

## Fox Rothschild Podcast

### Legally EmpowHERed Podcast

#### Episode 12

#### *Featuring Sahara Pynes with Kim Gatling and Nancy Yaffe*

**Pynes:** Welcome back to “Legally Empowered.” I'm your host, Sahara Pynes, and I'm really excited to bring this podcast to you. As an attorney and former business owner myself, I'm passionate about drawing on my own experience and insight to set my female clients up for success.

Today, we're continuing our celebration of Women's History Month. In the last episode, we delved into the topic of women as leaders. Today I wanted to talk about how women's history intersects with the broader issue of diversity and inclusion.

I'm so thrilled to have two of my Fox Rothschild partners as guests with me today. Both of them have been thinking and talking about these issues for years and even more than that, have become true agents of change by taking on leadership roles within the firm and helping to shape the conversation.

Kim Gatling is an intellectual property lawyer in our Greensboro, North Carolina office. In June 2020, Kim became the firm's very first Chief Diversity and Inclusion Officer. Nancy Yaffe is a Labor and Employment Partner in our Los Angeles office and serves as Co-Chair of the firm's Women's Initiative. Nancy is also an elected member of the firm's executive committee.

Thanks so much for being here.

**Yaffe:** Pleasure to be with you always, Sahara.

**Gatling:** Likewise.

**Pynes:** All right, Kim. Let me start with you. We are witnessing a major historic event right now, as the first Black woman is about to go before the Senate for confirmation to the U.S. Supreme Court. What were your first thoughts? First, when President Biden made the commitment to name a Black woman to the court, and then when he followed through and named Judge Ketanji Brown Jackson?

**Gatling:** When President Biden announced his commitment to name a Black woman to the Supreme Court, of course, as a Black woman myself, I was very happy to see the president acknowledge our need for the highest court to be reflective of the people that it serves. I'm sure he understands the political peril that could come with his appointment, but he nonetheless did so very boldly. Importantly, he followed through on a campaign promise that's very important to one of the most powerful voting blocs in the Democratic Party, which is Black Americans, and particularly, Black women. At the time of Biden's election, Black women comprised only 5% of the federal judiciary. That percentage was even smaller prior to President Obama's presidency. So, for the many reasons why these percentages have been

historically low – which we know is a direct result of systems and bias that have prevented Black women from getting these experiences needed to become a judge – this nomination and hopeful confirmation of Judge Ketanji Brown Jackson is a huge step for this country. It's one that I'm very proud and happy about.

**Pynes:** And so inspirational for young Black girls out there to see that they too can reach the ultimate pinnacle, if they're certainly looking at a legal career.

**Gatling:** Absolutely.

**Pynes:** Thank you.

Nancy, you have been with Fox for probably too long to mention. You've been involved with the firm's Women's Initiative for as long as I can remember, and I'm here almost seven years. I'm curious to know what you think of the progress that women have made, not just here at Fox, but also in the legal profession generally.

**Yaffe:** Well, Sahara, I've been doing this for over 25 years now. When I started out practicing law, it was so common to be mistaken in the world of litigation as a court reporter or as a secretary. It was so rare to see women in firm leadership roles, and also incredibly common to be viewed pejoratively by male opposing counsel. While some of that unfortunately still happens, I just feel that there's so much more conversation around it and awareness about it now. It is not accepted without comment as it was before. That is a huge relief and a huge difference in what I've seen in the past 25 years.

Bringing it around to our firm and Fox Rothschild, when I joined, it was, I guess 13 years ago. The firm has a governing board and executive committee, and it had 25 people on it. I remember when the first woman was elected firmwide to serve on that committee. That was not that long ago, it was just over a decade ago. It was very meaningful.

Since then, I joined the Women's Initiative. I've been co-chairing the Women's Initiative. Now, I'm just really proud to say that the executive committee is somewhere around 32 people and consistently 25% of those people, whether it be eight or nine, are women. That's a lot of progress in 10 years. It's not as much progress as I'd like to see, and it's not enough diversity in every aspect, but it's certainly progress in 10 years, and progress that does not go unnoticed.

**Pynes:** Yes. You mentioned diversity. I'm wondering what synergies you see between the efforts we're making for the advancement of women on one hand, and the work we're doing on diversity, equity and inclusion on the other hand. What do you think, Kim?

**Gatling:** I'd have to begin by saying that diversity, equity and inclusion necessarily includes the advancement of women. Of course, it's not just women. There are many other aspects of diversity as well, but they are definitely integrated efforts and not siloed efforts. There are some great lessons we've learned from advancing women in the workplace that can be applied to advancement of other under-represented attorneys, as an example, in the legal field as well.

Our hope from a diversity, equity and inclusion perspective is that when we focus on systematic changes to improve equity for one group, such as women, that everyone in the organization benefits, including men. It's kind of like the curb effect, where ramps were cut into sidewalk curbs in the 1970s to better accommodate people in wheelchairs, but wheelchair-bound people weren't the only people who benefited. It helped people pushing strollers and grocery carts, luggage and the like.

**Pynes:** Great point.

**Gatling:** Yes. I think we have to keep focusing on opportunities for women and other underrepresented attorneys to succeed, and to assume leadership roles, similar to the roles that Nancy just talked about, while we also recognize the challenges of people who identify with that intersectionality of race or ethnicity and gender.

**Yaffe:** Kim, I totally agree with you. The only thing I would add is that so much about the Women's Initiative has been trying to get our male colleagues to see the world through a female lens. And so much about DEI efforts are really about that same thing, about getting people to see the world through a lens that's different than theirs, right? The more we can do that, the more we can advance those interests at the firm and everywhere.

**Gatling:** I agree.

**Pynes:** Yes, and I know you touched on this. There's much work that we've done, but there's also so much work yet to do in both the areas of advancement of women as well as diversity. Where do we take it from here? What do you see as the touchpoints and the most important aspects of what work still needs to get done?

Nancy, do you want to go first?

**Yaffe:** I'm happy to go first. There's so much more to do, I could start with a few things. First off, the pandemic has really taught us a lot. The law profession has been a place that, overall, has been pretty inhospitable to a lot of different types of people, including women. There was such a dichotomy between work and family or work and other parts of one's life.

What the pandemic has taught us is that those two things can be integrated in a way, or can flow together in a way, that is just much more feasible to have a life outside of work. I think if we do that, we open up the profession to so many more people. We also stem the tide of really capable people leaving the profession because it's just so overwhelming and not hospitable to having a full and enriched life outside of the office.

Part of that also has to do with support for working parents, regardless of gender and regardless of their status as the birth parent or not. We've made a lot of efforts on that issue at Fox Rothschild by way of our Women's Initiative to give all parents equal amounts of time off, whether they're birth parents or not. Birth parents also get time off for disability, but all parents, regardless of status, get equal time off to care for their new children. That's really important, because we lose so many people when they want to broaden their lives and grow their families.

With regard to the bigger picture: I won't be satisfied until I see boards of directors or the U.S. Supreme Court all women or all, at least, a diverse group of individuals. That would be a really happy day for me. I'd really also like to see a woman president sworn in before I die.

**Pynes:** I agree. Couldn't agree more.

**Gatling:** I agree as well.

I would say from my perspective, some of the broader issues in the legal industry that generally we need to continue to focus on would be educating our respective organizations and workforce around the concepts of equity and bias so that organizations can retool the way they think about doing business. Even in the law firm, everything from client pitches, to staffing cases, to promoting attorneys to leadership positions. Then also focus specifically on sponsorship. We know that every lawyer who is successful in Big Law, regardless of demographic, has one or more sponsors who are advocating on behalf of the protégé. Ensuring that the protégé gets the skill set and experience needed to be successful. So, how can we as an organization ensure that none of our attorneys are falling through the cracks? That everyone has an equitable opportunity to succeed and matriculate to partnership and to leadership positions at the law firm? That sponsorship piece is just going to be critically important to our retention of underrepresented attorneys for the future.

**Pynes:** Thank you both so much for your time. I always love chatting with you and really appreciate you being here with me today.

**Gatling:** Thank you.

**Yaffe:** Total pleasure. Sahara, thank you so much.