

**BAKER
DONELSON**
BEARMAN, CALDWELL
& BERKOWITZ, PC

Diversity Matters

Valuing Race and Gender

The Diversity Newsletter of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Fall 2008

Baker Introduces Comprehensive Inclusion Training

One of the Firm’s strategic pillars is *Shared Beliefs*, which is exhibited through our commitment to diversity and inclusion.



To ensure that all staff and attorneys are provided with information and training that will help them further this shared belief, beginning in December 2008, Baker Donelson will roll out a comprehensive inclusion training program designed by a diversity consultant.

“The strength of our Firm is our staff and our attorneys,”

says Mark Baugh, Chair of the Firm’s Diversity Committee. “This customized inclusion training is one way of ensuring that we continue to effectively address our clients’ needs.”

Twenty-one Baker attorneys from all offices volunteered to be the Firm’s instructors for the program. They have completed 24 hours of “train the trainer” sessions to become certified, and in the coming months will in turn lead training sessions for all staff and other attorneys. This training will not only benefit the Firm in advancing our diversity initiatives, but will also benefit our clients and our communities.

Horne LLP Working to Retain and Advance Women

by Laura Ellis

A number of Baker Donelson clients have initiated programs similar to our Women’s Initiative. Jackson, Mississippi-based client Horne LLP shares a geographic footprint with Baker Donelson, as well as a sincere interest in creating a work environment that promotes the success and retention of its professional women. Toward that end, the accounting and business advisory consulting company officially launched its own Women’s Initiative program in February of this year.

Not surprisingly, this Top 10 Southeastern accounting firm (which is also ranked 45th nationally) feels it is important to have a data-driven initiative. One of the first things they did was to roll out an internal survey from RSM McGladrey (a network of which they are a member), which covered general issues of employee satisfaction. They are using some of the data gathered in that process to help develop and inform their priorities with their Women’s Initiative.

“It all boils down to the business case for a program like this,” says Angela Beasley Phyfer, a tax partner with Horne who served on the American Institute of CPA’s national Work/Life Balance committee for three years.

“Our profession tends to lose women at the middle management and supervisory career stage – that time when women tend to have families – and we have to address that.”

Many of the issues that sometimes get pigeonholed as “women’s” issues actually can be termed more appropriately as “family” issues, Phyfer notes, and Horne has recently hired a Work/Life Coordinator to help manage what Horne calls

“career balance arrangements.”

“The firm bends over backwards to accommodate our professionals,” Phyfer notes. “Any good performer is eligible to submit a request for

accommodations.”

Many workers are already telecommuting or working compressed work weeks.

Programs in the planning stages for the fledgling Women’s Initiative include a women’s mentoring program (which will be open to all female employees and should be in place by year-end) and internal and external networking events that could involve Horne alone or may involve partnering with other companies – like Baker Donelson – to offer expanded networking opportunities.



H O R N E
CPAs & Business Advisors

The Cost of Diversity

by Pamela Carter

The fact is that diversity is no longer just the right thing to do. It's an essential factor to compete in today's business climate. So it should be no surprise that corporate clients expect their outside counsel to share diversity as a core value. What's clear is that Big Business increasingly understands that a focus on diversity is more than just a feel-good effort. Well-managed diversity can be a source of satisfaction for employers and employees of all backgrounds, races, creeds, genders, sexual orientation and levels of physical abilities. When diversity is poorly managed, however, it can be source of frustration, anger, fear about personal security and concerns for one's future. Many studies reveal that corporate cultures are enhanced by diversity: corporate bottom lines are improved, and shareholders' pockets are enriched by diversity.

Achieving Diversity

Achieving diversity does nothing for an organization unless that diversity is managed effectively. It is not a natural thing for people of different cultural backgrounds, religious or moral upbringings, cognitive styles or even genders to communicate effectively, appreciate what shapes each others' viewpoints, debate with each other without giving offense, or otherwise get along together. When a manager says "this diversity thing would be easy if only everyone reacted and behaved the same



way," or "I must be totally consistent in what I do; surely I should be expected to treat everyone the same," then he or she is reflecting the real challenge of managing diversity. Equality in the context of managing diversity means treating each person's needs with an equal amount of respect and attention.

Implementing Diversity

William Brooks, former vice-president of corporate relations at General Motors Corporation, says they followed a systematic course, mapping out the company's specific needs and then striving to reach them through management practices. "It's a five-phase process: one, identify the business rationale for engaging in a diversity effort and understand its principles; two, analyze the culture; three, understand the barriers and where you want to be, and develop action plans to remove the barriers; four, implement action plans to address the barriers; and five, evaluate progress and continuous improvement. In the short time that we've initiated phase one, we're shocked at the results. It's doing exactly what we wanted it to do. We can see real progress."

Other companies such as Chase Manhattan, Blue Cross and Blue Shield of Massachusetts and Polaroid Corp., concerned with maximizing the potential of their already diverse workforce, invested in employee organizations that monitor corporate diversity policies and work with community groups. Nestle Beverage Co. conducted a research study to help them design their diversity program, which included interviewing 28 employees chosen for their variety in age, ethnic background and equal gender

Diversity Scholarship Program Off to a Great Start

This spring the Firm established the Baker Donelson Diversity Scholarship Program, which will award up to three scholarships annually to diverse law school students who have completed their first year of law school. We will award each recipient a salaried second year summer associate position in one of the Firm's offices, and, after the completion of the summer associate position, a \$10,000 scholarship during the students' third year of law school.

The first recipients of the scholarship and summer associate opportunity are Shazi Jiang (Vanderbilt School of Law) and Staci Pierce (Cumberland School of Law).

We are committed to ensuring that both our Firm and our profession are represented by attorneys with a diversity of backgrounds. Enhancing opportunities for diverse law school students is crucial to fulfilling that commitment. This program not only helps diverse students defray the cost of law school, but also offers them the opportunity to acquire valuable experience in the legal profession through a paid summer associate position.

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The Cost of Diversity, *continued*

representation. The research helped Nestle focus their effort on areas that would most benefit the company financially.

The “Bottom Line”

Any organization – public or private sector – has to be concerned with “the bottom line,” although the definition of that may vary from one to another. The benefits of diversity must be weighed. Much of the attractiveness of workplace diversity comes from the impact on the “top-line” – increased profits through better customer service, opening new markets and so on. Of the studies done on the impact of the bottom line, one reports that “the favorable market reaction may be a response to the probability that such firms have better reputations with their diverse customers or more creative cultures; or they may be better problem solvers or more adaptable to external environmental changes.” Results show that companies who have been recognized for their diversity efforts (such as Wal-Mart, Pfizer, Glaxo, Motorola, Xerox and General Mills) experience an increase in investment returns, supporting the conjecture that being seen as a “good corporate citizen” is also profitable.

Leading By Example

Diversity must be both achieved and managed effectively if its benefits are to be achieved. This requires leadership commitment; the establishment of priorities and realistic objectives; the assessment and development of policies and practices to meet the particular diversity needs of the organization, including accommodation needs; and the provision of management and employee training and support processes.

A diverse firm can only begin with individuals who are willing to examine their personal beliefs and adopt changes to overcome value-based decisions founded on limited exposure to women and minorities in firm leadership roles. The change process requires us to work within each component of the firm to develop a coordinated and thorough effort to effect change. It requires proactive advocacy, collaboration, and linkages with goals and objectives supported by all stakeholders. The result will be a naturally diverse firm in which lawyers from all backgrounds have access to opportunities, and the value of their inclusion will be realized in firm revenues and overall culture.

New Associates Increase Women, Diversity Numbers

Baker Donelson’s fall class of 25 new associates includes 12 women and two minority associates. This brings the Firm’s totals to 178 (or 32% of attorneys Firmwide) and 38 (or 7%), respectively. Baker Donelson remains committed to recruiting, hiring, training, retaining and inviting to Shareholder status attorneys from under-represented groups, and the Recruiting Committee continues to work with attorneys in our Diversity Committee and throughout the Firm to explore new ways of widening our field of candidates. One such way is our minority undergraduate outreach program, which is in its beginning stages. Look for more information about this initiative in our next newsletter.



Whitney S.
Bailey



Kimberly M.
Bawgus



Shameak B.
Belvitt



Kristin C.
Dunavant



Melissa J. Egan



Mary Margaret
Gossett



Claire Cowart
Haltom



Cherie N.
Knotts



Stacey C.
MacKinnon



Jesse Mitchell III



Jessica Hodge
Shafer



Melissa W.
Wibbens

Not pictured:
Paige J. Casey

Baker Donelson and the Susan G. Komen Race for the Cure

Individual Baker Donelson offices have been involved with the Susan G. Komen Race for the Cure for some time now, but in the past two years the Women's Initiative has spearheaded a cohesive effort to take that involvement to the next level. One of the primary reasons was to honor the memory of the Firm's Recruiting Director Sue Porter, who lost a hard-fought battle with breast cancer in 2007. Toward that end, the Firm now encourages all offices where there are races to field a team and involve clients where appropriate. Among the big success stories is the Memphis office, where Baker Donelson attorneys staged a pancake breakfast to raise awareness (and money) for the Komen cause. Now in its 10th year, this year's breakfast was bigger and better than ever. In Birmingham, Baker's local coordinators recruited more than 90 team participants who raised more than \$8,000 for "Team Cure-inacci," so named for the office's managing shareholder, Tim Lupinacci. Nashville participants raised more than \$2,600 for their Counselors for the Cure team. Teams will also hit the road this fall in Chattanooga, Knoxville, New Orleans and Johnson City.



To Find the Cure... We Serve.

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New Baton Rouge Office to Feature Women's Resource Center

The Baton Rouge office of Baker Donelson will take its Women's Initiative effort to the next level when it relocates to a new building early next year. The office plans to debut a new Women's Resource Center dedicated to the promotion and advancement of women. The Center will house publications and statistics focused on women's growth and development in the business and legal communities, as well as showcasing accomplishments of successful women leaders. In conjunction with the opening of the new office, the Firm will host an open house and networking social to spotlight the new Women's Resource Center as an important foundation to further the Firm's efforts in the advancement of women.

Welcoming 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.



Julie Chinn

Julie Chinn is of counsel in the Memphis office in the bankruptcy group, concentrating on creditors' rights and commercial litigation. Her experience includes representing major finance companies and banks in bankruptcy court proceedings. Ms. Chinn previously served as Assistant U.S. Trustee for the Western District of Tennessee.



Laurie D. Clark

Laurie D. Clark is of counsel in the New Orleans office in business litigation, with an emphasis on employment and transportation matters. Ms. Clark has experience representing clients in general litigation at trial and appellate levels in state and federal court.



Floyd D. Gaines

Floyd D. Gaines is a shareholder in the Birmingham office, concentrating on class actions, product liability, employment law, education law, insurance law and general litigation. He has served as a Deputy Attorney General for the State of Alabama and has litigated cases in virtually every county in Alabama and in each of the three Alabama Federal District Courts, as well as litigated cases in the Georgia and Mississippi state courts and participated in numerous oral arguments before the Eleventh Circuit Court of Appeals.



Katie Dysart

Katie Dysart is an associate in the Firm's New Orleans office with extensive experience in insurance coverage and insurance defense. She has represented and handled all aspects of lawsuits for insurers and served as local counsel for out-of-state firms in relation to Hurricane Katrina and Rita claims, as well as other first-party property matters.



Bruce A. McMullen

Bruce A. McMullen is a shareholder in the Memphis office with experience in the areas of insurance coverage and bad faith actions, medical malpractice defense, products liability defense, municipal law and class action defense. He has tried more than 20 jury trials in state and federal courts in

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Welcoming New Attorneys, *continued*

Tennessee and Arkansas and has authored and argued appeal briefs to the Tennessee Court of Appeals.



Hannah Metzger

Hannah Metzger is an associate in the Nashville office and a member of the Health Law Group. She has served as Senior Commentary Editor for *Transactions: Tennessee Journal of Business Law* and was a coordinator for the University of Tennessee Pro Bono Health Care Advocacy Project.



Megan Ouzts

Megan Ouzts is an associate in the Atlanta office with experience representing clients in a wide range of employment law matters. She counsels companies on employment law compliance and litigation avoidance, including drafting and implementing employment policies and procedures, designing release agreements and providing on-site EEO training.



Lori Patterson

Lori Patterson is of counsel in the Memphis office with extensive experience in complex litigation, appellate work, securities litigation, civil and criminal defense, civil rights and governmental entity defense.

Catherine Thigpen is an associate in the Firm's New Orleans

office with experience in insurance coverage and litigation. She has counseled underwriters and insurance companies on coverage issues arising out of a wide range of claims including Louisiana legacy lawsuits, health-hazard and other complex environmental matters, as well as issues involving insured and additional insured status and general claims handling issues under third-party and first-party policies.



Catherine Thigpen



Elisabeth Quinn

Elisabeth Quinn is of counsel in the Baton Rouge office defending national companies in premise and products liability, toxic tort, occupational disease and class action claims. She has extensive experience defending national, regional and local banking institutions in commercial litigation matters.



Stacie Winkler

Stacie S. Winkler is an associate in the Memphis office, with broad experience in a number of litigation matters including class action defense, bad faith litigation, medical malpractice defense, personal injury litigation, insurance law, estate planning and probate law, products liability and municipal law. Ms. Winkler has significant jury trial experience and represents clients at all stages of litigation in cases

filed in both federal and state courts in Tennessee and Arkansas.

Baker Donelson Attorneys Selected for Best Lawyers Honor

*Best
Lawyers
in
America*[®]

A number of women and minority attorneys from Baker Donelson were recently selected for inclusion in *The Best Lawyers in America*[®] 2009 (copyright 2008 by Woodward/White, Inc. of Aiken, SC), a well-respected attorney listing that is widely regarded as a definitive guide to legal excellence. Because Best Lawyers is based on an exhaustive peer-review survey in which more than 25,000 leading attorneys cast almost two million votes on the legal abilities of other lawyers in their specialties, and because lawyers are not required or allowed to pay a fee to be listed, inclusion in Best Lawyers is considered a singular honor.

Of the 156 Baker Donelson attorneys selected for inclusion, 35 female and minority attorneys were chosen: Allisa J. Allison; Betty Anderson; Lauren W. Anderson, Mary L. Aronov, L. Mabel Arroyo, Gerardo R. Barrios, Linda M. Crouch-McCreadie, Nancy Scott Degan, Barry W. Ford, Donna D. Fraiche, Desiree M. Franklin, Tonya M. Grindon, Frank S. James, Valerie Walsh Johnson, Jennifer P. Keller, Denise W. Killebrew, Linda M. Klein, Amelia Williams Koch, Virginia C. Love, Anne B. Mathes, Bruce A. McMullen, Anne W. Mitchell, Mary LeAnn Mynatt, Carla Peacher-Ryan, Jackie G. Prester, Susan Elliott Rich, Clarence Risin, Fern H. Singer, Louann P. Smith, Jill M. Steinberg, Kelli L. Thompson, Danielle L. Trostorff, Susan S. Wagner, Jonell B. Williamson and Anne Derbes Wittmann.

Achievements



Pam Carter

Pamela Carter (New Orleans) has been appointed Chair of the Defense Research Institute's (DRI) Publications Committee.

Prior to her appointment, she has been a member of DRI's Diversity Committee and Diversity Seminar Steering Committee and has served as Chair and Committee member of DRI's annual Diversity Seminar programs since inception in 2006.



Nancy Scott Degan

Nancy Scott Degan (New Orleans) has been appointed Managing Director of the American Bar Association Section of Litigation. With approximately 75,000

members nationally and internationally, the Section of Litigation is the largest section of the American Bar Association.

In addition, Nancy will be honored by New Orleans CitiBusiness as one of its *Women of the Year* at its annual recognition event in November.



Sheri Fox

Sheri A. Fox (Chattanooga) and **Yanika C. Smith-Bartley** (Nashville) completed the Tennessee Bar Association's



Yanika Smith-Bartley

Leadership Law program at the Tennessee Bar Association's annual convention in Gatlinburg.

Donna Fraiche (New Orleans) was honored at an official



Donna Fraiche

reception in New Orleans hosted by the Consular Office of Japan. She was appointed as honorary consul general of Japan on April 1 by the Japan Ministry of Foreign Affairs "to preserve and further strengthen the good relationship between Japan and Louisiana." In addition, she opened the Japan Fest event at the New Orleans Museum of Art on October 18.

Ms. Fraiche has also accepted invitations to serve on the boards of The Pro Bono Project, Louisiana Blue Print and Louisiana Applesseed.

The Alabama Association of Paralegals, Inc. elected **Angelle Garcia** (Birmingham) to serve as the Region I Director for the 2008-2009 term. In addition, **Kimberly Herrin** (Birmingham) was appointed to serve as the CLA Coordinator, and **Lynn Evans** (Birmingham) was appointed to serve as the Historian.

Charles K. Grant (Nashville) was included in the *Nashville Business Journal* Best of the Bar 2008 listing. Recipients were selected based on number of votes from other Nashville attorneys and were honored August 21 at a reception, in addition to being profiled in an August 22 *Nashville Business Journal* special section.



Jennifer Hall

Jennifer G. Hall (Jackson) has been

selected for the 2008-09 Class of Leadership Greater Jackson program.



Frank James

Frank S. James (Birmingham) was elected to the Board of Directors of the Board of Pensions of the Presbyterian Church.



Linda Klein

Linda A. Klein (Atlanta) served as chair of the ABA Committee on Rules & Calendar, which creates the agenda and manages the debate of resolution

before the ABA House of Delegates. She also introduced a program on Domestic Violence issues and served as chair of the Coalition for Justice.



Emily Landry

Emily Landry (Memphis) has been appointed Chair of the DRI YLC's Legislative Liaison Subcommittee. In addition, she recently graduated from the

Leadership Academy Fellows program. This 12-month program provides innovative tools to empower individuals recognized as high-potential leaders by guiding participants through the process of finding, focusing and enacting their passion for the community.



Ashley Lowe

Ashley Meredith Lowe (Knoxville) has been appointed to the Tennessee Bar Association's Executive Council for the Environmental Section.

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Achievements, *continued*



Stephanie Rippee

Stephanie M. Rippee (Jackson) has been selected for inclusion in the *Mississippi Business Journal's* annual list of Mississippi's Leading Business Women. Ms. Rippee was featured in a special edition of the publication in September.



Fern Singer

Fern H. Singer (Birmingham) was named one of the

Birmingham Business Journal's Top Birmingham Women of 2008.



Sara Turner

Sara M. Turner (Birmingham) has been named vice chair of DRI's Technology Committee.



Nancy Vincent

On June 13, **Nancy A. Vincent** (Nashville) was presented with a President's Award from outgoing Tennessee Bar

Association President Marcia Eason, for her work as chair of the TBA Taskforce on Racial Diversity.



Gretchen Zmitrovich

Gretchen Zmitrovich (Jackson) was appointed to the executive committee of the Mississippi Bar Association's Section on Natural Resources, Energy and Environmental Law.

Activities

Baker Donelson held its second **Minority Attorney Retreat** in New Orleans this May. Over two days, more than 30 attendees held frank discussions on the current status of minorities in the legal field, tackling subjects such as recruitment, retention, mentoring, client demands and client development. Members committed themselves to several initiatives, and left the retreat energized and dedicated to working toward change.

On May 29 the Birmingham office hosted a luncheon with the theme "**Reflections Towards the Future.**" This luncheon was planned as continued contemplation and discussion on the 40th anniversary of Dr. Martin Luther King, Jr.'s death. Speakers included Odessa Woolfolk and Dr. Lawrence Pijaux of the Birmingham Civil Rights Institute, and Rev. Gerald Austin, who was profiled in the Birmingham news as



a person who has taken the legacy of Dr. King's work and put it into practical application to help individuals move from dependency to true economic self-sufficiency. In addition, the office recognized the 2008 Baker Donelson BCRI interns: Gary A. Crosby II, Melinda Marie Thornton and Kendall Rutledge Chew.

On May 30, the Women's Initiative welcomed the **United States Ambassador from Liechtenstein, Claudia Fritsche**, as the guest of honor at the regular Firm-wide



gathering of the Women's Initiative groups from all offices. The Ambassador spoke about her fascinating career as a diplomat from a country which didn't grant women the right to vote until 1984. Approximately 120 Baker Donelson attorneys, summer associates, paralegals and guests attended the gathering by videoconference from our offices across the company. Also in attendance was the Ambassador from Oman, Hunaina Al-Mughairy. The connection with Ambassador Fritsche was facilitated by Sheryl Bey (Jackson).

The members of the Chattanooga Women's Initiative participated in the **Women Build project for Habitat for Humanity** in June. Fourteen volunteers from the Chattanooga office, including



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Activities, *continued*

attorneys, staff and family members, donned t-shirts and hard hats specially designed for the event, laced on their tool belts, and spent the day installing exterior insulation on the house and sealing areas around windows and doors. Latrice Kirk joined the Baker Donelson volunteers in working on what would be home to her and her two-year-old son, Joshua.

Around 25 clients, prospects and Baker Donelson attorneys attended the “Street Savvy” event, hosted in June by the



Firm’s **New Orleans Women’s Initiative**. The self-defense demonstration and networking gathering was held at The Savvy Gourmet and featured two members of the

New Orleans Police Department SWAT team, who provided informative and practical tips for staying safe and even showed participants how to properly taze a “perp”! A networking reception followed. **Erin Pelleteri, Debra Yates, Lori Hook and Gina Farago** (all of New Orleans) planned and executed the event.



The **Nashville Women’s Initiative** hosted its second annual **Taste of Fine Wines** at Acorn Restaurant on June 26. Representatives from several client companies as well as other women

business owners joined Baker Donelson attorneys in sampling wines from wineries which are owned or founded by women.

The Memphis office sponsored the **Mid-South Minority Economic Development Fair** August 26 – 28. The event is coordinated by Mid-South Minority Business Council, the

Memphis area’s foremost minority business development organization. Attorneys **Beverly Gates, Buck Lewis, Rob Liddon, Ed Young, Imad Abdullah, Lodie Biggs, Betty Campbell, Valerie Johnson, Anne Mathes, Stacie Winkler, Lewis Donelson** and **Charles Hamlett** attended various events alongside several clients.

The **Chattanooga Women’s Initiative** hosted its first **Taste of Fine Wines** wine tasting and networking event on September 18 at 212 Market Restaurant. The thirty-plus guests included women from several client companies and other women professionals and business owners. The goal of the event was to solidify relationships with existing clients and build relationships with other women business leaders in the community. The featured wines highlighted the presence of women in the wine industry, ranging from women operators of the first nationally distributed wine in China, to the first female winemaker in South Africa.

The Nashville office sponsored the **26th annual Minority Enterprise Development Week**, a national celebration in recognition of the contributions made by minority businesses to the nation’s economy. Attorneys **Mark Baugh, Nancy Vincent, Sameak Belvitt** and **Nicole James** attended the MEDWeek Gala on Sunday, October 12 aboard the General Jackson showboat, along with several clients.

Several Nashville attorneys and staff members participated in **Habitat for Humanity’s Women Build** project in Lebanon, Tennessee on October 11.

Callaway Bain, Memphis’ head office clerk and pastor of Mt. Olive Baptist Church, earned his Master’s Degree in Theology from Tennessee School of Religion on May 16. The Memphis office honored Callaway and his family with a reception on October 15.

