

Leading Companies with a \$70 Million Commitment to Work with Minority and Women Owned Law Firms

The Inclusion Initiative is a collaborative effort of forward-looking companies committed to an immediate and measurable increase in the retention of minority and women owned law firms by Corporate America. In the inaugural year of the effort, 11 companies pledged to spend \$30 million with diverse law firms for 2010. The companies exceeded that goal, collectively spending \$42.6 million with minority and women owned law firms.

In 2011, the Inclusion Initiative has grown to 17 companies committed to collectively spending \$70 million with diverse law firms. The companies are: Accenture, American Airlines, Comcast, DuPont, Exelon, JPMorgan Chase, General Mills, GlaxoSmithKline, Google, Macy's, Microsoft, Prudential, Sempra, Shell Oil Company, Verizon, Walmart, and Xerox. These companies have found that when General Counsel make the use of diverse law firms a business imperative – with tracking, reporting and support – corporate law departments successfully engage diverse law firms in a wide range of legal matters, such as intellectual property, securities, mergers and acquisitions, real estate, tax, employment, and other specialized areas of practice.

The Inclusion Initiative companies have conclusively demonstrated that numerous diverse law firms are fully capable of providing high-quality, cost-effective, and creative legal services to help major corporations achieve their business objectives. The Inclusion Initiative facilitates sharing of best practices, cross-referrals of highly-qualified diverse law firms, and interaction with leading diverse law firms, with administrative support from the National Association of Minority & Women Owned Law Firms (NAMWOLF).

Need for the Inclusion Initiative

In 2004, a study commissioned by DuPont Legal found a marked drop since the late 1980s in the number of minority owned law firms serving corporate America. The DuPont study identified lack of access to and relationships with corporate decisions-makers, and misperceptions of law firm expertise and capabilities, as among the primary drivers of this worrisome decline. A 2009 study by the Minority Corporate Counsel Association (MCCA) reached similar conclusions.

The Inclusion Initiative companies believe that diverse law firms are a critical part of the solution to the diversity challenge in the legal profession. Diverse law firms provide a reliable pathway into the legal profession for diverse law students and young lawyers, and serve as a recruitment source for diversity in major law firms and the judiciary. The Inclusion Initiative is focused on maximizing opportunities for diverse law firms to grow while meeting the legal needs and cost concerns of major corporate clients.

History of the Inclusion Initiative

In 2006, Tom Sager, General Counsel of DuPont, initiated a successful one-year effort by Shell, Sara Lee, GM, Walmart and DuPont to increase the utilization of minority owned law firms by their companies, exceeding their collective goal of spending \$16 million with diverse law firms.

In 2009, Prudential and DuPont approached NAMWOLF to collaborate on renewing and expanding this effort to achieve a more ambitious goal and to include women owned firms.

NAMWOLF agreed to provide administrative support for the effort. Accenture, American Airlines, Comcast, DuPont, Exelon, General Mills, GlaxoSmithKline, Microsoft, Prudential, Sempra, and Walmart launched the Inclusion Initiative in 2010. The 11 founding members of the Inclusion Initiative exceeded their \$30 million goal by \$12.6 million, for a total of \$42.6 million spent with diverse law firms in 2010.

Frequently Asked Questions about the Inclusion Initiative

How can I join the Inclusion Initiative?

Major companies wishing to join the Inclusion Initiative must have a history of legal diversity efforts, commit to a significant calendar-year stretch goal of spend with diverse law firms, and participate in ongoing collaborative efforts to advance the goals of the Inclusion Initiative. For information, contact Jane Kalata at jane_kalata@namwolf.org. There are no individual or law firm members of the Inclusion Initiative.

Is legal work “set aside” for diverse law firms by the Inclusion Initiative companies?

No. The companies use their normal processes for selecting outside counsel, which includes such factors as cost, reputation, expertise, and referrals. Inclusion Initiative companies take additional measures to ensure that diverse law firms are among the pool of firms considered for work, actively seeking out highly-qualified minority and women owned law firms.

I sent my firm materials to an Inclusion Initiative company; why haven't I heard back?

The hiring of legal counsel is based on trust and established relationships. Cold-calling is often ineffective because busy in-house counsel are deluged with solicitations from new law firms as well as firms they already know.

How can a diverse law firm build relationships with Inclusion Initiative companies?

One way to begin relationships with in-house counsel at Inclusion Initiative companies is by participating in the same legal diversity activities they do, such as MCCA (mcca.com), DRI Diversity for Success (dri.org), Texas Minority Counsel Program (texasbar.com), California Minority Counsel Program (cmcp.org), NAMWOLF (www.namwolf.org), and the diversity activities of the various state, local and national bars.

Why doesn't the Inclusion Initiative address the need for diverse lawyers in major law firms?

Promoting legal diversity requires a wide array of strategies. The Inclusion Initiative focuses on diverse law firms, which often do not have the resources or access available to attorneys in major law firms. But all of the Inclusion Initiative companies are deeply committed to other efforts to promote diversity, including the use of diverse attorneys in major firms.

Does my law firm have to join NAMWOLF to work with Inclusion Initiative companies?

No. As the leading national organization serving diverse law firms, NAMWOLF supports and assists the Inclusion Initiative companies. However, the Inclusion Initiative companies also participate in the activities of numerous bar and diversity organizations and most of them use non-NAMWOLF member diverse law firms in addition to NAMWOLF members.

What is NAMWOLF's role in the Inclusion Initiative?

NAMWOLF provides cost-free administrative support and access to certified minority and women owned law firms for Inclusion Initiative companies. NAMWOLF board member Richard Amador (amador@sanchez-amador.com) serves as administrative coordinator.