

In-House Counsel Spotlight on Diversity Initiatives

DuPont's Formula for Success in Diversity Modeling

By Sandra Giannone Ezell
and Rebecca S. Herbig

This is the sixth article in *In-House Defense Quarterly's* series spotlighting the diversity initiatives of in-house legal departments. Recently, we visited with some of the men and women at DuPont Legal to learn about their diversity initiatives. This article highlights DuPont Legal's numerous successful programs, including the DuPont Women Lawyers' Network, the DuPont Minority Counsel Network, and DuPont's legal diversity pipeline projects.

DuPont: A Pioneer in Diversity

Since its beginnings as an explosives company in 1802, DuPont has become a household name known for innovative science. Operating today in more than 70 countries, DuPont offers services in numerous diverse markets, including agriculture, electronics, communications, safety, and many more. Looking around your home, you are bound to come across many of DuPont's products—DuPont auto performance products, residential air filters, water filtration systems, and laminate and vinyl flooring; Teflon® cookware and apparel; Corian® countertops; Kevlar® apparel and fire-resistant mattresses; and Tyvek Home-Wrap, tape, and envelopes, to name a few. DuPont's vision is "to be the world's most dynamic science company, creating sustainable solutions essential to a better, safer and healthier life for people everywhere."

DuPont has over 60,000 employees

worldwide and, in 2009, ranked 75th on the Fortune 1,000 list. A woman is at the pinnacle of this well-established corporation. Ellen J. Kullman became chief executive officer on January 1, 2009, and chairman of the board on January 1, 2010, after having faithfully served DuPont for more than 20 years. This is even more profound in its import, if one considers that, according to *Fortune's* 2009 ranking of America's largest corporations, only 15 Fortune 500 companies are run by women.

Kullman's leadership, however, is only one example of how seriously DuPont takes its core values: commitment to safety and health, environmental stewardship, ethical behavior, and respect for people. And Kullman was not the first woman to make her mark on the science industry at DuPont. In 1965, Stephanie L. Kwolek, who had also been with DuPont for nearly 20 years, developed the first liquid crystal polymer, providing the basis for Kevlar. She was awarded the National Medal of Technology in 1996 for her contributions to science.

Kullman has addressed DuPont's commitment to diversity through its "Diversity Powerhouse Model," by stating, "We, at DuPont, expect that every one of our colleagues will be treated with respect. We expect that they will have the ability to grow, personally and professionally. Respect for people has been a core value of our company for over 206 years. It is just as relevant to business success today as it was at our founding." Senior Vice President and General Counsel Thomas L. Sager has emphasized that "diversity is more than the right



Hinton J. Lucas

thing to do, it's good for business. Our ability to connect with deal makers, politicians and juries must be better than our competitors'. And besides that, diversity generates better and more creative thinking. With varying perspectives brought to the table, better bottom-line results are achieved."

DuPont's Board of Directors further evidences this commitment. Of the 11 directors from outside the company, two are women, one is African American and two are from outside the United States. Overall, 19 percent of DuPont's 16 most highly ranked officers are women and people of color. These numbers are not surprising when you consider DuPont's commitment to diversity and focus on respect for people. Its diversity goals are met by providing diversity courses to employees, implementing global mentoring programs, and adhering to its "Supplier Diversity Process," which was established in 1973. In addition, DuPont has established a number of affinity groups intended to provide employees with forums for discussing obstacles to and successes with breaking barriers. Some of these groups include: Bisexuals, Gays, Lesbians, Transgendered and Allies at DuPont (BGLAD), Corporate Black Employees Network (CBEN), DuPont Asian Group (DPAG), DuPont Part-time Employees Network (DPTEN), DuPont Women's Network (DWN), and DuPont Employees Hispanic Network (HISNET).

Coincidentally, if you believe in such things, we had the fortunate circumstance of arriving in Wilmington, Delaware, on Martin Luther King, Jr., Day for our interview the next day. For that holiday, DuPont and the City of Wilmington had partnered for their Annual Day of Celebration, honoring the life of Dr. Martin Luther King, Jr. The event was held at the Chase Center on the riverfront and included a keynote address by Judge Glenda Hatchett, educational art and essay contests, and interactive activities for all ages.



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other manufactures against negligence, product liability and punitive damage actions. She is one of the founding members of her firm's child consumer products group. Ms. Ezell is the past publications chair of DRI's Diversity Committee. Rebecca S. Herbig is an associate in the Richmond office of Bowman and Brooke LLP. She is the Activities Subcommittee co-chair for DRI's Young Lawyers Committee and is a member of the Virginia Association of Defense Attorneys.

As evidenced by the Annual Day of Celebration, diversity is a way of life at DuPont, and this dedication has not gone unrecognized. In 2008, Senior Vice President and Chief Science and Technology Officer Uma Chowdry was named a “Woman Worth Watching” in the *Profile in Diversity Journal*. She was also named to the Delaware Commission for Women’s Hall of Fame of Delaware Women last year. DuPont has been named among the best places to work in Mexico and Brazil. *Working Mothers Top 100 Companies* recognized DuPont in 2008—DuPont was also named to *Working Mothers’* Hall of Fame in 2005. In 2008, DuPont was given a 100 percent rating by the Human Rights Campaign, which recognizes companies with programs that ensure the equitable treatment of the LGBT community, for its corporate equality index.

DuPont Legal: Following the Initiative

DuPont’s commitment to diversity is as evident in its legal department as in the corporation. In 1992, DuPont created the “DuPont Legal Model,” which applied “business discipline” to the practice of corporate law. The goal of the model was to balance handling increased litigation with encouraging efficiency. Diversity was one of the cores of the model from the start. DuPont Legal wanted to work with firms that evidenced a commitment to diversity, and it wanted to recruit, retain, and promote minority attorneys to work on DuPont cases. Although first developed as a means to reduce costs, the DuPont Legal Model has evolved into a sophisticated approach to achieve cost reduction, increased productivity, and improved quality of services, and it has also eased access to new opportunities and solidified relationships among staff members, law firms, and service providers.

In 1992, Chairman of DuPont’s Board of Directors Edgar Woolard, Jr., presented a challenge to his staff: find a way to cut more than a billion dollars in costs. DuPont Legal formed a team to respond to this challenge. The team discovered that DuPont and its law firms were dedicating substantial resources on every matter to pursue every possible issue and avenue of defense. DuPont Legal decided to modify this approach to save costs without compromis-



Ernest Tuckett, Thomas Warnock, Janet Bivins, Chyrrea Sebree, Lisa Gilford (at podium), Ramona Romero, Tamara Sampson, Patrice McGeady, Hinton Lucas, and J. Michael Brown.

ing quality. Under the modified approach, legal teams employed a strategic approach “where not every rock is turned over, just the right rocks.” The new model required the legal department to assess case objectives early, to develop an appropriate path toward cost-effective results.

The team also found that DuPont was spreading its business across a large number of law firms. After interviews with firms, the team developed a new network of “primary” law firms, “primary” service providers, and “diverse” legal suppliers that focused on true partnering relationships. DuPont’s focus in selecting law firms was firm commitment to competence, excellence, getting results, mutual financial success, technology and work process re-engineering, retaining and securing contributions of women and minorities, taking risks, advancing creativity, willingness to innovate, and progressiveness. In undertaking this “convergence process,” DuPont decreased the number of law firms it employed from more than 350 to 34, along with four legal services providers. See *The New Reality: Turning Risk into Opportunity through the DuPont Legal Model*, <http://www.dupontlegalmodel.com/>. Today, the network stands at approximately 45 law firms and service providers.

DuPont’s legal model has proven successful, especially in the area of diversity. There are more women and minorities employed in DuPont’s supplier firms than

in the past and all of the firms considered primary law firms have active diversity programs.

We recently sat down with Hinton J. Lucas, Vice President and Assistant General Counsel for DuPont, one of the recognized leaders in diversifying the DuPont legal department and outside providers, to discuss DuPont’s commitment to diversity. During his more than 30 years of service to DuPont, Lucas has been a key asset to DuPont’s progress in the realm of diversity, and he currently manages, among other things, the department’s pro-bono program and DuPont’s pipeline projects, including its Street Law, Inc., Diversity Pipeline Project. In November 2009, Lucas and Kevin Derbyshire, general counsel of DuPont Canada, were honored as the first recipients of the “Hinton J. Lucas International Award for Promoting Diversity in the Legal Profession” presented by the organization “A Call to Action Canada.” Lucas identified “respect for people” and “treating people right” as the core values upon which DuPont and its legal department’s initiatives are based. He was quick to note that, despite the recent economy, DuPont’s “commitment has never wavered one iota.” He believes that the next horizon for DuPont’s diversity initiatives, including its legal diversity initiatives, is to attend to the global component of today’s marketplace and to continue to improve its efforts to expand representation of all minority

groups in the legal profession, including Hispanic and Native-American attorneys.

To ensure that its primary law firms appreciate the level of commitment that DuPont has to diversity, it seeks information regarding the number of minority attorneys and their attrition from each of its primary law firms and broadcasts these numbers on a screen at an annual “DuPont Legal Primary Law Firm Meeting.” The increase in minority and women lawyers working for DuPont’s primary law firms is no surprise. As Lucas stated, “We are a science company, and if it gets measured, it gets done.”

DuPont’s Legal Counsel Networks: Highly Successful Sustained Diversity Approaches

To further the goals of its legal model, DuPont has developed a number of counsel networks that bring together identified members of DuPont’s primary law firms for conferences to build a sense of community that is dedicated to the business success of the members of the networks. This commitment to achieve success extends beyond the business that the network members do with DuPont to include offering general support to achieve success in the business of the practice of law. DuPont’s networks appear uncommonly successful—actually achieving their missions.



DuPont Legal's Minority Counsel Network

In 1996, in-house counsel Janet Y. Bivins and J. Michael Brown, a former partner with a primary law firm and now secretary of Kentucky’s Justice and Public Safety Cabinet, began to discuss the need for a conference of DuPont Legal’s in-house and outside attorneys of color. After quickly gaining support from then-Chief Litigation Counsel Thomas L. Sager, now senior vice president and general counsel, DuPont held its first “Minority Counsel Conference” in 1997 to discuss the specific issues experienced by attorneys of color in the areas of recruitment and retention. A year later, DuPont’s Minority Counsel Network was formed. Bivins served as chair from 1998 to 2002. Since 2002, the

network has adhered to a successor model, with a chair and co-chair serving a one-year term in each position. The current chair is DuPont Corporate Counsel Ernest A. Tuckett, who also serves as the project coordinator of DuPont’s Street Law, Inc., Diversity Pipeline Project.

We had the pleasure of meeting with Bivins earlier this year to discuss the successes of DuPont’s Minority Counsel Network. Bivins told us that “breaking through” the primary contacts at each primary law firm to identify these firm’s attorneys of color was the initial hurdle. In addition, during the first few years, DuPont worked closely with these law firms to identify and recruit attorneys of color. Bivins commented that most, if not all, of DuPont’s primary law firms successfully created diverse teams in response to DuPont’s Minority Counsel Network. Bivins was instrumental in creating a “sustainable, cohesive body that continues to talk and engage one another and promote the vision.” The Minority Counsel Network, under Bivins’ direction, created a Diversity Task Force in 1997 that lasted until around 2001. This task force educated the rest of DuPont’s primary law firm network members on issues affecting minority lawyers and helped fashion the diversity initiatives of the network, including benchmark survey questions to measure law firm diversity performance. During the seventh Minority Counsel Network Conference in 2005, Bivins was the recipient of the J. Michael Brown Award for commitment to diversity for her constant vigilance and support.

Today, the network is truly a “top-down” initiative, devoted to furthering the ideals of diversity within the legal profession. The network continues to organize annual Minority Counsel Network Conferences, providing seminars and discussions about how DuPont and its primary law firms can sustain their diversity efforts, providing leadership and networking opportunities to network members at supplier law firms, and providing seminars to advance the professional development of network members. While portions of the conference are open to other attorneys who work for DuPont, one session of the conference is usually limited to attorneys of color, to provide a forum for honest, open dialogue

regarding shared experiences. Further, DuPont has been careful to send a message to its primary law firms that minority counsel should not be penalized for being ambassadors for their firms on issues of diversity and encouraging their firms to provide these attorneys with billable credit for their hard work and dedication.

The Minority Counsel Network Conferences often spark further innovation. For example, an idea from the 2002 conference was the genesis for a Six Sigma Green Belt project. To study the potential for creating more opportunities for attorneys of color to work on DuPont matters, a team composed of DuPont and primarily law firm leaders sent surveys to attorneys of color within the primary law firm network. These surveys showed that about 42 percent of these attorneys had never worked on DuPont matters. Of those respondents who had worked on DuPont matters, the survey results showed that they typically worked on basic projects, such as drafting early case assessment reports, written discovery, drafting motions, and preparing general legal memoranda. Sixty-seven percent of the respondents knew little to nothing about the DuPont Legal Model.

DuPont quickly responded. Former Senior Vice President, General Counsel, and Chief Administrative Officer Stacey Mobley sent an e-mail to all attorneys of color at DuPont’s primary law firms to alert them that information regarding the DuPont Legal Model would soon be sent to each firm and to encourage them to seek this information. Questions were added to DuPont’s Benchmark Survey so that the legal department could continually assess the quantity and quality of work completed by attorneys of color on DuPont cases. DuPont’s commitment to embracing change and quickly adapting to new challenges has permitted attorneys of color to learn about the DuPont Legal Model and to become integral to DuPont’s legal teams.

Between annual conferences, the activities of DuPont Legal’s Minority Counsel Network are accomplished primarily through three standing committees: the Networking and Marketing Committee, the Newsletter and Communications Committee, and the Mentoring and Retention Committee. These committees are chaired and

staffed by attorneys of color from DuPont's primary law firms. Tuckett reported that the eleventh Minority Network Counsel Conference is being planned for June 23–25, 2010, in Washington, D.C.



DuPont Legal's Women Lawyers' Network

During a meeting in 1997, in-house corporate counsel Lisa M. Passante was

struck with the notion that more women could and should be involved in DuPont's network of primary law firms. Passante received top-down support for the idea of a Women Lawyers' Conference that would be dedicated to the success, development, and advancement of DuPont's women lawyers and women lawyers working for its primary law firms. The initial one-and-one-half day conference, which took place in September 1998, focused on gender diversity and communication issues specific to women lawyers, and also included brainstorming sessions committed to determining the issues most important to the participants. It was from this work that the DuPont Women Lawyers' Network was born.

According to Passante, firms readily identified women to attend this first conference. She remembers that each of DuPont's primary law firms sent at least two women to the first conference, with a total attendance of about 140 women. Passante found that these women "appreciated the opportunity to come in and meet with in-house counsel" and noted that the DuPont Legal Women Lawyers' Network has become a very successful resource of referrals, mentoring, leadership, and visibility.

Passante chaired the network for four years. Currently, the terms for the Women Lawyers' Network are not fixed, but the chair has, on average, rotated every two to three years. Passante has continued serving women in the legal profession as the current corresponding secretary for the National Association of Women Lawyers Executive Committee.



Members of the June 2008 Minority Counsel Conference General Counsel Panel. From left: Marcia Goffney, John Page, Deirdre Stanley, Stacey Mobley and moderator Lisa Gilford.

Kathleen Taylor Sooy, partner in Crowell & Moring LLP's Washington, D.C., office, had this to say about DuPont's role in building a better legal profession, "DuPont gave me my first big break as a litigator, propelling me into the lead counsel role in one of its national litigations. There were not many women in that role in the early 1990s. This was an early step in what became a key DuPont goal of providing opportunities for diverse attorneys. That goal has today translated into robust networks for women counsel and minority counsel, which is a model for other companies everywhere."

The DuPont Legal Women Lawyers' Network is currently chaired by in-house counsel Maria Angelo, who has been with DuPont's legal department since 2007 and with DuPont since 1989. Angelo told us that the DuPont Legal Women Lawyers' Network provides an unequaled opportunity to network and promote outside lawyers. She identified the advancement of women within the legal profession and discussion of flexible work practices as the next topics for discussion among women lawyers in the network. Angelo is proud to chair a thriving network that has retained its original mission and objectives and that is a program that is still unique to DuPont.

Passante and Angelo told us that, today, the DuPont Women Lawyers' Network pro-

vides a forum for women lawyers to collaborate on substantive legal matters, as well as marketing, mentoring, and professional development. In addition, the network works hard to create leadership opportunities for women lawyers and educate DuPont and its supplier firms about issues central to the careers of women lawyers. Over the years, the DuPont Legal Women Lawyers' Network has developed its own identity as a network that effectively works for mutual professional development and collaborates on substantive issues. For example, DuPont's network of primary law firms now sponsors a Women Lawyers' Network mini-conference focused on business development, which DuPont supports.

Against this backdrop, it is not surprising that in 2008, the National Association of Women Lawyers honored DuPont Legal with its President's Award for commitment to the advancement of women and minorities.

DuPont Legal's Diversity Projects: Involving the Profession and Community

In addition to diversifying through its networks, DuPont has taken on other diversification projects, implementing legal minority job fairs, a minority- and women-owned law firm project, and two programs specifically designed for youth.

DuPont Legal Minority Job Fairs

DuPont created the DuPont Legal Minority Job Fairs in 1994, which are now multi-city events providing more than 500 of the best minority candidates, law students and recent graduates alike, around the country with opportunities to interview with DuPont's primary law firm network members. The job fairs are currently held annually in August in Los Angeles, Chicago, Houston, and Wilmington, Delaware. The National Association for Legal Placement has recognized DuPont for its Minority Job Fairs by awarding DuPont its Mark of Distinction Award.

Dawn R. Tezino, shareholder at Mehaffy-Weber, P.C. in Beaumont, Texas, is but one example of the success of the DuPont Legal Minority Job Fair. Hired by MahaffyWeber through one of DuPont's regional job fairs, Tezino credits DuPont with her success and rise to law firm partnership, noting that "DuPont fosters a mindset of inclusiveness and a celebration of differences." Tezino is a member and a former chair of one of the committees of the DuPont Minority Counsel Network, which has allowed her "to build invaluable relationships with other attorneys of color both inside and outside of the DuPont MCN."

Minority- and Women-owned Law Firm Project

DuPont commissioned a 2004 study entitled "Study on the Status of Minority-Owned Law Firms" that indicated that the number of successful, minority-owned law firms had substantially decreased in the 15 years prior to the study. Driven by the results of the study, in 2005, the legal departments of DuPont, General Motors, Sara Lee, Shell Oil, and Walmart announced that they would work together to ensure that they gave quality legal work to minority-owned law firms. Together, they developed a roster of minority- and women-owned law firms, which has now been published along with information about each firm. Diversity Initiative, <http://www.minorityandwomenlawfirms.com/>.

Although Lucas indicated that there is no formal process regarding when and how minority-owned law firms will receive cases, he considers that it is "part of DuPont Legal's DNA" to provide minority- and

women-owned law firms with the first opportunity to handle matters that come in the door. This mindset pervades all DuPont's legal decision-making processes, including decisions related to recruitment. For instance, DuPont uses minority recruiters to help fill open positions, and all headhunters are required to present a diverse slate of candidates for consideration.

Pipeline Projects

In addition to fostering diversity within DuPont and the legal community, DuPont Legal recognizes that young people will ultimately change the face of the American legal profession. DuPont Legal has implemented pipeline projects geared toward providing opportunities for inner-city students to learn about the legal career.

The Association of Corporate Counsel Diversity Pipeline Kit was developed around 2002 in cooperation with Street Law, Inc., and with financial support from DuPont, to assist law firms and legal departments to implement their own pipeline initiatives. The kit contains case studies, resources for establishing mentoring programs, a video, and model programs. To date, more than 35 corporate legal departments conduct diversity pipeline programs modeled on the resources presented in this pipeline kit.

DuPont's Street Law, Inc., Diversity Pipeline Program, a partnership that works to encourage young people of color to pursue legal careers by providing them with role models, career education, and hands-on experiences in the legal field, sends attorneys from DuPont and Young Conaway Starlugg & Taylor, L.P., to teach legal concepts to students at Howard High School of Technology in Wilmington, Delaware, and offers a mentoring program for interested students. We recently discussed the project with Tuckett, DuPont's Street Law, Inc., project coordinator.

Tuckett explained that the Street Law, Inc., program is run through Howard High School's Legal Administrative Assistant Program. Students in this program have chosen the legal profession as their career track at this vocational high school. Each fall, DuPont hosts a conference for the students at the DuPont building, where the students participate in interactive work-

shops that include mock trial-type exercises. In the spring, a legal team-mentoring program follows, to educate high school juniors on the college admissions process and SAT test preparation. Tuckett estimated that the program has between 40 and 50 volunteers per year from DuPont and Young Conaway. Further, Tuckett reported that more than 80 percent of the graduates of the Legal Administrative Assistant Program at Howard High who have participated in the DuPont Street Law, Inc., program since 2006 have gone on to attend college.

Tuckett believes that if an organization takes pipeline diversity efforts seriously, programs such as this must become a part of the organization's attempts to increase diversity in the legal profession. He said, "Without increasing the pipeline of prospective minority legal professionals, we will be facing the same diversity challenges of today 20 years from now. No real progress will be made without them."

DuPont Legal also provides life-skills training to at-risk youth by offering computer training at DuPont for young people in the local area through the Kingswood Community Center. DuPont also supports the Delaware Law Related Education Center (DELREC), a nonprofit organization that provides young people with opportunities to learn about the law and the legal field. The DELREC operates the annual Delaware statewide mock trial competition and youth summits, as well as providing law students at Widener Law School with the opportunity to work with students in grades seven through twelve, adjudicated in Family or Superior Court and sent to the Ferris School for Boys, which is administered by Delaware's Department of Youth Services.

Conclusion

We hope that you have been inspired by DuPont Legal's story, as well as the insights that the other companies featured in this spotlight series have shared over the last several months. We want to hear about your company's story. If you would like to describe your company's diversity efforts, successes, and struggles, please contact Sandra Giannone Ezell (sandra.ezell@bowmanandbrooke.com) to add your voice to this issue.