

Beyond the Numbers: Shifting the Focus from Quantitative Diversity to Qualitative Diversity

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Businesses often tie the “business case” for diversity to the “bottom line,” perhaps in order to gain the support of those who otherwise would be resistant to the cause for diversity. While, undoubtedly, diversity positively affects the bottom line, making it a “business case” puts the focus solely on the numbers. Likewise, looking only at diversity statistics without analyzing the satisfaction and success of diverse employees ignores the big picture. Together, we must shift the focus to look beyond the numbers and strive for qualitative diversity.

So, what is qualitative diversity? To understand it, we must realize that it is more than simply ensuring that an organization is comprised of racially and ethnically diverse individuals. It is more than having a good representation of women within an organization.

True diversity in a business is comprised of a genuine appreciation, respect and desire for differing mindsets, cultural backgrounds and perspectives. Businesses must move beyond quantitative diversity values and move towards valuing qualitative diversity. Businesses and individuals must begin to see the big picture and understand

that “business as usual” does not allow for such progression. Progression in the direction of embracing and valuing qualitative diversity often begins with a change in the culture of an organization.

Inherent biases need to be brought to the forefront. It is no surprise that “like hires like,” meaning that people are naturally drawn to people who are like them. Consequently, the “like hires like” trend can affect both recruiting and retention because non-minority employees may automatically

context of race, gender, religious affiliation, sexuality, socioeconomic status or personality.

Consider, for example, the 2007 study by the National Association of Women Lawyers, which found that 84% of equity partners are men and 92% of managing partners are men. If people are constantly allowed to only hire people who are like them, will we ever achieve true diversity? Can businesses create an environment where



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We must understand that the equation for diversity is not simply:

More minorities + More women = More \$\$\$\$

It is closer to:

Valued employees + diverse perspectives = PRICELESS value to the business

breaking the “like hires like” trend is permissible and, more importantly, encouraged?

An organization where everyone is the same (e.g., same race, same gender,

have a competitive advantage over their minority counterparts simply because more opportunities for natural connections may exist. The more people in an organization who are like you (i.e., same socioeconomic background), the more opportunities you have to connect with such people and leverage such connections. This could translate into a non-minority employee receiving more work assignments, better mentoring and faster promotions than a minority employee. This can be true in the

etc.) is not diverse. Likewise, an organization with individuals who look different, but think and act the same, is not diverse. Qualitative diversity does not exist in a culture where employees are afraid to share perspectives that are unique to them or believe that such perspectives are not appreciated.

How do we shift the focus? We must encourage those who are resistant to diversity to look beyond the numbers and see why qualitative diversity is essential to the success of the business.

Beyond the Numbers: Shifting the Focus from Quantitative Diversity to Qualitative Diversity, *continued*

A shift in focus may help to eliminate the following flawed mindsets about diversity: 1) diversity goals are driven by the need to meet a quota, and 2) standards are lowered in order to hire diverse candidates. Such flawed attitudes may place diverse employees in an environment where they are pegged as “ignorant until proven competent.”

It is wise for businesses to seek to improve their diversity statistics. Nevertheless, although having good diversity numbers is a start, it is not enough. Diverse employees need to see people like themselves who are successful within the organization. Diverse employees need to know that people who are unlike themselves actually do respect them, value their opinions, and want them to succeed. This does not mean that diverse employees need to receive “special” treatment. Rather, efforts should be made to ensure that diverse employees are treated similarly to their non-minority counterparts. At the same time, everyone must recognize that differences exist and respect those differences.

Baker Donelson’s leadership understands that when diverse

individuals are made to feel valued, this results in improved morale, increased productivity and greater innovation. This, in turn, enhances the success of our business. We realize that an environment that is hostile about diversity initiatives cannot be tolerated and is detrimental to the firm’s success. We know that diverse individuals who



are made to feel ostracized, devalued and inferior will likely fail or leave.

When diverse candidates are hired, we are conscious of the fact that efforts must be made by all to cultivate, develop and mentor diverse employees after they get in the door. Everyone, including diverse employees, must be cognizant of their important role in the cause for qualitative diversity, appreciating the fact that diversity is not just about the numbers. Diverse employees also

must take a vested interest in their own happiness and success.

We all must be willing to examine our own biases, strengths and weaknesses. We all must be comfortable with critique, and in seeking mentoring, support and camaraderie from those different from us. We all must be willing to voice our opinions, suggestions and concerns, and to respect the opinions, suggestions and concerns of others.

Baker Donelson has made great strides in promoting diversity and inclusion with efforts such as mandatory firmwide diversity and inclusion training. Baker Donelson leadership also realizes that diverse employees cannot be the only champions of diversity, and has made it clear that diverse individuals with diverse

perspectives are valued within the firm. However, we realize that there is much more work to do and we continue to find ways to improve. We all have a role in improving diversity. The numbers, whether good or bad, tell only a fraction of the story. Individually and corporately, we must determine what role we want to have in the remainder of the story. We all must be challenged to look beyond the numbers.

Client Profile: First Horizon Gets Inclusive

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First Horizon Mission Statement and Goals

Our goal is to provide ideas to executive management that increase diversity and inclusion within the company with these objectives in mind:

- Core values of the company
- Diverse top talent
- Leverage difference and similarities
- Engage top management
- Move talent around in the company
- Management committed to diversity statement
- Educate employees on diversity

The approximately 6,000 employees of First Horizon National Corporation, the parent company of First Tennessee Bank (NYSE:FHN), provide financial services through roughly 180 bank locations in and around Tennessee, and 21 FTN Financial Group offices in the U.S. and abroad. First Horizon National Corporation, whose headquarters is in Memphis, Tennessee, is a premier financial services company with a long history of success and traditions dating back to 1864. Today, the company is one of the top 30 bank holding companies in the U.S., and is known for exceptional customer service and a deep commitment to their people.

In 2008, the company took a big step towards improving their diversity initiatives: they hired Tracie Robinson for the position of director of workforce development and inclusion. Ms. Robinson's goal is to develop and monitor recruiting and inclusion strategies and establish community partnerships to increase awareness of the company's commitment to diversity. She has done just that. In the 18 months she has been there she has developed a diversity scorecard, increased community involvement and is in the process of working on many more projects.

"In the contemporary business environment, it is essential to maintain a workforce that reflects the different backgrounds and life-experiences of an increasingly diverse and multi-cultural society," Robinson said. "When companies attract high-performing employees and create an environment where they are confident they have an opportunity to grow and succeed, the company will be stronger. I look forward to getting out into the community and spreading our message."

Robinson's diversity scorecard gives her a snapshot of where the company stands in relation to its goals. It lists all the goals of the company (see sidebar), and their progress. In addition, First Tennessee plans to launch a new Emerging Leaders program this year. The program will be six to nine months in length, and is geared towards diverse middle management employees who have shown the characteristics of a good leader. The goal is to mentor those candidates to discover and build on qualities that position them for higher management.

In Memphis, First Tennessee has also begun a Women's Initiative, a professional network comprised of high-performing females eager to develop their leadership and mentoring skills. The members of the group also reach out to young women within the community and introduce them to the variety of careers available to people working in the financial services sector. In short, First Tennessee's Women's Initiative strives to empower and equip not only the talented women of First Tennessee with skills necessary for success in life, but also the young women within the communities they serve.

First Tennessee has the leading combined market deposit share in the 17 Tennessee counties where it does business and has one of the largest customer retention rates of any bank in the country. It has also been recognized as one of the nation's best employers by AARP and *Working Mother* magazines. But that's not enough for Ms. Robinson. Each day she makes an active effort to increase diversity and inclusion in her workplace.

Achievements

Baker Donelson received a 2009 Leadership Award from the Nashville Bar Minority Opportunities Program for contributions to enhance diversity and professional success.



Marlene Bidelman-Dye

Marlene Bidelman-Dye (Chattanooga) was among the graduates of the Tennessee Bar Association's Leadership Law program.



Phyllis Cancienne

Phyllis Cancienne (Baton Rouge) was featured in the *Baton Rouge Business Report's* 2009 Influential Women in Business issue.



Pat Clotfelter

Pat Clotfelter (Birmingham) was selected as a Fellow in the Litigation Counsel of America. She is expected to be inducted during the organization's conference in October.



Donna Fraiche

Donna Fraiche (New Orleans), Honorary Consul-General of Japan at New Orleans, visited Japan as the guest of the Japan Foundation, experiencing the country, culture, politics, history, architecture, customs, people and economy. She met with various dignitaries throughout Japan, including a substantive meeting with Kyoko Nakayama, Special Advisor to the Prime Minister and a member of the House of Councillors.

Donna was also a panelist at the



May 28, 2009 Louisiana Department of Insurance's Annual Health Care Conference. The topic was "Will National Health Care Reform Become a Reality?" Panel members were Sybil Richard, Deputy Secretary, Louisiana Department of Health and Hospitals; Hugh Long, MBA, JD, PhD, Professor, Department of Health Systems Management, Tulane University of Public Health; and Penny S. Walker, MD, MBA, Senior Medical Director, Southeast Region, United Health Care.

In addition, Donna was named an Outstanding Healthcare Fraud and Compliance Lawyer by *Nightingale's Healthcare News*. Donna is one of 12 attorneys from around the country selected for inclusion in this list, which is featured in the May issue of the publication.



Tonya Grindon

Tonya Grindon (Nashville) was recognized as one of the *Nashville Business Journal's* inaugural "Forty Under 40" honorees. She was one of only two honorees in the legal field.

In addition, Tonya was the Legal Services Category winner at the Nashville Emerging Leaders Awards, presented by the Nashville Area

Chamber of Commerce and Young Professionals Nashville.



Linda Klein

Linda Klein (Atlanta) was honored as a Woman of Achievement by the YWCA at the Georgia World Congress Center.

The award salutes women who embody the YWCA's mission of empowering women and eliminating racism.



Angelia Morie Nystrom

Angelia Morie Nystrom (Knoxville) has been elected treasurer of the Tennessee Bar Association's YLD Fellows.



Emily Plotkin

Nashville senior advocacy organization FiftyForward honored **Emily Plotkin** (Nashville) with its Shining Star award at its annual Crown Affair gala

dinner April 16. The award recognizes an individual under the age of 40 who has demonstrated a commitment to volunteerism to both FiftyForward and the community as a whole. Emily has been involved with FiftyForward since 2005 and is now a board member.

Tricia Stevens Smith (Jackson) was recognized by the *Mississippi Business Journal* as one of Mississippi's 50 Leading Business Women. Tricia was profiled in a special publication of the *Business Journal* and honored along with all the other women listed at an awards luncheon. This is the third consecutive year Baker Donelson has been represented on this list, with Stephanie

Achievements, *continued*

Rippepe honored in 2008 and Sheryl Bey in 2007. Jonell Williamson is another previous honoree.



Pam Carter

Pam Carter (New Orleans) published a diversity article entitled "Continuing the Journey to the Perfect Mosaic," in the August issue of *For The*

Defense, In-House Defense Quarterly, a DRI publication. The same issue featured an article entitled "With Layoffs, What Becomes of Diversity?" by Peggy Nagae, who was Baker Donelson's consultant for our Inclusion Initiative. Peggy mentioned Baker Donelson in the article.

The 2009 edition of *Chambers USA* recognized a total of 50 Baker Donelson attorneys in 16 practice areas as leading practitioners in their respective states. The women and minority attorneys so recognized include:

- Band 1: Fern Singer, labor and employment (Alabama)
- Band 2: Mary Aronov, real estate (Tennessee); Jennifer Crowson, corporate/commercial: municipal finance (Mississippi); Linda Klein, construction (Georgia)
- Band 3: Barry Ford, litigation (Mississippi); Denise Killebrew, real estate (Alabama); Donna Thiel, health care (Washington, D.C.); Kim Vance, labor and employment (Tennessee)

Baker Donelson Shines in Best Lawyer Rankings

The Best Lawyers in America® (copyright 2009 Woodward/White, Inc., Aiken, SC) just announced their 2010 list of Best Lawyers. We're proud to report that Baker Donelson ranks eighth in the nation for total number of attorneys listed, with 173 attorneys achieving Best Lawyer status. Of those, 37 women and minority attorneys made the list:

Linda Klein
Alternative Dispute Resolution
Atlanta

Frank James
Labor and Employment Law
Birmingham

Denise Killebrew
Real Estate Law
Birmingham

Anne Mitchell
Trusts and Estates
Birmingham

Fern Singer
Alternative Dispute
Birmingham

Susan Wagner
Appellate Law
Birmingham

Virginia Love
Trusts and Estates
Chattanooga

Susan Rich
Banking Law
Real Estate Law
Structured Finance Law
Chattanooga

Louann Smith
Mergers & Acquisitions
Public Finance Law
Structured Finance Law
Chattanooga

Barry Ford
Personal Injury Litigation
Jackson

Jonell Williamson
Health Care Law
Jackson

Linda Crouch-McCready
Corporate Governance and
Compliance Law
Corporate Law
Mergers & Acquisitions
Securities Law
Johnson City

Jennifer Keller
Labor and Employment Law
Workers' Compensation Law
Johnson City

LeAnn Mynatt
Environmental Law
Knoxville

Clarence Risin
Commercial Law
Knoxville

Kelli Thompson
Franchise Law
Knoxville

Mary Aronov
Banking Law
Real Estate Law
Memphis

Desi Franklin
Corporate Law
Structured Finance Law
Memphis

Mary Ann Jackson
Corporate Law
Memphis

Valerie Walsh Johnson
Intellectual Property Law
Memphis

Anne Mathes
Banking Law
Memphis

Bruce McMullen
Personal Injury Litigation
Memphis

Carla Peacher-Ryan
Banking Law
Real Estate Law
Structured Finance Law
Memphis

Jackie Prester
Banking Law
Memphis

Jill Steinberg
Medical Malpractice Law
Personal Injury Litigation
Product Liability Litigation
Memphis

Betty Anderson
Government Relations Law
Nashville

Lauren Anderson
Corporate Law
Nashville

Mabel Arroyo
Immigration Law
Nashville

Tonya Grindon
Corporate Law
Mergers & Acquisitions Law
Nashville

Gerardo Barrios
Construction Law
Mandeville

Alissa Allison
Railroad Law
New Orleans

Christopher Davis
Maritime Law
New Orleans

Nancy Scott Degan
Alternative Dispute Resolution
Commercial Litigation
New Orleans

Donna Fraiche
Government Relations Law
Health Care Law
New Orleans

Mimi Koch
Antitrust Law
Commercial Litigation
Professional Malpractice Law
New Orleans

Danielle Trostorff
Health Care Law
New Orleans

Anne Wittmann
Commercial Litigation
New Orleans

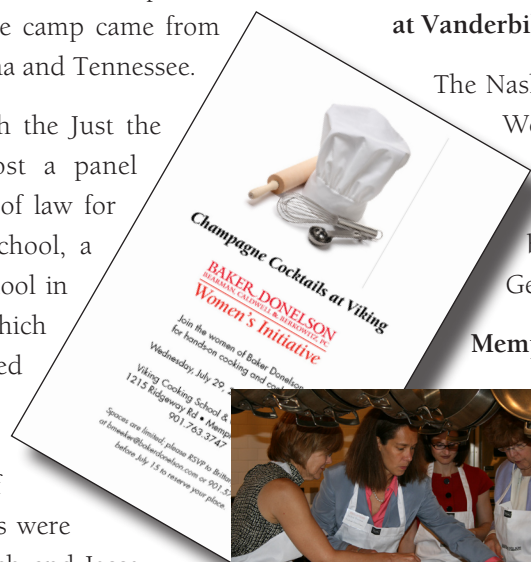
Activities

Minority Outreach in Atlanta, Nashville and Jackson

In a continuing effort to further Baker Donelson's Outreach Program, the Atlanta office hosted a lunch and mentoring session on May 26 for a group of 16 high school students who are participating in the State Bar of Georgia Diversity Program's High School Pipeline Project for Minority Students. For two weeks, these high school students are taught grammar, speech and writing skills at the law school. They also make daily visits to local judges' chambers, private law firm offices, and corporate legal departments. They conclude the program with written and oral competitions, judged by attorneys. Charles Huddleston (who is also the chair of the steering committee of the Georgia Bar's Diversity Program), Megan Ouzts, Mark Carlson, Damany Ransom and Erica Mason participated in the session.

The Firm also sponsored eight scholarships for minority students to attend Lipscomb University's Law Camp. The week-long residency camp for high-school students allows participants to explore sports and entertainment law, health care law, social justice issues, the court system and the legislative process, all while taking into account and promoting diversity in the future legal workforce. Nashville associate Claire Cowart Haltom spoke at the camp about health law. Participants in the camp came from Florida, Georgia, North Carolina and Tennessee.

Our Jackson office joined with the Just the Beginning Foundation to host a panel discussion about the practice of law for Piney Woods Country Life School, a historically black boarding school in Mississippi. The Foundation, which began in Chicago and expanded this year to Mississippi, was created to introduce minority students to the practice of law. Baker Donelson panelists were Jonell Williamson, Scotty Welch and Jesse Mitchell. After the panel discussion, several attorneys sat down with the students and assisted them with oral arguments, among them Jennifer Hall, David Maron, Adam Gates and Marlena Pickering.



Birmingham Office Serves the Community

The Birmingham Women's Initiative hosted a community service work day at Jones Valley Urban Farms (JVUF) on Wednesday, June 3. JVUF is a community-based non-profit organization in Birmingham. Utilizing more than three acres of vacant downtown property, JVUF grows organic produce and flowers, educates the community about healthy food, and helps supply local food banks and shelters with fresh produce.



Baton Rouge Showcases Women Artists

On June 25, the Baton Rouge Women's Initiative held a Summer Art Soiree in the Firm's new office space in Baton Rouge, showcasing the art of eight local female artists. More than 50 female clients, judges and members of the community attended the event. The women attorneys in the Baton Rouge office hope to make this an annual event.

Nashville Women Visit Monroe Carell Children's Hospital at Vanderbilt

The Nashville Women's Initiative hosted "Wellbeing and Women," a visit to the Monroe Carell Children's Hospital at Vanderbilt on June 24. The event featured a tour of the facilities and a presentation by Dr. Shari Barkin, chief of the Division of General Pediatrics.

Memphis Women Host Cooking Class

A total of 25 Baker Donelson clients and women attorneys gathered on July 24 for "Champagne Cocktails and Cooking Class," an event at the Viking Cooking School in Memphis. Attendees made the menu items themselves and then gathered for the meal made up of delicious dishes that included blue cheese biscuits with beef tenderloin, steamed halibut with Thai red curry sauce, and roasted vegetable and boursin canapés.

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Baker Donelson Races for the Cure

Baker Donelson's Women's Initiative is gearing up for this fall's Susan G. Komen for the Cure® events in several of its cities. Team coordinators have been identified and plans are underway to field teams for races in Chattanooga, Birmingham, Nashville, Knoxville, New Orleans and Memphis. The Firm teams bring together attorneys, staff members and clients in an effort to raise money to help find a cure for breast cancer. Past local efforts have included bake sales and pancake breakfasts. Several other Baker Donelson offices fielded teams for races that were held last spring, including Washington D.C., Atlanta and Baton Rouge.



Nashville summer clerks Shazi Jiang (a 2008-2009 Diversity Scholarship recipient) and Lauren Solberg.

The Firm again supported the Annual Defense Research Institute Diversity Seminar and sent New Orleans shareholder Pam Carter as our representative. Pam moderated a roundtable discussion examining recent issues and trends involving efforts to increase diversity within the legal profession, with an emphasis on why diversity is vital for law firms.

We also hosted a monthly meeting of the Nashville Black Chamber of Commerce, with Mark Baugh, Nancy Vincent and Charles Grant attending; supported the Women Attorneys of Color Program with Pam Carter, Nicole James and Yanika Smith; and sponsored a Memphis Minority Showcase. Nicole James, Mark Baugh and Yanika Smith and clients attended the Firm-sponsored Minority Enterprise Development Week in Nashville; and Lauren McKnight represented the Firm as part of a Loyola Law School and Vault sponsorship.

Firm-wide Inclusion Training Expands

The Diversity Committee kicked off the Inclusion Brown Bag Lunch Series with a presentation by Mark Baugh and Emily Plotkin entitled "Multiple Generations at Work" in June. A second Brown Bag Lunch is scheduled for November.

Sponsorships and Community Involvement Continue

The Baker Donelson Diversity Scholarship Program provides three \$10,000 scholarships to second year law students, and awards them a Firm Summer Associate position. Last year was a huge success, and this year, we received more than 75 applications from students at law schools across the country. This year's scholarship recipients are Jalil Dozier, Denetra Hartzog and Stephanie Nowak.

The Diversity Committee was one of the sponsors of the Music City Minority Clerk Mixer on June 23, 2009, to welcome diverse summer associates and clerks in Nashville for the summer. Nashville associate Nicole James attended along with

Firm Focuses on Minority Business Support

In the works is a diversity initiative to incorporate diversified suppliers into our existing supplier databank. The purpose is to give diversified suppliers the opportunity to work with our firm. Once we identify certain certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) suppliers, we will maintain a record and make the list available to anyone in the firm who is responsible for ordering supplies and/or services so that disadvantaged business entities (DBE [Disadvantaged Business Enterprise] which includes MBE/WBE) are used as often as feasible.

Once again, we sponsored the Memphis-based Mid-South Minority Business Council Economic Development Fair on August 26-28. In addition, the Firm will again participate in Nashville's 27th Annual Minority Enterprise Development Week September 27-October 11.

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