



Diversity & Inclusion

Spring/Summer 2020

 Frost
Brown Todd^{LLC}
ATTORNEYS

I am excited to present the Spring/Summer edition of Frost Brown Todd's (FBT) Diversity & Inclusion Report and connect with all of you in these challenging and socially distant times.

The climate in the United States has changed significantly since March, and we have been compelled to manage uncertainty, adjust our priorities, and adapt to new realities. Whether it be living through an unprecedented pandemic or seeing social justice issues front and center for weeks on end, we are all enduring 2020 together.

But amidst the Zoom calls and stressful news cycles, I have seen heartwarming stories of people coming together in new ways to reach out to both neighbors and strangers for the greater good. In essence, this experience has become a global exercise of diversity and inclusion. We have been forced to evaluate how our own actions impact others and recognize that in some cases that could even mean life or death. What a powerful and important lesson!

This report details how FBT has remained engaged in D&I issues throughout both the Black Lives Matter movement and the COVID-19 pandemic. For those of us on the Diversity & Inclusion Committee, saying "We're all in this together" means more now than ever.



Victoria Beckman

Victoria Beckman
Latin America Desk, Chair
Privacy and Data Security Team, Co-Chair

Our Vision Statement

Frost Brown Todd is committed to building and maintaining, as a central and permanent part of our culture, a diverse and inclusive team environment based on the following beliefs:

- *Each of us is unique, and being inclusive means celebrating that uniqueness and encouraging each of us to bring our whole and best selves to work every day.*
- *A diverse and inclusive culture is critical to the success of each member of our team and, therefore, to the success of our firm as well.*
- *We must never be satisfied but must be dedicated, individually and as a firm, to always seeking new and better ways to support and encourage the personal growth and professional development of all.*

WHAT'S INSIDE THE REPORT: SPRING-SUMMER 2020



RACIAL JUSTICE ACTION

In recognition of the ongoing social justice movement, this issue of our D&I Report will highlight some of the actions we at FBT are taking to support racial justice in America. [Read more about our recent racial justice actions.](#)



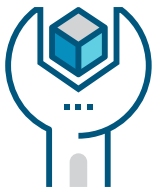
COMMUNITY ENGAGEMENT & LEADERSHIP

Through various outreach programs, we connect with organizations in our communities and invest both significant funding, as well as volunteer hours, toward their missions. [Read more about our community and leadership activities.](#)



SUPPORTING THE FUTURE

The firm promotes building a pipeline of diverse attorneys in our local legal community by supporting diverse students in their education and exploration of law. [See how we are supporting the future.](#)



INTERNAL AWARENESS, DEVELOPMENT & TRAINING

We conduct regular mandatory training for all employees on unconscious bias and inclusion, supplemented by optional workshops to help everyone develop cultural competencies. [Learn more about our internal D&I activities.](#)



AWARDS & ACCOLADES

Our goal is to be recognized for having the most inclusive environment in our markets. While we are proud of the recognition we have received to date, we acknowledge that we still have plenty of work to do. [Check out our most recent awards and accolades.](#)



FBT Attorneys Participate in Juneteenth Event Hosted by Indy Lawyers for Black Lives

On June 19, Indianapolis attorneys **LaShaila Spivey**, **Chelsea Hyslop**, **Amy Johnson**, and **Derrian Smith** attended a “Call to Action” organized by Indy Lawyers for Black Lives to commemorate Juneteenth and help mobilize the local legal community in the fight to end racial inequity. The event was held at the Indiana University McKinney School of Law and drew approximately 300 attendees. Speakers included Indiana Supreme Court Justice Steven David, Jill English, the director of Interrupting Racism for Children, and various local attorneys.



Holland Hawkins Participates in CWABA March for Justice and Equality

On June 19, Louisville Associate **Holland Hawkins** joined members of the local legal community in a Juneteenth March for Justice and Equality organized by the Charles W. Anderson, Jr. Bar Association (CWABA), formerly the Louisville Black Lawyers Association. Holland is pictured on the left above with Judge Denise Brown, Judge Tanisha Hickerson, Candise Caylao, Esq., Zack McKee, Esq., and Nick Wilson, Esq.

D&I Workshop: “A Conversation About Being Black in America,” Led by Michelle Silverthorn

On July 9, a group of roughly 340 FBT attorneys and business professionals attended the virtual panel discussion “A Conversation About Being Black in America,” led by Michelle Silverthorn, founder and CEO of Inclusion Nation. The panelists included FBT’s own Richard Moore, Janine Tate Webb, Zenobia Bivens, Derrian Smith, and Denise Nowell. Their discussion focused on the challenges of being overlooked and isolated at work, unconscious bias, microaggressions, stereotypes, and the ways in which privilege can amplify inequity in the workplace.

Ms. Silverthorn also explained how to move forward on antiracism, how to create spaces where Black people are treated as human beings of equal value, dignity and worth, and how we can together build an organization and nation centered on racial justice for all. Many of those in attendance remarked that this event was one of the most important inclusion workshops FBT has hosted to date and that it was powerful to hear their colleagues discuss how racism has affected their lives and careers.



About Michelle Silverthorn

Michelle Silverthorn practiced law in New York and Chicago before transitioning to the education field where she has trained thousands of professionals about implicit bias, diversity and inclusion, and millennials in the workplace. She founded Inclusion Nation on the belief that diversity and inclusion needs a new voice for a new generation. [Watch her TED Talk, “We Are Not a Melting Pot.”](#)

FBT’s Racial Justice Action Rundown

In addition to the other actions discussed in this report, FBT has taken the following steps to support racial justice this summer:

- Joined the Law Firm Anti-Racism Alliance, an alliance of over 250 law firms whose stated purpose is to “leverage the resources of the private bar in partnership with legal services organizations to amplify the voices of communities and individuals oppressed by racism, to better use the law as a vehicle for change that benefits communities of color and to promote racial equity in the law.”
- Provided clinical sessions for interested Black associates, summer associates, and business professionals with The Well Firm and its founder and CEO Jacquesline Walker, LICSW, CCTP, SMC-C, focused on addressing and dealing with racial trauma and racial injustice issues.
- Compiled Racial Equity Allyship Toolkits that are circulated firmwide on a periodic basis. You can access the first two toolkits [here](#) and [here](#).
- Provided a copy of the book *So You Want to Talk About Race* by Ijeoma Oluo to all personnel who wanted it and organized small groups for facilitated and/or guided book club discussions during July and August.



Crisis Requires Strong Leadership: Cat Burgett Heads FBT's Coronavirus Response Team

When the magnitude of the COVID-19 pandemic and its economic impact became apparent, FBT turned to a proven leader with expertise tailored to support our clients through the crisis – **Cat Burgett**. The firm formed a multidisciplinary Coronavirus Response Team to help clients better navigate the issues that mattered most to their businesses and placed Cat at the helm. Cat led the team alongside Lynda Hill until Lynda left the firm in July to start a new role as clerk of court for the U.S. District Court for the Middle District of Tennessee.



Cat is a member practicing out of FBT's Columbus office. Her extensive experience handling a broad range of labor and employment issues across a wide swath of industries makes her leadership invaluable to FBT's Coronavirus Response Team. Lynda's experience in the area of supply chain risk management helped the team support businesses struggling to navigate the numerous problems thrust upon them by the pandemic and shutdown.

Under Cat's leadership, the Coronavirus Response Team mobilized lawyers from across the firm to identify legal and business issues where FBT could provide problem-based solutions, value, and reassurance as companies are faced with tough choices. Cat also spearheaded an effort by FBT lawyers to provide timely coronavirus-related guidance to clients. As of September 1, the response team has published nearly 300 articles on our website, provided thought leadership to regional and national publications, and hosted several webinars on issues identified as crucial during the crisis.

Cat expresses the highest praise for the Coronavirus Response Team members whose support, expertise, and initiative have made all the difference in pursuing this effort. "The practice of law, at its best, is a team sport, and our FBT team has been amazing through this challenge," says Cat.

FBT Hosts Virtual Pride Parade

In June, FBT hosted a Virtual Pride Celebration where we celebrated Black LGBTQ leaders and heroes. The virtual event also included a moment of silence for transgender victims of violence, trivia about the LGBTQ spectrum and intersectionality of communities, personal stories, and a best-dressed contest. **Ryan Goellner** (organizer), **Alan Morgan**, **LaShaila Spivey**, **Nina Greene**, **Bobbi Munholland**, and **Josh Lewis** each led a segment of the virtual parade.



Victoria Beckman Selected to HNBA Leadership Position

Columbus Member **Victoria Beckman** is the newest vice chair for the Compliance and Ethics Section of the Hispanic National Bar Association (HNBA). Founded in 1972, the HNBA is a national organization focused on the needs, professional development, and advancement of Latinx legal professionals. In her new role, Victoria helps oversee the Compliance and Ethics section, which promotes participation in issues of policy and governance.



Carlos White Begins 2020 LCLD Fellows Program

Dallas Member **Carlos White** attended the initial meeting for the 2020 Leadership Council on Legal Diversity (LCLD) Fellows Program, held in Miami from February 21-23. Launched in 2011, the LCLD Fellows Program provides year-long leadership training through professional development programs, conferences, and peer-group projects. In Miami, Carlos participated in meetings focused on managing internal relationships, communicating as a leader, and professional development, and networked with 2019 LCLD Fellows as well as in-house lawyers and executives from member corporations including Allstate, Kimberly-Clark, Home Depot, and Coca-Cola.

FBT Forms Parents of Children at Home Affinity Group

With the implementation of social distancing, many of us have had to adjust to working from home. This transition has been a challenging one for working parents. Due to school and day care closings, combined with the pivot toward nontraditional instruction, our working parents have at times felt like they had two full-time jobs with competing demands.

FBT has been receptive to the unique needs and quirks of working while serving as a schoolteacher/day care provider from home. FBT parents started sharing the joys, frustrations and mostly laughs that come from working with children around. Many parents at FBT have been participating in “Parents of Children at Home” conference calls to share and discuss their experiences during this challenging time.

Some of our FBT parents provided reflections on this unique experience with their families.

"Our family went from going 100 miles an hour (meetings, flights, school, work) to a slow trot. At first, I fought the change, thinking that our house would stay as clean and routines would continue as normal. Then, I was frustrated that we could not operate as normal. Next, I wanted the freedom to hang out with my family without work and the freedom to work without interruptions from our little coworker, four-year-old Dean. I could not find a balance. One day I found myself chatting with my husband in the middle of a workday, and neither of us was obligated to run off somewhere. It was so nice to just hang out with my best friend like we did when we were younger. After that, I started focusing on the precious moments that our family has had together over the past few months. This has helped counter so many of the sad and devastating things that I have read, experienced, and seen. Don't get me wrong, this still super sucks, but now I have a better perspective that has made every day a little more enjoyable."

- Zenobia Harris Bivens, Member-in-Charge, Dallas

"During the pandemic, the ability to work from home has been a fairly smooth transition. My biggest obstacle to productivity is the lack of child care options currently available in Michigan. With all day care facilities closed, our 1.5 year-old son now stays at home during the day. While both of us are working, my wife and I are also juggling our son's need for attention, Elmo rationing, irregular naps and diaper changes. It is wonderful to spend more time with him than usual, but his unpredictability adds a great deal of stress when our work lives are predicated on tight scheduling."

- John Gaviglio, Senior Associate, Ann Arbor

"For parents with children at home, particularly school-age and younger children, working from home during this period of COVID-19 can be especially challenging. Or, if you're me, and have been home-schooling a first and third grader and tending to a one year old, some days it can be an absolute circus. That's where our Parents of Children at Home affinity group comes in. While participation in the group calls doesn't necessarily make things any easier, the ability to simply commiserate, vocalize concerns, swap ideas, laugh (so I don't cry), and share stories with others in the same or similar situations has been a lifeline. It has also been an opportunity to share with parents that FBT leadership recognizes and understands our struggles. Overall, I feel that the firm has been very supportive of parents and our unique situations. Until such time as we are able to move to some type of normalcy, to all of the parents with kids at home, I encourage you to simply find what works for you (and that could change almost daily), stay connected with those of us in similar situations, and hang in there."

- Kimera J. Hall, Member and Diversity & Inclusion Committee Chair, Dallas

FBT Associates Attend CYOC Conference for New Lawyers

FBT associates from across the firm attended the 20th Annual Chart Your Own Course (CYOC) conference for new lawyers in Orlando, FL. CYOC is an annual career development conference for minority attorneys to connect, share personal stories, and learn from each other's trials and triumphs. Participants also have the opportunity to network with diverse lawyers and hear about the professional experiences of senior law firm members, in-house counsel, and early-career attorneys of color. Representing FBT at this iteration of CYOC were **Frank Carson** (COL), **Eric Cook** (CIN), **Jonathan Fox** (WES) and **Andrew Johnson** (CIN).

As a first-time attendee, FBT Associate Jonathan Fox said his biggest takeaway from CYOC was to focus on "building relationships, not a network." Since the conference in February, Jonathan has focused on getting to know FBT attorneys in other offices and reconnecting with law school classmates practicing around the country at other law firms.

FBT Associate Frank Carson attended CYOC this year for the second time. In addition to informative sessions centered around building legal skills, Frank says that the main draw of the conference was making invaluable connections and lasting friendships. These relationships "allow diverse attorneys to build a network of support to rely on in both good times and bad," says Frank.

FBT Teaches Financial Literacy Curriculum to Eighth Graders

For the seventh consecutive year, FBT attorneys and business professionals in Cincinnati taught the Junior Achievement "Economics for Success" curriculum to eighth grade students at Withrow High School. The program is designed to help students appreciate the economic benefits of staying in school. During two sessions in February, the curriculum covered basic financial literacy (including banking, credit, insurance, and related topics) and helped students explore career options through a self-assessment of their skills, interests, and values.

WBA's Summer Programs Pivot Under Terrence Reeve's Leadership

The Wolverine Bar Association (WBA), one of Michigan's largest and most prominent affinity bar associations, promotes equal justice and equal access under the law and diversity within the legal profession. As its president, Ann Arbor Member-in-Charge **Terrence Reeves** worked to adapt both of the WBA's summer programs to accommodate law students whose summer work opportunities were impacted by the COVID-19 pandemic.

To fulfill its mission, the WBA's Summer Clerkship Program (SCP) places deserving minority law students at major law firms and corporations in the metropolitan Detroit community. The WBA, in partnership with U.S. District Court Judge Victoria Roberts, also offers a Judicial Externship Program (JEP), which provides minority law students with valuable experience as judicial clerks in the Eastern District of Michigan. Each year, through these programs, more than 25 diverse students strengthen their legal writing, drafting and analytical skills working alongside some of the top legal minds in the country.

Because of the COVID-19 pandemic, many firms and businesses moved to shorten or cancel their summer programs, leaving several SCP clerks without summer employment or the opportunity to further develop their skills over the summer. The JEP successfully shifted to a remote format. Under Terrence's leadership and with funding assistance from the W.K. Kellogg Foundation, the WBA adapted both programs to secure summer work experience for the full cohort of SCP and JEP students.

"The goal," says Terrence, "was to ensure that the WBA's commitment to diversifying the profession did not succumb to COVID-19. Crises have a way of drawing out the innovator in each us, and the COVID-19 pandemic drove the WBA leadership team, the Kellogg Foundation and federal bench to use available resources to think differently to do more."



Jonathan Fox Supports Pre-law Students at His Alma Mater Through Diversity Scholarship Fund

West Chester Associate **Jonathan Fox**, who serves on the Alumni Advisory Board for Miami University's (Ohio) Sue J. Henry Center for Pre-Law Education, launched a scholarship in 2019 with fellow board member Allison Ailer to fund Black students taking Miami's LSAT course. During the scholarship's inaugural year, they raised \$5,400 in support of six students who, upon completing their undergraduate degrees, were admitted to programs at the Emory University School of Law, American University Washington College of Law, and University of Georgia School of Law.

INTERNAL AWARENESS AND TRAINING

A Fresh Perspective: FBT Introduces New D&I Orientation Video

On April 29, FBT circulated its new D&I orientation video to the entire firm. Viewing the D&I orientation video is a requirement for all FBT attorneys and business professionals during their onboarding process. As a part of the firm's ongoing commitment to diversity and inclusion, D&I leadership reviewed the previous orientation video and determined that it was outdated. Over a period of several months, a small group of our D&I leaders, attorneys, and business professionals worked together to update the video.

Some of those who gathered in Cincinnati in December 2019 to film the new video reported that the process was rewarding and provided reflections on the experience.

"I was amazed at how easy it was to come together, with some of us meeting for the very first time and then basically just having honest, unscripted conversations. The atmosphere of openness, feeling safe to be who I am and speak my truth was unbelievable! I did not want to leave."

- Denise Nowell, Legal Practice Assistant, Lexington

"The process of filming the video was like an intimate D&I workshop itself. Folks from across the firm came together to speak openly with each other about what it takes to make the firm a more inclusive environment for everyone. I was honored to be involved, and I think the result is a great introduction to what diversity and inclusion mean at FBT."

- Dan Craig, Senior Associate, Pittsburgh

"I am very honored and proud to have been asked to participate in the video. The video turned out great and really gives a good glimpse of some of the things the firm does for D&I. We have an amazing group of professionals that are committed to D&I, and I could not be prouder to be an FBT employee. The D&I work I do is one of the many highlights of my position at the firm."

- Jason Cebe, Records Manager, Louisville

Collaboration at a Distance: How the Virus Keeping Us Apart is Bringing Us Together

By Denise Nowell, LPA, Lexington

The coronavirus pandemic and social distancing restrictions required to combat it have challenged us to find new ways to work together without sharing the same physical space in order to serve the needs of our clients and communities from a distance. While the devastating impact this pandemic has brought upon humanity should not be understated, we can take away lessons about how to better foster collaboration from our experience coping with remote work while schools and day cares are closed and physical contact is limited to the members of our respective households.

Collaborating at a distance has required us to develop and refine certain qualities that are key to the success of any team: patience, clear communication, the ability to think outside the box, empathy, and gratitude. The shutdown and remote work environment require each of us to consider the circumstances in which our team members are working. Are there kids at home? Are you all alone? Do you have loved ones working on the front lines as essential workers or who are physically battling the disease? Is the isolation causing or exacerbating anxiety? Are you struggling to adapt to new technology required by remote collaboration?

“How are you doing?” is no longer merely a standard greeting, but a necessary inquiry that promotes our ability to effectively collaborate. We need to listen to the answers, set expectations accordingly, and supplement the team with others if necessary. We also need to communicate any limitations we may be experiencing so that the team understands our capacity and can adjust accordingly.

The pandemic heightened the need to be attuned to the struggles of our colleagues. We should not leave this recognition at home when the time comes to return to the office. By focusing on better and more open communication and growing our understanding of the particular circumstances under which our colleagues are operating, we can foster greater inclusiveness in the firm’s culture and productivity in our work.

D&I Workshop: "Fail Better," Presented by Sean Carter

On February 5, FBT hosted Sean Carter for a workshop entitled “Fail Better.” Drawing on behavioral science and his own gift for engaging people through humor, Mr. Carter discussed how even hidden and seemingly benign biases prevent professionals from effectively communicating with clients and creating diverse and inclusive workplaces. He emphasized that while these biases may, at times, seem unavoidable, it is possible for professionals to “fail better” in a continuing effort to eliminate bias in the legal profession.



D&I Workshop: “Generational Differences,” Presented by Chris De Santis

On July 20, FBT hosted Chris De Santis for a workshop entitled “Generational Differences.” The workshop focused on embracing generational differences and applying these principles to improve job performance, especially in the legal profession. Mr. De Santis is an independent organizational behavior practitioner focusing on improving productivity and commitment in the workplace. He relies on 30 years’ experience in training and development, and work experience in manufacturing, service, and not-for-profit environments.

U.S. Supreme Court Issues Decision Protecting LGBTQ+ Employees from Discrimination in the Workplace

By Linh Pham, High School Summer Intern, Nashville

On June 15, the U.S. Supreme Court declared in a 6-3 decision in *Bostock v. Clayton County* that discrimination against employees because of their sexual orientation or gender identity violated Title VII of the Civil Rights Act of 1964, delivering a victory for the LGBTQ+ community and advocates. Justice Neal Gorsuch wrote the Court's majority opinion.

Three cases were at the center of this decision. Donald Zarda worked as a skydiving instructor in New York when he casually mentioned he was gay. Days later, he was fired. Aimee Stephens started working at a funeral home in Michigan as a man, but after six years of employment, she announced her decision to live as a woman to her employer. She was fired. The title case concerned Gerald Bostock, a leading child welfare advocate for Clayton County, Georgia. The county deemed his involvement in a local gay recreational softball league “unbecoming” of a county employee and fired him.

The Court's majority opinion was based in a textualist approach to statutory interpretation and recognized that in the employment context, Title VII protections against sex discrimination apply to discrimination against individuals, as opposed to discrimination against groups. Accordingly, an employer's policy against employing LGBTQ+ individuals of any gender does not avoid violation of Title VII. The Court provided the following example to explain its reasoning:

Consider, for example, an employer with two employees, both of whom are attracted to men. The two individuals are, to the employer's mind, materially identical in all respects, except that one is a man and the other a woman. If the employer fires the male employee for no reason other than the fact he is attracted to men, the employer discriminates against him for traits or actions it tolerates in his female colleague.

In this trio of cases, the Court held that the terminations violated Title VII regardless of the motivation or intention of the employer. In previous cases where employers defined separate conditions for members of opposite sex, the Court set aside the intention of the employer as irrelevant. The discrimination still stands, and with it, the liabilities of Title VII.

While sexuality and transgender status are concepts distinct from sex, discrimination on these grounds entails discrimination based on sex due to the interconnected aspects of sexuality, sex, and gender. This sweeping decision appears to protect all members of the LGBTQ+ community in the workforce. Mr. Bostock's case now returns to the trial court for decision consistent with the Supreme Court's ruling. Both Mr. Zarda and Ms. Stephens died before the high court rendered its decision, but their legacies remain a part of the fight for LGBTQ+ equality.

Though the ruling strikes a landmark achievement, there remain many legal battles ahead for the LGBTQ+ community. In the Supreme Court's next term, it will rule on the scope of religious rights exemptions as applied to anti-discrimination policies, which could complicate the landmark decision in *Bostock*.

Members of the LGBTQ+ community both celebrated and mourned during Pride Month. This past June, the community celebrated the five-year anniversary of the legalization of same-sex marriage. At the same time, 2020 marked four years since the Florida Pulse Club shooting, where 49 people were killed by a gunman. 2020 will certainly loom large in American history, and in this time of social justice and change across the nation, *Bostock* marks another step toward equality for the LGBTQ+ community.





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FBT Achieves Mansfield Rule 3.0 Certification

FBT is one of a select group of U.S. law firms to have achieved Mansfield Rule Certification, a rigorous 12-month benchmarking program that requires qualifying firms to consider at least 30% women, lawyers of color, lawyers with disabilities and/or LGBTQ+ lawyers for 70% or more of the firm's leadership roles, committees and other qualifying activities during the review period.

FBT has also signed on to participate in the next iteration of the program, Mansfield 4.0, running from summer 2020-2021. As part of the program, the firm has committed to participating in three-month, six-month, and annual check-in surveys and data collection requests, while also engaging in community building and knowledge sharing with other participating firms.



FBT Earns WILEF's Gold Standard Certification

The Women in Law Empowerment Forum (WILEF) has once again recognized FBT's work to foster an exceptional environment for the advancement of women with its 2020 "Gold Standard Certification." This is the eighth time FBT has been included in WILEF's list of Gold Standard law firms, and only 48 U.S. firms earned the certification in 2020. To be certified, firms must meet specific requirements, including having a certain number of women among equity partners, in firm leadership positions, and in the ranks of their most highly compensated partners.

Terrence Reeves Honored at Lawyers of Color Award Ceremony

Ann Arbor Member-in-Charge **Terrence Reeves** was selected by Lawyers of Color to its 2020 "Power List," a recognition of the most prominent minority attorneys across the country. Lawyers of Color is a nonprofit organization dedicated to promoting diversity in the legal profession and advancing democracy and equality in marginalized communities. Selection to its annual list is based on both an individual's professional accomplishments and demonstrated commitment to advancing diversity and inclusion in the legal profession. Terrence was honored at a special awards ceremony in Washington, D.C., on February 26. Terrence reports that attending the awards ceremony was a great opportunity to network and build fellowship with diverse attorneys and allies from across the legal profession.





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