

# DIVERSITY MATTERS

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*To our readers:*

This year has been fraught with continuing financial uncertainties of unprecedented magnitude, testing our resolve to stay engaged and committed to our core values of diversity and inclusion. I am deeply grateful for, and encouraged by, the fact that we have been able to stay the course on our diversity initiative and continue to move forward through these difficult times.

For sure, many of our programs and sponsorships have had to be scaled back, but we were able to continue our efforts on select pipeline and recruiting programs and refocus on integrating diverse talent into the firm. Although we cannot rely solely on statistics, they do serve as a measuring tool. As you all know, for the past four years, the percentage of diverse attorneys at the firm has been increasing steadily at all levels, and this year was no exception. In the past year, the percentage of women partners grew from 25% to 26%, and the percentage of women associates grew from 56% to 58%. Similarly, the overall percentage of minority attorneys now accounts for 9.4% compared to 8.5%, representing 6% of all partners and 13% of associates. While significant work remains for us to keep asking hard questions and find ways to effectively retain and develop top diverse talent at the firm, we should be encouraged by this overall trend and keep our focus on diversity and inclusion.

Most notably, I am so proud that the firm was recognized this year by General Electric Company with a Diversity Award based on our overall diversity efforts and the percentage of women and minority attorneys who work on GE matters throughout the firm. This award is a testament to what diversity means to us in that it is not simply checking boxes or reporting numbers, and it is much more than writing a sponsorship check or attending conferences. It should be about how our lawyers are committed to building a diverse team of talented lawyers on strategic client engagements, thereby ensuring their integration into the firm.

My sincere thanks to everyone committed to building diversity at the firm and ensuring we all have a seat at the table. The firm's leadership and the Diversity Committee will continue to work hard next year to create more opportunities and avenues for everyone to make a difference and participate in our diversity journey. Read on to find out about all the activities undertaken by the firm and our attorneys in support of diversity in the last six months.

*Daphne Hyun-Jin Aronson*  
Director of Diversity

# Diversity Dialogue: Michael Sillyman

This issue of Diversity Dialogue features **Michael Sillyman**, who has been deeply committed to, and actively engaged in, promoting diversity in the legal profession for more than 30 years, long before “diversity” became a coined term. Mr. Sillyman graduated from the Arizona State University College of Law, where he served as Associate Managing Editor of the ASU Law Review. After working for the U.S. Department of Health and the Arizona Attorney General’s Office for several years, Mr. Sillyman entered private practice in 1985 and joined Kutak Rock LLP in 1994, where he was promoted to partner in 1998 in the Litigation Department of the **Scottsdale** office. Mr. Sillyman currently represents employers, both private and governmental, in a variety of employment matters ranging from sexual and racial harassment claims to retaliation and wrongful termination. He also maintains an active commercial litigation practice that includes defense of RICO claims, business torts, defamation, contract claims, noncomplete provisions and securities.



Mr. Sillyman

Over the years, Mr. Sillyman has had many prominent roles in a number of national and local bar associations, including President of the Hispanic National Bar Foundation (the “HNBF”) between 1999 and 2002. He currently serves as Secretary of the HNBF and is also the President of the Puerto Rican Bar Association, both of which roles he has served since 2002. Mr. Sillyman was also the Chair of the Diversity Committee of the ABA Business Law Section between 2002 and 2006.

**Diversity Matters:** You have personally been involved in legal diversity for many years. How did you get started, and how have you been able to stay committed for so long?

**Sillyman:** Upon graduation from law school, I went to work in Puerto Rico with the U.S. Department of Health, Education and Welfare for a couple of years. When I returned to the U.S., the lack of Hispanic attorneys was very apparent to me, and when I saw the high dropout rates for Hispanic youth in our education system, I realized that proactive intervention was necessary to break this cycle. On my part, I have tried to serve as a positive role model and also ensure the next generation of future role models who can mentor our youths and make a difference in their lives.

Over the years, I have seen how these efforts can and do make a difference in the lives of many Hispanic youths. The best example that I have been personally involved in is the annual law camp program sponsored by the Hispanic National Bar Foundation. This one-week-long law camp provides valuable opportunities for Hispanic high school students from all over the country to interact with, and be exposed to, the legal profession. Seeing firsthand the difference we can make in their lives has kept me focused and committed to the diversity journey.

**Diversity Matters:** In addition to your experience with the law camp, what other changes or progress have you seen in the legal profession with respect to diversity and inclusion over the years?

**Sillyman:** I have definitely seen an overall increase in the number of Hispanics in the profession, but most of the gain has been in the government or public interest sector. I believe that the representation of Hispanic and other minority lawyers in private practice still lags due, in large part, to high attrition rates. I reiterate my concerns about the lack of mentoring and positive role models in the context of private law practice as a significant contributing factor.

**Diversity Matters:** What do you think are the biggest reasons behind lack of mentoring and high attrition rates for minority attorneys in private law practice today?

**Sillyman:** I am troubled by the apparent reluctance of many minority lawyers to become involved in their respective legal communities and organizations, whether they be diversity-related or not. The minority lawyers need to take more initiative to seek mentoring relationships and networking opportunities to succeed and advance and not be simply satisfied with the status quo.

**Diversity Matters:** The diversity initiative at Kutak Rock is now in our fourth year. What specific programs or initiatives would you like to see the firm undertake going forward?

**Sillyman:** I think the increased communication about diversity has been very helpful in raising and maintaining awareness throughout the firm. With the increase in the number of minority attorneys at the firm, it is even more critical to focus on retention efforts. In particular, I would like to see the firm encourage and create more opportunities for inclusive networking for all our attorneys.

## People in the News

### **Banks presents at NAACP conferences in Kansas City**

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**Eric Banks** was a guest speaker on employment discrimination law at the 2009 Fair Housing Civil Rights Summit sponsored by the Kansas City NAACP and the Kansas City Human Relations Department on April 24. Mr. Banks was also invited by the Johnson County NAACP to participate on a panel entitled "Economic Development Trends in a Time of Crisis" on June 6. He discussed new developments in employment law on the panel.

Mr. Banks also attended the Annual Scholarship Banquet of the Jackson County Bar Association (the "JCBA") on October 3. The JCBA was founded in 1912 at a time when African American lawyers were not allowed to join the American Bar Association (the "ABA") or the Kansas City Metropolitan Bar Association (the "KCMBA").

### **Goldstein named a Woman of Distinction by the Midlands Bar Journal**

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Kudos to **Jill Goldstein**, who was featured in the October issue of the Midlands Bar Journal as a Woman of Distinction. The article highlighted Ms. Goldstein's extensive community service, including serving as the President of the guild board of the Child Savings Institute, facilitating schedules for 360 sixth graders as part of the Opera Omaha Cotillion program and advancing efforts of a not-for-profit child placement agency, Adoption Links Worldwide, as its board member.



Ms. Goldstein

### **Martin honored at the Arizona Women Lawyers Association Annual Convention**

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On November 6, **Paige Martin** was honored at the celebration dinner of the 30th Annual Convention of the Arizona Women Lawyers Association (the "AWLA") for her service as a past President of AWLA. Ms. Martin was joined at the dinner by **Franci Fealk, Brian Jordan, Mark Lasee, Mary Grace McNear, Philip Overcash** and **Heidi Wolford**.

### **Pfeiffer selected for the Board of Governors of the Virginia Bar Association**

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Congratulations to **Loc Pfeiffer**, who was recently selected to serve on the Board of Governors of the Virginia Bar Association. Mr. Pfeiffer will begin his three-year term in January 2010. As a board member of the Virginia Chapter of the National Asian Pacific American Bar Association (the "NAPABA"), he is also on the planning committee for the 2010 NAPABA Southeast Regional Conference, which will be held in Williamsburg, Virginia in May 2010.

## People in the News

Mr. Pfeiffer has also been selected once again as the 2009 "Super Lawyer" in bankruptcy law for Virginia, which recognizes the top 5% of lawyers based on nominations and peer group evaluations. He also presented a nuts-and-bolts seminar to workout officers of Wachovia in August.

### **Sillyman presents award at the Hispanic National Bar Association Annual Convention**

**Michael Sillyman** was a presenter of the HNBA Affiliate of the Year Award during the Hispanic National Bar Association's Annual Convention on September 3-5 in Albuquerque. This year's recipient of the award was Los Abogados, the Hispanic Bar Association of Arizona. Mr. Sillyman also continues to serve as the Secretary of the Hispanic National Bar Foundation and attended its annual dinner and the board meeting on July 3-4.

## Diversity Events Highlights

On June 4, our summer associate in the **Denver** office, **Kinny Bagga**, attended the "Boot Camp" seminar for diverse first year law students hosted by the Colorado Campaign for Inclusive Excellence. Also in June, another summer associate, **Pardis Ostadi**, attended a special seminar for diverse second year students participating in summer associate programs in the Denver area.

On June 6, **David Jacobson, Daphne Aronson, Beth Ascher, Amanda Bahena, Lucy Dogger, Jill Goldstein, Kathy Magli, Jeanne Salerno, Sandi Skorniak** and **Margot Wickman** attended the YWCA Omaha Annual Tribute to Women Award Luncheon.

On June 11-12, **Ed Gonzales** and **Loc Pfeiffer** attended the DRI Diversity Expo in Chicago.

On June 16, **Gil Boyce** attended the Minority Corporate Counsel Association Mid Atlantic Diversity Dinner in Washington, D.C.

The firm sponsored the Women Lawyers Association of Los Angeles (the "WLALA") 2009 Annual Fundraiser event on June 18. **Sam Balisy, Stephanie Hingle, Elizabeth Lee** and **Robin Zukin** attended the event along with **Julie Goulet**, who is on the board of the WLALA and is a co-chair of the WLALA Financial Development Committee.

On June 23, **Kinny Bagga, Pardis Ostadi** and **Liz Firmender** attended the Denver Area Legal Recruiting Association Summer Associate Diversity Reception.

On September 24, **Adam Benton** and **Mario Trimble** attended the Colorado Campaign for Inclusive Excellence Retention Workshop with corporate general counsels from leading Colorado companies, including Qwest, MillerCoors, Red Robin, United Launch Alliance and Lockheed Martin.

On October 9, the Fifth Annual Nebraska Legal Diversity Summit was held in Omaha. The firm was a luncheon sponsor at this year's event, which featured a presentation by Veta Richardson, Executive Director of the Minority Corporate Counsel Association, based in Washington, D.C. Ms. Richardson commended the Nebraska legal community's efforts to promote diversity in the state. **Daphne Aronson** and **Ed Gonzales** participated in panels entitled "What Can You Do with a Law Degree?" and "Business Networking and Client Development," respectively. **Winifred Kelly** and **Karilyn Kober** also attended the summit.

On October 13, **Margot Wickman** attended the Women's Fund of Greater Omaha Leadership Breakfast. The Women's Fund was established in 1990 within the Omaha Community Foundation through a grant from the Ford/McArthur Foundation to create opportunities for women to achieve full partnership in the Omaha community.

## Diversity Events Highlights

On October 29, the firm sponsored this year's Arizona Women Lawyers Association (the "AWLA") – Maricopa Chapter Wine and Cheese Reception, which honored a special guest, the Honorable Donn G. Kessler, Arizona Court of Appeals, Division One. **Paige Martin** was the chair of this year's event, and **Franci Fealk, Allison Hirohata, Marc Lieberman** and **Mary Grace McNear** also attended the reception.

The firm was also a sponsor of the 30th Annual AWLA convention held on November 6 in Phoenix. **Kelley Braden, Franci Fealk, Mary Grace McNear** and **Emily Smith** attended the CLE workshops and seminars and were joined by **Joy Sullivan** at the luncheon. **Paige Martin** was honored at the celebration dinner as a past President of AWLA, which was also attended by **Franci Fealk, Brian Jordan, Mark Lasee, Mary Grace McNear, Philip Overcash** and **Heidi Wolford**.

On November 20, a special reception was held in the Omaha Building for the St. Francis Mission located at the Rosebud Reservation in Todd County, South Dakota, which has the second highest poverty level of any county in the U.S. The St. Francis Mission is currently trying to raise funds to build a grade school and a high school in Todd County to break the century-old cycle of poverty through education. **Tom Kenny** is on the board of directors of the St. Francis Mission Foundation and organized this special event to showcase its important work at the Rosebud Reservation.



Mr. Kenny

## Around the Firm

Our **Denver** office has been a key member of the Colorado Deans' Diversity Council, which was started in the fall of 2006 by Dean David Getches of the University of Colorado Law School and Dean Beto Juarez of the University of Denver Sturm College of Law. **Jim Arundel** was a member of the Council's Core Strategy Group, whose work led to the formation of a new nonprofit organization, the Colorado Campaign for Inclusive Excellence (the "CCIE") in 2008. The CCIE is dedicated to educating the Colorado legal community about diversity and inclusiveness. Mr. Arundel continues to serve on the CCIE's board of directors, and our firm has been its active sponsor. In June 2009, the **Denver** office sponsored and hosted a CCIE diversity seminar entitled "Diversity in a Downturn, Success Strategies for Organizations of All Sizes," presented by national diversity expert, Dr. Arin Reeves of the Athens Group. The seminar was attended by more than 30 members of the Colorado legal community at large, while more than 20 Kutak Rock members also attended the seminar, including **David Jacobson, Bob Irvin, Bob Binderup, Peggy Richter, Lou Raders, Chad Nitta, Liz Firmender** and **Daphne Aronson**. The **Denver** office has also been a long-time supporter of the Rocky Mountain Legal Diversity Career Fair, and this year, the firm was a Diversity Advocate sponsor for the Fair, which was held on September 11.

At our **Omaha** office, the Working Parents Affinity Group (the "WPAG") once again sponsored presentations on topics relevant to working parents at the firm. This year's topics, "Work-Life Balance" and "Stress Management," were selected based on feedback from attorneys and staff through an online survey. Both seminars were presented by Caren Houlton, who is a Trainer/Consultant for Best Care EAP with over 10 years of experience. Both sessions were well received and attended, while the second presentation on "Stress Management" was open to other offices by video conference and attended by members of the **Denver, Kansas City** and **Scottsdale** offices. The WPAG is once again planning to organize year-end community outreach projects to help families in need in the greater Omaha area.



## Around the Firm

The **Omaha** Professional Development Program was launched in late 2008 and is spearheaded by **Paul Gwilt, Conal Hession, Steve Likes, Janis Winterhof** and **Daphne Aronson**. In the past 12 months, the group has organized more than 10 presentations, including (i) a four-part new attorney orientation curriculum, (ii) individual EIS training sessions, and (iii) client development programs featuring two separate Kutak lawyer panels and an in-house counsel panel. The Kutak panels on client development were open to associates in other offices. The planning group will continue to develop and present additional programs throughout the year.

The **Omaha** office has sponsored a Group Mentoring Program through the All Our Kids organization since early 2008. The Kutak mentoring team started with 25 sixth graders in North Omaha who are now in eighth grade. The mentoring sessions are held twice a month at Marrs Middle School in South Omaha. Special thanks to **Kasey Cappellano, Ed Gonzales, Kate McCoy** and **Josh Meyer**, who have generously volunteered their time since 2008 to take part in this program, and to **Daphne Aronson**, who joined the mentoring team this year.

For more than a year, the **Omaha** office has partnered with the Volunteer Lawyer Project (the "VLP") of the Nebraska Bar Foundation in staffing two VLP clinics located at the Latino Center in South Omaha and the Urban League in North Omaha. This partnership was established by **Pat Kennison**, with the following attorney volunteers: **Rik Bonness, Kasey Cappellano, Robert Coon, Matthew Enenbach, Amber Allred, Alison Gutierrez, Paul Gwilt, Kate Jones, Bart McLeay, Mike Mollner, Dennis Moynihan, Suzanne Shehan, Patricia Peterson, Judith Schweikart, Robert Slovek, Amy Van Horne, David Weill** and **Daphne Aronson**.

Finally, many thanks to **Kathleen Miles**, who hosted a potluck brunch at her home for our women attorneys of the **Washington, D.C.** office on September 27.



*Senior attorneys share stories with new associates during the annual 'Scotch & Stories' event held on November 17, which has been a part of our informal "orientation" program.*



Kutak Rock LLP's law practice embraces a wide array of legal disciplines, including general corporate practice, litigation, tax, government relations, corporate finance, banking, real estate, telecommunications, health care, bankruptcy, insurance, public finance and environmental law. Founded in Omaha in 1965, the firm has expanded to 16 offices nationwide. The firm's nearly 400 attorneys direct their individual professional skills toward the common goal of providing the firm's clients with excellent, comprehensive legal services.

For more diversity news and information, check our Web site: [www.KutakRock.com](http://www.KutakRock.com).