



# 2008 Report and Recommendations of the Diversity Committee

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**PATTON BOGGS** LLP  
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Patton Boggs Diversity Committee's third annual report presents our first opportunity to assess the Committee's progress over a multiple-year period. To that end, on September 12, 2008, we held a special meeting to review our mission, the tasks that we had set for ourselves, our accomplishments and our shortfalls. This discussion produced the priorities that we have identified for 2009.

The 2008 annual report begins with a review of our first two full years of activity, examining both our achievements and our as-yet-to-be-achieved objectives. The second portion is devoted to a discussion of the three priority areas that we have identified for 2009: (1) lateral recruitment, (2) increased business development participation for women and diverse attorneys, and (3) internal firm communications on diversity-related issues.

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## I. SNAPSHOT ON PROGRESS TO DATE: A SUMMARY OF DIVERSITY COMMITTEE ACTIVITIES

### A. Recruitment

Our 2007 and 2008 summer classes markedly evidence the unflagging efforts of our Recruitment Committee to increase the diversity of our applicant pool and resulting summer hires and its openness to new approaches. Attachment A to this Report is a chart summarizing the makeup of our summer classes for 2006, 2007 and 2008.

The increased diversity of our summer classes is the product of new ideas, hard work and collaboration between our committee and the Recruitment Committee. For example, in 2007, the Diversity Committee identified a list of law schools with the most diverse student populations, provided the list to the Recruitment Committee, and the Recruitment Committee added many of the identified schools to the 2007 and 2008 on-campus recruitment program, either through on-campus interviews or regional job fairs. A list of the schools at which we recruit accompanies this Report as Attachment B.

Throughout 2007 and 2008, the Recruitment Committee initiated and continued programs designed to communicate and build relationships with both individual law students and diverse student organizations. An important component of this initiative is the establishment of relationships early in a law student's career. As part of this effort, the Recruitment Committee and Diversity Committee jointly sent a letter to the various diverse law student organizations, such as the Black Law Students Association, during the winter and spring first-year recruiting season, describing the firm's commitment to diversity, highlighting our desire to include first-year students in our summer program, and requesting that



the organizations circulate the letter to their members. In addition, the Recruitment Committee maintains contact with all first-year students who apply to our summer associate program, providing them with the opportunity to interview with us for their second-year summer. Recruitment also held two receptions during the spring and summer of 2008 for first-year law students in the D.C. area, and organized a panel discussion at each one focused on diversity issues. In campus interviews this fall, several of the applicants mentioned this program and said that it significantly contributed to their interest in the firm.

In 2008, Patton Boggs became one of the three founding law firms of Anapata.com, which is an organization aimed at linking diverse law students, student organizations, and law firms. Anapata provides the firm an efficient and comprehensive means to reach diverse law students and inform them about the firm's diversity and recruitment activities and commitment.

Scholarship programs are another means of differentiating the firm's efforts and commitment to diversity, and of building relationships with diverse attorneys. To that end, the firm participated in the Lloyd M. Johnson, Jr. Scholarship Program established by the Minority Corporate Council Association. This program helps minority law students meet financial needs, such as payment of tuition, books, and fees. Patton Boggs committed \$30,000 for three scholarships each in 2007 and 2008 as part of this worthwhile program. The firm also awarded a \$10,000 scholarship both in 2007 and 2008 to underwrite a first-year Hispanic law student in summer employment aimed at furthering the National Council of La Raza's mission to improve career opportunities for Hispanic Americans.

We also utilized the Patton Boggs Foundation to reach out to local schools and highlight our commitment to diversity. For example, John Oberdorfer, Rodney Slater and Doug Mishkin met with the deans of Howard and Catholic to add those schools to the list of Foundation participants. Foundation scholarship recipients in 2007 and 2008 include students from George Washington University, Georgetown, University of Virginia, University of Colorado, University of Denver, University of Texas, Southern Methodist University, and Seton Hall University.

All of these efforts have produced tangible results, as evidenced by the increasingly diverse composition of our summer classes. There are, however, issues remaining to be addressed.

The lateral recruitment of women and diverse associates and partners is an area in which we lagged in 2008. Of 12 lateral partners hired to date in 2008, only two are women. Only one is a minority. There were no lateral women partners hired in 2007. Of 38 lateral associate hires in 2008, six were minorities, and 11 were women. Clearly, this is an area that must be addressed, and lateral recruitment is one of the priority objectives for the Diversity Committee's 2009 agenda.

See Section II.A below.



## **B. Retention**

Overall, Patton Boggs' associate attrition rates are slightly lower than other firms of comparable size. In 2007 and 2008, our attrition rates among women and minority associates were also slightly lower than those of similarly-sized firms. Nonetheless, 20 associate women left Patton Boggs in 2007; six have left in 2008 to date. Four minority attorneys left in 2007; two have left in 2008.

Although we enjoy somewhat higher retention averages than do other firms, keeping all of our talent is critical to maintaining the quality of our legal work. The ability to retain diverse attorneys is also a key recruiting tool. In 2008, recognizing that most attorneys make career decisions sometime in their fourth through sixth year, the Diversity Committee organized an informal "Outreach" program for fourth through sixth year women and minority attorneys. We asked for partners and of counsel volunteers to serve as mentors, and we held several training and discussion sessions with the volunteers to identify successful mentoring techniques and common issues likely to be raised by the associates in the program. The Outreach program began enthusiastically, but the Diversity Committee has not devoted the time necessary to maintaining the program and supporting the mentors. Support for, and expansion of, the Outreach program is therefore a priority for 2009.

## **C. Internal Firm Communications and Infrastructure**

In 2007 and 2008, we established a number of internal communication measures designed to keep the firm informed as to the Committee's activities. These include:

- Inclusion of a section on diversity on the firm's web page;
- Establishment of a regular column in *Viewpoint* devoted to diversity;
- Regular briefings to the partnership at partner lunches;
- Inclusion of a diversity status report as part of the new associate orientation session in the fall, state-of-the-firm briefings to associates and staff, and summer associate meetings;
- Periodic email communications to the firm describing Committee activities; and
- Publication of the Diversity Committee's Annual Report on the firm website.

The firm has also instituted several measures that truly institutionalize our commitment to diversity. For example, the Diversity Committee has its own budget authority for items such as sponsorships, conferences, and programs. The proposed new partner compensation system includes a partner's contribution towards diversity as one of the stated criteria for the subjective portion of that partner's compensation. Similarly, in 2008, the Diversity Committee proposed, and



the Management Committee approved, a new policy crediting associates who otherwise meet their billable hour requirements with billable credit for some portion of firm-related hours, including hours devoted to approved diversity-related activities. These measures demonstrate leadership's commitment to diversity, and are vital to our continued success. We believe implementation of these measures will be very important achievements for Patton Boggs in promoting diversity.

#### **D. External Outreach and Communications**

While we continue to initiate and build on existing measures to promote the talents of our diverse colleagues already at Patton Boggs, we are at the same time attempting to increase our external reputation as a workplace fundamentally committed to diversity. Our reputation is growing, and our hope is that this growing reputation will assist in our recruiting efforts. For example, we are gaining recognition through awards we have won: In 2007 and 2008, *Multicultural Magazine* named us among the Top 100 Law Firms for Diversity, and *Working Mother Magazine* named us one of the Best Law Firms for Women. Vault, Inc.'s 2008 annual survey placed us as the Number 6 firm nationally for women.

In addition, in 2008 in particular, we took a number of steps that brought us more to the forefront of the diversity issue:

- In April 2008, we published a Corporate Social Responsibility Report. This Report measured the firm's performance in four areas: pro bono, diversity, environment, and health and safety. While many of our corporate clients now publish similar reports, Patton Boggs is among the first law firm to produce a Corporate Social Responsibility Report.
- The Diversity Committee and Health Care and Employment Law Practice Groups teamed together to organize an October 7, 2008 Conference at the National Press Club on Disability as Diversity. The event was co-sponsored by the U.S. Chamber of Commerce, The George Washington University Department of Health Policy, the Healthcare Leadership Council and SEIU Healthcare. The panels featured speakers from the Hill, the National Institutes of Health, the Director of the University of Pennsylvania's Center for Bioethics, and the Center for American Progress. See Attachment E for the Conference Agenda. Both BNA and CQ covered the Conference. By focusing attention on the opportunities and challenges presented by the growth of people with disabilities in the workforce, Patton Boggs has singled itself out as a leader in this field and forged many important relationships with Hill staff, educators, policy makers, and industry.
- The Fall 2008 issue of *Capital Thinking* was devoted entirely to diversity. The issue included articles by Sherry Williams (Vice President and Corporate Secretary for Halliburton), the Hon. Kurt Schmoke (Dean of Howard Law



School), Judy Zagorski (Director of HR Development and Strategy at BASF), and Lisa Polan (Vice President and General Counsel, Terex Corporation). The articles covered topics such as the Millennials, the aging workforce, and global diversity efforts. The Diversity Committee is tremendously grateful to the Marketing Department for their efforts in guiding this very special issue of Capital Thinking to completion, as well as their on-going collaborative and support efforts which are integral to the Committee's work and success.

- In 2008, the Diversity Committee made great progress in identifying sponsorship opportunities early, planning for events, and obtaining feedback on events in order to inform future decisions about which sponsorships to endorse. We developed a sponsorship request form (attached as Exhibit F), requiring requesting attorneys to identify how the event would accomplish the objective of advancing diversity at the firm, how an event would involve Patton Boggs personnel and/or clients, and how the requesting attorney planned to follow up on the event. The Committee worked with the Marketing and Recruitment Departments to develop a list of events for sponsorships in 2008, and with few exceptions, we adhered to the list throughout the year. We plan to do the same for 2009.
- The firm has also embarked on a program to maintain a relationship with current and past Ron Brown Foundation and Patton Boggs Foundation grant recipients by inviting them to firm functions in our various offices. Maintaining ties with this outstanding pool of scholars can only serve to increase recognition of the firm as on-committed to diversity.

These external outreach efforts are bringing results. Patton Boggs is now one of the firms that the media thinks of when they think about diversity. *Washington Post* featured our firm in its article covering the *Working Mother Magazine* awards. *8-K Magazine*, published by the California Daily Journal Corporation, is bringing out its first edition devoted to diversity in November 2008. Together with Arnold & Porter, and Hogan & Hartson, we participated in a roundtable discussion that will form the basis of one of the articles in the November edition. Finally, Patton Boggs will be interviewed for an article on women in the legal profession to appear in *Women's Legal News*.

In 2008, we also initiated planning for a Diversity Advisory Board, to be comprised of members from private corporations, academia, and non-profit institutions. The Board's objective is to bring together a group of people all committed to diversity but with different perspectives to work through issues and share ideas. We identified our potential Board members, and began reaching out to them for an initial Board meeting in early 2009. We have also retained former associate Tom Duckenfield, who is now the CEO of Diversity Spectrum, to act as facilitator for the first Board meeting, at which we plan to discuss the issue of metrics for measuring diversity.



## II. WHERE WE NEED TO BE: 2009 PROGRAMS AND OBJECTIVES

Based on the Committee's discussions, we have identified three areas of concentration for 2009: (i) lateral recruitment; (ii) increased participation of diverse attorneys in business development and client activities; and (iii) internal firm communications training. Our recommendations in each of these areas are set forth below.

### A. Recruitment

While our successful summer and first year associate recruitment efforts will remain a priority, the Diversity Committee views the lateral recruitment of women and minority attorneys as the most critical item on our 2009 agenda. Many clients evaluate law firms based on their demographics, and as noted by our clients, our lateral recruitment of diverse and women attorneys missed the mark in 2008. We simply must increase our efforts in 2009.

To do so, we recommend the following:

- Appointment of a liaison from the Diversity Committee to work with the Practice Management Committee on lateral partner recruiting. We are ready and willing to add our resources to this effort. Our first task is to try to identify why the firm sees so few minority and women partner candidates (particularly in the New York market). We need to ask our search firms whether there is some degree of self-selection occurring, or whether our candidate criteria operate to depress the numbers of minority and women candidates. We must also consider whether we should work with other search firms with reputations for diverse recruiting. The partner members of the Diversity Committee could also serve as interviewers in order to ensure that applicants see a wide range of firm partners during their meetings with the firm.
- With respect to associate recruitment, the Management Committee's process of approving lateral hiring requests requires the practice group seeking hiring authority to justify the need for the associate and to provide a plan for keeping the associate busy. We suggest that the hiring proponent be required to include in the justification how the practice group plans to ensure that women and diverse attorneys are included in the associate search. At the very least, this requirement will draw the hiring sponsor's attention to the issue. On a more concrete level, we can ask practice groups requesting to hire a lateral associate to place job advertisements with minority and women bar associations and other organizations. We also urge the firm to ensure that when lateral associates are interviewed, their interviewees include at least one woman or minority associate.

### B. Business Development



Ultimately, a successful attorney must be capable of generating and maintaining business. Thus, perhaps the most important means of attracting diverse attorneys to Patton Boggs and then keeping them here is to provide them with the tools to develop their own client base. In 2007, the Diversity Committee, the Women's Forum, and the Business Development Department collaborated on a pilot program of individualized business development coaching for a volunteer group of junior women partners and of counsel. The program was inexpensive, and we learned valuable lessons from the interviews that we conducted with the pilot program participants. First, individualized coaching has two major advantages over group coaching or programs: individualized coaching provides the individual partner with tangible incentives to meet deadlines and put business development "on the front burner," and it evidences the firm's commitment to the individual partner. The second lesson we took from the pilot program was that the coaches need to be familiar with the firm in that an outside consultant is less effective than is someone who knows how the firm operates.

In addition to the internal benefits of increasing the client base of our women and minority attorneys, a focus on business generation will also help the firm to identify strategies to develop our clients' interests in seeing diverse teams of attorneys. Accordingly, based on these tenets—that each attorney should strive to develop a business base and that our attention to assisting our diverse attorneys to develop their own business bases will help us match our goals to those of our clients—we make the following recommendations for 2009:

- First, the firm needs to ensure that women and minority attorneys with the appropriate expertise and experience are participating in both client pitches and in client staffing. We currently have no way to measure this. We therefore propose that a member of the Diversity Committee be named as a liaison to the Business Development Department, and that the Diversity Committee liaison be tasked with meeting at least monthly with Business Development to review the month's potential client meetings, proposal responses, and other client introductions, in order to track the composition of the participants. These data will then assist us in implementing any necessary changes in our business development activities.
- Second, the Diversity Committee would like to lead an informal business development coaching program that builds on our internal resources and the objectives of our Strategic Plan. To capture the spirit of individualized coaching, we believe that regular small gatherings—lunches, breakfasts, etc.—of successful business generators in the firm with women and diverse attorneys to discuss business development will provide valuable advice and experience to these attorneys and at the same time introduce partners who might not otherwise cross paths. We also believe we can work with and expand the PB Rain Program's planned efforts to utilize the lessons learned in that program and encourage the Program participants to share their learnings with other firm members. To that end, we understand a group of attorneys, including women and diverse attorneys, from PB Rain have offered to organize a PB Rain model client development panel at the next PB Academy. Also, with the assistance of the



Business Development Department and PB Rain, we envision coupling these small meetings with the development of individualized business plans by the participating women and diverse attorneys, using the scheduling of the meetings as deadlines for implementation of the individual plans. The plans would build on the firm's Strategic Plan and objectives and thus seek to ensure that the participating attorneys would be part of implementation of the objectives of the strategic plan.

- Third, we applaud those individual attorneys who have joined practice-specific bar associations for diverse attorneys, such as the African American Real Estate Bar. We would like to work with the Practice Management Committee to identify more of the opportunities and encourage participation by our diverse attorneys.

### **C. Internal Firm Communications and Infrastructure**

In 2009, the Diversity Committee seeks to focus on internal firm communications. We have already spoken with the Marketing Department and plan jointly to develop a diversity brochure that will be used for marketing and recruiting purposes. We also plan to convene again the Diversity "listening" sessions, and invite all firm personnel to attend open meetings and share their thoughts, ideas, and critiques with us.

Finally, and importantly, we urge the firm to name a Chief Diversity Partner, using the models of the Pro Bono and Training Partners, which have become extremely successful positions. Working with the Diversity Committee, the role of the Chief Diversity Partner would be as the central voice of the firm both externally and internally on issues of diversity, and as the central force promoting diversity programs and actions. For example, the firm regularly receives requests from clients and potential clients for information about our diversity initiatives, statistics and current practices. The Diversity Committee recommends that in 2009 a clearinghouse be created inside the firm under the supervision of the Chief Diversity Partner to provide information to these entities and other entities that express interest in our programs and track record. The Diversity Advisory Board is intended to assist us in furthering our internal and external objectives and will be an excellent source for additional information. We also recommend that the firm encourage and maintain a dialogue with clients who are seeking to improve their own performance in this area.

## **III. CONCLUSION**

The Diversity Committee again wishes to express its appreciation to firm management for its leadership from the top, and to the staff who have supported us on all levels. Our achievements this year represent a great example of what this firm can do when we have a common goal and shared commitment. We are confident that with the continued participation and support we have enjoyed in our first two years, we will accomplish the objectives and tasks we have identified for 2009.



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If you have any questions about the Diversity Committee, please feel free to contact the Committee chairs:

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