

State of Diversity A Look Back at 2008, and a Look Forward



Mark Baugh
Chair, Baker Donelson
Diversity Committee

As I write this update on the state of diversity at Baker Donelson, I am reminded of the Jamaican adage, “It is better to lose your time than your character.” Loosely translated, it means that it is better to keep your principles.

Character is a central part of who we are at Baker Donelson. We exhibit our strong character in our representation of our clients.

In our diversity initiatives we follow through on what we start, or as one shareholder in our Atlanta office often likes to remind me, “ensure that we walk the talk.”

However, a central part of “walking that talk” is a reminder that “patience is a key ingredient for success” in any initiative. With that in mind, we started out the year to work on three goals that are the backbone of many firms: retention, communication and recruiting.

In order to work on those three goals, we created several initiatives. Our Diversity Committee started and closed the year with several accomplishments.

- We created and distributed two issues of this newsletter, which is dedicated to addressing diversity and women’s issues. The newsletter is distributed to everyone in the Firm as well as to our clients.
- We redesigned our Diversity page on our internal website, BakerNet, which communicates the Diversity Committee’s mission statement and goals; provides information on our minority scholarship program; and allows quick access to all our diversity marketing materials, diversity-related blogs and news feeds, sponsorship and conference opportunities, and articles discussing the importance of diversity.
- Ben Adams, our Firm’s CEO, and I attended the inaugural Call to Action Conference and joined several related committees.
- We were named in the Top 100 Firms for Diversity by

MultiCultural Law magazine for the fourth year in a row, and were also named in the magazine’s inaugural list for Top 100 Firms for Women. We have recently learned that we are again on the lists for 2009, and are very proud and honored to be included.

- We held our second Diverse Attorney retreat in May 2008, at which time our Inclusion Consultant presented and our CEO attended.
- We established the Baker Donelson Diversity Scholarship Program. The program provides three scholarships to second year law students, consisting of \$10,000 each, along with a Summer Associate position. We received more than 160 applications from students at law schools across the country.
- We began a pipeline-to-law-school initiative, “Bringing Diversity to our Businesses,” with plans to fully implement it by this fall at two undergraduate universities. Marlene Bidelman-Dye (Chattanooga) and Natalie Bolling (Birmingham) are leading the initiative, showing not only our dedication to encourage more minorities to attend law school, but our commitment to grow leaders from within our own ranks.
- We hired high school students as interns to expose them to a law office. While we cannot take any credit for the success of our interns, one intern has been accepted to five very challenging universities.
- We began the first phases of our Inclusion Training by retaining a well-respected consultant to meet with our Diversity Committee and survey our management team to customize an Inclusion Training program. In August 2008, we began the second phase, with ‘train the trainer.’ The third phase began in fall 2008, when the trainers began training the entire Firm. By the end of the year, we had trained all the attorneys in our Knoxville and Nashville offices, and completed the training in all offices in May 2009. The training was well received across all

A Look Back at 2008, and a Look Forward, *continued*

our offices, and the trainers, who are attorneys, are given billable credit for the time they spent to learn the program and train the Firm. Our goal was to foster dialogue about our differences and learn how to work most effectively with people who are different from us, be it age, religion, race, economic status or any number of other factors.

As we continue through 2009, we plan to host lunch-and-learns on inclusion and cultural competency; implement the outreach program in its entirety; continue the scholarship program; consider a reworking of our mentorship program; and extend our involvement in GLBT issues. We continue to actively seek out diverse law students, lateral attorneys,

paralegals and staff. Our clients are placing a premium on diversity more than ever, and Baker Donelson strives to meet that goal.

We have much to be proud of as a Firm, and as we say on our website, we have not completed our journey.

Mark Baugh
Chair

Baker Donelson Diversity Committee

Client Profile: Skanska Tackles Diversity Head-On



Skanska received HCA's first Diversity Achievement Award in 2004, the Durham Chamber of Commerce's Circle of Influence Award in 2007 and the Raleigh/Durham Minority Business Advocate of the Year Award in 2008.

Construction giant (and Firm client) Skanska is well known for such high-profile projects as the U.S. Census Bureau in Washington, D.C.; LeBonheur Children's Medical Center in Memphis; Nashville's LP Field and downtown public library; Nissan North America's headquarters in Cool Springs, Tennessee; and the new Giants/Jets Meadowlands stadium currently under construction in New Jersey.

However, the company is rapidly becoming known for the compelling stance it has taken on the issue of diversity as well. Skanska has recognized that the industry is still quite homogeneous when it comes to diversity and has taken aggressive steps to remedy that situation.

Skanska's award-winning U.S. diversity effort has its base in the Nashville office. Joey Hatch, co-chief operating officer for Tennessee, Michigan, Indiana and Texas, hired Corporate Diversity Director James Threalkill in 2004, and had long advocated that Skanska create a national diversity council. By 2008 this group was in place, with representatives from all 24 U.S. offices. A diversity vision statement was developed, and the council worked to identify the best practices already in place. The end result was an implementation manual that is currently being rolled out to all Skanska USA Building offices and local diversity councils springing up in offices around the country.

According to Threalkill, "going beyond lip service in our diversity effort means going out into the community and making proactive visits to potential minority vendors on a continual basis, not just when major RFPs are in progress." This practice means they have a list of viable partners already identified and ready to include in those proposal responses at any given time.

Skanska representatives also spend a considerable amount of training time with existing and potential minority subcontractors. A program called Construction Management Building Blocks, aimed at helping develop women- and minority-owned contractors and subcontractors, has been a great tool in this effort. The

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Skanska Tackles Diversity Head-On, *continued*

SKANSKA

Skanska Diversity Vision Statement

Skanska embraces diversity as a core value. We strive to excel as a global construction leader by advancing a culture of inclusion. By respecting people of diverse backgrounds and talents, we offer our employees an environment in which to thrive. We enrich our clients and communities through unique partnerships and extraordinary construction services.

program involves bringing in professionals and consultants to teach estimating, contract reading, contracting writing, marketing, human resources, planning and development, management, safety and information technology once a month for a year. It has been rolled out on projects like the Meadowlands Stadium and LeBonheur Children's Medical Center and is scheduled to begin in Nashville this summer.

In addition, the company is very active in a number of national organizations that further the cause of women and minorities in business and construction, including National Association of Women in Construction, National Association of Minority Contractors, Business Women's Network and Commercial Real Estate Women.

Vice President of Business Development Mendy Mazzo notes that the industry is way behind when it comes to diversity and inclusion in the management ranks, but things are starting to change. And clearly the commitment to diversity isn't just the right thing to do; it's also good for business. Skanska officials believe that they landed the \$100+ million Nissan headquarters because of their commitment to diversity, and ultimately ended up using 17% minority subcontractors on the project. In the Meadowlands, more than 30% of the subcontractor work went to diverse partners.

Welcome New Attorneys

Baker Donelson is pleased to announce the addition of several experienced attorneys to the Firm's attorney roster during the past few months.



Gina Greenwood is of counsel in the Firm's Macon, Georgia, office and is a member of the Health Law Practice Group. She concentrates on a wide range of health care-related matters, including HIPAA Privacy and Security Rule compliance and EMTALA compliance.



Melissa Hull is of counsel in Nashville and concentrates in the area of insurance, with an emphasis on regulatory matters. As both a former regulator and industry official, Ms. Hull has extensive private and public sector experience in insurance regulation.



Teresa Lavenue has joined the Firm's Washington, D.C. office as a shareholder in the Intellectual Property group. A registered patent attorney, she concentrates her practice in biotechnology and has extensive experience in bio-tech patent prosecution.

Susan McBee has also joined the Washington, D.C. office as shareholder in the Firm's Intellectual Property Group.



As a registered patent attorney, Ms. McBee concentrates her practice in the field of chemistry and biochemistry.



Judy Meritz is a shareholder in the Washington, D.C. office and concentrates her practice in the areas of drugs, devices and life sciences. She has extensive experience in FDA compliance counseling and is skilled in matters concerning the Drug Enforcement Administration, the Occupational Safety and Health Administration, the Department of Transportation and the Environmental Protection Agency.



Gautam Prakash is an associate in the Washington, D.C. office with a doctorate in chemistry and biochemistry. He concentrates his focus in organic chemistry, biotechnology and biochemistry, and previously was a project management consultant for several major oil and gas companies.



Jennifer Summa is a senior public policy advisor in the Washington, D.C. office and provides clients with strategic policy advice and counsel on matters related to health care. She has extensive experience working with the Centers for Medicare and Medicaid Services on regulatory and policy matters.

Baker Donelson ranked in *MultiCultural Law* magazine

Our Firm was named among the “Top 100 Law Firms for Diversity” and the “Top 100 Law Firms for Women” by *MultiCultural Law*, a magazine focused on diversity in the legal profession. This is the fifth consecutive year that we have been ranked among *MultiCultural Law*’s top firms for diversity and the second consecutive year we’ve been ranked among the top firms for women.



Summer Associates Start in May



Baker Donelson will welcome its 2009 Summer Associates beginning in May. The program has seen a steady growth of minority students. In 2007, 14% of our summer associates were minority; in 2008, that number jumped to 18%. And for 2009, we’ll have 22%, with 13 minority students and 31 female students total.

New Shareholders

Three women attorneys were named shareholders this year.



Mabel Arroyo

L. Mabel Arroyo is in our Nashville office. She concentrates her practice on immigration law with emphasis on business and employment immigration. Mabel represents manufacturing companies, health care corporations and individuals in connection with visa applications, day-to-day operational questions and administrative proceedings before the United States Citizenship and Immigration Services (USCIS), the U.S. Department of Labor and U.S. embassies and consulates throughout the world. A native of Puerto Rico, Mabel is fluent in both English and Spanish and frequently contributes immigration law articles to Hispanic newspapers and periodicals. In addition to routinely being listed in *The Best Lawyers in America*® and *Nashville Business Journal*’s “Best of the Bar” for Immigration Law, Mabel serves on the boards of several organizations.



Sheri Fox

Sheri Fox, of the Chattanooga office, concentrates her practice in the areas of litigation, commercial litigation and eminent domain. Sheri is the chair of the Pro Bono Committee of the Chattanooga Bar and is the vice chair of the Women in Profession Committee of the American Bar Association’s Young Lawyer’s Division. She is also active in practice group activities, including production of the Baker Donelson Business Litigation publication, *Litigation News*.



Kristine Roberts

Kristine Roberts is in the Firm’s Memphis office and concentrates her practice on business and commercial litigation. An experienced litigator, she represents a diverse client base and has handled numerous trial and appellate cases. Kristine participated in the Memphis Bar Association’s Leadership Forum and is an editor of the ABA Section of Litigation’s publication, *ABA Litigation News*, which is distributed to more than 70,000 ABA members nationally and internationally.

Outreach Program Launches

When Baker Donelson established its Diversity Scholarship Program in 2008, which awards three scholarships annually to minority students who have completed their first year of law school, we realized that there were good students in college who were not being encouraged to attend law school.

Statistics from Columbia Law School and the Society of American Law Teachers show a significant drop in the number of minority students in law school. Over the past 15 years, there has been a nearly 8% drop in nationwide enrollment of African-American and Mexican-American students in U.S. law schools, and it's anticipated that this trend will only get worse. While roughly 50% of law school students are female, fewer female law students are moving



Natalie Bolling

on to practice law. We developed the Diversity Pipeline Outreach Program as a direct response to what we saw as a clear break in the system.



Marlene Bidleman-Dye

Natalie Bolling, a labor and employment associate in the Birmingham, Alabama office, and Marlene Bidleman-Dye, of counsel in real estate and

business in the Chattanooga office, are the Outreach Program's leaders.

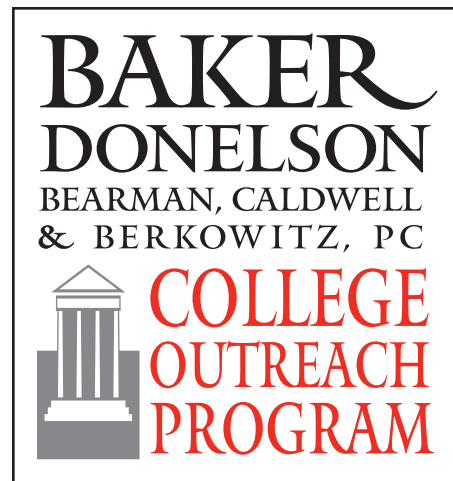
"Diversity has been a focus in the legal profession for some time, and with good reason. Our Firm has

made incredible strides in increasing the number of diverse attorneys and staff with law degrees. And now we must look beyond the recruitment and retention of women and minorities by law firms," says Ms. Bidleman-Dye.

"Exactly," says Ms. Bolling. "We knew we needed to increase the number of diverse students who take that initial step of choosing law as a profession, and we felt the best way to do that was to go directly to the source: undergraduates."

The Program was launched this semester at Miles College in Birmingham, Alabama, and at the University of Tennessee at Chattanooga. Ms. Bolling is working closely with the Criminal Justice/Legal Interest Program instructors at Miles College and addressed students in a kick-off informational session on April 15. Ms. Bidleman-Dye is working with the Criminal Justice/Legal Studies program at UT Chattanooga and plans her first informational meeting with students on May 20.

The goal is to establish mentoring relationships that will encourage and educate minority and female college students who have an interest in, or even a curiosity about, the legal profession. We will partner with these and other colleges and universities and use a variety of forums to demystify the profession and increase awareness of the accessibility and attainability of law school and the practice of law. Specific planned initiatives include Q&A sessions on the basics of practicing law, educating students on the many different vocations available



to someone who holds a J.D. degree, and giving students the opportunity to experience the practice of law in a variety of settings through visits to law firms, courtrooms and local and state legislatures, where the students can see the law in action and meet attorneys, judges and legislators.

In the future, we hope to expand the program by helping students navigate the application processes for law school as well as grants and scholarships. We would offer assistance and guidance on completing applications, written statements and other information necessary for submissions. Eventually, we may also be able to partner with those college students to reach out to high school students as well.

The Diversity Pipeline Outreach Program takes our efforts to the next level as we try to address a basic contributing factor to the issue of law firm diversity: Ensuring that more minority and female students are aware of the option of law as a profession and are given every opportunity to pursue that option.

Achievements

A number of our women attorneys will be ranked as leading practitioners in the 2009 edition of *Chambers USA*, a highly regarded directory of America's leading lawyers for business, including Mary Aronov (Memphis), Jennifer Crowson (Jackson), Denise Killebrew (Birmingham), Linda Klein (Atlanta), Fern Singer (Birmingham), Donna Thiel (Washington), and Kim Vance (Nashville).

A number of women attorneys have been named to *Mid-South Super Lawyers*, including Virginia Love (Chattanooga), Sheryl Bey (Jackson), Kelli Thompson (Knoxville), Mary Aronov and Jill Steinberg (both of Memphis), and Kim Vance (Nashville). Jill Steinberg was also named among the top 100 attorneys in Tennessee and the top 50 in Memphis. The publication also honored several Baker Donelson attorneys in its 2008 list of Mid-South Rising Stars: Jennifer Keller (Johnson City), Angie Davis (Memphis), and Brigid Carpenter, Christy Crider and Tonya Grindon (all of Nashville).

Linda Finley and Linda Klein (both Atlanta) have been named to *Georgia Super Lawyers*.

Nancy Scott Degan, Donna D. Fraiche, Amelia Williams Koch and Danielle L. Trostorff (all New Orleans) were named to *Louisiana Super Lawyers*. Nancy, Donna and Amelia were also named among the top 25 female attorneys in Louisiana.

Nancy Degan (New Orleans) and

Sheryl Bey (Jackson) were included in the *Super Lawyers Corporate Counsel Edition*. The publication listed all attorneys previously recognized by state *Super Lawyers* publications in the practice areas of Business Litigation and International Law.

In addition, Ms. Degan was selected by *New Orleans CityBusiness* as one of its 2008 Women of the Year.

Betty Steele (Nashville) was elected by the Middle Tennessee Chapter of the Information Systems Security Association to serve on its board of directors as Newsletter/Media Director.

Carolyn Schott (Nashville) was the fastest female lawyer in Nashville's 6th Annual Race Judicata, completing the 10K race in 53 minutes and 33 seconds. Carolyn placed first in last year's race as well.

Atlanta's Valerie Woodrick co-authored the "Georgia Intellectual Property & Technology Transactions: Forms and Practice Manual."

Best Lawyers in America has designated Susan Rich (Chattanooga) as a "Lawyer of the Year" in Real Estate. Only a single lawyer in each specialty in each community is being honored as the "Lawyer of the Year" for 2009.

Kathlyn Perez (New Orleans) received the Good Apple Award from Louisiana Appleseed for her pro bono work, and will also be honored by the Louisiana State Bar Association with its 2009 Friend of Pro Bono Award.

Angelia Nystrom (Knoxville) was elected as a Fellow of the Tennessee Bar Foundation.

Linda Klein was inducted into the Georgia Academy of Mediators & Arbitrators, a new statewide association whose membership consists of mediators and arbitrators distinguished by their hands-on experience in the field of civil/commercial conflict resolution and by their commitment to the practice of alternative dispute resolution. Linda is also the 2009 recipient of the Georgia Bar Association's Randolph Thrower Lifetime Achievement Award. Finally, she is the co-chair of the Friends committee of the National Association of Women Judges mid-year meeting and Southeastern Leadership Conference.

Catherine Long (Birmingham) has been named the DRI Young Lawyers Committee Vice Liaison to the Construction Committee.

Marlene Bidelman-Dye (Chattanooga) and Kristine Roberts (Memphis) are members of the Tennessee Bar Association Leadership Law Class of 2009.

Jill Steinberg (Memphis) was elected a Fellow of the Memphis Bar Foundation.

Jennifer Sink (Memphis) was elected to the board of directors for the Young Lawyers Division of the Memphis Bar Association.

Achievements, *continued*

Emily Landry (Memphis) was appointed Vice Chair/Young Lawyer Liaison to the DRI Drug and Medical Device Committee.

Sara Turner (Birmingham) has been named Vice Chair of DRI's Technology Committee. She was also named as their representative for a new Trial Advocacy Initiative/ Law School Advisory Committee.

Kim Vance (Nashville) was elected to the Nashville Shakespeare Festival board of directors.

At the October 23 Annual Meeting of the Mississippi Paralegal Association, Suellen Johnson (Jackson), CLA was named the 2008 Paralegal of the Year by the Executive Board.

Several attorneys in the Memphis office organized and implemented the Tennessee Command Center for Election Protection, a national non-partisan coalition of bar and community organizations established to assist voters during the election on November 4. Carla Peacher-Ryan chaired the group, with assistance from Desi

Franklin, Anne Mathes and Valerie Walsh Johnson (all of Memphis). The group partnered with the Memphis NAACP and recruited approximately 50 attorneys, paralegals, law students and other volunteers as mobile legal volunteers and poll watchers. The group took calls from voters across the state to advise voters as to their questions and concerns about the voting process, and worked with the local Election Commission to clear issues. Other Baker Donelson attorneys who volunteered their time were Charles Grant (Nashville) and Memphis attorneys Laura Merritt, Tonya Johnson and Quinn Carlson.

Clarence Risin (Knoxville) was included in the November/December issue of *Diversity and the Bar* as one of the sixteen 2008 Leading Law Firm Rainmakers.

Charles Grant (Nashville) was selected by the Tennessee Bar Association to receive the 2008-09 Harris Gilbert Pro Bono Award. The state's top award for pro bono service, the Harris Gilbert Award is given annually to a private sector attorney who has demonstrated

dedication to the development and delivery of legal services to the poor and has performed significant pro bono work. Charles is being recognized for his extensive efforts related to the disenfranchisement and restoration of voting rights for former felons who have fully served their sentences.

LeAnn Mynatt is the chairperson of the Firm's new BakerGreen initiative. As a Firm, we are taking action to reduce our environmental impact by implementing the program, and we are proud to be a leader in the legal field through conscientious stewardship of our natural resources.

Maurice Wexler was named to the National Civil Rights Museum board of directors.

Emily Plotkin (Nashville) was chosen by FiftyForward to receive the Shining Star Award.

Stephanie Rippee (Jackson) has been appointed to the ABA Taskforce on Federal Agency Preemption of State Tort Laws.

Congratulations!

Activities

Women's Initiative CLE Program

On November 20, attorneys from the Baker Donelson Women's Initiative in Birmingham, Nashville and Memphis hosted our annual ethics CLE program for clients and prospects titled "Ethical Risks of Online Communications: Blogging and Blogging Bans." Birmingham's Lisa Borden presented with Cathy Wright from Clarus Consulting; in Nashville, Courtney Gilmer, Nicole James and Emily Plotkin presented; and in Memphis the program was presented by Betty Campbell and Liz Moccaldi. Susan Wagner (Birmingham) assisted with the planning and development of the materials, as did Jill Steinberg (Memphis) and Donna Fraiche (New Orleans).



Race for the Cure in Baton Rouge

On March 7, the Baton Rouge office participated in the Susan G. Komen Race for the Cure and raised \$850 through donations and a bake sale. The money will be used to support breast cancer education, screening and treatment programs in Baton Rouge.

Dr. Martin Luther King, Jr. Unity Breakfast

Baker Donelson's Birmingham office was a sponsor of the 23rd Annual Dr. Martin Luther King, Jr. Unity Breakfast held on January 19. The keynote speaker was Dr. George French, Jr., president of Miles College. The rededication and opening of the renovated Birmingham Civil Rights Institute was also held on that day. The \$2.5 million renovations expand BCRI's focus from the history of the American civil rights movement to documentation of human rights struggles around the world. Baker Donelson also received special recognition at the ribbon-cutting ceremony for its ongoing partnership with BCRI.

Additional Activities

Baker Donelson has recently been involved in numerous other diversity-related events. As a sponsor of 100 Black Men of Middle Tennessee, Inc.'s annual "Feast of Kings" luncheon, we helped the organization further its efforts to "nurture and enhance the growth, development, and opportunities for young, black males of Middle Tennessee." We also sponsored the Urban League of Middle Tennessee's 2009 Equal Opportunity Day Luncheon, as well as the 2009 National Asian Pacific American Bar Association Southeast Regional Conference. And on March 26, the Firm's Diversity Committee hosted the Nashville Black Chamber of Commerce. More than 45 local businesses and clients attended. Attorneys representing the Firm were Shameak Belvitt, Mark Baugh, Jonathan Cole, Charles Grant, Nicole James, Larry Papel and Nancy Vincent.