Leadership in a Time of Change

University of Pennsylvania Carey Law School Seminar on:

Women, Law, and Leadership

Fall 2020

Thomson Reuters

Women, Law and Leadership
Course taught by:
Professor Rangita de Silva de Alwis

The Penn Law Women, Law and leadership Class brought over 30 leaders in law and business for in-class interviews. At a time of the twin forces of COVID-19 and a public reckoning on equality, these reflections on leadership provide important roadmap to understanding transformative leadership

Cover page portraits by Bianca Nachmani
Cover design by Brianna Branco
From “Becoming Gentlemen” to Becoming Norm Entrepreneurs:
Transforming Women’s Leadership and the Role of Male Allyship.

Advancing Inclusive Leadership and Allyship
University of Pennsylvania Carey Law School
Seminar on: Women, Law, and Leadership
FALL 2020
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Deborah L. Rhode and Timothy Wilkins
Professor of Law at Stanford and Global Partner for Sustainability at Freshfields

Deborah L. Rhode is the Ernest W. McFarland Professor of Law and the Director of the Center on the Legal Profession. She graduated Phi Beta Kappa and summa cum laude from Yale College and received her JD from Yale Law School. She clerked for United States Supreme Court Justice Thurgood Marshall before joining the Stanford Law School faculty in 1979. She is the nation’s most frequently cited scholar on legal ethics. She is the author of 30 books in the fields of professional responsibility, leadership, and gender, law and public policy. She has received the American Bar Association’s Michael Franck award for contributions to the field of professional responsibility the American Bar Foundation’s W. M. Keck Foundation Award for distinguished scholarship on legal ethics, the American Foundation’s Distinguished Scholar award, the American Bar Association’s Pro Bono Publico Award for her work on expanding public service opportunities in law schools, and the White House’s Champion of Change award for a lifetime’s work in increasing access to justice.

Tim Wilkins is Freshfield’s Global Partner for Client Sustainability and a corporate and M&A partner based in New York. Tim joined Freshfields in 1999 and has been a partner since 2002. He has advised on a wide range of sustainability issues as well as a series of high-profile cross-border M&A, private equity and joint ventures. Tim leads Freshfields’ global sustainability team which comprises leaders from the firm's transactional, regulatory and dispute resolution practices, to advise clients on environmental, social and governance (ESG) matters. He also leads the firm in its partnership with clients, public policy makers and regulators in their joint effort to tackle the broader range of ESG issues impacting business and society.

Deborah Rhode [Opening remarks]: Leadership is very important for lawyers, the position that produces most leaders, yet this kind of leadership education in law schools is lacking. I became aware of this situation about a decade ago, when I attended a conference at Harvard for the 100 most influential scholars on leadership in this country and realized that I was the only lawyer. And that moment is what brought me to the publications that Professor Rangita mentioned. I’m glad to say that the legal education is making progresses.

The greatest threat we face now, is not the Covid-19 itself, rather it’s the lack of leadership and solidarity at a global and national level. Many medical experts have noted that this is not the worst health crisis that the world has faced. The problem is that so many countries have done such a poor job handling it. It is no coincidence that female world leaders are performing better. Countries headed by women have suffered 6 times fewer confirmed deaths from Covid-19 than countries headed by men.

There are some lessons about leadership styles that can be drawn from those uniformly outstanding responses of global female leaders in listening to experts and displaying compassion.
and humility. In addition, there is also the problem of the marginalization of women of color. Now is such an important moment to be focusing on the importance of leadership by women, and women of color. How to define leadership is itself a contested issue, but there are a couple of things that should be emphasized. In conventional usage, we often view leadership as a matter of power and position, but effective leadership requires relationship, not just the title. People have to be willing to follow. And people can lead without formal positions that convey their influence.

Finally, it is one of the paradoxes of power, that the qualities that enable lawyers to achieve leadership positions, are not necessarily the qualities they need once they get into those positions. What makes leaders willing to accept the scrutiny and criticism that come with the role, is not just a commitment to an organization or constituency, it’s also about the power, status, admiration, etc., and lawyers are no exception.

But successful leadership requires subordinating those personal interests to a greater good. Another paradox of power is that, while people tend to believe they care about common good, but the exercise of power often erodes those qualities. Leaders get deference, and they don't often hear criticism. That creates self-entitlement and self-confidence. And the result is that they tend to lose focus on the need of others. Those who make the most lasting and enduring contribute in the social good, are the leaders who retain a sense of empathy and self-reflection about what they can be and should do better. Leadership is a process, a relationship, and requires self-reflection. And hopefully this course is going to make you better able to exercise all of those qualities in whatever field you choose.

Anna Sheu: [to Tim] The thing that stood out about your profile was your cross-border experience and your Japan experience. I read this op-ed in the New York Times written by a black woman who decided to move out from the US when she had a son, to protect her son. And she wrote about how every other country she moved to, regardless of whether it was first world or third world, was less racist than the US. That was surprising for me – maybe I’ve been indoctrinated by ‘America is so good’ but, despite knowing that racism is a problem, I was surprised that other countries were better than America was. Can you share any lessons that the US can learn from these other countries on diversity and representation?
Timothy Wilkins: There’s one major distinction in the American experience. Many of you know about Isabel Wilkerson’s book *Caste*. Which is an amazing way of saying we need to think about racism as more of a caste system where one group has, over generations, looked to have power and control over another group. Similar to what we see in India. Similar to what we see in the US. Race in many other countries has not been the defining point of the caste system. It’s just at the surface of what we call prejudice. Certainly, there are a lot of painful racial slurs, which have been much more thin [in Japan] in that they come from movies in the US or people that they’ve spoken to.

My experience in Japan was that education – simply sitting down with and talking to colleagues about issues that I’ve faced and what’s going on and for them to get to understand and know you better, there was such an broader opening and openness to those type of conversations. Versus in the US, where there is almost a threat to the caste system where they see, in my case, a black male, coming into a position that might be one of power.

Deborah Rhode: And just a footnote to Timothy’s response to you, Anna, I haven’t had nearly as much experience in Japan or studying Japan, but I will say that on my one trip there, I was struck that however much they’re ahead of us on race; gender, not so much.

Women in Japan are still struggling for some of the things that we take for granted, including the wife’s recognition, [recognition] that there’s a serious problem especially around work-family issues and getting men to step up to assume some of their share of the burden.

So, it’s not paradise there yet, although I agree with Tim and agree that we should look at Isabel Wilkerson’s book on class which is really terrific.

Edmund Gyasi [to Deborah]: My question is about your article on diversity and gender in legal practice. You cite the disparity between, for example, white men who seem to think the training that is used in the legal field is sufficient to affect the problem, and the disparity with how people of color feel this is addressing the problem. How can we get more buy-in from leadership, especially in the legal field, besides lip service to the commitment to training that a lot of law firms speak about because it’s the fashionable thing to do? What other actionable things can we do, whether coming from law firms themselves or us students who are entering, how can we bring about a more authentic change?
**Deborah Rhode:** On your question on how we can get leadership buy in, I think that’s really an important question to ask. A couple years ago I did a study with my then-director, executive director of Center on the Legal Profession. It was called “Diversity from the Front Lines.” And it was based on interviews with managing partners and general counsels of the largest law firms and largest companies in the US. It was a skewed sample because by definition, anyone who was willing to talk with us, probably [had] their heart in the right place. But where they had a real blind spot in gender issues was about work-family issues.

[They thought,] This was somebody else’s problem. They threw up their hands. [They said,] “Clients expect 24/7,” “We’re a service profession,” “Gee we do some programming on it but I don’t think women have the time to go.” There was this sense that nothing could be done about it. Which is so contrary to what the research shows, which is that building in opportunities for reduced schedules without dinging them [lawyers] and subjecting the women or the men who take them [reduced schedules] to schedule creep or status degradation ([law firms thinking,] “they’re not truly committed”) – the organizations that have managed to do that effectively, they reap benefits – concrete economic benefits – in improved retention, morale, and continuity in client service. And of course it’s always the right thing to do, to come back to Rangita’s original point.

It is so sad and telling that a lot of legal employers have latched onto training as the fix for all of their gender problems, when we know that that’s one of the least effective ways to address gender inequality. There’s backlash to mandatory training. And even people who are well-trained and say they care about the issues like the managing partners and GCs we interviewed, if they’re [the managing partners and GCs] not willing to make structural changes, all the consciousness in the world isn’t going to help.

Training is really popular is because it’s a cheap fix – just throw some money at it – and because there isn’t any good data that shows how ineffective it is. The few studies that have been done, like Frank Dobbin from Harvard, that have looked at large data samples [show that] it’s not correlated with improved opportunities for women. The best ways to address those [improved opportunities for women] are with structural changes and mentorship programs. And we’ll talk about that under the umbrella of allyship next week. So, I really think that putting your hopes on training – and we know it from not just diversity training but sexual harassment training – that’s just a strategy, it’s not likely to be cost effective.
Dean de Silva de Alwis: To build on what Deborah said, and to take us back to her article, and to Ed’s question, on page 887 of her article Deborah talks about the possible backlash from white straight men, who do see the as a major issue. And she also quotes David Wilkins, saying that David Wilkins argues that diversity initiatives are necessary in order to detect and correct the myriad subtle, but nevertheless pervasive, ways that current practices differentially disadvantage certain groups based on color. So, it is the corrective that Ed is questioning, that white straight male attorneys are refusing to really engage in affirmative actions or positive discrimination is problematic, because this is not charity, but to correct historical and structural inequalities.

Cassandra Dula: Tim, you have so much experience in private practice, and as someone who is planning on going to a firm after graduation, reading some of your blogposts on Freshfields, you talk about the things that law firms as organizations and businesses in general can do in the face of racial injustice. One of the areas that I think about a lot is in the client-attorney relationship, and how to navigate situations in which maybe, at best, a client participates in behavior outside of the attorney-client relationship that you disagree with because of its racial implications; or, at worst, when there is blatant racism being shown in a room, or racial bias or harassment being shown in a room, where you are an attorney and it is your client but it’s very different if it were an employer or colleague that it [the offensive behavior] was happening with. And I was wondering how you’ve navigated those situations if they’ve come up or what advice you have for young attorneys who might be in situations like that in a few years.

Zahra Keshwani: Tim, I have two questions:

The first is that in your discussion of the power of practice you discuss these microaggressions and system failures that have continued to oppress minorities. And often the practice of changing hiring practices or having a quota system are not usually sufficient. So as one of the leaders identifying and pushing for changes to the workplace environment and promoting equality, how have you actively changed or improved your actions and your behaviors within your firm to help support women and minorities entering the field AND ensuring they have the tools to succeed, whether that’s through mentorship programs, opportunities for growth, the ability to sit in with superiors on projects that they’re not involved in. Professor Rhode just mentioned the
necessity for structural changes, so what types of structural changes is your firm works towards, if any?

Timothy Wilkins: Thank you Cassandra and Zahra for your great questions. It will meld a little together in my response. I’m going to pull on what Ed had brought up before. One thing I’ll be curious to see is if the term “diversity and inclusion” even survives by the time you guys come out into practice. Because we are taking a hard look at in our firm – it hasn’t worked. For the past twenty years people have looked to see how many lawyers of color, how many women partners, have gone through the ranks to make a senior position. And if all this, as Deborah said, good feeling about leveling the playing field, is not working, then we need a new structural paradigm. And what we’re doing at the firm right now is using terms – and I hate to say this so directly – but the terms “power and equity.” We are now looking at a situation where if you put women and people of color in positions which really have influence and importance within the firm and for the clients, that’s going to start changing things.

We have looked really hard, specifically, at the client side. This is a secret between us here, but we don’t think of all clients as equal. At a big law firm, we identify who are our top 300 firms, who’s doing the most important, complex, global transactions in which we’re going to find really large fees. And what I said to the firm is, “How many women are on those projects? How many people of color are on those projects right from the beginning?” Cassandra, I hope this answers your point, if you can get somebody in on one of those projects or those deals, and speaking as the authority on that [the deal], trust me – the clients and the types of deals we get at that level, there are big bucks on the line, and they’re going to listen to that lawyer.

What might happen is that you have a teammate who is a woman or person of color who sits quietly scribbling notes in the background. So what I, you asked, what did you personally do, I’m trying to personally put those people on the presentations, who lay out the facts, talk about the legal risks involved if it’s a complex litigation or complex M&A, and the clients will definitely have to respond to it. And they may go to the gray-haired person and ask “Well, is the person really going to give me the support I need?” and they [the senior partner] have to back them [the woman or person of color] up and say “Yes.” Interestingly enough, I’ll tell you, clients are ahead of law firms on this. They have been the ones pushing law firms to say, “We need more diversity in your representation on our deals, so let’s work on that.”
Deborah Rhode: Let me just say a word about Tim’s response. One of the things we found when we interviewed law firm managing partners and GCs, was yes, all the GCs said “Yes, this is important to us” and then we asked, “How many times have you pulled business from a firm because of its poor record?” “Well, not once” [was the answer] and when we asked managing partners, only one had actually lost a client because of this [lack of diversity].

And the managing partners were all furious because they said, “We put in all this time completing these diversity and inclusion reports for the clients who demand it and it’s not clear anyone really reads it.” So, we jump through all these hoops and it isn’t going to reward us in actually getting the client. And the decisions [on the client side] – although they [the client] say they care about diversity, it’s not at the top of the list [of priorities].

So, I think that’s what has to change, and David has pointed that out as well, that there’s a lot more promise [i.e. lip service] behind these client demands than there is actual changes in practice.

Wenjing Liang: I came up with this question when I was reading your paper. I agree with this [your paper] very much, and I would like to ask for your opinion on another situation, which is similar but different from the situation in the United States. I am an LLM transfer from China. In China, gender inequality in the legal practice is, I would say, more severe than in the US. It is harder for female law students to get a job in big law firms than it is for male law students.

What’s more problematic is that the gender discrimination goes unnoticed, because unlike in the US, female law students are much more numerous than male law students in China. For example, in my former law school [in China], we have 150 new students every year, and only 30 of them are male. So even though there is gender discrimination in the recruiting process, female attorneys are more numerous than male attorneys. Because of that result, most people wouldn’t even realize there was gender discrimination.

As for why employers prefer male candidates, the first reason is similar to the one you discussed in your paper, which is that males don’t have to take maternity leave and women are stuck in the stereotype of shouldering a disproportionate amount of family responsibilities, so they are less available then men. But another reason – which is very interesting – employers favor male candidates because there are fewer male candidates. They hire more male candidates to achieve
diversity and gender equality. They discriminate in the name of achieving equality. So, I would like to ask for your opinion on this situation.

**Deborah Rhode:** That’s happened a lot, not just in China, but in other countries. Once women began to be the largest number of applicants for judgeships in countries where the judiciary is on a separate track from the law firms, countries like France started thinking, “Maybe we need a quota for men.” Now a number of colleges in this country, now that women are majority of the applicant pool, are thinking “Gosh, if the ratio tips too badly, we need a quota for men, because women don’t want to come to a college that’s gender imbalanced.” I guess that’s a byproduct of progress. I think we have to push back on this. For all those years when men were occupying all the judgeships, and men were occupying all the slots in law school, nobody was saying “Let’s have quota for women” and now that the power situation is reversed, we’re suddenly seeing a need for it?! I would figure out a way to point that out in gentle terms.

It reminds me a little bit of this great episode on an old British series where they were talking about the absence of women in the top echelons of the British civil service, and the white males says, “Well, you know if women were qualified they’d be here, and they’re not here, so obviously they’re not qualified.”

The meritocracy just isn’t that. And the notion that you would somehow give men a special privilege to bypass the meritocratic selection process, after years of not being willing to do that for women, is just so hypocritical. And I think you need to find ways to point that out and gentle ways will actually be heard.

And that takes me to the question about what my strategies for people are when they bump up against these obstacles.

**Yinran Pan:** You have created a tremendous collection of scholarship on women and leadership and the law that have inspired transformative ways of leadership. And I’m wondering which of these changes you have been most proud of.

And my second question – in your article on diversity and gender equity in the legal practice, you have some strategies for women and minorities to improve their chances of success and I’m wondering which of those strategies have you used in your life that you thought were really effective.
**Dean de Silva de Alwis:** I love the fact that Yinran brought the political to the personal, because part of the feminism methodology is to build that personal into the political. Thank you Yinran for doing this, especially because you have an iconic woman leader whose scholarship has been transformative but also who she herself has been someone who has created that change.

**Deborah Rhode:** It’s hard to generalize because it’s such a contextual issue. What works in one context is not going to work in another. So, I’m hesitant to give generic examples. But I’ll give a few examples.

One thing to remember is, why do you care about these issues. And when you see a problem that’s significant, figure out a way that you can be part of the solution and how to do that will really depend on the circumstances. So, in some instances, it’s finding allies in the organization, because it’s too costly to be the one to point it out yourself. In some cases, it’s being unafraid to point it out and if you’re going to do that you have to be really careful. Often times, doing it in private and assuming good faith is more effective than calling someone out in public in a way that’s going to shame them and make them feel that it’s an unjustified slur.

Humor is always good; any way that you can manage to use that will be effective. I’ll give you one example I picked up from my colleague and have used in some instances. This is Barbara Babcock who was the first woman law professor at Stanford. She was appointed to be an Assistant Attorney General under President Carter in the civil division; she was the first assistant attorney general of that division who’d ever been female and there had never been a female attorney general at that point. It was still really novel to see women in those roles [at that time]. And she got really tired of journalists asking her, “How does it feel to get the job just because you’re a woman?” And finally she hit back and said, “A whole lot better than not getting the job because I’m a woman!” So I always give students that advice and confront that in subtle ways.

And I think women of color confront it all the time, whether it’s stated [or not], it’s often there: “You wouldn’t be here if not for this privilege.” You really have to push back on that and really look at two hundred years of who’s been attorney general and Supreme Court justices. You’re telling me that only four women in the country have ever been qualified for those roles? That it has nothing to do with who you know, and favoritism, and skewed assumptions about merit?
So look for ways that you can gently point that out, and be willing to embrace the opportunity [to rebut]: “Yeah, if I got this job because I’m a woman it’s a little bit of corrective justice for all the jobs I haven’t gotten because I’m a woman.”

I’ve been on both the receiving end and the not-receiving end of opportunities and I won’t pretend to know where the balance is but at this point in our career, those of us who are in positions – and soon you’ll all be, because you’ll be lawyers; you’ll be in positions of privilege – look around and see who else you can support who hasn’t had the bump-ups that you’ve had and figure out a way to give back, because a lot of people sacrificed to get you where you are.

My generation, we pointed out the problems, but we didn’t do such a great job in solving most of them. It’s your generation we really need, to push through the solutions, and the structural ones are the ones that are going to work. So, go out and make the world a better place.

**Dean de Silva de Alwis**: I want to go back to the history making comment that your colleague Barbara Babcock made. When I talk about Deborah’s legacy and life, a lot of what she has achieved is not for herself. As Barbara Babcock said, it’s a whole lot better than not having a woman. I think what Barbara Babcock did is important for women history and future, for the next generation, for the legacy that Barbara Babcock has built, for the women of all schools and in the legal profession. One of the reasons I want Deborah and Timothy to start off our course today is for you to understand the power of leadership, not only for this moment, but the power of leadership on women like us and men in this classroom. I want you to understand that this moment will shape generations to come and will shape history. And twenty years from now, I want someone to look back and say that, this moment in 2020, during a time of the twin forces of Covid-19 and Black Lives Matter, shaped a new narrative, and things changed because of all of you in this classroom and because of your peers.
Mitch Zuklie
Chairman and Chief Executive Officer of Orrick

Mitch Zuklie serves as Chairman and Chief Executive Officer of Orrick. Under Mitch’s leadership, the firm has pursued a strategy to be a leading advisor to the global Technology & Innovation, Energy & Infrastructure and Finance sectors. Financial Times has chosen Orrick as the Most Innovative Law Firm in North America in 2016, 2017, 2018 and runner-up in 2019. And Fortune has selected the firm among the 100 Best Companies to Work For five years in a row.

Mitch Zuklie: I’ll try to be as brief as I can. Let me start with the principle that diversity is both a business and a moral imperative. I’d like to spend a second about each of those topics and why it is important to us from each of those perspectives and spend a moment talking about how our thinking has accelerated and changed in light of where we are in 2020. I’ll be careful to wrap this up in the allocated time.

When we think of diversity and inclusion as a business imperative, there are four dimensions to that. My job as CEO and Chairman of a law firm is to attract and retain the best talent that I can, and to advance it and inspire it. The very first thing to note is that, in general, diverse and female lawyers leave the profession in a much faster rate than white men. From the perspective of retaining that talent, which is hard to identify and train it, once talented lawyers in get involved in working for great clients like Microsoft, if they leave the firm, it tears at the fabric of the firm and its ability to provide great service. So, we must find ways to attract and maintain the best talent, that means we have to make progress, and change the situation in which women and diverse lawyers are leaving the profession at a faster rate.

The second thing is that we have a group of leaders who are diverse. Fundamentally, we believe that a diversity of backgrounds and opinions will enable us to make better decisions. Social science supports this, and we are firm believers. Therefore, it is important for us to bring our best thinking forward in a competitive landscape to make sure that we have a diverse leadership team.

Third, is that we are a client service business. We exist only to serve great clients like Microsoft, with whom we are very honored to partner. The best and most sophisticated clients want law firms that are diverse. And they want teams that are diverse, for the same reasons that we think those diverse teams make us make better decisions internally. The clients we are most interested in working with share that view. Rangita cannot be more correct to say that we get
enormous benefit in partnering in important market-leading firms like Microsoft. When they make clear that they want diverse lawyers on their client teams, it is an enormous imperative to us that we deliver this. They are absolutely essential to us making the right decisions.

The last thing from the business imperative standpoint is that I believe to my core that the very best students coming from law schools want to work for a diverse and inclusive environment. And if we are better than the competition at providing that environment, we believe we will be better at attracting the best talent. And if we are better at providing that environment, we will be better at retaining them.

From the moral imperative side, I just note that we as lawyers get a bunch of different benefits. We are a profession; we all signed an oath or swore one when we took the profession to uphold justice. We are not just a business, we are a profession, we are agents of the courts and we take that seriously. And we think it is important we as lawyers are involved in making social progress to fulfill the promise of justice. We also think it is quite imperative that we fulfill our obligations to do pro bono. It is an important part of who we are as a firm and we are delighted that an awful lot of the effort we have been able to put forward and be related to issues of diversity and justice.

With my remaining time, I want to describe how we are thinking as accelerating and improving as a function of what has happened in the workplace more broadly in 2020. First and foremost, we have done a lot more listening. White males like me in the organization have committed to listening much more fully to our diverse and women lawyers throughout the organization. That has happened both in terms of listening to attorneys as well as staff to talking to our women and diversity board members, which are comprised of general counsels of important clients. It has involved listening to parents and thinking about what their feedback is. It is clear that while we may have made some progress, we haven’t made enough either at Orrick or at home. We strive to be more thoughtful and invite more voices to the dialogue. This includes our staff and I, who admittedly had not done as much listening to prior to 2020. I am glad we have made progress in changing in that. Listening to the hardship members of our team faced, was critically important and it also forced us to make a very simple decision we would not have made if we had not done that, which was to give everyone in our firm a wellness stipend, which was to take 3 days off of
work with paid leave to use however they wanted for a mental health break, which I think was well appreciated.

Secondly, Rangita started by talking about allyship being an enormously important part of our thinking in 2020. We’ve learned a lot and we’ve hired Arin Reeves to come in and provide some guidance for us about how we can be better allies. And of course, she understands that in order to be great allies there has to be a mindset shift from wanting to help members of underrepresented groups to becoming intolerant of environments that are inequitable. So, it is not about helping another person, but about not tolerating inequitable situations. That has been a key mindset shift for us, and I think it has resonated in our organization and caused us to be more articulate and focused in our views.

Third, we have put a lot of emphasis on intersectionality. The concept that singular, systemic changes that will drive progress for all are intensely important and yet we can have sensitively to the unique needs and experiences of specific populations. We have for example, had women leaders come to our board last week and described how we don’t have a pipeline problem, but a retention problem. In the case of black women or latinx women, we have both a pipeline and retention problem. Bottom line, intersectionality has taken on an increased focus for us.

Fourth, are best work has come we have collaborated with clients. Microsoft is a client we are very proud to work with. They are powerful advocates for change, and we are glad to work with them and there is so much more we can be doing with them and others to advance women. It is absolutely true that we can do more shoulder to shoulder to move the needle. It is an important step for us.

Finally, I think the great lesson for this year for me, is that this the professional is personal. This is a key point. I just got off of a zoom meeting with a number of working moms in our firm to understand that point. It is not that it is only personal and political, the professional is first. We are not going back, and I don’t think we should.

Dean de Silva de Alwis: Mitch, this is why I call you the supreme feminist. You not only put it into practice, but you understand the theory of the personal is political. The whole feminist agenda was based on that creed and it is so wonderful for you to articulate that and the way in which you frame the importance of connecting the business and the moral imperative in diversity is so important because sometimes the business imperative clouds or overshadows the moral
imperative. But as David and I discussed this morning in one of one of David’s law review articles, it says that slavery was not abolished based on a macroeconomic argument, it was abolished based on higher moral principles. Brown vs. Board of Education said that segregation is inherently wrong and harmful. So, it is important for us to understand that there is the business imperative and the business priorities but also the moral imperative overrides all of it. Because after as lawyers we understand justice and fairness more than any other workplace.

**Johnathan Sargent:** This question has to go with retention. We have seen recent lawsuits against law firms concerning pay discrimination against women. One thing you talked about when you became CEO and Chairman of Orrick is your focus on compensation for female associates and partners. How have you achieved this and what can other firms learn from you?

**Mitch Zuklie:** Thank you for asking that question. I think there are five things we are trying to do that hopefully are helping make an impact for us. The first is that we decided to work with Diversity Labs, the organization that came up with the Mansfield Rule. The Mansfield Rule is an industry-wide initiative to ensure that at least 30% diverse candidate pools for various positions at both law firms and recently in-house positions. We apply the same rule for work assignments. Another thing we are trying to do with Diversity Labs’ help is to come up with a more structured and equitable process to make sure that people are getting feedback both before and after assignments. Ultimately, we think the area where we are the weakest at, and still the weakest, is the process of giving back feedback for assignments. It is very challenging to give hard feedback for anyone. In the absence of it you are not helping someone become a better lawyer, so we are putting an emphasis on having those conversations.

A third thing we are attempting to do is do something called “looped in” to foster better communication and connection among remote team members. That has been a challenge for those not working in an office. We have a number of people who don’t work in an office on a regular basis and we want to make sure these people are included, stay in the mix, and get meaningful feedback.

A fourth thing that we are trying to do is “stay” interviews. It is pretty common I think to employ exit interviews and wonder why they chose to leave. We are in the process of conducting “stay” interviews particularly with diverse lawyers about what would cause them to stay at the
firm and what could we do better to make sure they want to stay, grow, and have their careers here.

By making it more of a normal conversation, it has been a substantial bias interrupter for us.

The last thing we are doing is we apply a lot of analytical rigor to looking at the issue of assignments. Our most important clients, and we have set a goal, we believe that there is a clear correlation in doing work for our most important clients and being promoted our organization. As a result of that, we are making a real effort to make sure women and diverse lawyers are getting at least their fair share of opportunities to be staffed on our most important clients for our most important projects. There is no one answer for what works in a particular geography or a particular practice group. Ultimately for us, the most important thing we have tried is to have a menu of different science-back approaches to systemic change and we found each of these has been interesting in terms of really working in some situations but not in others. It feels like we are really peeling back the layers of an onion in terms of doing our best to do our best to try various initiatives to be import bias interrupters and apply them where they make sense.

An important part of the environment to do these things, you have to be an organization willing to try things that might not work. And having a culture that values ideas and innovating and trying to find solutions I think is an important bedrock for having the ability to make progress. There is simply no one thing that might not work at our organization that will work at another. If it works at Microsoft it may or may not work for us. We are quite systemic in trying to stand on the shoulders of others, hear what experiences they have had and try to implement them at home in a way that works. Sometimes something that works at a client works well with us, and something its doesn’t. We try to work hard to continue to probe and I don’t think anything we are doing is expectational, but we are quire committed to continue to do it and see what works.

Dean de Silva de Alwis: I am so glad that a male member of our class asked that question because I think Orrick takes great pride in encouraging men to not only be allies but to really actualize their commitments to their families by encouraging them to take time off as caregivers. No wonder Yale Law School ranked Orrick as one of their top “family friendly” law firms. And your comments on bias interrupters grows after Joan Williams, who developed this methodology of bias interrupters. Actively, interrupting the bias in the workplace, and that is really a concept that we are going to use and integrate in our study of allyship. So, Mitch you spent the better part of your morning with us and I am so grateful to you. I’m so honored to have this connection and we are going throughout
the fall talking to you and Steve as a part of my advancing leadership forum. And you are going to be a part of the Thompson Reuters program that I am organizing to honor you as one of the champions of women’s leadership and the ways in which allies sponsor them. Thank you, Mitch.
Vanessa Liu

VP of SAP.iO

Vanessa is the VP of SAP.iO, a global organization responsible for building an ecosystem of startups around SAP. In her role, she is overseeing SAP.iO’s North American Foundries in New York and San Francisco, including programs devoted to women and diverse-led B2B enterprise tech companies. Vanessa was most recently the Chief Operating Officer at Trigger Media Group, a $22MM digital media incubator. Vanessa currently serves as a Non-Executive director of Appen Ltd. (ASX: APX). She is also a board observer of Fevo and is an advisor or investor in start-ups including Bounce Exchange, Grata Data, GroundSignal, Knotel and Narrativ. She mentors female founders through Declare’s Lead Program. Previously, Vanessa was an Associate Partner at McKinsey & Company’s Media and Entertainment Practice, based in Amsterdam, London and New York.

Vanessa Liu [Opening Statement]: Hi everyone, greetings from New York City. I lead SAP.iO foundries in North America, which is the early stage venture arm for SAP where we work with start-ups anywhere between late-seed up and including series-C startups. We work in two ways with startups: (1) We have a fund where we make investments and (2) we run accelerator programs. We have a commitment called “No Boundaries” where at least forty percent of the founders we work with are founder who are underrepresented. By bringing these startups into our ecosystem, we have a duty to be particular about who we work with. Furthermore, in order to have the best solutions out there, we need to represent the most diverse populations.

Jesan Ataharul: Hi Vanessa. Thank you for joining us. A recent Bloomberg Law article titled “The New Normal—Law Firms May Never Be the Same” highlighted how the legal industry, and law firms in particular, are slow to embrace change, however, COVID-19 has spurred innovations regarding work-from home arrangements. As someone from the Venture Capital space, a field filled with disruptive innovation, how do you see the potential external disruptive impact that the consequences of COVID-19 will cause in the realm of women and leadership?

Vanessa Liu: Digitization is happening significantly faster now as a result of the pandemic and we’re seeing that across industries. This includes sectors like retail, manufacturing, automotive, and the legal sector. When it comes to women and leadership, the shift in terms of working from home is a double-edged sword because the burden of childcare is being placed disproportionately on women partners at home. How do you work with that is a really critical issue?
At the same time, however, not having to travel and being able to be much more mobile is a game changer. Personally, I was one flights once a week, flying coast to coast, and now I don’t have to do that and am therefore much more productive. I feel that I am on an even playing field with my peers. The question then falls as to how you develop the allies, sponsors, and mentors that you need to have within your firms and companies. That is critical for your career path and I think that a lot of companies are looking for that, they realize that talent retention is key. Consequently, a big part of our business focuses on HR tech.

I can say that across the board our customers are asking us “How can we ensure that we are providing training across all of our high potential talent? And especially when it comes to those populations that are burdened with a lot more than others, how can we support them”? I do believe that these changes in the long run are going to be really positive to women and leadership when it comes to all fields including the legal sectors.

Dean de Silve de Alwis: Thank you Vanessa. As you noted, the flexible workplace that women have always craved and have advocated for has now been normalized by COVID-19, while at the same time COVID-19 has deepened the fault lines between the sexes and between different racial groups. There is that one silver lining where COVID-19 has shown that a flexible workplace can be economical, efficient, and productive. That’s one of the few ways, post-COVID, where we can build back stronger and institutionalize.
Steve Crown
Vice President and Deputy General Counsel, Microsoft

Steve Crown is vice president and deputy general counsel of human rights at Microsoft Corporation, contributing to development and interpretation of company-wide policies that support advocacy for rule of law and respect for human rights in the conduct of the company’s business across the globe. To advance company and industry initiatives and public-private partnerships to make the global internet safer and more trusted, Crown works closely with colleagues across Microsoft and with external parties—companies, academics, investors, civil society, and governments—throughout the world. In his external engagements, Crown champions principled solutions that meet competing concerns in a manner salutary to evolution of international laws and norms.

Lexi Levine: Thank you so much, Mr. [Steve] Crown, for being here with us today. It’s really wonderful to have an incredible male ally come and speak to our class. During the class, we have talked extensively about the importance of male allies in helping women achieve professional success and obtain positions of leadership, so I am wondering, as a male leader at one of the world’s biggest, most preeminent companies how you feel you’re uniquely positioned to effect change and if you have any examples of change you’ve already effected in this regard.

Steve Crown: I would say the examples that I could bring are inappropriate to bring, but it is people who came to me with whom I’d worked or with whom I’d been in meetings and then said, “Hey, I’m getting frustrated at where I am in my career, what are the sorts of opportunities, what might I do.” I didn’t view it as I was doing anything special, I simply was doing what was right of saying, “Here is a talented lawyer who’s coming to me collegially for advice,” and then we would brainstorm what would be more exciting as a next step or a next set of challenges to address, and then both suggest that these women feel free to use me as a reference, but that here are people I think they might approach, and in doing so, they might focus on the things I found most compelling about the statement and get that.

Very often these work well of people who aren’t quite sure how to say, “I don’t like the role I’m currently in, and I’d like to change,” and that it might sound like you’re upset or, you know, criticizing the current manager, which might not be it at all. It might be we want simply new experiences and a new set of challenges. It’s very easy at a place like Microsoft, and it is a danger for our junior lawyers, that if you become good at something, the manager is not looking at moving you away so that they can have the pain of training a new person, having a bunch of
additional work to do with the internal clients who have needs. On the other hand, that is where we spend a lot of work of saying, “We need to be thinking about mobility and moving people around,” and it’s wholly of a piece with the notion of inclusion and breadth of perspectives. The more people we have move around, the greater the exchange of ideas and different perspectives.

So, I did mention I’m a human rights lawyer now, but previously I did sales work internationally, I did product counseling for Windows and for Xbox, which are very different businesses and technologies. But each time, you are able to bring not only the internal relationships and the way the industry works on that part, but new questions to the clients and the rest. So, I think a large part of it, when it comes to allyship, it’s not, for me, the notion of what do I do differently for women; it’s “how do I make sure that women are as comfortable as I can make them in coming and asking me so that I can be as helpful.” And of course, I reach out as well, but part of this is not trying to impose what I think somebody wants on them. It’s really making sure that you’re inviting and accessible, in my view.

**Deirdre DeFranco:** Per the male allyship report that you helped advise last spring, we understand what it means to be an ally for women - “someone who stands up against gender stereotypes and gender bias, acts to eliminate pay and promotion disparities, and advocates for policies that call for action.” What, for you, was the motivation behind taking the step from a passive supporter to an active ally? And how do you think we can effectively recruit other males to take on this active role/make this transformation?

**Steve Crown:** I don’t know what it is that would have somebody be hesitant in this. I would say my reaction to your question - and it’s not a criticism, just my reaction - was about the negatives we are trying to overcome. I happen to have a personality and mindset that - what are the positives we want to accentuate. So, I would be less about overcoming pay disparities and saying are we really attracting the best people and compensating in a just and fair way. We actually report as Microsoft - one way of keeping the entire organization honest - we publicly report the pay for various populations. So, women would be one of them, various minorities, populations we attract in the U.S. And across the intersectionality and it goes to the leadership ranks and what a person in a particular rank earns according to each of those categories to make sure that we don’t have these things coming in and it has historically been a problem but I might just be a little too distant.
from when that was actually something we thought was a danger we would slip back into. Now people are so focused on it that I might not be the right person to ask that question.

**Ziguo Yang:** Good afternoon Mr. Crown. I feel it is a great honor for me to have this interview. I was extremely impressed by your view concerning the linguistic perspective of promoting diversity and inclusion in workplace. So I have a more specific and institutional question: How would you structure and implement new programs to embody those new vocabularies, such as inclusion, empowerment, and tolerance, in your company? For example, in face of the pandemic, things may be different for female employees. Since they have to stay at home and may have more contact with the children, they may cannot help but engaging in more housework, and things will become different. Thus, I am wondering how you would embody those vocabularies in your company.

**Steve Crown:** I will start a little bit away and come back to the question you have raised. One of the things we are learning as we look more and more about allyship. I know this class is especially on women, law, and leadership. But there are other areas where it is easy for people have a bias, some of these are education. So, it is not simply gender, race or class, which we often mention, but the question is of an extended family and its access to healthcare.

Those sorts of things were not top of mind before COVID, and they may not have arisen as quickly as they have, because of the attention we are having on allyship. We need to be thinking again about the whole person and what are the things that are critically important, even if those things are not parts of my life experience. I did not grow up with a lot of money but neither did I grow up in a place where it was a real question whether we will have food or ability to pay rent, or whether extended relatives will have any access to healthcare. And as we know, that now is something that people can talk about in a different way, certainly a place as big as Microsoft.

As for the practical things we will do, we do training. So, we have mandatory training for employees on questions of allyship and helping people to understand unconscious bias and to think about the systematic and institutional forces at play, including things we did not design but they emerged. We will ask our managers and leaders to be thinking about what they can do, having these questions raised for to be proactive and creative and courageous in having new conversations.
with their teams. So, we have already, as part of our review process, the way people are compensated, we focus a great deal of training and attention on the idea: What are you doing as an individual? What are you contributing? But equally and truly important, how are you building on and building up others in the work that you do? Since it is ultimately going to be a team that achieve a great result, no matter how significant the genius is.

Now on the engineering side, we might have a different approach to that we have on the legal team, but we actually have this discussion with our employees. How are you dealing with these two and what is the business impact? Where do you see what that is achieving? So, I think we will be asking people to have many more conversations. And of course, they have to be sensitive. But you cannot force somebody who is hesitant to talk about what they perceive as a potential weakness or something that could be used against them, and say “just trust me, it's in your benefit to tell me, and now I compel you to tell me.” It has to be one of our cultural comforts. And we then for that reason, look for managers and people who are directly engaged with the employee base to be the sorts of people who are modeling the behaviors we want to have. And then we of course have a lot of informal and association opportunities for people to gather and provide feedback into leadership. We have this community if people are more comfortable, as some might be, doing it in a more anonymous way. I think it all ultimately comes down to a company being committed to this for reasons that they can articulate. So it is genuine people not only can trust it, but see it actually having an effect. And that's the way that you actually change an organization.
Megha Parekh
Senior Vice President and Chief Legal Officer, Jackson Jaquars

Megha Parekh is the Jaguars' senior vice president and chief legal officer. She is now in her eighth year with the organization. Parekh manages the legal, technology and people development teams at the Jaguars. Parekh also serves on the board of the Jaguars Foundation and the Florida Sports Foundation and volunteers with Habitat for Humanity and Crisis Text Line as a crisis counselor. Prior to joining the Jaguars, Parekh worked in the New York office of the law firm Proskauer, which is an international law firm known for its sports law group. Parekh was named in December 2012 and 2013 to Forbes Magazine's 30 Under 30 Sports List, which honored the country's top sports athletes and executives under the age of 30 who "represent the entrepreneurial, creative and intellectual best of their generation." More recently, she was selected for Sports Business Journal's 40 Under 40 list in 2018. Parekh has also been named a Woman of Influence (2014) and Ultimate Attorney (2016, 2020) since coming to Jacksonville.

Jessie Sarkis: Thank you for joining us today. Megha, can you talk about your career trajectory and what you think propelled you or set you apart during your time at Proskauer and enabled you to become the GC of the Jacksonville Jaguars?

Megha Parekh: Thank you for all of the kind words. Despite practicing for so many years, my mom still texts me to ask if I ate. So, some things never change. I’ve been really lucky to have so many supportive people in my life. And because of that, I sometimes forget how extraordinary it is the opportunities I’ve had. When we went to the 65th anniversary of when women graduate Harvard Law, three of the graduates actually ended up not practicing law. And those women obviously had to deal with challenges. Also, there are some cultural differences. My first cousins are all still in India. When you think about that as well, layered against what opportunities I’ve had here, I’d like people to realize that you can look like me and you still absolutely belong in a board room of a sports organization. And I want that to become more normal. I want people to think of that as just human beings.

You asked about what led me to getting this job. A lot of it is preparing yourself to be thought of at the right moment when a position comes up. There is no substitute for hard work. But a lot of it is timing. I was at Proskauer for three and a half years after graduating law school. I didn’t realize this at the time. But my goal in my twenties was financial independence for my parents. I wanted them to be able to retire guilt free because they are the hardest working people I know. They came from India with not a lot of money. I want them to feel like my kid will be okay
even if I stop working, which my dad has not. And so, I also ended up graduating during the recession. Only 5 of 44 people started on time.

And a broader theme of that is, don’t think about your career in short term spans. I never would have expected to end up in Jacksonville, especially growing up in NJ/NY. I worked on everything at Proskauer. I worked a lot and worked on a lot of different types of deals. One of the things that helped is that I was often one of very few women in the room. And so, when we had meetings with clients, people would remember me solely because I was a woman. And that’s tough in one sense because I obviously want to be remembered for more than that. I also always tried to anticipate the needs of our clients. I worked a lot. I worked on the acquisition of the football team. A few months later, a different owner bought the Cleveland Browns. The lawyer for Jacksonville went to Cleveland. I actually interviewed for the job in Cleveland and didn’t get it. I interviewed for a job with another team and didn’t get that either. So, I just put my head down and continued working and looked for the next opportunity.

I knew that I enjoyed the business side of things, though, as opposed to just developing legal skills. I knew I wanted more variety in my work. A week later, a friend who was in Jacksonville, that I met during the acquisition, asked if I was interested in coming there. And that was just a right moment. I knew that it was going to be difficult to explain to my parents with respect to why it is I wanted to move by myself to Florida for a job. But what I said to them is that I think this would be a great opportunity to learn and I’ll be back in two years. 8 years later, I am still here. And I was able to find that variety in work. And by no means was I an expert when I walked in on day one and had all these workers compensation issues to deal with. But I was also junior enough that I wasn’t afraid to ask questions when I didn’t know things. And within three months, the team owner decided to buy a soccer team. And that was sports M&A, which I knew how to do. A few years later, we dealt with improvements to the stadiums. And then we opened an amphitheater. And then the ownership started a professional wrestling company. So, in ways that I could have never predicted coming out of law school, my job scope has changed so much.

**Dean de Silva de Alwis:** One of the important features of today’s class is the power of storytelling and narratives. And to a large part, your story is a counternarrative. You are the only woman of color GC. It is almost the impossible story of this woman of color, brought up in a traditional background, doing things that are so unorthodox. And you have broken down the doors of “what
should have been.” And that is why we want to collect more of these stories. Leadership is about giving a platform to these alternate stories.

**Corinne Belkoff:** What can we do to create a pipeline to encourage more women to pursue sports law when it is much a male dominated field? And how have you dealt with biases coming from male counterparts?

**Megha Parekh:** To the first question, that is a bit tough for me. Because I always think of the law as being the male dominated industry. I get that there are a lot of men in the field, but across the business side, there’s actually more gender balance than there were at a NYC law firm. When I was Proskauer, there were two female partners in the corporate department. One was a single mom, the other one was just single. And there is nothing wrong with that path. But it’s very clear that other people who I have offices next to are all stay at home wives. It got to a point where I didn’t really know the personal life outcome was going to be. I found that to be challenging.

One of the reasons I moved to Jacksonville is that people have a much different approach to quality of life. Here, if you are working at 7:00pm, you are the hardest working person in Jacksonville. People move at a different speed here. And admittedly, much of this is in hindsight, but I am happier than I otherwise would be if I was working NYC law firm hours. So, people think of sports law as a male dominated field, but depending on what your alternatives are, I would encourage people to look at the quality of life the job allows. It is also fair that if you are paying people the amount, they get paid at a NYC law firm, you expect them to pick up the phone at 2:00AM. And pick a job based on that. And this might change in your life. So, I loved my time at Proskauer. But I’m glad I made that switch. And I am much happier. So, it is important to find an industry that will support the quality of life that you want.

As to male allyship, one of the first things I did was equalize the maternity and paternity leave policies. So, it doesn’t matter if you are a dad or a mom, you get four months off. It has taken a few years for people to get comfortable taking those in equal amounts. But it’s completely changed the dialogue of motherhood in the office.
Dean de Silva de Alwis: And that is one of Justice Ginsburg’s legacies. Neutral maternity leave policies. She challenged unequal caregiving laws and policies. So, what you are saying is something that really grew out of her jurisprudence.

Megha Parekh: Ever since #metoo, we’ve had more conversations about harassment and our obligations. The very first conversation I had about it was a complete failure. It was at too high a level of generality. So, people said it doesn’t happen here. So, as Justice Ginsburg said, the job should be to educate people. It’s not that there are two groups of people, good actors and bad actors. There are a lot of people who are just unsure.

Bhavin Shah: Would you be able to speak about how being a South Asian woman, or a woman of color more generally, has impacted your experiences? Also, one of the themes in this course is male allyship. Can you talk about any specific instances of successful male allyship that you’ve seen, not just on the higher levels, but the lower levels? What can we take away as we begin our legal careers? We might not be able to implement strict policies but what can we do on the every day?

Megha Parekh: Well first, even by just taking this class, you are a male ally. I am pretty fair skinned. And I mention that because it’s not just about nationality. There are certain privileges I’ve had by just being a more fairskinned South Asian woman. And for the most part, people didn’t even know we were an Indian family. And so, for me, I was able to cover it up, and so, it wasn’t always a topic of conversation. And I actually didn’t embrace it because there was always a portion of the South Asian community that was so insular in that they avoided becoming Americanized, and I didn’t like that. It felt exclusive in its own way. So, I distanced myself from it. I struggled with the Indian community because I wasn’t quite Indian enough for them but wasn’t white enough for others. So, there’s this duality, where you are pretending to be one or the other when really you are something in between or a mixture of both. In the name of professionalism, I found that it was difficult. It’s not like we knew to go to Brooks Brothers and figured out how to go buy the right suit. So, the biggest challenges I found was adopting the same standards of professionalism. And so, I feel so much more comfortable now.
In terms of male allies, I really strategically used my male allies to build up credibility in a way that I could not do myself. If I have a separate relationship with a Coach, I’ll have them introduce me because they are such a more credible messenger. They have helped me build the bridge as to why others should trust me. At the more general level, this happens so often. You will be in a group of people, and someone says something that is sort of cringeworthy and sexist, and everyone else doesn’t agree with it, but they don’t say anything about it. For example, I used to eat lunch outside, which was also where the players would go back and forth between practice and the locker room. At a group of interns, one said to another, she is only sitting outside to get attention from a player. And in that moment, the other person said, no that’s not the case, and you shouldn’t say something like that. In that moment, actually saying something and shutting it down. Think about it. I am a 32-year-old head of GC, and this kid thinks that he can say something to totally obliterate everything I’ve worked for and say that I’m also sitting outside to get the attention of a 25-year-old player. C’mon. How is that still happening. I cried that day. But I was really grateful for that other person who pushed back and said that’s not what she was doing. We need that. Those little biases and statements that we let go unchecked are the ones we need to get more comfortable saying something against.

**Dean de Silva de Alwis:** What Bhavin teased out with his questioning is unconscious bias. For example, we focus on identifying and being able to tease out unconscious biases that our generation of students will face. You brought out the issue of colorism. Even within the same ethnicity or race, there is a bias based on color, and that’s an unconscious bias.

**Bhavin Shah:** Thank you, Megha!

**Dean de Silva de Alwis:** Megha, you are a Rockstar. Thank you!
René Lacerte
CEO and Founder, Bill.com

René Lacerte is a fintech entrepreneur and the founder and CEO of Bill.com, one of the nation's leading business payments networks. At Bill.com, he works with some of the nation's largest banks and accounting firms to redefine how business payments are made. He is a fourth-generation entrepreneur and has over 20 years of experience in the finance, software, and payments industries. René was an E&Y Entrepreneur of the Year national finalist and the Northern California winner in 2017. For seven years in a row he has been named one of the 100 most influential people in the accounting industry by Accounting Today. He is a graduate of Stanford University, where he received an M.S. in industrial engineering and a B.A. in quantitative economics.

Dean de Silva de Alwis: So, with that I can see that our distinguished guest, Rene, who is the CEO of bill.com is here. So, Rene welcome to our class. And you're joining us at a time of national grief and during our collective mourning. It is wonderful for us to have this space to engage with male leaders like you.

As you know, so well, Justice Ginsburg has a lot of faith in the importance of men in gender equality. Her entire ethos, her jurisprudence, beginning in the early 1970s was looking at the role that men can play in equalizing the playing field both at home and in the workplace. And Rene, the more I read about you, I see the role that you have played in so many different ways both personally, you yourself as a leader, but the way in which you envision bill.com.

So you and your industry is about providing services to SMEs, small and medium sized enterprises, and I see these SMEs as being disproportionately occupied by women and minorities, unlike the major, you know the Fortune 500 companies, so you work with, or you aspire to work with, more women-led businesses, small minority-led businesses. As you have often said, there are 6 billion SMEs out there, and your role at bill.com is to be able to provide services to these SMEs.

And the reason why I wanted you to speak to us, a class that looks at transforming women's leadership through men ally ship, especially with this particular course, I want you to look at this as a male ally, and what you see your role in empowering and providing the kind of leadership and resources for these women who are in business but who need your support in every way. And then secondly, my question is looking at how bill.com is important in terms of, you know, a paperless economy which has been ushered in by COVID, that more and more we are getting to be digital, a digital economy. And the ways in which you know your intergenerational
family background in business has really helped you shine and develop as a business leader, but how it's important to make sure that women have those opportunities that you have had.

So, Rene I want you to speak for five minutes and then we have students here who are going to have questions for you. Thank you, Rene for joining us.

**René Lacerte:** Is that better? Now you can hear me better. There must have been default on mute. I'm not used to being muted by default. Thank you for having me Rangita and thank you all for being interested in this topic. It's something that is, you know, for me, there's two reasons I started the company. There's the first, and they're very intertwined, the first is just because I grew up in SMEs, and my parents had many businesses, my grandparents had many businesses, and I just wanted to do something to help them.

And the second is, I just really enjoy being with people and I like working with people and having a company that has diverse opinions. And it really generates the best from all of us was a motivation. So, for me, you can't have success in either of those two categories unless you actually support all people. And, obviously, including women and minorities. So, you know, I focused, all of the management team development that I've done is to make sure that we have diversity, that we have inclusion and that we, you know, create a space that’s safe because you know something I've learned over time- the best ideas come out when everybody's safe. And that helps me be better.

So, just a little bit of context for the company. We went public last fall. We have about 650 employees today. We automate back office financial processes for business- so their accounts payable, their accounts receivable, 98,000 businesses on the platform today. Like I said around 650 employees. We move around 100 billion dollars a year. So, you know, we have a lot of opportunity to continue to connect, you know, with businesses and these 98,000 businesses actually interact with around two and a half million that either pay or get paid electronically through bill.com. So, you know, lots of opportunity to kind of impact and help businesses do business.

So, you know, I think, just kind of my opening thoughts, which you know I wanted, the reason I wanted to join the class was really just to see, you know, whatever I had done whatever I can learn from you, or whatever I've done that I can kind of continue the conversation because I think Silicon Valley is way behind. You know, I joined, there was a group about a year, 18 months
ago that started called Founders for Change. So, I joined that because I just always believed that, again, diversity of opinion, really makes a difference. And I think that comes from- and maybe, then we can open it to questions but if you want, I can keep talking- but I think that comes from just seeing my parents and grandparents, you know, run their businesses together.

So, my grandparents had, you know, maybe eight businesses in their life, and they were always equal partners. My grandmother was an equal partner. She just, it was always just part of how they did things. So, my parents had about half a dozen businesses in their life. And again, it was equal partnership. And so, I grew up seeing that women were empowered and that they were just part of, part of life. You just needed to obviously include them. Now there were parts of me that I saw that I thought which were very typical of the 60s 70s and 80s where women did more of the housework and I didn't like that, so that's not who I am in my house. But, you know, I think, just seeing how much the business got better. As a kid you see your parents or grandparents, talking and engaging. You see perspectives change and you realize that diversity of opinion actually makes everybody better and decisions improve when you have that diversity. So, I don't know if that's enough of a preamble happy just to jump into questions, or Rangita, whatever you think is best for the team.

**Dean de Silva de Alwis:** But that was an excellent overview, and you also talked about how a lot of what you do is very much, driven by your partners and your consumers, so the diversity and inclusion is something that you have created in response to your consumers who are asking for more diversity. So, with that, Cassandra do you mind moderating. I want you to moderate the Q&A.

**Cassandra Dula:** Yeah, certainly, so I know that Sam, I believe Sam rewrote or pre wrote some questions, and then once she asked hers, then can we open it up to everybody else? That's okay?

**Sam Baham:** Yes. So, um, first of all, thank you so much for being here. I know we all really appreciate it. So, you're a fin tech entrepreneur, and in my research of female and male entrepreneurs, I came to find that the majority of them are male, especially in more high-profile companies, including finance and tech companies. I read that lots of women believe that they don't
have equal access to capital, people aren't willing to lend them money as easily as to males. So, I was just kind of wondering what concrete steps the industry as a whole, and you and your company, can take to help female entrepreneurs just jump those kind of external hurdles and get their foot in the door?

**Dean de Silva de Alwis:** It's a great question Sam.

**René Lacerte:** Yes, I think the, out of all the capital I raised- I’ve almost gone through the whole alphabet in terms of the number of rounds across two companies- that the thing that investors ultimately decide on is the management team and the experience, and there are biases there and that does need to be addressed, but experience speaks louder than words. And so, one of the things that I've done is I've worked hard to make sure that my management team is not all white males. As an example, right, and we've worked hard across the company to make sure that the company is not, you know, all male or all white or whatever, and so I think the most important thing that needs to be done is to provide the experiences for people for when they get to that point when they want to start a company, that they have the resume that gives confidence to investors.

I think there are biases there, but I know that every- I've been fortunate because I have been able to pick my investors, so I don't have investors that have those types of biases- but I know that every investor really follows and tracks returns and wants to see the success for the capital. And so, like I said, actions speak louder than words. So I think that's the most important thing is to make sure people get experience, and that's, that's what I've been trying to do is to give people experience so that if they ever wanted to go out and do something on their own, that they would obviously have the chance to learn what I've learned and make that part of their experience going forward.

**Dean de Silva de Alwis:** So just to problematize what Sam said and what you said, Rene, and I think you were right really when you said you know experience trumps everything else, but when women are not allowed inside the door, how can women get that experience? When underrepresented minorities are just 2% of the venture capital investment, how can you look for experience in those minority groups?
René Lacerte: Yeah, so I think it's a real problem that technology has, and probably not just technology, but it's a real problem, which is why I joined the Founders for Change. When I was thinking of experience, I think the problem has to be owned by the Valley, not just the investors, but by the companies. And so, you look at our company, were, 67% of us are non-white, you know. Oh, 40, 42 to 45% of the company is female, not quite 50%, but for a tech company we’re in a much better spot. You know, eight to 10% are African American, eight to 10% are Hispanic, right. So, we have a lot of diversity, and that's what I'm talking about the experience. The company, the walls have to be broken down so that the companies enable that experience because it doesn't. Part of the challenge I think that we're trying to solve is when if you don't have the right experience, it becomes harder for an investor to make that investment decision.

There's, there's two reasons. There's the bias that investors have, and that's this, I don't know how to fix that other than by showing them that they’re wrong. And so, showing them they’re wrong means you have to give every person, you know, an equal opportunity and the best experience, and so I was talking with a friend who shall remain nameless the company he’s at, but he’s at a public company, and when the Black Lives Matter movement started getting more skin this summer, you know, he was very vocal about how, you know, he wanted to do something about it. But everybody on his team was white. And, you know, he and all of them should be promoted too because they're doing a good job. And he's trying to figure out how to do something about it, and so the problem goes back to the beginning, like, not everybody on my team is white.

So, I have an opportunity to kind of, you know, create that diversity. So I think the way it gets solved which, which is not easy answer, is the hard answer- going back and saying, you know, holding the candle to these companies maybe ends up being kind of, you know, an investor profile. We have ESG investing, we go after tech companies and say, “what is the diversity that you have.” So, by the time you go public people are saying, “do you have a diverse team or a bunch of white dudes,” because white dudes might be smart but they might not be as far as if they, if they had other people around, because that's been my experience.

Dean de Silva de Alwis: The data that you shared with us, the statistics are very impressive, you're probably one of the more diverse enterprises in Silicon Valley. So, congratulations, and that is why we, you know, we celebrate you as a real ally. So, Karis, Magali do you have questions or anyone else in the room have questions?
**Sam Baham:** I can ask another question. So, you talk about the importance of experience. So, I'm just wondering how you kind of educate female leaders within your company. You know like, what type of programs and policies are in place like either, be that like mentorship programs or anything like that. How do you invest in your female employees or any minority employee?

**René Lacerte:** You know the first thing is that we have to recruit people in, right. We have to make sure that that we don't have biases, that are recruiters don’t have biases. It was like in one example there when I've been recruiting executives, I've had returning firms that the first 10 resumes they will give me are white guys. And I go back and say, flip the switch here, 60%, of your resumes now have to be non-white guys or 70%, depends on where I'm at, what I'm thinking about at that moment, with that recruiter and that changes. Now all of a sudden, they're forced to go do the hard work to find the qualified people that are available.

And then, you know, because of that, I get a balanced pool and I can pick the best candidate. Sometimes I might pick, you know, a male but many times I pick the non-white male because of that, because I got good quality candidates. And so I think recruiting is the first thing, and then once people come to our company, the mentorship we do is across really across all employees, right, so we don't just say one specific program for women leaders, we have program for all leaders, but women aren't excluded from that, right, all the leaders are developed accordingly.

And so, I think one thing we have done, you know, as an example, with the Black Lives Matter movement, the social justice- the employees got together and started and formed a group to say well what else could we do? We feel good about what we have, but what else could we do? And the biggest thing that came back was let’s just keep recruiting and do a better job of recruiting people younger in their lifecycle, to bring them into a company like ours. That just gives you, so I think that the main thing is make sure biases are never tolerated. Whether it's through recruiters or inside the company, and then any other programs you have, have to be available for everybody and have to be encouraged.

And, you know, do the work that, so we do work to look back on how we're doing. And if we see that we have one department that doesn't have good diversity, then my HR leader will work with them to say we got to get some diversity. Now we're at a spot where we have pretty
good diversity in all departments now, but it is something that we can do. So, I would say that mentorship is meant to be inclusive for everybody instead of targeted for you. That helps summarize the answer.

Dean de Silva de Alwis: So, this is so, yes so Karis has a point. And I just wanted to jump in on what you said, how you as a leader is creating the change, right. You're not leaving it to the HR people, you're saying, send me resumes 60%, which, which the resumes must show diversity and must show representation in all ways, so it comes from the top down. So, I think that is where the success lies, is the CEO, is the managing partner, is the president of the company driving the diversity and inclusion. So, on your point about resumes, I just want to tell the students that in a recent article that Hillary Clinton wrote in The Atlantic, she calls a blind resume, so that even the resume themselves provide the neutrality that, that prevent biases. So, she calls for, you know, AI and other, other tools that can sort out these bi, resumes, where biases don't bleed into the viewing, the mapping and the review of these biases. And there has been research done at Harvard which shows that when you're auditioning for orchestras, if there's a curtain put to block the person who is auditioning from those who are listening, it has resulted in an almost 50% increase in the hiring of women soloists to the orchestra.

René Lacerte: So, I would challenge, let me challenge that just a little bit because I think it's an important part. So, I think for me, one of the reasons I want diversity is I want diversity in opinion. And I want you to know there was a book that I read in college called Groupthink, if you haven't read it it's relatively short book, and it talks about, you know, what happens when people of like minds get together- they make worse decisions. So, me being specific in my recruiting saying, you know what? I want a female director on my board of directors right now, that's specific, that's it, now I'm being somewhat biased to actually get that perspective because I've got a bunch of white dudes on my board of directors, right. And so, I would challenge. The blind is ideal, but until we get to something closer, I think we might need to lean in.

Make sure you bring in the diversity because otherwise, I just looked at the resumes, I got two students from UPenn Law School, and they both worked at, you know, some great firm. Both would be great, but maybe my company needs to have a minority opinion because I don't have a minority in that department.
Dean de Silva de Alwis: Right, so listen class, this is something that we need to analyze. That this idea of blind resumes, maybe, we are not at that point yet for that blind resume, because we are in the corrective justice. We need to with eyes fully open, correct and equalize the playing field as Rene said. I think that's a very provocative statement- that everything that we are calling for in blind resumes may actually heighten, heighten the inequality rather than close the gap.

René Lacerte: Especially for the, you know, the well-educated jobs, right, because the schools, the schools are doing a great job of getting diversity in schools. So, now if I'm just saying, and if you look at a resume, when you read as many resumes as I do, one of the things you look at is where do they go to school. And the reason I look at that is, have they been a part of something excellent? Because once you taste excellence, you like being around it, that's just something I learned.

Dean de Silva de Alwis: Absolutely. As you know, you went to Stanford, you went to Stanford for all of your degrees, and there is this kind of Stanford bias. We’re talking about biases, there is a major Stanford bias in Silicon Valley. And I think you're so important for us to be able to kind of overcome that. So, Cassandra, you're my TA, I hope you're writing down a lot of these like major themes that are percolating out of these conversations, because it's important for us to capture them, and Karis, your question.

Karis Jackson: Hi, thank you so much Rene again for coming and just, it's been really interesting to hear your company's commitment and kind of hear about the actionable steps you're taking to encourage diversity in terms of like hiring practices. So I just wanted to ask you, because obviously your company is in California, and I'm curious about what your reaction has been to kind of the push from the business roundtables regarding having people of color have a board seat and like making that actually a requirement and shifting away from, kind of, necessarily, just the shareholder’s everything and instead we need to start like listening to the public and what's best for us in society and all that. And I just wanted to know what your opinion as a CEO, but you know, California tech company is about that, that initiative.
Dean de Silva de Alwis: That's a great question. I'm glad you brought the question back to the whole new philosophy and the new charge of the business roundtable, which calls for a purpose driven mission to, to inform business leadership. And I think it's very different from the kind of Milton Friedman's economic argument that the purpose of business is profit. Now the purpose of business is purpose. And I think that's a very important kind of a mission that people like Rene have embraced.

René Lacerte: Yeah, I think you, this is an extremely important topic. And I think one of the things that I get concerned about in the valley is, and it's the right thing to do to have requirements like the state's doing at least with diversity, right, it's saying, I think the state of California says we have to have some percentage of the non-white males on the board depending on the size of the company you’re at. I think it's important. The concern I have is it becomes a checkbox. And so, when people are recruiting, they're not trying to recruit. Why, like the reason I go back to why do I want diversity is because I get a better opinion when I hear more opinions for more experiences in life. I actually am going to be a better leader and I'm going to figure out better things for my customers and a better culture for my employees. So, I want that. So, it is right to do. I get concerned that the valley, sometimes like I hear investors just say, “oh you got to go check that box.” No, I actually want to check that box. I'm looking forward to getting you guys off the board and getting diversity in. And so, I think it's really important. I think it's you know it's, it's, it is something that will change the conversation at board meetings- less profit and more purpose.

Dean de Silva de Alwis: So, you have brought up really polemical issues and you have challenged this kind of more conventional ideas that we've been discussing. We’ve been discussing the lack of tenability of checking the box, right, with the check in the box is such a shallow hollow exercise. But you say sometimes checking the box is important when it comes to, you know, really, really seeing the data. The data on the numbers of underrepresented minorities on your board. You’re also problematizing the whole issue of what you say diversity of opinion, that you cannot, we are not at this stage yet to have gender blind resumes, or color-blind resumes, because sometimes you need to correct the inequality. So, I think these are interesting kind of tensions that you're bringing to received wisdom. So, thank you Karis for provoking better. We have time for one last quick question from anyone in the room.
Cassandra Dula: I actually had a quick question, if nobody else does. Um, so, I think one of the things that we've talked about a lot in this class so far and read a lot about is how a lot of companies are getting very good at recruiting diverse talent, and now the issue is kind of turned to maintaining that talent and creating an inclusive environment that makes people want to stay, because it's obviously one thing to get people in the door but if they're not comfortable there then they leave fairly quickly.

And if your numbers are indicative of whether or not people stay, it seems like people at bill.com do and they find the environment to be inclusive. And I'm wondering, for companies who are maybe at the recruitment stage but haven't quite been able to foster that inclusive environment for their diverse hires, what kind of major recommendations would you have in terms of ways to kind of maintain that environment moving forward?

René Lacerte: Yeah, that's, it's interesting. I wouldn't have thought of this answer until, Rangita, you talked about Milton Friedman's comment around the business is for profit and now we're talking about for purpose, and I don't know exactly where I align, but purpose is definitely the reason I started the company. And so, and the purpose which I gave at the beginning was to help customers, small businesses which I identify with because I grew up in them and to help employees.

You know and to have a place of work that actually binds people to a higher purpose is something I think that is probably more appealing, when you think about the numbers that we have, probably more appealing to people that are coming from a diverse background, right, because they've had challenges getting to where they, they're at in life. Their families had challenges getting to where they're at, and so having, you know, a purpose for us around serving customers and serving the employees with a culture I think is really important, and so I think there's my guess is there is something to this like, you know, how do you blend the mix of the profit motive of the corporation which is actually very healthy, but also the purpose, you know, work and motivation of the company, and really making sure that the leaders understand that.

And you know, to the last question on, you know, the board seat. What I don't want to have happen is everybody just inflates their board size and adds diversity, but the real board is something smaller. What you want is the right board size with the right conversation and people
really engaged and learning from each other and so that, I found that for me to attract people, it is that culture that is actually why people say, why they say, “you know what? I think I want to talk to you a little bit more.” And so, I think that's the trick is you got to make sure your culture is grounded in values that are, irrespective of any organization, they're just good values that people, for whatever reason, identify with, right. So that would be my, my take is folks.

Dean de Silva de Alwis: So I loved the idea that you just presented which problematizes, you know, what Cassandra asked too- that lots of these companies in trying to get around that diversity issue have diverse members on the board, but they're either non-voting board members or they really don't have much power. So, I think, Rene, you have been so, your insights are very subtle, and you're kind of like, you bring a philosophers questioning to these kind of norms, right, that we see as good practices. You're questioning these good practices. So I know you have to leave in one minute, do you have the last words to my, you know, leaders in entrepreneurship and the law, and in terms of the public sphere, because I see the business world as an important platform for public change. And so, do you have any last words of wisdom to share with my leaders.

René Lacerte: Yeah, I guess the, what popped in as you're asking that was go to places you can make a difference, not places that need a difference.

Because the places that need a difference, you may be, you know like, great companies they attract great people and then leaders get built there and then they go out and they change the world, right. If you go someplace that needs a lot of change, and you can't get them to change, which is probably likely if they're already really in a bind, you may not be able to have the impact that you could if you went to an organization that was already where you want it to be and you got to learn and then you build that resume to go do the next big thing for yourself.

Dean de Silva de Alwis: The next big thing. So, the next big thing. So go to a place that, you know, helps nurture you to do the next big thing so that you can help change the world. So, thank you Rene for changing the world, for creating those platforms to change the world. And from all of us, thank you so much for being an ally and for really bringing this kind of nuanced critical view to who is an ally and what is diversity and equality and women's leadership. So, we hope that, you know, you continue to advance on that philosophy. Thank you.
René Lacerte: Thank you very much. Thank you. Thank you all for caring about this. This is super important. And it is the day in and day out work that makes the difference. It's not the big stuff. It's every day just going to work and, and, being who you are so thank you for caring. Okay, thank you, Rangita. It’s a pleasure to meet all of you.

Dean de Silva de Alwis: Thank you Rene.
Conrado Tenaglia
Partner at Linklaters LLP

Conrado co-heads the firm’s Latin America practice and is widely acknowledged as a leading lawyer advising on the continent’s landmark transactions. Conrado acts for Latin American and international corporates and investment banks on all aspects of corporate finance, comprising mergers and acquisitions, capital markets transactions, and banking transactions. Earlier in his career, Conrado served as in-house counsel with S.A. Genaro García, Buenos Aires, before joining Linklaters’ New York office in 1994. He co-led the firm’s Madrid office from 2007 to 2011 and the U.S. offices from 2011 to 2016.

Dean de Silva de Alwis: I know Conrado is here and I hope that you can also respond to what this discussion is leading to. Conrado do you have any insight on what the Judge is talking about? Because you are probably one of the most leading lawyers who came out of Latin America.

Conrado Tenaglia: First of all, good afternoon everybody and thank you for the introduction, Rangita. I wouldn’t call myself the most successful, but I have been very successful. I originally come from Argentina, despite my name which probably sounds more Italian because my family had originally come to Argentina from Italy and Ireland, and that’s where they met. It could have been in Brooklyn or Buenos Aires, but it happened in Buenos Ares. I

Something here that resounds with me is that research is very powerful, and there is a lot of research. Rather than talking and talking and talking, I’ve always been an advocate and seeing what it shows in terms of diversity and I have been focusing so far a lot on gender diversity, like the name on the resume what we’ve been talking about, and the evidence is very clear that when you have a more diverse management team and decision makers, you basically have different perspectives and that tends to lead to in the case of companies and businesses, better sort of returns of equity, net margin, etc, and there are examples of 21,000 cases around the world done by Peterson and EY and etc and all that comes very clear that there is a higher net margin and I know that McKinsey and others have done similar work for ethnic diversity and I think, like the Judge was saying, it’s good to be aware of those identifiers [of race, ethnicity, gender on resumes and in hiring] because that’s what consumers like to identify themselves with in terms of businesses, companies, or other service providers.
Consumers need to be able to identify themselves with the companies, they tend to identify better with companies that they have more things in common, and they are only able to tell of those commonalities because of these identifiers of these points that makes a difference.

Dean de Silva de Alwis: Yes, thank you.

Allison Blankstein: Thank you so much for speaking with our class today. My question is, how has your allyship and advocacy for women in your workplaces throughout your career as a law student and attorney in Argentina, and a managing partner in New York, Madrid, and with colleagues across Latin America,

1. Looked different over time, as you've grown, learned, and achieved more leadership roles; and
2. Looked different when you have moved or worked with folks in other countries, particularly those in Latin America?

Conrado Tenaglia: That’s a good question, Allison, thank you for that and thank you to everybody for focusing your efforts [on these important topics]. I’ve lived in many places. I’m originally from Argentina; came to the states for an LLM at a law school here; then right after that I joined the law firm that I still am at, Linklaters in New York; then immediately went off to Europe where I stayed for nine years in London and Madrid; and 10 years ago I came back to New York.

There have been a number of common things in terms of my profession. One thing is that smart is universal. If you look at law students academically, if you are not gender diverse, you will not capture the best students in the law schools. This is universal, this is not French or Spanish or English, it happens in Europe, Latin America, and in the US. Then the issue is no longer to attract, but to retain. What do you need to do? There are societies, like America, that always deal with these issues, that have been focusing on this for longer than others, and there has been some progress; its insufficient, but there has been some progress. And there are other societies, in particular in Europe, that are completely unaware of [problems of gender diversity], or even if they are aware, they don’t know how to address or how to solve them. And I am convinced that America will eventually address all these issues, including the ones that we are all painfully aware of, some of which were discussed today.
I will say that I’ve found, early on, that you are better when working with diverse teams, whether that be gender, orientation, etc or other different perspectives. In the law, it is just essential to have a team, as Judge was saying, where you can rely on others to sort of check on you and encourage [non-discriminatory behavior], and it’s easy in a profession that, by and large and across cultures, encourages discussion and debate, and that is something that is healthy. And when you have an open discussion on things, you end up in the right place. This is something that law firms generally who have been collegial, despite everything, this is something that they have been proud of. Some firms, sometimes they don’t go all the way with these debates and discussions and they don’t implement, but now we’re in the phase where we’re becoming less patient with that and less tolerant with stopping at the conclusions and not following through.

So, all in all, I’m more than an ally, I’m a big believer and it’s something that I want to help. Like the Judge has said, I want to help others that are diverse succeed. That has been my mantra as well. So, I’m very happy to be here talking to people who are interested in this and, like the Judge, are like minded.

Dean de Silva de Alwis: Following up on Allison’s question, can you share with us a story or an example where you have gone out of your way to challenge existing norms to either, as you said, the problem is the retention, to retain either a woman or a male lawyer of color or a woman of color whom you thought was important for your team?

Conrado Tenaglia: Again, this is one where research helps and educating in terms of research helps us lawyers a lot because we think we know but thankfully, we don’t. Research on gender diversity basically has shown that women tend to be less inclined to speak up or answer a question in public than men. It has nothing to do with personality. It’s, I don’t know, a combination of millions of years of brain programming, if you want. So, I don’t think it’s enough where you have a job and you basically need volunteers to help to say “okay, who wants to help?” You need to basically know who you want to get and what type of diversity you’re looking for and encourage them. And I have these networks of allies. Again, this is a simple case, but when you have meetings with partners and associates, it’s not enough to ask generally “what do people think?” You need to point it out and maybe have a word with the person that you want to hear from in a public meeting or something and ask “do you mind sharing your thoughts with the rest?” Because unless
you do that, again research tells you, that unless a woman—[for example] it’s the same as asking
somebody to do a job. Men, if you require five qualifications, a man usually with one-and-a-half
qualifications we always say “me, me, me”. A woman, unless she has all five, she will not raise
her hand.

It’s about how you basically change the dynamics of these types of meetings, not always
doing the same thing of meetings in public. Trying to do smaller groups, one on one, getting to
know people. And that’s what the whole concept of allyship is, in order to lead, you need people
to talk to you. And if you are silent and people are silent to you, that’s a problem with your
leadership style. You need to be able to find people to talk to you in whichever way that they find
it useful. Maybe now on Zoom, or by email, or just a text message or whatever it is, you need
people talking to you [in order] to know how to address these things. And I am fully convinced, I
will disclose, that America will address this issue and will move onto the next one, because
America has a long history of addressing and solving issues, or dealing with them and moving on
to the next one, and it’s the only society in the world that I’m pretty convinced has that track
record, and that’s something to be proud of, I’m confident.

**Allison Blankstein:** Thank you so much for your response. I also have a more specific question
asking for examples of your own personal experiences. How have you, as an ally for women
throughout your career had difficult but important conversations specifically with your male
colleagues about issues pertaining to advocating for women in your workplaces? Both formally
and informally?

**Conrado Tenaglia:** What I always say, or tend to say in these things, because men have had the
disproportionate share of the positions of power for such a long time, we are in a way responsible
for the problem that we created, [and] we need to have a role in the solution. So, I’ve always been
an advocate of conversations with, basically, you have [people of all] the different backgrounds
represented and talking, instead of a group going in isolation and creating the solution and the
other groups would have to accept it. You need to engage with everybody.

I’ve always made a point of keeping the door in my office always open. I’m not someone
who has, for example, gone into socializing at work through sports or drinking. I’ve always
believed that work is work and you have to keep it separate from other things, and that’s how you value people and their contributions to the work.

The conversations, they happen with as many people as I want. I do travel a lot, I used to I don’t know what the new normal will be. I do a lot of capital securities and due diligence, so I need to go to Brazil, Argentina, Chile, or Mexico. And usually it’s an overnight flight, I spend a couple of days, and come back. I usually take an associate or go with a partner, which has led me to see different perspectives, whether taxi conversation with an associate in say, Buenos Aires, going from the airport to the hotel or whatever. You are getting the valuable information that is important when you go into a management role, and I’ve found that invaluable. Any opportunity to gain that information to me it should be captured. I need to find out how the new normal will work with less traveling, but in terms of having these conversations or actually listening, because we are not very good at listening, those of us who sometimes are in management, we are not very good at listening, but we need to listen.

Dean de Silva de Alwis: I loved, Conrado, how you framed the importance of allyship as men were part of the problem, created the problem, so they should be part of the solution. I think if there is one kind of very clear rationale for allyship it is that.

Conrado Tenaglia: And we cannot do this on our own. We created the problem but we cannot sort it just by ourselves, that’s something we all need to be conscious of.

Dean de Silva de Alwis: Right, and your point about how you are not someone whose work didn’t bleed into social life in drinking and sports is important, because those are two aspects that have prevented women from socializing equally, which has become a way in which women have been marginalized from social networks because women do not as regularly as men engage in those kinds of activities. So, when men like you say “well, the socializing and the getting to know each other takes place at work and not at bars or on the golf course”, I think it really clears a more equal playing field which I think is important.

[A student shared a story of their own with the class]
**Dean de Silva de Alwis:** Thank you [to the student] for your own candor and your courage to tell your own story, although you haven’t told the entire story. Sharing your story brings us back to one of the cornerstones of our class-- What is the role of law schools in building leaders? The legal profession disproportionately produces leaders both in the public life and the private sector, but law schools don’t focus on leadership training, especially on transformative leadership. What are the qualities of leadership that really enables us to be the change which we want to see? Judge, you talked about Ghandi being one of your inspiring role models. And Conrado, I see the way in which you articulate your role in your office shows what [the student] just articulated about vulnerability, looking at our own lives and understanding what empathy that vulnerability builds in us. I think empathy is one of the most important qualities that makes character and builds character, but also help to transform.

**Conrado Tengalia:** I always identify leadership with the ability to connect. What you want is to connect. And what I’ve found is, as the Judge has been saying, the more you show your vulnerabilities, the more likely you are to connect. And that’s why I always like and appreciate and encourage people to be themselves, to show themselves. I am very happy that this is what the whole society is moving toward, that now it’s becoming the norm, which can only be good. The power to connect is what always makes a difference. That’s why I’m a big believer in presenting yourself the way you are, and even for something that some may perceive as a weakness or you consider a weakness, and turn that into a strength.

**Dean de Silva de Alwis:** And as you said Conrado, we are as a society moving toward that both in theory and in practice. Just a couple of days ago, Pierre Omidyar, the founder of eBay who, after founding this multi-billion dollar company, has created the Omidyar Network and has become kind of the calling-card or lexicon on compassionate capitalism: [a concept] in which you start on an individual level of understanding and vulnerability, and that then grows into an economic or business theory that has now come to be called compassionate capitalism or purpose-driven capitalism. I think [this idea of compassionate capitalism] grew out of that understanding of what [the student] has so powerfully brought out as vulnerability, that we are all vulnerable. And we are all vulnerable to disease. If anything, COVID has shown that we are all facing these traumas in our own personal lives, and the way in which our vulnerabilities make us human, is I think, also
having a role in shaping the way in which we look at business, capitalism, and macroeconomics more broadly.

This has been truly humbling to have two men coming and sharing, Judge your story, and Conrado the way in which you express yourself as the listener who is listening to the women in your offices and always looking for ways in which you can harness, as you say, the best from law schools, is truly humbling. Thank you so much for continuing to be our best allies.
The Honorable Peter Reyes
Judge, Minnesota Court of Appeals

Judge Peter Reyes was appointed to the Court of Appeals by Gov. Mark Dayton in April 2014. He won election to the court in 2016 for a term that ends in 2023. Reyes formerly worked as a senior intellectual property lawyer at Cargill, Incorporated, and as a partner at Barnes & Thornburg LLP in Minneapolis. He is active in the American Bar Association as a member of the House of Delegates, the ABA Judicial Division, Section of IP Law and TIPS. Judge Reyes also served on the ABA Commission on Hispanic Legal Rights and Responsibilities and the ABA Council for Diversity in the Educational Pipeline. In addition, he served as national president of the Hispanic National Bar Association from 2012-13, and president of the Minnesota Hispanic Bar Association from 2000-03. In 2012 and 2013, Poder Magazine named him as one of the 100 Most Influential Hispanics in America. Judge Reyes received the Ohtli Award in 2016, the highest award the Mexican government presents to a non-Mexican citizen. Reyes earned his B.A. from the University of St. Thomas and his J.D. from William Mitchell College of Law.

Dean de Silva de Alwis: I’m going to now turn to Judge Reyes, who’s joining us. Judge Reyes has received so many awards, he’s the only American who has been awarded Mexico’s highest Leadership Award as well. So, Judge Reyes, your own work as an ally centers on championing women and underrepresented women.

And so, my question to you, is about the recent LeanIn.org’s report—the first ever report on allyship—which noted that although white employers and employees think that they are being allies in the workplace, only 10% of Black women and 19% of Latinas think that they have allies among the white male population.

So, the Judge is trying really hard to change that narrative and be an ally both on the court and among his clerks. And most recently, you ruled on one of the first transgender rights cases in an educational institutional setting. Can you respond to both my question and the students’ questions?

Ethan Dover: Good Evening, Judge. I’m Ethan Dover. I just have a question; we did a bunch of reading on the notion of implementing actual, mechanical, bias interrupters in the hiring and compensation schemes. So, instead a company just saying from the top, “We want diversity and diversity hires,” they actually implement mechanics throughout the organization to make sure that things are screened appropriately to promote diversity.
I was wondering, do you have any mechanical processes in your hiring where one of the recommendations was to remove demographic information? I personally don't know if I agree with that, but that’s just an example, so any other mechanical implementations that you’ve done for these diversity promotions. Or, would you say that since you’ve been so conscientious of promoting diversity, that your chamber doesn’t need such mechanics because you favor diversity and that’s what you’re looking for a lot of the time already?

**Judge Peter Reyes**: Thank you, Ethan. I think that’s a great question and you touch on a couple of different issues that I’ll try and touch on as briefly as possible. First and foremost, you commented about implementing changes at the top, and I think it’s important. I’m also on the American Bar Association’s Commission on Women and the Profession, and we have a report that we’re working on and we’re going to be releasing soon, called “Men in the Mix.” And one of the things that we’ve learned from the study is that it is important to have that leadership from the top because that informs culture, and if you don’t have that leadership, it’s much more difficult to institute change.

At the same time, when you talk about what can you do structurally, one of the advantages of being in the position I’m in is that I hire whoever I want. So, nobody tells me who to hire. It’s ultimately up to me and my prior positions—I was in-house Cargill for 12 years and I was also an IP associate at Robbins Kaplan, and then just before I joined the bench I was a partner at Barnes & Thornburgh—but the two prior positions I mentioned, I was actually on the hiring committee. And so, one of the things that we looked at was: “what can we do?” Because I think your question goes to institutional biases, the systemic racism that can exist in an institution that would prevent people from being hired that are diverse.

So, for example, LSAT scores—I don’t care about LSAT scores. Why? Because an LSAT score tells you how somebody is going to do their first year of law school. It tells me nothing about their legal writing ability, their legal analysis, about who they are as a person. So, I could care less, quite frankly, about LSAT scores.

And by the way, I will speak very, very plainly with you. I will speak very bluntly in terms of my thoughts and perceptions. But I also think it is important in terms of not taking out identifiers. I actually want to know those identifiers so that when I’m going through applications, I can identify diverse candidates to the extent possible. You may not always be able to find out, as a Mexican-
American, our culture is not always easy to identify. I’ve been told by some people that I have a very strong ethnic look and I’ve been told by other people “I couldn’t even tell you were Latino at all.” And for whatever reasons, those perceptions are realities for people. And my last name is a pretty strong indicator that I’m Latino, but you have people whose last names you just can’t tell, so I like to have identifiers too.

And I’m definitely for people who are comfortable enough to say “I’m involved in this group” or “This is who I am.” And I do intentionally look and try to find diverse candidates. The law clerks I’ve had—I’ve had over 20—and 2/3 have been female and 40% have been diverse. And, in fact, I’ve recently been appointed as co-Chair of our equal justice committee and one of the things that we do is look internally at what we’re doing, as well as externally. Internally, one of the things we’re looking at is what our hiring criteria are. Are we only looking at the top 5%? Are we only looking at LSAT scores of 160 and above? Are we looking at law review and moot court? And are those part of that systemic bias that becomes a part of who we hire and who we are? And more importantly, who we don’t hire.

I like to take more of a holistic approach. One of the key questions I ask is “Can you give me an example of a time when you overcame adversity.” And that question often tells me quite a bit about a person and it can be that I let people talk about whatever they want to, but that’s how I approach it and I do look for people who are diverse because I think it benefits me ultimately to have people who have different perspectives and help me grow as a person as well.

**Dean de Silva de Alwis:** I think that’s both an excellent question and an excellent response. Ethan, I’m going to have you ask another question, but I want to point out what [Judge] said about you wanting those indicators and identifiers in your applications. This was exactly what René Lacerte said last week. He’s the CEO of Bill.com and when I forced the question about blind auditions and blind interviews, he said no, I want to see what these resumes are. I don’t want blind resumes because I have to use it to correct and level the playing field.

And growing out of adversity, which is what you have done. And you now see the importance of that kind of resilience and that character; what that does to the human spirit.

**Ethan Dover:** I do have another question and I’d also like to follow up on the identifier conversation. I agree at first I didn’t support the idea of removing it, and I still actually don’t think
I’m in favor of it, but then you ready studies that say things like, “Somebody with the name Mike is ten times more likely to get a job than a guy with the name Jamal,” and that makes you think that you should remove the name and try to remove this bias. But at the same time, and something I’m particularly interested in, is that if you do remove that demographic information, I feel like you lose so much of the picture, because there are studies on top of studies that show hyper privileged people have that opportunity to get artificially prestigious internships for free.

Right? They don’t work for any money. So, maybe you have somebody with four senatorial internships on their resume and they look like a great clerk, while somebody else had to take a a less prestigious internship that actually paid money because they had to make ends meet. And that’s ultimately why I felt that you can’t remove that information because there are people whose backgrounds lend themselves to being able to do things they didn’t necessarily deserve to do or at least didn’t deserve as much as others. And there are other people who have to take huge shortcomings because they have to make ends meet, maybe pick up two jobs while they’re in law school and things like that. And it tends to be fewer rich white men who are doing that. So I thought it was important to keep the demographic information on there, despite the studies showing that names can have a large impact on the hiring process. That seems like a problem they need to fix separately.

So, one more question, and I think it’s on the subject enough to ask it and it’s something that I’ve been thinking about personally. Reading your background and what you’ve achieved and opening up the accessibility of diverse law students into the judicial world and the government side of things and beyond is obviously legendary and amazing work. But, how have you felt about efforts—and specifically, I’ve been thinking about this right now because of the view of police departments across America and how that can tie in with prosecutorial officers and things like that—how to get diverse candidates to even want to go into law. Because for them, it’s not just inaccessible for so many diverse candidates but it’s actively harmful, especially with the prevailing sentiment.

Like I just touched on how a lot of police departments are viewed right now and the problems going on around the country with police departments. How do you get somebody that’s been crushed by these organizations routinely to get excited about being a prosecutor? Because we need good, diverse prosecutors. We have a huge prison problem with the African American
population in prison. We need African American prosecutors. We need diversity in the system, but I would imagine beyond just accessibility, there’s an element of distrust and lack of desire.

I was wondering if maybe by your offering more diverse student’s opportunities, that expands just by then being in those positions, diverse candidates that had never considered law school now might consider it, or if you’re involved in any other more directly tangible benefits towards that problem.

**Judge Peter Reyes:** Yeah, that’s a great question and it’s so timely too. I mean, I think the fact of the matter is, in terms of systemic racism and systemic bias in our police departments and our prosecutors and our states and our federal government that prosecutes and in the judicial system. And I think we need to recognize that it is there and what we can do to be agents of change. We can all be agents of change in a variety of ways.

I’m looking at it and I’m doing everything I can to make sure that our court actually does deliver justice in a way that is fair to all. It’s a laudable goal, but it’s a challenge that you want to reach. And that starts with me. I need to be aware of my own implicit biases and I actually talked to my clerks about my implicit biases. And I asked them to make sure that they hold me accountable, you hold me in check, and if you see any of my biases coming through make sure you call them out to me.

We need those diverse voices there. Actually, one of my clerks, he was a former prosecutor in the Bronx and actually applied to clerk for me directly and moved from New York to Minnesota just because he wanted to work for me. Now, I’m not going to get into the wisdom of his desire to do that, but I was delighted that he joined me because we need those people. We need diverse people in those positions.

I mentor a lot of people from a lot of different backgrounds. I had this conversation within the past year, year and a half, with a Latinx member as well as somebody from India, and both of them wanted to get my advice because they wanted to apply to the prosecutors’ offices in the Twin Cities. But they expressed concern about how they would be perceived. Would they be seen as traitors, more or less, by going to work for these offices? And I told them, you may get some pushback from your communities of color, but what you have to realize is that we need your voices there. And there are definitely people who want to be agents of change, and we can see change coming in from the outside, but it’s even more powerful when you have people on the inside trying
to make changes. Just as we need more women and more diverse people in the C Suite, we need more diverse general counsels, we need more diverse judges.

It’s an issue that I’ve been advocating for across the board for, quite frankly, my entire career. But I’m glad to report that both of them did apply and did get positions as prosecutors, and that’s absolutely necessary.
Blake Lawit
Senior Vice President and General Counsel, LinkedIn

At LinkedIn, Blake Lawit is responsible for legal affairs and public policy across the globe, including regulatory, corporate, commercial, litigation, government relations, compliance, and privacy issues. Since joining LinkedIn in 2010, Blake has been instrumental to the company’s legal and public policy strategies and has helped to navigate complex litigation and regulatory issues. Before becoming general counsel, he led the teams responsible for litigation, regulatory disputes, antitrust, patent, employment, and legal department operations. Before he joined LinkedIn, Blake was a partner at Howard Rice in San Francisco, where he specialized in intellectual property and litigation. Blake graduated with honors from Harvard Law School and Harvard College.

Dean de Silva de Alwis: Blake, your role as diversity officer at LinkedIn, talks about the critical role of allies. You are known to not only be an ally but an ally who has been championed and sponsored by two very powerful female mentors, who also happen to be my own mentors. Your former Dean of Harvard Law School, Martha Minnow, and your Civil procedure professor, as well as Judge Nancy Gertner, one of my dearest friends and mentors for whom you clerked on the federal court. You grew out of female mentors. As much as it is important to understand, and I do not say celebrate, but understand the role of male allies in shaping the transformation of women leadership, we also understand female leaders' role in nurturing men. Men whose potential they see. It is a two-way process, and it is important to understand that.

Alexandra Speiss: First off, I just want to thank you Blake for taking the time to speak to our class today. To get to know you a little better, I viewed your LinkedIn profile and feed about 5 times, so I apologize if you received 5 notifications from me. From the 5 views, it became apparent that you not only use your role as counsel for a major technology corporation to protect our privacy and democracy but also use the platform to advocate for equality on all fronts, so thank you. On a more personal note, I would love to hear about your experiences being mentored by two very powerful female mentors, and how those experiences shaped you into the leader you are today.

Blake Lawit: I have found that I have had great experience in mentorship from a bunch of different people, some of whom in my career have been women, and some of who have been men. It has not been something that has been super top of mind to me of the gender of who the mentor was.
All of my mentors have been both taught me things by example of what to do and what not to do. For example, Judge Gertner, whom I love is an amazingly passionate, brilliant human. She understood that the people in front of her mattered as humans, as individuals. Having that top of mind even when you are in a position of influence or power is something to really remember. She also used to make people wait all of the time. She was always late for hearings. It used to drive me nuts. I try to make sure that I am on time, in part because I saw that was something that I was going to learn from. It is interesting, you do not hear a lot of stories about the flawed personality of Gandhi. It is usually in these situations a sense that these people are saints.

Dean de Silva de Alwis: Actually, our readings underscore the flaws. There is no kind of perfect hero. Including the ways in which some their private behaviors do not match their public persona or public philosophy. So absolutely Blake, they have flaws.

Blake Lawitt: Yes, but people do not perceive them as such, and I think that is a problem. The most meaningful mentors that I have had are both great and passionate and taught me what to do, but have flaws. My leadership style is centered around embracing your authentic self. So I do not expect people to be perfect. I am not perfect. I am willing to reveal more of myself and flaws, and I think that particularly for women, not always, it is my experience that they think they have to be perfect. Boys and men are often overconfident. They will say, "I am going to tell you what I think, and if I am wrong, then that's fine."

I think this not just goes for men, but even more so for white men in the majority. Those who are not in the majority situation think that they will be judged if they are wrong. So I just try to be authentic and vulnerable. Kenji Yoshino talks about covering and assimilating, and needing to hide the self of yourself, and how that can be damaging. So I try to at least model that behavior even though I am in the majority, like as majority, as it gets pretty much. I am a white guy in my late 40's. I got it pretty good.

Alexandra Speiss: I definitely appreciate you saying that. I over apologize in almost all of my professional spaces, and it is something that I am trying to work on.
Blake Lawitt: Sooner or later, in your summer jobs and first jobs, people are going to ask you what the answer is, and you are going to say, "oh man, I am really nervous about this answer. I do not want to commit." You will give an answer that is on the one hand and on the other hand. Stop. Don't do that. Usually, the answer is not on the one hand or on the other hand. Go ahead and say what you think. The secret is, usually, people don't remember that you were wrong. By the time it comes up, people move on or understand that people get things wrong. It is fine. I encourage you to trust yourself. It is okay.

The line between professional and personal is blurring. With the next generation, we are seeing even more so. I am seeing it certainty on the platform with LinkedIn, and that's okay. I think it is hopefully a way that is more inclusive and creates more space for different types of people because otherwise, some portion of the burden is in peoples heads, and not wanting to participate for fear of, what is often, frankly there is often a higher standard I think because we all have implicit biases. Its there, but do not let that stop you.

Alexandra Speiss: The 2019 LinkedIn Workforce Diversity Report revealed that although LinkedIn has made progress within gender balance in leadership, work still needs to be done in technical roles and within the black and Latino populations. Do you find that the challenge is broadly due to the implicit bias in the tech industry, or do you find that it due to something more concrete such as challenges with recruitment or with retention, and what has LinkedIn done since the report was published in 2019 to continue to make strides towards equality?

Blake Lawitt: The truth of the matter is that it is not just one thing. I will talk mostly about something I have more knowledge over which is how I have grown my department. My department is about 120 people at LinkedIn, so I will narrow the question and talk about my department. The way in general that people get hired or a big way that people get hired is based on people you know in your networks. If you cant get an interview, you cant get the job. The way you look at this is at the different parts of this. There is hiring, growing, retention, and promotion is all part of it. I came to LinkedIn 10 years ago and started growing this department.

When we first started growing, the way that the department grew was mostly by a couple of networks. One around a certain law firm that some people came from, and another about of people I knew. Frankly, my network was not super diverse. In the beginning, the company is
growing like gangbusters, and I need to get good people that I know in, and unsurprisingly, I hired a bunch of people that I knew who were mostly, not completely, but mostly white. But then after we got to a certain stage, we said that we need to change this process. We did a couple of things. We implemented a strict Rooney Rule. We don't make a hire unless the manager interviewed a qualified black or brown candidate in the United States. We said that we all have a responsibility individuality to diversify our networks. Within my network, my leadership team is 60% female, but where we are right now for Black and Latinx, we moved that from very low to being somewhere between 10 to 13% black and Latinx in that department.

The two biggest things that we did was that we changed the process where we said we need to interview qualified black and brown people. We also changed we need to go ahead and network and meet more of those people because that is part of the reality of how it changes. We have shown good progress there, and I am going to commit to that. There are also a bunch of things to do to retain those people and make sure you are investing in them. From the company perspective, I had conversations this morning about additional things that we need to be doing there. We have not done everything that we need to do. I do not know enough yet if it is just structural as far as what the markets are for technical roles, or if it is something else, but I can tell you that its something that we are spending a lot of time as an executive team to have a population of our employees that looks like the United States and elsewhere in the world.

Dean de Silva de Alwis: So, this is very helpful Blake, because it also relates to our readings on bias interruption and bias interrupters by Joan Williams at Hastings. Her work has been adopted by Mitch Zuklie at Orrick and other places where there is this acknowledgment that we are all creatures of our biases which is what you just did. When you hired and wanted the top, you hired people that look like you, and then you used that methodology of bias interruption. You did an internal audit and found that they were all white men.

Blake Lawit: Not all men, but white. Gender was not the issue. I am talking about Black and Latinx.

Dean de Silva de Alwis: Right, absolutely. You then consciously tried to interrupt your own biases. So I think that is important, that kind of self-awareness that leadership brings, and the ways
in which your team is now diverse. Do you see that diversity brings about better results? We are always trying to measure the ways in which change has a business and moral case.

**Blake Lawit:** I would say that I don't have clear data on that. That is the truth. We were a super high performing team before, and we continue to be a super high performing team. I can tell you that anecdotally I believe that having a more diverse team, given what we do on a global platform, is important. The truth is, I do not have data that would back that up right now. There have been many studies that suggest more diverse teams win. We talk about that as a company. That's something that seems intuitively true for me, but I try to be careful and precise and not overstate. I think it is actually super important in this area to be careful about what you know and what you don't know.

**Dean de Silva de Alwis:** In 2014, Silicon Valley companies released their first diversity reports, which measured the progress that these companies are making. I am sure that the report Alexandra just quoted (the 2019 LinkedIn Workforce Diversity Report) is part of that. Through that groundswell of concern, incremental changes will create a cascade of norms, a normative change that then creates the kind of transformation that we are looking for, but change is slow.

**Alexandra Speiss:** Although you do not have any data on whether a diverse workforce makes a more productive team, I think that structuring a diverse team around a business case is a problematic narrative. Doing it because it is what should be done, is just fine. Thank you for your time today!

**Blake Lawit:** Thank you all for letting me join!
David Hornik

General Partner, August Capital

For the last 20 years, David has worked closely with technology companies to help them grow and prosper. David joined August Capital in 2000 to invest in a broad range of software companies. Along with colleagues at August Capital, David started the first venture capital blog, VentureBlog, and the first venture capital podcast, VentureCast. He received Deloitte’s 2013 Venture Capitalist of the Year award and has been honored by Forbes Magazine as a member of its Midas List of top Venture Capitalists. David has an eclectic educational background. He received an BA from Stanford in Computer Music, an M.Phil in Criminology from Cambridge University, and a JD from Harvard Law School. David is the vice-chair of GLAAD, a leading LGBTQ rights organization, and is a member of the board of the Stanford Alumni Association. David lives in Palo Alto with his wife Pamela, their four children, and their puppy Teddy.

Part I: David’s Art Tour

David joined class by providing us with a wonderful tour of his invaluable collection of arts.

He first showed us his office and the art collections in the office. He first showed us three pieces by Joel Daniel Phillips who lived in the Bay area and got to know his neighbors in Tenderloin area of San Francisco. The paintings are of the artist’s neighbors. His goal with the life-size portraits was to show the humanities of the homeless neighbors he got to know as his neighbors. David principally collects figurative art because he loves the human form and the desires shown through the art of a world that he hopes to live in. He then showed us a photograph by Erica Deeman, who uses the skin tone of her subjects to create the backgrounds.

David proceeded to the staircase and then showed a self-portrait of a British artist named Chantal Joffe, who is unapologetic. She does not try to glamorize anything. The piece David own is from Stanford Art Museum.

David then gave us a tour of the downstairs area. He first showed us two statutes by a Chinese Artist, Yue Mingjun. The two statutes are part of a 25-piece collection of self-portraits from the artist. The artist is known for commenting on the Chinese world as it exists. David then showed us the newest piece of his collection at the entryway of his house, a portrait piece made out of poms poms and other materials. David loves arts from female artists. David then showed us a
series of self-portraits from a Chinese American artist, Hung Liu, who is going to have a retrospective in the American Portrait Museum in DC. David also got a fresh piece from Hung which is a self-portrait of her wearing a facemask. David then showed us a piece by an emerging African American artist Conrad Egyir, whose work was featured in a Beyonce music video. David then showed us a photograph by Mickalene Thomas that featured his wife. David is on the board of GLAD, one of the nation’s leading LGBTQ organizations. He collects many arts from LGBTQ artists.

Professor de Silva de Alwis shared with us her interaction with David during their 25th reunion at Harvard Law and how David was on his way collecting arts. David loves art and especially collecting arts from diverse artists. David shared another piece of art from Jordan Casteel who has a big mural on Highline.

**Part II: Interview with David**

**Maham Usman:** There is an especially broad gender gap in the tech field. I am wondering what some concrete steps are you think can be done on a day-to-day basis to address the gap?

**David Hornik:** It is a very fair point and very true. I think this is one issue Silicon Valley is finally focusing on fixing or at least addressing. I have always said and believed that the step one is intentionality. We have many people talking about the idea that we are taking it seriously. It is not sufficient for them just saying that they are taking it seriously. They need to start set priorities and make good choices.

My firm remains a male-dominant firm, which is an issue needs to be addressed. I run a conference called the Lobby conference, which is a gathering of thought leaders in the technology world. In September, the conference is consumer-focused while in March it is enterprise-focused. I had a really smart young woman entrepreneur coming to the office and said that there is a problem and I am not sure if you are addressing it. I had folders of baseball cards-like introductions for each technology and attendees. I think it is a problem and that I he did not notice in the first year. I paid no attention to gender when figuring out who to invite for the first conference. There were many amazing people including founders of Uber, but it was 85 cards before I got to the first
woman. At this point, tears were streaming down my face. Since that time, I have been intentional and very focused on this problem to get to gender equality at the conference.

If you are a woman, a person of color or an LGBTQ person, you get to the front of the line. I was asked by a white male colleague when this would no longer be the case, and I answered that when there is equality and we have representation. We are doing better now. 40% of the attendees are females, but it’s not done. I believe in the end it’s about silicon valley being intentional and meaning it and giving people opportunity.

Dean de Silva de Alwis: David introduced me to his companies like Bill.com, Josh Bixby. David has been a true ally to me.

Fan Chen: Do you see an unconscious bias from VCs or the leaders of the VCs when they interact with female entrepreneurs? How should we battle this, both from a minority standpoint and an ally’s standpoint?

David Hornik: I wish it was all unconscious. I have seen biases and conscious biases. I had a very specific moment in my partnership. One of the partners was sitting in a meeting where two female entrepreneurs were presenting their startups. Both graduated from Harvard Business School, and both have worked on Wall Street. They were presenting a business in the fashion space, which created a false impression for one the partners. I was a fan of theirs and thought that they did a great job presenting their business. Afterwards while discussing among the partners, one of them said that they don’t believe the startup was economically rigorous. This was just wrong. It was unquestionably not true. They were more than sufficiently rigorous and more so than many men presenting to us. He just could see pass the fact that it was two women presenting a startup in the fashion area.

So, there is no question that bias exists, and we combat it all the time. Truthfully, one of the things that would help is that these older white men in the business would retire soon because they are not helping. We are being better and more focused about getting smart and accomplished women in the room because I can’t even imagine what the answer would be with one of you in the room. You would probably say that that's madness. Increasingly our portfolio has become more rounded with more smart female CEOs. I funded a company called Yumi which is a digital
subscription baby food company by Angela Sutherland and Evelyn Rusli. Evelyn used to be a WSJ reporter. These women are the smartest and the best we have in the country. The answer is it exists, and every female entrepreneur has faced horrifying moments when pitching venture investors. The longer we are focused on it, the more we diversify the room, the younger people moving into the VC world, the better we can combat it.

Dean de Silva de Alwis: The story is so important. Law Review Journal is only telling part of the truth. This storytelling is really important in putting things in the perspective.
Michele Mayes
Vice President, General Counsel, and Secretary, The New York Public Library

Michele Coleman Mayes is Vice President, General Counsel and Secretary for the New York Public Library (NYPL). Ms. Mayes joined NYPL in August 2012 after serving as Executive Vice President and General Counsel for Allstate Insurance Company since 2007. She served as a Senior Vice President and the General Counsel of Pitney Bowes Inc. from 2003 to 2007 and in several legal capacities at Colgate-Palmolive from 1992 to 2003. In 1982, Ms. Mayes entered the corporate sector as managing attorney of Burroughs Corporation. After Burroughs and Sperry Corporation merged, creating Unisys Corporation, she was appointed Staff Vice President and Associate General Counsel for Worldwide Litigation. From 1976 through 1982, she served in the U.S. Department of Justice as an Assistant United States Attorney in Detroit and Brooklyn, eventually assuming the role of Chief of the Civil Division in Detroit. Ms. Mayes received a B.A. from the University of Michigan and a J.D. from the University of Michigan Law School.

Dana Dyer: For class today, we read an article highlighting Charlotte E. Ray as the first black female lawyer. I know you are the recipient of the 2018 Charlotte E. Ray award at the MCCA Diversity Gala, as well as the GC of the NY Public Library, and former GC for Allstate, can you talk about your own experiences as a black woman in the corporate setting and whether you were the first black woman among those settings?

Dean de Silva de Alwis: This class traces the history of women in the legal profession. In class, we looked at the histography of Charlotte E. Ray and our own ancestor. It is very important to us to have people who will tell their stories because this is all going to be part of a publication that we are doing on the untold history of women and allies in law.

Michele Mayes: If you talk about Charlotte E. Ray, it really does somewhat connect the dots of my life. When I did my research about her, which one of the advantages working at the New York Public Library, all I needed to do was call up the head curator at the Schomburg Center for Research in Black culture, which is also a part of the New York Public Library. I asked the curator to find out more about Charlotte E. Ray for me, and it was fascinating because even though she was born here in New York, her father had been instrumental on the Underground Railroad, and he actually had educated himself, which at the time, was a bit unusual. Her was an ardent supporter for education for his daughters—he had three daughters.
Dean de Silva de Alwis: In class, we also talked about the role of fathers as allies.

Michele Mayes: Yes—he was very much so because he made sure that she got advanced degrees. Not only what we would call an undergraduate degree, but then she went to law school at Howard. It was fascinating because—I think she was brilliant—but they said she was “really smart”. But for her to stand out at all, my guess, is that she exceeded just being smart. What was frustrating about her life, is when she graduated, she was about 22 years of age, so she came out of law school earlier than we do now. She decided to open her own office because she certainly wasn’t going to be accepted into any other society. And she didn’t practice law that long. She wasn’t even 30 years of age before she closed down her office and moved back to New York and ended up teaching school in Brooklyn.

Then she died around the age of 61—so she didn’t live that long. And what was somewhat disappointing is that she wanted to practice corporate law, which was even more of an exclusionary type area—she wasn’t going to practice real estate, or employment, or domestic, such as divorce law. She wanted to be a corporate lawyer.

So, the irony that the first award named after her by the Minority Corporate Counsel Association was the fact that it was an association made up of corporations and that was the field she really wanted to specialize in. This week, and in fact, the program ran today, I interviewed the first Black woman General Counsel for a virtual luncheon—Pamela Carter. She was the first one in Fortune 500 in the Country—Pamela and I are the same age. She was also the first Black Attorney General in the country that was elected in the office in Indiana. And so, what I did to connect back to Charlotte E. Ray, and the reason that I think the statement “We stand on the shoulders” is that I have firm belief, that she showed what was possible. Even though she didn’t accomplish it, she did demonstrate what could be achieved. In my mind the fact that Pamela became the General Counsel at Cummings was very much traced to the breadcrumbs that Charlotte E. Ray left.

Dean de Silva de Alwis: Could you speak to what Dana asked about your own life because my students stand on your shoulders Michelle. You are the act to shine and the heir of Charlotte E. Ray in so many ways.
Michele Mayes: So, if you go back to one of the questions you ask, which is, was I one of the first? Well, that’s one of the sad things that I point out all too often is that when you speak of women of color, you invariably hear of “First”, “Only”, and “Few”. And my comment there is when you can stop counting, then you will now you’ve arrived. So, coming back to your question – yes, I was the first Black General Counsel at Pitney Bones, the first woman and Black woman General Counsel at Allstate. I should point out that the most recent appointed General Counsel is also a Black woman—Rhonda Ferguson, who is a mentee of mine. She started September 28th and so I was teasing her—saying “I guess I didn’t ruin it for you”. There have never been places I’ve been where I’ve been in a slew of folk that looked like me—that was never a possibility. If you go back to allies, I always had White guys like David Wilkins, who were very much in my corner. Some of that is luck because you never know who you will work for – they’ve been there when you get there or they’re hired after you’ve arrived—and you have no idea who that person is going to be. If I look at the first company I joined, until I came here years ago, the luck of my draw is that I’ve had White guys around me, who were not afraid to see me soar. That is not always the case. So that would be my answer to that.

Dana Dyer: That was very powerful. Thank you.

Magali Duque: I wanted to pivot a little bit away from unconscious bias and talk a little more about leadership roles and how that is very important in curating one’s career, especially as you Michelle, as a Black woman who is a lawyer. I think that you are on the Board of so many organizations. Your leadership is incredible and spans a number of different organizations. In the Sadie Alexander reading, something that really came out and in some of the other readings, is representation and who are the folks involved in leadership at its highest levels. We saw that Boards with more women care more about diversity, equity, and inclusion than those of less female representations. Given your experience, could you speak a little more about your board involvement and share why you decided to participate on those boards—how did those opportunities come about? And how did you choose and select these organizations to be involved with and why? And if David can speak on his own experience championing boards and organizations and what that looks like on a day to day, that’ll be great.
M. Mayes: I think it comes back to a word that David Wilkins talked about – being Intentional. I think you will find out quickly that no matter how great you are, there’s still only 24 hours in a day. You need to decide where you will spend your time and do it with some surgical precision on occasion. Maybe not as much when you’re younger, but it will quickly dawn on you that a lot of people may be grabbing for your time and that everybody isn’t the right one to give it to. One of the things that drives me a lot with organizations, particularly now—I might not have been as disarming as I needed to be, I will admit—is something that I’m interested in doing. You time is discretionary, especially when you look in the philanthropic area.

Of course, I started out in not for-profit organizations as many people do – that might lead to a for-profit board, but you cannot bank on that. It gave me a lot of experience on what happened in a boardroom because there’s still fiduciary obligations, loyalty, duty of care, duty of obedience. You get the fiduciary experience, and the risk are not quite as high as if you’re looking at a public company or even some of the private run companies. I found those experiences to give me a wealth of insight. The board I stayed on the very longest, which was 17 years (that’s probably too long and I eventually resigned) it was called Now Legal Defense Education Fund. I didn’t start out even thinking I would chair that board, and they asked me to Chair it. That was a very wealthy experience because Type A’s are typically on boards—everybody wants to talk and thinks their idea is the most brilliant one when it’s expressed.

So, it gave me a great deal of insight on how to manage a board well because everyone doesn’t get to hog the floor – you also have to take votes, make tough decisions, and cannot always be a friend to everybody. Those things you learn earlier, the better because there are times when it is impossible to satisfy everyone. If you don’t know that, then you haven’t lived as long as I think you have. I would tell you to look around to things that entice you, that interests you, and that you can add value to. What are you bringing to the party that you think will benefit this organization? They all want money – start there, but I’m talking beyond the financial. That is how I got involved in a lot of organizations.

The two boards that are philanthropic that I’m on today are the Center for Reproductive Rights—and we are knee deep in looking at the nominee for the Supreme Court—as well as the American College of Governance Council. Governance is at the core of most organizations—what do you stand for? how do you run? What are you doing? What are your values? And keeping out of trouble frankly, when you’re trying to accomplish what you want to do. So, those are two boards
where I spend a lot of my time in addition to the board at the New York Public Library which is a huge board. I am not on that Board, but I am the Corporate Secretary.

And then the public company board is Go-Go which is a small Fortune 1000 Company, but it supplies broadband to the aviation industry. As you know, the aviation industry is not doing too well right now. So, you can surmise from that that Go-Go is not doing as well as it would like either. Last thing I will tell you, figure out what motivates you/what interests you, and use your discretionary time wisely. This means, on occasion, saying No. It is so hard for people to say no—it’s two letters, but they cannot form their lips to say it. They think it’s a shiny object—“This person is interested in me; I’m going to do it”. I’ve done that, and I have regretted it.

Dean de Silva de Alwis: There was a second part of Magali’s question that relates to the readings we’ve been doing with women on boards. The fact that although we don’t have a causal connection, you can make a correlation that more women on boards translates into a higher, better bottom line, in terms of making a macro-economic case for women on boards and that corporations have a higher financial help when they have more women—at least a minimum of three women—of women on boards. Making a pitch for women of color, one of my good friends is on your board at the Public Library, Manas—she is Pakistan origin and she brings an international perspective as well as someone who is educated in the United States. Can you talk about the correlation, if not, the causation between women on boards and the bottom line of a company?

Michele Mayes: You know, I know there is research that does say there is a correlation, but there’s also research that says that it’s not substantiated, as validated as it needs to be, it’s not as solid. So, I don’t know how much I subscribe to that, although for now, I have used it to encourage people to have folks on board. But again, I think it could be seen as slightly as that.

Dean de Silva de Alwis: Yes, it’s a Double-Edged sword. And we talked about in this class that we need both the moral argument as well as the economic argument. The moral argument is that it’s the right thing, it’s the fair thing to do—it’s about justice.

Bianca Nachmani: Hi Michelle, I’m Bianca. Thank you so much for coming. When I read the article in The New York Times about you, I noticed how you talked about the value of being
learning agile, since you can never know the answers to everything. It reminded me of a documentary called Abstract where a female leader in the sciences named Neri Oxman talked about becoming comfortable with constant change in order to be an innovator. The law can be entrenched and incredibly risk adverse. In that same article, you said that the legal profession is loath to change. In my opinion, the law can benefit from learning flexibility, nuance, and human connection from the arts. What do you think the field of law or lawyers in general can learn from creators or artists? And what do you think creators, like myself, have to bring into the law and vice versa?

**Michele Mayes:** That’s an interesting juxtaposition. I heard a remark which I think does tie into what you’re asking me, and this woman said that the legal analysis is not the end—it’s the beginning. And so, if lawyers could be more open minded, you know, even though they might know what prior case law or what a statute was intended to do, that you need to have the receptivity to having more input to get to the result that maybe your client needs to have. So, if you go in too fixed, I think that it ends up causing more tension than needs to exist. I would like to have my lawyers, when they sit down and start a discussion, to be open minded and to do that. You frequently need to listen more than you talk, and it’s very hard for many lawyers because they want to show how brilliant they are.

Particularly, if they’re going to bill you a thousand something an hour – surely you want to hear what they have to say. And yet, sometimes are better off becoming a sponge instead of wringing it out. The creative types, likewise, because I think you are more free flowing, shall we say, a less angered, that you need to be receptive, you know, maybe in the middle. I think we each bring something to the party. And if we can amalgamate them in some way, then you can get the best result.

**Dean de Silva de Alwis:** I’m going to ask you to leave us with inspiring words. Your life is a narrative that we will be talking about and reading about in years to come. I know that 20 years from now, my students at Penn Law, even with them teaching, will be reading about your mission. We’ll be reading about the interviews that my students conducted with you – you are legend that needs to be constantly shared. Please end the class with some words of wisdom that grow out of your life and struggles that you overcome.
Michele Mayes: Yes – I have a quote. There is this quote from centuries ago, but it’s so appropriate for the social unrest and the righteous indignation that we’re experiencing right now because the world has become incredibly polyglots. I fear that this is going to be what causes us to lose ground, whatever we’ve accomplished, we can see simply vanish. The quote goes something like this “Out beyond the ideas. Out beyond the field of wrongdoing and right doing, there is a field, and I will meet you there”. And the idea is that you don’t have to say to something, “You’re right or wrong”. Again, meet me in the middle because then I can learn from you and you can learn from me, and we can get to a better place. That’s what I really want for this world.

Dean de Silva de Alwis: What a wonderful quote. The power of learning from each other and those who are different from us, which is what you embody and what my class embodies. That is what I wish for our students – that power of learning from each other and from these leaders who have blazed a trail for all of us. Thank you, Michelle.
Craig Newmark
Founder, Craigslist

Craig Newmark is a Web pioneer, philanthropist, and a leading advocate on behalf of trustworthy journalism, veterans and military families, and more. In 2017 he became a founding funder and executive committee member of the News Integrity Initiative, administered by the CUNY Graduate School of Journalism, which seeks to advance news literacy and increase trust in journalism.

Andrea Stoller: First of all, thank you so much Craig for joining us today. About a month ago “Women Who Tech” released their 2020 “State of Women In Tech” Report, which, in part, found that 44% of female founders and 48% of female employees in tech experience harassment. Additionally 70% of women in tech say they have been treated differently at work due to their gender. In your opinion, what concrete steps can those in power take to counteract the toxicity and discrimination women in tech experience in the workplace?

Craig Newmark: Um I’m not all that smart, so I start with first principals, which is treat people the way you want to be treated. From there, practice what you preach. And that’s what I’ve tried to do in my stumbling way in the corporate world. However, my focus over the last several years has been in the non-profit world and most recently in enlisting in the defense of our country where a lot of women have stepped up in areas such as information warfare, countering disinformation, areas like that. And that’s where a lot of women are suffering a great deal of harassment and continuous death threats. The best example is Maria Ressa in the Philippines. Given our national emergency where we have an election where American democracy is at stake I have now created an alliance spearheaded by the International Women’s media Foundation to counter harassment, first focused on women’s journalists. So if you are a women journalist, particularly of color, if you are a BIPOC, or for that matter Jewish, you’re getting in a lot of ugly harassment directed in your area and the IWMF is leading an effort including groups like online SOS, equality labs, Miz Magazine, trying to fight back against that kind of harassment which generalizes to all kinds of harassment directed against everyone for those reasons. So while my uh – most of the last 25 years have been in corporate life, this year when our country is literally under attack by both our foreign adversaries and their domestic allies, my focus has been on supporting the groups taking the battle to the enemy and that includes fighting harassment in a lot of forms. It is not the only thing I’m
doing and Rangita game me too much credit for this food program I mentioned, basically it started by funding a lot of the food networks getting to a lot of people because it finally sunk in that with the Pandemic and resulting economic collateral damage a lot of people are going to bed hungry, so I’m working on that but don’t give me too much credit for that. With all these efforts I find people doing good work, share power in the form of influence and money with them, and for the most part, get out of the way. That’s what I’ve done with this coalition fighting harassment. Helping them out and then getting out of their way. Also funding efforts funding women in tech, and then getting out of the way. I do reserve the privilege of reminding everyone to do a good job in communications, because most of these groups don’t do a good job. I remind each group that they have to protect themselves against some of the ugliest forms of harassment and the dirty tricks, and then I ask everyone to be patient with my sense of humor, because I’m not as funny as I think I am. There is much more than that but I uh –

**Dean de Silva de Alwis:** Why do you say “get out of the way,” Craig, because in this class we have been studying leadership and the role of allyship in advancing women in leadership, and I think your sort of articulation of “a job of a male ally is to support, nurture, sponsor through funding and through recognition, and to get out of the way” so that it’s the women who is in the lime light, who is in power, it’s not about theater or performance, it is about doing good and then getting out.

**Craig Newmark:** Yea the Ideal is that. Oh it’s gotten easy in my interest areas to find people doing good work, and again that includes even areas not only supporting veterans and their families, but women veterans who have not been treated well by the department of veterans affairs. And the idea is to support people, get out of the way, and find good groups that are doing good work and without–(audio cuts out)-- consciously counter disinformation work have been women like Renee DiResta, there’s Joan Donovan at Harvard Kennedy, There’s Sarah Bartlett at the CUNY Journalism School. There’s Victoria and Alice at Carnegie endowment, they run the partnership to counter influence operations. Influence operations is basically a way of referring to information warfare, that’s how the military and intelligence communities refer to it. The idea is to share power, share resources, get out of the way, except in those cases where people need to be reminded to stay safe. I don’t want to harp on that, but I don’t want to understate it either. These
areas are dangerous, one of the people I mentioned who had a client in the Baltic States, I kept worrying that she would wound up one day renditioned to St. Petersburg, and I really didn't want that to happen.

**Dean de Silva de Alwis:** So you are throwing your resources, and power, and the credibility of your name behind these incredibly courageous women. And to some extent by joining my class of fifty future leaders, you are giving them the credibility of your work and the weight of your personality to the leadership work that they do right now and will continue to do in the future.

**Andrea Stoller:** In the U.S., female founders receive 2.7% of Venture Capital funding and women of color receive .2% of funding. The “State of Women In Tech” Report included the statistic that 50% of women founders were told they would raise more money if they were a man. In your opinion, what can be done to give underrepresented founders better access to funding?

**Craig Newmark:** Um I can only suggest doing what I’ve been doing. Which is nudging people, reminding them that they should be treating people like they want to be treated, because I’m not very persuasive. I’m not a natural leader, I know a little something about leading by example, and I can only push in that direction. And in those rare cases where I do influence the compensation for someone, I just act in accordance. At this point I am trying to convince someone that she might take the titles of either COO or Chief of Staff, and I’ve had no luck doing either, but the only thing I know how to do is to practice what I preach. I’m very frustrated by that because If I was a little smarter I might be able to figure out the right message which could influence more people along the line of the ark of the moral universe. But I’m not that smart.

**Dean de Silva de Alwis:** We think you are very smart, Craig.
Judge Nancy Gertner

Former Judge and Senior Lecturer on Law at Harvard University

Judge Nancy Gertner is a graduate of Barnard College and Yale Law School where she was an editor on The Yale Law Journal. She received her M.A. in Political Science at Yale University. She has been an instructor at Yale Law School, teaching sentencing and comparative sentencing institutions, since 1998. She was appointed to the bench in 1994 by President Clinton. In 2008 she received the Thurgood Marshall Award from the American Bar Association, Section of Individual Rights and Responsibilities, only the second woman to receive it (Justice Ginsburg was the first). She became a Leadership Council Member of the International Center for Research on Women the same year. In 2010 she received the Morton A. Brody Distinguished Judicial Service Award. In 2011 she received the Massachusetts Bar Association's Hennessey award for judicial excellence, and an honorary Doctor of Laws degree from Brandeis University. In 2012 she received the Arabella Babb Mansfield award from the National Association of Women Lawyers, and the Leila J. Robinson Award of the Women's Bar Association of Massachusetts.

Dean de Silva de Alwis: Along with Craig [Newmark], we have with us another hero: Judge Nancy Gertner, my old mentor. Nancy, you are one of the most popular figures in our class because every time we read a Deborah Rhode article, you are featured in it. I was telling my students that there is this famous line about Peter calling you on the first day that you were on the court, asking “Mommy, where is my chocolate pudding?” That phrase is legendary—it is part of all of the textbooks we read on women and leadership. I was telling my students that Peter is now a father himself. The little Peter who called you asking for the chocolate pudding is all grown up.

Judge Gertner is so esteemed in the world for so many reasons. She started her journey to leadership when she was at Barnard during the 1960s, during the Vietnam War. At Yale she continued her leadership journey along with her close friend, Hillary Clinton. They came of age together during the Vietnam War.

She was one of the first women trial lawyers in Massachusetts. She represented Susan Saxe in one of the most famous cases in America’s trial history. She also argued the first sexual harassment case in Massachusetts. In so many ways, she gave name to issues of harassment, even before harassment became part of the lexicon of legal theory.

Nancy Gertner is a winner of the Margaret Brent Award. In our class we have a student whose grandmother women the Margaret Brent Award. She was the first [female] judge on the North Dakota Supreme Court. Last week we had with us Michele Mayes, who was also a Margaret Brent awardee. Margaret Brent was the first women lawyer in the colonies, so we all stand on
Margaret Brent’s shoulders, and Margaret Brent is the one who paved the way for all of my students.

I’m going to ask Nancy to give a five-minute overview of her historical journey and the book that you wrote chronicling those stories, *In the Defense of Women*.

**Nancy Gertner:** First of all, I want to chide you for describing me as your “old mentor.” It’s wonderful to be here. It’s great to get all dressed up from waist up.

Broadly speaking, I spent twenty-four years as a civil rights, criminal defense, and women’s rights lawyer, and then I was on the bench for seventeen and then I let because I wanted to speak. In fact, I almost did not get on this call because I am writing an op-ed about Judge Barrett.

I can’t say that I got to where I am because I came from privilege in any way—I did not. I came from a lower-middle class, probably lower-class family in Flushing, Queens. My parents loved that I did well in school but they were more interested in my getting married. My mother sat me down after I got into Yale Law School, which should have been a big deal, and said that I had “priced myself out of the male market” and that I would never find a man now. When I graduated Yale and was on my way to clerk for a judge, we had a huge fight. She wanted me to take the Triborough Bridge toll takers’ test just in case. She never quite understood where my wife was heading, and she passed away when I was 30, so I’m not even sure if she would have seen where it ended up.

At Yale Law School, I was caught in the anti-war movement, the women’s right movement, and the Civil Rights Movement. I thought I wanted to be a professor all my life, and in fact I’ve always taught and practiced, but I couldn’t stand to be in the library one more minute when all of this was going on outside. One of the things I like to say to students is that I never would have envisioned my life as it turned out to me. It says something about being open to opportunities and taking whatever road is offered to you and going as far as you can with it. Everything about my background screamed “don’t work, have children, go to school but don’t let anything interfere with having a family and children.” I rebelled against that and I went to Yale and decided to practice law just for one or two years, just to get a taste of it before I went on to teach.

My first murder case was extraordinary—I had no idea what I was doing. I represented a woman named Susan Saxe, who, with Kathy Power and three men, robbed a bank for the anti-war movement. It was the point at which the anti-war movement took a very bizarre turn. I was twenty-
nine and she was twenty-five when I began her representation. In the course of the bank robbery, after Susan and the two men had left and were on their escape, another accomplice was in the front supposedly guarding their exit. He didn’t realize they had left. A police officer came running up and he shot the police officer. Everyone involved was charged with murder. The men were convicted immediately, the women went underground. The FBI had no idea how to find a woman criminal. They kept looking in Las Vegas; these women were in daycare centers and natural food stores. Susan was found after five years and Kathy Power was found after twenty.

She picked me as her lawyer not because I was fabulous—I had virtually no experience. She picked me as a lawyer because she figured she would be convicted—the evidence against her seemed overwhelming, the men had been convicted in a nanosecond—but she wanted her last moment on stage to be with a woman lawyer. She picked me in direct proportion to thinking it was hopeless, and I might as well have [Nancy] as a frontperson. The only problem was that I didn’t get the message. I actually wanted to win.

Everything about the case was difficult. The press had never seen a woman criminal defense lawyer before, and every time I said something in court I was mocked in the pages of The Boston Globe the next morning or on T.V.

**Dean de Silva de Alwis:** Can you say something about how you used to carry your books in a Macy’s shopping bag?

**Nancy Gertner:** Right, but I stopped doing that for the Saxe trial. I was so much the radical, Yale was very radical, that I didn’t want to even look like a lawyer because it would separate me from my clients. I didn’t want the elitism that came with it. Then I began to realize that as a woman lawyer, and the only one in the courtroom, I needed every perk of status I could find.

**Dean de Silva de Alwis:** We’ve been talking about those perks of status, from the heels to the voice to the way we dress.

**Nancy Gertner:** Right. I’m teaching criminal law and Yale Law School now and some of my students were angry because the person I’m teaching with was calling me “Nancy” and not “Judge Gertner.” I wrote a long note to my students and I said that two parts of me collide here. One part
is tremendously informal, I was informal when I was a judge. Women law clerks would always yell at me because I allowed people to interrupt, but if I got into the debate, I didn’t care who was interrupting. But they said—and I agree—that the status of being a woman federal judge was a relatively new status. It was terribly important to them that I have that respect. I said that to my class last week and now my co-teacher calls me “Judge Gertner.”

Anyway, in the Saxe case, I didn’t know what I was doing and I was undercut at every turn. The only good news—and women will find this—precisely because I was underestimated, I was able to win. The jury hung eleven to one for acquittal, which was amazing, and Susan Saxe wound up pleading to a much lesser charge, and the book describes how I did that.

After that I could do whatever I wanted in Boston. I took cases that were interesting and meaningful and helped me make a little bit of a living—that meant sexual harassment cases, race discrimination cases, representing women accused of killing their husbands claiming Battered Woman Syndrome, and women who were suing their psychiatrists who slept with them. It was essentially whatever I wanted to do, and I wanted to carve out a women’s rights, civil rights, criminal defense practice. I said I only wanted to practice for one or two years, but after the Saxe case, I was completely hooked. Susan’s term of imprisonment was only a few years and she called me at midnight on the day that the probation supervision ended and she said “I just want to thank you for saving my life,” and I was hooked. I still taught, but the notion of being able to help people in the most tragic circumstances, the most unjust circumstances, was what I wanted to do.

How I managed to become a United States district court judge is a whole separate story. I was not political with a capital “P:” I was not active in Democratic Party politics at all. I was too busy. I had gone to law school with Hillary and Bill, but they were very cautious of me because they remembered that I was the lunatic with hair down my back, miniskirts, holding a shopping bag. Even when thirty years later they heard that I wanted to apply to be a judge, they weren’t so sure. Ted Kennedy was a different matter, and he and I talked and talked at my interview. For those of you who have ever interviewed in a situation where you thought you didn’t have a prayer, you know how loose and funny you are, and I thought it was a hopeless enterprise to become a federal district court judge, to be confirmed by the Senate given my background. I had also done every abortion case in the Commonwealth of Massachusetts and I had married the legal director of the American Civil Liberties Union of Massachusetts, so I thought I had no chance. Kennedy was toward the end of his career, and he wanted to take a risk on someone, so he pushed me
through. In 1994, I joined the federal bench in Massachusetts where I served for the next seventeen years.

My commitment to women’s rights and civil rights and justice and fairness never waned, although in that job there were times that I actually couldn’t accomplish it. Being a judge is very different than being an ordinary citizen or being a lawyer. There surely were times that I thought that the right outcome was “X,” but I couldn’t get there, and I understood that and that was part of the oath that you take. But I was able to do quite a lot even when I was on the bench.

**Dean de Silva de Alwis:** You made criminal justice reform possible even before now when it has become the fashionable thing to do.

**Nancy Gertner:** I’m actually writing about Amy Comey Barrett, and you don’t come to the bench lobotomized. In other words, everyone comes to the bench with their experience. I’ve written about Ruth Bader Ginsburg, who came to the bench having been discriminated against. That doesn’t mean that women always won in her courtroom, but it meant that when a woman described the circumstances of discrimination, she didn’t say “it never happens.” She could envision that it happened, and I was the same way. When a police officer testified and someone claimed the police officer was lying, I wasn’t going to say “that never happens.” I wasn’t going to say “I therefore will not believe this officer, but I certainly could imagine circumstances where that happened.”

I stayed on the bench for seventeen years and left to teach at Harvard Law School. Don’t tally up the time, I’m very old.

**Dean de Silva de Alwis:** You are one of the most beautiful women I know.

**Nancy Gertner:** I went to China almost twice a year with Rangita while I was on the bench. We taught women’s rights and had a great time.

**Dean de Silva de Alwis:** My students are eager to engage with you. They’ve read so much about you, so I’m going to start a discussion with you and with Craig [Newmark] and I think the connective tissue here is Craig’s own work on sexual harassment in technology and in
entrepreneurship, and you as a pioneer in Massachusetts: you argued the first sexual harassment case.

Nancy Gertner: More recently, there was just a settlement with Google of a stockholders’ suit that raised sexual harassment issues, and I was named to the council essentially monitoring that settlement: Diversity and Inclusion at Google.

Cassidy Rowe: Thank you so much for joining as this evening. We can tell you are very busy and there are a lot of things going on in the world that need to be addressed, so we’re very grateful that you’re here.

Early in your career, you made a point of being unapologetically feminine. It’s well-documented, and we have even mentioned today, that as a young attorney, you wore bright red dressed, you carried your legal briefs in shopping bags, and you also kept a file on sexist lawyers and judges. The first question I have is: in a profession that has historically valued masculinity, can you discuss your rationale for leaning into your femininity and the positive and potentially negative impact of doing so. The second is: could you speak more to keeping a file on sexist lawyers and judges, and specifically did you experience any backlash for calling out or reporting discrimination?

Nancy Gertner: One of the first things that I began to realize as a trial lawyer was that it is terribly important to be authentic in a courtroom. I could only be what I looked like and what I sounded like, I couldn’t pretend to any other role. As it turned out, that was the most effective me. In one sense because I was less threatening and imposing than a man on the other side, jurors, and even judges, could listen to me. I looked much younger than my age, I had hair down my back, we were wearing miniskirts. It was clear to me that I had to take who I was and turn that person into a lawyer. I couldn’t pretend to be anything else. The women’s movement was enormously helpful because we were all newcomers at that time. The model for women lawyers was mostly women who didn’t have children, were never married, and wore very masculine suits. The red was really by accident. I wore read on the day of Susan Saxe’s hung jury and I decided “that’s it.” Plus, my mother used to tell me that I should wear gray, and it was part of my idiotic rebellion.
As far as keeping notes—you all are going to have to deal with this same kind of issue—you have to figure out how to navigate in a world that has changed some, but not 100%, not even close. Things will be said to you and you have to figure out how to respond. In one sense, keeping noted enabled me to deal with it: I could write it down, look at it on the page, and say “well that’s ridiculous” and strategize about how to deal with it. It also had another advantage: when I became a judge, I let it be known that I have this file, and anybody who was in it better watch out. Of course, I was kidding, but the worst thing to ignore what was going around me, to immunize myself to it, and it was really just a way of dealing with it.

And then I had different strategies for dealing with the things that people said. People have to find their own strategy. I actually found my crazy sense of humor was the best way of dealing with it. To the judge that said “what do I call you, Miss., Mrs., or Ms.” I would say, “just call me counselor.” To the prosecutor who was sexual harassing me—and again, not everyone can do this—who said “I don’t want to negotiate this case, I want to chase you around the desk,” I said, “okay, let’s go.” He about wet his pants. I used humor, but not everyone can do that. In one sense, I used humor when I began to feel more comfortable in a courtroom because humor really is an equalizer. Everybody was taller than I was, and male lawyers would invariably come up to me and put their arms around their shoulders. I began to put my arms on their shoulders just as a way of saying, “we’re even, don’t enter my space.” It wasn’t a sexual harassment issue, it was a power issue. And humor was a power issue too: if I could make fun of him, we were more equal.

[Keeping notes] was a way of thinking these things through. I don’t doubt that you all will have to do something similar. People said things to me that was absolutely outrageous. I think you all have it harder for a different reason: discrimination is much more below the surface. When a woman applies to a job and she doesn’t get it, she walks out thinking she screwed up. When I didn’t get a job, it was because I got a lecture about how women didn’t belong in the courtroom, and I could walk out and know that it was them and not me. You have to work it through and share your stories so you know that it’s not you.

Dean de Silva de Alwis: That is exactly what we’re doing in this class—sharing those stories and looking at the second generation of discrimination which is subtle and implicit biases. And what Isabel Wilkerson calls “caste protocols,” which are so invisible but more powerful than the wind, so you don’t even know what hits you. And Cordelia is leading of survey of what we call in this
class “death by a thousand papercuts.” These are tiny pinpricks, but in the collective, is more harmful than one act of overt discrimination or exclusion, and they are hard to pinpoint, but they result in sidelining. This was so useful, because what you are saying is that there is a continuum, and these are different incarnations of what you suffered.

**Emily Friedman**: Thanks again for speaking with us today. My question is about interventions to increase diversity in the legal profession. I interned for a judge who had a policy was that if a party represented that oral argument on a motion would be handled by a woman or diverse lawyer, it would weigh in favor of holding a hearing when otherwise the motion would be decided on paper. Some clients are now requiring that their legal teams include diverse lawyers. Do you think these interventions are helpful in increasing diversity in the legal profession or is it problematic tokenism and do you have any ideas for other interventions that might work?

**Nancy Gertner**: I can’t think of how that would hurt, and I think that it’s the only way that it is going to happen. One of the things that is troubling about the legal profession now is that for decades, 50% of the graduates of law schools are women, and 50% of the entering class of big law firms are women, yet in a matter of years, the top echelon of those firms drops down to 10% or 15% [women] partners. We all have to figure out why that happens and how that happens and if part of the way that happens is the patterns of mentorship in firms value men more than women. There still is the view that somehow women can’t be trial lawyers, which is not remotely true. Judges can do a lot to model the right behavior, so I think it is a good thing. I think we have to do something to break out of it, we really are stuck. I think that the explanation is in part discrimination and in part that we still haven’t figured out parental leave in this country. A lot of women in the legal profession have a family and wind up leaving the profession. We are actually seeing this now with the pandemic: the unemployment numbers have declined because numbers have left the workforce, and the vast majority of the people who have left the workforce are women.

**Dean de Silva de Alwis**: This is a huge part of our class: looking at family leave policies and the ways in which the gendered nature of family leave policies impact women and women in the legal profession. We also read last week’s McKinsey report, which states that the pandemic
has affected everyone and business as usual has been changed, but affects mostly women and 
women who are mothers and women of color, especially black women. One in four women are 
thinking of downsizing because of their inability to cope with both their work and their family 
obligations.

**Nancy Gertner:** It says something about the fragility of women’s gains that this is happening. 
There is an institutional problem that we have to address. For you as individuals—I can’t say this 
enough—sharing your stories and working together makes all the difference in the world.

**Dean de Silva de Alwis:** That is what you have done. Your stories on work and family, your 
stories with your clients, your stories as a new trial lawyer, really shaped this discourse. I’m not 
oversimplifying this or overestimating your value to the world of feminist jurisprudence, Judge 
Gertner. I want the students to understand that they are in the presence of a pioneer. You, along 
with Deborah Rhode and Joan Williams, who came later, shaped this field of feminist 
jurisprudence. We didn’t have an existing field of study. In fact, you always talk about how when 
you were at Yale Law School, you started the first movement. Can you speak a little bit about that?

**Nancy Gertner:** I don’t want to be too stuck in the past. I went to graduate school initially in 
political science, and the class that I should have entered at Yale School had eight women in it out 
of 165. By the time I got to Yale, there were twenty women. We would be called on specially in 
class and they would have “ladies’ day.” The courses ignored women: you could have criminal 
law without talking about Battered Woman Syndrome, and you could have property without 
talking about the disabilities that married women were than under—married woman couldn’t own 
property in their own name. So we got together to put together a women and the law course where 
we took every course in the school and looked at its implications for women. That was great in the 
early 1970s, but now that should be part of the regular course. In other words, you don’t want to 
marginatize these discussions. But we did that as a way of making what we were learning relevant. 
That also shaped what I did because it made me aware of the issues down the road, so when 
[clients] walked into my office, I was very excited to use them.
Dean de Silva de Alwis: Can you tell us a little bit about the first sexual harassment case that you argued?

Nancy Gertner: It was actually a very difficult case, and it may resonate with some of you. Sexual harassment tends to be in situations in which there is a male who has almost unlimited power over a female—so a professor who has a lab and [a woman] works in the lab and [her] advancement is dependant on him. In this case it was a woman who was a stockbroker, and the work that she got would be referred to her from others, and those cases went to the men first. In addition, the stockbroker profession in those days was horrifically sexist: she was the only woman on the floor and they would have parties celebrating someone’s birthday with strippers coming out of a cake, they would have a cake in the shape of a penis. It was tremendously blatant, and it was essentially a bonding ceremony for men and very much to say to her, “you don’t belong here, when are you leaving?” But she stayed. We brought a case on her behalf alleging sexual harassment and discrimination based on the kind of work that she was getting, and we won. That turned out to be one of the first sexual harassment cases in Massachusetts. It was blatant—when you read these early cases, it was extraordinary that this was an issue. Now the law is not as good, actually. It’s almost as if we have gotten used to comments that we shouldn’t have gotten used to, but that is another discussion.

Dean de Silva de Alwis: Can you speak to us a little bit about the op-ed that you are writing about Judge Barrett?

Nancy Gertner: My husband says that now that I can speak, I can’t shut up, which is true. I’m writing a book about the men I sentenced and what it was like to be a judge at a time of mass-incarceration, when I was forced to apply laws with which I disagreed.

This project is an op-ed which is called “The Undoing Project.” It’s about the efforts of the Republicans to undo not just the right to choose, not just gay rights, not just the Affordable Care Act, but it’s really a broader mission to undo the decisions of the past thirty years which they believe to be inconsistent with the original intent of the Constitution. I felt compelled to describe to people why original intent sounds like a judge is going to follow the law and nothing more, sounds like it is restricting and restrained, but in fact it is just the opposite—it is in fact a word
game that you play because the framers of the Constitution intentionally spoke in the broadest possible terms in order to get the Constitution enacted. People who are looking for original intent are essentially masking their political preferences in the language of the Constitution. The first case where that was the case was the *Dred Scott* decision, which affirmed the right of whites to hold slaves. The judge of that decision believed in the “original meaning” of the constitution, and since African Americans were property at the time that the Constitution was promulgated, he said that meaning holds. Since I’m not in the Constitution, black people were not in the Constitution, people who were poor were not in the Constitution, if we freeze the meaning of the Constitution to the eighteenth century, it is a very different document and it would mean undoing thirty years of precedent.

**Cassidy Rowe:** I think that your point about taking the package that you are and turning that package into a lawyer is really important for all of us to hear—men and women in this class. I really appreciate you sharing that perspective because a lot of times we can be told that we need to fit into a mold because we are going into this profession, and ultimately, we are not going to break any of these cycles that we are caught in if that is the way we go about things.

You’ve discussed how you handled dealing with men early in your career when they would belittle you and sexually harass you. Something we are discussing in this class is how male allies can concretely shift that paradigm from bystander to upstander. Can you speak about what you think constitutes ally-ship today and in doing so, discuss if you have had any impactful male allies in your life and any concrete actions that have had a big impact on you?

**Dean de Silva de Alwis:** I borrowed the term “bystander to upstander” from Martha Minow, another mentor who constantly exhorts her law students at Harvard Law to be upstanders. She says the rationale of a law school education is the transition from a bystander to an upstander standing up for justice. That is the term we’ve borrowed in our class as we shape the ideas and the ideal of an ally.

**Nancy Gertner:** When you were the only woman in the courtroom, you had to find male allies. I was at a small firm with two other men who were about five or six years older than I was. When Susan Saxe called for me to represent her, I had to sit down with them and say “we’re going to
lose money on this because I’m going to pour my heart and soul into this case, odds are we’re going to lose because that was everyone’s prediction, but I can’t turn it down.” They said “we will take whatever hit for you to do what you want to do.” I was thirty, I don’t know any other male partners who would have said that to me, and that made all the difference in the world.

Today, you have more potential allies than I did then, and you should have more women allies, but you certainly have more male allies. I actually think you have a harder time because the institutional constraints are there with respect to having a family, and because the Supreme Court somehow believes that discrimination is over—race and gender. So, people don’t believe that the stories you are going to be telling happen, and they do.

Also, the models of lawyering are broader than when I was a young lawyer. I have a high voice, and every time I opened my mouth, everyone would turn around, and if I fumbled, it was highly visible. Now there are a number of high voices in the courtroom and you are not alone. You have it easier in that respect—there’s a range of styles, you don’t have to be as much in one box as I felt like they wanted me to be. But discrimination is more subtle, which is the hard part of what you’re facing. Even today, I’ll be on panels where there will be retired judges on the panel and they will say, “Judge Smith said this, Judge Jones said this, but Nancy said this.” As I said, I’m torn about that because on one hand I want to say, “I’m Judge Gertner,” but on the other hand I want to say, “who cares?” I recognize that we make informal relationships with women and not necessarily with men.

**Dean de Silva de Alwis:** Recognizing is part of the first step in the empirical research that we are undertaking as a class—to recognize those subtle and invisible biases as the first step, then to name them as the next generation of caste protocols. They have become part of the fabric of our lives so that we don’t even question them. This is very helpful because I think what you experienced is something that continues to evolve in different formats, but nothing has really been addressed. We found rules and protocols and policies to address it, but the issues continue in an enduring fashion, which is so troubling.

**Emily Friedman:** You mentioned that judges bring their courtroom. How did your experiences with discrimination impact how you conducted your courtroom?
Nancy Gertner: It certainly impacted how I conducted my courtroom. There was a time when an argument was brought made by groups of male lawyers on either side. It was a big, fancy transactional case. One of the male lawyers was an older man with a phony English accent and he kept raising his hand to summon a woman who was sitting in the first row of the audience, who was a paralegal or an assistant. He would summon her to come and get a note from him which she would then pass to someone else in the audience. Finally, at a break I said, “I’m going to rearrange the furniture in the courtroom so you can easily get up and deliver your note yourself.” It was that I saw what was going on, and it was absurd.

In addition, we would note whenever we would wind up with all women on both sides of a case. I didn’t do what the judge you described did, and perhaps I should have. That was because my instincts as a trial lawyer collided with my feminism in a way. I wanted to make sure that people were as well-represented as they could be, and if someone had made a decision that “X” should argue rather than “Y,” I found it hard to interfere with that decision. But if they put a lawyer forward and she was terrific, I would go into orbit.

Even as a judge, I had the same kind of lunacy that happened to me as a lawyer. When I had been on the bench for a very short time, I had two lawyers from the South, [before me] who obviously had never heard of me. I had a very substantial reputation in Boston, so getting on the bench, no one thought that I was not qualified. These guys had obviously never heard of me, and there I was on the bench looking younger than my age. They kept on talking loudly, like when you think that someone doesn’t understand. Finally, I said that them, “I know what you’re doing, and you don’t have to do that. I hear you.” I was sure that they thought “who the hell is she?” To some degree, my experience with discrimination enabled me, wrongly or rightly, to predict what people would be saying about me. It really gets back to the point that I made to Cassidy about the point at which you are comfortable in your own skin.

Dean de Silva de Alwis: I have to end by saying that your book, In the Defense of Women, is mandatory reading at Harvard Law School for the entering class of 1Ls. I have tried hard in my tenure at Penn Law to make sure that it is mandatory reading for our entering class, but I have failed. I’m hoping that my class will make it mandatory reading. We will be reading your book, Judge, because it is wonderful to have the author with us, someone who has been a warrior in issues of feminist jurisprudence. Your advancements in the field through the work that you are
doing and as the winner of the Margaret Brent Award and the winner of the Thurgood Marshal award for human rights which recognized the work you’ve done on civil liberties and civil rights, is part of your enduring legacy. I wanted my students to be able to share your legacy, because they are part of your legacy. They are going to be the next generation of women’s rights lawyers and women’s rights leaders.
Maria-Pia (and James) Hope
CEO of Vinge

Maria-Pia Hope specialises in banking and finance, insolvency and reconstruction. She is Managing Partner and CEO of Vinge as of April 2012. She is the Chair Emeritus of Lex Mundi’s Managing Partner’s Committee, and she was on Veckans Affärer’s/Dagens Industri's list of the 125 most Powerful Women in Swedish Business in 2017, 2018, 2019 and 2020. Maria-Pia was also the 2019 recipient of the Swedish Bar Association’s annual award for distinguished contributions to the legal profession.

Dean de Silva de Alwis: This is the first time we have a husband and wife duo, who are partners in life and at work. The wife is the CEO of the largest and most recognized law firm in all of Europe, and the wife is considered one of the top businesswomen in Europe and has won so many accolades that I’ve stopped counting. Mia has won every award that can be offered to a woman leader. James, you support her both at work and at home. In this class, we have been talking about the power of work/family laws and policies, both nationally and at work, to help address the issues of women in leadership and diversity and inclusion. Sweden was the first country to offer gender-equal family leave and paternity leave policies and to mandate that to create what scholars refer to as fatherhood by gentle coercion. I think that is an important way to get equality at work and in the home. Justice Ginsburg was very influenced by her time in Sweden, by both the Swedish legal system and the Swedish opera. She attributes her coming of age as a feminist to her time in Sweden.

Chloe Sweeney: What have your successful male allies looked like, and how have you encouraged James and other male partners at your law firm to be successful and productive male allies?

Maria-Pia Hope: The more senior I get, the more I feel it is a part of my role to achieve gender equality. Generally speaking, I have not had to do very much to get support from men throughout my career. I have been fortunate, and I am aware that I have been lucky to have always had the encouragement of male bosses and peers as well. We’ve sort of acted together, and it has been almost assumed that there is a role for women in private practice, and I have been a beneficiary of that. One exciting thing my firm did about six years ago is that we set in our board targets for women partners. We still had too few female partners, so this was something my male colleagues pushed for. They said, “Well, look, we have 17 or 18 percent and see that women can be rainmakers and contribute to leadership in the firm, and we would like to see more of that.”
When we recruit from universities at the graduate level, we have an almost 50/50 split between men and women, which should be mirrored at the senior level. So we set a target at 50 percent—we wanted 50 percent of our new partners during a period of 5 years so that we could measure it to be women. This was something that I did not necessarily advocate for, but male partners pushed for that on the board. This was one of the great moments of sponsorship and thinking really long-term about gender balance that we would like to achieve.

Dean de Silva de Alwis: What percentage of women in partnership do you have right now?

Maria-Pia Hope: At present, we are only at 25 percent. Generally speaking, in firms, you have a demography where people stay for a long time. Many of my partners have careers in the same place spanning 35 years. In many respects, as a law firm leader, you want that sort of stability, and it is a sign of things being well in the firm, but what that comes with is a lack of change in demography. It takes a lot of time to achieve a shift in gender balance. We have started to look more at if there is a balance in our intakes because, frankly, we do not want to chuck out men just to bring in more women.

We want to look on the horizon to make sure that we will be balanced in the future. I had a conversation with the Swedish Bar association, and I think the trend is that in new generations, it is not entirely 50/50, but it is certainly better than it has been. We set this target because we did not have a balance in the senior talent pool of associates. We were 70/30 even though we recruit 50/50. However, now we have more women than men on partner track, which is a fantastic position to be in. Women do stay to a much larger extent, and I think the target we put back in 2014 has been important. I have been told by women who have made partners that it helped them see that the firm is really committed to gender balance and that there is a possibility of becoming a partner.

Dean de Silva de Alwis: Mia, I would like you to go deep into what you have done to now recruit from neighborhoods and communities with high immigrant and migrant populations. Can you talk about that, as you now have a partner who came out of that pipeline?

Maria-Pia Hope: Definitely. That is something that we have been working with for a long time. Sweden, generally speaking, as a legal scene, is pretty homogenous with people coming from the
same sort of background, and that’s coming from a country that has had for a number of years a fairly high immigrant population. When we first looked at this about 15 years ago, the statistics showed that 20 percent of the population had at least one parent born outside of the country, which was not reflected at all in the legal scene, not only in law firms but generally in the judiciary, prosecutor’s office, etc.

So, we took the initiative to make sure that we encourage more people to study law because we believe it is hugely important to have diversity in the legal profession. Only then can we create a fair system. What we did in practice was that we established relationships with upper secondary schools in areas with a lot of immigrants and went to the schools to talk about studying laws, our profession, and what it’s like to work in the courts. We brought teenagers on study visits to courts, and we instituted a summer traineeship for one pupil per year. We also have a college scholarship, which provides a bit of money if you study law, and it has been a fantastic thing. We have had hundreds of pupils going through this program, and the real success story is that 3 years ago, we had one of our former pupils join us as a partner in the firm. Ruth Bader Ginsburg actually came to our office to talk about this program when she came to Sweden about 12 years ago, which was very exciting.

**Chloe Sweeney:** We have heard from many leaders who have come to speak to our class about their policies to help recruit and hire diverse candidates, but these efforts tend to stop at recruiting and hiring practices. Your firm goes beyond that to try to inspire diverse aspirations. What do you believe is the role of private institutions are in inspiring legal aspirations in diverse populations?

**Maria-Pia Hope:** We felt that because here at university, it is hard to actually get statistics and figures as to how many people they have from different backgrounds because we don’t mention it the same way as they do in the U.S. We realized that to actually have a pool of talent that was relevant for us to recruit we had to start earlier and that is why we went to upper secondary schools to get younger students. I think there is a hugely important role for private institutions. I talk to many company leaders, and they all say that diversity is something they want to achieve. I often hear that the problem is that they don’t know where to go to recruit diverse candidates. That is why it is hugely important for us to inspire at an early age to try and make sure that you achieve a diverse talent pool. In the 16 years we have been running this project; we see that there is an
increase in diverse CVs from universities. Obviously, this improvement is not only from this project; on the margins, though, it does seem to help.

**Dean de Silva de Alwis:** I also shared the profoundly creative advertisement that Vinge did with the class. I think about it as an act of disruption because for my students who watched it, at the end, what you do is give this beautiful handmade chair to the newest associate who has just joined the firm. It’s about a Swedish artist who designs a beautiful, handcrafted piece of furniture and then turns to Mia and says, “Is the CEO going to sit in the chair?” And Mia responds by saying, “No, it is for our newest recruit, our youngest associate.” This is disruptive and really turns things on its head. We’ve been talking about how we change the structural and institutional hierarchies, and you did that through that ad. Can you talk about that advertisement?

**Maria-Pia Hope:** Yes, it is one of the things we’re really proud of. As part of our employee branding, we want to tell people we want to recruit who we are and what differentiates us from other firms. We have a long tradition of trying to involve people and have our recent graduates involved and come up with ideas, which is how we develop and remain dynamic. We have always had focus groups and committees that the leadership listens to, but the next step on that journey was to have someone actually be a part of the executive management committee. We made the film to communicate that whole concept with our potential recruits because we thought it was a fun thing to do. That is something that lives on in practice.

We actually had the latest executive management meeting today with our newest recruit sitting in the chair. It’s a question of remaining relevant and modern because I certainly recognize that after being in law firm management upwards of a decade, I get stuck in my ways. It is useful to have the perspective of someone from a completely different generation on all sorts of things, everything from talking about the 2021 budget, which we talked about today. The associate who joined us had great questions and ideas. We also spoke about webpage strategy, and if you just have a bunch of 50-year-old people thinking about these things, it gets stale. It becomes more dynamic and relevant to people we want to be relevant to if we have that perspective. There is no going back; we love it. It puts a lot more energy into our executive board meetings.
**Chloe Sweeney:** James, how has your relationship with Maria-Pia changed how you envision allyship or increased your awareness of the gender sidelining that female attorneys often experience in the workplace?

**James Hope:** One of the main things for me is that we started together in London and moved to Sweden, and there is a great difference in the culture in Sweden. England was much more that the man would do the work and that the women would have the children. Paternity leave did not exist at all, but in Sweden, paternity leave has been promoted for a long time as a result of socialist political views. We immediately noticed that, and I noticed that by virtue of being married to a Swedish woman who was brought up with these ideas. For example, we were pretty naïve, to be honest. We were both ambitious lawyers, met, got married, didn’t have a child until a bit later because we were both focused on our careers, and when we did have a child, we realized suddenly that someone was going to have to look after the child. I realized because Mari-Pia made partner first that she needed to go back to work pretty soon.

Of course, it made sense because she was running an office essentially on her own, so she had to go back. She essentially said to me, “Hold the baby.” I was working at Skadden, Arps, Slate, Meagher & Flom in London at the time, and I had a proposition for them that I needed to take 2 months of paternity leave. By Swedish standards, that is very small, but the idea of taking 2 months of paternity leave was unheard of in London at the time, and I was probably the first person to take paternity leave at Skadden, Arps. This doesn’t say anything special about me, I wasn’t burning a political torch, but it was the position I found myself in, to be honest.

**Dean de Silva de Alwis:** That is the first act of allyship. You went to the firm where this was very foreign and asked for 2 months of full-time leave because my wife is the managing partner of a major law firm. That is allyship, and through that act, you changed the policy for all men and women.

**James Hope:** I don’t think I can credit myself with that; as it happens, they have become quite progressive and done really good things that I cannot take credit for.
Dean de Silva de Alwis: You are a pioneer. It always helps when there are people like you who take the first step to change history. You don’t want to take credit, but you were one of the first.

Chloe Sweeney: James, thank you for your sharing, as your personal experience is incredibly powerful. It is often difficult for women to achieve leadership positions in their careers because they are often responsible for the majority of the housework or “second shift.” Through the women, you have seen or worked with or your own experience, to the extent you are comfortable sharing, how can women overcome inequalities in the home to create more equality in the workplace? And how have the structural solutions, such as Sweden’s gender-equal parental leave policy, helped address this policy?

James Hope: The ideal is that the partnership of the couple, married or not, sit down and discuss what they should do and who should take which role in any particular stage, acknowledging that roles change over time. That seems to be what Ruth Bader Ginsburg and her husband did so incredibly well, but we were not as organized as them at all. I think what happened, to be honest, is that she made partner first; therefore, she was able to decide. I don’t want to suggest any bitterness whatsoever about that, but it’s a reality. If you reverse the gender role, I think that is what happens for a lot of women.

Quite often, the woman is slightly younger, so the man might be slightly ahead in his career. The person who makes a partner first or makes more money often gets to decide. That is a reality that is quite difficult. Hopefully, a lot of people are able to overcome that reality. Then we notice quite happily that things do change over time. Of course, little children become older. If you decide to have 5 children, it is probably difficult, but if you have 1 or 2, we have found that things get easier. It is a question we have lived with for many years, trying to find the help where we can. We have had help from all sorts of people as we can and also from our firms. I am not at all going to diminish the fact that moving to Sweden was very helpful to us. The Politics, with a capital “p,” that pushes women in the workplace made it easier for us; if we had stayed in London, we would have found it harder.

Bianca Nachmani: I am a creative and creator, so I look a lot at how the creative field can help us in the law. How can we work more closely with interior designers, architects, designers of
spaces, designers of materials, and designers of our technology and use it as a better tool to influence behavior?

**Dean de Silva de Alwis**: I want you to watch the advertisement that Mia’s law firm, Vinge, did on the seat because that is about design thinking. You have the artistic piece of the chair.

**Bianca Nachmani**: I love that as a symbol to show that even as the newest member of the company, your opinion does matter. Maria, I really valued that you said that and how younger people in a company are an asset because they bring a different perspective from a different generation. Likewise, we have a lot to learn from people that come before us. But I am curious, less as a symbol and more as a functional element, how can we use design to cultivate comfort in a space and leadership?

**Dean de Silva de Alwis**: Mia has a lot of art in her office and has local artists exhibiting in the Vinge office, so maybe Mia can speak on the intersection between art and law.

**Maria-Pia Hope**: This is a very interesting topic. The legal design thinking movement that I know a large Dutch firm is spending a lot of effort pursuing. The idea is that law is complicated, what we do is fairly complicated, and it must be possible to make it much more accessible to people. Legal design thinking is all about trying to transfer, transform complex analyses, presentations, etc., into something incredibly visible. I certainly have heard the team and the Dutch firm talking about this and how helpful it is to communicate with clients using that method. I think it is absolutely extraordinarily exciting. I think it is something that is fairly small scale as of yet, except for some pioneers. I suppose that is one way of making sure that you stay relevant and stay in tune with what your clients need if you are a law firm. I don’t know exactly where leadership comes into that, except to say that it is always important to find new ways to make sure you are in tune and discover how to communicate.

**Dean de Silva de Alwis**: The Vinge office itself is so artistic, and you spend a lot of time designing the office. So, can you speak on that?
**Maria-Pia Hope:** We spend a lot of time thinking about how to create a working environment that is inspiring and serves its purpose of making teams come together and speak. We think art is important in all of that. We have a long history of collecting Scandinavian modern art. Frankly, when you walk around the corridors with clients, it is an easy icebreaker. You can always talk about a strange piece of art on the wall. That has certainly been important in understanding what the workplace of the future is going to looking like—collaborative spaces, inspirational spaces, spaces you really want to be in to be creative as a lawyer. That is something we think is very important for us in terms of our long-term strategy.

**Dean de Silva de Alwis:** I think it is a part of the leadership vision because it connects to the issue of retention and making sure to meet with the third parties. You bring in the third parties and build relationships and connections through art, which becomes a part of a leader’s tools.

**Chloe Sweeney:** When describing the success of your law firm’s diversity, you said, “Women stay at Vinge; you see it pays off.” A common theme we have heard from the men we have interviewed is the problem of low female retention in their firms. In this class, we have been trying to discuss solutions, as well as problems, so I was wondering if you could explain why your firm has such high retention of female attorneys and if there are any changes or policies you have instituted to help women remain in the legal profession?

**Maria-Pia Hope:** As we have touched on before, we have the infrastructure in our country here with maternity/paternity leave and free childcare, so I think the base is a good one. I think the one thing that I would highlight that has made a difference is that we really tried to have an internal conversation about the fact that your long-term career doesn’t need to be crammed into a very short period. I think that is the traditional law firm way of looking at things—that you work 6, 7, 8, or maybe 9 years to make partner, then you work hard to build your practice. Looking back at my career and looking at other peers and people who are slightly younger, I can see a strong case for really allowing different sorts of paces of a career. That could be part of the solution. James was touching on that before.

In our family’s case, he was the person who had a sort of slower career, to begin with, and then when it worked for us, he took off. It was possible. That is also a thing that I am seeing. We
have realized in our little micro-universe that things don’t need to happen immediately. Hopefully, you can have a long career, pace it slightly, and not be too worried knowing that there are opportunities further down the line. On the retention issue, increasingly actually, we have recruited senior women straight into partnership from other legal careers. That too helps that sort of fluidity or the possibility of going from one career to another and opening up the way to move around more than used to be the case where you join a law firm and stay for life. There is a lot there in allowing yourself to pace your career to something that works for you. That is something that we are really trying to communicate internally, not only for women but also for men.

Dean de Silva de Alwis: When you look at the Vinge website, you see that there is a lot of celebration of those women lawyers who have won awards for their expertise, whether it’s in IP or other areas. There is a sense that this is a collaboration, a village. I see that there is a lot of women in the village that are leading. It is not just you, Mia. You are celebrated and recognized as Sweden’s top businesswoman, and you are the only lawyer who is recognized as the top businesswoman. Still, all the rest of your team also gets constantly recognized. I feel like you are building a village.

Maria-Pia Hope: The whole thing of role models is hugely important. I could not possibly do this alone, bringing more women on board. I am lucky that there have been many women partners that have been very successful in my generation. My top rainmaker by far is a woman in M&A, and that’s incredibly powerful for future generations. To really hold on in any context or organization to women is a part of it.

Maria-Pia Hope [closing remarks]: Put on your CVs that you have kids. I think that is an important thing. I have become a better leader, a better leader, because I am a mother. Don’t worry about it. You are going to be able to make it work. It is an important part of life for a lot of people, and that perspective is important to bring along.
[below find photos of the Vinge office, as mentioned in the interview above]
Dr. Salomé Cisnal De Ugarte
Antitrust Partner, Hogan Lovells

Salomé Cisnal de Ugarte is a Partner in the Antitrust and Competition group of Hogan Lovells. Clients come to Salomé for her innovative and hands-on solutions to antitrust issues. She is sought by clients for her particular expertise in competition issues relating to the digital economy, including artificial intelligence (AI), algorithms, platforms and data. Salomé was recently re-elected as Vice-Chair of the Competition Policy Committee of AmCham EU. She frequently lectures on EU competition law at academic institutions, such as Harvard Law School, College de Europe, IE Law Schoole, ESADE, and VUB, as well as at industry fora. She also serves as Elected Director on the Board of the Harvard Alumni Association (HAA) in Cambridge (US) and is a former President of the Harvard Club of Belgium. Salomé graduated summa cum laude in law and economics from the University of Deusto (Premio Extraordinario de Licenciatura) and holds a master of laws (LL.M.) from Harvard Law School, where she was an associate fellow of the Real Colegio Complutense at Harvard. She obtained a PhD in law from the EUI in Florence and has been a Fulbright scholar.

Magali Duque: Hi, Dr. Salomé. Thank you so much for joining us.

Dr. Salomé Cisnal de Ugarte: My pleasure.

Dean de Silva de Alwis: So, you know, both of you are featured on Leadership Manual from last year. We’re so excited to have you all join us today.

Dr. Salomé Cisnal de Ugarte: Thank you. I know.

Magali Duque: First off, I want to sort of loop back into what we were just talking about in terms of different countries and cultural norms and gender roles and sort of how all of this sort of ties into our conversation around women in leadership roles. And you have an impressive background, to say the least. And your career has spanned multiple countries. You speak five languages. You have quite a remarkable background. And I think it's really interesting for us in this class to also think about how your leadership spans Geographies, which is which is really exciting, I think, for all of us in the class who hope to be global leaders one day. And I'm part French and worked in the UK for a few years, so I'm very familiar with varying European perspectives.

There's a lot of differences across European countries in terms of policies and work and workplace policies and leave policies specifically. And different countries had different cultural
norms and approaches. So given your experience, could you speak a little bit more about how different cultural norms and living in different and living and working in different countries has affected your opportunities for leadership, either through enabling or stymieing those opportunities?

**Dr. Salomé Cisnal de Ugarte:** Wow, that's a difficult question. It's interesting how does it have? I mean, what's the impact? Well, I guess. Well, you need to adapt, right? I mean, ultimately, life is adapting to different situations, a different context, different cultures, different situations and different circumstances. And while I'm probably lucky in the sense that, I am a genuine Spaniard, to give you a bit of the background. I was born in Spain and I come from the Basque Country, which is a minority within Spain. Basque people are known to be very proud of their origin. And actually, most Basque stay in the Basque country because there is nothing else in the world other than the Basque country, that's the best! That's a little bit of background.

And I decided that I wanted to go and see a little bit of the world. I was also lucky in the sense that my parents sent me to a German's school. I did all my studies at school in German. So I was already, in a way, in a different culture while living in Spain, living in this Basque bubble. I was going to this German school, which was, well, like a German school, but in Spain. And so that already prepared me in a way, for. For that kind of international adventure that I would go into afterwards. Right.

And then, well, life is always full of surprises. I would have never thought that I would end up in Brussels. We came here 25 years ago for half, for one year and we're still here. And I never thought [...] that I would have gone to Germany. But actually, I finished my legal studies in Spain and then I went to Italy and I went to the U.S. where I met these wonderful women, Mia and Rangita, and then back to Spain. And then we sort of, you know, decided to go to Brussels to give it a try. This is where I ultimately developed my career. [...] And while I'm sure [everyone] has gone through the same thing. Right. You need to adapt, you need to. You need to learn. Basically adapt in the sense that when we came to Brussels 25 years ago, this was very different. It was international, but ultimately, still not easy for a woman with a Spanish nationality. I had gone to Harvard, you know, to I've done a Portuguese, you know, great, great credentials, so to say. But this was still pretty much a place where nobody other than Germans, Britts, and Belgians had some sort of a career path.
That was it. I went to I started my career at Freshfields. And it was great. We were doing
great work, but ultimately there was no career path. Just because nobody would tell you that. But
ultimately, it was not just you. And you could be great, but it's you. And what is your nationality?
What's your background? What's your sort of support? I don't know. It's very difficult to explain.
But in a way, people thought for a little bit that way.

Dean de Silva de Alwis: And so these are biases that, we've been talking about in the class those
unconscious biases.

Dr. Salomé Cisnal de Ugarte: Yeah. Probably, yes. Because in a way, sometimes I try to think
about ways that I think it is it's a bit different. There is still every bit of that, but less. And why is
that? Definitely those days people tended to think that, OK, you are Spanish. So that means
you should be able to attract Spanish clients. And I'm interested in Spanish, not really. OK. You
can do the work that I need you to do. You know, for American or German clients. But would you
like to become a partner? I don't know. I think I will go for the Germans because I think my
unconscious bias tells me that if I make, you know, normally actually, a man.

They're all men at Freshfields and Brussels. So if I make a “Mr. So And So” partner who
is German, that might attract more German clients. I don't know much. It might be this kind of
unconscious bias. You're right, so it's not easy. I think and nowadays there is still a little bit of that.
But probably less. And nowadays what you see. So that's what we were 25 years ago - the Spanish,
the Italians, etc. Nowadays you have people from Romania, from Bulgaria, from, you know, other
countries that, you know, before they were either one of the numerous. Now you have them here.
It's again, adopting yourself now.

And in a way, people still have this kind of unconscious bias. But, you know, we have
already made our way through it. And the other thing is that what also probably helps is the fact
that, so, as you said, I speak five languages and I use them all the time. In Brussels, that's the
beauty of Brussels. That's right. You can I mean, most of the work is done in English in terms of
the professional work. But then I speak in German to my German colleagues, in Spanish, to my
friends or colleagues, friends or so outside in my private life. Italian and some Spanish, German,
English, French and Italian. That's right. I use all the languages. Also when you were saying, well,
the leadership and the culture, you in their way. I'm not sure that the leadership per say changes,
but you change in the way you behave and in the way you speak in each of the languages. Because I don't translate. So I speak in that language in a way, I adapt to the language of the culture of the language.

**Magali Duque:** Thank you. I think that's really helpful. I definitely resonate with what you mean in terms of when you speak a different language and you have a different cultural framework. It's sometimes hard to translate something. I'm wondering if you could speak a little bit more on any role models that you may have had in these sorts of spaces since they were so diverse. You know, but since they are diverse now, but maybe weren't in, you know, at the beginning, early stages of your career, we've been talking a lot earlier on in the course about how representation matters. And that could be sort of a platform for, you know, aspirations for other people to, you know, be encouraged to pursue a career in the legal field or to become a managing partner at a law firm. You know, the more women we see in these positions, more diverse women you see holding positions of power may encourage a broader pipeline.

**Dr. Salomé Cisnal de Ugarte:** Yeah, no. Absolutely. Well, it's funny because so there were not many role models at the time. My main role model, I guess, was my mother in the sense that my mother was has always been very, certainly not the kind of, should I say, the model of the time. She was extremely independent, very dynamic, very active. She had her own professional life. She was not a lawyer. My father was the lawyer in the family. But, I mean, having said that, she was really good to me. She was the role model in the sense that she was always pushing me and say, “Go, further, you can do more!” And always very supportive or whatever idea I would have. She died very early. I was still finishing university when she unfortunately passed away. So in a way, you probably also tend to put her up there. I mean, she's she became even more perfect. Right. But she was always there.

So, I mean, she still is. [on a pedestal]. Right. She's in a way, this voice that tells you, hey, go ahead, you can still do that. Don't worry. And if there is this problem, go ahead. Right. And so to me, she's really my role model. Also I have encountered many different situations.

And Mia, I'm sure you used to, right. In this very male dominated world of people where you just say, look, sometimes you cannot understand that why this is so what as it is. Right. But what it is, what it is. And it's slowly changing, but slowly. [Yet] still very different from what I
encountered it when I started my career. And again, I started my career in Brussels because this is the place where I really started to do real work. And when I came here, and I think I'm not sure I told this last year. When we arrived in Brussels, I was looking for a job. I already had a baby. And I was doing these interviews and I was applying.I applied to a German law firm. And by German law firms are, you know, very, very peculiar still. Right. And at the time, they asked you. I had to do an interview… in Brussels and then go to three different to the three main offices in Germany. So that was in Düsseldorf, Hamburg, and in Frankfurt.

So, I had my interview in Brussels. Great. No problem. Super. Then went to Frankfurt. Great. Fantastic. Hamburg. Super. And I arrived and Düsseldorf. Düsseldorf in Germany is this very conservative city. This was one of the main head offices of this German law firm, which is nowadays Freshfields by the way. And that there I met them, the office managing partner, who basically said, “why are you looking for a job?” And I said, “what do you mean? What is that?” Because I want to work. And he said that, “Hey, you have a baby.”

I was also stupid enough to put on my CV that I had a baby would never do that. Anyway. So what? I have a baby. “And so how are you going to do that?” he was saying. And I said, “Well, I don’t know. Do you have children?” And he said, “Yes, I have two.” And I said, “Well, I'm going to do it like you do it, right -same way.” And then he said, “Well you know my wife, she's at school and she only works two days a week, and so basically, she takes care of children, I don't.” And I said, “You know what? My husband is a university professor. I'm going to do the same with him. So don't worry.” And ultimately, if I had not told this story to the guy, he wouldn't have given me the job because in his mind, again, this unconscionable, pretty, pretty conscious bias. He considered that women with a child were not in a position to do this kind of job. Right. And then he started telling me all this story about a woman in the Düsseldorf office that went to have a baby. And then she became an alcoholic and basically told me, hey, you know this, you shouldn't be doing this. Amazing.

This was the situation of 25 years ago, but you wouldn't believe it. In Germany, it's still pretty much like this. I mean, an inset in the sense that very few women get to the to the top positions. It's slowly, slowly changing. And even in these kind of law firms, we see that in Brussels. In Brussels, Freshfields, has not. I mean, the antitrust group doesn't have a female partner. And in Germany, there are many law firms that have very few. I mean, it's changing. I'm not saying that they're aren’t, but it's really changing. And at the time when I was doing my interview these 25
years ago, the women who were partners in the firm and they in invest from something Freshfields of today. They didn't have children. They paid the price to become partners. But none of them none of them had children. And I found it so sad. So this is this was the problem that I didn't want.

**Dean de Silva de Alwis:** This is such a great story. They said, oh, man, I'm so glad that this class gets to bear witness to this story, because as Chloe said, in many classes we read stories in this class, we engage with these stories because we have these women leaders who lived through these stories to comment, share those stories with you. And earlier in the afternoon, Mia spoke about how Justice Ginsburg, you know, is a huge fan of Sweden, but also visited Mia’s law firm. And Justice Ginsburg is someone and I've been talking about this earlier in the day in our webinar with Thomson Reuters.

She said, If I were to invent an affirmative action plan, it would be to give every incentive for me to take care of their children. And until we agree on equality among women and men in the household, we won't have women's equality in the labor force. But this was her vision. And both of you have been in that vision in so many ways, so similar me. So Salomé my question, and I’m going to turn it to Magali again, is you are now the managing partner in your Brussels office. You're probably one of the few women managing partners in Brussels. Given the dearth of women in in the field, what are the structural changes you have put in place in your office to address some of those gender inequalities, [i.e.] the ways in which work family policies really exclude women from full citizenship in their law firms?

**Dr. Salomé Cisnal de Ugarte:** Ha, that's another that's a tough question. I think that our law firm and our office is very different from what I found twenty five years ago. We are not really alone.

**Dean de Silva de Alwis:** Because of you Salomé!

**Dr. Salomé Cisnal de Ugarte:** I don't think it's me. I think it's becoming in a way. Well, I think Magali was right that, you know, that the role models, I mean, make a difference, right? I think …we have more or less 50/50 gender equality at all levels. It's not just me. I mean, obviously, we are pushing it, too. And probably, Suzanne also mentioned that we have now targets.
Dean de Silva de Alwis: You have 21 days of paid family leave for both men and women.

Dr. Salomé Cisnal de Ugarte: Oh, a neat. Yeah, that's probably for the UK. For us, I think this is one of them. I don't know exactly how many days. I think it's for us it's more than that. I mean Sweden, this is the best, right? I think we have like four months or something of paid leave for women. And men can take the rest.

Dean de Silva de Alwis: Sweden is the best. Sorry, Switzerland is the worst.

Dr. Salomé Cisnal de Ugarte: Oh really? Interesting.

Dean de Silva de Alwis: Yes, we have all of the data from the World Economic Forum.

Dr. Salomé Cisnal de Ugarte: Oh, wow. Yeah. I would have never said from Switzerland, right? But no, we do. But you also see what might be a coincidence. Is there aren't that many people using, making use of that.

Dean de Silva de Alwis: So the men, we talked about that. The men, the male partners are not availing themselves of the paternity leave policy.

Dr. Salomé Cisnal de Ugarte: Well, the male partners are probably a bit old now for that, but I think they didn't take it. Sadly.

Dean de Silva de Alwis: They never take it.

Dr. Salomé Cisnal de Ugarte: I mean, I cannot force people to do that. But I would force them because we will not have any quantity until everybody because that's women very often pay the price.

Dean de Silva de Alwis: That has to be modeled, leaders have to model this.
Dr. Salomé Cisnal de Ugarte: Yeah. But, you know, if they don't want I think, you know, women are very often they pay the price in terms of career because, you know, you take these and months after the birth of your baby. And I think it's a wonderful time. And I you know, I think every woman should take that. Absolutely. It's a unique time. But then you pay the price in terms of career, in terms of the speed of your career, which honestly, I don't care. I mean, I have paid the price. It's OK. Men don't like to pay that price very often. And well, this is why they don't take this time off often. But I that also is changing.

Dean de Silva de Alwis: So, there lies the tension, which we've been talking about in class. There are these now progressive leave policies. Women take it and they paid the price. Men avoid it. So you will never have true equality on this unless you have both men and women. And James talk about how even to take those two months, he said I want to take those two months. I think this is interesting. So Magali, do you have more questions? I think this is such an interesting conversation because it brings to the forefront all of those tensions and those paradoxes we've been grappling with and debating in this class.

Dr. Salomé Cisnal de Ugarte: And so just, you know, actually I heard a little bit of off of James’ presentation and that's another, you know, how should I say a clear message. Right. I mean, neither Mia and or me would have been able to have a career if we didn't have somebody supporting us during all this time. Right. It was the children with everything. I mean, we are a team, right. So we need to you need to be able to share everything. My husband didn't at the time, they didn't have paternity leave, but he was always very supportive. So he has always been there supporting me and everything that I needed. And the fact that he has an academic career allowed and gave him the flexibility that I didn't have. And so, you know, all in all, we have been able to stay there.

Magali Duque: Thank you so much for sharing all these really great story stories. Dr. Salomé, these are really important for us to hear and appreciate your candor with you here. Opening up and sharing your story with us just sort of along the same lines of talking more about your own modeling of leadership and looking at these family work policies and this dichotomy. And I think Deborah Rhode talked about this.
We looked at a lot of her pieces earlier on in the semester, and there’s this tension between there being a policy, but then, how that actually works out in day to day life between work and life conflicts, and how that arises versus how you handle those conflicts is very different. There’s a big gap there. Deborah Rhode said that women feel that a reduction in hours of their work will jeopardize their leadership opportunities, which sort of aligns with what you're talking about. You know, sort of having to forego and make these decisions. So I'm curious to know how in your practice as a managing partner, you're able to model not only to other women, but also perhaps the men and other people in the office, how you can do both, how the policy can actually be a lived experience, and how you manage both demands.

I know Hogan Lovells prides itself on its client services, and you won a number of awards for your stellar work with clients, so how do you manage those two tensions between the competing demands of the law firm, which requires a lot of hours dedicated to clients, and practicing this sort of balancing act of day to day life activities?

**Dr. Salomé Cisnal de Ugarte:** Wow, that's a tough question. It's a great question, but tough cause indeed, how do you do that? I mean Mia tell me! It's very difficult. I mean, the reality is that nowadays it's easier, but it's also more demanding because the fact that we are all the time available at the end, … where is the limit? Right. I have the impression that I was already constantly working. Now I feel like every minute and it's OK.

**Dean de Silva de Alwis:** And that's why I'm so grateful to Salomé, and to Mia for coming and joining us in the middle of the night in the middle of the night for Europe. Work hasn’t changed and [they manage] the demands of friendship.

**Dr. Salomé Cisnal de Ugarte:** It's OK! As always and it's so refreshing to see all of you. And it's, you know, it's great. It's great to be here. But I know it's very difficult. I think it's a job that it's just, you know, you'll have to accept that it is as it is. And I remember again, you know, going back to my 20s, to my to my first job at Freshfields, where the partner I was working with full time came to the office one day and said, “I want everybody to be in the office between the core times.” Right. And I said, oh, “OK. What are the core times?” He said, “Well the core times are between eight thirty in the morning and seven thirty in the evening.” Oh, OK. Basically, the whole day. Right.
This was the “core time” which meant that at the very least that was the minimum you had to do. Right.

And then one of my colleagues said, “All these things about the core times… because I have a small child, I would like to work part time.” And then they said, “OK, you can work from 9:00am to 5:00pm.” That was “part-time,” which meant she was paid part-time, and she was able to work “part-time.” She was taken off from the client work so she couldn't do client work. And for her it was OK because for her at that point in time, her priority was the children, so she really wanted to be able to devote time to the children. But that was that was the deal. I think nowadays it's a bit different. There is some understanding that there is it is possible to work part time. It is possible to arrange yourself in a different way.

We have nowadays, you know, the also the technical means to sort of arrange the kind of work you want to do and the way you want to do. But those days, it was not possible and that was the deal. And nowadays in our office, I think there is nobody working part time off the lawyers for whatever reason. And you know, this is available. People can opt for that, but nobody has opted for that. And perhaps because there is of all the fear in us that we have in Brussels. So, again, this is just Brussels and it's not it's not as huge as the London office or other offices. And there is only one lawyer who has children, or the others don't. They don't get it. But it's difficult. I mean, I cannot deny that it's difficult.

And the demands of client work are always there, then it depends a little bit on the kind of work you do. If you do a transactional work, it's like I mean, yesterday I had a call until 11:00pm because, well, we had to it wasn't that the US and we had to advance with a transaction. The job is like that. I could not say, OK, at five o'clock I just stop because I cannot. I mean, that's you have to accept that, that's also true. But at the same time, if I feel like I want to go to the to the theater performance or, you know, if I want to see my little girl play hockey and if I can organize it because I know there is no transaction, there's no meeting, there's nothing, then I can organize it. I go. I do that too. It's a balancing out.

**Dean de Silva de Alwis:** This has been very, very enlightening, this conversation between Mia and Salomé. And, you know, we talked earlier off the fact that Sweden was the first country to allow and to really establish paternity and gender equal and gender neutral family policy. Each parent is entitled to two hundred and forty of the four hundred and eighty days of paid parental
leave. This is the acme of paid into leave policies in the world. And each parent has 90 days reserved exclusively for him or her should one pay and decide not to take it, but they can’t be transferred to the partner. This is really mandatory family leave policies that allow for men to equal rights to caregiving, the way in which Justice Ginsburg envisioned. This was her utopia.

So, we have Sweden on one end of the spectrum and then Switzerland at the very bottom of the spectrum in Europe. But Harold’s work. And Harold's leadership training is about cultural change. The change in the culture of a corporation, a law firm, on an industry. So here we have legal change that we think is important in terms of normative change as well as systemic institutional change. Your expertise in changing the culture. Because what we find out is that even when laws change Salomé. Attitudes and culture remain the same. You know, men are not taking the leave. And women are paying the price for taking us. Right. The culture needs to change alongside of the normative and the legal change.

So thank you. And Salomé, do you want to end this session with an inspirational conclusion?

**Dr. Salomé Cisnal de Ugarte:** Oh, my God. That's a lot of pressure. Inspirational quote. Just go for it, girls. You can do it. Just go for it.

**Dean de Silva de Alwis:** Yes. Just only on the way, learn five languages, get a PhD in Economics, get several law degrees and then go for it.

**Dr. Salomé Cisnal de Ugarte S:** Yes, go for it. It's everything. It's, you know, that's it. And don't believe anybody has. You can do it.

**Dean de Silva de Alwis:** Just do it. That's what you a mother told you right Salomé?

**Dr. Salomé Cisnal de Ugarte:** Absolutely. Yeah. And I'm telling you [that] you can. Yes.
Harald Port

Founding Partner, PvL Partners

Harald Port has been advising leaders on enhancing corporate culture for over 15 years. His passion is to help companies create business value by building high performing cultures. He is a founding partner of PvL Partners, a strategy boutique consulting firm in Zurich. Harald believes the culture of PvL Partners to be the biggest asset for the firm and makes it a daily priority for everyone to further shape it. He grew up in an international, mainly German, Swiss and US environment, completing his studies in 2000 in Zurich, Switzerland.

Dean de Silva de Alwis: How do you advise to CEOs to make culture change in an organization possible?

Harald Port: If you are talking about culture there are so many angles to start with. If we talk about leadership and culture, they are 2 sides of the same medallion because these are both top organizational topics, nothing you can delegate or put down lower in the ranks to have them address leadership and culture. If the CEOs don’t address it then it just happens by chance, it does not happen for a certain purpose. If you ask the question what needs to be done in changing culture, the first thing is realizing that culture has a value and makes a difference.

You can speak with senior executives of large companies about culture who lip service you about how culture is important but their actions are different. They treat culture as the last priority and they focus on results, profits and growth and other things not culture, culture is way further down on the list and there you are not treating it as like it is an asset. Our work with organizations is if you treat culture like an asset you get the value out of it. There has been some great research done on this comparing companies who have paid attention to culture vs companies who have not made it a top priority, measured stock price difference and there is huge difference with all other things remaining equal like industries and firms, something like 9 or ten fold the difference between stock companies for companies who have paid attention to managing culture and others who treat it as something nice to have.

First thing is to start a conversation. Whenever you speak with senior leaders, you want to understand how they think about culture, the leading question is how you think about it but then quickly you need to challenge them to see if it is a lip service or something you believe in and then second question should be what are you actively doing about it or managing it and that conversation becomes very different.
Julia Malave: We often talk in class about ways to dismantle bias within the workplace and discuss ways in which private organizations (and public ones) can manage bias and stereotyping in their own employees, while fostering diversity within their workforces. However, many of us will be going into jobs that require us to work with third parties, like clients, which can introduce an additional set of challenges when it comes to gender and racial bias. Have you ever found yourself in a situation where it was a third party, rather than a colleague, that was response for exhibiting bias behavior, and do you have any advice for young lawyers on how to navigate those difficult situations?

Harald Port: The thing about third parties are if we work with companies, it is incredibly different with how those third parties are integrated into any organization. In some cases, we as consultants sit right in the client site between the desks of clients, it is almost as if we are part of their firm/organization/culture. and in some cases we are removed and advising from afar, we do our own work in our offices and come back and provide advice/input from our research and analysis. so it depends extremely on how the third party is integrated into the organization and will require you to think differently about bias.

If you are far removed, bias is quite natural because you have your own culture that you work in at a law firm or a consultancy, you work in your own offices. You have your own culture and ways of being/understanding and that is very different than if you work for several months in a corporation in your day to day within that organization, their day to day cultures and norms becomes morphed over to your own. The natural tendency there is to take up that relationship that you see on client side. As third party, you are constantly challenged with that situation. The closer you are that the more likely biases will and should become smaller. The further away it is, the harder it is and the only way you can address it is by open dialogues and interacting with the client about where their norms or behaviors come from, once you have that dialogue that is the first point of modifying your own behaviors and thinking about whether the way you think about the world makes sense.
Dean de Silva de Alwis: Culture eats policy for breakfast, here we are setting policies and laws as leaders and culture is completely an untenable thing.

How do you as CEOs make that cultural shift? Susan said storytelling is a method you use, and it is a conventional feminist methodology, men don’t tell stories, it is the women who say through storytelling you can understand and be willing to address. Talk about how you advise the CEO to change the culture in their organizations:

Harald Port: I love storytelling, it is a fantastic tool if you can create stories about your own organization, if it is distant it is far removed but if you say you interacted with Magali yesterday and you are talking with Julia, she will say she knows Magali and it resonates and will pay attention. If you tell a story about someone you know or a colleague from the organization, it starts to resonate and that is where it is powerful. In addition to storytelling, there is a toolkit so any kind of visible artifact, like end of year New Years resolution to do new sports next year but if you don’t change anything in your habitat, you will do as much as comes around.

But if you put running shoes at doorstep and have to trip over them to leave your house, then there is a chance you will put them on once more often than normally. That artifact of physically putting something there that gets in your way in a positive way will get you to change habits. In business life it is no different, if we are helping an organization to be more client-oriented, if you can shift work place to be closer to the client so they can see the problems clients have with products, that starts to have you think about what you can do differently. These artifacts and experiences in day to day, if you can start to bring work place you can think about things differently and do things differently.

Dean de Silva de Alwis: That is a great tool, in this class we have talked about changing photos and symbols at offices or schools, having more women leaders photographs as you enter an institution, it does show a change. It shows that if you show a photograph of a woman leader like Hillary clinton, young middle school girl students will do better on math test because they see a woman leader shown for 1 minute, they aspire to be the leader and do better on the math test so it is about changing the artifacts. Is there another tool in your toolkit?
**Harald Port:** Role-modeling is another fantastic tool, we were working with a bank for a while now and when we started working with them, banks these days are not about physical offices distributing money but are big IT companies that shift money electronically so most of expenditure is on IT. We were working with IT department and when you walked into the IT department, it was about 5k people there spread around the globe, you could tell they had excitement and loved what they were doing but that whole excitement was working with technical tools, it was almost like you were working for an IT company, not working for a bank and that is a huge difference.

When a new banker joined the company wants to take care of banking clients and you need a customer relations tool, you call up IT department and ask for it and the IT department’s answer was yes but in 6 weeks so that whole time the new banker did not have a tool that he can work with. That is because the IT department was thinking about the best tools and it was almost like IT heaven, and their purpose was not in terms of making bankers strong to provide banking services to client, their mindset was we have these tools so let’s make the tools better. They did not think about let’s get these tools as quickly as possible to our bankers so they can do their job. So part of that they had to shift their purpose and perception about what is our reason for existence as IT department for bank and it is not to be in IT heaven but to provide service for bankers, we worked with leadership for 2-3 months to very clearly articulate the purpose and help the people in the IT department to understand our number 1 thing is quick IT service delivery so that they can do their job.

**Julia Malave:** In your TedTalk, one of the things that you talk about is learning behavior from those around you. This is consistent with something we’ve discussed a lot in class, in that fostering diversity is something that needs to be done at the very top of an organization in order to have any chance of success among all employees. When it comes to empowering diverse leadings and retaining diverse employees, how do you think leadership can ensure that the behavior of their employees is consistent with that messaging when they may not have that much day-to-day interaction with those employees?

**Harald Port:** In the work we have been doing with large organizations like today, I had a 5 hour workshop with a finance organization. It is a female CFO and she is trying to build a finance function of the future, trying to build something that is less so of what they have doing in the past
and changing what they are doing for the future. What struck me as interesting is her organization just finance is 700 people but the immediate management team is 10 people, it was almost eerie how close in terms of the wording/ideas/visions these top 10 leaders were, and then one level below was the next 70 leaders so middle management and it was striking how far these leaders were removed and it was only one level lower. It is one of the hardest things today not to move the highest executives, but it is one the layer below that is the hardest part of an organization to move to think differently and to act differently.

So, if you want more diversity or collaboration, the middle management and how you can move them is important. In our work where I’ve seen it done well is where the next level leadership feels that they are not just part of the problem that they are getting delegated to and tasks make work bigger, but instead they are actually part of the solution finding and get to take ownership. When we talk about agile leadership today, that is in sync as well. Agility in the form that we have seen work well is when people down the ranks take more ownership not just in tasks but in decisions.

That is one of the hardest things for senior executives to let go of those decisions, it is easy for them to let go of tasks, but can you please take decision on where you are building an office, that all of a sudden is harder for them and for them it is a history of them being the expert as senior leaders and feeling that they have to take the decision and no one else. In agile leadership it is about having a vision and delegating not only task in but also the decision. That is when you see middle management struggles is when they are only delegated the task, or they are not educated or trained to take the decisions and that is a more challenging topic we have today when dealing with an agile environment.
Ambassador Michael Lawson
Former Ambassador to the International Civil Aviation Organization

Michael Lawson currently serves as President and CEO of the Los Angeles Urban League, having most recently been in Montreal serving as the Permanent U.S. Representative to the Council of International Civil Aviation Organization. Prior to his appointment, Lawson served as a partner at the international law firm Skadden, Arps, Slate, Meagher & Flori, LLP in their New York and Los Angeles offices until he retired in 2011. Mr. Lawson received his Juris Doctorate from Harvard Law School in 1978 and earned his B.A. in Political Science and Economics from Loyola Marymount University in 1975.

Dean de Silva de Alwis: We are joined by another distinguished leader, Ambassador Michael Lawson. He is another Harvard Law School graduate and a very close friend of President Obama. President Obama appointed his close friend as his Ambassador to the International Civil Aviation Organization because of his expertise both as a partner for over 30 years at Skadden Arps and his expertise running the airports in Los Angeles. He is now the chair of LA’s Urban League and he continues to give back to the Black community and the LA community at large. What is your leadership philosophy?

Ambassador Lawson: My philosophy starts with my law practice. My specialty was executive compensation and employee benefits. That allowed me to spend a lot of time with CEOs of Fortune 500 companies drafting employment contracts. I got to watch how the best of them operated. What I found was a variety of different styles for both men and women. One of the things that struck me was that the best of them wanted to surround themselves with people who weren’t like them. If you and I agree on everything, why do I need you? I need someone to question my decisions and push me. Surrounding yourself with yes people doesn’t help. Diversity was not just in terms of advice, but diversity in the type of people around you. That wasn’t an easy point to make because people were looking through racially or gender colored lenses. Unconsciously, they were identifying people by what they looked like more so than what they knew and brought to the table. In conversations, you have to be intentional about surrounding yourself with views and ideas to get the best result.

The other thing is that the person at the top has to own their decision-making position. This is being willing to take the hard position. The most successful CEOs were those who had a great deal of integrity, willing to do the right thing even if it wasn’t the most profitable or most popular
decision. It was essential to who they were and one of the most important factors they looked to when promoting people below them. Emphasis on integrity and diversity was the most successful. When I was in a position to sit in that chair at Los Angeles World Airports’ Board of Airport Commissioners, as Ambassador, and in my present position as CEO of the Los Angeles Urban League, it is that integrity that stands above everything else. It’s the willingness to take the heat when you make a mistake and take a position that isn’t the most popular, but right. This is especially important when talking about issues people don’t want to talk about.

Speaking more technically, it is important to make sure that everyone in the room has a voice. At the ICAO, we invited the pilot of Qantas Flight 32, the first A380 to take a commercial flight, who spoke about his experience on the flight where everything was going wrong. In that scenario, the pilot asked the person with the least amount of experience to make sure he knew he had a voice.

Dean de Silva de Alwis: Voice inclusion and integrity. I am writing a textbook on leadership because so few have been written by women and so few look at diversity and inclusion in terms of the ways that the diversity of ideas are articulated, not just race and gender, but age.

Ravid Reif: What are concrete steps we can take to combat those stereotypes that prevent people from being chosen to be in the room and once in the room making sure they have a voice?

Ambassador Lawson: At Skadden, I spent a lot of my career mentoring young attorneys and as head of the Diversity Committee. I pushed partners to hire diverse lawyers and told people recruiting that they had a role in this too. As an African American, one of the things you’re taught is that you have to be better - -the focus was on your talent. I was taught that being braggadocious is a bad look. I was wrong -- you have to be your biggest advocate. In Hamilton, there’s a song called “In the Room Where It Happens” and you need to be in that room. One of my classmates, David Wilkins, who is a professor at Harvard Law School…

Dean de Silva de Alwis: As you know Michael our study is dedicated to David Wilkins and we will be presenting it on the last day of class to David himself.
**Ambassador Lawson:** He is a wonderful person and one of the smartest people you will meet in life. In his law review article, he mentioned the “one bullet rule” – that the first mistake for minorities in an office setting “would kill them.” The white associates if they made a mistake would survive and move on. To get around that, you go into your foxhole and do assignments and have as little interaction with everyone else as possible. But when promotion to partner happens nobody knows who you are. You have to be involved, engaged, and make sure that everyone knows who you are. This is a problem that both women and minorities have in these high-powered, primarily white male environments: a belief that your skill, talent, and intelligence is all that’s necessary, but no. There’s is a social aspect to this practice that is critical. You have to sell yourself and there’s no soft way to pedal that.

**Amy Weaver:** I think it’s such a critical point, but what I’m also hoping especially for us that aren’t traditional leaders heading law firms and companies is that we shift this. Originally, when they started talking about the pay gap between women and men, the reason was that women weren’t taking charge or demanding more money. In that case, it was putting the pressure on the person with the least amount of information, encouraging terrible behavior of employees coming in everyday to ask for more money, and letting the company off the hook. So, by shifting it to the company’s responsibility to do these pay studies, it shifts the dynamic and changing unwritten rules with the company showcasing people. So how do we change those unwritten rules?

**Ambassador Lawson:** I agree with you 100% percent, but until those changes are made, you have to take action. You cannot sit back and say your tenure will be gone before that change is made. This is something I had to learn, and I had to change. For example, when talking to associates interviewing, I spoke to an African American woman who said, “I know my grades aren’t as high as you’re used to.” I stopped her right there and said, “don’t you ever say that, you are your only advocate at this table, and you need to be that advocate.”

**Honorable Matt Nimetz:** We had senior partner at Paul Weiss who randomly grabbed associates for lunch. They were always males. Women came to me and said that the partner was mentoring those associates but that they were all male. I asked him why and the partner said that he never asked a woman to lunch because it would be inappropriate, and it would be a problem at home. He
never thought of it in terms of discriminating against women. How we tried to fix this was figure out ways to mentor women and minorities by changing the nature of the mentoring - not just a hockey game and beer. For your generation, it is going to be very different - mine was the WWII all-male military environment.

**Dean de Silva de Alwis:** Fascinating, I love the analogy of WWII and its impact on leadership in the United States.

**Ravid Reif:** As the Ambassador of the International Civil Aviation Organization and head of your department, how did you employ your leadership philosophy? Did you feel that women were adequately represented in your department and the ICAO as a whole?

**Ambassador Lawson:** Aviation is male-dominated field, but we found that at the Ambassador level there was more diversity than you would expect. It was more a function of the states the Ambassadors were coming from. For example, there was more gender diversity than I expected especially from Middle Eastern states. Respect within the organization was also significant – we voted a female Executive Director, for instance. The ICAO is more United Nations than aviation, and the UN as a whole is more progressive and welcoming. Having said that, I do not believe the United States has appointed a woman to serve as representative for the US at the ICAO. We have a long way to go.
The Honorable Matt Nimetz
Former Special Envoy to Macedonia

Matthew Nimetz is a former Advisory Director at General Atlantic LLC. Mr. Nimetz was a Partner and Chairman at Partner, Paul, Weiss, Rifkind, Wharton & Garrison in New York City, where he concentrated on corporate and international law from December 1980 through January 2000. Prior to December 1980, he served as an Under Secretary of State for Security Assistance, Science, and Technology from February through December 1980 and as a Counselor of the Department of State from 1977 to 1980. Mr. Nimetz’s previous federal government positions include service as a Staff Assistant to President Lyndon Johnson from July 1967 to January 1969 and as a Law Clerk to Justice John M. Harlan of the Supreme Court of the United States from 1965 to 1967. He served previously as the Founding Chairman of World Resources Institute, as a Director of The Nature Conservancy of New York, a Trustee of Williams College, Chair of the Advisory Committee of the Levin Institute of the State University of New York, and a Director of The Resvon Foundation and The Nature Conservancy of New York. Mr. Nimetz has done a LL.B. from Harvard Law School in 1965, an M.A. from Balliol College, Oxford University in 1962 where he was a Rhodes Scholar, and a B.A. from Williams College in 1960.

Maham Usman: Hi Judge Nimetz, thanks so much for being here. So I’ve seen you’ve done so many amazing things over the course of your career and I saw that you’ve often spoken about the differences between the public sector and the private sector. So my question is: have you seen any major disparities between two spheres with respect to diversity or opportunities for women and is there one area that does something particularly poorly or particularly well?

Judge Nimetz: I spent most of my life in the private sector but also spent quite a bit of time in the public sector, I was in the State Department for four years, I was in the White House staff for President Lyndon Johnson, I worked at the United Nations, I was Commissioner of the Port Authority in New York for a while, and some other silly things. I think two things—one is that the public sector, the laws and rules are stricter on discrimination, diversity, and the like, so the processes are more established; but, in the private sector you have a greater variety. The private sector moves faster. In the private sector if you have good leadership, it can move extremely fast to do something right, but in the public sector the processes that might be fair on paper, take a long, long time. When I was in the State Department our Secretary of State was Cyrus Vance—and this is a good example—Cyrus Vance believes a lot in diversity, he said we’re going to have more people of color as ambassadors and we’re going to have more women as ambassadors and that was high on his priority list.
But, the processes in the State Department of appointing ambassadors and the seniority system and the bureaucracy and the time element made it very difficult to make major changes there in the time period allowed. In the private sector, in a law firm, if the leadership wants to do something you can move a lot faster, so that’s a big difference. Also, the nature of the private sector allows people to do things dramatically. Take law firms in my years and you’ll notice—now you have over fifty percent of law students are women, so the hiring process is much more skewed towards hiring women and minorities. The other aspect is the private sector is more and more international, and as Dr. Khan mentioned, if you run an international company you can’t have all Americans. The Japanese are learning this—Japanese companies have traditionally been all Japanese at the top, but have now started to change. So if you want to be international you have to move really really fast in that regard.

**Maham Usman:** Thank you so much.

[Interview of Ambassador Lawson]

**Judge Nimetz:** Can I interrupt and add an example from my law firm Paul Weiss, Ambassador? Because it just rings true.

**Dean de Silva de Alwis:** Of course, of course

**Judge Nimetz:** So we had a situation when we had a very senior partner, a totally wonderful partner and a wonderful man, and in his mind totally nondiscriminatory. But, what he would do at lunchtime if he didn’t have a client lunch or something else, he would just walk down the hall, grab an associate and say ‘do you want to have lunch with me?’ and it was a form of mentoring, wonderful. But they were always males, because he was of an older generation, and he did that and I was head of various committees, I was chair of the firm for a while, and women came to me and said, you know, this partner is mentoring these associates and it’s wonderful but they’re all male—he doesn’t walk down the hall and go into a woman lawyer associate and say ‘do you want to have lunch.’
So I went to him and said ‘You know, we’ve had a real complaint, and you have this practice, and it’s a wonderful wonderful thing to have lunch with associates, but did you ever think of taking a woman associate?’ and he said to me, ‘I have never in my life gone into a woman’s office and asked her for lunch.’ He said ‘first of all, I was trained that do that is not appropriate and if my wife ever heard that I asked a woman lawyer, I would have a problem at home’ and he said, ‘I never even thought of it in terms that I was discriminating against women and that I was actually mentoring men in a way.’ Because, you know, at these lunches with a partner and associates, to all of you wherever you go, this is the best way to learn, is when you have informal talks with someone more senior and you learn a lot at those things, so what we did is—and maybe you did this at Skadden or other firms, Amy—is to figure out ways to mentor women and also people from minority communities who don’t feel as comfortable having no mentor whatsoever or a mentor who isn’t really appropriate—and of course in the days when we didn’t have many women partners, maybe only one or two in those days, and we had many more women associates coming up, the question is who does the mentoring?

But also, changing the nature of the mentoring, that it’s not just going to a hockey game with a bunch of guys and then having a beer. I’ll make a final statement here, I think the generation of you people listening here, is going to be very different. And it’s party because you're coming from a much more varied background, now, and you're entering a different type of world. And I do believe that people of my generation who grew up with the mentors and the leaders of our firms were all people out of World War II, we had the draft and the leaders of our country and the leaders of all of our institutions in the 50s and 60s were people who were formed during World War II in our military.

And they were a great generation, but they had their positives but they had their negatives, and the negative was that they were forged in an all-male military environment, that whole generation. And then they came into business and law firms—last week one of partners died at Paul Weiss, he was 108 years old and he came into the office every day until he was 106, and he had been in World War II, he was the last of that generation. So the new leaders are going to be different, and all of you are going to be different, but we’ve got to get over these stereotypes and these old ways of doing things.
Dean de Silva de Alwis: Fascinating. I love the analogy of World War II and its impact on leadership in the United States.

Maham Usman: So, my next question is, over the course of your career, have you seen any major positive progressions made in terms of inclusion, and on the other hand, what major issues still need to be addressed?

Judge Nimetz: I think earlier on I made a few of these points—dramatic changes in my lifetime, absolutely, in all sorts of ways. I gave examples in my law firm of women lawyers weren’t invited to the receptions and things like that, and very dramatic changes everywhere. The point that Dr. Khan made—pipeline—when the law schools only had 10% women, you couldn’t hire that many women, when law schools now are 50% women as they are in medical schools, you do. I made a point about generational change, I think that’s really important. I think examples in our society, when you have an African-American president, that sends a signal, it also arouses negative forces in society too so you have certain risks, but I think we’ve made tremendous changes through globalism, through better understanding, through teaching, so I’m a real optimist about how we’ve moved.

Now, I think there are a lot of things that need to be continued. I don’t believe that history is linear. I think that’s a really important point, especially for Americans—Americans always think things are going to get better; they don’t necessarily get better. You have to fight every inch of the way to maintain what you’ve done and to go further. And we’re now in a position in the country where some things are under threat, and some people trying to break down some of the improvements that we’ve made, and globally that’s the case also.

Parochialism, I worry about the situation in India, I worry about the situation in other countries of victimization, and some people think we’ve gone too far with gender equality and too far with marriage and same-sex marriage and things like that. So, we’ve got to be very very careful to maintain what we have and build upon the past. And I think that the issue of inclusion for women has moved now from the issue of ‘well, women were discriminated against and women didn’t have access’ to, now, how do you change the tone—and I think this is something that Amy’s been talking about—the tone of the voice.
I’ll just give you one example, one organization that I was on whenever we had a board meeting, the first ten minutes were the men bantering about the football game over the weekend. It was just a very male-oriented conversation, and the few women in the room and the few foreigners in the room would sit back and not participate, because they didn’t know what anyone was talking about. And that sort of male “bantering,” as I say, is not evil, these are not destructive people, but it’s not the way an organization ought to be working. So we have to work more on that, and I think it’s—as I’ve said before—generational, and I think the next generation will make tremendous progress.

Dean de Silva de Alwis: So I love in the way in which you raised two important points that are pillars of this class. One is that we are discussing leadership against the backdrop of a growing populism and tribalism, and looking at how leadership can be an antidote because we are facing a crisis in leadership as a nation and worldwide, so it is an important class we are engaging in especially because the legal profession disproportionately produces leaders both here in the United States and around the world.

But, the paradox is that law schools do not really address the issue of leadership the way business schools do. So this is, I think, one of the first classes that looks at leadership but through a feminist lens. And then you also raised the issue of tone—which Amy has been talking about—and that’s very important because we’ve been reading Isabel Wilkerson’s new book Caste, where she talks about those subtle, invisible, insidious biases that are almost invisible to the naked eye, but are as powerful as the wind that will knock you down.

So, unless you are able to identify the ways in which, as you said—you know here you have men talking about football but are completely unaware, because it’s an innocuous conversation, that women are sidelined, excluded, and marginalized from that conversation; unless you’re able to identify that and identify whether this is really an issue that excites women and women who may be global and who may think of football as soccer, you know the differences between football and soccer, and the ways in which we look at sports may be very cultural.
Dr. Mehmood Khan
CEO and Board Member, Life Biosciences, Inc.

Mehmood Khan, MD, is Chief Executive Officer and Board Member of Life Biosciences Inc. He joined the company in April 2019. Dr. Khan previously served as Vice Chairman and Chief Scientific Officer of Global Research and Development at PepsiCo, a Fortune 50 company employing upwards of 250,000 employees across 22 brands. Dr. Khan earned his medical degree from the University of Liverpool Medical School, England, and completed a fellowship in clinical endocrinology and nutrition in the Department of Medicine and Food Science and Nutrition at the University of Minnesota, Minneapolis. He is a Fellow of the Royal College of Physicians, London and a Fellow of the American College of Endocrinology.

Laurel Sutherland: Hi Dr. Khan, thank you so much for being with us today. You have a really impressive history working both in the corporate sphere as well as the medical sphere, at Pepsi and now at Life Sciences. I watched parts of your 2017 Keynote address at the Asia Diversity Leadership Forum, and some of what you said at the forum and today resonated with me. You said that when you first got to Pepsi, you were really struck by the fact that your Senior VP’s the Research and Development area were all male, white, and trained in North America. But then you mentioned that by 2017, you were able to transform this, and that most were women and half were trained outside of the U.S. So I’m wondering if you can talk more about the concrete steps you took to achieve that transformation, and then more specifically – something we’ve been talking about in our class is retention and also succession—and I’m wondering if those women stayed in those positions and whether they were succeeded by other women.

Dr. Mehmood Khan: Thank you. So let me talk about steps. In a business environment, perhaps too in any organization, since half my career was academic and half was – I must be the only non-lawyer or aspiring lawyer on this call.

Dean de Silva de Alwis: Well, you’re definitely the M.D.! The Dr. who is engaging with us. But it is to Amy’s point, to Matt’s point, and to your point that diversity is about diversity of thought. It’s not only about diversity in terms of color and race but in thought.

Dr. Mehmood Khan: My way of bringing about this change was to make the business case. To me this was not about trying to convince my board of directors or my executive team and others
that “we ought to do the right thing.” And as Amy has mentioned, you can make structural changes on paper by “doing the right thing” but the unwritten rules don’t go away. In my experience, the best way to take the unwritten rules away is to make the strongest business case and everybody’s incentives get aligned. And as I alluded to, when 70% of the shopping was being done by women, and more than 50% of the growth was outside the United States, then it doesn’t make sense to have 100% of your innovation leaders sitting in New York or Chicago or Dallas and all of them being guys who never go shopping. And so, I set about saying let’s start to represent our buyer in the leadership roles of what we’re actually going to be selling the world ….that was the first thing, and frankly, moms–because at least half of them who buy Pepsi products are mothers in one way or another–were going to make choices about our products in ways that we needed to understand. And it wasn’t good enough to do a “Q &A” and we got “insights.” That was one thing, so it was really … to make the business argument.

Having done that, I cast the net wide. Because Pepsi Co.’s history was one of manufacture faster, cheaper, quicker anywhere in the word–this was Lays, this was Quaker Oats– let me tell you how to make oatmeal around the world. I set about, one of the first people I hired was a computer modeling expert from Cal. Tech, who is an expert in modeling oil flow and temperature curves in the oil and energy industry. And when I brought him into the company, a lot of my people asked: well we cook in oil we don’t burn it, and that’s where he’s coming from! And the reality is which industry understands temperature pressure flow better - the food industry or the energy industry? And so this was really an example of diversity of thought, and when I started doing that guess what – the best candidates turned out to be different people, different backgrounds, and over half ended up being women. It wasn’t a counting exercise. It was: fill the role with the best person who could fill it.

And then in terms of retention and succession, I’m very proud of it in two ways. There’s more than a dozen chief technology officers in the food and beverage industry right now, or CEOs of food tech. who are people that worked for me. They trained with me, they developed their careers under my 13 years there, and eventually ended up in the c-suite. More than a dozen, about half of them were women. So I don’t think about succession just in the company, but if you want to start and change the industry, and you are seen by the industry as a leader who is changing –and Pepsi Co. was iconic, the biggest player in our space by far–then people are going to come hire your number 2’s! And that’s exactly what happened. So you put more than half as women, guess
what is going to happen? Those are be the people who get hired. So did they stay in the company? Most didn’t. But only one of them can go onto the next level, but all of them ended up in some sort of c-suite role in the industry. And to me, I just look at them as my network. Every time now I need to have somebody I can call, guess what I know the CEO of X,Y, and Z. We haven’t said one other thing, one of the things that is important. One of my people was an African American man, who actually was from Africa. He was born in Africa. And one of mine was a Korean. And so I think it’s also important when we’re talking about diversity in the boardroom, we have to think about the whole breadth and one of the most under-represented is black men, not just women. And we have look across the way.

**Laurel Sutherland:** You’ve taken a ground-breaking approach to studying aging [at Life Sciences], focusing on the pathology and biology of aging. We’ve been talking about stereotypes in this class, and something I wanted to ask about was the lack of women in STEM fields. The New York Times published an article detailing the implicit biases against women in these fields, how they’re sometimes looked upon less favorably in job interviews, earn less than their male counterparts, and are often sidelined side-lined for their accomplishments. So I’m wondering about what you think about this – why are women so absent in these fields, and more specifically, what are you doing at Life Sciences to promote the leadership of women and women of color?

**Dr. Mehmood Khan:** So let me just start back with – my head of R&D is a woman at Life Sciences, my chief scientist I should say, my chief head of R&D. My head of R&D is also a woman. So both of my senior-most STEM leaders are women. So hopefully that answers what I’m doing. Now that’s at the company level. I used be on the board of directors and board of governors of the New York Academy of Sciences. And without going into to all of the national committees I serve on. We took it upon ourselves at the Academy to connect women in what we ended up calling the Women’s Mentors Program, and we basically said we’re going to take successful women science leaders and connect them through social medial and internet to women–and essentially girls– anywhere in the world and each mentor that we brought would have a certain number of mentees. And the goal, which we exceeded, essentially was 1 million girls around world. So there are systematic ways of bringing about change. There’s the individual example I gave you and the systematic example I gave you.
The other piece of this that I think we have to remember is that we’re a lot better now than we were. The fact that I can hire two heads of R&D, or head of R&D operations and chief scientists as women—the pipeline is moving. When you look at medical school, the majority of entrants are women—it’s not men anymore. The majority of entrants to US medical schools and British Medical schools are women. And so we have this pipeline, but one thing we have to careful, is that it is specialty [ ]. So I think what’s lost in “let’s do the average for everybody” doesn’t work.

If you try and hire a–dermatology’s a good example–predominantly female, and those are going to be the chairs. If you now got of trauma surgery, for lots of reasons, predominantly male. This is not that one is better than the other. But I remember my time at Mayo Clinic, we were trying to find a chair of urology, and this is urological surgery in men, well guess what we couldn’t find a woman because very few women choose to go into male urology! And the same is true with gynecological surgery. So I’m just giving you—I think my point there, I hope you get it— is that averages don’t always apply across the field, and so we better be more nuanced than that and that’s the message I want to give. Because there are sometimes good reasons for the lack of diversity, and we sometimes forget that.
Anita McBride
CCPS Fellow in Residence, American University

Anita B. McBride is executive-in-residence at the Center for Congressional and Presidential Studies in the School of Public Affairs at American University in Washington, D.C. She directs programming and national conferences on the legacies of America’s first ladies (the First Ladies Initiative) and their historical influence on politics, policy, and global diplomacy.

Dean. de Silva de Alwis: So now I’m going to switch over to Anita, who has served under, I think, both Bush presidencies. And continues to serve Laura and President Bush. This is an important political moment and my students have questions for you.

Germaine Grant: First and foremost, I would like to thank you for being willing to engage in this dialogue with our class, we all appreciate it. My first question would be about you starting and working with the First Ladies Initiative. That is a unique field and we do not really understand their role or plight. Could you speak more to what the initiative is and how you got involved with it?

Anita McBride: Thank you for asking that. I love the opportunity to speak about First Ladies because it is a very underappreciated role, whether it is the First Lady of Nation or the First Lady of State. The initiative was started, and I give credit to American University, where the president of the University approached me as I was leaving the White House in 2004. He was an academic, and said that a school like American University, whose mission was to prepare people for public service and public affairs, that they have been watching with interest about the growing role of the First Ladies and how diverse it is. American University felt that this topic was worthy of more exploration. I was a little intimidated about taking on this role. Not because I didn’t understand the importance. I worked under three administrations and worked with Mrs. Clinton after her first lady experience ended.

However, I was not an academic. I don’t have all the letters or a law degree. I was not sure how I would be accepted at the University because I was a practitioner and not an academic. I really had to earn my stripes as an historian. I was devoted about telling the story of these women. In domestic and international affairs, these women have been some of our nation’s best diplomats. So, the initiative is under the school of public affairs, and it really is based on examining American
First Ladies, I have worked on another initiative that works with African First Ladies. We pulled together national conferences and historical institutions, like National Archives and the Library of Congress. We take these conferences on the road and get people who can talk about the role. We try to paint a full picture of their leadership and role. It’s an unelected position so it can be very tricky. The minute a President is elected, the spouse has a powerful platform, and this is what we examine. For the role of women, it is often that the First Ladies are a bellwether of change that is to come in women’s rights. The moniker “First Lady” can be deceiving. Not all of them like it. Someday it will be First Spouse and that will be really interesting.

**Dean de Silva de Alwis:** This is interesting because I was waiting for you to speak about how with the changing history and the changing times, we will move towards a First Husband and First Spouse.

**Anita McBride:** If Joe Biden and Kamala Harris are elected, we will see it in the vice presidency. He will have to carve out that role. He has a full-time career. He may put it on hold, or he may not.

**Dean de Silva de Alwis:** We look at the role of male ally, and it will be interesting to see the role of the male ally in the presidency.

**Germaine Grant:** So, going back to your international policy experience, have you seen a common trend of roadblocks to women’s advancement across cultures?

**Anita McBride:** Great question. Some of the barriers are cultural barriers. One of the greatest barriers is access to education. I saw this in Afghanistan when the whole world discovered that women were not allowed to be educated there. The Taliban forbid women from being educated. So, to rebuild access to education, women ran these underground schools to try to give at least some access to education.

**Dean de Silva de Alwis:** But one the tactics that you used was to work within women’s networks and these networks are one of your legacies.
Anita McBride: And it takes time in a post-conflict country to be able to do that. And that is the importance of the networks. Where access to education and resources is so limited, these networks are so necessary to get them help. Women who want to become entrepreneurs need access to capital, so networks with Goldman Sachs, for example, have been created.

Dean de Silva de Alwis: Last year’s class met Dina from Goldman Sachs. I gave a reading from Goldman Sachs this week. We read about Womennomics saving Japan from Kathy Matsui. Women’s work became smart policy.

Anita McBride: Let me add one last thing to Germaine’s question. We spoke about policies. We refined the measurement for what is most successful in society. That is when the public sector and private sector are working close together. The public drives the policy and the private finances it. This partnership really provides the most sustainable models for improving people’s lives.
Silda Wall Spitzer
Former First Lady of the State of New York

Silda is a lawyer, entrepreneur, and former first lady of the state of New York. In 1996, she co-founded Children for Children (CFC), a not-for-profit organization, to engage children from an early age in volunteering and service. She served as President and Chair until 2007. CFC has become the youth service division of Points of Light. She was Managing Director at Metropolitan Capital Advisors, a woman-owned hedge fund. Currently, she is Director and Principal at New World Capital Group, a private equity firm, investing in growth, equity, infrastructure, project finance, and environmental opportunities, including energy efficiency, clean energy, water, waste-to-value, and environmental products and services. She is also co-founder and CEO of woman-owned New York Makers, a digital magazine and marketplace covering New York state.

Dean de Silva de Alwis: So we have with us Silda Spitzer, the former first lady of New York. And as you can see I very deliberately paired our conversationalists. Here you are writing the cannon on the role of first ladies. The history of the role of first ladies. And here we have Silda who was the former first lady of New York. And, which is such a… it is only a small part of Silda’s own history, and Silda you know how much I love sharing your history, as a lawyer, as an entrepreneur, as someone who’s a champion of social justice, the rights of children. And now, as you can see, New York Makers. You know, you started New York Makers because you love the state. You love your city. And this is part of why you started looking at the ways in which you can champion, you know, New York made products. And most of our students are bound to New York. They’re on their way, passing through Philadelphia to New York for their first big law jobs. So I think it’s, it’s important for them to understand the ways in which you love your city. So, um, Silda, you have a conversationalist. Who is speaking with Silda?

Cassandra Dula: That’s Adam and Kristen.

Dean de Silva de Alwis: Perfect.

Adam Markovitch: Hi Silva, thank you for joining us. So one of our assigned readings today went through various types of leadership styles and qualities. And obviously from New York Makers and also being a director at a private equity firm, it’s very clear that you’re a very strong leader. And so, could you talk with us about the big challenges you faced in becoming one of these
leaders, especially in private equity which is such a male dominated field. And some insights into how we can do the same?

**Silda Spitzer:** That is a great question Adam, to focus on private equity and women. I think that is a particularly challenging area to be a woman and be a leader. Um, so.. but there are some amazing women who are in the private equity space and are really starting to kind of make their presence felt. I think to go back, I think a little bit maybe to Suneel’s point about taking risk and acting, I think a lot of it is being willing to just put yourself in the position whether it’s private equity or somewhere else. If that is your goal, to act on it and get in the game. And so, you can learn as you are going. You can start out in a lower position and move in. You can use education as a way to kind of hopscotch and maybe be able to come in a more senior way, or be more entrepreneurial, get your experience and then go out on your own. So I think there is no one reason, one way to end up in the leadership position, but I think the key is to have the vision, to have the goal, and to act to make it possible.

**Kristen Ierardi:** I can jump in with another question. Thank you so much for being with us! I wanted to ask you if you had any ideas or thoughts on concrete and constructive changes we can do as a culture, society, to improve things for women to become leaders in both the political and corporate spheres since you’ve had obviously great exposure to both of those, and your thoughts on that subject.

**Silda Spitzer:** Yes. Great to see you Kristen thank you for the question. And it’s a delight to see all of you, Rangita, I’m happy to join for this conversation, and I love the way Anita set up the framework for what folks who are in that first lady or first spouse position, where they walk in and what opportunity presents itself. But there’s a challenge that goes with it also. So, thank you for setting it up that way.

In terms of how to do things, Kristen, tell me how you want me to focus my answer here.

**Kristen Ierardi:** Well I guess one of the things that jumped out to me when I was doing some research on your background, in an article it quoted that you were working, when you were back at Skadden, you were sometimes billing years where you had over 3300 billable hours, and as
someone who’s thinking about going to big law, my stomach kind of dropped and I was like “oh my gosh!” And I see that you’re a mother of three, so maybe you could speak to that? Figuring out that balance. I know that’s something that a lot of people in this class have on their minds, even if it’s a couple years out.

**Silda Spitzer:** Right. So I think one of the things that I kind of started out thinking was “Ok, I’m supposed to be able to do this all.” The wisdom where I am at this point in watching how life progressed for those women of my generation is that you can have it all but you can’t have it all at the same time. So you really have to think about your priorities and what it is you want, and then figure out the way to get there. So, the children I think are really fabulous and wonderful, and really difficult to figure out that balance of how to give these lives that you’ve brought into being the time, the attention, the love and focus that they deserve. And also be able to do a career. I used to think “ok you can stay full time, you can work with two children.”

So then when I see someone with three children or four children, I can’t even go to our new Supreme Court Justice because that’s unimaginable to me. How you can keep working full time AND be the mom. So, for me, I found that I needed to sequence and I took the time once my third child was born, I just really felt like the balance of power had shifted and I needed to be where I could be a person who could actually say no, which babysitters are never going to do. And so that was a defining point for me so, you know, you may want to say think about having one or two children, unless you have a magical formula to be able to do it all, which I haven’t figured out.

**Dean de Silva de Alwis:** So Silda, a major part of our class is focused on egalitarian family leave policies, and the role I shape in terms of how these gender neutral family leave policies help both men and women to play an equal role in work and at home. And it allows men to have equal rights to caregiving. And women, equal rights to a seat at the table. And that you cannot have that equal right to a seat at the table, unless there is equality in the family and in the home, and that workplace has a role to play in that very domestic project. So I think that your conversation is very helpful…

**Adam Markovitch:** So, as a group of young leaders, each of us are going to handle unique challenges and crises in our careers and personal lives. So I wanted to ask you what your advice
is, as someone who has demonstrated immense resilience and grace under one of the most public, political, and personal crises in a leader's life. How do we learn from something like that?

**Silda Spitzer:** Uh, well, I think for that you have to look inside. And I do think resilience is the right way to think about that. And I don’t think about resilience in a narrow, just sort of response to crisis situations, but actually a balance of systems, so that whatever challenges come, you’re gonna be able to respond in a way from a position of core strength. So, which means that on an individual level, you have a very good sense of your values, of your worth, you have kept up/maintained your family and friend network around you. So in these most challenging of situations, sometimes when your feet get knocked out from under you, that becomes your support net while you are getting your feet back. And then you can take it to bigger levels of your professional life and network there as well.

So, if something happens in a disappointing event, professionally, that you can turn to your network, you can regroup, you can do your… Take another look at your strategic plan for yourself, and be able to figure out what the next best road is, or to be able to continue to do the work that you want to do. I mean, I think for me, New York Makers is a great example. When I was doing a lot of work around a sustainable community for me is everything, and so at the heart of that is kind of economic sustainability, environmental sustainability, all of those that allow the community to continue to be resilient.

And, in a public capacity, with doing a lot of different programs around that, and then when I found myself in a position where I was no longer in that public capacity, how can I keep doing the work that is substantively the most important to me? Where can I focus to be able to continue making an impact? And so I found that if you have your goals at your core, you’ve got your vision, then when you get knocked down, you take a step back and you reassess and you go “are these still my goals, my vision? And if so, how can I get there if this door is closed? Where is the window where I can go through?” So that is the advice that I would give, to kind of really all along pay attention to yourself, who you are at your core, and what it is that you want to do with your life. And then, you just have to be resilient in terms of finding a way to get there.

There was something Kristen said earlier that I don’t feel like I answered all the way. Sort of the basics, what do you do, where you are, to kind of get going. I think the women need to own their own finances. Whether you’re going to be a lawyer, whether you’re going to be a doctor, a
poet, whatever it is, we have to own our own finances from the beginning, and it goes to the access
to capital point that we were just talking about because it is very very difficult for women to get
capital. It is apples and oranges from guys who are going out and starting new venture funds, new
entrepreneurial ideas, there is more now than has ever been available. There is more focus on this.
But there is a HUGE inequity, and I think a lot of it really has to start with WOMEN and feeling
that we are ultimately responsible. I think there are so many societal messages that we grow up
with, that we live with, and then something happens and you go, “wow, I’ve really got to do
something about this”. And maybe it’s too far down the road to be where you want to be. So, I say,
starting out of the box instead of buying the new pair of shoes, open an investment account. Learn
how your finances work, and make that a part of your life and it will help open more access to
capital as you go, and it will help you have your seat at the tables.

**Dean de Silva de Alwis:** Absolutely. So, this is so important Silda, and there are so many points
that I want to extract from the gems that you just shared with us. Anita has to leave, so before you
leave Anita, I want to bring back the conversation to this moment in history.

Silda, so going back to some of what you said, I want to go back to some of the cardinal
questions that our class has been exploring. One, is the importance of women on boards. And, you
know, you’ve been writing about what’s important to boards in terms of sustainability.
Sustainability is a core value that boards need to embrace. And in talking about sustainability
earlier in the class, I shared with them Larry Fink, of Blackrock’s, charge, where he has $18 trillion
to invest and he says very clearly, and I’m quoting him when he says that he has taken “stock
investing in high sustainability related risks.”

Right, so “any kind of funds that involve risks in sustainability”. And this is a man that has
$15 trillion that he has to invest. And so you have been writing about sustainability as a core value
in reimagining a world, and I think in a post-covid world that is going to be something that is very
important. So I want you to speak again about sustainability as an important and cardinal leadership
value, and then, you talked to my class previously about intellectual curiosity as a leadership value.
You often turn to books and literature, and Mark Twain was one of your authors I think you relied
on for his wisdom in addressing some of the crisis situations that you found yourself in, or you
think young women and young male leaders find themselves in. So, the importance of intellectual
curiosity, and plumbing the depths of literature.
So, I think that’s important. And I see that trend with Damayanthi G, her own leadership journey started with listening to the great Neru, Jawala Neru, listening to his talk, and then reading about Ford, and his biography inspired you. So reading helps us to engage with the word and to rediscover the world. So I think those are important facets of your leadership. So first, Silda, and then Damayanthi G. So Silda, can you talk about those, first the importance of board and women on boards, and what we see in the Goldman Sachs report is that companies that have more women on boards do better. And there is now clear evidence based research to show that there is a correlation between women on boards and the performance of both the stocks as well as the company.

**Silda Spitzer:** Yes, well I agree with all of those things that you’re saying and I think it’s because women are bringing different perspectives, and this diversity, not just women but people of color, people of different orientation, I think people with different experiences perhaps from a particular… depends on the industry the company is in, but it is important to have different… Maybe it’s a customer perspective for a line of products, or maybe it’s someone who knows a lot about suppliers, the important thing is about getting different voices on the board and I think women’s voices are incredibly important to that.

And I do think the studies have shown that. So I think that is part of this. Really opening up a lens on business and having a more wise approach. Maybe it’s when you say sustainability, more of a longer lens. So it’s not about the short term meeting profit returns at the end of this quarter, but really looking out and saying is this company positioning itself so it can be here and be strong two years from now, five years from now, one hundred years from now.

So, I think that’s the idea of this sustainability, and the ESG, looking at the environmental, the social, and the government issues, and creating a more balanced focused company. I mean, if anything, this is like the company is a microcosm for a lot of where our discussion has gone and what Suneel was just talking about at the country level, with Bouton and what Bobby Kennedy, his “let’s not look at GDP as the sole measure, but something broader” of what defines success. So it’s not just the bottom line number but there are other pieces of the puzzle. And so it’s fascinating to hear this because we were talking about Bouton and the US but everything that he said is applicable to companies who are in the position today of trying to transition from really looking through the lens.
It has gotten very narrowed, so all you do is look at corporate profits and give back as much on the bottom line to shareholders as possible, as opposed to the broader group of stakeholders that are part of the world that a company occupies. So, we’re all part of something bigger so it makes a difference who our suppliers are, what resources we’re using, what we’re doing with the waste products from what we’re doing. Are we taking those and recycling those? Using them again? Are we treating our workers fairly? Are we opening our workforce to give opportunity to a broad range of people? And then, you look at your board, and how the company is being led in the same way. So I think we’re at a moment in history where we have an opportunity and the challenge to authentically embrace what I think is a wiser, more sustainable view of business with these companies by including the environmental, the social, and the governance factors. And that includes putting women and others with diverse backgrounds on boards.

Dean de Silva de Alwis: So this is so important because one of the cornerstones of this class, and the backdrop principle in the class, is this kind of inflection point in the history of business, where very influential business roundtables changed, shifted, from looking at Milton Freedman’s kind of philosophy that the purpose of business is profit, to now a purpose driven business ideal that encompasses ESG.

Silda Spitzer: So the key for this is authentic. And so I praise Larry Fink for looking at sustainability, and how he defines that with these different ESG factors, and actually acts on that, is what is key.

Dean de Silva de Alwis: Absolutely.

Silda Spitzer: Right, so you’ve got green watching, an older term for is a company really looking at environmental issues, or are they just talking about it and not really doing it. So, right, it’s what they actually do, and holding them accountable for that, I think, at the end of the day. So that you can have authentic change as opposed to keeping on doing the same thing, but just trying to wrap it in different paper.
Dean de Silva de Alwis: Absolutely. And we’ve been even talking about that even post Black Lives Matter commitments, and how much of that is rhetoric and how much of that is reality. And we call it action after the call, after the call to action.

Silda Spitzer: I think that each generation of women faces different challenges, but I think some of the underlying stereotypes and tropes are kind of always there. And I do think that part of the American story is not just that you have the dream and that you can get the dream, but that you have to face challenges and it is not going to be a fair challenge, it’s not gonna be the right challenge necessarily. What’s right and what’s fair it’s challenge, and it’s difficult, and we all face different versions of this in many different ways. And so I don’t assume that the path will ever be easy.

One of my daughters right now is facing some very interesting challenges and I do wonder if gender makes a difference there. So I think that we just have to be aware, and I will say I don’t think this is necessarily uniquely American. I spent some time in England working, I spent some time in Australia working, I was, after my first year of law school, I was actually in Australia working for what was then the largest firm in Sydney. I went into a meeting with a senior partner. I was working on some projects with him, we went into CEOs office of a very large Australian company, and were offering some advice. We walked in the door, it was going to be close to lunch time, but there was this cart that was set up with all this alcohol on it. And when the fellas saw me walk in the room, he said “just a minute can you wait just a minute please” and we watched as the secretary came in, all the secretaries were women, rolled out the cart with the heavy liquor on it, and then they reset a place for lunch that he then offered wine, because I was a woman and I was part of this meeting that was supposed to be a very serious meeting about issues and discussions, and so that was kind of a crazy thing to happen.

I went into another meeting in the US where I had been working on a case for eight months doing all of the leg work, making all of the connections with all of these very high powered folks who were helping the company and when the business person got ready to talk about the dynamics and things that were kind of like, not beautiful, they were kid of ugly things that were happening, he asked if I could please leave the room. And the senior partner who was in there said “no, she’s done all the work for this and she has to remain in the room or we can’t discuss these things with you.” So you need to have some advocates on your side, but we’re always going to be facing
challenges of one type or another and the guys who are on this call as well are going to face their own. They will be different, but we’re all going to face these challenges. It’s about being strong, and just keeping on and keeping your cool. And I think the more you believe in yourself the more confident you can be and the better you can represent yourself. And sometimes you actually have to represent yourself by leaving and going somewhere else. And making a choice and saying “this is not for me.”

Dean de Silva de Alwis: So Silda, what you spoke about, you know this group, we are building a movement here. I have fifty students in the class and they are the next generation of leaders, and I have male allies in the class who are taking a class on Women, Law, and Leadership. And Silda, when I was discussing this at our alma mater, at Harvard at the Kennedy School, they said “oh if we ever offered a class with “Women” in the title, no men will ever enroll.” That made me even more defiant about sticking to that title in my course “Women, Law, and Leadership.” I wasn’t going to take the “women” out of that.

And I have men, brave men who are part of this class because they see themselves as an important part of this revolution. What this new project. And they see themselves as male allies. And they will, when they join their firms, be seen as leaders because they took this class. Because they are the change makers, they are the male allies. So it is a secret weapon that they will carry with them. They are not doing it for that. They are not doing it for that added, kind of performative allyship. They’re doing it because they actually believe in this. They are going to reap the benefit of taking a class like this because they will be seen as leadership material. As those who are going to sponsor women who are going to realize women. So Kristen, do you have a question for Silda?

Kristen Ierardi: I guess one final thing I think that would be nice to close with is, as Bianca mentioned, a lot of us are second year students who are kind of trying to make what seems like really scary career decisions in the coming months. One of the things I wanted to ask you is, you made those comments about staying true to your roots and knowing what you believe in and what you’re passionate about. How did you kind of come to these decisions to find out what your roots are and find out where your passions lie? Did that just come naturally as you worked through your career, or were there times where you had reflection points where you really kind of looked inwards on what you thought was the right path for you? I ask this as someone who feels very
unsure and looks at women like you who have such a stellar and impressive resume and have done so many great things and have seemed to really found their niche.

**Silda Spitzer:** I think a good place to start for you would be to look back at the essay that you wrote when you applied to law school. And really question whether that still holds. Because, most of the law schools you have to write why it is you want to go. And so, I think that that’s a great place to start. And then, be very honest about now that you know what you know from the experience that you’ve had, from the education you’ve had since then, where- what is it that you want to do? What is it that you want to do with your life? How does this education feed into what that is? So I think you’re kind of building a first iteration of a strategic plan. So I like to sort of talk to folks who are trying to figure out at whatever stage they’re in. What do I do? How do I make a decision?

I think you go to the end and you say what is it that you want written on your tombstone? And then you figure out the same way that you would do a strategic plan for a company. How is it that you want to get there? How is it that you want to further your path there? And it can evolve. As you grow, as you learn more, you may have more than one goal, one priority. But you want to make sure and do those assessments and reassessments as you’re going along. So now is a good time to try to start to do that. To write down kind of your mission statement, and your vision, and then what are the steps. Do you need to go to a law firm and work for a year to get some good experience? Do you know, do you want to be on the corporate side, or on the criminal side? Do you ultimately want to be a public defender, do you want to go to a DA office, do you want to clerk?

All of these things, it’s helpful to have a sense of where you would like to end up, knowing what you know now, and then you make the best choice that you can make for how to get there. I think it’s great for your generation for law school. For example, now you can go out and work for a couple of years and then decide that you want to go clerk for a judge. That was something that was so out of the box for us, I mean if I didn’t take the federal jurisprudence courses and these certain courses and aim for the judges by the time I was leaving law school, I wouldn’t have a chance of clerking for a judge. So, now I think there is more flexibility and I think that there’s more mobility in the system to be able to do different things, to work at a firm, to do some public
interest work. Make your own plan, and try to look at what the opportunities are given what you want to accomplish.

**Dean de Silva de Alwis:** So I love the fact that you’re urging the class to have this kind of strategic vision, because the class is about leading with values. And to understand what are your values first and foremost, and make the values the primacy of your goals. And so, one of the readings that we had for today was Deborah Rhode’s “Law is the least diverse profession in the nation” and lawyers aren’t doing enough to change that. So the question we ask in this class is, as a class, in law school, as leaders, as burgeoning emerging leaders, what can we do to change that?

So, it is true leadership action, leadership activities, and that is why this class is part theory, part practice. And part of it is we study the theories of leadership, and then we apply our questions, with our interrogation, our students are interrogating great leaders of our time. Every week, we assemble a group, a galaxy of leaders, and that interrogation takes place, and then the students develop the transcripts and a report that looks at a variety of the stories of these leaders, the date behind the stories, and they also interview young male allies.

So, we will have over a hundred interviews with male allies in the law school, and Penn Law. Which will be, probably, the first ever study done on allyship in law school that looks at allyship through the prism of these interviews and these narratives and these stories. And that is why it was so important for me to have my hero, my own personal hero Damayanthi Gupta join us, because I think her story is the quintessential. And I hope you don’t mind me saying it is the American dream. And Silda, although you said that all of this happens in Australia and other countries, it is the kind – what makes America great.

Stories such as Damayanthi Gupta’s life story. And those stories really evolve against the backdrop of America’s democracy, and America’s compassion, and America’s tolerance. And I think we’re at this kind of inflection point where we need to reaffirm our faith in those values of democracy, citizenship, globalization, compassion, and tolerance. And that is why it was so special for me to bring together women who’ve been, who are part of that American story. Silda, your story is the American story, and I wanted the class to understand that Damayanthi G’s story IS the American story. That it is the quintessential American story.
Suneel and Damayanthi Gupta
Professor at Harvard University and Author

Suneel Gupta teaches innovation at Harvard University and is the author of the upcoming book, Backable (Little Brown, 2021) – exploring how to get people to believe in your ideas. The book is rooted in Suneel’s journey from first-time entrepreneur to being named “The New Face of Innovation” by the New York Stock Exchange. Suneel’s ideas have been backed by firms like Greylock and Google Ventures, and he served as an Entrepreneur in Residence inside Kleiner Perkins Caufield & Byers. He has personally backed startups including Impossible Foods, AirBnB, 23&Me, Calm, and SpaceX. In 2019, Suneel established the Gross National Happiness Center of America in partnership with the Kingdom of Bhutan.

Damyanti Gupta became the first female with a Masters in Engineering ever hired by Ford Motor Company in 1967. After being the first woman admitted to the engineering college that she attended in India and graduating, Damyanti moved to Detroit, Michigan, and started her new life with Ford Motors. Along with her own successful and ground-breaking career, Gupta has two sons, Sanjay and Suneel, who have achieved their own tremendous success. Sanjay is a practicing neurosurgeon and Chief Medical Correspondent for CNN. Suneel is a lawyer and MBA and is presently running for U.S. Congress.

Bhavin Shah: Damayanti, you speak in interviews about what the Prime Minister of India said. He said, India needs engineers. And I’m not just talking to you, boys, I’m also talking to you girls. And that is a subtle form of male allyship. I would love to hear about how that has resonated with you and how that’s inspired you to achieve everything you have achieved.

Even after becoming the first women at Ford, you were the first woman at your engineering school, which in and of itself likely brought many struggles. For example, there was no women’s bathroom at the time. I would love to hear about what motivated you internally to persevere through those hardships to even go on and become the first woman engineer at Ford.

At Ford, what struggles did you face with respect to your male colleagues? I know there were male coworkers who gave you secretarial work when their secretaries were not there. And then when you went to take maternity leave for your first one, you were unsure whether they would even take you back. How did that shape your views?

Suneel, from my personal experiences, male allyship often gets sparked from your own experiences and from those closest to you. For me, my mom is certainly one of my biggest inspirations. So, I would love to hear about how Damayanti’s story has shaped how you think about things. Both growing up and now?
Suneel, now that you are successfully in the entrepreneurial sphere, what actions do you take now to promote up and coming women entrepreneurs and colleagues who are trying to break their own glass ceilings?

Dean de Silva de Alwis: Suneel, I would also like you to explore your own political journey. You have a sort of nimbleness in your career. And it is a path that I would like my own students to follow. You are a lawyer, and entrepreneur, an investor, and also someone who has run for political office. And although you failed, you see political office as a long-term journey. And I know you will continue to be a part of our political history. You just authored a book, Backable, which looks at the most important qualities of a person to help others invest in them.

Suneel Gupta: Why don’t we start with what are two pieces of advice that you, Damayanti, would give to Sammy (Suneel’s daughter and Damayanti’s granddaughter) as she tries to follow your footsteps?

Damayanti Gupta: First, be happy. That is a key in life. Andrew Carnegie said, stop worrying and start living. That quote has stayed with me for a long time. He says, work never kills anyone, but worry has killed so many. People are so stressed out. Right now, experts are saying that 90-95% of diseases are worst because of stress. So, how can we live happily? Be stress free. And it’s not that difficult. When I was five years old, I was a refugee. And I saw my parents and grandparents going through very difficult times, but they I never saw them complaining, crying, or depressed. They always worked hard. My mother, who only had a fourth-grade education, looked at me and said, you are going to get something that nobody can take away from you. And she kept her promise.

And yes, I attended the Prime Minister’s speech that day. Thousands of people must have been there. I walked very early in the morning to sit right near the podium on the floor and listened to the speech because at that time, I was still searching for what I wanted to be. I did not know at that time. That was actually the first time I heard the word engineer. And I promised myself that one day I would become an engineer, and I did. And when I was 19 years old, I came across a biography of Henry Ford. He said, whether you think you can or think you can’t, you are right. I
didn’t understand that message the first time I read it. I kept going over it and wondered what he was trying to say.

I now understand that hard work, confidence, and mindset decides the success in our life. And that day, I promised that I would reach that. If I think I can do it, then just with that mindset, I should be able to do it. And I told my mother about that, and she really supported me. But then she started asking some friends about me going to engineering school. She wanted to take me to a palm reader, after getting that advice from friends. In response, I asked her if she had a knife. My mom asked what I was going to do with a knife. I said, I’m going to draw my own lines. If you can show me which lines support me going to engineering school, I’ll draw those lines.

This relates to my second piece of advice. You have to learn to believe in yourself. If you don’t believe in yourself, who is going to believe in you. If a pandit told me I was going, I would have stopped working and been complacent on that notion because I would just think that I’m going. If he told me that you’re not going, then I would have been discouraged and stopped working. So, either way, I would have stopped working. So, I didn’t want to listen to a pandit. I wanted to listen to my own heart. Never listen to anyone else, listen to your heart, and you will accomplish a lot more.

**Suneel Gupta:** I always get inspired when I hear my mom speak. You’re getting a flavor of what it was like for Sanjay (Suneel’s brother) and I growing up. One thing that really comes to mind as I listen to your questions, Bhavin, is that I just finished writing this book and I just finished this process of going out there and interviewing very successful people who have reached the top of their respective industries. From Oscar producers to leaders of political movements, founders of iconic companies, culinary icons, etc. And one of the things that continues to come up over and over again is courage.

Often times, we believe that you build up courage and then you take action. But if you look at people like my Mom, they actually have it in the opposite direction. You take action first, and then build courage along the way. As one entrepreneur said, it’s like jumping off a cliff, and building a plane on the way down. I find this mindset to be a common theme from leaders all over. They don’t wait for courage to take action. They take action and let courage catch up. That’s something that Damayanti has instilled in me and Sanjay. To not wait. If you wait for “the right moment,” you might be waiting for a long time. And that is related to the journey I’ve taken, which
comes a lot from my brother Sanjay, who shifted from medicine to media and was able to do both successfully.

It instilled that you don’t need to have boundaries. In life, society will do its best to make you believe that you have boundaries around you. That’s because society operates pretty well with boundaries. But in some cases. And not in others. So, we have a lot of people who believe that there past determines their future. But that need not be true. Your past can help your future. Your past can inform your future. But your past does not determine your future. Right now, you are all studying law because that’s something you’re passionate about. And that’s fine. I was, too, when I went to law school and even when I started practicing law.

But there came a point when I started becoming interested about other things. And when I did, I started to consult people I went to law school with and other attorneys about making this shift. And often times, the advice I would get is to stay in my lane. You spent this time going to school, you have this degree now, go do this now for a long time, and then maybe you can jump over. And I just looked at my Mom’s story and Sanjay’s story and it didn’t seem right to me. I’m passionate about something that is slightly different than the degrees I have. That shouldn’t stop me from being able to do that.

And so, I did. I got involved with entrepreneurship, product development, and I decided to keep going down those paths. There are going to be so many times in your life where you are going to be led to believe that you need to build courage and competence in order to take action. Do your best to reverse that. Take action and build courage and competence along the way.

Dean de Silva de Alwis: This conversation is on your Twitter feed that Damayanti G. engaged with 25 years ago. Someone shouted at her, go back home. And she said, this is my home. America is my home. And then, he or she shouted, go back to the kitchen. And she said, my lab is my kitchen, and this is where I belong, both in terms of my country and in my workplace. Those are important because things have changed, but have also, in some ways, remained the same. Unfortunately, women still hear that, go back to the kitchen, and immigrants still hear, go back home. So, your story parallels the lives and realities of many students, own stories. And that is a sad part of our national narrative.

Suneel, can you tell us about how you view family leave issues and the ways in which equal rights to caregiving plays a role in equality.
**Suneel Gupta**: In the book, Caste, Isabelle Wilkinson compares the caste system to a physical cast. They are both put in place to keep things the way they are. To make sure that things don’t ever change. That’s why we have systems like this. It is a responsibility of leaders to find a way to break the cast. That’s why I continue to come back to my mom’s story. And this was in the 1960s. She finds a way to get to the US, get an education, and get in front of a hiring manager. But the problem was that when they looked at her application, they didn’t realize that she was applying for an engineering position. So, he looked at her and said, I thought you were applying for a different job. We actually don’t have any female engineers.

Now, just put yourself in those shoes in the 1960s. She’s in a different country. Most people would probably get up and walk out the room. I might have. But instead she looks at him directly in the eyes and tells him her story. All the struggles she went through to be in this very room. And then she says, if you don’t have any female engineers, then do yourself a favor and hire me right now. And that’s how the cast on that system was ripped off. And it was a two-way thing. Mom presented the story. And the hiring manager was so inspired that he put himself out on a limb and decided to be an ally. Mom, maybe you can fill people in on the other struggles after getting into the room. Specifically, when you were pregnant with Sanjay.

**Damayanti Gupta**: When I was expecting Sanjay, I used to get morning sickness. Ladies room would be an awful place to go. Ladies could not smoke anywhere but the ladies room. And so, the whole room used to smell really bad, which made me even more sick. The boss’s secretary came to me asked me if I was expecting a baby. And I said yes. She then went to talk to my boss. And one day, my boss called me to his office and said, make this month your last one. Women don’t come to work when they start showing. And he didn’t want me to come back to work even. And he’s the person who really liked me. In those days, Ford used to have this program for fresh graduates. In that program, new graduates were supposed to rotate every few months from department to department until they found the right match. Instead of letting me go to other departments, he found that I was a workaholic, and so he kept me there until I was now expecting a baby, and now he wanted nothing to do with me. I don’t think he was a bad person. Rather, I just think he was really old fashioned.
So, I went home. I was disappointed. But my husband, who has always been supportive, said don’t worry. Right now, enjoy. Let’s have a baby. We can worry about your job after that. Afterwards, I went back to the same HR person who initially hired me, and I said I wanted to try something different. I didn’t get a chance to rotate. I said I’m ready to go into any department. I’m ready to work. So, he sent me to another place. And I got such a nice boss there. He’s still my friend. He’s 95 years old and we are still friends. Within three months, he promoted me in that department, even with a baby. And then life went on.

And when I finished my 30 years with Ford, they had a big celebration for me in Ritz Carlton in Dearborn, Michigan. At the same time, they were playing my tape that the first woman has completed 30 years with Ford. The next day, I got so many emails, mainly from young females, about how I survived 30 years in this man-dominated field. Some asked me if I was married and had children. By that time, Sanjay was doing his residency in neurosurgery and was selected to be a White House fellow under President Clinton. Suneel was also selected to be a White House intern in the same wing. My working inspired them. But I never really spent time without them, except my work.

Actually, I asked Sanjay when he was 12-13 years old, because I felt guilty leaving him. I asked him, what do you think of your mom working? He said, mom, I’ve never seen you not working. But I know one thing. When you are not working, you are always with me. So, you don’t go out and have fun without us. And they both turned out to be great sons.

Dean de Silva de Alwis: Suneel, can you channel for us Sanjay and his spirit and philosophy of leadership?

Suneel Gupta: When we are different, are we going to try and fit in or stand out and be the individuals that we are? Our job is to stand out and celebrate what makes us different and to be uniquely, you. When that happens, you are the best version of yourself, and that’s what we need right now. We don’t need a diluted version of you, we need the best version of you. And you can only do that when you are not trying to just fit in.

There’s a fascinating story I will leave you with. A primatologist who researched apes and chimpanzees did more for this field than any other primatologist. He came back to the U.S. after spending a year and a half in the jungle in Africa. And one of the people in the audience looked at
his research and said, we have been studying these animals for centuries. How is it that you were able to get so close to them and they were able to let you in? His answer was, I never carried a gun. Although it was common practice to carry a gun in a backpack, he never did. His belief was that if you can show your full self, that is the best way to connect. So, in channeling Sanjay, it is our job as leaders to double down on our differences. Know what it is that makes you unique and not hide from that.

Dean de Silva de Alwis: Thank you, Suneel. When I looked at Damayanti’s legacy, I see you and Sanjay as part of that legacy. Time Magazine celebrated Damayanti as a first, and your sons are allies.

Bhavin Shah: Just as last question. As we begin to embark on our legal careers without too much power starting off. What can we do right now to help this mission?

Suneel Gupta: You can spend a lot of time right now thinking about what it is you want in life. We don’t take enough advantage of that. Because the thing about being a part of an amazing law school is that we look around us and think that we want what everyone around us wants. And it’s easy to get caught in that trap. And then all of a sudden, what sounds the most prestigious or objectively successful, is what you find yourself wanting. When maybe deep down, that’s not actually what you want. So, you want to be clear about what you want. And that change. Your past does not determine your future. But right now.

If no one was watching, and money was not an issue. Take away all the practicalities, even just as a useful thought exercise. If anything was possible, how would you be spending your time? And just one story on that front. I recently took a trip to the Kingdom of Bhutan. And Bhutan is fascinating. About 50 years ago, they decided that they were no longer going to measure progress based on gross domestic product, the way most countries do. Instead, they were going to measure progress by what they call gross product happiness. And gross product happiness doesn’t ignore the economics. Economics are very important to happiness. But it is not all of it. Economics are just a part of it. And it was very interesting for me.

I asked how the idea of this came up. And they said, we got it from the United States. when Bobby Kennedy was running for President, in 1968, he was running on platform that said we are
measuring ourselves in the wrong way. And if we continue to measure our progress in the wrong way, we are going to climb the wrong mountain and leave a lot of people behind. And so, as a country, we need to take a step back, and figure out what matters most to us, because I’m pretty sure that gross domestic product is not it. When Bobby Kennedy was murdered, that idea sort of left with him. But a young King across the world ran with it. And now we have this great experiment happening in Bhutan. I am saying that because I think we can take that lesson and apply it to our day to day lives. What is it that matters most to us? Because it may not be the same as those around us. Their goals are not our goals.

Dean de Silva de Alwis: Thank you, Suneel.

Bianca Nachmani and Karis Jackson: Do you have any advice for us as we embark on our own OCI process? And especially, Damayanti, as a woman of color?

Damayanti Gupta: It was somewhat challenging. I came with my dream. When I reached Michigan, I had no boots. I had no car. I didn’t have a warm coat, even though there was a foot of snow on the ground. But I had my greatest weapon with me—my life-long dream. And I was not going to let that go at any cost. And that’s how my journey started. When you are confident, and want something very badly, you are going to get it. Just don’t give up. Don’t let anyone tell you that you can or cannot do something. I didn’t come to Ford Company to be a first. But at the same time, I was not afraid to be first. I had been first at many places. First one to be admitted into engineering college in India. First female engineer to work in Germany. First female engineer to graduate from Oklahoma State with my master’s degree.

So, when I went to Ford, I went with my full confidence that I am going to get this job. And from then, it’s up to you on how you convince them. When he HR person heard my story, and I only weighted 103 pounds at that time, he thought I was a high school graduate applying for a secretary job. And when he looked at my resume, with straight A’s and great reviews, he was surprised. He said to me at the end, you deserve a chance. I have to send you for an interview. And after two hours, I came back, and said I got a job. After the whole interview was done, the boss called me into his office to make me an offer. He sat me down and said I have a big problem. He said, I cannot pronounce your name. So, you can have a job, if you can come up with a nickname.
I came up with Rani, which means a queen in Hindi. If you are making me change my name, you better call me queen from this point on.

I can tell you about another story. A senior engineer walked in once and started sneering at the numbers I had computed. He said, all my numbers were wrong and started walking away. So, I asked him to come back. And I said, let’s make a bet. For every number wrong, I’ll give you a dollar. For every number right, you give me a penny. Do you want to take that bet? And he just walked away. Now, at the same time, don’t have false confidence. I worked very hard on that report, which is why I felt very ready. If someone tries to challenge you, challenge them back, and they will never ever come back to you again. But you have to be confident with the right reasons. Don’t be confident if you are not sure about things. But work hard, and then be confident, and no one will challenge you again.

**Bhavin Shah:** Thank you. How important is it to be yourself? And how do you do so?

**Damayanti Gupta:** Once, my son Sanjay asked me if he could change his name. He wanted to be Steve. I said fine, I’ll come to school with you tomorrow and we will change your name. But I asked him how many Steve’s were in his class already? And he counted 4 or 5. Very common name. Then, I told him that one day one of those Steve’s are going to do very well. But at that time, people are going to have a hard time figuring out which Steve. But the day Sanjay does something good, there will only be one Sanjay. Next day, Sanjay said I don’t want to change my name anymore. I want to be Sanjay. Otherwise, today, you would have seen Steve Gupta on television, not Sanjay Gupta.

**Dean de Silva de Alwis:** Any last words, Damayanti?

**Damayanti Gupta:** Any time challenge comes, look for opportunity.
Margaret Hagan
Director of the Legal Design Lab, Stanford

*Margaret Hagan is the Director of the Legal Design Lab and a lecturer at Stanford Institute of Design (the d.school). She was a fellow at the d.school from 2013-2014, where she launched the Program for Legal Tech & Design, experimenting in how design can make legal services more usable, useful & engaging. She teaches a series of project-based classes, with interdisciplinary student groups tackling legal challenges through user-focused research and design of new legal products and services. She also leads workshops to train legal professionals in the design process, to produce client-focused innovation. Margaret graduated from Stanford Law School in June 2013. Margaret holds an AB from the University of Chicago, an MA from Central European University in Budapest, and a PhD from Queen’s University Belfast in International Politics. She is originally from Pittsburgh.*

**Margaret Hagan:** I’m really happy to be here and see your faces. Human-centric design is really a new pair of glasses that any professional can wear, including and especially lawyers and people in the legal system. It is a way of looking at problems that is complementary to the thinking like a lawyer way of looking at problems that were being taught at law school. It is still critical and can be very analytical but it’s really looking at the system around us and our practice and the problems with it through this lense of “What could be better?” What are people experiencing right now whether they are service providers, decision makers, staff or and especially the user of the systems, the litigants, the defendants, the people whose lives and well-being relies on the legal system. What is going wrong for them on a very human personal non-abstract level?

And what are the interventions, ideas, new policies, technologies, services, illustrations that we could be providing that improves both their experience of the legal system as well as their outcomes, the actual justice or dispute or other social outcome. It is this way of looking at how can we get as many of these stakeholders to come together to work collaboratively on both defining that new vison setting that new agenda and brainstorming ways to get there as well as actually experimenting and launching these new interventions and gathering data about what works and what doesn’t.

If I was speaking to a class on entrepreneurship and legal tech, design is a complement to that very technologically optimistic mindset of: oh lets just build some new tech and the whole legal system would be better. Design is much more about who is involved in setting the agenda of innovation. Much more participatory
There are different types of designers and design, but at our lab and many of the other law school labs working on justice, we use techniques that came out of Scandinavia called Participatory Design or Community Led Design which really prioritizes having a very diverse group of stakeholders in the room to both review and critique the current system and then together collaboratively define the agenda or test out the new proposals. Trying to make it as democratic as possible. Because I think most decisions being made, I have focused mainly on eviction and debt courts, people who don’t have lawyers, the whole system has been designed to be efficient for judges, court administrators and lawyers in that system or repeat players from the plaintiff’s side. The question is, if we have people who maybe once or twice in their lives have to go through courts, how do we get their perspective included as these systems are being reviewed or set up.

**Bianca Nachmani:** Hi Margaret, my name is Bianca. It is truly an honor and I am so thrilled to have you here. I actually came upon your research after we had another speaker come in who sparked the idea in me about Legal Design and how it can be used to boost diversity and inclusion in legal workplaces. So, kind of taking out that goal of access to justice and inputting the goal of making the workplace more inclusive for women especially women of color to take positions of leadership.

To start off, I just want to give you a little bit of that story because I think it really tells you a lot about how I think legal design theory can influence this place that we talk about everyday in this class. We had a speaker come in who advises large corporations and law firms on building new corporate cultures. He spoke about the importance of artifacts in making that change and gave the following example. If you put running shoes by your door, you are much more likely to realize your New Years resolution of running more.

What he was getting at, and what sparked in me was that design influences behavior. And that’s why design is such a powerful tool and lens to transform the legal industry on the front end, for the client interface, and on the backend, where lawyers operate. In that moment, I knew I was on to something. I ran a few google searches and your name was one of the first to pop up. The way you described the legal design theory matched up almost word for word with what I had envisioned after that one class a few weeks ago.

I think that design opens up a whole new avenue to implement change in the way law firms operate for the better. To make sure that they’re promoting leadership through the design of their
firms, structurally, physically, through their space, the technology they use, formatting of information, information channels and managerial structures. I know this isn’t everyone’s wheelhouse, so I wanted to share an infographic that you made to illustrate the different types of design if that’s okay with you. What this shows is that there is system design, organization design, service design, product design and information design. When you think of design, you probably think of interior design, that is part of it but absolutely not all of it. I’m just curious, how did you come to realize the impact that design can have on the law? What was your journey to leadership in this area?

Margaret Hagan: That’s very interesting. It’s quite circuitous. I had a very academic background before I even went to law school. I went to law school when I was 30, so a little bit older. I thought I wanted to be a diplomat and I had already done a PHD, I got a scholarship to go to Belfast in Northern Ireland to get a PHD and I really thought I was going to end up in the State Department. I took the foreign service exam but some of my friends told me that if I went to law school, I could enter the state department at a higher level, more control over my career, so I did that.

But as soon as I ended up in law school here at Stanford and there was all of this tech-bro buzz in 2010 when there was still a lot of optimism and everyone was doing a startup including many of my law school colleagues. It was all about that quick sell-your product to Westlaw and make millions of dollars. I had that same buzz because I had been studying Human Rights Violations and how to keep governments accountable, so I thought hmm, maybe I can use all of this tech-bro startup culture to think about diplomacy in a more human-rights oriented way. Hillary Clinton was still Sec of state and they actually had an innovation lab in the State Department’s basement so that became my focal point my 1L year to use all of this tech stuff for public interest.

I started taking those classes and realizing that CS is not nearly as intimidating as I thought it had been as a career scientist. So I got more into entrepreneurship world. I knew I never wanted to go public, have the startup, or pull my hair out with all nighters trying to make millions of dollars, that’s just not my motivation. I knew I wanted to do something in the public interest. But it was actually my third year taking Deborah Rhode’s class on Ethics, which I hadn’t imagined would be so inspirational, which really focused me on what was happening in our own backyards, the access to justice crisis and how many Californians end up with their lives destroyed because of going to court without a lawyer.
Those two things of all this potential with legal tech and this focus on access to justice and very meaningful challenges right in our backyard not millions of miles away in a foreign country, made me realize that there was all this potential to combine those worlds and one that was much more suited to my value system, which honestly is not that adversarial. All of those law school classes about litigation; I just couldn’t adjust my personality enough to want to have an adversarial type of day to day life. I didn’t care too much about big deals and being a transactional lawyer. So I realized there was this way to be a leader in this space of design where it’s about convening people, facilitating the best and aligning interests and you still get a lot of interesting and powerful folks to work with.

Now I’m able to convene all kinds of state supreme court justices or major corporations in house legal department and bring them together with people who are much lower in their organizations or their users and have these terrific conversations. That’s the best payoff. That’s the type of leadership I like when I’m facilitating other people’s breakthroughs or great experiences. It’s trying to find that leadership role that’s aligned with my value system but still allows me to assert the view of the world that I want to exist. Something that’s more cooperative and about getting to good policy outcomes.

**Bianca Nachmani:** We spoke about, Susan you mentioned this as well, the importance of having an interdisciplinary aspect to the law. When looking at the struggles that face the legal industry when it comes to women in leadership, I feel like our struggles are not unique. The financial industries are structured similarly, and they’ve struggled similarly with leadership and diversity issues. Do you know if design has been used to remedy these problems in any other industry? Is there precedent for using design to remedy these problems? Do you have any thoughts on why the legal industry is so behind on adopting innovation compared to other industries?

**Margaret Hagan:** I’ll take the two questions separately. First, on design as leverage for diversity inclusion, etc. Obviously here in CA, surrounded by tech companies that’s a huge issue, and many other professional services. My husband is an organizational designer for a large tech company here. I see in parallel the kinds of efforts that they’re doing, and they do use design in this kind of participatory, getting all voices heard, bringing people together to hear ideas for new events, policies, training programs, it’s just a very hard structural problem, so there’s not this perfect case
study of the perfect intervention or even perfect process to be used to transform access to equity inside these organizations.

There are many wonderful student groups who have come up with Design for Equity, this new movement, that has only accelerated in the past year. It started out mainly working in partnership with government agencies or other agencies with explicit mandates to be equitable or accessible or else they would be sued by the justice department, so this kind of design for equity thing has really taken off and is now being brought into the corporate sphere for many of these professional services firms. Mainly what it involves in is this getting more diversity of ideas giving pots of money to run experiments promoting these grassroots ideas to be tried out and if they seem to work, people seem to engage with them, then giving them more support and funding.

I have run a few of these types of sprints with large law firms about how to retain more diverse talent, how to build, this year especially with everything going on with Black Lives Matter, etcetera, there has been many large tech companies, lawyers, groups and firms who are explicitly asking themselves what is inside of our power to make society more equitable as well as to make our lawyers or outside counsel’s lawyers more diverse with more leaders from different racial, economic, ethnic and gender backgrounds. It’s a giant mystery of how to actually get from that question to impact. So there is a HUGE opportunity area there. There is a hunger for ideas but honestly not many people who specialize beyond implicit bias training or inclusion-oriented seminars.

Two years ago, a very large and prominent law firm. Not necessarily the most female or minority friendly law firm, kind of a cut throat culture. They had a real problem with retention of women, folks from LGBTQ communities and racial and ethnic minority groups. They recognized that problem. They were concerned about their ranking around that problem. We brought a group of a five of their leaders to Stanford to do a workshop on what kind of event or process they could use. Leadership brainstorming about what their top partnership leaders, associate or other lower-level leaders might tolerate. What framing, amount of time, how it could be attached to other events to get buy-in and participation from people who don’t typically go to these things or give them much respect.

From that planning session we actually held a very large event in NY along another large even they were running with one day where we had all kinds of associates, with heavy representation of different minority, LGBTQ and gender diverse groups be given a mandate by one
of the leaders of the firm that any ideas they come up with in the next 6 hours we will seriously consider funding or giving you compensated time to actually invest and build out. Those partners were asked to leave and we had 6 hours of intensive brainstorming, creating prototypes, thinking through incentives, policies, tech, services that could help deal with the retention issue, but coming from the folks who these retention policies were aimed at.

Then presenting that back out to the partnership leadership, having them be obliged to actually listen in a semi anonymous way so people could talk more honestly and critically about what was going wrong at the firms so that they could be protected personally but be able to assert and work together to come up with a supported idea. That was one model to do it. The problem with law firms often though is the way things are built and the way compensation is structured is there is not much time for these strategic, long term initiatives to really brew.

[below, please find some of the graphics that were mentioned in the interview]
WE NEED LEGAL TECHNOLOGISTS & DESIGNERS WORKING ON

- Presenting Complex Information Simply
- Efficient High Quality Procedures
- Case Law Search
- Online Client/Attorney Matching
- Automated Document Reviewer Quality
- Attorney & Client Collaboration Tools
- (Little) Big Data
- Settlement Predictions

The Next Generation Law Grad

- **Product Developer**
  - I am able to get from an idea for a new product or service to an implementation.

- **Scouter of new Value Models**
  - I know how to spot and model business opportunities -- and bring in new revenue.

- **Visual + Tech Communicator**
  - I am able to use the best visual and digital tools to explain, persuade, and collaborate.

- **User-Centered Strategist**
  - I can see legal services from my clients’ point of view, and I’m remaking old models to fit them.

- **Tech Interpreter + Experimenter**
  - I ‘get’ big data, machine learning, AI, -- and I’m scouting opportunities to apply them.

- **Integrated Collaborator**
  - I work well with engineers, designers, businesspeople -- I’m not sloshed off, I’m not the cold water.
DESIGN
to make things people can & want to use

TECH
to increase the effectiveness of people’s actions

LAW
to promote a fair & just society, and to empower people
Shalini Ganendra
Founder, Shalini Ganendra Advisory

Shalini Ganendra’s impact on cultural development has been defined by over two decades of informed cultural engagement. Through programming, research, publication and overarching commitment to transnational connection, she has furthered recognition of, inter alia, the distinct and longstanding creative practises of Sri Lanka and Malaysia. Shalini is Sri Lankan born. She was educated in the US and UK, graduating secondary from Phillips Exeter Academy where she is a Harkness Fellow, after which she read law at University of Cambridge, Trinity Hall. She obtained a LL.M. from Columbia University Law School and is a qualified Barrister and New York Attorney. She is currently Associated Academic of the Art History Dept and Research Associate, St Catherine’s, Oxford University. Her inter-disciplinary research considers ‘patterns of influence’ between rare early photographic images and related texts from/of Ceylon/Sri Lanka and their influence on the development of local identities and perspectives.

Cordelia Mikita: Just last week we were talking extensively about the stay in your lane attitude particularly in the law where we feel the pressure, after going through all of this education, to stay strictly in the legal filed at firms, just focusing on what we’ve been preparing for. But of course as you’ve detailed you’ve made a lot of different pivots and in addition to practicing law you’ve worked on an astonishing array of cultural programs and initiatives, and been involved in education as well. I wonder if you could speak a bit to your thought process when you first made the shift and then any differences of commonalities you’ve observed in the obstacles to women’s leadership in these different industries and these different professions as well as some strategies you’ve developed for overcoming them

Shalini Ganendra: Okay, let me start by saying that I actually found the practice of law and the training that I received in project management absolutely invaluable, along with development of client interaction skills. Those were professional and life skills that have really defined, I would say, whatever successes I had to start off with because it enabled me. Those experiences enabled me. My daughter is actually reading law at Cambridge right now and my advice to her is, you go through this law course, you learn this skillset, if you can practice of do something in the law just to get that training it’s worth it because you can pivot any way you want with that. You know, I mean you’re all lawyers you know that the law teaches us how to think with, good lawyers think with incredible flexibility, so we should be able to pivot into any role at any time.
It’s that resilience that really we should excel at. Barriers are, it’s a term that I never allowed myself to understand or see. Looking back, perhaps there were barriers that I didn’t really notice, and may have explained certain responses, but you know I just pummeled my way through. My focus was on quality delivery, it really was always on quality delivery. So it meant that whatever I did, I had to ensure that I would know the answer, if I didn’t know the answer I would find the answer, and that has held me in good stead. Now this is not to say that I haven’t made mistakes. I’ve made terrific mistakes, which I’ve had to come back from, but it all adds into this wonderful soup of alphabet and learning skills.

**Cordelia Mikita:** As I was looking into the kinds of posts that you’re doing [for Gallery Weekend], I saw that you are using the platform to spotlight Malaysian heritage sites and artists to great effect. We’ve seen over and over the power social media can have to create a space for these cross cultural dialogues that you are talking about, and how those can be avenues for real change and real transformative, introspective engagement with movements, but increasingly I think we are seeing the issue of performative allyship as well. Instead of actively engaging and flipping that perspective like we were discussing, people think they can like and repost and dust their hands and say “well okay I’ve done my job, I did the thing, I helped, the end.” I wonder if you could share your thoughts on how to navigate social media in a way that really engages and inspires others to do more than just like or repost, but to really engage in those conversations that lead to realization.

**Shalini Ganendra:** [Y]ou know, Cordelia it is a puzzle that we are all trying to figure out, because I do think that social media is a very democratic platform in many ways because its accessible to everyone. But there are so many people posting and there’s so much competition, how does one actually capture interest? We have not figured that out yet, but certainly what we’ve stayed true to is to provide posts that are generous in terms of the content and complementing the subjects that are presented in the posts. So it’s really, the message is, “look what great content there is, and don’t you want to engage with it?” So that’s really been the dynamic that we put forward. And of course, you know, one cannot deny the significance of social media because it is free and there’s outreach. We’ve been able to reach you, so many continents away, so it’s really a celebration in democratizing but there is a lot of competition out there and it’s just a matter of sticking with a
certain plan and then being flexible enough to monitor and modify as time goes on, which is what we’ve been doing.

**Cordelia Mikita:** We had a guest very early in the semester who showed us his art collection, and this by the way is a white man so exactly that kind of dynamic we were talking about, and he focused on less well known female artists. Ie and I spoke after the class about that collection, and I was asking if he thought he was actively deploying his clout as a director in order to further equality and advance these emerging artists. He said that was actually really what they were hoping to achieve in a subtle way so I wonder if you could speak to the real impact that this can have for emerging artists. What a collector deciding to buy their work really means and then possibly ways that we could try to engage our future firms and colleagues in this kind of activist collecting.

**Shalini Ganendra:** I think people collect for different reasons, and it’s very important to understand that and actually not be judgmental of that. The more finessed collector, and equally one can say a more sincere collector, will have a passion that they are able to narrate. It doesn’t necessarily mean it’s sincere for the finessed collector, because as we know collecting is very much of a commercial enterprise. The moment you say young female artists, I think well this is a really cool niche that this chap has obviously, you know, gotten into, but if he engages in conversations and he’s learning and developing from it, it’s fabulous, so the end result is really good.

If you’re talking about commercial enterprises engaging with art they have to see some value added in terms of their branding, in terms of commercial success. That’s absolutely fine, because it opens the door and you start a conversation based on their self-interest which also pairs out with your interest. Activist representation, activist investing, what does that really mean, and why pigeonhole and limit yourself to that? Because it may be that one wants to, unless you put an activist label to everything that you want to show, because it’s just semantics, it’s really about coming together or putting together a show that you believe in. Whether it’s because of beauty or a particular artists or a particular movement, if you stay true to that ethos you will have a successful show. And it will teach you, probably a lot more than you ever imagined it would, and as a result it will engage with the community around you. Does that help?
Cordelia Mikita: Yeah it does, thank you. I think that my feeling is, I completely agree with everything that you just said, but I also think a lot of collectors, especially you know law firms, where it’s really about this is a place to put our money, it’s also a place to make our offices and engaging space and start dialogues, but it’s a really savvy investment. I just wonder about how to position that argument of “it could serve you to look outside of the obvious, not obvious choice, but just the clearly blue-chip, financially beneficial…” and maybe Susan can speak to this.

Susan Bright: Yeah, it’s easy you just invite people within the business to get involved [some discussion omitted] it goes back to that collaboration piece you bring different perspectives and different ideas. My approach in a law firm is if somebody says can I do something as long as it’s not illegal I say yeah go ahead

Shalini Ganendra: To the point, you have to find the Susan in the law firm. That’s the key, and that’s possible. You have to find an empathetic and visionary person that you can engage with.
Susan Bright
UK Managing Partner, Hogan Lovells

Susan is passionate about client service, innovation, diversity & inclusion and responsible business. She opened the firm’s first Legal Services Centre (in Birmingham) in 2015 and launched our new office in Johannesburg in 2019. She has led our Brexit taskforce for many years. Under her leadership, the firm has been recognised as one of the top 10 most innovative law firms in Europe for five consecutive years. She is a champion for diversity & inclusion, including the promotion of women through sponsorship, embedding agile working and fair allocation of work. She also leads a project to retain and promote our BAME talent, introduced an innovative "Respect" programme to embed a culture free from bullying and harassment and leads our work on physical and mental wellbeing.

Brooke Parmalee: Hi, I just wanted to start by thanking you for taking the time to meet with us today, it is great to hear your stories. I guess one question I have going off of the story you just shared is: Given the global nature of your work, and the international makeup of our class that we have been focusing on, are there any particular challenges that you face in the legal industry as a woman that you think are amplified or different in any way working with colleagues and clients that are global, from around the world?

Susan Bright: Yes, and I keep learning about the cultural differences. I have had the great experience of working across Africa and actually that was fine. I honestly find it harder in places like Dubai to be recognized as a woman, as a leader. If I am honest about it, that could be harder. Sort of learning the cultural differences; I think it is really important to remain yourself and be authentic as a leader. I am me; I am not going to turn myself into being something very different. And it is interesting, my belief is that a lot of businesses are looking for many of the qualities that women do have in terms of looking at leaders. Margaret was talking about bringing people together to collaborate. Collaboration is massively important; I think the law firms of the future will contain a lot of other people than lawyers. The really successful law firms will have all sorts of people and we’re seeing that starting:

We’ve got scientists, one of my colleagues created a ventilator in her spare time to help with COVID crisis, which we helped crowd funding to the NHS, I mean you wouldn’t expect a law firm to be doing those sorts of things. So I think the law firm of the future and today people joining us, young people joining us and our clients, are looking for businesses where you bring that diversity of thought, those innovative ideas as to both the legal solution itself you know the
really tricky legal problems, but also how you deliver legal services whether that’s using tech or different ways of working collaborating with others. That empathy, the ability to collaborate, bring people together to create different partnerships, to do what you’re doing and finding those connections between people I think is critical and to look at things in different perspectives.

Just to finish off, I love what Margaret was talking about, and this was a very basic way of doing what you do Margaret, but one of the things I am always interested in is peoples’ ideas. And in the UK in London, when we were allowed to get together, I used to have a lunch once every three months and I would invite twenty people within our business, it could be a partner, it could be somebody from our secretary team, it could be somebody from the post room, twenty people and each of those twenty people were asked to bring three friends from within the business. And then everybody would be sitting around tables of about ten and we would put a problem to people and people would discuss it over lunch an then we’d get the answers, give them back to us. And I just loved it because the sparking and the ideas when you put together a law firm partner next to somebody who opens the post next to somebody who cooks dinner, you know the best ideas came from those sorts of collaborations. So very basic for Margaret of design thinking maybe.

Dean de Silva de Alwis: I love this, I love the way in which we are making these connections and I said, I bring my speakers in a way that really curates ideas, passions, and different disciplines. And there is also common theme that flows between these ideas. So Shalini your work and right now, the gallery’s work, on bringing together people from around the world, especially in Asia and the Middle East, around these ideas of art and artistic endeavors and in what Susan and Margaret spoke about in the ways in which you are doing so seamlessly and in such an artistic manner; You are bringing the grass roots artists with the artists from Pitt and The Met and Sotheby’s, in a way that seems effortless but I know that there is such a grand theme and idea behind that making and building those connections. So Shalini I asked students they’re just so mesmerized by what you are doing as a lawyer, as an entrepreneur, and as someone who is a cultural connoisseur. So Shalini can you again give us the way Margaret and Susan did a five minutes of this important work and your journey.

Brooke Parmalee: I just wanted to say thank you again for sharing your wisdom and advice on how you handled the biases in the workplace that you were speaking on. And just taking that on a
more personal level, I and many in the class, will be entering the workspace in an entry level position obviously. What is your advice / what do suggest are the best ways for junior members of the organization, you spoke from a leadership position which was really helpful, but what is your advice as incoming junior level associates on what we can do to fight discrimination and biases we see in the workplace and promoting diversity and equity and going even beyond just combatting issues and biases we see, how do we proactively go about this?

**Susan Bright:** Gosh, big question. First of all, getting the experience and learning the skills that people have been talking about is absolutely critical. It is really important; this is what I was doing in my early years is to really do the job well, get on those really great cases, this the critical thing in a law firm and flipping it around certainly as a law firm leader, I’m trying to improve it. You need to get the good opportunities; what really matters is the experience you get, working on the great cases, getting to know the great clients, learning all of those skills, so focus on doing that. It is important to be an ally to others and if you see or experience or yourself witness behavior that you feel is inappropriate, it is hard to do, but I think it is important not to just be a bystander. It’s important to do something about it.

And honestly if you’re in an organization that won’t do something about it, I’d move to a different organization, frankly. So, this was what Rangita talked about the Respect program that we introduced that was all about. We had a policy at Hogan Lovells called Dignity at Work, so we refreshed that and called it what it is: anti-bullying and anti-harassment. I don’t want you to think that Hogan Lovells is a hotbed of discrimination and harassment, it is not. But, nonetheless, there were those microaggressions “drip drip drip” moments that happen, probably because I’ve been doing this for thirty years that I don’t notice anymore because you get used to it, but it’s really important.

**Dean de Silva de Alwis:** I love the metaphor that you used the “drip drip drip” and the ways in which there is so much worn into the groups in the fabric of our lives that they disappear and become invisible because, in this class and another sub-project that Cordelia led is what we term watering this term from a Yale Law School professor Vicki Schultz, paper cuts you know the thousand paper cuts that women often experience and alone. In isolation a paper cut doesn’t kill,
but a thousand paper cuts can have an adverse effect of excluding, marginalizing, sidelining, and finally having women opt out. I love the ways in which the “drip drip” can become a flood.

**Susan Bright**: And then you can become sort of immune to it but starting out what was really important for me was to be the best lawyer I could be. Get the experience, learn from lots of different people because they will all do things differently and you want to create your own style. Be true to your own integrity; that is really critical the values that you have really matter. Build relationships right from the very beginning. The best job I ever won and the biggest client I ever won I won from the person I sat with in my first six months at Hogan Lovells because he went from being a Senior Associate at the firm to joining one of our clients becoming their general counsel so twenty-four years later, relationships are important, he gave us this massive job; So build those relationships. Be allies for others; I think there is this massive responsibility, I feel a massive responsibility and it’s the bit of the job I love the most, to sponsor the women and other minorities, LGBT+ and also people with disabilities. Sponsor those people, give them the opportunities. In a law firm, the opportunities are the client work and the client relationships.

One thing I see often happening with women is that we do a lot of the non-chargeable, non-client facing if I can call it the “glue stuff” that makes a firm really successful and that stuff’s important, don’t get me wrong, but as you get more senior in a law firm, there tend to be fewer women. When I started out there were thirty-nine of us who joined Hogan Lovells when I did and, in fact, you’ll be surprised to know that nine were men and thirty were women, this is 1989. So, women were starting out in law in our droves but as we come through into partnership, it is now in the UK at Hogan Lovells thirty percent women so good for law firms, but lots of people have gone elsewhere.

The point is that you’ve got at a senior level fewer women, therefore all of us are doing double duty on that “glue stuff” and you don’t get paid as much for doing it. So, do some of that but focus on the clients and the work. And from a leader’s perspective, culture really matters, but changing culture in any organization is really challenging. But the things I personally have come to think make a massive difference is putting systems in place about how a law firm allocates work to make sure that those good opportunities are being spread equitably amongst people, that’s really important.
Number two is sponsorship. Men naturally seem to seek out and find sponsors a bit more naturally than women do, so putting sponsorship programs in place. I put in place a program for women coming up towards a more senior level at Hogan Lovells in the UK about three years ago and of the twelve women on that program, eleven of them are now partners. And that’s focused on giving people opportunities. The final one is that you’re working a bit of agility of when, where, how we work makes such a difference. For me it was a partner who let me work from home once a fortnight when I was young; the ability to pick my kids up from school once every couple of weeks for me made all the difference. So those things are really important.

Dean de Silva de Alwis: It is so important because you raised three important issues. One is very central to our class: the importance of addressing this through institutional, systemic, and structural change. That there is the need for interpersonal change, but it has to be finally the institution’s responsibility to create new structures. That this is not the responsibility of the women, but it is the responsibility of the leadership to create those institutional changes that you set forth and that even the mentoring programs and sponsorship programs are not left to the good will of people, but they are structured, mandated, and they are accountable, that there is an accountability and a measurement around it.

We also have to study because I want my students to have a toolbox when they go out, how you create, because we hear this term systemic change and structural change; How do we really hold accountable the structural changes that leaders are making? Last week we discussed how at HP a friend of mine, Kim Rivera, who is the general counsel created a structural change in 2017, not only by a diversity but saying that law firms that are retained by HP will have a fee cut of ten percent if they don’t bring diversity to the table. So that’s a real incentive and carrot and stick approach where you are instrumentalizing this in a way that really creates systemic change.

Susan Bright: Yes, it does, the final thing I think is really important as you’re starting out is really to take the opportunities that come your way; And you never know what those might be. For me, it was the opportunity to go work in our Brussels office and then I got an opportunity, just after I met my now husband, I was invited to go to the states for a year.

I went and I am pleased I did because it proved to be really useful I persuaded him to ask me to marry him as well, but I am just saying there are opportunities I sometimes see people
planning their careers out very, very carefully and then maybe missing the opportunity to pivot and to take some great opportunity. But just before I finish, can I just say to Shalini I love what you’re talking about art, and I just want you to know that we use art to create cultural understanding, we hold exhibitions particularly with our Africa practice so we bring, and it’s just wonderful, it brings clients, Africans are very interested many in collecting art, into our building.
Dominique Day
Executive Director, Daylight

*Dominique Day is an American attorney, admitted to practice in New York. She sits on the UN Working Group of Experts on People of African Descent. She has two decades of experience as a justice advocate in the United States and internationally; her research, teaching, and access to justice work has taken her all over the world. Dominique has worked with governments, universities, and NGOs as a subject matter expert on legal aid, access to justice, building effective legal institutions, human rights advocacy, and rule of law.*

**Dean de Silva de Alwis:** Dominique I’m so thrilled to be able to have you share the stage with the commissioner. As the students know, I’m very careful in the way I curate my leader, so that they can build both common cause and some tension. Dominique Day has a very distinguished CV and Bio but I think what is so important about her current role is as an Independent Expert on the UN Working Group of Experts on People of African Descent.

For students of mine who took international human rights course, you know the importance of special rapporteurs and independent procedures. Dominique is one of the extinguished independent experts on human rights. And especially in this Working Group, which is designed to address the issue of discrimination against people of African descent. Why I brought it together with the commissioner is because they both share the human rights tradition. But Dominique also works in the New York City, as a part of justice initiative for the city of New York.

So, there is a common cause and connective tissue that bring together Dominique, in her international sphere and commissioner in her local sphere, both human rights agenda as well as the fact that they share the landscape of the New York City. Dominique, the structure in the classroom as I explained to the commissioner is that we perform leadership in the class.

So, I bring these distinguished leaders, but I have my emerging leaders interview them because it is active leadership. Your talk with our leaders, and your leadership biographies, your stories and narratives will be captured in a report that we are producing in our class with Thompson Reuters. Through your narratives, we get an understanding of lived leadership. So we are starting both from the theory of leadership, as well as the practice of leadership. And the second cornerstone of the class is that apart from looking at what are the traits that constitute leadership, we’ll also look at what leaders do to transform our spaces. Especially at this moment in history, to address systematic, institutional, and structural biases.
So, as a part of class exercise, we are also doing several surveys on understanding unmasking implicit biases. Because implicit biases are the second generation of discrimination against women and underrepresented minorities. And thirdly, our students are working with their peer allies, to understand how ally can play a role in advancing women’s leadership. So for the first time in this class, when I taught this class last year, we have only women leaders joining this class. But this year I have shifted the constriction of this class to engage with male leaders who are allies and sponsors of women. I want you to understand the three pillars of this class. Before the interview, could you give us a little introduction to the history of your mandate?

**Dominique Day:** The Working Group of People of African Descent is one of the outcomes of the third World Conference on Racism in Durban, Africa. That was in 2001.

**Dean de Silva de Alwis:** It was actually headed by my close friend, Mary Robinson, who was the high commissioner of human rights at that time. A few years ago I brought her as a commencement speaker. She’s somebody who sees climate change as a man-made problem with a feminist solution.

**Dominique Day:** Amazing. Our work is focused on this as well. We are doing a public session on climate change and environmental racism, and how it impacts people’s life next March. But our mandate was developed in that space, almost 20 years ago at the same time at the Durban Declaration and Programme of Action, which is a very robust declaration. It’s not a binding treaty, but it’s adopted by acclamation at the conference. It includes a set of action of what systematic racism looks like. It takes steps to acknowledge and dismantle it. Just at the 20th anniversary of Durban Declaration next year, it’s not very clear how much progress we’ve made, to be super honest. But certainly, the Working Group has been working to amplify the story of people of African Descent. And the commonality we see as the anti-black racism show up in countries around the world, irrespective of developing countries. We see very common practice of anti-black racism exist from country to country, even with very different context.

**Dean de Silva de Alwis:** I love that kind of overview you give us, and the historical context. We will be marking the 20th anniversary of Durban Declaration, because it is very broad even in the
envelope of 9/11. This was time of enormous change. We are again in that moment of time. The entire declaration was to some extent high contested, because of the differences of ideology.

**Xuefei Yu:** Hi Dominique, thank you for taking your time to share your thoughts with us today. I read some of your interviews and there are very inspirational for me. You travel around the world; you did remarkable study on human rights conditions as the Chairperson of the UN Working Group of Experts on People of African Descent. And you are also the founder and executive director of Daylight. In your working experience, what are the obstacles you are faced with most frequently as a woman of color when performing those leadership roles? And just as you mentioned, people of African descent are in the common situation of racial discrimination. So my question would be: from your observation at work, what’s the biggest challenge that women of color are facing around the world?

**Dominique Day:** The biggest challenge I face as a women leader of color is two-fold. One of them is a global challenge for women of color, which is white supremacy. We are ultimately living in a world where a lot of our networks and understandings with the assigned values, our transnational operations are all birthed side by side with the operation of white supremacy. Ultimately race is not a biological construct. We ultimately developed the concept of race and racial hierarchy to justify and habituate people to exploitation of certain bodies in order to create profit and business opportunities. You couldn’t have sugar as a commercial product until you had a group of people you could work to death every five years in order to get this incredibly work-intensive product unto a commercial market. We have this understanding that race really developed in a context as needing white supremacy in order to justify all sorts of exploiting business practices.

But even as we’ve outlawed the slave trafficking and slaved Africans, a lot of legacy of that mindset of that persists. So the ways in which I may show up with a certain level of competence or leadership capacity and being recognized for that is significant. I have a friend who often talks about central problem for black women are wanted for their labor, not their leadership. That’s something echoed over and over by people who are doing amazing work, by people who are putting all the hours, time, and ideas. And yet the idea of black women exercising authority can be very uncomfortable for a white patriarchy and in a system where black people are not
supposed to exercise, but instead support, amplify and defer to ideally with gratitude authoritative white folk.

That’s a major issue, and that manifests in a lot of different ways. I’m a lawyer, sometimes I go to court, and I have been mistaken for my own client, criminal defendant, family law court respondent. That’s something that happens to every black lawyer I know. Irrespective of how often you are in that courtroom, sometimes people look up and they draw the inference from the suit you are wearing, the computer you are using, from the fact that you are putting your name on the record. When it comes the time to approach the bench, the judge looks at you, sees your skin, then the little bit of skin you are showing outweighs every other inference that might apply. Even the way in which we are forced to be very assertive around our presence, our competence, our leadership, never ends for black women and other women of color. It’s occupying the space of constantly needing to prove a thing, without constantly wanting to project the image of believing you need to prove something.

It’s an interesting dynamic. You mentioned did a good amount of training and racial injustice mapping. There is a sector or office that wants to think about and unravel how racism has been playing out in their office, community, and country. I might do a mapping project to pull that out. I live in New York City, that’s a massively expensive place to live. Consultants are meant to make a significant amount of money for the project in an hourly rate because that’s what it is to live in this city. But it’s surprising how often we have to justify why this is your rate, why we are asking that much money, when you know that’s the standard rate in the field. You know that’s the amount of money they are paying for the training, but at the same time we have to justify the budget and cut the rates in stunning ways. It is almost defending yourself as a person giving someone a product that they don’t have, and asking to be compensated for that as though you are respected, not as though you are another a black body available for exploitation in order to fill a need that a company has to demonstrate racial justice expertise.

That’s something we see all over the world. We do a lot of work with civil society when we do country visits, when we hear from people. We see tremendous differences of how civil societies resourced. Even the civil societies that work for people of African descent, like the ones showed up in Geneva, the ones that have the ability to conduct studies, are white organizations. They had a lot of justice support. The real leadership that comes from especially black women on the ground are the people working around working hours who are not well-resourced. The
meetings are being held in public places because they can’t afford offices. That’s something we see in a lot of countries, not just in the developing world, but also in Europe. The difference is just whether people are scrapping and struggling to even have a space to discuss the message. If you are thinking about what leadership looks like, a lot of leadership today is really developing and refining the discourse and framings for justice.

We have to shift from the dependency model of seeing us as the people in need, as people who are somehow less than. To shift that discourse requires us to sit, talk, think, and go back and forth. That’s based on the space on that, and space to do that, not as a volunteer activity that civil society space is scarce in black communities because the resources tend to flow more easily to a white face.

**Dean de Silva de Alwis:** Dominique, you spoke of so many different pillars we are addressing in this class. First of all, you spoke in a passionate way about “prove it again” mentality that women of color often have to deal with. There’re no more credentials that you can get but you are always called upon to prove yourself again and again. Because nothing is good enough because of your skin and your gender. That’s amplified. That’s double discrimination. A fellow male black lawyer probably would have a different experience from you.

The second thing which you said that is really so resonant with the class is the way in which the image where black women is constructed, wherever you go; and there is ways in which there is subordination of black and female employees; and in which women and women of color are marginalized, sidelined and diminished, in ways their peers are not. Even when you have the same qualification and credentials, you are often more qualified than your male peers and white peers. Another thing you mentioned is the cost protocols that’s so normalized into the fabric of our life that we tend to make them invisible.

And most often you talked about the jobs, the angry black women, the meek and mild Asian women, and in way in which those jobs continue to be reproduced refined in all of our engagement. And how women tend to self-censor because of those jobs. The third thing you mentioned is the importance of changing discourse. I’ve been speaking about that with some of my students on independent meetings that there is this sense that the people of color, the community of color need to be served as against need to lead. Even the law schools are constructed as “we need to provide legal services” to these minority groups. But the communities of colors are huge contributors in
Silicon Valley, or in the halls of power now in the white house. They are leading this country towards a new future.

We are so constantly trained to create a legal services office for those underrepresented minorities; therefore, we are unconsciously reproducing those structures that continue to diminish the communities of color. So how do we reshape that narrative by looking at women like Dominique or Kamala Harris? Has there been a single white male leader running for office, who had a mother who tried to cure cancer the way Kamala Harris’s mother did? We are constantly thinking of her as an immigrant woman, but she was a scientist who did unbelievable work. Obama’s mother won a PhD when very few had PhD. She worked in Indonesia on something no one else worked on. Look at the power of these women, and the power of these women to create these leaders, instead of look only in the lens of a single mother and immigrant woman. This is a woman who tried to cure cancer. She made contributions much before Kamala Maya Meena. So I think it’s important to see that leadership through that glass. Thank you so much for coming to the class!

**Magali Duque:** Thank you so much for being with us today, Dominique Day. I remember hearing you speak at one of the webinars early on in this semester that Penn was hosting. I really enjoyed hearing you speak at the time. Something the commissioner was speaking upon really has been reflecting on how she was explaining the situation with the white women who was calling the police on a black man who was bird watching. I think the everyday instances you were saying before really do impact people in a wide scale way. Some of the readings for today talked about top-down versus bottom-down approaches towards leadership incorporating diversity inclusion at all levels. My question for you is how do you navigate in your role these different interactions between top-down and bottom-down approaches?

Earlier the Commissioner was also speaking about how different corporations have to start creating different positions to make sure that diversity is a priority at the top as well, not just making sure that they have a creative director, having people who are in positions of leadership and empowerment to be able to make these decisions. And seems like your role is one in which you are able to have significant amount of influence to hopefully move the needle. So I’m curious to know what your perspective is, not only your role, but other people’s role at the top, as well as the bottom, in terms of being able to move anti-racism forward and to make that the norm.
Dominique Day: I think for us, a lot of what we are trying to do are often interacting with this very grass-top spaces. For example, the United Nations is not a grassroot organization. A lot of what we are trying to do is amplifying the voices at the grassroot, with the understanding that they have not just valuable insight, but also understanding of how a problem manifests, how racism persists. I really appreciate the conversation today about what gets normalized on some level that actually is a defense mechanism. It’s also a way to navigate things.

On some level there’s a reason why Kamala Harris’s mother hasn’t really taken root in the American narrative, because on some level, the narrative is well-served by just the detail that support it. And a lot of us, in order to move forward, in order not to threaten certain spaces, in order not to trigger discomfort, actually often operate within at times the stereotypical constraints that at least give people a narrative that doesn’t make them feel threatening to have some of us in spaces. But at the same time, we know the double consciousness is a necessary performance. You want to actually interrupt what’s happening in terms of perpetuation and licensing of systematic racism, you need to talk to people who have double consciousness, not the people who don’t even see the ways in which we may be performing an expectation. I talk a lot in the trainings with lawyers about “well, you could flirt with the court officer, you could get your case called, and get out before lunch, but there’s a cost to that. What does your client see when you are defaulting into an almost transference relationship, where judges, court officers and opposing counsel are familiar with women as daughters, mothers or as people they flirt with.”

If you are defaulting into one of those transference spaces, particularly as a woman of color, is that costing your professional identity, or is that defining your professional identity? I’ve been asked to show my smile in order to get my cases called. We are asked to behave in a very strict box. It’s not so clear if people around us are acting in a way at the time are even aware of it. The boxes we get put in, often ultimately get translated to an inability or incapacity to lead. So you need to talk to people at the grassroots.

I was talking earlier about the mapping work I do, a lot of it is around how do we actually uncover and uplift the truth of what’s happening in some of these spaces. I don’t know if you guys have read this book: Dominance, the act of resistance. But the author talks about the idea of a hidden transcript that if you look at the world as a theater, the public transcript is how I act in front of my employer, the hidden transcript is reviewed in a story of jokes. After work we talk about
being on the plantation and those spaces tells something very truthful about what the spaces are truly like in terms of anti-racism, or even racial justice, racial opportunities.

So to me, a top-down approach is limited if it’s doesn’t rigorously over and over again diving deeper and deeper, if it doesn’t examine what it is that people who are in the space, in the grassroot level are experiencing, and how they understand racism that shows up in their spaces. I don’t know if you can really get away from a bottom-up approach. The bottom-up approach always talks about how we center leadership from grassroots folk, that’s also super important. But even a top-down approach is cosmetic unless there’s rigorous investigation about what’s happening inside the space according to people whose perspective are not well-reflected in the elite organization.

Dean de Silva de Alwis: There are three important elements of your response to Magali. One is what I’ve been addressing in this class, that my class is not a mask of leadership that is often taught in business schools on how do you smile and get your work done, and how do you sit, dress, do your hair. This is more about fundamentals of leadership. What does it mean to be a leader in a way that empowers your community, your workplace, and your landscape. On that point you brought up double consciousness. Work that we are doing in the class is dedicated to Davis Wilkins in Harvard Law School. And the double consciousness comes up especially among black leaders in the corporate world. Because they are constantly navigating double consciousness, adjusting yourself in order to fit in; but conscious of the fact that as leaders, they have an obligation to give back to the black community. So I think David Wilkins calls it also obligation thesis. Obligation thesis is on to you to give back to the communities, in a way that advances leadership. The way in which you are mapping this area is very important to us.

Cordelia Mikita: We are realizing in our classes that even just in this small group of women, we have varied experiences of modern day gender biases, and I think it might be productive for us if we try to recruit male allies to understand what our true struggles are. So I designed a survey to gather people’s experiences of biases in the workplace and school with regard to pressure to adhere to certain behaviors and appearance norms that are non-threatening. We are trying to see if people in our class are experiencing all of that.
**Dean de Silva de Alwis:** This is a kind of mapping of looking at kind of nuances. Dana and I are working on a similar survey. We are looking at how many women law students and law schools have adjusted their behavior because of the fear of being deemed as angry black women.
Commissioner Carmelyn Malalis
Chair and Commissioner on Human Rights, New York City

Carmelyn P. Malalis was appointed Chair and Commissioner of the New York City Commission on Human Rights (the Commission) in November 2014 following more than a decade in private practice as an advocate for employees' rights in the workplace. Prior to her appointment, Commissioner Malalis was a partner at Outten & Golden LLP where she co-founded and co-chaired its Lesbian, Gay, Bisexual and Transgender Workplace Rights Practice Group and co-chaired its Disability and Family Responsibilities Discrimination Practice Group; and successfully represented employees in negotiations, agency proceedings, and litigation involving claims of sexual harassment, retaliation, and discrimination based on race, national origin, sex, gender identity, gender expression, sexual orientation, age, pregnancy, disability, and religion. Throughout her career, Ms. Malalis has demonstrated a fierce commitment to promoting diversity and inclusion, and preventing and prosecuting discrimination and intolerance.

Karis Jackson: Hi, first off, I'd like to say thank you so much for joining us tonight Commissioner, we really appreciate it. And I think this will be a great opportunity to learn more about, you know, the commission and in general, what you do in your role there. I guess to start off, we've been talking a lot about diversity, the different ways of ensuring that diversity is promoted, whether that be in a workplace or in a law school.

And a specifically with you, I know that as the Commissioner, you have the unique role of being able to maybe shape or create the culture of the commission. And I know that when you were coming in to the Commission in 2015, you oversaw the significant expansion of the Commission under Mayor De Blasio, so I was just wondering, you know, as a woman of color, who is probably no stranger to implicit bias challenges, how have you dealt with like confronting those challenges at work and creating an environment that maybe seeks to remove those challenges or disrupt, you know, these biases, as we've been, again, talking about at length, and I guess, what are what specifically what are the ways you as a commissioner have kind of tried to disrupt these biases amongst your own team?

Commissioner Malalis: I'm gonna try to take a lot of different points of it. If I miss anything, just let me know. And I'm happy to I'm happy to answer anything else's follow up, you know a guiding ethos as we've grown as an agency. So, our agency, I always think of it as such a such a clear example of how principles in any space for whether you're looking at a city a state, federally how principles have such an impact on agency work, right. We see it in the last four years on the federal
level, sadly. And in New York City, there was a history with a Commission on Human Rights that also very much illustrates this. So, you know, two mayors ago under Mayor Giuliani, the commission went through a drastic downsize.

So, when Mayor Giuliani first became mayor, the size of my agency was 330 something staff. And by the time Mayor de Blasio, Mayor Giuliani finished with it because human rights were not one of Mayor Giuliani's priorities, the entire staff size was 33. So, went down from 330 something 33. Right. And we see this, we've seen this, of course, on the federal level, right under the Trump administration with how he has approached different areas as well.

So, you know, you can even look at how the Civil Rights Division, for example, under the Department of Justice, how that has contracted greatly under this federal administration. I started off by saying that to say that when I inherited the agency in 2015, it was rather small, rather small staff size, we had this total staff size of five people across the entire agency, including back office. And today we have, we have a staff of 135. And a guiding ethos, as we have expanded the agency is to be representative of the different communities in New York City, particularly the communities that have experience, we're continue to experience discrimination, and harassment.

And when I say representative, I don't mean, I don't mean solely people who are representative of those different communities, although that is a part of it. But I mean, people who have had experience education, you know, specific work working in these communities, and also, in many instances, speak the languages that these very diverse communities speak as well, right, as we, as folks who work in the area of human rights now, an assault to one's identity, any one of the identity issues that are covered under our law is always going to be a very personal experience, whether it's somebody who's experiencing sexual harassment, or it's somebody who is experiencing race, racial discrimination, or someone's experiencing Islamophobia, whatever that experience of discrimination or harassment is, it's going to be extremely hurtful and extremely personal.

And in those instances, is creating barriers, like something as simple as language barriers, is, is basic enough to, to or is enough of a barrier, that people decide, you know what, I'm not going to complain about this, I'm not going to record that this happened to me, I'm not going to lodge or any documentation that this has been experienced or that this has happened. And when we don't, when individuals do not come forward to report about their experiences or discrimination or harassment, whether they are experienced by that person themself, or they are watching as an
observer or bystanders is happening, there is a greater community harm, right? Because we already live in a world where there is so much doubt of the experiences of racism or discrimination that people experience right people doubt they say, do black people really still feel discriminated against? Do women still experienced discrimination? Are these still really issues? Especially because we had, you know, a black president or now you know, there's a woman who's going to be a vice president, people use these kinds of exceptional moments then to discredit people from vulnerable communities’ experiences with discrimination and harassment.

So, a guiding ethos as we've grown is to say we need to be hiring people into our agency who have experience on the ground working with these different communities with their language experience so that we are cutting out a very significant barrier. If people actually coming forward, as basic as that sounds, I will tell you that that is oftentimes not the case in government. Sadly, in many government agencies, the people that you will meet with or speak with those government agencies, as many of you I'm sure know, from experiences with government agents, do not look speak light, or have experience with the with the, the communities that they are serving.

So, this alone has been a significant shift for our agency to make sure that we do have this. And in fact, you know, when I first got to our agency, we had, I think, nine languages spoken across our agency, we currently have 35. Again, that is significant. If you you know, I always think about my parents who are immigrants from the Philippines or a wife's family, her family are immigrants from Ethiopia, if they're experiencing something like discrimination or harassment, how much more likely are they going to be to report it? If they're speaking with somebody familiar from their community, or someone who can speak the language that they emote in? Because it is such a personal experience? You know, when you ask your question, the first thing that popped into my mind was the importance of representation in government, hugely important.

**Karis Jackson:** So, I think we've heard a lot about a lot of different topics. I think for me, especially, you know, going into OCI and going into interviews and thinking about kind of transitioning into the professional world, I think a lot about the burden of respectability, and how physical appearance is similar to what Dominic was saying how there are immediate inferences made, as soon as you walk through the door, and kind of what, what burdens are placed on women and specifically women of color.
And I know that in New York, that you're unique in the sense that you can lodge a complaint for discrimination, because of like, for wearing your natural hair didn't work and if you were discriminated against because of that. And so I guess my question is, why have you or not? Why is that unique to New York, because I understand that maybe New York has more of an acceptance or willingness to put emphasis on this kind of discrimination, like you said before. They're not just microaggressions it's just blatant discrimination.

But what would be I guess both your advice to women who are going to have to deal with this in the future. And why you think New York is more maybe situated to handle these issues are more receptive to these issues and what other like whether that'd be the private law, like legal profession or whether that be the government has to do to kind of catch up with recognizing that these discriminations have significant impact impacts on whether women are going to be successful in these environments and whether they feel comfortable in these spaces.

**Commissioner Malalis:** I'm going to reframe your question slightly to say that, you know, why was New York City, the first jurisdiction to affirmatively come forward and say that this is a form of race discrimination? Like that is really the question, not what makes New York City particularly well situated to recognize that as part of the law, but why was New York City? No, the first jurisdiction to distance itself from terrible federal law, that has for decades been putting itself in pretzels, to say that these were neutral policies, not designed to discriminate against black people, when, in fact, kind of common sense. the lived experience of so many black people would say something to the contrary.

So, in my mind, the question is, why was New York City The first jurisdiction to actually say it? Right? And I'm gonna say, again, like, this has been a huge theme or a resounding theme, I feel like in this in this class right now, is the idea of representation. Is it? You know, is it surprising to folks that this came out where there was a commissioner of color? A woman of color, who said, okay, hair is actually an important part of somebody's cultural, ethnic, racial, you name it identity. Is it a coincidence that she's a woman who has a black wife, um, and exists in many different communities of color?

No, these are not coincidences. You know, the reality is that many jurisdictions could have said that before New York City, including New York City, we could have said it much earlier. But we didn't. And again, this goes back to I think another theme of something that both Dominic and
I have been talking about, is the way in which racism, the way in which white supremacy has been normalized, right. And people buy this hook, line and sinker because they don't even know it's something to question because it's become so normalized. Right?

So, in New York City, you know, my, I think one, my background is an employment Lord made it such that when I came into government, I thought, I know that there are everyday forms of discrimination that people experience all the time. But for whatever reason, there's terrible federal law on this, what are those areas? One? What are the areas in which discrimination has become so normalized, that we accept proxies of discrimination? And we say it's okay, even though everybody knows what's going on. But we have just accepted that this has to be how it has to be right? What are those areas, because those are the areas where the everyday forms of discrimination are the things that recur in people's lives on the daily at work, or in their housing spaces, or as they're going to buy things at a bodega? And those are the things that we really have to get at, because we know that it happens every day to people. And because it has been normalized.

Same thing, frankly, for those people I'm sure I've heard about the situation in New York City where a woman named Amy Cooper called the police on a black man who was birdwatching in New York City. And in the kind of tape 911 call that she made. She made certain accusations against the blackmail, that were obviously untrue, given the video, I was also caught, again, very normalized to say, okay, we're going to treat all black men as criminals. We're going to avail of criminal legal systems in order to continue to perpetuate this narrative that black men are criminals. And we're going to use it to the advantage to continue white supremacist, right.

So just trying to tie together a little bit of what Dominic was saying. So I think that we have to look at what are the like whether it's in New York City or it's in Philly, or it's in Chicago or in any other city, we have to look at what is normalized for the of discrimination that everyday people have come to accept. People have come to say, why should I report this? Because no one's going to care. People have come to say, if I do this, no one's going to keep me from doing it. Those are the things that we have to pull back at and say, Okay, this is not okay anymore. The status quo on this will not be tolerated. And now, it's similar.

When Dominque was speaking, I was smiling. One of the things that I will never forget is my first experience in federal court. At the time, I was working at a large law firm. And the partner I was working with was on the CJ panel where, so he was taking some cases from the Eastern District of New York, I showed up the court It was my first day ever, in a federal courtroom. I've
turned around and said, we can start now the translators here. And being my first time in a court in federal court, I didn't even know what he was talking about. I looked around. And I was like, What? And then I realized, Oh, my God, he's talking about me. Meanwhile, my adversary, a white man, was there with the judge laughing at their mistake. Again, so normalized big deal, who cares? And it’s situations like that where we have to say that's not appropriate. That's just not okay.
Wilma Wallace
General Counsel, REI, Inc.

Wilma Wallace is General Counsel, Corporate Secretary, and Vice President for retailer and outdoor recreation services company REI, Inc. As General Counsel, Wallace leads all legal and compliance matters, and as Corporate Secretary, she is responsible for Board governance. Wallace also oversees REI’s enterprise information security division, responsible for cybersecurity, privacy and data security risk. Prior to joining REI, Wilma served as Interim General Counsel at Enveritas, a San Francisco Bay Area startup whose mission is to improve the lives of smallholder coffee communities in Africa and Latin America through the development of sustainable practices and technology enabled solutions. Before that, Wilma spent 22 years at Gap, Inc., joining the clothing retailer in 1994 as one of the first five members of its legal department during a period of significant growth. Prior to transitioning from Gap, she migrated over to corporate social responsibility function and led the Gap’s human rights effort.

Dean de Silva de Alwis: Will you spend 5 minutes telling us a little bit about your work and your leadership ethos, this afternoon we have been talking about the importance of having a leadership vision and ethos?

Wilma Wallace: First of all, it is just a pleasure to be able to be with all of you. I am a graduate from the University of Virginia School of Law, so down the street a little bit from you guys. And my brother actually is a UPenn graduate, so I have fond memories of UPenn and eating ice cream at some famous ice cream place on campus and enjoying the urban campus of UPenn. So Rangita, your words are very kind and you piece together my career and the things that I care about in ways that frankly I probably haven’t intellectualized.

So thank you for laying out the patterns that are so evident when you are looking at my resume but I don’t necessarily see or lay out that course as I am thinking about my professional career, so much of the choices that I make and how I show up have been grounded ultimately in authenticity, and that is what I wanted to speak a little bit about because it is something that I am thinking about more and more during these challenging times where leaders are expected to inspire and lead, but do so often from behind and with a sense of humbleness and vulnerability.

Many of the issues that we are facing day to day, moment by moment are all new, there aren’t cases that speak to how you deal with a pandemic and health and safety protocols and
ensuring that the 11,000 people you are responsible for ensuring their health and safety are actually going to be healthy and safe, there aren’t cases that speak to how to address climate change and sequestration, many of the issues that we are dealing with as organizations who are focused on impact. So the whole impact agenda and human rights agenda, particularly in the United States which does not have a history of thinking about human rights in the context of human rights, most of it comes from the labor movement and health and safety issues, these are big questions and big issues that you can’t be trained through case books and statutes and regulations beyond a floor.

So, I look at the law, and compliance issues which is what I am charged with overseeing in my organization as a floor. Most of the concepts around human rights and around sustainability are well beyond the floor for any action or any organization, so how do you show up as a leader with authenticity? Finding your authentic voice, to be able to speak to issues that you care about, that you are passionate about, and using that voice to lean into uncomfortable conversations, to lean into those spaces that you are not necessarily made to feel welcome, and often times may not feel like you deserve to be there, but to use your voice and summon up all your legal training and all your human rights passion to be able to be an advocate and a leader on novel, new issues that do require pulling many of the tools that you accumulate from your tool chest. And for me, the most effective way that I have found to do that is to use my authentic voice.

Dean de Silva de Alwis: so 2 major points that you have made that relate to this class, one is we are looking at and we have been talking about it earlier in the day of some of the commitments that businesses like REI have made in the wake of black lives matter. Huge financial commitments, huge commitments that create changes in systemic, institutional and structural ways in leadership and within your organization to hire and recruit and retain more leaders who are from underrepresented groups. So you spoke about authentic leadership and because I knew you would speak to that, I had my students read more traditional leadership theory where she talks about authentic having greek roots and coming out of the work authentios in greek and what it means is about working with my hands, it is about really emerging and immersing yourself in that activity and that makes it authentic, it is not this kind of bystander, but immersion with your hands and entire body in a field that is authentic. So I wanted to connected that.
Julia Malave: In an interview with above the law you shared that your initial focus during your transition to REI was to absorb the culture, the needs and priorities of the company, and how decisions get made. As we progress further into our legal career, we will also be making transitions into new roles and I wanted to know if you had any advice for young lawyers who transition into a work place where they find that there is a lack of diversity and inclusion in important decision making?

Wilma Wallace: I can share with you my career, and my journey. Throughout my life I have decisions to be in physical spaces where I felt I was going to be appreciated and recognized and valued. And for me, those places were going to be places where diversity and inclusion was acknowledged to be important. Now I started my legal career 31 years ago, and organizations were in a very different place and had a very different understanding of what that would take. And the systems that are now in place simply weren’t in place 31 years ago. But I chose to go to a college that was relatively diverse, it was an Ivy League school but one of the most diverse ivy league schools which is why I chose to go there. I chose to start my career in San Francisco, I was an east coaster, I had not been west of Charlottesville before I decided to move my practice, to start my practice out west and I looked for a city that I thought was going to embrace and recognize me as an African American woman, and where I felt I could thrive. I chose a law firm, where I saw other African American partners, and I felt like there were mentors who would be able to guide me.

I then went to the GAP, which is a progressive organization in San Francisco, that was an advocate around diversity, equity and inclusion and I was able to take the commitment that GAP had to diversity, equity and inclusion and the commitment that the legal community in san Francisco, a progressive legal community had and push diversity and equity issues through the legal industry in San Francisco, but then also through GAP, I was an executive sponsor of their first diversity, equity and inclusion steering groups and employee resource groups.

I went to REI because it is a progressive organization and they had these campaigns that showed people like me in the outdoors and campaigns that advocated for women’s involvement in the outdoors. So I have made conscious decisions my entire life, I live in Oakland California, to be in environments where I felt I was going to be recognized as a diverse individual, valued as a diverse individual and I wouldn’t be up against an environment that really was not going to be conducive to my advancement so the first thing you do is figure out how important is it for you to
be in an environment where you feel like there is a commitment to diversity, equity and inclusion and if it is that important to you, use that as one of the factors that is a non-negotiable for you as you are thinking about job opportunities.

And then if you end up in an organization that does not have the level of commitment to diversity, equity and inclusion that you would like and you feel like those opportunities aren’t there, one of the amazing things about being a woman lawyer is the women’s legal community, and I encourage you it is not too early to start making those connections with people in the legal community who are willing to help, whether it is through the bar association, the queen’s bench or other associations where women are congregating who are in support of other women, and this can be either within the legal community or the broader professional community, make those connections, make those professional ties because those are the relationships that will sustain you through an organization that may require some work and some muscle and some might for you to be able to be the change that you want to see.

Dean de Silva de Alwis: To your point Wilma, and again to build that connective tissue with what the commissioner said earlier in the day when you said you saw yourself in REI’s campaigns, that was something that the commissioner said about the fashion industry in New York and the ways in which the problematizing of the fashion industry, the ways in which they have no models who were black or from minority communities, the clothes were not one that really were meant for people of color, or for underrepresented groups, and the ways in which the leadership in those fashion industries were not people of color who were building diversity and inclusion across the ecosystem in the supply chains. So Wilma having you as the general counsel, in a leadership position at REI also helps build the democratizing of that work place and the representation-oriented nature of your work space.

Julia Malave: In your webinar with camber outdoors about finding and keeping a mentor you talked about the importance of identifying someone who has what we want in our career and pursuing a mentor relationship with them and I was wondering if you had any suggestions about the skills and qualities we should look for in a mentor specifically in the legal profession when we first begin our legal career
Wilma Wallace: So I am going to stick to the script and say think about the things that are important to you, and who emulates those, who is considered to be a leader, who depicts those traits or those characteristics because the odds are they’ve learned from it, it was not natural for them to be a great speaker or a humans rights activist or to be very forceful and commanding in small team meetings, those are things that they saw in somebody else and most likely have honed to become a role model in those regards, so I would suggest think about those 3 or 4 things that you want to do to improve your professional brand, the way in which you show up, how you think of yourself, things that you think are strengths that you want to continue to enhance or weaknesses that you at least want to get to neutral. Reach out to those folks, whether it be sit in on a virtual seminar that they or their law firm are participating on, use LinkedIn, if you have any connections with it.

People are willing to connect, even it is just to say hey here is a blog you might want to read or this book was really helpful for me as I was trying to enhance my command skills. So I would suggest identify those things that you want to work on and then reach out to the individuals and make a connection that is a light touch and an easy touch for that individual to be able to say sure, here is how I navigated through that.

Dean de Silva de Alwis: Again to go back to the kind of central thesis that you have shared with us that is so fundamental to who you are as a leader, both the substance and the form of leadership, here you are telling your interviewers in a major interview that if you were not the general counsel of REI, you would like to be the ambassador to the United Nations, there is no better substantive way to contribute to the betterment of the world than as our nation’s ambassador to the United Nations, so here you are aspiring to serve globally and then you are also looking at yourself in more kind of the form of leadership, you spoke about leadership traits, you talked about leadership presence and you talked about this in my prior classes, the presence that a leader brings to the room, and those are important attributes, though we don’t want it to remain at superficial level, it has to go much deeper but that presence, the leadership presence is also something that is important.

And finally about the mentoring, you used the words bring a light touch, so you are not overburdening your mentor or the person you are connecting with, but also what I tell my students is it is a 2 way process, most often my mentees are the ones who help me advance and grow, so
constantly think of ways in building not a network, I do not like that word, but relationships. Wilma, you and I have a relationship, build on a common purpose of a love of human rights, of land rights, we served on a board together. So it was our common purpose that drew us together, it was not your desire or my desire to network, but we were building a relationship to do good in the world, so it is about building that relationship and to look constantly, you have done so much for me through the years, the way in which you have honored me by coming to my class, but I also constantly look at ways in which I can honor you Wilma, where I can place you and your leadership ethos in a way that can be transformative to the world, so it is a constant way of mutually reinforcing relationships, even though your mentor might be the president of the United States and you might be just a student, as a student you can do so much for the Vice President of the United States so I think that it is not all about taking, but it is about giving in that relationship.

Wilma: I love that, you have just given me a huge gift in the past 15 minutes, one to be able to just spend time with your 47 students but also just to frame my voyage, my journey, our journey together, the way in which you did is beautiful and quite inspiring, and it is not about building relationships for networking, but it is about building relationships to do good.

**Dean de Silva de Alwis:** Wilma can you leave us with some last words of inspiration in terms of what you think this new era of leadership, and the great reset that the world is looking towards in a COVID and post COVID era will mean to the leaders in this class and to the next generation of leaders like who are gathered here and who are still waiting to hear from you even though time is up

**Wilma Wallace:** I am just so encouraged by the students in law school and the students who are in the streets and the students who are using their voices to be able to make change. I encourage you each to, rangita spoke about command and presence and how you show up and the performative, but it is really about using your voice and the training that we get as lawyers, the connections and the relationships that we are able to develop, the doors that we are able to walk through that others can’t is the mouthpiece for the voices that we should be expressing so I encourage you to take those spaces, use your voice and go forward and make change.
Tonye Cole

Co-Founder and Former Group Executive Director of Sahara Group

Mr. Tonye P. Cole is the co-founder and executive director of the Sahara Group. Founded in 1996, the Sahara Group has grown from a single entity to a group made up of ten companies across the energy value chain. The company is present in eight countries, three continents and employs 3,200 people with an annual profit of more than $12 billion. Cole is also an active member of the World Economic Forum’s Global Advisory Council for Energy. Furthermore, in recognition of the role his company has played in shaping indigenous involvement in the African energy sector, Cole was appointed to the UN’s Sustainable Development Fund’s (SDG-F) private sector advisory group. Cole’s passion for youth development and giving back to the less privileged led to the establishment of his foundation, the Nehemiah Youth Empowerment Initiative. Through the Nehemiah Youth Empowerment Initiative, Cole regularly supports other foundations like the Down Syndrome Society, Slum2School Foundation, and Bethesda School for the Blind. Cole is an architecture alumnus of the University of Lagos and Harvard Business School’s advanced management program. He is married to Dr. Sylvia Cole and they have three children.

Dean de Silva de Alwis: It is such an honor to have you here with us. You are the consummate ally – I have always defined you as the consummate ally in the ways in which you look at allyship in both its dimensions. Of the interpersonal allyship that you’ve shown me and many of the women that you work with, that you mentor, and in the ways you look at allyship as a way to change structural and institutional and systemic problems. And you’ve done this through not only building, founded, and run the most profitable energy company in Africa—the leading energy conglomerate in Africa—you built that and were the CEO of that. But you also stepped down from its leadership in 2018 so as to run for the governorship of Rivers.

The Rivers province in Nigeria, which is the largest province in Nigeria, because you understood that there is an important platform that businesses can play and you used that platform as a way to play the role of changemaker and the United Nations, with the UN SDG fund, in working on issues in the African continent, but you also knew the limitations of a business platform. You knew that the political platform would give you the greatest canvas, the largest canvas, the greatest platform to make the greatest change in Nigeria.

So, you ran on an agenda of change, but you lost because you were not going to succumb to the kinds of corruption and maleficence that is so much a part of the politics of the global south. And you ran on a platform of integrity and leadership and change but what you did succeed in doing was to create a whole new generation of men and women who saw the role that male allies
like you can play. That major businessmen, one of the most well-known, businessmen in Nigeria could give it all up to run for office and to some extent we see parallel narratives in the U.S.—major businessmen running for office, but the narrative is completely different. That’s where the narratives converge and differentiate.

So Tonye, we’re thrilled to have you, and now you’ve devoted your life post-politics to the empowerment of youth of Africa. And you serve as the transformational leadership fellow at Oxford from 2020-2021 because you’ve taken the practice of leadership and you are now at an academic institution like Oxford so that you can change the minds of many other young leaders but also you see the ways in which practice and [squib] can converge. And the importance of using practice to shape leadership. Before we get into the interview, spend five minutes telling us about your journey and journey as a leader.

Tonye Cole: Once again, thank you very much, Rangita. I have thoroughly enjoyed your class—I’ve probably been in the class for about an hour.

Dean de Silva de Alwis: Oh, I didn’t even notice! Thank you for joining us.

Tonye Cole: I wish I had read the article that you are all talking about.

Dean de Silva de Alwis: To give you a very quick history, Lani Guinier is a friend of mine, and I want to share this sad story with my students and now that you’re here. Lani Guinier taught for 10 years at Penn Law and she was identified by the Clinton Administration, by President Clinton as an authoritative figure and he nominated her to be the Deputy Attorney General for Civil Rights in his administration. She could not be confirmed because of the law review article that she wrote that supported quotas. The American culture is very against quotas, so she was dubbed the “quota queen” and she had to withdraw, she was forced to withdraw.

She continued to do phenomenal work at Penn Law and then she was picked by Harvard Law School to teach there and she’s been teaching there since 1993 at Harvard Law School. There’s an important reason why I want all of you to read her work and to share her legacy with all of you because she was two years ago diagnosed with Alzheimer’s. What we have now is her
brilliant intellect and her brilliant mind, and that can never fade. She’s in Martha Vineyard, and was the first woman of color to be hired by Harvard Law and broke a lot of barriers. She’s now in Martha’s Vineyard and her son is a brilliant young lawyer who graduated recently from Yale Law and so her work was one of the first studies to be done at a law school looking at gender differentials and the ways in which men and women experiences and the way in which their attitudinal changes in the law school. Our own surveys test her hypothesis. So thank you for being with us and I’m so glad you’re enjoying the class.

Tonye Cole: There are so many things that I could pick out of the class that I could relate to. The first thing to relate is some 25 years ago, women gathered at Beijing and there was this whole big thing that began the change that you’re talking about today. It’s taken about 25 years and we’re still not where we should be.

Dean de Silva de Alwis: This is the Beijing [?], and students Zara and Cassandra, who have taken my International Women’s Human Rights Class, are very familiar with that. I’ve been writing about it and I think I told my lab about this just last night. I had a very short conversation with my own idol, Hillary Clinton, who at Beijing, really changed the electricity and the women’s movement when she said, “Women’s rights are human rights, now, and forevermore.”

Tonye Cole: If you go back to Beijing, women came together and stood together and decided they were going to begin to speak with one voice. There was a lot more than affirmative action that we saw in Beijing, it was really women really coming to terms and saying we’re going to push our rights. Something else needed to happen, and that is what your conversation today has really been about. It’s about bringing men onto the platform and having men come and join that movement because prior to that happening, it was a real struggle for women to move forward, especially because it actually took women to confront the men for the men to begin to think differently that there was a need to “join forces.”

One of your students was talking today about how in interviewing her male colleagues, she found it difficult to accept the word “ally” as a man together. But this is what been required – there’s something in the United Nations called HeForShe and for a lot of men, we became HeForShe because we realized we needed to go into the boardrooms, the places where there were
all male clubs and begin to talk and push for affirmative action for women or women’s rights, whichever you prefer. Now, within the African context, there are three things that we saw that needed to be addressed and addressed quickly.

First is the right for women. Women’s rights were very abysmal and we needed to push it. From a law perspective and from your law school, it’s written there that you have equal rights, male and female, but in reality and practice, rights are not equal. So we have to address the differential between what is written and what is done. And I loved the comment you made about the abuse in China and when you changed the word, it changed the meaning. It takes the men who sit down in the corridors of power to assign the right and to let go of their right so that women have rights.

Which brings me to the second point, which is underrepresentation. We also found that representation in the places where decisions were being made, we found men making decision for women on issues that have to do with women, and we are very, very, very bad at making those decisions. You need to have women in the room, on the table, to make those decisions, so that was the second thing.

The third thing, which has been again, something I’ve seen women pushing for and correcting, are the access to resources. The three R’s: Resources, representation, and rights. And access to resources—women would go and try to get finance for entrepreneurship ideas, ideas that are just as men, and better than men, and find it extremely difficult to get access to finance to finance their businesses. What is then required to correct all of this, there are some men that you must bring to the table, have them with you, stand by you, work with you, to ensure all of these things are corrected. I’m glad to see it’s improving, and its’ not where it should be, but it’s improving a lot.

Which brings me to one last point, and then I’ll open up for questions, which is when does quota play a part. I love the title of your friend and your friend who wrote the paper. Some people argue very, very hard that quota is demeaning to women and you should not give quotas. But then you also find that in some circumstances, that without quotas, you cannot balance the equation.

And so, Rwanda in Africa, and Senegal, are two countries where they have pushed quotas for representation in parliament and you’ve seen in Rwanda you actually have more women in parliament making decisions about rights or the government than you have men. That was achieved as a result of quota system that was put in place. Senegal has done the same, where you have 50%
representation of women in parliament moving forward. I believe that there must be for a place for it, maybe countries have different strokes for quotas, but it’s not something to be ignored and should be something that is debated. And I think it makes sense for it to be debated.

Dean de Silva de Alwis: What a panoramic sweep of the elements of leadership. And by having you in this room, we are trying the global to the domestic. That leadership is global and that a lot of what we have been talking about in terms of theory that is universal. And having you is so important because you bring and we’ve been trying to look at leadership not just through those narrow lenses of just the United States or in terms of law firm, but in terms of even in the United States a law firm has a global impact and that global leaders like you in turn impact our work here in domestic and local and grassroots locales and spaces. I want all of my students to see that.

Jasmine Wang: Tonye, thank you so much for being here today and for taking out of your schedule to sit and chat with us. To get us started, you have amassed so much success and impact over the years in both business and philanthropy. I’m wondering if you could walk us through some of the details of your career path and discuss some important moments to where you are today.

Tonye Cole: My career path started out of a disappointment and what we saw as a transition into the democratic process in Nigeria back in the day. I was in Brazil prior to that working as an architect and went back to Nigeria because ther was a transitional move from the military to democracy. And that fell through. When it fell through, myself and a lot of my eneration at the time decided that anything that had to do with government, politics, we wanted to nothing to do with that. And that we just wanted to put our energy into building things that we had more control of, which became business. So we poured ourselves into business. And we found out very quickly two things: if you applied yourself hard and you provided services that people needed, then you could grow.

We also found that we could tell that energy at cross-borders into other African countries, into Europe, so we opened offices in Geneva, in Singapore, in Dubai, and we just found out that as long as you were doing things properly, you would always get an opportunity to grow. The flipside of all of this was every time as we grew, we found that on the side the left, the political
and policies were being made, politicians were making decisions that affected everything we did. And we found that because my generation and I would say people who could have made an difference in politics had no interest whatsoever, the kind of policies that were coming out were getting and more and more, for a lack of a better word, draconian and very difficult to address.

So, I made a decision along the way to begin to see if we could influence politics, what you would call in the U.S. lobbying—to lobby politicians and begin to get directly in their face to lobby better, more equitable policies and all. It didn’t work. It was extremely difficult. We pushed ourselves philanthropy to see if we could make up for the failures of government, but we also found very quickly that there was just too much to be done and no matter how much money you had or how good you wanted to be, with a failure of government, politics, and policies, then the net effect was too high for everyone to pay. That then led me down the path to say is that the only way it done is to jump into the ring myself and bring more people coming in. That’s a short 30-year summary in about 5 minutes.

**Dean de Silva de Alwis:** I love that because it’s what Ghandi said: “Be the change you want to see.” You wanted to change the system, you wanted to be part of the system in order to make those changes. I love the fact that there was a need to change the system as a business leader that made you engage in politics.

**Jean Mendoza:** Hi, thank you so much for joining us and engaging with our class. Your impressive career has taken you around the world, from Nigeria to Brazil, the UK, and the U.S. How has your global perspective shaped your perspective of gender and cultural diversity in the workplace? You already noted one example in your introduction regarding some countries being more accepting of quotas.

**Tonye Cole:** That’s such a great question. I’ve seen that the difference strokes in different countries depending on where you’ve been and where you’ve gone to. My travel has kind of helped me a lot when it comes to women because I’ve been to countries where I’ve seen women right at the top and I’ve been to countries where the treatment of women has been really abysmal. I’ve seen women suffer great degradation in some parts of the world and I’ve been to other places where I’ve seen women right at the top on equal footing. What travel has done for me essentially
is to show me the wide variety of what you see in life and the gross inequalities that you have and the inequalities are a lot. The decision you then have to make yourself personally as to which part of that spectrum you want to be. You can make a decision yourself to either be on the side of trying to make things better or make things worse.

And that’s part of the reason why the [squib] was really important. It gave the opportunity to frame a lot of the things that were intangible, things that you did, but now you could put it into a context of numbers and descriptions, one of which, for example, would be SDG 5, which deals specifically with women. So cross-border travel and interaction has been extremely good and it’s something I encourage a lot. I was surprised in many countries that people don’t travel a lot. Because they don’t travel a lot, their view of life and how they relate to women and men and relationships is limited. Maybe social media has changed that a bit today, but back in the days, I have some experiences that travel does a lot, it works.

**Dean de Silva de Alwis:** Tonye, my experience of knowing you, you’ve been enormously supportive of women in different fields, including women in business. Just because my students are of that generation, when I took you to Harvard Law School with me, you brought with you the woman who created Villanarjia (?) – this platform, internet platform on culture and beauty and a space for women. And she was at that time, at the Kennedy School, but the ways in which you as an ally, as a powerful male ally, continue to empower women by giving them voice, agency, giving them financial and other modes of support is so very important. I just want to establish that fact because this is the first law school class that is looking at both the advancement of women, advancing women’s leadership, and the role of male allies in doing that. As you said, and as I’ve been stressing, and we’ve had established through our report now, this is a role for men and that this is not something in isolation of men. And this is the right thing to do, it’s the moral thing to do, but it’s something that also helps with the status of all. This is also something that Justice Ginsburg made clear when she used male plaintiffs in order to establish gender equality for both men and women and looking at caregiving as a gender-neutral policy. This is something that I wanted to continuously belabor in my class.

**Tonye Cole:** One point on this, and it’s extremely important for your students. In my travels, when I was still working with Sahara, I always made it a point to always have mentees all of which
would include a woman. And the reason being that when we travel, and I carried them everywhere, and we went for meetings in different places, I found out that when I took them into places especially in places and countries where women were not regarded so highly, and I put them in front and allowed them to speak in all male settings, the perspective of the men in the meeting changed completely because the fact that I trusted them enough to put them in front changed their perspective of how they saw women in the first instance.

The second thing that it also did, it also encouraged women within the organizations that we went and meetings that we went that fellow women could do this and seeing that play in real life makes a huge difference. Speaking to the men in the room, do not underestimate what visual and signaling – don’t underestimate what signaling does. To the men, especially when you go for meetings, make a conscious effort to take a woman especially when you’re going international meetings, travel with a female colleague and that let that female colleague be in front, speak at those meetings and all of that, it makes a huge difference.

**Dean de Silva de Alwis:** I love that. I love that on so many levels because this is part of international treaties like the Convention on Elimination of Discrimination Against Women. How can we increase the risk of high level diplomats so that it’s women who are representing their nations and their businesses. And Tonye, I saw you do that and when you brought to this meeting at Harvard Law School, you didn’t speak a word. It was the three women who were obviously hugely successful and hugely influential but it was a meeting I had set up for you—but you brought these three influential women and they dazzled everyone and they were the ones who spoke about rising Nigeria. You let them speak about a rising Africa, and I think that was important to see how women are rising with Africa.

**Edmund Gyasi:** I have a question for Tonye. In your opinion, where do you think Africa is in terms of female corporate leadership? Because on one hand, I feel like Africa has had female presidents, but in the business realm, I haven’t heard too much talk about a lot of changes that are happening at least in the west in terms of pushing for more female CEOs. I’m just curious about this because you’re more proximate to it and curious to hear your thoughts.
Tonye Cole: That’s a great question. We’ve had to push a lot in that field. A friend of mine used to work [squib] and a very close friend of mine and accosted me and asked me, “What are you doing for women in your corporation?” This must have been about 12 years ago, roughly. And I was like, “Look, we don’t discriminate when it comes to recruitment,” which was true, we bring everyone in based on merit. She was like, “No, no, no, I’m talking about entry point, I’m talking about c-suite and the top level. How many women do you have at the top?” I had never quite thought about it until she began to put it in my face and I started off by saying, “You know, the head of HR…” and she was like, “Stop, don’t say head of HR, don’t say head of the law department. That’s what always happens, women are put into HR and law. I want to know how many people on the board and how many people you have at the CEO level of your subsidiary companies and all of that.”

I had to sit down, stop, and think about it, and go back and look at what was happening. Because we were actually just looking at merit, I found out that what was happening was that at the particular mid-level point, women were dropping off, like a drop off the cliff. I wasn’t paying attention to that. That was when they were getting married, when they were having children, when they were taking care of the home, and all of that. And as a result of that, the number of women who were rising at the top even though we were recruiting more women at the beginning on merit than men, by the time they got into middle management and all of that, we had more men than women. Because some of them moved with their husbands, and for many things.

Now, we had to pay particular attention to begin to make sure that women continued in the trajectory to the top and took on those positions. That takes a very deliberate effort. To your question, Edmund, if you don’t pay attention to it, what you find out at the top of the pyramid is that you have more men and if you select on merit alone, you will have more men in the pool to choose from than women so more men will continue rising to the top. So, you have to make a conscious effort. I found out that by doing that, we were then doing that we were able to have women at the top of our three most profitable businesses, the upstream one at the time, the power company that we have is now run by a woman, downstream operations was run by a woman, [squib] business was run by a woman.

We now have women on the board of the companies and leading different arms but it took a very deliberate effort. On the larger scale, when it comes across borders in Africa, we find the exact same thing happening and people have to pay attention. You will not find the representation
is good enough, there’s still a huge gap but by the examples we’ve been able to give and speaking at women’s conferences, women coming together and putting this example in the face of the other men who are run corporations and all, we’ve been able to make a difference. There’s still a lot to be done, a lot more to be done.

Dean de Silva de Alwis: I’m so glad Edmund brought up this question and that’s why I’ve been asking Cassandra if Natalie is here. Natalie is the youngest woman CEO of one of the day biggest Mumbai mobile companies in Africa, Ecopatch (?). It’s the second largest Mumbai phone company in Africa, and she is the youngest woman CEO. She’s from Zimbabwe and she’ll be here for our next class if not tonight. I wanted her to talk about the importance of more women in business. Your point, Edmund, the quotas have shifted the balance of power and brought more women into the political stage and the prime minister and women in Senegal, which, Tonye, you were talking about.

I am going to be doing a program with the former prime minister of Senegal at the UN on Human Rights Day. We are celebrating the legacy of Ruth Bader Ginsburg globally. So Amanata and I will be having a conversation and will be joined by Ruth Bader Ginsburg’s granddaughter, Clara. Your point about yes, these quotas have evened the playing field, or tried to even the playing field for women in politics, but what about business? There’s more power in business than even in politics.

Karis Jackson: This is all great, I’ve been listening the whole time and I really appreciate both of you coming and giving such diverse perspectives, from Africa, and as a woman of color, and as a black general counsel. This has all been really eye opening for me. My question is more towards Tonye and I feel like this jumps off of what Carolyn was saying about what people are doing to encourage these women to actually the opportunity to have these jobs. We’ve talked with a lot of different CEOs and different people in positions of power to create the culture, make institutional changes, or we’ve also talked for instance, in California how recently they passed a proposition to for a quota for women and persons of color to be on board of these corporations.

I know that you’ve talked about the quotas and how they’ve been useful to different degrees in different countries, so again, I want to know more from your personal experience, how you maintained institutional changes that have led to women’s success because a lot of law firms have
these programs like flex-work and these different parental leave programs that are meant to encourage work/life balance but women don’t avail themselves of them because they feel it’s a negative checkmark against them. So I feel like your examples of signaling and amplifying women’s voices is a great example of encouraging that within your workplace but I’d love to know more and get more of a look on the corporate governance side of it. As a CEO, you’re pretty much able to shape that as you want, so I’d love to hear more from your perspective.

Tonye Cole: Karis, thank you very much for that question. I’m going to be a bit controversial with my answer because sometimes women don’t like this when I say it, but I think it’s the truth. Part of the problem begins from parenting at the home both on the male side and female side. I’ve seen a lot of times where we’ve brought up children to think differently and place women more subservient than men as you bring them up. Terrible practice. Right from the beginning, where you need to start both as a husband and a wife is to make sure that both male and female children grow up understanding that there’s no difference.

There might be differences physically but when it comes to competence, what you can do, how far you can go, what you can dream for, what you can arrive at, and all of that in life, please go for it. I bring up my daughters that way, and my son, and my daughter is at the top of it. Entrepreneur, driving, pushing, doesn’t go out feeling like she’s less of a person, she has no inhibitions. That’s extremely important first and foremost and make sure that that’s done right from the beginning first and foremost. At the corporate level, at the top, or the c-suite or board level, as soon as you’re deliberate about bringing women in there, the kinds of decisions that are made go beyond the platitudes of saying you have flexible times and all of that because you’re making decisions that women understand better than men who are in the room.

I found that once I had a board woman with me making those decisions, then the implementation of that decision became much more plausible. And so, please make sure that once you’re a woman and you make it into the boardroom or you make it to CEO level, don’t be shy about pushing your agenda—just push it. Push that agenda, it makes a big difference. It helps men, the men see and you talk a lot about women making the business a lot more profitable and men understand numbers and as soon as they see it’s good for the bottom line as well, they don’t resist it. Push your argument in the boardroom, it makes a big difference.
Dean de Silva de Alwis: Thank you so much, Tonye for being here. We are so honored to have you, Tonye, you are a changemaker and I want my students to be like you. Be CEOs of your corporations and then run for the highest offices in their countries.

Yujie Zhang: Thank you so much, Tonye, for making our male ally community so powerful. Thank you for sharing your thoughts and experience, I really learned a lot. I think the developments existed and here, in my country, I see the developments. I see Allyship Week—special and meaningful events that happened in China, Shanghai. It’s held by NYU of Shanghai and it’s really meaningful and I read some articles posted by them and they hosted many events in China which I never known before. I realized how meaningful it is, it has been two years. I think developments are ongoing and developing countries like China are I think, could see more perspectives and I hope that some day, LGBT groups and female leaders in China can really speak out and the gender equality can take shape on the global level.

Dean de Silva de Alwis: I do want our class to be global in that perspective and how allyship that we discuss and we work on. Leadership is about doing leadership work. The leadership work that you’re doing has global impact in that ways in which is transformative. Thank you to all of our leaders for joining our conversation.
Carolyn Edgar
Managing Counsel, BNY Mellon

Carolyn Edgar is Managing Counsel – Technology, Intellectual Property and Social Media at The Bank of New York Mellon Corporation. Carolyn works on technology and procurement transactions, including software licenses, application services, SaaS, Cloud, consulting services agreements, software development agreements, information services and business process outsourcing agreements. Prior to joining BNY Mellon, Carolyn was Vice President and Legal Counsel for The Estée Lauder Companies. Carolyn is a graduate of Harvard Law School.

Yujie Zhang: Hello, I am Yujie and I’m from China. It is really honored to have you here in our class and have the chance to interview you. In China, most 20ish females will face extremely high pressure from their families. As you may know, in china, we have the so-called big family culture, and we are tightly bond together especially during most holidays and catching up everyone’s private ongoing life from time to time. And in most cases, the big family’s conception is that females should get married and give birth to babies before 30. It’s more like an assignment for females and the submission deadline is according to the timeline of the average persons.

Based on your experience, What advice would you give to them; maybe Carolyn you can start with some dos and don’ts? Thank you.

Carolyn Zhang: That are great question. And yes, all of us I think you know come from cultures where family is important to the point we all have our version of the whether Thanksgiving dinner or Christmas or whatever holiday your culture celebrate; and someone is asking so what’s going on? What is your partner yet? I think the only advice I can give to Chinese women or any women is you have to be true to yourself and your own culture belief, you think it is important.

But it is possible to have a successful career and have a family, but it requires a partner who is 100% supportive of your family’s goal, so it doesn’t quite worth is the woman says I am not gonna have a baby but someone has a career is her husband or partner is not solely supportive of that career and that career goal or company’s goal fell apart. So it has to be part of the family dynamic that we are going to work together to find a way to make these all worth, and maybe that means, at some point, she takes the break from the work force, but she is fully supportive or she is willing to go back into the work force; maybe it means hiring the supportive help moving closer to family so she has sufficient family support it can mean a number of things, but you know in my case, I didn’t really have.

I live far from my family and I don’t have a supportive partner, so I was trying to do everything myself and that I know from the experience, you feel like a failure in both worlds, you feel failure on the parents and failure on the job and so in order to make these all worth, it really does have to be have a family decision, with the supportive of a loving partner who is going to help you, navigate through the result who might make the decision himself or whatever
the situation is, your partner may make decisions for that person’s career to enable a women to pursue the career path she wants. I hope that answers your question.

**Yujie Zhang:** Yes, totally Madam, can I just make some conclusions. So, you just said, like how to draw the line between families and their careers and they should stick to their principles, I mean their beliefs. I think some of them are already made some concessions about valuing their family bonds and to be themselves. So, I think it’s a really tough and demanding decisions for them to make, and for the other females on the planet as well. Thank you so much.

**Yujie Zhang:** My question is about LGBTQ groups. In China, they face many risks, family pressure is one of them, in order to peace wars within families, Gay people are inclined to have a fake wedding with Lesbian. Some support them because they argue that China is family centered, which means families bonds are treasured and it makes sense they do not want to ruin their traditional bonds and fake wedding is like a concession of being themselves and maintaining their family. What do you think of this phenomenon?

**Carolyn Edgar:** I think that in the United States, it becomes very important for the notion of family to be broadened into being inclusive of many different family types, so not just one man and one men, but two moms, two dads, various configurations because that’s the reality how many of our experienced family. And it’s important to our policies also reflected a vision of family that is not so restricted that it doesn’t allow those with different types of family structures to be recognized and participated.

That has been a heartful challenge in the U.S. it has involved thanks to different court rulings overfell which recognized legal rights for things such couple scenario, even the court overfell the corporations that allow policy such as you were able to have your couple covered your medical insurance the same rights to adopt and to have that supported by whatever the power of policy exists. There are a lot of that corporations and corporate structures can do to support their LGBTQ employees but obviously there has to be also really strengthened and make sure these rights are honored and really protected for all. You have to have policy at a government level but support it and it is an ongoing battle to make sure that even once you achieve the government policy recognitions. There still the ongoing need for continuous process to ensure that those rights remain protected against those who don’t believe those rights should be protected in a way I believe it should.

**Dean de Silva de Alwis:** I think Yujie’s point is also important because in this class, we are looking at male allyship and the term allyship is about supporting and standing not for the rights for all, especially those voices need more amplification.

And I don’t say that in any way a condescending manner because you don’t want allies speak for anyone particular group but it is a way of addressing the legacy of discrimination that a
particular group has faced, whether they are women or intersectional groups. And the role of allyship can play with that.
Shelly Kapoor Collins is founding partner of the Shatter Fund, a returns driven fund investing in technology companies led and started by women. Shatter is the culmination of Kapoor Collins’s entire career of working in the Tech industry as a founder, investor, and advisor, and her extensive experience in mentoring and empowering women in the U.S. and abroad. An unparalleled network of strong female operators built over 20 years in the Tech industry provides the Shatter team with access to some of the most exciting, mission-driven female-led companies. Collins has also worked at the highest level of politics, giving tech advice to President Barack Obama’s 2012 campaign and serving as vice chair of Secretary of State Hillary Clinton’s Women in Public Service Project.

Dean de Silva de Alwis: Thank you so much for doing this, Shelly, we really appreciate you and we know how busy you are, and what a privilege it is for my students to be able to interview you at this pivotal moment in the history of our nation, at a time of transformation, and we know that role that you played in this transformation and the ways in which the Senator, now vice-president elect considers you a force for women’s empowerment. So this is so important for us in lieu of this particular political moment for my students to be able to engage with a woman who will be playing a cardinal role in this transformation.

As both of you read about her journey, Shelly is the founder, as well as the CEO, of Shatter Fund. I am proud to serve on your board, Shelly, and this is one of the only funds that is headed by a woman for women. And we discussed this in class at length, that only 2% of venture capital go to women led businesses, and of that only .2% of that go to women of color. So you see the importance of having women who see the importance of venture capital for entrepreneurship and who are doing something to close that gap. There are only, apart from those dire statistics, 6 to 8 percent of women who have venture capital. That’s a very, very small group of women in leadership positions in venture capital. So to be able to have someone like Shelly who not only is the CEO but who also founded her own venture capital fund is so important.

Apart from that, she is very active in public leadership as someone who is a supporter of major women in political participation. She worked with me on the women in public service project that was built by Secretary Clinton, and she has been very close to Senator Harris on her own Senatorial campaign and now in her VP campaign. She also worked in the Obama administration, heading women in small business and entrepreneurship. So we hope she will continue to play a major role in public life.
**Shelly Kapoor Collins:** So I just wanted to say, everything that Rangita has said is very kind of her to say about me, but really all roads lead back to Rangita. I met Rangita, I am happy to say many years ago, and she has been an inspiring force to me since then; she is a mentor to me, she is a sister of my heart, and you girls are so lucky to learn from Dr. Rangita and we are so lucky to have Rangita on our board at Shatter.

**Dean de Silva de Alwis:** Thank you Shelly.

**Sherry Liu:** Hi Shelly, thank you so much for joining us. It's wonderful to have you here today. Prior to our class, I read some articles covering many of your incredible accomplishments in politics, in the tech sphere, and as a woman who has paved the way for other women leaders to succeed. In particular, I really enjoyed the *San Francisco Chronicle* piece that came out a few years ago, and I was struck by this quote from you at the end of the article which read, “I don't think we're going to see our Steve Jobs, or our Mark Zuckerberg for another generation. We have a lot of work to do.”

In class we talked about both overt and subtle gender and racial discrimination, so I think this quote really resonated with me in terms of how much work there is still to be done to equalize the playing field. So I was wondering, as someone with your considerable experience, overcoming so much as a woman in various male-dominated industries and fields, what would you say are some of the most pressing obstacles still facing women in tech and various areas of STEM?

**Shelly Kapoor Collins:** Sherry, thank you for taking the time to read about me, I really appreciate it. You're doing your research and that's wonderful, and thank you for the great question. It is a really good question.

I would say that the obstacles are two-fold. So for women, and girls, there's a reason that we are lacking technology, which is the backbone of entrepreneurship, which is the backbone of venture capital. It starts at a very early age and it starts with our lack of girls in STEM; it starts around the third grade. Girls go into school, just like boys do, but around the third grade they start to feel like math is not their subject, or they start to see a little difference. By the time they get to college — I can get you the numbers — but I think, of the hundred women that enroll in a STEM-
related field, only a very small percentage of them actually graduate from college in that field. A lot of it starts in elementary school and middle school with girls saying, “Oh math isn't my subject” or, “Oh that's a girl thing.” We give girls pink toys and we give boys a blue shirt, and the girls have dolls to play with. So there's a lot of gender bias built in as children that we face.

There's also a systemic educational issue when it comes to the lack of girls in science, technology, education, and math, of course. But then there's also the reality of it, right? So, let's look at me. I have a degree. I was raised in an Indian family where math and science are the backbone of everything we do; if you're not a doctor, lawyer, or engineer then somehow you’ve failed in life. So, I have degrees: a masters and a Bachelor's in Information Systems Management. And despite that, it was a really tough thing to break into venture capital, and a part of that was that — I had the network. And I had the background, and I had the resources.

But I still had to prove myself. I still had to show to men that I'm not just investing in other women because it's a charity. We're not a charity. It is the smart thing to do. It is the economically savvy thing to do. When investors don't invest in women-lead and founded companies, they are leaving approximately 4 trillion in unrealized returns on the table. That's according to Morgan Stanley. Women-led companies exit at least a year faster than their all-male counterpart-led companies, and they exit with about 35% greater returns on the investment. So that was a long answer for your very nice question: it's systemic, it's educational, and it's having to prove ourselves, and to break into these insular industries.

**Dean de Silva de Alwis:** This was an exceptionally well-constructed response, Shelly, with data, with your own experiences, and I want to tie this into some of the theories we've been studying in class. Joan Williams, who is the nation's top scholar on bias and gender equality, who will be joining us on our last class, calls this the “prove-it-again” syndrome. So you constantly prove it yet again and again and again, so it's not just once. You continue to have to prove yourself — again and again and again. Just when you think you’ve proven yourself, you’re again questioned. And then you prove again. So it’s that “prove-it-again” syndrome which is what your narrative shows, and that theory was based on interviews with women like you.

**Alexandra Kaye:** Thank you so much for speaking with us. I am so honored and grateful that we are able to meet and learn from you today. You encapsulate everything that it means to be a role
model. I love how you followed your passion and call to action to invest in women, and how you are making a huge difference despite what our class has learned about issues that women face in the tech industry.

We have been reading many of Deborah Rhode’s leadership writings. In Deborah Rhode’s 2017 Stanford Law Review article, she speaks about some of the paradoxes of leadership. One paradox is the power paradox, where there is sometimes a disconnect between qualities that people say they value in leaders, versus qualities that they actually use to select leaders. For example, people who exhibit empathy are promoted to leadership roles, but once they become leaders, they lose focus on the needs of others.

In one of the interviews you gave, I read that as a leader you have a lot of empathy, and that’s what makes founders want to work with you in the first place. I have several questions. My first one is, how did you maintain that quality of empathy — was it an intentional effort? And, do you have advice as to how others can intentionally maintain qualities like this one after they rise to leadership roles so that we can keep this going?

**Shelly Kapoor Collins:** So, two parts of it. Empathy I don’t think is a learned skill, it is something that is innate to us as women. I also think that there is a dynamic where women are empathetic but then I have heard women say things like, “I think like a man”, “I project myself like a man”, so they purposely put aside that empathy so that they are not taken as weak and they are seen as being manly and that they deserve to be in the room. When in fact our calling card is our empathy. Empathy is not a four letter work. I think that empathy is what makes us good leaders because we put ourselves in another person’s shoes. There is a reason that there is a statistic that says when a woman investor is in the investment decision making process, a female entrepreneur is two and a half times more likely to get the capital that she needs.

This is a statistic, it’s researched, it’s reported. I have actually lived this statistic on both sides of the table, as the entrepreneur and the investor, and I can tell you that the other part of the empathy answer is that it’s about giving back. Look, I did not just get here on my own. I did the hard work. I sacrificed, I left my kids, I put in my own resources but at the same time, someone paved the way for me. Rangita has been my guiding light. Karen King from Silverlake, who is a dear friend and mentor to me, brought in Silverlake. She spearheaded that investment into our fund. And on her shoulders, Silverlake invested. Jenny Johnson from Templeton — she gave me
that chance. So what I am saying is, I also have had people open doors for me and therefore it is my responsibility to pay it forward and to pay it back, and that’s where the empathy comes in. I think there are a lot of times where people forget that and you can’t afford to forget that, men or women. I hope that is helpful.

**Dean de Silva de Alwis:** That’s a beautiful way of providing the texture to that kind of very ambiguous and rather amorphous concept of empathy. Because empathy — what does it really mean? And being inside someone else’s shoes. And as you have said, you have been in the shoes of an entrepreneur seeking the venture capital. And then you, having risen to leadership, understand the need to bring others along with you because to open doors, in a true way. It is not just a rhetorical matter. And just to my students I want to explain — Karen King is also a lawyer heading one of the big venture capital funds in Silicon Valley and last semester my students interviewed her. Having that network, and also building the network where you’re the giver, Shelly, I think is so important.

**Sherry Liu:** Shelly, something else that you mentioned in one of your interviews is that male allies are important to the success of women, and that's something that we've also discussed at length in our class. I know you've had some experiences where your male colleagues were unwilling to support the startup ideas of women for various reasons. I'm wondering if you’ve found particular strategies or ways to get your male colleagues to take on more of an allyship role in promoting the success of women?

**Shelly Kapoor Collins:** So, again, awesome question, and let me just tell you really quickly what I’ve found. So you probably read about when I first invested in a company called Glam Squad. Glam Squad is an Uber for hair and makeup; they come to you wherever you are. And I'm also very engaged politically, so I decided as an investor that I wanted to open Glam Squad up to the new market of Washington, D.C. And at the same time, one of my male colleagues said to me, “I'm not seeing it. Hair and makeup and politics, I'm just not seeing it.” And I said, “You know what? You wouldn't see it.” Because he's not the one who's having to leave his house to go get his hair blow-dried, or he's not the female senator who needs to retain her anonymity and still be able to get these services done, so I said, “That’s where the male and the female diverse viewpoints...
come in, especially consumer tech.” And I said, “That's fine, we're going to launch it.” And D.C.’s one of our most successful markets.

Dean de Silva de Alwis: When David Hornik, another mutual friend, visited our class, he talked about how two women from Harvard Business School came to his company, and gave them this pitch. And he said that they were intelligent but his male investors kept finding problems, both with the fact that they were two women, and the fact that this was a “soft” idea. And they passed on it and he said that they now rue the day — because this was Rent the Runway. And then at another program that I had with David and Shelly, and Suneel, I was joined at that time with a very, very close childhood friend of mine, Kumar Mahadeva, who is the founder of Cognizant Technologies, probably one of the biggest technology firms, and he said, “Oh, Rent the Runway? I invested in that.”

Shelly Kapoor Collins: [laughing] Leave it to a guy to miss out on one of the best unicorns right of 21st century.

Dean de Silva de Alwis: Right? But at the time they were pitching, they couldn’t understand why it was important for women to have that convenience of being able to rent your clothes without having to buy them.

Shelly Kapoor Collins: The other part of it is that, Franklin Templeton’s CEO, Jenny Johnson — she's a personal friend of mine, and she brought me into Franklin and said, “You know Shelly, I want to invest in the fund, but if you can talk to the head of my venture group here, Franklin Venture Partners, James Cross, if you can talk to him and convince him that this is the right thing, I'm all in.” I sat down, I talked to him, and he got it instantly. He led the investment into Shatter. So, that is a male ally and then just really quickly, fast-forwarding, I am now a partner at Franklin Templeton to their venture partner group. I was just allowed to share that as of a few days ago.

Dean de Silva de Alwis: Congratulations! You know my heart is bursting with pride.
Shelly Kapoor Collins: Thank you. Back to the point of: what does it take? It takes one right “yes”, that opens the doors.

Dean de Silva de Alwis: One man ally who believes, really believes, in the women and their peers, I think that makes all the difference.

Alexandra Kaye: I have two interrelated questions, given your background, investments in women entrepreneurs and their businesses, and also your friendship with Kamala Harris. First, is there anything you can share with us as to what you would advise her to do at a governmental level to encourage more women-led businesses, and more women occupying senior and leadership roles? Second, what business or government policy changes do you believe would be most effective at helping with retention so women stay at work and rise to leadership roles?

Shelly Kapoor Collins: So I am going to answer the second question first. Someone asked me once, “What is the biggest inhibitor of innovation?” And do you know what the answer is? Childcare.

Dean de Silva de Alwis: Family leave policies are a huge central theme in our class.

Shelly Kapoor Collins: And understandably, right? Because as women we carry all of the workload at home. Like during COVID, my fund did a big survey and reached out to all these women who had founded companies in the U.S. and we found out that over 95% of respondents were now doing lunches and dinners, grocery shopping however they were doing it, homework, laundry, and running their own companies and maintaining their day jobs. So whenever the burden falls, it falls on us to do it all. And I think I have been in the position before where I had a meeting, my husband had a meeting, the nanny cancelled — I was the one to have to cancel my meeting.

So I think family leave, childcare any kinds of policies, Alexandra, that can go into place, that allow you to be more family-friendly, that allow women to be a little bit more relaxed and to be able to fulfill their duties, I think that would be very helpful. I actually advised the previous Obama administration on that as well and they were very big on that component.
Dean de Silva de Alwis: What we hope is that the COVID-era will propel related governments or industries to adopt more flexible work hours and work days, because what it shows is that this flexibility is something that is an imperative.

Shelly Kapoor Collins: You know it’s interesting Rangita, because I have friends, women, that have been allowed to stay home and work. They’ve been allowed by the company, and yet they choose to go to the office because when they are at home, they say, “The husband and the kids, when I am home, they see me and nothing gets done and they still comes to me for everything.” So they have to leave to be productive.

In terms of what you are talking about, what I would advise vice-president elect Kamala Harris to do, I mean — she’s smart, she’s savvy, she gets it. I would say that for her, it’s really important, that representation matters. So you put women in those places and positions that can then enable that entrepreneurship. We have to have things in place where women are able to get access to the networks and the markets. I don’t want to say whether it’s set asides for women, or whether it’s some kind of a policy or some kind of a tax credit that encourages women to start businesses, and when they start them, they get X amount of credit for starting it at home. There are so many different ways that she can do this, but she’s in such an amazing position to be able to now promote female entrepreneurship. But really what I want to do is say a special thanks and even just give a clap to the ultimate male ally of the 20th century, and that is Joe Biden. Without his leadership and without his opening the door to select Kamala as his vice-presidential nominee, she would not be right now one heartbeat away from the presidency and she would not have shattered that glass ceiling. So I think we need to recognize him.

Dean de Silva de Alwis: I want to take it even further Shelly, because you may remember Bhavin, Alexandra, and Sherry, that I did a Thompson Reuters program where I interviewed David Wilkins of Harvard Law School and they are going to be submitting our report to him, and I talked about how he wrote a law review article about black lawyers in corporate America during the age of Obama, and he looked at what Obama’s presidency did for men and women of color in corporate law. And I asked him, as at that time Kamala Harris had just been nominated as the vice-presidential candidate, and I said it was actually Obama’s allyship that propelled her to the public limelight. Obama saw her promise, and was constantly talking her up. It was Obama who made
her a highly visible attorney general. At every level he would talk about her role as one of the best attorney generals.

**Shelly Kapoor Collins:** I have to respectfully disagree with that as someone who has been with Kamala since District Attorney, and then I was on her attorney general campaign, on her transition team: I can tell you that the only difference between Kamala and President Obama was that she did not have the platform he did as a male. And so while he was talking her up and may have said kind things about her, she had already achieved her achievements. I don’t know. I feel like she was the first one to endorse him in the state of California.

**Dean de Silva de Alwis:** Right, so she was his ally. I like that. I love the fact that women can be the allies, right. Because another thing that we talked about in class is that it seems almost that it’s objectifying women when you want to look at men as allies. That’s almost condescending to think that a woman needs a male ally, when sometimes it is the women who are the allies of men. But I do think it is important for a man like Obama, as President, to be able to constantly make someone visible.

**Shelly Kapoor Collins:** One hundred percent. I mean I would love for Barak Obama to say my name and call it out in the public sphere anytime he wants to. I’ll take it; I’m not going to say no to that.

**Dean de Silva de Alwis:** Exactly! He will. He has done that Shelly.