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Want to Improve Law Firm Diversity? Hint: Start Upstream

A novel initiative in Colorado focuses on the pipeline of entry-level diverse candidates to address the perennial complaint from employers that only a limited pool of diverse candidates exists.

By **Jennifer Jaskolka and CiCi Cheng** | March 07, 2018

Promoting diversity and inclusion in our legal profession is not a new concept. Law firms and legal departments alike have tried various approaches to improve diversity in their ranks, including an emphasis on recruiting and hiring, implementing internal affinity and resource groups, and formalizing mentoring programs—all with little progress.



Newer initiatives, such as Diversity Lab's Mansfield Rule, measure whether law firms have affirmatively considered women and minority lawyers for promotions, senior-level hiring and significant leadership roles in the firm, and is intended to diversify law firms

at the highest levels. Still in its infancy, its success has yet to be measured. Other initiatives, such as the Colorado Pledge to Diversity, focus upstream on organically building a pipeline of entry-level diverse candidates to address the perennial complaint from employers that only a limited pool of diverse candidates exists. The Colorado Pledge connects participating employers with diverse students right out of the gate in the students' 1L/rising 2L summer.

The Colorado Pledge to Diversity began as a "pledge" between 23 leading Denver law firms averring their commitment to diversity. While the Pledge was originally signed in 1993, it wasn't until 2000 that the Pledge developed its cornerstone 1L Summer Clerkship Program. Since then, that 1L Pledge program has directly fueled the pipeline of diverse attorneys by matching into paid clerkships hundreds of 1L students from historically underrepresented backgrounds.

The impetus for the Pledge came from pressure that Colorado companies were exerting on firms to hire more diverse attorneys, and from the Pledge's desire to tackle that pressure by creating early and direct access to employment for diverse students. Unpaid internships for law students had become more and more commonplace. And students financially able to accept those unpaid internships in their 1L summer became more competitive during the on-campus interview process with firms during fall of their 2L year. The culture of unpaid internships had a disproportionately negative effect on diverse students.

Enter the 1L Pledge program, which allows 1L students to undergo a rigorous application and interview process for the opportunity of a paid clerkship with a firm or in-house department in the private sector. The program is incentive to keep in Colorado diverse students from University of Denver Sturm College of Law, University of Colorado Law School and University Wyoming College of Law (newly added this year).

The 1L Pledge program's primary purpose is educational, seeking to:

- Expose diverse students to the work, requirements and culture of law firms and legal departments of organizations.
- Help those students develop professional skills, confidence and resume credentials, and make professional contacts.
- Introduce corporate employers to talented diverse students early on and provide access for recruitment and training of those students.

The application process is straightforward but demanding. Diverse students with a minimum 2.85 GPA may apply after their 1L fall semester. After reviewing the applications (which includes the unique aspects of a personal statement and a confidential evaluation from a legal writing instructor), the employers hold panel interviews to cultivate the students' interviewing skillset; for many students, this is their first professional interview. Following the panel interviews is a "kick-off" reception where students interact with employers, the Pledge executive committee, and judges and other legal community leaders. This is again many students' first intensive networking opportunity. Employers then evaluate the students and proceed through a "draft" process (much like a fantasy sport draft) to select students for traditional callback interviews. After all interviews are complete, employers and students both rank each other and are "matched" for the summer (much like a medical school residency match).

The 1L Pledge program has made significant strides in the last two years, dramatically increasing employer participation from 27 firms and legal departments (29 clerkship positions) in 2016, to now an astounding 44 employers (46 clerkship positions) in 2018. A parallel rise in student applications happened: from 63 students in 2016 to 81 in 2018.

With this momentum, the Pledge also began collaborations with other local organizations, including Law School Si Se Puede and the Center for Legal Inclusiveness, funding scholarships to promote similar goals for the advancement of diversity.

The Pledge's recent success has everything to do with the diverse executive committee working behind the scenes: CiCi Cheng (Holland & Hart), Jennifer Jaskolka (Xcel Energy), Matt Douglas (Arnold & Porter), Ana Gutierrez (Hogan Lovells), Ben Ross (Jackson Kelly), Sara Sharp (Sparkman + Foote), Rachel Jennings (White and Steele), Jennifer Allen (Davis Graham & Stubbs), Lily Ramirez (McElroy, Deutsch, Mulvaney & Carpenter), Laura Lopez (Denver City Attorney's Office), Andrew Bennett (Energy Outreach Colorado) and Liz Titus (Hogan Lovells). Six executive committee members are themselves 1L Pledge alumni.

The benefits of the Pledge have paid off and show what true collaboration between law schools and legal employers can achieve. The number of diverse students attending the schools has increased. For example, Colorado Law has seen a dramatic increase in its incoming diverse student population, rising from 17 percent in 2015 to 29.4 percent in 2017, with several citing the Pledge program as a draw to the law school. Importantly, a vast majority of Pledge alumni remain in Colorado to "pay it forward" by advocating for the Pledge as employers. Four Pledge executive committee members, Cheng, Gutierrez, Jennings and Ramirez, accepted full-time offers of employment from their Pledge employers. Another Pledge graduate, Judge Don Jesse Toussaint (2007), has used the skillset, experience and connections received during the Pledge to accomplish his dream of becoming a judge. While diversity remains a difficult hurdle for our field, particularly in Colorado, the Pledge has demonstrated actual advancement by providing unique and early access for diverse students in its efforts to build the pipeline.

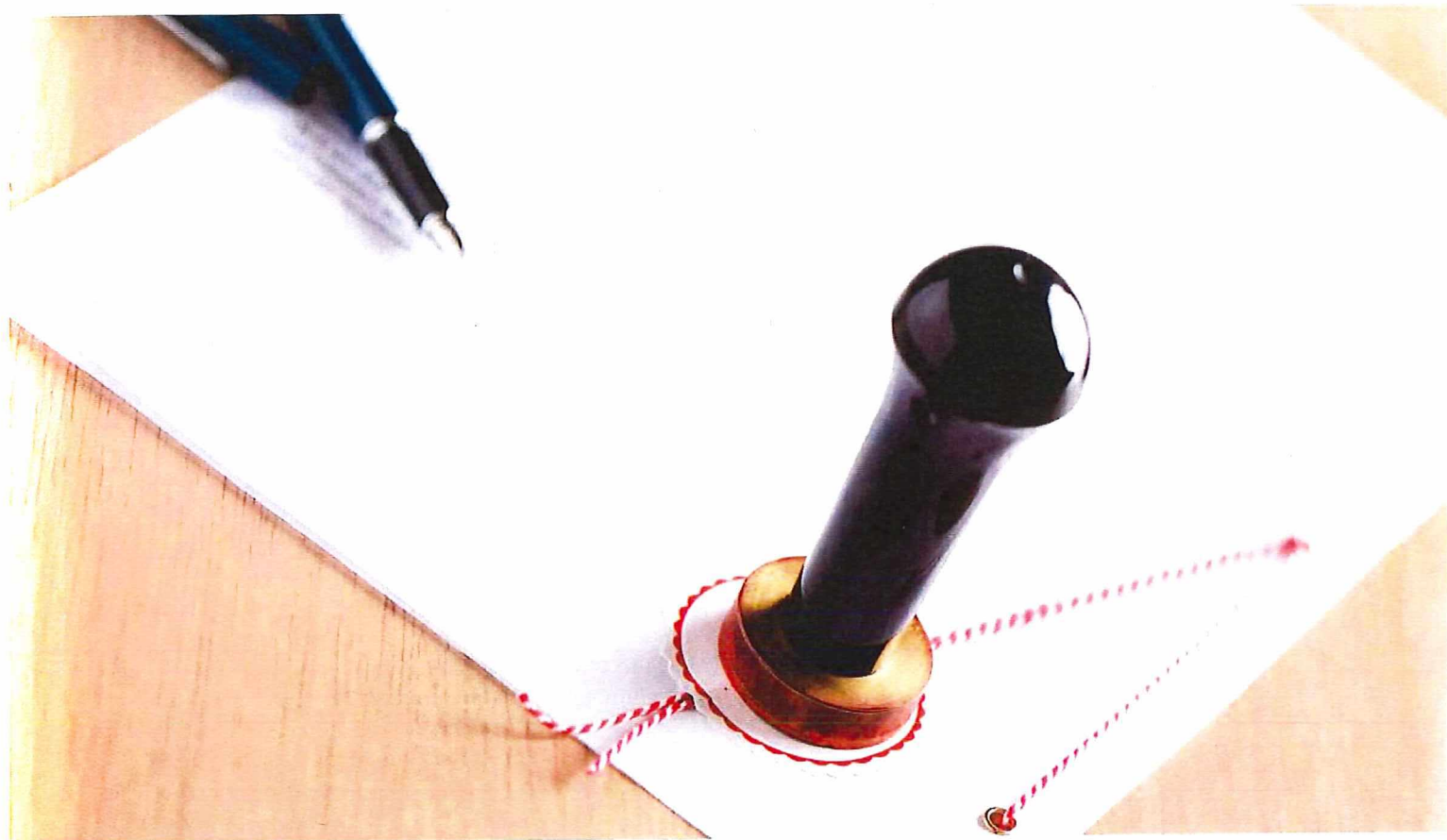
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COLORADO PLEDGE TO DIVERSITY SUMMER CLERKSHIP: Helping with the Big Picture

BY SATVIR KAUR



At the end of the first year of law school many students are left with an overwhelming — yet unsatisfied — desire to understand “the big picture.” While first year classes give an introduction into what law students may encounter as to the law, rarely do these classes acquaint them with the practicalities of a legal career. I also was in that boat. I craved to understand the world of law, but my knowledge was limited to the theoretical applications in my 1L casebooks.

My journey began in January of that first year when I submitted my application for the Colorado Pledge to Diversity Summer Clerkship program sponsored by the Colorado Pledge to Diversity. The Colorado Pledge to Diversity is a nonprofit organization that promotes diversity and inclusion by exposing under-represented minorities who are 1L students to opportunities within the legal profession. The members are signatories to the Pledge to Diversity, and include law firms, corporate legal departments, and non-profit organizations. As signatories, these law firms and legal departments pledge to promote diversity and inclusion in the legal profession through the Summer Clerkship program. The Summer Clerkship program’s primary purpose is to educate diverse law students on the expectations of law firms and

corporate legal departments for the summer. This seemed like a perfect introduction to “the big picture” that I was searching for.

It was early February when I learned that I had passed the first round, which consisted of an application process and an interview before representatives of the Pledge to Diversity. In the second round, individual interviews were held with the specific potential employers that had an interest in me based on my application. Finally, after these interviews, the committee began creating matches. Along with many other students, I anxiously awaited my results to see if I had been matched.

In mid-March, I learned that I was paired with not one, but two employers for a two-part joint internship: Xcel Energy and Gordon & Rees, LLP. There was no end to my happiness and relief. Happiness that I had been paired, and relief that I had secured my first summer clerkship. With no experience to formulate expectations on, my only knowledge about the clerkship was based on what I learned during the interview process. Hence, on my first day as a summer clerk, instead of expectations of what I would do, I brought with me questions that I hoped would bring me closer to “the big picture.”

Working at Xcel Energy and Gordon & Rees taught me more

than I could have ever contemplated. During my internship, I worked with multiple attorneys and each attorney was more than willing to help me when I came across a road block in my search for the answer to a legal question. However, first and foremost, I learned that it was okay to fear what I did not know. They taught me that fear is natural and even the most experienced attorneys fear what they do not know. However, this fear should not hold us back, but encourage us to move forward. Hence, while I was expected to give my hundred percent to researching and answering legal questions, I was not expected to be perfect. The attorneys expected and in fact encouraged me to ask questions when I did not know what to do. The Pledge to Diversity Summer Clerkship program was not about what I knew or did not know, but what I came away with. And while I came in with little knowledge of the differences and similarities in the work, expectations and culture of a corporate in-house department versus a law firm, in the end I walked away with a better understanding of both.

I discovered that in many ways an in-house legal department functions just as a law firm. At both Xcel Energy and Gordon & Rees, the expectations were mostly similar. Each employer had

I LEARNED THAT IT WAS OKAY TO FEAR WHAT I DID NOT KNOW

legal questions that needed answers. The only difference was that at Xcel Energy there was only one client, whereas at Gordon & Rees there were many clients. Additionally, on a micro-level, attorneys had different expectations for how they expected me to deliver my work. For instance, while some attorneys preferred a brief emailed memo, others liked a formal IRAC (Issue, Rule, Application, and Conclusion) formatted memo. I recall the first memo that I had submitted during the clerkship. The attorney had asked a rather simple legal question, and when I eventually emailed my memo it was an eight-page long analysis that was probably not what the attorney wanted. It was somewhat comical, but this experience taught me a very valuable lesson.

Another key difference was the actual work. Xcel Energy is a public utility company and much of the work I did was associated with legal issues that a utility company would address such as land use, regulatory compliance, as well as other related areas of law. In contrast, at Gordon & Rees, I worked on legal issues in various areas of law such as employment, healthcare and commercial law.

Another slight difference between an in-house legal department and a law firm is their culture. Each setting had its own unique culture. At Xcel Energy, although the work schedule

was generally similar to standard office hours, the atmosphere was sophisticated. There was room for small talk, but everyone understood the significance they played in making sure the corporation was "legally compliant." At Gordon & Rees the biggest difference was the hours. I learned that when trial dates were near even Sundays were work days. In fact, there was no real concept of work hours, because the attorneys had various clients, and their schedules depended on them. Similar to Xcel, Gordon & Rees was also sophisticated, because the attorneys had the responsibility of multiple clients on their shoulders. The biggest and most obvious difference was the hierarchy. At Gordon & Rees attorneys had different titles based on rank and experience; for example, partner, of-counsel, and associate. On the other hand, at Xcel the hierarchy was different; for example, general counsel, assistant general counsel, and senior attorney.

Nevertheless, the overall culture was similar in both environments. Both employers encouraged an open-door policy and face-to-face communication. For a 1L summer associate, this really reduced the fear and stress associated with talking to the attorneys. Finally, Xcel Energy and Gordon & Rees made sure that I not only learned about the various practice areas and legal issues that they encounter, but also gave me the opportunity to observe trials, contract negotiations, mediation and depositions to better understand what attorneys do as part of "the big picture."

The start of my summer was filled with uncertainties, but both of my employers' support and my own determination to make this clerkship a fulfilling experience gave me confidence in the future ahead. Now, although I am not by any means an expert, I have found that I often have "aha I know this" moments thanks to my 1L summer clerkship. I have been told that a good teacher will answer many questions, but also spark a curiosity in the student to find answers to new questions. My experience with Xcel Energy and Gordon & Rees was just that. The clerkship gave me understanding regarding the different components within both legal departments and law firms, my first step in understanding the big picture. Now I am eager to answer new unsolved questions regarding the particular areas of law I was fascinated with during the clerkship, such as healthcare, regulatory compliance and employment. I know the differences and similarities between a corporate legal department and law firm, and I have also learned how to work with and under various attorneys. Now I am eager to refine my skills and expand my knowledge in those areas of law that sparked my interest. A new journey begins where an old one ends, and in my new journey I have with me the skills and confidence that I learned from my journey in the 1L Pledge to Diversity Summer Clerkship. The big picture is filling in. **D**

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LAW WEEK COLORADO

Pledge to Diversity Kicks Off

Law students mingle after day of panel interviews

BY JULIA CARDI
LAW WEEK COLORADO

After a long day of panel interviews for summer positions, first-year law students had the chance to socialize and network with employers taking part in the Colorado Pledge to Diversity at the program's kickoff reception on Jan. 25.

This year, 67 students are competing for 47 summer positions total with 45 employers, which run the gamut from law firms to in-house legal departments to nonprofits. It's a significant jump from two years ago, when participating companies hired for 26 positions. DaVita, Dorsey & Whitney, Wheeler Trigg O'Donnell and DISH Network are among companies new to the Pledge to Diversity this year.

CiCi Cheng, an associate at Wheeler Trigg O'Donnell who's a co-president of the initiative, said it's significant for

her firm to participate in the Pledge to Diversity because WTO doesn't otherwise have a summer associate program. Typically the firm hires attorneys who have clerkship or prior litigation experience.

The law students participating said they wanted to join the program after seeing how homogenous the legal profession tends to be. CU Law student Emma Hancock said she wants to bring a "feminist voice to criminal defense." But she and several other students said they're open-minded about different career paths, and they saw the value in the opportunity to network and interview even if they ultimately didn't land a position with one of the companies. CU student Joanna Roob said the companies' commitment to increasing representation in their ranks counts for a lot. "It's the thought that counts," she said. •

— Julia Cardi, JCardi@circuitmedia.com



WTO is thrilled to participate for the first time in the Colorado Pledge to Diversity and to support such a longstanding diversity and inclusion program.

—CiCi Cheng, Pledge to Diversity co-president

TOP: CU Law students Eric Barnum (left) and Jaron Quarles (center) talk to Clark Yeh (right) of Dorsey & Whitney. Law students from the University of Colorado, the University of Denver and the University of Wyoming had the chance to socialize with employers after a day of panel interviews. **BOTTOM:** CU Law students Kenneth Shiau (center) and Anjie Zhi (right) mingle with Pledge to Diversity co-president and Wheeler Trigg O'Donnell associate CiCi Cheng (left). WTO is participating in the initiative for the first time this year. / JULIA CARDI, LAW WEEK





The **Colorado Pledge to Diversity** ("CPTD") focuses on building a **pipeline** of entry-level diverse candidates to Colorado law firms and other organizations' legal departments. The CPTD's 1L Pledge Program **connects participating employers with diverse law students** right out of the gate in the students' first summer.

The 1L Pledge Program exposes diverse students to real legal work and business culture, **helping those students develop professional skills, confidence, and resume credentials and establish professional contacts.** The 1L Pledge correspondingly allows participating employers to recruit and train that diverse talent pool early on.

How It Works

Apply > Interview > network > draft > match

Diverse students with a minimum 2.85 GPA may apply after their 1L fall semester.

Employers hold panel interviews to assess students and cultivate the students' interviewing skillset; for many students, this is their first professional interview.

Following the panel interviews is a "kick-off" reception where students interact with employers, the Pledge Executive Committee, judges and other legal community leaders.

Employers then evaluate the students and proceed through a "draft" process (much like a fantasy sport draft) to select students for traditional callback interviews.

After all interviews are complete, employers and students both rank each other and are "matched" for the summer (much like a medical school residency match). The student then completes a ten week paid clerkship with the matching employer.

Why My Organization?

TALENT

The CPTD introduces legal employers to talented diverse students and facilitates a unique recruitment opportunity to connect with these students early on in their legal careers.



DIVERSITY & INCLUSION

Participation in the CPTD will allow your organization to widen its traditional recruitment base and further its goals to improve diversity and inclusion.



LEADERSHIP

Diversity and inclusion are no doubt buzz words in today's legal community. The CPTD offers its employer participants the opportunity to "walk the walk" and be at the forefront of diversity and inclusiveness efforts throughout the Colorado legal community.

For more information, visit www.coloradopledge.com
Or send a note to CPTD Co Presidents

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Active for nearly two decades in Denver since 2000, the 1L Pledge Program has directly fueled the pipeline by matching into paid clerkships *hundreds* of 1L students from historically underrepresented backgrounds.