

PUBLICATION

A General Counsel's View on Advising Through COVID-19

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Corporate legal departments have been faced with unique challenges as a result of COVID-19. We asked Clark Atlanta University (CAU) General Counsel Jennifer L. Ervin to provide insight for other in-house counsel on how to serve internal corporate clients despite the ever-changing legal landscape in light of new laws and guidance.

CAU is a comprehensive, private, urban, coeducational institution of higher education with a predominantly African-American heritage. It offers undergraduate, graduate and professional degrees as well as certificate programs to students of diverse racial, ethnic, and socioeconomic backgrounds. The University was established in 1988 through the consolidation of its two parent institutions, Atlanta University (established in 1865), the nation's first institution to award graduate degrees to African Americans, and Clark College (established in 1869) the nation's first four-year liberal arts college to serve a primarily African-American student population. Ms. Ervin suggests that when advising internal clients through the current pandemic, in-house counsel should:

1. **Stay Centered**. Right now, it seems the world is on fire and everyone is living in a constant state of panic, but in-house counsel must seek ways to be and remain calm. Internal clients often look to the lawyers in the room as a source of calm because lawyers tend to be accustomed to thriving in high-stress situations. Troubling times like these allow such characteristics to be front and center.
2. **Embrace Adaptability**. Our internal clients are inundated with new challenges daily due to today's quickly evolving climate. In-house counsel should brace for the unexpected and become comfortable with advising in times of high uncertainty. This will require you to be flexible and open to adapting to your client's needs, which are currently changing more frequently than normal. Flexibility will be one of your greatest assets in times of uncertainty.
3. **Subscribe to Receive Alerts and Newsletters from Industry Leaders and State and Local Government Agencies**. New developments impacting all sectors of the nation's economy are resulting in issuance of new federal, state, and local legislation, executive orders, and guidance documents almost overnight. As in-house counsel, it becomes quite overwhelming to keep up with it all. However, I have found that having subscribed to several law firm and governmental agency newsletters has been my saving grace. These entities tend to have teams completely dedicated to monitoring these developments. Subscribe to those newsletters and alerts so you can receive up-to-the-minute notifications and be in the know on new laws that will impact your business.
4. **Look for the "Silver Lining"**. As believed to have been said by former British Prime Minister Winston Churchill, "Never let a good crisis go to waste." I love this quote because of its optimistic undertones. It requires one to view watershed moments like the present one as opportunities for personal and professional growth, new markets and new (and possibly improved) ways to live the lives to which we were previously accustomed. I've heard many people speak of the impending "new normal" in ominous terms. However, throughout the course of world history, humanity has always found ways to emerge from crises stronger than before. I do not see times like these to be any different. That is the silver lining, and lawyers – those in private practice and in-house – will be key to

helping the world bring order to the chaos. I encourage in-house counsel to embrace their potential new roles in shaping the "new normal."

Keeping Diversity and Inclusion Front and Center

When asked whether she was optimistic that when we emerge from this pandemic, we will witness a positive shift on the importance of creating a diverse and inclusive work environment (in the legal profession or otherwise), Ms. Ervin responded:

Law firms and legal departments must be even more intentional in their diversity and inclusion efforts. Budgets are being drastically cut right now, but efforts to cut budgets allocated to promote and foster diverse and inclusive environments should be met with great scrutiny by organizational leaders. We must not use crisis as an excuse to erase the gains made in this area. We must, instead, use this crisis as a reason to accelerate diversity and inclusion efforts as we work to shape the "new normal."

Other in-house counsel shared similar thoughts on how this pandemic could be used to highlight the importance of diversity and inclusion. Julie Baker, Senior Counsel of Employment Litigation at Jones Lang LaSalle responded:

I am hopeful that we will see a positive shift on the importance of creating diverse and inclusive work environments, but I also think we will have to be very purposeful in working toward this. In past financial crises, I think diversity/inclusion has taken a hit as companies focus on "righting the ship" in other ways. But I am encouraged by how much discussion I've heard during this crisis about the importance to keeping diversity and inclusion at the forefront as we maneuver our way back to some semblance of normal.

And Nicole Grida, Senior Counsel-Litigation at International Paper, responded:

I think this is a time for the legal profession to consider additional ways that they can foster a culture of diversity. With seemingly limitless "access" to each other, we can have meetings and focus groups to discuss diversity and inclusion. Recently, I attended a webinar hosted by the ACC entitled "Leading in a Pandemic: How Visionary Leaders Create Opportunities for Business, Diversity & Inclusion." The panelists were partners at large law firms or had in-house roles. All of them agreed that as leaders, we must be sure we are reaching out to diverse legal professionals to ensure they have a seat at the table and also to include them in developing their practices, working directly with clients, and providing opportunities to lead ongoing training/webinars/newsletters.

These sentiments demonstrate the importance of making the best of every situation, even the current pandemic, and identifying creative ways to increase visibility and inclusion among and between diverse legal professions and their respective organizations.