

DIVERSITY MATTERS

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To our readers:

As we embark on the third year of our diversity initiative, I hope you will join me in acknowledging the progress we have made and embracing the diversity journey that still lies ahead of us. In the last two and a half years, we have implemented a number of programs to enhance our ability to recruit, retain and promote diverse talent. We expanded the applicant pool through minority job fairs and other diversity-focused bar initiatives. We invested in pipeline programs to ensure future generations of diverse attorneys, such as the Kutak Rock Diversity Scholarship, the INROADS internship and, most recently, group mentoring for at-risk sixth-graders in North Omaha. The firm and many of our attorneys have actively supported and participated in many diversity organizations and events, logging more than 40 events or sponsorships each year with more than 50 attorneys taking part.

As of June 30, the firm had 36 racially and ethnically diverse attorneys, representing 9% of all attorneys (compared to 20 minority attorneys representing 6% at the end of 2005). Our 2008 summer associate class, which had 31 students, was once again diverse and included eight minorities and 19 female students. Female representation now stands at 60% among associates and 24.8% among partners (compared to 50% and 21.7%, respectively, at the end of 2005).

So where do we go from here? Our main objective for the 2008 diversity and inclusion business plan is to broaden our awareness and engagement so that diversity is integrated into the fabric of the firm. To further this objective, we have formed the first firmwide Diversity Committee that includes representatives from all the offices. This 20-member Diversity Committee is comprised of volunteer members of the Policy Board and the Office Advisory Committees, along with a designee from each of the remaining offices. The Diversity Committee will be instrumental in taking our initiative through the next phase of our journey by facilitating a cohesive message and programs throughout the firm.

Integrating diversity into the firm happens when the mission of inclusion is woven into our culture, identity, policies and practices. As such, our diversity initiative would best be viewed as a fluid process and not as a fixed goal. It is the process through which we promote fairness in providing opportunities to everyone, respect and honesty when interacting with oneself and others, and courage when facing the dynamic changes and differences all around us. Simply put, let's be more curious and less judgmental.

Daphne Hyun-Jin Aronson
Director of Diversity

Diversity Dialogue: Alicia Terry

For the second installment of the Diversity Dialogue, Peggy Richter recently chatted with Alicia Terry. Ms. Richter is one of the four Policy Board members who serve on the Diversity Committee. Ms. Richter attended George Washington University Law School (1982-1984) and earned her degree from the University of Denver Law School in 1985. Ms. Richter joined the firm in 1996 and is Co-Chair of the Corporate Department in the Denver office. She served as President (1997-1998) and board member (1993-2002) of the Alliance of Professional Women, and currently serves on the Village Bank Committee of the Alliance Foundation, which promotes microfinance lending in third-world countries. Ms. Richter also generously volunteers her time to community service, including teaming with Rene Adema Krueger in the Denver office to provide pro bono legal services to the Eating Disorder Foundation of the Rockies.



Ms. Terry

Alicia Terry is also a member of the National Diversity Committee. Ms. Terry joined the firm in 1987 upon graduation from Georgetown University Law Center. She made partner in 1994 in the Public Finance group in D.C., and has been a mentor for many of our attorneys through the years. With her determination, focus and the support of her husband, Silas B. Terry, Sr., to whom she has been married for over 32 years, Ms. Terry has managed her legal career, which spans over 20 years, and raised eight children, including two sets of twins. Ms. Terry has also given tirelessly to her community as a long-time board member of Families Forward, Inc. (formerly ConServe, Inc.) which provides housing and support services to homeless and low-income families in the greater Washington-Baltimore area. Ms. Terry has also served continuously as the President of Golden Rule Plaza, Inc. since its inception in 1994, which provides affordable housing to low-income senior citizens. With her expertise in the area of public finance, she was instrumental in bringing the project to reality with the completion of a seven-story building with 119 apartment units in 2003.

Richter: You have been at the firm for over 20 years. Based upon your personal experience, what does diversity mean to you and why is it important to you?

Terry: One of the reasons I chose to apply to Kutak Rock for a summer internship in 1986 was because it was one of the few firms nationally known for a high number of women and minority lawyers, many of whom had already made partner. At that time, Felker Ward, an African-American male, was the managing partner of the Atlanta office. The firm recently had been featured in a national magazine for its high percentage of women lawyers. It was evident to me from these facts that “diversity” was alive and well at Kutak Rock.

Diversity means to me the existence of different components jointly pieced together to make the whole. I found diversity at Kutak Rock. I found a more mature population of entering lawyers like myself (34 years of age, married with children, who had taken time off to pursue other areas of interest prior to law school). I found women. I found minorities. I also found a diverse practice which provided me an array of areas from which to choose my field of concentration.

Diversity was then and is now very important to me. We live in a diverse world, and the places in which we work, live and go to school should all reflect this diversity. Raw numbers are not the only indicator of diversity at Kutak. I found that women and minorities were not just here, but were well-woven into the fabric of life at Kutak. The diversity I found at Kutak meant that I would progress based on my work product and contribution to the firm. It provided encouragement to me that others like me were “making it.”

Richter: Diversity is important to many of the firm’s clients. Have you experienced this directly? Why do you think diversity matters to our clients?

Terry: Frequently, the Requests for Proposals circulated by prospective clients ask law firms to provide evidence of their dedication to diversity. Many of my clients are municipalities whose goal is to provide

opportunities to the general public, which is very diverse. It is essential to them that their service providers reflect that same level of diversity within their workforce.

Richter: You practice in the public finance/housing area. How has the move toward diversity affected you in your practice?

Terry: In some instances, law firm selection decisions are now made on whether diversity standards have been satisfied. We have been asked to joint venture with minority- or women-owned firms in order to gain certain public finance contracts. Thus, I have found that the move to diversity is a major element to be considered in gaining and maintaining business for the firm.

Richter: You serve on the firm's recently created National Diversity Committee. What would you like to see the Committee accomplish, both on a short-term and long-term basis?

Terry: On a short-term basis, the National Diversity Committee should seek to ensure all is well with the diverse population currently at Kutak. How is diversity working? Are there concerns that should be addressed? How does Kutak fare in the area of diversity when compared to other firms similarly situated? I believe the Committee provides the forum for this type of self-assessment and for raising our awareness of the importance of diversity to the success of the firm.

As a long-term goal, the Committee should continue developing and implementing strategies to promote diversity and to make sure that it is not just the goal of the Committee but all individuals comprising the firm. It should be the goal of the Committee that diversity is reflected in the firm's leadership as well as at every other level. The Committee must develop policies and procedures for ongoing self-assessments to make sure, from the outside looking in and the inside looking out, that at Kutak Rock, "diversity matters."

Richter: How can others help promote diversity in the firm as well as in society?

Terry: Others can help promote diversity in the firm (i) by communicating to others the importance of diversity to the success of the firm, (ii) by supporting the efforts of the National Diversity Committee, and (iii) by proactively recruiting applicants who are reflective of our diverse population. It is not about achieving a certain number, however, but rather achieving a certain mindset, working to dispel prejudices and/or misconceptions regarding a diverse workforce, and understanding that our different backgrounds, experiences, ideas, vantage points and cultures can only serve to enhance life at Kutak and the service of the firm to our clients.

We all should be promoting this truth in our daily walk within our society. It is our responsibility to provide a helping hand where needed, to value different viewpoints and opinions, and to promote acceptance of all, no matter the race, gender, religious persuasion, sexual orientation, etc. It must be the goal of all to communicate by our words and actions that encouraging or maintaining prejudices on any level will serve to weaken our society and ultimately our nation.

Richter: You are the mother of eight children (including two sets of twins!), and eight grandchildren (including one set of twins). What would you like to tell your children about diversity 20 years from now?

Terry: 20 years from now, I would like to convey to my children and grandchildren that "diversity matters," and that the success of our world depends on the contributions of all. I would like for them to continue in the ways that I taught them; that is, "to do unto others as you would have them do unto you" and to serve faithfully in their chosen capacities without partiality. I would like to tell them how far our country has progressed in the area of diversity, how we elected our first African-American president, our first woman president, and how they too can be whatever they want to be, with hard work and determination. I would also like to admonish them not to become complacent with the strides that have been made in the area of diversity, but that they still have a responsibility throughout their lifetimes to hold up the banner for which our flag stands, "one nation under God indivisible with liberty and justice for all."

Boyce Presents Seminar at the National Bar Association Corporate Counsel Conference

This February, **Gil Boyce** returned to the annual National Bar Association Commercial Law Section Corporate Counsel Conference in New Orleans as a presenter on "Responding to Government Investigations." Last year, Mr. Boyce gave a presentation on the nuts and bolts of conducting internal investigations.

Mr. Boyce also co-authored an article for the July 2008 edition of the Global Fraud Report for Kroll entitled "Written or oral reports? Don't waive your rights accidentally." The report is available on Kroll's website at www.kroll.com/library/fraud/FraudReport_English-US_July08.pdf.

Fealk selected for the Arizona State Bar Leadership Institute

Franci Fealk is one of 15 attorneys selected to participate in the 2008-2009 Arizona State Bar Leadership Institute. This year-long program is designed to foster professional growth and enhance leadership skills for a diverse group of Arizona attorneys. Through the Leadership Institute, the Arizona State Bar hopes to increase participation and visibility of historically underrepresented groups in the Arizona State Bar and the community-at-large.

For the last couple of years, **Paige Martin**, as a member of the Arizona State Bar Diversity Task Force, has worked on the development and implementation of the Leadership Institute. The firm made a financial contribution to the program in 2007.



Ms. Fealk

Holmes speaks to students at Creighton University School of Law

On February 20, **Janice Holmes** spoke to a group of 55 students during a panel discussion on "Clerk to Associate" organized by the Creighton University School of Law Student Bar Association and the Office of Career Services.

Ms. Holmes also published an article entitled "Medical Device Preemption and the ABCs of PMAs" in the July issue of "For the Defense" magazine.

Glos elected Co-Chair of the Judicial Evaluation Committee of the Orange County Asian American Bar Association

This spring, **Chris Glos** was elected Co-Chair of the Judicial Evaluation Committee for the Orange County Asian American Bar Association (OCAABA). Mr. Glos has served on the Board of Directors for the OCAABA for a number of years.

In June, Mr. Glos and Kutak Rock LLP were recognized in the press release by the Orange County District Attorney's Office for participating in the Trial Attorney Partnership (TAP) program. The TAP program offers a select group of private attorneys special training and an eight-week assignment to conduct hearings, jury trials and other criminal proceedings. Mr. Glos has been a participant in the TAP program since spring 2004.

Galdean named President of Wichita Hispanic Chamber of Commerce

On April 24, **Trinidad Galdean** was named Chair-Elect of the Wichita Hispanic Chamber of Commerce at the Chamber's sixth annual awards black-tie dinner. Mr. Galdean will take on the role of Chair in 2009. The Wichita Hispanic Chamber of Commerce is a nonprofit organization focusing on creation and promotion of economic opportunities for the Hispanic business community in Wichita and the State of Kansas.

Earlier this year, Mr. Galdean was also appointed Legislative Director for the Society for Human Resources Management (SHRM) Kansas State Council.

Fragoso appointed Vice-Chair of the ABA Mexico Committee

In May, **Jorge Fragoso** was appointed Vice-Chair of the Mexico Committee of the ABA Section of International Law. Mr. Fragoso is admitted to practice law in Mexico and received an LL.M. from American University in Washington, D.C. He has been working as a litigation paralegal in our Los Angeles office, and took the California bar exam in July.

Sillyman elected the interim Hispanic National Bar Foundation President

This July, **Michael Sillyman** was elected to the office of President of the Hispanic National Bar Foundation (HNBF) during the annual awards dinner ceremony in Washington, D.C. Mr. Sillyman will complete the term of the former HNBF President Luis Aguilar, who resigned due to his appointment to the role of Commissioner of the SEC.

Diversity Event Highlights

Despite the cautious economic outlook, the firm and many of our attorneys have continued to be actively involved in diversity events and organizations in 2008. This year, in addition to sponsorship and attendance, we have hosted a number of events at the firm, which has helped to showcase our commitment and facilitate greater attendance among firm members.

On April 3, **Niki Cung** led a program on "Backpack to Briefcase" sponsored by the National Association of Women Lawyers and the Arkansas Association of Women Lawyers. The program, held at the University of Arkansas School of Law, was aimed at helping students transition from law school to law firm. **Debbie Nye** and **Erin Thompson** participated in panel discussions, and **Heather Schmiegelow** and **Amy Wilborn** also attended the reception, which was hosted at the firm's Fayetteville office. The firm also renewed its law firm membership of the National Association of Women Lawyers this year.

On May 8, **Daphne Aronson** participated on the corporate diversity panel at the Women of Color in Leadership Summit sponsored by the Omaha Chapter of the National Coalition of 100 Black Women.

On June 19, **Gil Boyce**, **Mitchell Bragin**, **Jennifer Blunt** and **Hilary Jackler** attended the Minority Corporate Counsel Association's Mid-Atlantic Region Diversity Dinner in Washington, D.C. At the dinner, the legal department of Freddie Mac received an Employer of Choice Award for its diversity efforts.



At the podium at left, Niki Cung speaking at Backpack to Briefcase, a session in partnership with the National Association of Women Lawyers and the Arkansas Association of Women Lawyers, to help female law school students transition to the legal workforce.

Diversity Event Highlights, cont'd

On June 25, the **Omaha** office hosted a reception for the 34 students from the Pre-Law Institute Program at the University of Nebraska College of Law. The Program is sponsored by the Law School Admission Council and offers an intensive month-long exposure to legal education and the profession to diverse college students from around the country. The students were welcomed by more than 30 attorneys and the Omaha summer associates.

On June 27, the **Denver** office hosted a luncheon for more than 40 students from the ABA's Council on Legal Education Opportunity (CLEO) program. This summer the University of Denver Sturm College of Law hosted the six-week program, which offered its students numerous opportunities to interact with members of the Denver legal community.

On July 24, the firm was a sponsor at the third annual dinner for the Asian American Bar Association of Kansas City. **JP Assoud, Brad Baumgart, Larry Fields, Peg Hague, Scott Harvison, Eric Johnson** and **Angela Kassube** attended the dinner.

Around the Firm

The special report in the August/September issue of *Working Mother* has named Kutak Rock one of the **Best Law Firms for Women**. This is the second year in a row *Working Mother* magazine partnered with Flex-Time Lawyers to recognize firms that have been successful in creating workplaces that encourage the retention and advancement of women. This award is a testament to our longstanding commitment to diversity and inclusion. The winning firms will be recognized at the Best Law Firms for Women Gala Award Luncheon in New York City on September 15, which will be attended by the General Counsels of the Working Mother 100 Best Companies and Diversity Best Practices, including from General Electric and Wal-Mart.



Female members of the Working Parents Affinity Group (see story on page 7) planning committee meet to discuss the Best Law Firm for Women award. Pictured (l to r) are Jill Goldstein, Beth Jensen, Lyneth Rhoten, Margot Wickman, Janis Winterhof and Beth Ascher.

This February, the firm became a signatory to the **Diversity Call to Action** sponsored by the Nebraska State Bar Association, joining over 50 initial members comprised of law firms, corporate counsels and government offices. Along with a number of other states, Nebraska is facing Ward Connerly's petition to end affirmative action in hiring, scholarship and contracting decisions made by state agencies. In early June, the firm became a signatory to the fundraising letter to help oppose this petition drive.

Around the Firm, cont'd

In **Omaha**, a group of attorneys has started an informal affinity group to foster an exchange of ideas and a support network to address concerns and challenges faced by working parents at the firm. The initial nine planning members include **Beth Ascher, Matt Enenbach, Jill Goldstein, Kevin Hartzell, Beth Jensen, Steve Likes, Lyn Rhoten, Marcia Washkuhn, Margot Wickman** and **Janis Winterhof**. In addition to the informal get-togethers, the group has organized quarterly presentations with outside experts on topics that are important to working parents, such as "Financing Higher Education" and "Internet Safety for Children." These presentations have been well received by both attorneys and staff.

Earlier this year, the **Omaha** office once again partnered with All Our Kids, Inc., a nonprofit organization that has provided mentoring and scholarships to at-risk youths in Omaha since 1989. **Danielle Amorena, Kasey Anderson, Beth Ascher, Jill Goldstein, Ed Gonzalez, Kate McCoy** and **Joshua Meyer** are the Kutak Rock volunteer mentors for 30 sixth-graders in North Omaha. The students will stay together with the Kutak Rock mentors for the upcoming academic year.

In commemoration of Earth Day, the **Denver** office sponsored a contest for innovative ways for the office to become more environmentally friendly. The "Green Committee" received 38 entries, with three winning entries receiving gift certificates and a membership at the Denver Botanic Gardens. The contest topped off with an ice cream social and a denim day for a \$5 donation that raised over \$300 for the Nature Conservancy. Congratulations to **Mary Farner, Meredith Riley** and **Desiree Drew** for their winning entries, and to the Denver office staff for raising our awareness of and appreciation for our environment.

At the beginning of this year, a group of attorneys, including **Jennifer Blunt** in our **Washington D.C.** office, volunteered for the Children's Law Center project and worked on the adoption case. The firm's contribution to this project was recognized in the *Washington Legal Times*.

These stories from around the firm reflect our core value of commitment to fairness, open access and pursuit of excellence, and giving back to the community. If you have a story to share from your office, I'd love to hear from you. After all, our values and culture need to be nurtured, and one of the best ways is through communication.



Kutak Rock LLP's law practice embraces a wide array of legal disciplines, including general corporate practice, litigation, tax, government relations, corporate finance, banking, real estate, telecommunications, health care, bankruptcy, insurance, public finance and environmental law. Founded in Omaha in 1965, the firm has expanded to 15 offices nationwide. The firm's more than 400 attorneys direct their individual professional skills toward the common goal of providing the firm's clients with excellent, comprehensive legal services.

For more diversity news and information, check our Web site: www.KutakRock.com.