

# INDIA

**INCLUSIVENESS. DIVERSITY. ENGAGEMENT. IT'S IN OUR**

**KUTAKROCK**

INCLUSIVENESS & DIVERSITY  
ANNUAL REPORT

## “Inclusiveness and diversity,

as well as integrity and fairness, are among our core values. Kutak Rock remains committed, as we have been since our founding, to building structures and systems to achieve greater equity in firm operations and in the legal industry as a whole.

Positive, lasting change comes from individual actions in furtherance of justice, equity, tolerance and communication. Our communities and our institutions are stronger when they acknowledge and welcome a range of backgrounds, viewpoints, experiences and cultures.

As members of the legal community, we have a special obligation to advocate for and model a commitment to justice and equity and to speak out against racism, bias, discrimination, inequity, and violence. We join together, in the best traditions of our firm and its founders, to model the world we would like to see outside our walls and to speak and act, individually and collectively, in ways that will contribute to healing and justice in our community.”

- Jay Selanders and John Petr, Chair and Vice Chair of the Firm



Jay Selanders, Chair of Kutak Rock

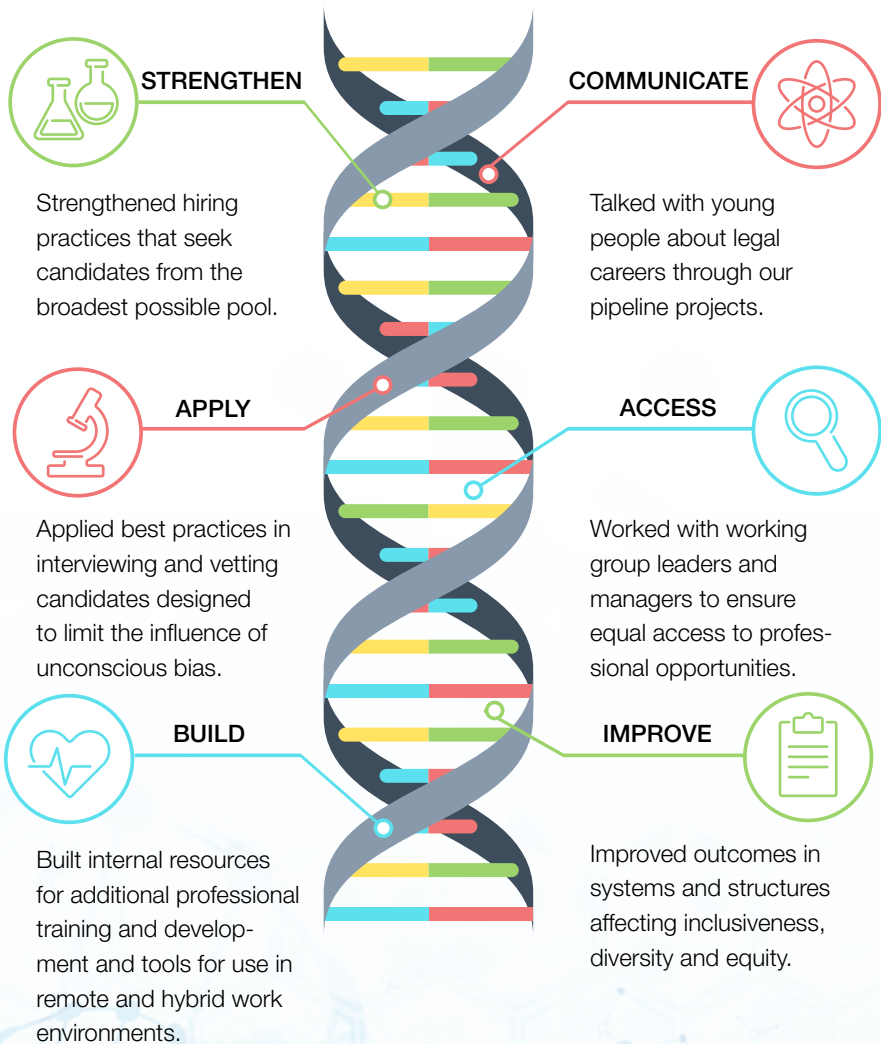


John Petr, Vice Chair of Kutak Rock

# STRATEGY

“ Our firm’s longstanding focus on strategy, systems and structures enables us to identify barriers to equity...

## 2017-2020 Highlights



Winifred Hawkins, Co-Chair of the NIDC

“Our firm’s longstanding focus on strategy, systems and structures enables us to identify barriers to equity and inclusiveness and address those barriers. In 2020, we completed our second three-year plan and the thirty hard goals and hundreds of tactics within it.

Over three years, we made necessary changes to recruiting and hiring, strengthened our systems to ensure equity in promotion and leadership, and bolstered the efforts of our affinity groups and educational programming.

The violent deaths of Black people, including George Floyd, Breonna Taylor and many others, some caught on camera and seen around the world, have shone a spotlight on racial injustice. Being a co-chair of the firm’s National Inclusiveness and Diversity Committee in this environment has its advantages because more people are asking, ‘What can we do to eliminate systemic racism in our country? What can we do to create a more just society?’ Now is the time to examine—and re-examine—our systems and structures, eliminate barriers and create equal opportunities for everyone. There is no more turning a blind eye to inequality.”

- Winnie Hawkins, Co-Chair of the National Inclusiveness and Diversity Committee (NIDC)

“As co-chairs of the National Inclusiveness and Diversity Committee, **Winnie and I benefit from the stellar leadership of the Chair and Vice Chair of the firm and the hard work of the Committee and its prior chairs.** This is a unique moment. Our hard work has positioned us well to integrate our strategy with opportunities presented by our current environment to further intensify our efforts and better our outcomes.

We’ve done that by staying focused on strategic planning, even as we’ve pivoted to address the events of the past many months with numerous activities attended by almost every person in the firm. We’ve completed a three-year strategic plan in 2020 and doubled down on our inclusiveness, equity, anti-bias and anti-racism work in our new strategic plan.”

- *Stuart Hindmarsh, Co-Chair of the National Inclusiveness and Diversity Committee*



Stuart Hindmarsh, Co-Chair of the NIDC

“ Our hard work has positioned us well to integrate our strategy with opportunities...

## IT'S WHO WE ARE

# 45

3-YEAR GOALS

Equity  
Inclusiveness  
Compositional Diversity  
Career Support

# 65

ANNUAL TACTICS

Over 65 annual tactics  
(in addition to daily operations)

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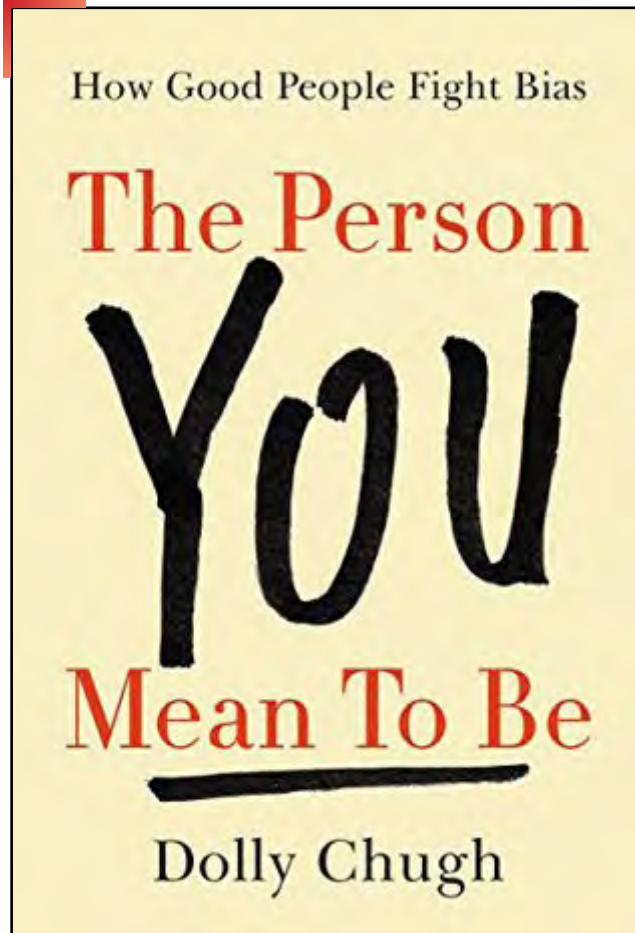
“Our three-year inclusiveness and diversity strategic plan improves our systems to enable each of us, individually, and Kutak Rock, collectively, to best align our actions with our intentions. The systems focus bridges the gulf between our aspirations and our actions by compelling us to act more deliberately and with more self-awareness.

Those systems work most effectively when the individuals implementing them (all of us) invest personally in identifying and addressing the knee-jerk reactions, unrecognized assumptions and gut reactions which interfere with our personal ability to consistently meet our expectations for ourselves.”

- *Jay Selanders and John Petr, Chair and Vice Chair of the Firm*

# ACTION

## TRAINING AND EDUCATION



Moderators: Tory Bishop, Miriam Blair, Ellen Clinton, Sisera Daniel, Ashley Dennis, Rita Garrett, Jill Goldstein, Winnie Hawkins, Stuart Hindmarsh, Hillary Jackler, Pat Krebs, Kim McKelvey, Cara Nesbitt, Mario Trimble, Amy Van Horne, Geneice Warga, and Margot Wickman

“The death of George Floyd, coming as it did on the heels of so many similarly tragic deaths, was a visceral reminder of how far we have to go as a society to achieve the lofty ideals of justice and equality which we rightly celebrate as national aspirations. The horrific video of Mr. Floyd’s death angered and outraged us all. The firm and its members (and so many across the country) have been, and will continue to be, directly impacted. While we can’t mend the country’s wounds overnight, we can continue to contribute to the process of building stronger, more cohesive, more caring, more just communities in our firm and in the cities where we’re located. Kutak Rock has long been committed to the ideals of inclusiveness and diversity and has been a leader in championing the highest standards of professional integrity. The importance of those ideals, both for the firm and for our society, has never been clearer.”

- Jay Selanders and John Petr, Chair and Vice Chair of the Firm

Over 500 Kutak Rock attorneys and staff participated in inclusiveness and diversity trainings on June 18, 19 and 25. The Co-Chairs of the National Inclusiveness and Diversity Committee led the trainings and the Chair and Vice Chair of the Firm participated as panelists. At the Juneteenth training, the African Descent, Black Affinity Group presented information about the history of Juneteenth and its relevance to the Black Lives Matter movement.

The firm provided a resource kit to all members interested in learning more and taking action. Following the lead of a client, the firm’s executive committee read and discussed *The Person You Mean to Be: How Good People Fight Bias* by psychologist and professor Dolly Chugh over an eight-week period. Attorneys and staff members were trained as facilitators for dialogue groups centered around concepts presented in the book and a written guide. The result was thoughtful, confidential, and often raw discussion.

By year-end, over 125 people had signed up for or participated in a dialogue group, including over 75% of firm leaders. To further encourage workplace introspection and applicability, the firm created an internal resource document and accompanying presentation called “Applying *The Person You Mean to Be* Concepts to Firm Processes.”

# PRIDE

TRAINING AND EDUCATION

## Pride And (No More) Prejudice

### How the Supreme Court's Decision on Title VII Impacts the Workplace

Over 125 attorneys, staff members and clients wrapped up a socially-distanced Pride Month on June 30 with a webinar about the U.S. Supreme Court's decision in *Bostock v. Clayton County, GA*. Kutak Rock attorneys discussed the facts and history of the Bostock cases, the Supreme Court's holdings and the following potential implications including:

- Changes to hiring and employment practices and policies
- Training and conversations with current employees
- Revisions to employee benefit plans
- Changes in the provision of healthcare

Presenters (shown below from left to right and top to bottom):  
P. Brian Bartels, Steve Likes, Kasey Cappellano, M. Courtney Koger,  
Marcia Washkuhn, Gigi O'Hara, Mark Sappington, and Jacy Hurst.



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## Women and the Right to Vote



Twenty-eight individuals, coordinated by Atlanta attorney Leslie Powell, presented "Women and the Right to Vote," a four-part educational series presented by

geographic region to the entire firm. The series began on the Centennial of the ratification of the 19th Amendment, August 18.

Presenters researched women's suffrage, disenfranchisement and meaningful access to the right to vote over the centuries for each geographic region. Over 300 people attended the four sessions.

*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.*

- 19<sup>th</sup> Amendment

### The work of creating inclusive workplaces in the legal industry doesn't stop for a pandemic.

In fact, Kutak Rock partners and co-chairs of the firm's National Inclusiveness and Diversity Committee, Winnie Hawkins and Stuart Hindmarsh, argue it's even more critical now. The two authored "Creating Inclusive Legal Industry Workplaces in COVID-19," published in ABA's *Law Practice Today*, to address these issues.

Their top tip for inclusiveness during COVID-19 is to "seek the pathways that have long needed adjustment and use the pandemic as the opportunity to revamp those pathways. If the workplace or a particular group has not been inclusive in its recruiting, hiring, evaluation, opportunity, promotion, compensation, succession or voice, use this time of disruption to introduce ideas that create inclusive pathways during COVID-19 and beyond."



Creating Inclusive Legal Industry Workplaces in COVID-19

By Winnie Hawkins and Stuart Hindmarsh



In February, The Attorney General's Office (AGO) described diversity as the "golden thread" and inclusion as the "golden rule." The article focuses on the pathways that contribute to an inclusive workplace and how to build a more inclusive workplace in 2020-21. The article includes opportunities for work, but credit for a job is a reward for personal responsibility, for their education, for their commitment to work. Under each pathway are specific and actionable ideas, ranging from a large-scale initiative to a small-scale idea, and linking each idea to a specific meeting with a client or a group of clients.

The inclusive workplace is a work of much research and writing on the topic, the best ideas, findings and insights, activities and findings, and also the meaningful contribution, in every aspect, and many pathways there is potential for success in building a more inclusive workplace. In the COVID-19 work environment, the pathways have been: creating more inclusive workplace, increasing work opportunities, and providing more support.

Many organizations are struggling to survive and prosper in the current environment. The COVID-19 pandemic has disrupted the global economy, and many organizations are struggling to survive and prosper in the current environment. The COVID-19 pandemic has disrupted the global economy, and many organizations are struggling to survive and prosper in the current environment.

### The Diversity & Flexibility Alliance featured Kutak Rock's COVID-19 response as a "Bright Spot," a large or small success that impacts an organization in a positive way.

In their article, the Alliance outlined the firm's initial and ongoing response to the COVID-19 pandemic including operating procedures, "reason-neutral" remote working policies, promotion of at-home productivity and ways to build inclusive teams in a remote work environment. The full article is available on the Diversity & Flexibility Alliance website.

Kutak Rock's commitment to diversity and inclusion has not suffered during the months-long pandemic. In fact, the firm met all goals in its three-year strategic plan and has begun a new three-year plan. The firm also continued its annual training program and affinity groups met via Zoom. In addition, attorneys and staff created a new Mindfulness Group to address mental and physical health.



# MINDFULNESS

## INCLUSIVENESS IN A REMOTE ENVIRONMENT



Substance abuse and suicide are not new problems in the legal profession, but the additional stress of the COVID-19 pandemic is. The firm's new Mindfulness Affinity Group aims to provide much-needed tools, including guided meditation, to help build resilience and self-compassion.

Each week, co-chairs Fred Marienthal and Mariza McKee choose a focus word and email it to the group, which now boasts approximately 120 members. They curate a selection of articles, guided meditations, art and poetry relating to that word. On Fridays, the group convenes in a standing Zoom call to share thoughts about the chosen word followed by a guided meditation. The meetings are recorded and available through the firm's secure share-space to attorneys and staff to access whenever they'd like. At over 30 sessions so far, the group is pleased to offer a growing library of mindfulness material to the firm, designed specifically for legal professionals.



Firm client Ink Factory provided real-time illustrations of three meetings to offer a visual representation of the discussion.



# VISIONARY

## THOUGHT LEADERSHIP

Kutak Rock Chair Jay Selanders was among the speakers at the 2020 virtual Diversity & Flexibility Alliance annual meeting on November 5. Titled “Moments of Impact: Transforming Organizational Culture,” the online event brought together influencers and innovators from the legal and professional services industries to learn how to create moments of impact within organizations. Mr. Selanders was part of a panel of “visionary” leaders discussing the impact that diversity and flexible working will have on shaping the future of the workplace.

**DIVERSITY & FLEXIBILITY**  
Alliance

I'm a speaker at the 2020 Virtual Annual Conference!

*Shaping the Workforce of Tomorrow Today*

**Moments of Impact:**  
Transforming Organizational Culture through diversity and flexibility

Register at [www.dfalliance.com](http://www.dfalliance.com) / November 5, 2020

## “Moments of Impact: Transforming Organizational Culture”

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P U B L I C A T I O N

**DIVERSITY DIALOGUE**

**ICYMI (In Case You Missed It): Free D&I Resources Available to You**

**RICHA L. WINDO**  
Chair, Diversity & Inclusion Committee  
ALAN CLINTON, SHRM-SCP  
Regional Administrator, Chicago Area Office

“Our committee’s purpose is to serve as inclusion and diversity advocates for the advancement and expansion of underrepresented groups in the Association and in the legal community at large.”

No, ICYMI, the D&I Committee can help you find your chapter online in the D&I suite in 10 minutes.

### ALA: Association of Legal Administrators

The November/December issue of the Association of Legal Administrators’ (ALA) *Legal Management Magazine* featured a “Diversity Dialogue” co-authored by Richmond/Washington D.C. office administrator Ellen Clinton, SHRM-SCP. Titled, “ICYMI: Free D&I Resources Available to You,” the article offered tips and resources for members seeking to make meaningful changes in their firms.

Ed Marquette



Ed Marquette (left top) and Miriam Blair (left bottom) presented at an event hosted by the Institute for Inclusion in the Legal Profession (IILP) in June and Ed provided an encore presentation in December to a broad audience of over 600 participants.

The sessions were based on “Sweet Harmony: Substantive Diversity, Disability Rights, Millennials, and the Shape of Tomorrow’s Inclusiveness,” an article co-authored by Ed Marquette, Kimberly McKelvey and Patricia Kinaga. The article was published in the *IILP Review* in August 2019. They spoke of the challenges of inclusiveness and diversity programming and initiatives in a world increasingly influenced by Millennials’ unique view of diversity.

The sessions directly addressed how attorneys’ changing perspectives on diversity will require a change in legal industry initiatives designed to promote inclusiveness and diversity. Particular attention was given to the roadmap provided by the disability rights movement for the future of inclusiveness and diversity. While the civil rights movement and the efforts of many legal organizations have focused on representation, the disability rights movement and Millennials assume representation and focus instead on full access and participation. The #metoo and BLM movements have taught us that efforts focused on representation and data will no longer be enough. We now need (and Millennials demand) diversity “in fact” – we need participation, voice and substantive inclusiveness.

Miriam Blair



## THOUGHT LEADERSHIP

**Kutak Rock partner Deborah Froling (right top) moderated a panel for the Institute for Portfolio Alternatives (IPA).**

IPAVision 2020 was held virtually on October 29. Titled “Transformational Thinking – How D&I and ESG Produce Better Business Outcomes,” the panel addressed the intersection of Environmental, Social and Governance (ESG) initiatives with Diversity and Inclusion efforts in the business world, where change is often slow.

**Little Rock litigation attorney Teresa Wineland (right bottom) co-moderated a webinar October 2 titled, “Dismissed with Prejudice: A Discussion on Race and the Trial of Civil Cases™,” hosted by the American Board of Trial Advocates (ABOTA).**

The webinar featured a panel of nationally known attorneys and judges who spoke about bias in civil litigation, from judges to juries to clients. It discussed the pipeline into the practice of civil litigation for minorities, as well as bias in the courtroom and in trials of civil cases, and included a focused discussion on what can be done in the civil justice system to try to erase racial barriers and implicit bias.

Deborah Froling



Teresa Wineland



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# PERSPECTIVES

## AFFINITY GROUPS

### Annual Law Day

Despite the pandemic, the Richmond office held its annual Law Day in October, meeting with students via Zoom to discuss aspects of voting including its importance, how it works at different levels of government and avoiding misinformation. The online program included prizes, games and question-and-answer sessions.

As in years past, Charisse Matthews and Nicky Conyers led the Law Day activities and were assisted by Peter Barrett.



### Martin Luther King Jr. Day

The African Descent, Black Affinity Group encourages “Day On” activities on the Martin Luther King, Jr. Holiday. One example, pictured on the right, was the firm’s Fayetteville and Rogers offices who participated in a “Day On” project at the Northwest Arkansas (NWA) Food Bank. “Team Kutak” packed over 450 boxes for elementary students and their families.



Employees/attorneys pictured above: Russell Atchley, Tameron Bishop, Kelsey Fohner, Ana Garcia-Gonzalez, Elizabeth Hulse, Scott Jackson, Gabrielle Lewis, Mary Linsner, Bryan Looney, Chris May, Janet McNatt, Sadie Stith, Erin Thompson and Nancy Warren.



## Kutak Rock’s African Descent, Black Affinity Group



“The murder of George Floyd, yet another unarmed Black person killed by police, has lit our country afire, and rightfully so. We are currently living through incredibly difficult times filled with sadness, anger and frustration. And through these unprecedented times, we are very proud to be part of a firm that provides a platform to speak up regarding the injustices of the world. A firm that has, since its inception, continued to support diversity, equality and inclusion as core values.

Now more than ever, we must come together to stand up against police brutality and systemic racism. We must fight for equal rights and equal opportunity. We can no longer live in a world where a person should be scared to live because of the color of their skin. No one should be forced to risk death in pursuit of basic human rights. We vow to act and to speak louder than ever...BLACK LIVES MATTER.”

- African Descent, Black Affinity Group



# ACTIVITIES

## AFFINITY GROUPS

## FORUM GROUP

### KutakCares

In February 2020, KutakCares, which designs firmwide initiatives to help people in need, hosted its third annual charitable event at the annual Partnership Meeting. Over 50 partners assembled 100 “dream kits” filled with basic toiletry items for Arizona Helping Hands, an organization that provides essentials for Arizona’s children in foster care through their programs promoting safety, permanency and health.

At the onset of the COVID-19 pandemic, KutakCares set up a donation opportunity to Feeding America to help ensure adequate food supplies were available for the elderly and children in our offices’ communities. The firm raised well over its \$5,000 goal in that effort.

To close out the year on an uplifting note, Kutak Rock members were encouraged to participate in a KutakCares Caring Campaign. Over 250 people “got active” in their communities through service or a physical activity. Participants were then asked to share their experience by submitting a photo or description of what they did. For each submission, Kutak Rock donated \$25 to Feeding America. Across the nation, Kutak Rock members made pies for food banks, donated to homeless people and homeless shelters, “turkey trotted” with their families and more. At the end of the Caring Campaign, the firm and its members had donated over \$6,500 to Feeding America.

### Veterans Group

Educating and encouraging firm members to get involved was the Servicemembers, Veterans, and their Families Affinity Group’s main activity in 2020. A firmwide message from the Office of the Chair included a resource document from the group detailing the history of Memorial Day and ways to celebrate despite COVID-19 restrictions. On Veteran’s Day, the firm held an all attorney call at which Erika Lynch, co-chair of the affinity group, spoke. She provided a brief history of Armistice Day and a list of ideas and resources for learning more about veteran’s issues, participating in Veterans Day celebrations and supporting veterans and their families in our communities.



## AWARDS



### LCLD Fellow

Kutak Rock chose Amy Blumenthal to be a **member of the 2020 class of Fellows of the Leadership Council on Legal Diversity (LCLD)**. The Fellows Program was created to identify, train and advance the next generation of leaders in the legal profession. Ms. Blumenthal is a litigation partner in the firm's Philadelphia office.



### Challenge Club

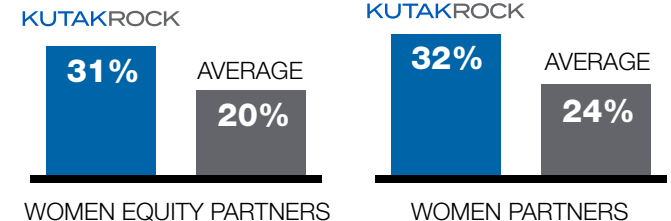
Ashley Dennis, a public finance associate in the firm's Denver office, was the 2020 **National Association of Women Lawyers (NAWL) Challenge Club participant**. Law firms select their top women lawyers on track for equity partnership to participate in networking events and presentation sessions.

### Kutak Rock was recertified as a Women in Law Empowerment Forum (WILEF) Gold Standard firm in 2020.

The certification is given to large law firms with significant percentages of women who are equity partners, in the highest leadership positions, on governance and compensation committees and among the most highly compensated partners.

The firm again earned the title "Ceiling Smasher" among U.S. law firms for its outstanding record of promoting women attorneys to equity partnership, according to a report from *Law360*. Kutak Rock ranked fourth among law firms with 251-600 attorneys and eighth among all firms with over 250 attorneys.

Women currently comprise 31% of Kutak Rock's equity partners and 32% of its partnership. Compared to national averages of 20.4% and 24.4%, it's clear that Kutak Rock's ongoing support of diversity and inclusiveness is paying off. The firm is well above benchmarks and national averages in all areas related to women in leadership, including percentage of women serving on governance committees and as heads of offices.





Kutak Rock was certified and certified PLUS by Diversity Lab’s Mansfield Rule in 2020. The firm achieved 100% of the certification requirements of affirmatively considering 30% diverse candidates (defined by the Mansfield Rule as women and attorneys identifying as races and/or ethnicities other than white/Caucasian, individuals with disabilities, and LGBTQ) for partner promotion and certain types of attorney hires, pitches, and leadership and governance roles. The firm also received the designation of “Certified Plus” by hiring and promoting over 30% diverse attorneys into the various roles.



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“We must always strive to move forward toward fully equal LGBTQIA rights, never settling for the status quo and certainly not moving backward.”

Human Rights Campaign (HRC) awarded Kutak Rock another perfect score on its 2020 Corporate Equality Index, the national benchmark on corporate policies and practices impacting LGBTQ employees. Earning a score of 100 distinguishes Kutak Rock as one of the “Best Places to Work for LGBTQ Equality” in the U.S.

“No matter how many years we score a perfect 100 at Kutak Rock, earning this badge from Human Rights Campaign is always an honor,” said Steve Likes, partner and chair of the firm’s LGBTQIA + Allies Affinity Group. “We appreciate that the criteria become more stringent each year and commend HRC on continuing to raise the bar. We must always strive to move forward toward fully equal LGBTQIA rights, never settling for the status quo and certainly not moving backward.”

The Diversity and Flexibility Alliance recognized Kutak Rock with a “Tipping the Scales” Award for having 50% or more women in its 2020 new partner class. In fact, 55% of the 30 new partners were women, as announced in January 2020. Kutak Rock was among 46 law firms to receive the award at the November 6 Diversity and Flexibility Alliance’s Annual Meeting.



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