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AND ENGAGEMENT  
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**COUNCIL ON INCLUSION AND DIVERSITY**

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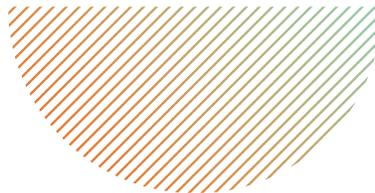
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**Pursuing inclusion and diversity, in society  
and the law, is an ongoing journey that  
requires contributions from all.**

We are grateful for the support of everyone who  
has worked with us as we learn and grow.

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TO LEARN MORE ABOUT OUR WORK



# ‘Not only is it the right thing to do, it’s the smart thing to do’

## Harris Beach Leaders Discuss Progress, Challenges in Inclusion and Diversity

*As co-chairs of the Harris Beach Council on Inclusion and Diversity, Chief Administrative Officer Kim Swetland and Partner H. Todd Bullard lead a team of attorneys and professionals in developing programs advancing inclusion and diversity awareness. The Council continues to champion hiring, retaining and promoting attorneys and professional talent at every level.*

*People of color and women are historically underrepresented in law firms, but particularly as partners and in other positions of leadership. Harris Beach has and will continue devote significant resources to do its part to turn that fact upside down.*

*Todd and Kim talked about the Council, its mission and the journey toward a more diverse profession for an episode of the Harris Beach Podcast. Below is an excerpt of that conversation, edited for clarity and conciseness. The Podcast was moderated by Ben Rand, senior manager of communications and public relations.*



### [We invite you to listen to the full PODCAST](#)

**Ben Rand:** Could you talk a little bit about the primary reasons for forming the Council On Inclusion and how it was received in the firm as well as in the larger legal community?

**Kim Swetland:** Todd and I started about the same time at Harris Beach. And over that period of time, we have seen the firm grow as well as each of us individually and professionally. And it’s been quite a evolution in the professional world overall. I started in an entry-level position and I’m now chief administrative officer and have the privilege of being a co-chair of our Council with Todd. I started in the Rochester office and our firm has expanded over the course of the years. Now I have a firm-wide role, and I’m located in the New York City area, where we have continued to grow as an organization and expand in our diversity of attorneys, as well as professional staff. The Council, which was started about 15 years ago, has played a key and pivotal role in helping the firm to embrace diversity and inclusion. And I know Todd has some great insight into the establishment of the council and how it’s impacted on a local level.

**Todd Bullard:** I would say that the Council on Inclusion and Diversity [stands for] education and human interaction. For me, diversity and inclusion come down to three major things: dignity, mutual respect and empathy. And what I mean by empathy is trying to walk in the shoes of others and truly understand where they’re coming from. I think that makes for a better workforce and it definitely makes for a better lawyer. Because that’s what we’re in the business of: providing quality, skilled, excellent legal services.

**BR:** Could you talk a little bit about what the Council does? What are its goals? And how does it go about achieving them?

**KS:** The Council has had a very important role at the firm in cultivating a diverse and inclusive environment internally, but also in partnering with our clients, and in service of the communities and the legal arena overall. Inclusivity is a very important firm value that we honor and uphold. The Council, in conjunction with and having the full support of firm leadership, shepherds our diversity strategies, which include: hiring, retaining and promoting diverse candidates, establishing and promoting inclusive policies and initiatives, promoting diversity in thought and teaming with our clients too, embracing inclusive community service opportunities and serving minorities in need, creating and honoring a culturally aware and inclusive work environment, and providing ongoing educational training, CLE programs, and professional development opportunities, not only to our colleagues but also to clients and the legal community.

We also partner with the law schools, bar associations, the Ron Brown prep program and student minority organizations like the Black Law Student Association, the Latin American Law Student Association, the OUTlaws, and others by providing scholarships, internships, externships, mentoring, educational programs, and also some seminars. At a high level, we have a strategic plan for the council, and initiatives that are an important part of our overall firm’s strategic plan. This is a guiding aspect for us along with our firm values of inclusion, teamwork, integrity, ingenuity and respect. We’re very fortunate we have a great Council; our CEO, our management committee, our COO and overall firm leadership, really lead by example. And we have a grassroots level of commitment and support from our colleagues and clients, which we collaboratively execute on the tactical goals and the actions that we develop annually. We have hundreds of Harris Beach diversity and

inclusion ambassadors throughout the firm.

**TB:** We have buy-in from management and leadership at the top. And that buy-in has led to an embrace of these initiatives at every level. I think that's very, very important. There are quantitative and qualitative studies that clearly say diversity leads to organizations being more efficient and more profitable.

So for instance, if there's a complex problem, and if you have folks who think the same way, but you have diversity, you're not going to approach it the same way, because you're going to have diverse viewpoints at the table, analyzing the issue, evaluating it and coming up with solutions that are going to be different. They're going to be different than a homogeneous team, where everybody thinks the same with a similar background. So I think that diversity makes sense, inclusion makes sense. And not only is it the right thing to do, it's the smart thing to do.

**BR:** Kim, I know we've spent a lot of time building relationships at law schools across New York, and particularly during the COVID pandemic worked really hard to maintain those connections at places like Hofstra, Albany and Cornell and Syracuse and Buffalo (law schools). Can you tell us a little bit about why that's important to the firm and how that will continue in the future?

**KS:** Todd shared with us a little earlier that the firm has been around for a very long time. And, you know, he's a great example of why we cultivated relationships with law schools, not only through his support, but also he was a student who started with Harris Beach, and now 34 years later, he's an equity partner. So having recently celebrated our 165th anniversary, we also take pride in the fact that we are an evolving organization with a forward focus. We know that the students of today are the attorneys, the professional staff, and the clients of tomorrow. So our involvement in cultivating these relationships with the law schools, the associations, the universities, and supporting students through various options of the mentoring, sponsorship and internships that we talked about a little bit earlier is just one small way that we can serve and nurture and give back to others to help create a bright future for Harris Beach and also for the legal community.

**BR:** Clearly, supporting students is only one part of the journey. Now I know the Council is looking to increase efforts in other areas, such as attracting mid-career laterals, and ensuring that existing attorneys and staff are being considered for promotions and for challenging assignments. Why is now the right time to expand that mission?

**TB:** I think that we talk about timing, our country is very sensitized to historical events. And when you saw what happened in 2020, it was almost like, a light bulb went on. And [you had] millions of people saying, you know what, things have got to change, because this is terrible. This is just straight out terrible, and it's not what our country is about. This is a time where we have to do something to make this place a better place to live. And diversity and inclusion are one of those things. Of course, there's going to be forces that are against that. But I'm telling you, you cannot stop the winds of change, as they start sweeping, you know, across the country. And that's why I believe the time is right now.

**BR:** Glad we're thinking that way. Just a couple of questions for you regarding recruiting. Now we're hearing, you know, particularly in the wake of COVID, that there's a lot of competition for attorney talent. How has that changed how we recruit? And how are we trying to distinguish ourselves?

**KS:** Harris Beach is really defined by the culture of the organization. And it has a rich culture that embraces diversity and inclusion. And we really do live and work by our values, and embrace diversity. And so going back to, you know, what makes Harris Beach attractive? It's really the people and our culture. And our people are really committed to our clients, and to making Harris Beach a great place to work. We have some very smart, talented attorneys and professionals. And not only are they dedicated to our clients, but they're dedicated to one another. And they create this level of engagement with one another, as well as the clients. When you bring that all together, supporting one another, valuing each other, respecting each other, and also work-life balance, these are the things that I believe distinguish Harris Beach from other places to work.



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# SUCCESS STORIES

## ‘I’M GOING TO BE A LAWYER’: WILLIAM WOLFE ACHIEVES LIFELONG DREAM

**W**ill Wolfe's career path was sealed the moment he began watching Perry Mason and Matlock as a child.

“Ever since I was seven years old,” he says, “I knew I wanted to go to law school. I didn't really have a backup plan. I told everyone: ‘I'm going to be a lawyer.’”

It took him down a long road, across many obstacles growing up on the westside of Chicago, but Will has delivered on his promise.

He graduated from Syracuse University College of Law in 2020 and powered through numerous COVID delays before passing the bar exam – and then joined the financial restructuring, bankruptcy and creditors rights practice as an associate in the Syracuse office of Harris Beach.

While Will admits to being influenced by the fictional lawyers played by Raymond Burr and Andy Griffith, he knows the real push for education came from his family, but more specifically, his mother. (Will's dad died when he was 12.)

His family “was always focused on education,” Will says. “Even if it wasn't going to be college, they also pushed me to learn a trade.”

Even so, Will had to overcome the odds growing up in the Austin neighborhood on the west side of Chicago, known for having one of the highest crime rates in the country, a place that was almost universally white in the early 1950s – until the factories shut down.

Gang life and the drug trade were prevalent – just stepping outside to play, Will notes, was dangerous enough. He'd see the signs and he'd hear the calls to buy drugs. “There was always opportunity to get in all sorts of trouble,” he notes. “But my focus was on my goal: to be a lawyer.”

Besides his own determination, Will had what many others in the neighborhood did not: a church-going Baptist family that cared and would not tolerate a detour into darkness. He was also fortunate to attend the Catalyst Charter School's Circle Rock campus, which in the past few decades has become a notable success story for the Austin neighborhood.

Will was one of the “Golden 13” – the first graduating class from Circle Rock, where he



ended up becoming the 8th grade valedictorian, and then graduating on time from Chicago's Holy Trinity High School.

When it came time for college, Will landed a scholarship at St. Mary's University in Winona, Minnesota, a town vastly different from his native Chicago. Winona is along the banks of the Mississippi River on the Wisconsin border. Will set out to study political science and criminal justice.

It wasn't quite a fit for Will's academic goals, so he ended up transferring to adjacent Winona State University, where his desire to become a lawyer stayed as strong as ever. It was nurtured by an influential advisor and professor at Winona State who was a pioneer himself – the first black man ever to earn a Ph.D. in Political Science from the University of Michigan.

The next step on his journey took him to Syracuse, where he enrolled in the Syracuse University College of Law. Because Syracuse is a city that also struggles with poverty, Will found plenty of ways to jump in and apply what he was learning on behalf of the community.

He spent two years volunteering as an eviction



# “Ever since I was seven years old, I knew I wanted to go to law school. I didn’t really have a backup plan. I told everyone: ‘I’m going to be a lawyer.’”

defense student attorney with the Volunteer Lawyer’s Project of Onondaga County and served as student investigator on the Cold Case Justice Initiative for three years. The CCJI focuses on crimes that took place during the Civil Rights era with the goal of seeking long overdue justice. Will worked with the family of Wharlest Jackson and helped launch the Wharlest and Exerlena Jackson Legacy Project, which launched after Will’s graduation.

On campus, Will participated in the SU chapter of the Black Law Students Association (BLSA), serving as a member and eventually as president. During his tenure, Will helped launch the school’s first Black History Month celebration, which is still going strong.

It was through BLSA that Will encountered Harris Beach. At the time, partner Wendy Kinsella of the financial restructuring practice was co-leader of the firm’s Council on Inclusion and Diversity. (Wendy is now a U.S. Bankruptcy Judge.) She and Will collaborated on several different projects that provided students opportunities to engage with Harris Beach attorneys both professionally and socially.

Up to that point, Will had no thoughts of becoming a bankruptcy attorney. (He refers to the few law students who profess an interest in bankruptcy law as “unicorns.”) One night Wendy and Will were talking with several others at a Harris Beach-organized social gathering, when someone asked what he would be doing after graduation. Wendy had an answer at the ready.

“He wants to be a bankruptcy lawyer,” Wendy quipped. “He just doesn’t know it yet.” Wendy believed so strongly about this, she brought Will on board at the firm as an extern during his 3L year, and he was hired on to Wendy’s group even before graduating. At graduation, Will was named Outstanding Graduate for 2020, was the co-recipient of the Paul Shipman Andrews Award for his service to the College of Law and BLSA was named Organization of the Year under Will’s tenure as President. In addition, Will was admitted to the Order of Barristers, which is a national honorary organization whose purpose is the encouragement of oral advocacy and brief writing skills through effective law school oral advocacy programs.

Financial restructuring cases are a specialized branch of litigation, where



individual or corporate debtors seek permission of a court to discharge amounts they owe to creditors.

The work has provided him numerous challenging learning experiences. For example, Will has worked closely with Harris Beach partner Lee Woodard on restructuring cases involving oil and gas companies, including abandoned oil rigs. He works closely with practice group leader Kevin Tompsett on creditor issues involving nursing homes and long-term care.

Will and Harris Beach represent creditors in that process as they seek to recover as much as they can. While he didn’t have bankruptcy law experience, Will says he “did always have interest in corporate law” from several summers as a legal intern with Cleveland based firm, Ulmer & Berne LLP. “When Harris Beach extended the offer,” he added, “I said, ‘all right, I am doing bankruptcy law.’”

# SUCCESS STORIES

## CHRISTINE VASCONCELLOS FINDS SWEET SPOT BETWEEN LAW AND SCIENCE

**H**aving always loved the intersection between science and law, Christine Vasconcellos was certain she wanted a career in forensic science. Christine completed her B.S. in psychology with concentrations in biology and chemistry.

After taking a post-baccalaureate law and evidence course, she wanted to delve deeper into the legal system so she earned her master's degree in criminal justice. While in graduate school, she began her career as a litigation paralegal, working on medical malpractice and personal injury cases where she got first-hand experience with science and law interacting in the civil context.

Still gravitating towards science, Christine then completed her second master's degree in forensic/ pharmaceutical sciences and was preparing to transition from the law office to the laboratory. But then the phone rang, and her perspective on her career trajectory shifted. She was offered a position as a litigation paralegal at Harris Beach, supporting the firm's Medical and Life Sciences group. The position required a science degree, and Christine recognized the prospect of doing more with her science background. After only a few months working with the attorneys on the medical and life sciences team, some of whom have health care or scientific backgrounds, Christine decided to take the plunge and apply to law school.

As she reflects on her journey to becoming a medical and life sciences lawyer, she realized her chosen career "actually just chose me."

Of course, getting to this point was not just a moment of serendipity. The path to her Juris Doctorate took her through an incredible journey, where she worked full-time as a litigation paralegal and attended law school at night at the CUNY School of Law – while also becoming a mother for the second time during her 2L year.

It was years of long days, of waking up at 6 a.m., working a full-time schedule, then heading to night classes. She often finished her days at 10 p.m. or later, grabbing a few hours of rest before starting it all over again. But when you really want something...you make it happen.

It helped enormously, she said, to have a school like CUNY – one of the nation's most diverse law schools – that understood the demands on working parents. The school even provided for night childcare for students like Christine seeking to balance work, school, and family. On her way to class, Christine would drop her school-age daughter off at the nearby LaGuardia Community College, where the childcare took place. During bar review, her toddler daughter also attended the



childcare center.

"Every minute counted," Christine remembers. "If I was waiting for a spot to open in the parking garage, I would read cases. If I was watching my daughter take gymnastics or swimming classes, I'd bring my homework. I took my bar exam study materials wherever I went. You maximize every minute of your precious time."

The commitment paid off. Christine earned her JD from CUNY in 2020, passed the Bar Exam on the first try (sitting for the exam in February 2020, just a month before the shutdowns from COVID began). She went from paralegal to attorney in less than five years at Harris Beach.

Today Christine manages a varied caseload within the Medical and Life Sciences Industry Team, working primarily on medical malpractice, product liability, and general negligence matters, also branching out to take on work in other areas such as government compliance and investigations, energy, and intellectual property. She's excited about the chance to develop a diverse skillset and firmly believes she has a unique contribution to make in medical and life sciences given her background in law and science. Medical and life science cases, she says, rely heavily on the proper evaluation of expert testimony. With her background in forensic science, she has developed a critical lens for the standards of admissibility. "I'm able to critically evaluate how evidence is being used in cases," she says.

"I saw a future here in medical and life sciences," she says – one that began with an unexpected phone call.

# SUCCESS STORIES

## IN THIS TOGETHER: KEVIN OVERTON BRINGS CLIENTS CLOSER TO THEIR DREAMS

**K**evin Overton's life might have gone in an entirely different direction, away from the practice of law, if only he hadn't inherited what he calls "the Overton Curse."

As a boy growing up in East Rochester, Kevin's dream was to become a fighter pilot. But bad eyesight ran in the family, and by the time he was eight, he needed glasses. "And back then, you couldn't fly planes unless you had 20/20 vision."

While it's no fun letting go of your childhood aspirations, Kevin eventually set his sights on a profession offering a different sort of impact: the law. And it's Harris Beach and its clients who have come out the winners.

Kevin is approaching his 20th year as an attorney in the Harris Beach Commercial Real Estate Practice Group, where he represents large and small real estate developers, municipal entities, not-for-profits, local development corporations, lending institutions and individuals in the purchase and sale, financing, leasing and other matters related to real estate development, ownership, and operation.

As a member of the firm's Energy Industry Team, Kevin also provides counsel on land use and zoning issues with developers of renewable energy projects in solar and wind. One of his current clients is seeking approval for the largest wind energy system in New York off the shores of Long Island. Kevin is helping obtain land right-of-way agreements to allow power from the offshore windfarm to make its way into the grid.

Back when he first decided to become a lawyer, though, real estate wasn't necessarily part of his plan. Kevin initially thought he'd become a litigator. But opportunities come from those you meet, and during a summer job, Kevin got to know several attorneys who worked in the real estate department at Harris Beach.

By the time Kevin earned his law degree from the University of Baltimore School of Law, the same real estate department had an opening. Coincidentally, Kevin and his wife were contemplating where they wanted to settle and start a family. When the offer came from Harris Beach, it just made sense on several levels.

Kevin was initially focused on residential real estate. But over time, the Harris Beach real estate department shifted its focus to the commercial business — and so, Kevin did as well.

He says he enjoys large projects, such as the Long Island offshore wind development. And he



notes he gets a lot of satisfaction from playing a role in helping his community develop in everyday ways — working on projects that may not get the headlines, but provide for a quality of life.

He cites as an example a client who opened a frozen yogurt shop about a decade ago. "I've been to his place probably 50 times with my daughter after soccer practice," he notes. "It's just kind of cool to be able to say you helped someone. I'm proud of that." In that regard, Kevin says he stresses to his clients that they are always, at every step, "in this together" as a way to indicate how personal it can be to him as well.

Kevin has found room for growth in his 20 years as well. He served a term on the Harris Beach Management Committee, which helps chart the firm's overall strategy. He was part of that committee when it had to institute a plan for coping with the impact of the COVID-19 pandemic.

Kevin initially ran for the position because Harris Beach expressed a desire to have greater "diversity of thought" on the committee. He stepped away after a year for much the same reason.

"If the goal is to have more diversity of thought, I concluded it doesn't really make sense to run again. So I chose not to run and let some people know that I thought would be interested and would do a good job," he said.

# SUPPORTING STUDENTS OF COLOR AT NEW YORK LAW SCHOOLS

**The legal profession continues to focus on becoming more inclusive. Less than 5% of the 1.4 million lawyers in the United States were African-American in 2020, according to the American Bar Association, and African-Americans make up approximately 15% of the U.S. population. Diversity in the legal community lags other professions.**

The situation is broad-based and extends deep into the nation's judiciary. The American Bar Association notes that 22 states have no justices of color on their responsive Supreme Courts, 28 states have no Black justices and 40 states have no Hispanic justices.

Harris Beach continues focusing on inclusion with our statewide support of promising law students at law schools across New York State. Over the last year, Harris Beach has sponsored virtual and in-person networking and educational sessions to share knowledge and spark inspiration and determination. A few examples:

- Throughout the fall of 2021, attorneys and firm professionals provided mentoring and advice to students at the Syracuse University College of Law, Albany Law School and Maurice A. Deane School of Law at Hofstra University. These sessions focused on skill-building advice such as resume writing as well as insights into the practice of law and the life of a lawyer.
- This spring, we moved those sessions back to in-person events. We gathered with students from the SU College of Law in our Syracuse office and from Hofstra School of Law in our Uniondale office.
- Harris Beach sponsored a Continuing Legal Education program designed to educate students of color on the pathways open to them to becoming judges. The program was organized by the Franklin H. Williams Commission, which advises the state on policies and practices designed to create a more just profession. Office Managing Partner Tom Garry of our Long Island office is a member of the commission.

Harris Beach also provides scholarships to help diverse students defray the costs of law school. We have distributed \$5,000 in scholarships to students at Hofstra in each of the last four years.

The support of law school students, primarily through organizations such as the Black Law Students Association, continues to be a rewarding endeavor.

In April, Harris Beach was recognized by students at the University of Buffalo Law School for our work in supporting the perspectives of diverse students.

As part of the yearly Students of Color Dinner, Harris Beach and its Council on Inclusion and Diversity received a Distinguished Firm Award in recognition of efforts to "pave the way for minority legal professionals and University of Buffalo School of Law Students." The Students of Color Dinner is now in its 31st year.

We value our partnership with law schools and look forward to our continued collaboration.



Attendees networked following the day-long CLE program at Albany Law School about pathways to becoming a judge.

# DEVELOPING TOMORROW'S ATTORNEYS TODAY AT HOFSTRA LAW SCHOOL

**B**uilding a more inclusive law profession is a broad-based challenge that requires efforts at every level, including helping students with the financial commitment required to attend law school. Recognizing the tremendous costs, Harris Beach established the Harris Beach Diversity and Long Island Development Scholarship in 2018 for second-year students at the Maurice A. Deane School of Law at Hofstra University.

The scholarship recognizes students who have demonstrated a commitment to helping others, diversity and Long Island. In 2021 and 2022, with many excellent candidates, we were pleased to award the scholarship to three outstanding individuals:

**Alana D. Ambery** will begin her third year this fall as she pursues a career in family or criminal law helping victims of abuse and sexualized violence. In the summer of 2021, Alana completed the Criminal Justice Seminar Program with the Suffolk County District Attorney's Office. As part of the seminar, she authored a policy paper examining the impact of classes held to help teach children how to identify signs of abuse in their peers.

She also completed the David K. Kadane Fellowship in Public Interest Law at the Hofstra Law School Clinics and served as an undergraduate judicial intern for the Hon. Judge David M. Hawkins of New York City Civil Court. Alana will be completing an externship with Judge Hawkins this fall.

At Hofstra, Alana is a member of the law fraternity Phi Alpha Delta, the Public Justice Foundation, and the OUTLaw student group at Hofstra, which seeks to promote a positive atmosphere for LGBT+ students and their allies. Alana earned an undergraduate degree in history from Fordham University.

**Thania Riyanto** is also entering her 3L year at Hofstra. Thania is a native of

Ecuador and immigrated to the United States at the age of nine. She grew up in Queens and is a first-generation high school and college graduate in her family.

Thania told us her dream was to advocate for others, and it's something she's been doing her whole life. As a youth in Queens, she tutored other students in her neighborhood. Later she helped advocate for her father following a serious work accident.

While in law school, she has served as a member of the Latin American Law Students Association (LALSA) and a volunteer interpreter for Safe Passage, an immigration advocacy organization.

Since 2015 she has worked as the Managing Litigation Paralegal at a Forest Hills law firm. Thania also has experience as a personal injury paralegal.

**Christopher A. Leach** received the Harris Beach scholarship in 2021. During his time at Hofstra, Chris served as a member of the Hofstra Trial Advocacy Association and an intramural mock trial competitor. He is interested in both patent law and health care law and previously served as a law clerk in the Harris Beach office on Long Island.

Christopher attended the Waldorf School of Garden City and earned his bachelor's degree in health care administration with a secondary major in biology and a minor in film from the Long Island University Post campus in Brookville, New York.

Law students at Hofstra University visited the Harris Beach office in Uniondale earlier this year. The firm has provided scholarships to Hofstra students since 2018.





## SUPPORTING ALBANY LAW SCHOOL'S WOMEN'S LEADERSHIP INITIATIVE



**T**he first three words from Albany Law School's Facebook post say it all: "Inspiring. Brilliant. Incredible."

The context: A day-long retreat of the inaugural group of the Albany Law School Women's Leadership Initiative (WLI) Fellows in late March, where they heard words of inspiration from Trustee Kimberly C. Petillo-Décossard, Albany Law President and Dean Alicia Ouellette and others.

Harris Beach proudly supports the Women's Leadership Initiative at Albany Law School, which is dedicated to supporting female success and furthering the development and advancement of Albany Law School students, alumnae, and members of the broader community. Our firm has made a multi-year commitment of time and resources to this initiative.

Our Capital Region Managing Partner, John McManus, a 1997 graduate of Albany Law, serves as a Board Member on the WLI Advisory Committee. Harris Beach is also committed to providing educational and networking opportunities for the fellows and other WLI participants. This is the inaugural year for the Women's Leadership Initiative.

Albany Law School has a storied history of supporting women in the law. Kate Stoneman, Class of 1898, was the first woman admitted to practice law in New York State.

The Women's Leadership Initiative (WLI) is an innovative effort by Albany Law School's Career and Professional Development Center and Office of Alumni Engagement.

Photos courtesy of Albany Law School

# ADDRESSING UNCONSCIOUS BIAS FOR A MORE INCLUSIVE WORKPLACE



**O**ur collective experiences shape how we see the world. Based on interactions with friends, family, co-workers and acquaintances and from school, work and the media, we formulate conclusions about people and events without even realizing it called unconscious biases.

Many times our unconscious biases can be benign, and sometimes they send the wrong messages, leading to uncomfortable situations that can make work feel unfriendly or exclusive.

Addressing unconscious bias in the work environment has been a priority for Harris Beach for a long time, and it received a particular focus during the last few years through several workplace educational programs for attorneys and professional staff.

Harris Beach Council on Inclusion and Diversity leaders collaborate with DEI thought leaders and long-standing partners from the Future Work Institute Inc. and developed a comprehensive, accredited Unconscious Bias interactive CLE educational program.

The program provides a baseline definition for unconscious bias, individual awareness and reflection and tools for how to recognize and deal with it. Future Work has conducted thousands of Unconscious Bias training sessions for clients across the world – even conducts sessions in the metaverse.

Unconscious Bias training was just the latest collaboration between Harris Beach and the Future Work Institute, which have had an active relationship for at least the past 15 years, said Andrea Cisco, managing director and senior consultant.

The idea behind the training is to draw people into a discussion about the very real but often unrecognized elements of human nature that

pose obstacles to an inclusive and diverse workplace. “We’re offering a peaceful, constructive and gentle way of helping people learn something about themselves that they may not get otherwise.” Andrea said.

The training offers skill development exercises on recognizing and then addressing unconscious bias. It is based on using both full group discussions and small group breakout sessions where participants are asked challenging questions to consider about their own biases.

A bias is defined as a positive or negative preference for a group based on attitudes or stereotypes. It is not necessarily an attitude of prejudice or discriminatory behavior.

Understanding Unconscious Bias training is almost not meant to be an end unto itself, said Greg Jenkins, Future Work senior consultant who led the training with Harris Beach Partner and CID Co-Chair H. Todd Bullard.

“We’re trying to create a psychologically safe enough space where we can have a conversation about things we don’t normally talk about, but that we need to learn to address,” he said. “Most of us don’t know how to talk about racism or discrimination, and if asked, most of us will say nothing. My best defense is to say nothing.

“This is about getting the conversation started in ways that we can understand one another and ask questions. It’s about fostering awareness and inclusivity.”



# BUILDING ALLIES FOR INCLUSION AND DIVERSITY

**A**ddressing inclusion and diversity in the legal arena and in society requires a broad-based approach. Focusing internally — on hiring, culture and other issues — is fundamental. Taking an external view and working to be a positive force on inclusive and diversity with others and the communities and clients we serve is a priority.

Harris Beach takes this obligation to heart. Our attorneys spend many hours privately counseling clients on inclusion and diversity, and have also assumed leadership on the issues through speaking engagements at professional associations.

## Unique Role for Attorneys

Last fall, Partner Douglas Gerhardt, a member of our Labor and Employment Practice Group and Educational Institutions Industry Team, noted the unique role of lawyers in addressing racial justice issues.

He spoke at a meeting of the Labor and Employment section of the New York State Bar Association focused on how the legal profession can lead efforts to develop a common language in inclusion and diversity and normalizing it.

Douglas noted that Rule 1.1 of New York's Rules of Professional Conduct requires that attorneys provide "competent representation."

"A strong argument," Douglas said in his presentation, "can be made that cultural competency – the ability to effectively deliver legal services that meet social, cultural, linguistic needs of clients, is integral to competent representation." Not appreciating a client's perspective and framework negatively impacts your ability to provide effective representation. Douglas commented that he often asks "hard questions" of clients so he can really appreciate and understand their vantage point and how they are approaching an issue, even one that he has handled many times before.

In an accompanying paper, Douglas put the challenge in simple, stark terms: "We must eliminate racism from the profession because racism is morally wrong." He continued, "We must add deference and empathy. Without this we are just mechanics of the law. Clients expect and deserve far more nuance and knowledge." Cultural competence is critical to that.

Douglas advised lawyers at the

presentation to guide clients toward being "judicious and conscious about discussions of racial injustice at work by adopting a methodology, communicating consciously, avoiding comparisons, and promoting an environment of discussion versus debate."

## Cultural Awareness in Immigration Law

Also last fall, Senior Counsel Lu (Kevin) Wang of our Immigration Law practice discussed inclusion and diversity at the national conference of the American Immigration Lawyers Association. Kevin was part of a panel of immigration attorneys discussing cultural awareness and how to promote diversity and inclusion in their practices.

Kevin and his co-panelists discussed various definitions of diversity and inclusion and their importance to immigration law across the workforce, among clients and in relationship with governmental agencies.

The panel also discussed other essential workplace diversity and inclusion ideas, including cultural adaptability and countering implicit bias. They agreed that embracing diversity is essential for a successful practice, and that it takes time to develop and maintain the openness to learn.

Prior presentations to professional groups included a CLE looking at the "Impact of Unconscious Bias & Microaggressions on Diversity in the Workplace" to the DRI Young Lawyers Virtual Seminar by partner Jaime Regan of our medical and life sciences and mass torts and industry-wide litigation teams.

The program provided an overview of tools to reduce implicit bias and microaggressions in order to increase diversity, productivity, and profitability in the legal workplace.



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# RECIPE BOOK CELEBRATES CULTURE, RAISES MONEY FOR INCLUSION

Cultures are defined in many ways – through rituals, beliefs, values, symbols and more. They are the things we accept as the norm, generally without thinking much about it. And one of the richest ways of understanding culture around the world is through food. What people eat conveys a lot of fascinating information about who they are.

With that in mind, Cyndy Arthmann and her teammates on the Harris Beach Council on Inclusion and Diversity engaged in a unique way of celebrating World Day for Cultural Diversity at the firm. Cyndy is Rochester office manager for Harris Beach and member of the Council.

Cyndy and the team created the Harris Beach Recipe Book, a collection of diverse recipes from colleagues around the firm. It didn't take long for Cyndy to recognize she had a big hit on her hands: eventually the book grew to 85 recipes.

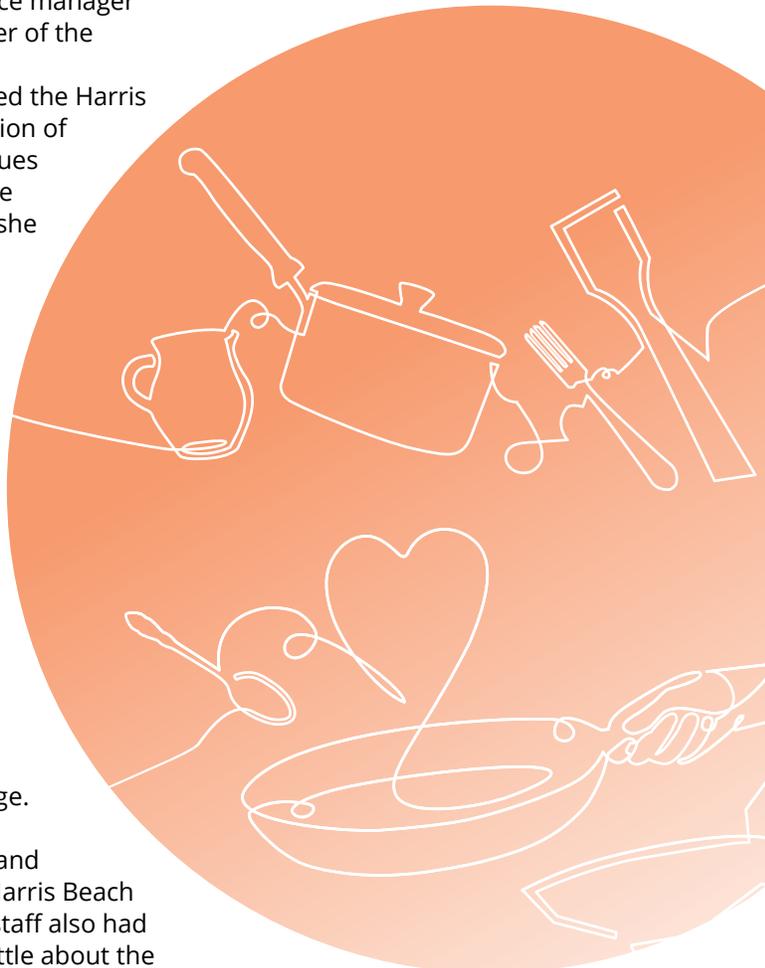
The dishes submitted provide a true glimpse of both world culture and the diverse Harris Beach culture. In it you will find dishes such as Mexican Caviar, Italian Wedding Zuppa, Irish Boxty, Mississippi Pot Roast, South American Sirloin Steak, Fastnacht Keuchles, Crispi Nigiri, Acini de Pepe Fruit Salad, Gnocchi, Easy Creamy Chicken Enchiladas and Pappardelle and Sausage. (Hungry yet?)

In addition to ingredients and directions for preparation, Harris Beach attorneys and professional staff also had the opportunity to share a little about the significance of the recipe in their lives. This was an excellent way to try great new recipes, learn something about co-

workers and find commonalities, a goal that the Council was hoping the project would foster.

Additionally, the team took things to the next level and encouraged a “pay what you can” donation to receive an official copy of the recipe book once everything was compiled.

Funds were donated 100% to non-profit organizations such as NCBI of Rochester, an organization that conducts workplace seminars on diversity, and Girls Incorporated of the Capital Region.



## Reflecting a Diverse Workforce in Holiday Policy

Establishing an annual holiday calendar that fully respects the incredible diversity in our society and workforce is no longer as simple as copying the list of official government holidays. There are so many different ways for us all to celebrate our individual backgrounds, in addition to the holidays that are recognized worldwide.

Harris Beach charted a new course in its holiday time policy in 2022 that respects diverse outlooks by establishing a floating holiday. Employees can choose a day off to recognize a holiday or other significant event of their choice.

Our Council on Inclusion and Diversity has received many suggestions for the firm to consider observing Juneteenth, Yom Kippur, Passover, Veterans Day, Columbus Day, Good Friday, Ramadan, Kwanzaa and others.

Each of us finds meaning and significance by celebrating in different ways. Creating a floating day and introducing flexibility with holiday planning is a small step toward a more inclusive offering for a diverse workforce.

# Harris Beach Council on Inclusion and Diversity 2021-2022



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