initiatives, and accountability measures.

### Why a Convening?

Through the Convening, the Denver Law Firm Coalition for Racial Equity and IAALS will bring together management representatives from our firms; diversity, equity, and inclusion leaders from across the legal community; and other key stakeholders to collaborate, develop, and improve strategies to recruit, retain, and advance racially diverse attorneys in Denver. In each session, we will identify impactful methods, policies, and practices that Denver legal employers can implement, and explore opportunities to partner with one another to advance our shared goals.

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### Agenda

*Each Session will consist of a 20-minute full group presentation, 25-minute breakout sessions, and 15-minute reporting sessions.*

<b>10:00 – 10:15 a.m.</b>	<b>Introduction</b> Leveraging Gender Equity Strides to Advance Racial Equity
<b>10:15 – 11:15 a.m.</b>	<b>Session 1 (Recruitment)</b> Using IAALS' Foundations of Practice, Pledge to Diversity and Other Tools to Increase Diversity and Equity in Hiring
<b>11:30 – 12:30 p.m.</b>	<b>Session 2 (Retention)</b> New Approaches for Retaining Diverse Talent
<b>1:45 – 2:45 p.m.</b>	<b>Session 3 (Advancement)</b> Drawing Upon Proven Best Practices for Advancement from Diversity Lab and Other Legal Employers and Industries
<b>3:00 – 4:00 p.m.</b>	<b>Session 4 (Network)</b> Building a Posse Approach in the Denver Legal Community

# APPENDIX B: PRESENTER BIOGRAPHIES

## SESSION 1: RECRUITING

**Miko Ando Brown, Esq.**, is Associate General Counsel at Airbnb, Inc., where she leads the Community Trust team. Prior to joining Airbnb, Miko was a partner in the Trial Department at Davis Graham & Stubbs LLP and defended high-profile companies in catastrophic personal injury lawsuits nationwide, including moving vehicle accidents, product liability matters, and mass torts. She has represented clients in 24 states and has tried cases to verdict in Colorado, New Mexico, Texas, Pennsylvania, Puerto Rico, and Ohio. In commercial litigation, Ms. Brown's experience is equally broad. She has defended numerous actions alleging misrepresentation and violation of consumer protection laws. She also has extensive experience in civil rights and employment matters and has successfully defended breach of contract and intellectual property infringement cases. Ms. Brown launched the acclaimed Women in Leadership Lecture Series (WILLS) at DGS in 2013 and is a frequent contributing author and speaker. In 2019, Ms. Brown was named among *Law Week Colorado's* Top Litigators.

**Zack DeMeola** is the Director of Legal Education and the Legal Profession at the Institute for the Advancement of the American Legal System (IAALS), a national, independent research center at the University of Denver dedicated to facilitating continuous improvement and advancing excellence in the American legal system. At IAALS, he works to improve the delivery of legal services through a variety of projects that focus on education, licensing and admission into the profession, and the regulation of the legal profession. He is currently leading the IAALS Foundations for Practice Project, which is dedicated to developing learning outcomes and hiring tools to instill and promote the competencies, skills, characteristics, and qualities new lawyers need to be successful after law school. Mr. DeMeola joined IAALS in 2017 after having litigated in private practice for six years. He is a member of the Governing Council of the ABA Center for Innovation and a co-founder and organizing member of the Denver Legal Hackers. Mr. DeMeola graduated from William & Mary School of Law, obtained a Master's degree in American Studies from the College of William and Mary, and received his B.A. from the University of Pennsylvania.

**Hubert Farbes** is a shareholder in Brownstein Hyatt Farber Schreck's Commercial Litigation, Construction/Engineering, and Environmental and Water Groups. He focuses on construction law, natural resource law, regulatory law, and public utility law. Mr. Farbes served as a Colorado Assistant Attorney General for three and a half years prior to commencing his private practice. Mr. Farbes is a past president of the Denver Bar Association and a three-time member of the Colorado Bar Association Board of Governors. He has served as a Trustee of the Denver Museum of Nature & Science, a member and chair of the Colorado Board of Parks and Outdoor Recreation, and a two-

term member and president of the Denver Board of Water Commissioners. Mr. Farbes currently serves on the governing boards of the Denver Board of Health, the Stapleton Foundation, The Nature Conservancy of Colorado, and the Center of the American West at the University of Colorado.

## SESSION 2: RETENTION

**Kristin M. Bronson** was appointed Denver's City Attorney in October 2016. As the City's chief legal officer, Ms. Bronson provides policy and legal advice to the Mayor, City Council, the City Auditor and the Clerk and Recorder, all City agencies, departments, boards and commissions. She is the final decision maker on critical legal decisions facing the city and manages the Department of Law, a public law firm of 250 attorneys, paralegals, victim advocates and staff. She currently chairs the Mayor's Youth Violence Prevention Action Table and is also the Interim General Counsel for Denver International Airport. She serves on the Executive Oversight Committee for the Colorado Convention Center Expansion Project and on the Steering Committee for the National Western Center Capital Build Program. Prior to joining the City, Ms. Bronson was a partner at the Denver law office of Lewis Roca Rothgerber Christie LLP, where she practiced for nearly twenty years serving as Hiring Partner and on the firm's Executive Committee and Strategic Planning Committee.

**Kenzo Kawanabe**, Esq., Partner, Davis Graham & Stubbs LLP, is a trial lawyer who represents clients in high stakes matters relating to commercial disputes, mass torts, and intellectual property. He served on the DGS Executive Committee, and as Chair of the DEI Committee and Pro Bono Partner. He is a Fellow of the American College of Trial Lawyers and teaches at the National Institute for Trial Advocacy. Mr. Kawanabe is a fourth generation Coloradan who dedicates significant time to pro bono work, and serves on the boards of the Colorado Lawyers Committee and Colorado Legal Services, as well as on the board of advisors for the Institute for the Advancement of the American Legal System. He served as Board Chair for the Boettcher Foundation and The Denver Foundation, one of the nation's largest community foundations. He also served on the boards of the Center for Legal Inclusiveness, Sakura Foundation, Colorado Nonprofit Development Center, Community Resource Center, Foundation for Sustainable Urban Communities, Barton Institute for Philanthropy and Social Enterprise, and Asian Americans Advancing Justice. Mr. Kawanabe is a Boettcher Scholar from the University of Colorado, and received his J.D. from Georgetown University Law Center. Prior to joining DGS, he served as a law clerk for the Honorable Mary J. Mullarkey, Chief Justice of the Colorado Supreme Court.

**Kathleen Nalty** is a lawyer, author, and expert in strategies for creating cultures of inclusion to retain and advance diverse talent. She specializes in helping organizations identify systemic issues that cause higher attrition rates for people in already underrepresented groups. Kathleen founded the Center for Legal Inclusiveness (CLI) in Denver, Colorado in 2007 and led the nonprofit as its Executive Director through January 2013. In 2015, she published a “how to” book for law firm leaders entitled *Going “All-In” on Diversity and Inclusion: The Law Firm Leader’s Playbook* that includes new tools for advancing diversity, equity, and inclusion. In April 2017, Kathleen was invited to give a TEDx talk – *Diversity Makes You Smarter*. Kathleen earned a B.A. from the University of Denver and a J.D. from the University of Colorado Law School. After graduating from law school, she clerked for a federal district court judge in Denver. She was then selected to participate in the Attorney General’s Honors Program at the U.S. Department of Justice in Washington, D.C. As a federal civil rights prosecutor where she worked on cases involving hate crimes, police brutality, and slavery. Kathleen has received 11 awards for her work in civil rights, diversity, equity and inclusion.

### SESSION 3: ADVANCEMENT

**Maria G. Arias** is the principal of Arias Solutions, a consulting firm specializing in diversity, equity, and inclusion (DEI). Ms. Arias advises works with clients on DEI Strategic Plans, including the governance structure, strategic workforce recruitment, supplier diversity plans, community outreach, benchmarking and metrics. Ms. Arias is a frequent speaker on DEI topics, and also is the Executive Director of Law School...Yes We Can, a unique mentoring and workshop program for low income and diverse college students who aspire to attend law school. Ms. Arias recently was the first Vice President of D&I for Comcast Corporation, where she established a nationally recognized D&I program, including being ranked 1st among Fortune’s Best Companies for Diversity. Prior to her D&I role, Ms. Arias was the Vice President of Operations for Comcast’s West Division, and the Area Vice President for Southern Colorado. Before joining Comcast, Ms. Arias held leadership positions at AT&T as Chief Regulatory Counsel for the Western Region, Vice President of Government Affairs for AT&T Broadband, and Vice President of Law & Government Affairs for Adelphia Communications. Earlier in her career, Ms. Arias was an income partner with the law firm McDermott, Will & Emery, in Chicago, IL, specializing in litigation. Ms. Arias is bilingual (Spanish) and bicultural.

**Maritza Dominguez Braswell** is the Deputy Attorney General for Civil Litigation and Employment at the Colorado Attorney General’s Office. She also leads DEI efforts as the Deputy for Diversity, Equity & Inclusion. Prior to that, Maritza worked in private practice and focused on high stakes commercial litigation including in the areas of: financial services, trade secrets/non-competes, construction defects, tort claims, contract-based business disputes, products liability, and public entity litigation. As a fluent Spanish speaker, Maritza is one of the leading Latina lawyers in Colorado and was named to Top

Latino Lawyers by Latino Leaders Magazine, Top Women Lawyers by Law Week Colorado, a finalist for the Denver Business Journal's Outstanding Women in Business in 2016 and 2017, and a 40 Under 40 nominee in 2017. She earned her law degree from Rutgers University School of Law, with honors, and her undergraduate degree from the University of Denver. Maritza was named one of the Top 25 Most Powerful Women by the Colorado Women's Chamber of Commerce, regularly speaks on issues impacting women in the workplace, and enjoys mentoring women in the business and legal community.

**Natalia Marulanda** is the Mansfield Rule & Knowledge Sharing Specialist at the Diversity Lab. Natalia has more than a decade of experience in the legal profession. She began her career as a family and matrimonial attorney at Segal & Greenberg LLP. After leaving practice, she worked with law firms across the country as a Law Firm Relationship Manager at Bloomberg L.P. and developed gender diversity and leadership programs as the Women's Initiatives Program Manager at Paul, Weiss, Rifkind, Wharton & Garrison LLP. She also worked as an Associate Director of Career Development at the University of Miami School of Law. Today, Natalia is the Mansfield Rule & Knowledge Sharing Specialist at Diversity Lab, where she co-leads the Mansfield Rule for law firms. Natalia earned her Bachelor of Arts degree in Political Science from Florida International University and her law degree from Benjamin N. Cardozo School of Law.

## SESSION 4: NETWORKING

**Kelly Brough** is the CEO of the Denver Metro Chamber of Commerce. Kelly Brough has had a career of firsts – the first woman to plow snow at Denver's original international airport, the first woman to serve as director of the City of Denver's human resources department, and the first woman to be president and CEO of the Denver Metro Chamber of Commerce, where she is today. Her passion at the Chamber is putting more Coloradans to work – in really good jobs. The Chamber represents 3,000 businesses with 400,000 employees. Kelly has spent her career maximizing the success of public and private companies to help deliver great jobs. As chief of staff and in other roles for the City of Denver, Kelly oversaw a general fund of \$857 million and over 10,000 employees, implemented the new 3-1-1 customer service system, created the city's first CFO position, negotiated pay and benefits with three unions, and negotiated and managed some of the city's largest contracts. She has also mediated land use disputes for developers and orchestrated broad-based agreement to approve comprehensive plans, make changes in public safety operations, and reduce government regulations. Though born and raised in Montana, Kelly is Colorado to the core. In fact, you're just as likely to catch her testifying at the capitol as you are to find her climbing mountain passes on her road bike.

**Hon. Jill Dorancy** was appointed as a Second Judicial District Court Judge by Governor Jared Polis effective July 1, 2020 for the City & County of Denver. Ms. Dorancy served as Hearings Officer for the Colorado Oil and Gas Conservation Commission from 2012 to 2017 before moving into private practice as Senior Counsel at Jost Energy Law P.C. There she worked on cases involving appellate work, energy and contract related litigation, and oil and gas regulatory matters. Before becoming a Hearings Officer, Ms. Dorancy was a partner with Cooper & Dorancy, LLC for 12 years and an associate attorney for Ireland Stapleton Pryor & Pascoe, P.C., Ritsema and Lyon, P.C. in Denver, Colorado, and Goldstein & Associates, PC in Washington D.C. Ms. Dorancy also clerked for the Honorable Justice Gregory K. Scott of the Colorado Supreme Court. She earned her B.A. from Binghamton University – State University of New York and her J.D. from the University of New Mexico School of Law.

**Scott L. Evans** is a complex litigation partner with Messner Reeves LLP, as well as President of the Sam Cary Bar Association. He has significant trial, mediation, arbitration, and administrative hearing experience. Specifically, he assists businesses with complex commercial and real estate dispute resolution. Scott also represents principals in internal business disputes and conducts corporate and governmental agency fraud investigations, calling on his experience as a federal investigator. Scott is committed to being available, accountable and solution oriented. He is a member of several bar associations including the Sam Cary Bar Association for which he serves as the 2020 president. Scott also serves as a Board Member for the Boys & Girls Club of Metro Denver and ExecConnect and is a Committee Member with the Downtown Denver Partnership. Scott was raised in Denver and his family has a long history in Colorado as turn of the century homesteaders near the historic township of Dearfield in northeastern Colorado. He is married with three children and enjoys camping, hunting and motorcycle touring.

**Hon. Gary Jackson** was appointed to the bench on January 8, 2013 for the City & County of Denver. Judge Jackson received his undergraduate degree from the University of Colorado in 1967 and graduated from the University of Colorado School of Law in 1970. Judge Jackson worked as a Denver Deputy District Attorney from 1970 to 1974; Assistant United States Attorney from 1974 to 1976; partner in the law firm of DiManna & DiManna, Eklund, Ciancio & Jackson from 1976 to 1981; and partner in DiManna & Jackson from 1981 to 2013. Judge Jackson has been recognized with the Colorado Bar Association Award of Merit in 2011; the University of Colorado School of Law in 2010 Merle Knous Award; the University of Colorado George Norlin Award; the King Trimble Life Time Achievement Award from the Sam Cary Bar Association in 2006; the Order of Coif from the University of Colorado School of Law in 2003; and the Wiley Branton Award from the National Bar Association in 2001. Judge Jackson serves, or has served, on the U.S. District Court Federal Selection Committee; the Judicial Nominating Committee for the 2nd Judicial District; Judicial Performance Commission for the 18th Judicial District; Chair of the Committee on Conduct, District of Colorado; U.S. District Court Magistrate Judge Selection Committee; Past President of American Board of Trial

Advocate; American College of Trial Lawyers; Past Vice President of the Colorado Bar Association; Past Chair of the CBA/DBA Minorities in the Profession; Past Board of Trustees member of the Denver Bar Association; Founder and Past President of the Sam Cary Bar Association; Past Board of Directors of the National Bar Association; Founder and Past Board of Directors of the Colorado Criminal Defense Bar; Past Board of Directors Executive Committee of the Colorado Trial Lawyers Association; Minoru Yasui Inns of court; IAALS Roundtable; Founding Board Member of the Board of Continuing Legal Education; University of Colorado Law Alumni Board; Colorado Supreme Court Ad Hoc Committee on Diversity; Colorado Supreme Court Civil Discovery Reform Committee; and Colorado Supreme Court Regulation System Planning Committee.

**Phyllis Wan**, is the Chief Diversity Officer at Holland & Hart. Phyllis utilizes 20+ years of experience in diversity, equity and inclusion to advance the firm's strategic mission and goals. With experience practicing law at an Am Law 100 firm and serving as in-house counsel for a Fortune 100 company, Phyllis brings a unique understanding of the opportunities and challenges for diverse professionals in the legal industry. As CDIO, Phyllis is responsible for designing and driving strategic initiatives that help the firm attract, support, and promote its diverse talent. Phyllis works collaboratively with firm leaders and stakeholders to implement and advance the firm's Diversity and Inclusion Plan. Phyllis also leads efforts to enrich the firm's inclusive environment through education, networking, and engagement of professionals across the firm. Developing creative approaches to partner with firm clients, local business and legal communities, and law schools to deepen diversity initiatives is also her priority as CDIO. Before joining Holland & Hart, Phyllis was the Interim Executive Director of the Center for Legal Inclusiveness (CLI), where she increased board and membership engagement, redeveloped its strategic goals and organizational structure, and enhanced collaboration within the legal and business community. Phyllis was a partner for 17 years in the Technology, Media & Telecommunications group at Hogan Lovells US LLP, where she also served as its U.S. Deputy, then Chief Diversity Officer for eight years. She then joined as Charter Communications as Vice President of Law-Programming and Chief Broadcast Attorney.

## APPENDIX C: CONVENING ATTENDEES

ATTENDEE	TITLE	ORGANIZATION
Rebecca Alexander	Partner; Executive Committee Member	Sherman & Howard
Hon. Christine Arguello	Judge	U.S. District Court, District of Colorado
Maria Arias	Executive Director	Law School Yes We Can
Aron Assefa	President	Black Law Students' Association, University of Denver Sturm College of Law
Chris Balch	Partner; Firm Chair	Holland & Hart
Anne Benedict	Executive Vice President and Chief Legal Officer	Summit Materials
Maritza Braswell	Deputy Attorney General	Colorado Attorney General's Office
Kristin Bronson	City Attorney	City and County of Denver
Kelly Brough	President & CEO	Denver Metro Chamber of Commerce
Miko Brown	Associate General Counsel	Airbnb
Jessica Brown	Partner President	Gibson Dunn Colorado Bar Association
Charles Casteel	Senior Counsel	Davis Graham & Stubbs
Logan Cornett	Director of Research	IAALS
Hon. Kato Crews	Magistrate Judge	U.S. District Court, District of Colorado
Zack DeMeola	Director of Legal Education and the Legal Profession	IAALS
Greg Densen	Partner; Chief Executive Officer	Sherman & Howard
Hon. Jill Dorancy	Judge	Denver District Court

ATTENDEE	TITLE	ORGANIZATION
Scott Evans	Partner President	Messner Reeves Sam Cary Bar Association
Hubert Farbes	Partner	Brownstein Hyatt Farber Schreck
Margee Fawley	Director of Professional Development & Recruiting	Davis Graham & Stubbs
James Fisher	Deputy City Attorney	City and County of Denver
Hon. Terry Fox	Judge	Colorado Court of Appeals
Lexi Freeman	Associate Dean of Diversity, Equity and Inclusion; Director of Social Justice Initiatives	University of Denver Sturm College of Law
Allison Gambill	Of Counsel	Brownstein Hyatt Farber Schreck
Erica Gartenberg	Director of Legal Recruiting	Brownstein Hyatt Farber Schreck
Fernando Guzman	Assistant Dean of Diversity, Equity, and Inclusive Excellence	University of Colorado Law School
Tess Hand-Bender	Partner; Diversity, Equity & Inclusion Committee Co-Chair	Davis Graham & Stubbs
Hon. Gary Jackson	Judge	Denver County Court
Patty Jarzowski	Principal Chair, Diversity and Inclusivity Steering Committee	Jarzowski Law Colorado Bar Association & Denver Bar Association
Brittany Kauffman	Senior Director	IAALS
Kenzo Kawanabe	Partner; Diversity, Equity & Inclusion Committee Co-Chair	Davis Graham & Stubbs
Sumi Lee	Head of Judicial Diversity Outreach	Colorado Judicial Department
Kristin Lentz	Partner; Co-Managing Partner	Davis Graham & Stubbs
Hon. Monica Marquez	Justice	Colorado Supreme Court

ATTENDEE	TITLE	ORGANIZATION
Natalia Marulanda	Mansfield Rule & Knowledge Sharing Specialist	Diversity Lab
Rosland McLeod	SVP, Chief Legal Officer & Corporate Secretary	SCL Health
Ryan McManis	Vice President & Deputy General Counsel	CenturyLink
Ali Metzl	Partner; Chair of Diversity, Inclusion, and Equity	Brownstein Hyatt Farber Schreck
Kathleen Nalty	President	Kathleen Nalty Consulting, LLC
Misae Nishikura	Director of Recruitment & Professional Development	Holland & Hart
Matt Plavnick	Director of Client Development	Wheeler Trigg O'Donnell
Dave Powell	Deputy Attorney General for State Services	Colorado Attorney General's Office
Melissa Reagan	Partner; Chair of Talent Acquisition, Inclusion, and Diversity	Sherman & Howard
Lee Reichert	Chief Legal & Government Affairs Officer	Molson Coors Beverage Company
Katie Reilly	Partner; Management Committee Member	Wheeler Trigg O'Donnell
Chalyse Robinson	Partner	WilmerHale
Sara Scott	Chief Executive Officer	Center for Legal Inclusiveness
Lucy Stark	Managing Partner	Holland & Hart
Kevin Traskos	Chief, Civil Division	U.S. Attorney's Office, District of Colorado
Drew Unthank	Partner; Recruiting Chair	Wheeler Trigg O'Donnell
Katie Varholak	Partner; Chair of the Litigation, Trial and Appeals Department	Sherman & Howard

ATTENDEE	TITLE	ORGANIZATION
Sam Walker	Interim Executive Director	IAALS
John Walsh	Partner	WilmerHale
Phyllis Wan	Chief Diversity & Inclusion Officer	Holland & Hart
Mike Williams	Co-Managing Partner	Wheeler Trigg O'Donnell
Chad Williams	Co-Managing Partner	Davis Graham & Stubbs
Forlesia Willis	Director of Talent Acquisition	Gibson Arnold
Kehinde Winful	President	Black Law Students' Association, University of Colorado School of Law