

We are proud to publish the first of many newsletters dedicated to emphasizing the importance of diversity and inclusion and its invaluable role in better serving our clients and communities. Creating a diverse and inclusive workplace is essential to the success of our Firm.

Many of our clients have adopted high internal standards for diversity. We share those values and those of their customers and communities. Further, the global business landscape challenges us to embrace flexibility, tolerance, and a desire to seek the unfamiliar. It challenges us to think and act “outside of the box.” Baker Donelson believes a diverse and inclusive workforce enhances our ability to meet our clients’ needs, bolsters our services, and fosters stronger relationships.

Baker Donelson’s 2002 strategic plan committed the Firm to increasing its minority population 100% by August

2004. We met and exceeded that goal in May 2004. Since 2002, our Firm has more than doubled in size. By December 2006, our minority attorney population had more than quadrupled its 2002 level. Encouraged by our successes, minority recruitment continues with unabated momentum.

The Firm recognizes that diversity means more than just numbers. Our management philosophy promotes the treatment of every person with dignity and respect, values the contribution that each person makes as an individual, strives to enable our colleagues to be comfortable being themselves, and encourages every person to realize his or her potential. We are proud of our accomplishments and look forward to setting the standard for diversity and inclusion in the legal profession in the coming years.

Ben C. Adams
Chairman and CEO

“What does diversity mean?” It’s the question that begins virtually every seminar, training session or panel discussion on the topic. The responses vary, but they generally involve a superficial analysis focused narrowly on the demographic aspect of the term. Participants will typically respond by mentioning race, color, national origin, gender or religion. But isn’t diversity more than that? Shouldn’t diversity be more than that?



Ursula Holmes

Diversity Matters: Valuing Race and Gender was created to “open up” the discussion and to really delve

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It is with abundant enthusiasm that we launch this newsletter devoted to the work and commitment of Baker Donelson toward the advancement and leadership of women and diversity. As the current chair of the Firm’s Women’s Initiative, it has been a privilege to lead the charge of our motto and mission: “Celebrating Our Women and Securing Our Future.” And that is just what we hope our readers will experience in the future editions of this newsletter.



Donna Fraiche

As we consider our women professionals and look

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Welcome to the first edition of *Diversity Matters: Valuing Race and Gender*. Not only will we keep our readers apprised of the diversity accomplishments at the Firm, but we will also inform the readers about diversity issues that affect the businesses of our clients and the legal profession.



Mark Baugh

In 2002, Baker Donelson established the Diversity Committee, led by Clarence Risin as Chair. While increasing the number of minority attorneys remains a goal, it is not the sole goal of our diversity initiative. The more important goal,

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into why diversity matters. The diversity discussion at Baker Donelson not only encompasses diversity of its people, but also diversity of thought and perspective. It is this aspect of diversity – the true benefit of promoting and fostering diversity and inclusion – that enables us to readily identify, appreciate and meet the needs and expectations of our clients and their customers.

Diversity and inclusion continues to be a highly sensitive and contentious topic. It doesn't have to be. Individuals and businesses that have been truly successful acknowledge and

appreciate the importance and necessity of diversity and inclusion. Exploration of the topic is only beneficial if the participants in the exploration are open, honest and candid. We encourage our readers to join in the discussion and explore what diversity and inclusion has to offer.

Ursula K. Holmes

*Memphis Of Counsel
Editor, Diversity Matters*

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to each person's particular needs and desires, the Women's Initiative hopes to truly reflect the best practices of each of our offices across the Southeast, as we share what programs work best.

Since the Initiative was established in 2005, leadership advancement among women is on the rise. Over the past two and a half years the management board has included three women, and women also serve as office managing shareholders as well as practice group chairs and shareholder-owner/investors. Overall increases are notable coupled with successful retention, especially at the shareholder level.

Some of our significant program successes and initiatives include:

- Formation of a special committee which seeks to partner women mentors with mentees on issues particularly pertinent to career women;
- Creation of an in-house counsel CLE program in a number of our cities, providing substantive opportunities for guests to fulfill education requirements in a networking setting;

- Staging of joint receptions, wine tastings and food events with women from other professions and businesses in several offices;
- Helping stimulate the adoption of a flexible work policy that addresses the balance needs of lawyers feeling particularly pressured by family and other demands; and
- Participating in women's health causes such as the Susan B. Komen Race for the Cure and the American Heart Association's *Go Red* campaign.

Our work has truly just begun. We look forward to sharing our best practices – especially the programs that work well – and hope to hear from you about your own companies' women's initiatives. I hope you'll contact me at dfraiche@bakerdonelson.com with any comments or suggestions.

Donna D. Fraiche

*New Orleans Shareholder
Chair, Baker Donelson Women's Initiative*

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which the Firm has achieved, is creating an environment in which minority attorneys can be successful.

This newsletter is only one of the many accomplishments for the Firm in the area of diversity and inclusion. In addition to the newsletter, we have embarked on two other initiatives. The Diversity Committee has created an internal website devoted to diversity issues and has also created diversity scholarships for 2L Summer Associates.

We are excited about the future at Baker Donelson and

are equipped with a bright and talented group of attorneys. I would like to thank Ursula Holmes, Valerie Hamilton and the marketing staff for all their efforts in getting our newsletter published.

Mark A. Baugh

*Nashville Shareholder
Chair, Diversity Committee*

Honoring Achievement

In March, Baker Donelson was a major sponsor of *Atlanta Woman Magazine's* "Woman of the Year and Fan Male" luncheon and awards ceremony, which saluted nine women and nine men for their personal and professional efforts in leadership and supporting the community.

The Nashville office also reached out in support of women in the community by becoming a presenting sponsor of the *Nashville Business Journal's* Women of Influence awards, which were held April 11. Nashville shareholder **Betty Anderson**, head of the Firm's state public policy group, was one of the honorees.



Atlanta Woman of the Year luncheon. Pictured left to right: Natalie Suhl (associate) Eugenia Ferrero (associate) Linda Klein (Atlanta office managing shareholder) and Roslyn Dodell (associate).

Nashville shareholder **Nancy A. Vincent** received the Distinguished Service Award in recognition of her dedicated service in the field of law from the Nashville Capital City Chapter of the Top Ladies of Distinction, Inc., and was appointed by Nashville Mayor Karl Dean as a member of the Nashville Sports Authority.



Betty Anderson



Nancy Vincent



Kristy McKearn



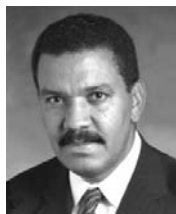
Jonathan Coleman

The Baton Rouge Area Chamber of Commerce named Public Policy Advisor **Kristy McKearn** to be its senior vice president of governmental affairs beginning March 2008. In this role, Kristy leads the chamber's political advocacy efforts at all levels of government while also directing its lobbying of the Legislature, and works to cultivate relationships with business leaders and public officials in the Baton Rouge area. Kristy was named to the *Baton Rouge Business Report's* "Top Forty Under 40" list in November 2007.

In February, Memphis office supervisor **Jonathan Coleman** was selected to receive the leadership award for Black History Awards Day from Don McClure Consultants, which operates the largest Black History website in the United States.



Pam Carter



Charles Grant

New Orleans shareholder **Pamela W. Carter** was selected to take part in the Council for A Better Louisiana's (CABL) "Leadership Louisiana 2008" program. CABL was founded in 1962 with the mission of improving the quality of life for all citizens of Louisiana. The distinguished Leaders selected for the program join the ranks of 750 alumni representing every major sector: corporate, professional, government, finance, news media, education, industry, health care and legal industries.

Nashville shareholder **Charles K. Grant** (Nashville) was recently appointed to the Tennessee Supreme Court Advisory Commission on the Rules of Practice and Procedure. Created by an act of the Tennessee Legislature, the Advisory Commission meets four times a year to study and make recommendations to the Court as to court rules on practice and procedure.



Donna Fraiche

Donna D. Fraiche was appointed and served as the Chair of the State of Louisiana, Office of State Planning Task Force. She currently serves as the chair of the Louisiana Health Care Commission, a member of the Louisiana Recovery Authority and chairs its long term community planning effort. A shareholder in the health care and public policy practices, she was recently named the Honorary Consul General for Japan for New Orleans. Ms. Fraiche is also member of the prestigious International Women's Forum.

The Business Case for Diversity

By Pamela W. Carter, New Orleans Shareholder

The real key to diversity is creating an environment that welcomes everyone: diversity of ideas and perspectives. When you create that environment, you create a system that is more inclusive. Diversity rests on the premise that law firms, organizations and corporate environments need well-managed diversity if they are to meet or exceed the expectations of key stakeholders: shareholders, customers, clients, employees and the communities and societies within which they operate. During the two to three years leading up to 1999, in-house counsel began collaborating in earnest, brainstorming strategies to diversify the legal profession. Between 1999 and 2004, 500+ corporate law department representatives signed "Diversity in The Workplace — A Statement of Principle." By signing the "Statement of Principle," these corporate signatories reaffirmed their commitment to diversity and began the process of encouraging the outside law firms they retained to focus more closely not only on diversity, but inclusion. Thereafter, before choosing whether to hire a firm as outside counsel, corporate signatories asked outside law firms to explain what they were doing to address diversity within their own organizations.

Many of the Call to Action signatories stated that, although Affirmative Action legislation may have introduced them to the concept of diversity, it was now a vital part of their competitive strategy. Exxon Mobil Corporation makes the equation: "diverse workforce = good reputation = shareholder returns." They claim that diversity helps them attract the talent they need for the future and that they will not be affected by any attempts to eliminate Affirmative Action regulations because they are woven into their competitive strategy.

What the Clients Say

Diversity is increasingly important to corporations. In fact, it is one of the criteria many corporate counsel consider when they evaluate in-house counsel and when they select outside counsel to staff their legal matters. Over the past 10 years, top corporations have increased the pressure on outside counsel

to diversify the lawyers who actually handle the company's work. From the 1998 statement of principle set forth by Charles Morgan, then general counsel of BellSouth, to the 2004 call to action initiated by Roderick Palmore, senior vice president and general counsel of Sarah Lee, many corporations have increased their commitment to advancing diversity. And wisely so. Consider the following:

Harvard Business School studies demonstrate that diverse work teams consistently outperform non-diverse teams. Also, according to a study conducted by Catalyst, on average, top-performing companies had more women in their leadership

teams. The Catalyst study did not address the presence of ethnic or racial minorities on corporate boards, but if the logic behind the findings is that a diversity of opinions helps ward off "group think," then it stands to reason that having a more ethnically or racially diverse group of decision-makers would help as well.

Ford Motor Company has manufacturing, assembly and sales facilities in 34 countries and distributes its vehicles through a network of more than 10,500 dealers in more than 200 countries. Alex Trotman, former chairman and CEO of Ford Motor Company argues, "it's very important for our product people to understand the different consumer tastes around the world. People in China don't like exactly the same products as people in India. Our performance is global and our workforce has to be global. We have to be very understanding of the issues of the world." Further, snapshots of America's Evolving Population Demographics is based upon U.S. Dept. of Labor projections, which show that by the end of year 2006, 70% of the new labor pool consisted of women and racial minorities. Additionally, U.S. Census data indicates that by the year 2056, there will be no real racial majority and women will make up more than half of the U.S. population. Thus, overcoming language barriers, grasping various cultural nuances, attracting the best employees in a changing demographic and establishing good faith with clients are important for a diverse workforce.



Spotlight: Barry W. Ford



Barry W. Ford
Shareholder

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Baker Donelson recently nominated Judge Barry W. Ford (Ret.) as a candidate for the *National Law Journal*'s 'Most Influential Minority Lawyers.' According to the *National Law Journal*, "law is one of the least integrated professions in the United States," (*The National Law Journal*, October 8, 2007) but Judge Ford is working to change that. "At only four percent, African Americans are the best represented minority group among lawyers in this country and entry into the profession is not growing to where it should be – especially among black males in Mississippi," said Judge Ford. "Therefore, it is my absolute responsibility to be a mentor and a role-model. I regularly volunteer to teach, to judge trial competitions, to encourage up-and-comers to pursue a career in the law and help them sharpen trial skills to better serve their clients."

Judge Ford, a shareholder in Baker Donelson's Jackson, Mississippi office, concentrates his practice on litigation and product liability law. Before joining the Firm, Judge Ford made state history when he was elected Circuit Court Judge in the First Circuit Court District – the largest District in Mississippi – which was, and still is, majority white. He went on to serve three terms and paved the way for other minority hopefuls in majority districts.

As a young educator, Judge Ford became part of the solution as schools struggled to integrate. He worked diligently, generating petitions and raising awareness so that talented black teachers were not lost in the shuffle. Many of the teachers Judge Ford advocated for went on to become some of the most honored and respected educators in Mississippi. In 1971, with \$1700 from his teacher's retirement fund and nothing else, Judge Ford headed for Houston to attend Thurgood Marshall School of Law. After graduation, Judge Ford returned to Jackson, Mississippi, to work with the Lawyers Committee for Civil Rights, and then went on to practice law with his brother in Tupelo, Mississippi. At the same time, he was appointed City Judge of Pontotoc, Mississippi, a position he served until December 1990, when he won the against-all-odds election to Circuit Court Judge in the First District in January 1991.

In 2000, in the middle of his third term, Judge Ford decided to leave the bench and return to an active law practice in Jackson with Baker Donelson as a commercial litigation lawyer. Judge Ford has successfully defended his clients in a number of multi-million dollar cases before juries in some of the most difficult venues in Mississippi. "Judge Ford has an uncanny ability to take a complex case and distill it to simple, understandable themes that will resonate with the judge and jury," said David Bearman, a shareholder in Baker Donelson's Memphis office. "His skills pay direct dividends for the clients he represents in trial. However, by serving as a sounding board for and sharing his insight with other lawyers, myself included, even more of our firm's clients reap the benefits of Judge Ford's legal talents." Judge Ford's string of successes in the courtroom, his time as an impartial mediator on the bench, and his ability to instill similar passions for the law in up-and-coming associates is evident in his diligent efforts as a role model.

Judge Ford is actively involved in the Firm's diversity program and serves as an ambassador to the Southeast Minority Job Fair that draws the top minority students from across the country. His mentoring continues once the recruits join the Firm and throughout their career. From his open door policy to his on-the-spot training, Judge Ford is available every step of the way. His teaching skills are legendary, especially for one young associate who was told as she was walking into the courthouse that she would be responsible for closing arguments. After the panic subsided, Judge Ford counseled her on how to win over the jury. "Speak from the heart and don't read notes," he said. "An unscripted, sincere speech makes for a much more compelling close and secures an instant connection with the jury." It was the associate's first attempt at a closing argument and she carried it off to success.

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Spotlight: Barry W. Ford, *continued*

Judge Ford's skill and ability is highly respected throughout the Firm. Mark Baugh, a shareholder in Baker Donelson's Nashville office, touts Judge Ford as "one of the best attorneys in the State of Mississippi." As a result of Judge Ford's professional excellence, his leadership and mentoring skills, and his commitment to advancing the profession for minority attorneys nationwide, he has been recognized repeatedly with awards by numerous legal and professional groups. In February 2008, Judge Ford was honored with the Mississippi Majesty Award in recognition of the positive achievements and contributions of an African American living legend residing in and having strong ties to Mississippi. Judge Ford has also been listed in *The Best Lawyers in America*® since 2005 for Business Litigation; in *Chambers USA: America's Leading Business Lawyers* as a leading commercial litigation lawyer in Mississippi; and in *Mid-South Super Lawyers*, 2006 and 2007.

Judge Ford also achieved an AV-rating by Martindale Hubbell, the highest rating an attorney can receive. He is a Fellow of the Litigation Counsel of America, an honor that is reserved for a select few who are invited into Fellowship after being evaluated on effectiveness and accomplishment in litigation and trial work, along with ethical reputation.

Judge Ford embodies the benchmark that all attorneys strive for in their professional careers. He has changed the way people perceive judicial elections in the South and paved the way for other black candidates that endeavor to be considered based on his or her experience, talent and ability, rather than the color of his or her skin. He has proven to be a formidable force in the courtroom and a steady and strong mentor to young minority attorneys. His influence goes far beyond the 30 years he has been in practice, and we are proud to have him in our Firm.

Short Takes

Women's Initiative featured in Knoxville Publications

Knoxville shareholders **Ashley Lowe** and **LeAnn Mynatt** and the Women's Initiative were featured prominently in the *Knoxville News Sentinel* and its sister publication, *Greater Knoxville Business Journal*, about finding a practical work-life balance in today's world. The articles noted that the Women's Initiative is aimed at "enhancing the role of women in the practice through a mentoring program, work-life balance seminars, and opportunities for continuing education, leadership development and networking."

Book Discussion Launch A Success

On March 27, the Baker Donelson Women's Initiative kicked off its newest programming series, BakerReads. Once a quarter, women attorneys will have the opportunity to participate in a Firm-wide presentation and discussion of a book dealing with marketing, negotiation, rainmaking and other topics of interest to women. The first session of BakerReads was led by **Pam Carter**, shareholder in the New Orleans office. Pam conducted an informative session for more than 50 women attorneys on the book *Nice Girls Don't Get the Corner Office* by Lois Frankle.



New Shareholders and Leaders



Tara Ertischek



Beverly Gates

We are pleased to congratulate three new female shareholders. **Tara Ertischek** of the Nashville office is a member of the Corporate/Mergers & Acquisitions practice group, with a secondary focus in Securities/Corporate Governance. She started her Baker Donelson career as a summer clerk. **Beverly Sanders Gates** is in the Memphis office and concentrates her practice in the area of securities, mergers and acquisitions and general corporate transactions, primarily in the financial services, medical device and health care industries. And **Ashley Lowe** practices in the Knoxville office, in the areas of employment law, environmental compliance and litigation, and general tort and products liability litigation.



Ashley Lowe

Mark A. B. Carlson, shareholder in the Memphis office, has been named co-leader of the Firm's Corporate/Mergers & Acquisitions practice group, and **Tonya Mitchem Grindon**, shareholder in the Nashville office, has been named co-leader of the Firm's Securities/Corporate Governance practice group. In addition to serving as co-leaders of these groups, Mr. Carlson and Ms. Grindon will maintain their respective practices. Mr.



Mark Carlson



Tonya Grindon

Carlson's practice is focused on structuring, negotiating and executing mergers, acquisitions, securities offerings and general business transactions. Ms. Grindon's practice is focused on investment management, securities, mergers and acquisitions, general corporate and international business transactions.

"Both of these practice groups are expanding to keep pace with the needs of our growing client base," said Ben C. Adams, Chairman and Chief Executive Officer of the Firm. "Adding Tonya and Mark to the leadership of these groups is important to that growth and is a reflection of our commitment to enhancing the ways we help our clients succeed."

Accomplishments and Activities

Here are just a few of the recent accomplishments and events we're proud to have participated in:

- We've been recognized for a fourth consecutive year as one of the top 100 firms for diversity, and also as one of the top 100 firms for women by *MultiCultural Law Magazine*.
- In April 2008, **Maurice Wexler, Ben Adams and Angie Davis**, shareholders in the Memphis office, participated in an invitation-only 'executive leadership conference introducing a new program of the Equal Employment Opportunity Commission (EEOC). The conference was sponsored by the firm, Cracker Barrel Old Country Store, Inc., and 'International Paper. Kicking off at the National Civil Rights Museum in Memphis, the Eradicating Racism and Colorism from Employment (E-RACE) Initiative is a five-year national outreach, education and enforcement campaign implemented to advance the legal right to a workplace free of race and color discrimination through partnership with employers and other stakeholders.
- In November 2007, the Firm committed to funding The Baker Donelson Internship Program at the Birmingham Civil Rights Institute (BCRI). Baker Donelson will provide funding for three interns during 2008, with the intent that we will continue to fund the program into the future. The Baker Donelson Interns will be assigned to posi-



EEOC Chair Naomi Churchill Earp, Baker Donelson attorneys Maurice Wexler and Angie Davis

Accomplishments and Activities, *continued*

tions in education, archives or public relations to support the BCRI mission, which is “to promote civil and human rights worldwide through education.”

- In August 2007, Baker Donelson was the primary sponsor of the *Birmingham Business Journal*’s inaugural “Best in Minority Business Awards,” which celebrated the spirit, creativity and resourcefulness of minority business leaders and companies promoting and achieving diversity in their business.
- In June 2007, the Firm was sponsor of the “Diversity for Success” seminar presented by the Defense Research Institute’s Diversity Committee, which was chaired by **Pam Carter**. Approximately 400 lawyers from across the U.S. and more than 25 corporate counsel attended the Firm-sponsored event and learned effective ways to recruit and retain minority attorneys.



Pam Carter



Maurice Wexler

- In October 2006, members of the ABA’s Section of Labor and Employment Law’s EEO Committee established a fund to honor College Fellow, Board of Governors’ member and Baker Donelson shareholder, **Maurice Wexler**. The fund, to be used by the National Civil Rights Museum in Memphis, Tennessee, will establish a series of educational programs and lectures exploring and discussing the impact of the law and lawyers on society in general and the Civil Rights movement in particular.

- In September 2006, Mississippi Governor Haley R. Barbour appointed **Charles Pickering**, a Baker Donelson Senior Counsel and former federal Appeals Court Judge, co-chair of a commission that will plan a national civil rights museum in Mississippi.



Charles Pickering



Charles Grant

- In September 2006, **Charles Grant** was presented with the NAACP Tennessee State Conference President’s Award during the Annual Freedom Awards Dinner.
- In April 2006, three Baker Donelson attorneys participated in the Tennessee Bar Association (TBA) Diversity Summit in Memphis, which sought to support and advance diversity in the Tennessee legal community. **Charles Grant**, the TBA Diversity Summit Committee Chair, moderated the event. New Orleans shareholder **Pam Carter** served as a panelist, and Memphis shareholder and TBA President **Buck Lewis** led a small group discussion.



Buck Lewis