

ESG Essentials: What You Need To Know Now

Episode 2 – Diversity, Equity and Inclusion in ESG Efforts (Part 2)

Welcome to ESG Essentials: “What You Need To Know Now,” a podcast from Fox Rothschild. I'm your host, David Colvin, co-chair of the firm's Environmental, Social and Governance Practice Group.

Our series of short, bite-sized podcasts are designed to cover core ESG concepts and explore important issues for businesses that are concerned with corporate responsibility, responding to increased scrutiny from regulators, investors and customers over their environmental and social impact, and minimizing the potential legal and business risks associated with ESG.

For today's episode, which is part two of our episode on diversity, we are pleased to welcome back Kim Gatling, Fox Rothschild's Chief Diversity and Inclusion Officer, to speak a little more specifically about Fox Rothschild's efforts in the area of diversity. If I have it right, I think you were appointed Fox Rothschild's Chief Diversity and Inclusion Officer about a year and a half ago. I know you've been doing a lot of good work, and we're really fortunate and lucky to have you in that leadership role.

Q: *Can you tell us just a little bit about what Fox Rothschild is doing when it comes to diversity, equity and inclusion?*

A: Yes, I'm happy to talk about the work that we have here at the law firm, and I want to begin by saying that even though I have been in this role for only about 18 months, Fox Rothschild has a long-standing practice of promoting diversity and inclusion within the law firm. In fact, we had long-standing initiatives, including our Diversity Committee, our Women's Initiative and our LGBTQ&A Initiative. So, those have been around for a long time, and we're really proud of the work that those initiatives continue to do.

But the creation of this inaugural role as the Chief Diversity and Inclusion Officer was really to take the firm's DEI efforts to a new level and to, in fact, take it to the leadership level of the firm. So, now I have a direct seat reporting to the Executive Committee and to our managing partner and getting their buy-in on strategy for the law firm. It's really helping to unify those things that the firm had already been doing and to elevate the discussion to the uppermost leadership level of the law firm. When I took on this role, one of the first things that we did was to do some baseline assessment of how our people were feeling about inclusivity in the workplace. Earlier, I talked about benchmarking where we are, and that was part of that was doing that initial assessment.

We also did some foundational education around diversity, equity and inclusion for our leadership team, both on the attorney side and on the administrative side, going back to that importance of the leadership team owning this work. In order for them to own it, they need to understand the work. I was really thankful that the firm made the commitment of time and that very intense training for our leadership staff. Then once we got through doing that baseline assessment and some early foundational educational programs, we decided to focus

on two key areas. One is rolling out a DEI educational curriculum for our entire law firm and doing so in a way that's going to be meaningful and impactful and recurring. So, just like, for example, we have quarterly cybersecurity trainings, we are hoping to have periodic educational pieces around principles of diversity, equity and inclusion. This work is continuing to evolve, and we all need to make sure that we're staying on top of understanding the language and the dialogue and how it relates to our workplace.

Then secondly, I'm really proud that we are working on developing a sponsorship program for our associates. We continue to have a very effective mentorship program in place – a formal mentorship program, that is – for associates. But we also understand that there is a difference between mentorship and sponsorship. When we talk about sponsorship, what we're saying is that we are going to take attorneys in the firm, primarily partners who have large books of business and who have influence within their practice groups, to really take their arms, metaphorically, and put them around associates to say, “I am going to advocate for you. I'm going to open my networks to you, both in-house and outside of the law firm. I am going to do my best to make sure you're getting the types of work that you need, and the quantity of work that you need, to ultimately be successful here.”

We want every associate who comes in to ultimately matriculate to partnership. So, this new sponsorship program will include identifying either one sponsor or even a circle of sponsors for the associate to make sure that no one is falling through the cracks. That we don't look up three years after an associate has been here and say, “Well, why didn't they get all of these opportunities that we think that they should have had by now?” So, we're really excited about getting that program off the ground.

And then the last thing I'll say, which is also a really important one, is that we're doing a lot of internal focus on how we track our DEI data and how we set goals around it. Part of that is our inclusion in the Mansfield Rule 5.0 Certification. We are currently a part of that cohort where we are committed to meeting the goal that at least three in every 10 attorneys considered for leadership roles will be women, people of color, lawyers with disabilities and members of the LGBTQ community. So, even making a commitment to ensure that we have a diverse candidate pool for all of our firm leadership roles is really going to help us move the needle. And we're also participating in a program called The Inclusion Blueprint, where we are going to be advocating for underrepresented attorneys within the law firm, tracking data relative to their success, and really making sure that we are meeting representation thresholds year over year.

These are some concrete steps that we are taking that are going to require a lot of legwork internally to get it off the ground with all of this intensive data tracking. But it's going to be so important as we show our progress in the years to come.

Q: So Kim, we've already discussed some outward-facing DEI projects at the firm. What's been happening behind the scenes at Fox recently in terms of DEI-focused work that might help inspire others to undertake similar work?

A: That's a great question, David. There is a lot that goes on behind the scenes. One of the things that we've recently been doing is reviewing all of our firm policies and procedures, including our employee handbook, and we're reviewing those with an inclusive and equitable lens. I can tell you that some of the updates that we are proposing to our Executive Committee include use of gender-neutral language throughout the firm handbook and policies. Also, revising our dress code to reflect the lived experiences of all employees.

One thing that I'm personally really proud about is the inclusion of CROWN Act provisions in the states and cities that have passed that legislation. For listeners who don't know, the CROWN Act prohibits discrimination based on hairstyle and texture. We are also proposing a workplace gender transition policy, as well as paid PTO for nonexempt employees to have time to vote, recognizing that is a fundamental right that we want to make sure that everyone has access to.

So, those are some of the things going on behind the scenes that the rest of the world may not be able to readily see. We're also reworking how we gather information about our employees' diverse identities, from the time of application through onboarding and continuing throughout their employment. I want to make it clear that this is completely voluntary for employees to submit this information, but it is also super important to us as a law firm with creating the sense of belonging and with effectuating cultural change and improved outcome. Gathering this data will also help us with ongoing restructuring of our internal affinity groups (sometimes called by other organizations as employee resource groups) and those are generally based on how employees identify. We want to be aware of those characteristics that are important to our employees. And then finally, the gathering of that data is important because it helps us to track and follow trends in hiring, retention and promotion, and, importantly, to show our clients using data that we have a commitment to moving the needle on diversity, equity and inclusion in these areas.

Q: *As a partner of the firm, Kim, for 20 years, I can say that what we're doing and what you're leading, the effort that you're leading, is fantastic, and I think really sets an example, not just for other law firms, but for other businesses that strive to achieve and strike the right balance when it comes to diversity, equity and inclusion in the workplace. So, what can we expect to see in the next year? What does 2022 look like regarding Fox's ongoing DEI work?*

A: Great question, we have a lot planned for 2022. One thing we are doing is continue with our robust 1L Diversity Fellows program. The firm has actually had that for a few years, and we recently expanded the program with a great client partnership with VF Corporation. We are super excited about continuing to make that program very effective for our diversity recruiting efforts. And then, as I mentioned earlier, we're doing a lot of data gathering and reporting, and some of that is relative to our participation with Diversity Lab's programs, including the Mansfield 5.0 Certification and the Inclusion Blueprint. So, we'll be able to use that data to implement transformative policies that help us to continue to improve our metrics in hiring retention, promotion and really importantly, diversity of leadership roles throughout the law firm.

I'm so grateful to say that our firm has truly invested in DEI by giving us the dedicated staff that we need. We recently hired a Director of Diversity to help implement big projects like that Mansfield 5.0 Certification and Inclusion Blueprint, which are very detail-oriented, big projects that require a lot of time and focus. And we're also going to grow the DEI office by at least one more staff member in the next few months. We'll be a small but mighty team of three and I'm just really thankful for the firm's investment in us. Then, although not directly part of the DEI team, Fox also recently hired a Director of Coaching who will support, as part of the Talent Management team, our development of sponsorship and mentorship programs that will be piloted with our underrepresented attorneys at the firm, as well as helping us to roll out our comprehensive DEI educational programming throughout the law firm. So, we are very busy in the planning stages right now and looking forward to a lot of implementation over the next 12 months.

Q: *That's terrific, and it sounds like you will have your hands full. I really do appreciate hearing about the important work that you and that the firm are doing to make the firm a better place to work for all of us, by showing how Fox can really serve as an example and be a leader in the marketplace to show what can be done when the right resources and the right people will be put into place. So, thank you so much for taking the time to join us today and to join this episode of ESG Essentials: "What You Need To Know Now."*

A: Thank you.

And please check back regularly, to all our listeners, check back regularly for new episodes of ESG Essentials: "What You Need To Know Now," and please feel free to reach out with any questions. Thanks for listening.