



Published by the Hanson Bridgett Diversity & Inclusion Network

OUR COMMITMENT

We are dedicated to establishing a workforce that reflects the needs and interests of our clients and a work environment that provides opportunities for people with varied backgrounds. Our commitment begins with the law schools where we seek to recruit diverse candidates and support the needs of minority students.

Schuette v. Coalition to Defend Affirmative Action: A Missed Opportunity To Encourage Diversity

By Gilbert Tsai and Kyla Rowe

The legal profession benefits from the diversity of its members. The admissions and membership policies of our societal institutions – professional organizations, the labor market, and higher education – should be evaluated with the goal of diversity in mind. Race-based admissions policies usually benefit minority groups as a matter of course, but the primary focus should be on the benefits enjoyed by all when we strive to create organizations made up of varied experiences, backgrounds, and viewpoints. Unfortunately, the United States Supreme Court gave short shrift to these merits in *Schuette v. Coalition to Defend Affirmative Action* (“*Schuette*”). By doing so, the Court missed a golden opportunity to recognize that diversity benefits everyone.

Hanson Bridgett Diversity and Inclusion Network Update

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In *Schuette*, the Supreme Court upheld the constitutionality of a Michigan state amendment to make affirmative action illegal in public employment, public education or public contracting purposes. This was the Court’s second major affirmative action ruling concerning higher education in less than a year: in *Fisher v. University of Texas*, the Court ordered tighter scrutiny of race-conscious admissions, preserving the principle that affirmative action is permissible in some circumstances.

The controlling opinion in *Schuette*, written by Justice Kennedy and joined by Chief Justices Roberts and Alito, meticulously skirts the affirmative action issue and instead focuses on the constitutionality of the political process which passed the amendment. The *Schuette* decision has an admittedly narrow impact. Indeed, the plurality expressly declines to discuss the merits of diversity, stating that “this case is not about how the debate about racial preferences should be resolved. It is about who may resolve it.” And the plurality concludes that unless a policy involves intentional discrimination, the merits of such policies should be determined at “the ballot box, not the courts.”

In Justice Sotomayor’s lengthy and impassioned dissent, she picks up right where the plurality leaves off. She points out that race-sensitive admissions policies can “both serve the compelling interest of obtaining the educational benefits that flow from a diverse student body, and inure to the benefit of racial minorities.” Quoting from past Supreme Court precedent, Justice Sotomayor notes that besides providing educational advantages, diversity benefits society as a whole: “To cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity.” Justice Sotomayor correctly sees that her role as a judge requires her to “police” self-government, stepping in when the public bans a practice that confers benefits upon everyone.

The Supreme Court should have taken a stand to further recognize diversity as a compelling national interest. The legal profession has taken steps to further these goals, but much more work needs to be done. For example, *The American Lawyer* noted in its May 2014 publication that in 2013, only 1.9 percent of partners at large law firms are African-American, a percentage that hasn’t changed in five years. Other minority groups did not fare much better.

Diversity benefits everyone – at all levels of education, and certainly in the legal profession. Rather than recognizing and encouraging diversity as a goal, the *Schuette* plurality deferred to public opinion. Banning the use of race-based preferences in admissions policies throws obstacles in the way of achieving diversity, thereby doing a disservice to both minority groups and society. ■



LEADERSHIP · ACTION · RESULTS

Leadership Council on Legal Diversity

By John Cu

Overview -

Founded in 2009, the Leadership Council on Legal Diversity (LCLD) is an organization of more than 200 corporate chief legal officers and law firm managing partners. Their programs are designed to attract, inspire, and nurture the talent in society and within organizations, thereby helping a new and more diverse generation of attorneys ascend to positions of leadership. LCLD works to promote inclusiveness with the ultimate goal of building a more open and diverse legal profession.

Fellow’s Program -

LCLD’s Fellows program is LCLD’s flagship program. It was launched in 2011 with the goal of producing a generation of attorneys with strong leadership and relationship skills who are committed to fostering diversity within their individual institutions and the profession at large. During his or her Fellow year, each honoree embarks on a learning program that includes in-person conferences, training in the fine points of legal practice, peer-group projects to foster collabo-

ration and build relationships, and extensive contact with LCLD's top leadership, including managing partners and general counsel.

Fellow's Alumni Conference -

LCLD held its 3rd Annual Fellows Alumni Conference in Miami, Florida, on May 15-17, 2014. The Conference was a success! Special thanks to Corey Lee of Hunton Williams for Chairing the event, and for the 106 Fellows who attended. Following up on last year's conference (San Francisco) theme on leadership, the guests speakers for the 2014 Conference included Derek Jackson, Vice President and General Counsel of the Miami Marlins, and Eve Wright, Vice President and Associate GC of the Miami Heat. In addition, LCLD Executive Director, Robert Grey, conducted a conversational interview of Stephen Zack, Partner at Boise, Schiller & Flexner LLP, former President of the American Bar Association, and one of the lead trial attorneys for Vice President Al Gore in the Bush/Gore litigation in 2000.

1L LCLD Scholars Program -

The 1L LCLD Scholars Program is designed to strengthen the legal pipeline by expanding the number of opportunities for diverse first-year law students. The program gives these law students the rare opportunity to work side-by-side with attorneys from LCLD Member organizations. It provides them with valuable professional experiences while introducing them to the value of relationships and building networks with LCLD Members.

Any comments or questions about LCLD or the Fellows Program, please email: jcu@hanson-bridgett.com. ■

2014 LCLD Fellow – Jahmal Davis

By Dan Garcia

Jahmal Davis, a partner at Hanson Bridgett, was honored to be chosen as a Fellow in the Leadership Council on Legal Diversity's (LCLD) Fellows Program for 2014. Since its inception in 2011, Hanson Bridgett has been an active member of LCLD, an organization composed of 200 corporate chief legal officers and law firm managing partners dedicated to creating a truly open and diverse legal profession through its action programs.

I caught up with Jahmal recently to get his take on the Program so far. He attended a training conference in Irving, Texas with other 2014 Fellows from across the country and was fascinated to hear their experiences and concerns about diversity in the profession. He found the training focused on personal branding, effective public speaking, and building relationships to be more relaxed and yet extremely effective when compared to other training he has received.

The unique insights from nationally-renowned, high-caliber leaders has been invaluable. Significantly, during the short time Jahmal has been in the Program, he has already had numerous opportunities to interact directly with corporate leaders to not only learn about their business operations, but to hear firsthand and in depth what they want from their outside counsel. Some of the notable LCLD corporate sponsors and participants include:

Shell Oil	McDonald's
Chevron	Macy's
PG&E	Fannie Mae
Starbucks	General Mills
Glaxo Smith Kline	Harley Davidson
Medtronic	Allstate
Target	Microsoft
United Behavioral Health	

Jahmal also had the opportunity to engage in what LCLD terms “corporate experiences,” including visits to Harley Davidson’s and General Mills’ headquarters. He learned quite a lot about company history, day-to-day operations, and marketing strategy. His biggest take-away was discovering that although he prides himself on knowing his clients very well, there is so much more to learn about their business to enable him to provide an even greater level of service.

As you might have surmised, the Program has greatly expanded Jahmal’s network. He is now part of an LCLD LinkedIn group that includes both fellows and sponsors. He has also joined several discussion groups that convene regularly, including an employment law subgroup that is particularly focused on his practice area. Rather than being forced or overly structured as many networking programs can be, these opportunities have developed rather easily and organically, making for relaxed and enjoyable networking experiences that will continue long after the fellowship ends. He has already seen referrals being made within these groups.

Wrapping up our chat, Jahmal shared, “I have participated in numerous diversity initiatives throughout my career, and the LCLD Fellows Program has surpassed every expectation that I had. Being a Fellow has increased my recognition of not just the importance, but the necessity of programs like LCLD’s to advocate for change in the make-up of our profession. I, and hopefully others, greatly value Hanson Bridgett’s presence at the forefront of such an important movement.”

1L LCLD Scholar – Andres Cantero

By Naomi Smith

Our 2014 Scholar is Andres Cantero, our 1L Summer Associate, who attended the 4th Annual Scholars

Summit on June 5-7 in Dallas, Texas with about 150 other 1L Scholars representing over 75 LCLD member organizations. Over the course of the two-day meeting, the group heard from a lineup of distinguished speakers and began to build networking and other valuable skills to get the most out of their summer internships. Highlights included mock interviews, small-group mentoring sessions with LCLD Fellows, programs on branding and generational diversity, and a keynote address by Michael-Bryant Hicks, Senior VP/General Counsel of the Providence Service Corporation and a 2013 LCLD Fellow.

Upon his return to the office, Andres reported that he bonded immediately with four other LCLD 1L Scholars from the time he landed in Dallas – this group caught the attention of LCLD’s media chief who interviewed them and will be tracking their progress over the next year on their website. ■



DIN Member Spotlight – Mohammad Walizadeh

By Simron Gill

Mohammad Walizadeh was recently awarded The Bar Association of San Francisco's Justice & Diversity Center Outstanding Volunteer Award for his long-standing commitment to the Eviction Defense Project. The Eviction Defense Project provides legal representation to low-income tenants who are defending themselves against residential unlawful detainer actions and eviction proceedings. Volunteer attorneys serve as limited scope defense attorneys during the mandatory settlement conference. I sat down with Mohammad to speak about his work with the Eviction Defense Project.

How did you get involved with the Eviction Defense Project?

"I began working with the Eviction Defense Project ten years ago as a first-year attorney and continue to do so each year. My specialty is real estate litigation, representing commercial landlords. With the Eviction Defense Project, I get to move to the other side of the table, which has taught me so much about my own practice. For every legal issue, you obviously consider all sides, but you learn even more after you advocate for both sides."

What is the most rewarding part of your volunteer experience?

"Helping others. The settlement conferences allow me to assist tenants who could not afford a lawyer on their own. I feel fortunate to have the opportunity to help elderly couples and disabled residents, all long-term San Francisco natives, who are in fear of losing their home. These clients want to hear about their legal options and develop a strategy with you

for resolution, while also feeling secure that they have an advocate on their side."

Would you recommend young attorneys become involved in volunteer programs?

"I highly encourage junior associates to be a part of this program even if they do not practice real estate law. The hands-on participation provides an opportunity to gain real litigation and negotiation skills, which would benefit any attorney. And, at the end of the day, you feel more connected to the community and leave knowing you have helped someone who needed it the most."

For more information about getting involved visit: <http://www.evictiondefense.org/> 

The Gerald Marcus Fellowship

By Naomi Smith

One of the hallmarks of Hanson Bridgett has been its longstanding commitment to promoting diversity within the legal profession. Gerald Marcus was one of the founding partners of Hanson Bridgett who was born in 1917 and passed away just a few years ago in 2011. He was a 1941 graduate of Boalt Hall and a long-time champion in helping the profession achieve greater diversity. Hanson Bridgett decided to help provide material support towards this goal by providing a fellowship fund in his name. In 2002, the firm established the Gerald D. Marcus Fellowship Fund at the University of California, Berkeley School (Boalt Hall) to provide scholarship assistance to law students on the basis of financial need with priority given to underrepresented minorities. The goal set for The Marcus Fund is to generate sufficient income to award a three-year Gerald D. Marcus Fellowship to one entering law student each year. Both internal

Hanson Bridgett employees and external contributors have supported this cause over the years and we are hopeful to continue support for The Marcus Fund as we honor Gerald in recognition of his contributions over the last 50 years.



GERALD D. MARCUS
1917-2011

Our 2013 Marcus Fellowship recipient is Tierra Piens, who just recently finished her first year of law school at UC Berkeley. She received her B.A. from UCLA in 2012 where she double majored in Global Studies and Political Science and minored in Geography. After college, she spent a year serving as a public policy fellow for the Greenlining Institute, a public think-tank in Berkeley, where she conducted research and produced comprehensive reports about diversity in various California industries. Mike Moyer and I sat with Tierra during the Boalt Hall Scholarship Luncheon held in April which honored contributors and recipients and provided an opportunity to interact and discuss careers and aspirations. We also invited Tierra to the SF office on May 23rd to meet with various attorneys and have lunch with members of the DIN. Additionally, she bonded with our Summer Associates and attorneys at the KMEL Summer Jam Concert at Oracle Arena in June and was very grateful to be invited. Tierra is currently a summer clerk at Morrison Foerster.



Featured in this newsletter:



Gilbert Tsai
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