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### THE LEADERSHIP COUNCIL ON LEGAL DIVERSITY: REALIZING THE VISION

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#### INTRODUCTION

In its first ten years, the Leadership Council on Legal Diversity (LCLD) has grown, and grown rapidly, to a membership of more than 300 corporate chief legal officers and law firm managing partners.<sup>1</sup> These individuals represent the top ranks of leadership in the legal profession. They have each made a personal commitment to the next generation of leaders in the law to build a profession that is as diverse as the nation it serves. There is a compelling vision, but one that they understand will not be realized quickly. Clear-eyed about the challenges, they are committed to action and determined to see results that are profound and lasting. Their pledge to upcoming generations of diverse attorneys is characterized by the three words that capture the spirit and the promise of LCLD: Leadership. Action. Results.

#### I. THE LCLD STORY

In 2008, a group of general counsel and managing partners from around the United States gathered “in the desert,” in Scottsdale, Arizona, for candid, no-holds-barred discussions about the legal profession and why progress with diversity and inclusion was moving as slowly as it was. Indeed, measured by diversity,<sup>2</sup> the legal profession lagged behind all others.<sup>3</sup> Led by Rick Palmore,

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\* President of the Leadership Council on Legal Diversity. Article based on the James P. White Lecture on Legal Education at the Indiana University Robert H. McKinney School of Law (Apr. 18, 2018).

1. At this writing, LCLD membership has doubled since 2009 to 305 members, including more than one hundred corporate general counsel. *Membership Map*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY, <https://www.lclcdnet.org/membership/?s=membership> [<https://perma.cc/DCK7-HEPQ>] (last visited Dec. 19, 2018).

2. When LCLD refers to “diverse” individuals, it is in reference to women, racial minorities, LGBTQ, and disabled individuals.

3. According to the U.S. Bureau of Labor Statistics, diversity percentages for various professions are: physicians and surgeons, 28%; accounting, 20%; architects and engineers, 21%;

then general counsel for General Mills, the group decided to create a new organization—an agent for change called the Leadership Council on Legal Diversity. This organization would be different from other diversity-related nonprofits in three fundamental ways.

First, membership would be confined to general counsel and managing partners—the leaders of the legal profession. No substitutes. The group knew that they could not expect to see real progress unless they themselves were willing to step up and put their own reputations on the line. As one of those leaders said, “You can’t point the finger at somebody unless you have decided to make a personal commitment yourself.”<sup>4</sup>

Second, the organization had to be collaborative. It was not a law firm problem. It was not a client problem. It was everyone’s problem, and everyone had to work together to address the challenge. Whatever strategies and actions were to be developed, they would be developed collaboratively.

Third, this would be a long-term commitment. As one of the founding board members, Dennis Broderick, then general counsel of Macy’s, said, “It’s a long baseball game.”<sup>5</sup> LCLD members had to take action and plant seeds now, but growth from those seeds would not occur overnight. The problem developed over a long period of time. It would not be a quick fix. The commitment to fix the issues and to LCLD would require many years.

In Scottsdale, this group heard two speakers who inspired and challenged them: Justice Sandra Day O’Connor, who had retired in 2006 as Associate Justice of the U.S. Supreme Court, and former U.S. Secretary of State Warren Christopher. It was right that the speakers were individuals who had operated at the highest levels of the law and government. They “thought big,” one participant said, and big thoughts were in order.

To make sure that the “big thoughts” translated into big actions, the founding visionary, Rick Palmore, made some early decisions in order to rapidly build and strengthen the organization. One of those decisions was bringing me on to run the “day-to-day” as executive director—a “temporary” request, he told me. Now, ten years later, he and I still laugh about that word.

Rick’s story about the genesis of LCLD predates the organizing of the group by a few years. It goes something like this: “I was walking back to my office from yet another conference on diversity and the lack of progress, and I asked myself, ‘Okay, Palmore, what are *you* doing about it?’” He penned and sent out the famed “Call to Action” document in 2004<sup>6</sup> that was later signed by 150 general counsel,

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attorneys, 11%. *Labor Force Statistics from the Current Population Survey: Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, BUREAU LAB. STAT., <https://www.bls.gov/cps/cpsaat11.htm> [<https://perma.cc/T5X2-2NY7>] (last visited Dec. 19, 2018).

4. Unattributed comment made at the Call to Action Summit, Scottsdale Arizona, April 2008.

5. Dennis Broderick, comment at an early meeting of the LCLD Board, 2009.

6. *A Call to Action: Diversity in the Legal Profession*, ASS’N CORP. COUNSEL (2004), <https://www.acc.com/vl/public/Article/loader.cfm?csModule=security/getfile&pageid=16074&recorded=1> [<https://perma.cc/4YBJ-UZXR>].

committing those individuals to the vision of a more diverse profession and to taking the steps to make that vision a reality. As he later said, “We’re not going to be general counsel forever, so *while we are here*, what is it that we can do?”<sup>7</sup>

Rick understood something profound about the law and, in fact, about life. He recognized that in each person’s career, there was “a moment” that signaled it was the time to speak. “If you speak too soon, no one listens. If you speak too late, no one cares.” The right time is when you have influence, when you have resources, when you have some control of the levers of an organization, and when you have “a voice.” He believed the time for speaking out and acting as the leaders of the profession was upon them.

## II. LEADERSHIP

Rick Palmore’s argument, his insistence, and his integrity compelled many others. Some felt they had no real alternative but to join this new organization that would work collaboratively and that would insist on action, not just words. One early recruit was Deborah Majoras, General Counsel for Procter & Gamble. As she was considering whether to join LCLD, she said, “I looked at the membership of LCLD, and I thought these people are just as busy as I am. They believed it was worth dedicating the time to the effort. I agreed, and I signed up.”<sup>8</sup> Another early recruit was Frank Burch, then head of the firm of DLA Piper. He laughed and said that he joined because of “the invisible guiding hand of Rick Palmore.”<sup>9</sup>

Throughout its first ten years, LCLD has remained true to its vision of “Leadership. Action. Results.” That fidelity to the vision has created dramatic growth, with an extraordinary caliber of membership. Just a glance at the roster shows some of the most dynamic and forward-thinking corporations and brands in the nation: Microsoft, Apple, Disney, Starbucks, Google, Facebook, eBay, UPS, United, 3M, Eli Lilly, GAP, BASF, Clorox, Procter & Gamble, McDonald’s, Bristol-Myers Squibb, Walmart, and many others.

Of LCLD’s 300 members, about 100 are corporations and 200 are law firms. LCLD works to maintain a ratio of two to one—two law firms for every corporation. That balance seems to work. LCLD’s Board of Directors is balanced as well—roughly half male, half female—and it reflects our goal for the makeup of leadership in the profession.

The group that is in charge is invested. Board members show up not only for the board meetings, but also for LCLD events. They are at the events with their colleagues to make sure that LCLD is driven by the leaders of the profession.

That leadership is exemplified by a commitment statement that each member must sign. By signing the statement, members pledged, “[t]o assure that the best talent flourishes in our profession, we must eliminate impediments that preclude

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7. Roderick Palmore, private conversation with Robert Grey.

8. Video Interview by Joe Slay with Deborah Majoras, General Counsel, Procter & Gamble (2012).

9. Video Interview by Joe Slay with Frank Burch, Chairman, DLA Piper (2010).

minorities and women from a full opportunity to perform, to succeed, and to lead.”<sup>10</sup>

These leaders are smart and understand that the challenge can’t be captured simply by the word “diversity.” Yes, it’s about diversity. But it’s really about seizing the talent in our profession and turning that talent into leaders. As Rick Palmore has said, “We cannot continue to waste talent.”

### III. THE LCLD PROGRAMS

Early on, LCLD’s leadership decided to create talent development programs that would be different from everything else out there. What was *not* needed was just another diversity program. As useful as such programs can be (and there are many of them), it was more important to design a curriculum and experiences that would have deep and long-lasting impacts. LCLD’s programs are structured to equip rising, high-potential, diverse attorneys during key points in their early development and later as they attempt to move up to the highest levels of leadership.

For us, a mountain has been an instructive metaphor. At its base are programs designed for diverse law students. Ascending the mountain, we have established programs for associates and young partners. And even further up the career slope, there are programs for more experienced partners and corporate legal department attorneys. Always, our eye is on the mission: To advance the next generation of leaders up the mountain, to the summit of the profession.

### IV. LAW SCHOOL MENTORING

Dennis Broderick of Macy’s said to his fellow LCLD Board members some years ago that he wanted LCLD to establish a mentoring program that was national in scope. When asked how to do that, he said: “I don’t know yet, but Robert Grey and I are going to figure it out. We have got to do this. We have got to be available to those individuals who are trying to be the lawyers we want to hire. Let’s expose them to those who are in the practice as often as we can, but let’s start with them their first year of law school.”

The Law School Mentoring Program is now five years old. Between 500 and 700 lawyers, in 33 cities, sign up every year to mentor minority and female law students to make sure they have someone to contact, to help them discuss their career goals and the objectives and expectations of employers.

The program has two aspects. First, we work very closely to make sure the students are paired and that we follow up with the mentors and mentees. Second, we create group mentoring opportunities. For example, all of the mentees in Indianapolis are invited to meet other mentees, and the mentors meet other mentors. In Indianapolis, they break into small group discussions to talk about opportunities they have had with their mentors. The idea is to create a welcoming

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10. *Member Commitment Statement*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY, <https://www.lclldnet.org/media/uploads/resource/Member-Commitment-2015F.pdf> [<https://perma.cc/4AYW-A6AJ>] (last visited December 19, 2018).

environment for them to be successful in law school and, consequently, as lawyers.

#### V. 1L SCHOLARS

Heading up the LCLD program mountain, we find the 1L Scholars Program at the next level. It includes roughly 250 1L students at law schools across the country. As part of the program, these students are given the opportunity to work as summer interns at corporate law departments and law firms. The 1L Scholars Program started right after the last recession. An especially strong feature of the LCLD 1L Scholars Program is the existence of 50 partnering opportunities. “Partnering,” in this context, refers to summer experiences where a law firm and a corporation give a 1L scholar the opportunity to spend time both in the law firm and in the client corporation. The students begin to see how the law firms’ work—and, in fact, the students’ own efforts—are used by corporations. The result is the kind of confidence and experience that enables individuals to know they are in the right place, doing the right thing, and on a path to even greater success.

#### VI. PATHFINDERS

The Pathfinder Program is for associates and early-career in-house corporate attorneys. A group of newly minted in-house lawyers get together with younger associates in law firms (typically three-to-five years of experience), and talk about building on their capacity to think about what they all can do to improve opportunities in their organizations and better understand how to work with senior lawyers. They also learn more about which questions they should be asking, and what expectations they should be meeting. The Pathfinders Program puts them on a path to advance their career and without waiting for someone to invite them to advance their career. This is about taking charge of their own trajectories and their lives.

#### VII. LCLD FELLOWS

We consider the Fellows Program to be LCLD’s flagship program. It was our first program, and it is the program with the highest profile around the country. The Fellows are attorneys eight to fifteen years into their legal careers. These are mature individuals; generally, they are partners. And they’ve discovered that the attributes that had gotten them to that point may not necessarily propel them to the next level. They may have prospered as associates for nailing the technical aspects of the work, but now it’s about finding billable work, bringing in and keeping clients, and building a book of business. They are learning that if you are ever going to grow your business, you have to grow your network and build relationships.

The idea of being in an organization that not only gives business, but refers business, is important to young partners’ success. But LCLD is not just a new business pond to be fished. That’s not what we do. We don’t invite participants to the program to ask for their business. We encourage individuals in the program

to build relationships and to learn that the people who are successful in developing business are first successful in building relationships that become powerful networks.

The Fellows work very closely together. The year-long Fellows Program includes three in-person group meetings. LCLD also organizes about 20 Leadership Lunches around the country, each hosted by an LCLD member—a managing partner or general counsel—in a small group setting. This is as much about peer-mentoring as it is about building relationships and creating a network. “Access” is a key part of the Fellows Program.

Additionally, the Fellows—who number nearly 300 in each year’s class—get five opportunities each year to have what we call “Learning Experiences” at LCLD corporate member campuses, such as Coca-Cola and 3M.

Eli Lilly in Indianapolis has hosted two Learning Experiences, during which General Counsel Mike Harrington invited several dozen Fellows to visit with him for a day and a half. On the first half-day, Lilly organized a meeting with outside counsel at a jointly hosted welcome reception. The next day was a full program that included sessions with Harrington, his direct reports, and representatives of upper management that the legal department serves.

There is a deeper exposure to the leadership of the corporation. This includes, for example, an opportunity to talk about “the things that keep Mike awake at night,” and the things outside counsel can do to meet Harrington’s and Lilly’s expectations. The attending Fellows go back to their home organizations with a better idea of how at least one corporate legal department works and the expectations it has for in-house and outside counsel.<sup>11</sup>

#### VIII. FELLOWS ALUMNI

The Fellows Alumni were organically formed. Their initial year as Fellows was important enough that the first year’s class decided to form a career-long organization and stay together. There are now more than 1,600 Fellows Alumni who have been through the Fellows Program and chosen to stay in touch. They have an annual conference where they invite provocative speakers. Last year’s conference was in New York City. This year’s conference was in Los Angeles. They have access to the profession’s leaders, and they stay connected to one another, for networking, mutual support, and community service.

#### IX. RESULTS

One of the most gratifying changes that LCLD has engineered has been in the area of social isolation. Social isolation refers to the fact that women and minority attorneys often find themselves in work environments where ‘majority’ attorneys are predominant, and pre-existing networks are difficult to crack, leaving the attorneys feeling isolated. Research from the American Bar Foundation shows

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11. Don Belt, *2013 Fellows Receive Healthy Dose of Eli Lilly*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY (July 1, 2013), <https://www.lclldnet.org/news/2013/7/2013-fellows-receive-healthy-dose-eli-lilly/> [<https://perma.cc/6BSD-2426>].

high levels of social isolation among diverse attorneys,<sup>12</sup> but among LCLD Fellows that level is virtually zero.<sup>13</sup> The connectivity, networking, and personal relationships that grow during the initial year of the Fellows Program and continue throughout the career of Fellow Alumni are extraordinarily important. The social isolation metric is a valuable—and early—indication that LCLD is making a difference.

Leaders of LCLD are not naive about what it will take to move the needle on diversity and inclusion. The statistics on women, minority, LGBT, and disabled attorneys are stubborn, sometimes even regressing a little year to year. But much is happening behind the numbers. Individuals from diverse backgrounds are indeed rising to positions of leadership, as general counsels and managing partners, and even as practice group leaders and office managing partners. Many of those who are seeing their careers move upward credit LCLD with helping them navigate the systems, traditions, and habits of mind that have historically worked against the advancement of diverse attorneys. On an individual basis, as well as generally, there are success stories that give me tremendous optimism for the future.

#### X. THE LCLD YEAR

The LCLD year is marked by a series of key meetings. During the first quarter of each year, the board meets for a strategic update. They look at the existing strategic plan, square it with realities, push the plan with new ideas, and give it fresh energy with an eye toward the rest of the year and also an eye toward the years ahead—to 2020, to 2025, and beyond.

In June of each year, a slightly larger group meets, usually at Harvard Law School. This is a roll-up-your-sleeves session that we've called a "summit" and, more recently, a "laboratory." In attendance are the board, other LCLD members who are notably active in LCLD initiatives, and new members who want to see what goes on inside the organization. There are incredible breakout groups and the kind of frank conversations that are worth their weight in gold.

Approximately 40 general counsel and managing partners review the strategic plan and ask each other tough questions: Are we measuring the right factors? Are we making enough progress? Are we getting results from our investment in programs? Are we asking the right questions? Are we doing the right things? That self-examination happens every year. The findings and recommendations that come out of these meetings inform the next major gathering, which is the fall annual membership meeting, usually in October.

The annual meeting, generally held in the nation's capital, is a one-day Davos

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12. Gabriele Plickert, *After the JD III: Third Results from a National Study of Legal Careers*, AM. BAR FOUND. 77 (2014), [http://www.americanbarfoundation.org/uploads/cms/documents/ajd3report\\_final\\_for\\_distribution.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/ajd3report_final_for_distribution.pdf) [<https://perma.cc/4YBH-N76M>].

13. Robert Grey, *2016 Impact Report to Members*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY 5 (2016), <https://www.lclldnet.org/media/uploads/resource/2016-Impact-Report-W-F.pdf> [<https://perma.cc/8BLD-2DMR>].

for Diversity, with continued breakouts similar to those that occur at the June summit, but with larger numbers. A typical meeting sees attendees numbering more than 300 members and guests.

Over the years, the speaker roster has been impressive: Former attorney general Eric Holder, New Jersey Senator Cory Booker, Merck CEO Ken Frazier, political analyst and CEO of the think-tank New America Anne Marie Slaughter, former P&G Chair John Pepper, journalist/author Joshua Cooper Ramo, Harvard professor David Wilkins, UCLA Vice Chancellor and “implicit bias” expert Jerry Kang, and others. Members leave the annual meeting inspired and newly resolved to tackle the issues of diversity and inclusion on the ground in the organizations they lead.

#### XI. WHAT LIES AHEAD

The LCLD programs are showing success. We have a growing set of programs to develop talent and to assist our organizations in building diversity. But in our view, that’s not enough. We are not going to be successful until our organizations—the law firms and the corporate legal departments—evolve at the same time to eliminate the impediments to growth and leadership faced by diverse attorneys.

Organizational development is different from talent development. We are looking for specific ways to help organizations—law firms and corporate legal departments—optimize the talent that they have. Are systemic changes in order? Are there new ways to look at management committees? Should there be more intentional efforts to diversify those committees, practice group leader positions, office managing director positions? Is the recruiting and promotion pool in need of strengthening? Is there a Rooney Rule<sup>14</sup> or Mansfield Rule<sup>15</sup> approach that should be integrated into the creation of those pools? Our members are forward-thinking. They are looking for new ideas. They are willing to take chances and try new things.

We invite our members to engage in the June Leadership Summit at Harvard. But there’s a twist: Members who attend are asked to be transparent about their organizations’ diversity efforts, or even have them documented with a full-blown case study. We are not looking for a post-mortem case study, but instead a living one in which we say, “we are going to follow your progress, and *report* on your progress. We need measurable elements. We want to know how your initiative is working out in progress reports.”

LCLD’s leaders believe that where progress—that “real change”—will occur is on the local level, on the ground. So, while LCLD continues with its national

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14. Kenneth Johnson, *What Corporations Can Learn About Diversity from the NFL’s Rooney Rule*, FORBES (Feb. 1, 2018), <https://www.forbes.com/sites/forbescoachescouncil/2018/02/01/what-corporations-can-learn-about-diversity-from-the-nfls-rooney-rule/> [https://perma.cc/E9DU-8QNK].

15. Meghan Tribe, *Mansfield Rule 2.0 Aims to Boost Law Firms’ Diversity Efforts*, AM. LAWYER (June 22, 2018), <https://www.law.com/americanlawyer/2018/06/22/mansfield-rule-2-0-aims-to-boost-law-firms-diversity-efforts/> [https://perma.cc/L2F5-R4D2].



level programs for rising attorneys, we are extremely keen on seeing programs take root regionally and locally, with more and more of our members taking the lead to develop initiatives that can be replicated around the country. That is the future of LCLD.

## XII. IT'S ALL ABOUT LOCAL

We're not going to be successful unless we work at the local level, and we're off to a good start. The LCLD community in Columbus, Ohio, is a good example. There, we have seven members, thirty Fellows and Alumni, seven Pathfinders, three 1L Scholars, 15 mentoring pairs and eight diversity professionals. They are the catalysts for "trying stuff" and for building new and innovative solutions to inherited problems. In the years immediately ahead, we will be experimenting with ideas that seem most promising for increasing diversity and inclusion in legal organizations. Some will fail. Some will show some success and will be modified. Some will be adopted by larger numbers. Gradually, we will see new ideas spread and begin to see changes at a fundamental level. This is the kind of systemic change that will take root and make for real transformation.

If we share our emerging findings and not keep that information to ourselves, we are likely to encourage somebody else. Or if somebody else is doing something similar, they may modify what they are doing to make it better. This is the power of our network for advancing diversity and inclusion. LCLD is the conduit.

## XIII. SUSTAINABLE PARTNERSHIPS: A RECENT EXAMPLE

Brian Brooks and Kenny Perry,<sup>16</sup> General Counsel and Deputy General Counsel of Fannie Mae, respectively, have created a local-market program called "Sustainable Partnerships." Their activities serve as a textbook example for how to create, develop, and promote a good idea.

They invited all Fellows in the Washington, D.C., area to meet with them and other general counsel for three day-long events. Maryanne Lavan, General Counsel of Lockheed Martin, Cynthia Gibson, General Counsel of Scripps Network Interactive, and I served on the first event's panel. All of the panel said: "Use us."

As participants in the year-long Sustainable Partnerships program, the panelists promised to provide exposure to middle management, to have those managers tell what they expect from outside, to share the way in which they invite individuals to promote their services, and to discuss how management talks about the way in which engagements develop.

Sustainable Partnerships allows Fellows to make mock pitch presentations that are judged by in-house counsel. This provides a rigorous exercise for getting people up to speed, invested, and made aware of those with whom they might do business. On learning of the Sustainable Partnerships program, five law firms and corporations decided to establish similar programs in their own communities.

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16. Mr. Perry is also an LCLD Fellow.

## XIV. 10,000 NEW LEADERS

LCLD's goal for 2020, outlined in 2010 by past Chair Brad Smith (now president of Microsoft), called for LCLD to produce 10,000 additional "legal role models" through our programs—individuals who've been exposed to new paths to leadership. To think that we could touch 10,000 lawyers and prospective lawyers—black and white, women and men, gay and straight, people with disabilities and able-bodied—in an effort to improve the outcomes of our profession is a powerful notion.

We are easily on track to create 10,000 legal role models by 2020. We're excited about the individuals we work with. We are excited that we have a pipeline. The best way to capitalize on that is by rolling up our sleeves, committing ourselves to making this happen, and holding ourselves accountable.

In closing, I think Rick Palmore, our founding visionary, put it best:

You can see what we are trying to do. This has been a forward-thinking group of leaders in the law. This group has said we are going to advance the idea of a better profession through more engagement with a wide band, or pool, of talent, but that talent has got to come back and re-engage in organizations. It has to give back as much as it is being given. We can't do this unless we are all in – from a leadership standpoint, from a hiring/promotion standpoint, and from a teaching/learning standpoint. Let's make sure everybody has the same opportunity. Let's hold ourselves accountable in measuring our success and progress. Let's make sure at the end of the day this profession leads in the advancement of our culture and our society.<sup>17</sup>

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17. Roderick Palmore, Founding Chair Emeritus, LCLD, Address to the 2017 LCLD Leadership Summit, Harvard Law School (2017).