

# THE **Legal Navigator**

WINTER 2019

Insight into leading legal talent and  
issues affecting the legal market

## **Ravinder Passi** **Global General Counsel** **of Nissan Motor Co., Ltd.**

*Embracing opportunity*

## **MOMENTUM**

*Career insights from legal mavericks*

## **360**

*The state of diversity  
in law and how  
to move the needle*

## **5 THINGS YOU DIDN'T KNOW**

**Brad Mallett**

*Top attorney at the  
Choctaw Nation  
of Oklahoma*

## **TO LEAD**

**Brent Harris**

*Vice President,  
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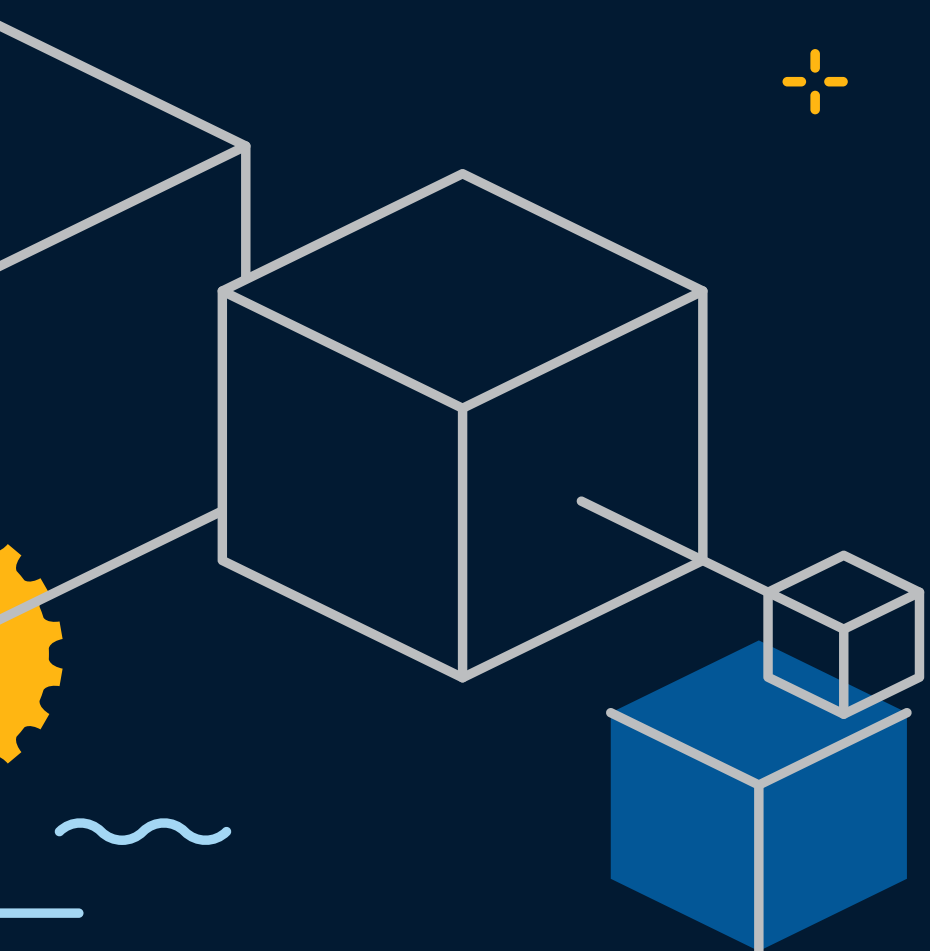
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# EMBRACING OPPORTUNITY

**INTERVIEW WITH**  
**Ravinder Passi**  
**Global General Counsel of**  
**Nissan Motor Co., Ltd.**



The idea of joining the Nissan legal team was extremely appealing to Ravinder (Rav) Passi—not just because of the possibility of serving as a lawyer for an international company with a culture like none he had ever experienced before, but also for the fleeting hope of acquiring the 350Z as his company car. Unfortunately, his dream of sporting around town in a 350Z was not realized. But his desire for a dynamic opportunity did not disappoint. In 2004, Rav began his journey with Nissan, and 14 years later, he has not looked back—and he still considers it the best career decision he ever made. >>>

When he joined Nissan, Rav was looking for an opportunity where he could go in and make a meaningful contribution from day one—and he's done just that. Nissan is unique in the mix of Japanese automakers, as the company is truly global, not just in name but also in operation. Rav is well-suited for this unique organization, having grown up in multicultural UK and straddling different cultures. The Nissan global headquarters (GHQ) legal team are an award-winning, diverse group of legal professionals, fluent in English and many other languages and hailing from different parts of the world. They are encouraged to have open, transparent discussions and air their ideas and views. While these concepts are not new for Western GCs, they are certainly a rarity among Japanese organizations. The ability to marry such distinct work styles and cultural differences is where the real skill lies. And using his direct, proactive approach, Rav continues to modernize and advance Nissan's GHQ legal team and Nissan's global legal function.

### **| What is the best part of your job?**

The best part is the fact that I work for an amazing international company that makes great products. You can go anywhere in the world, get off a plane and, within 15 minutes, you'll see a Nissan car on the street. I really do love that and am incredibly proud of the Nissan legal function and all that the team contributes to that.

### **| Your team has been called "lean and mean." On what cornerstone have you built Nissan's legal department?**

We don't have a huge number of lawyers when you compare us with other multinational, multibillion-dollar businesses. Globally, the Nissan legal function has around 160 full-time employees, including lawyers, paralegals and administrators. The lawyers are based in many countries all over the world, and I have a phenomenal group of regional general counsel who lead the local teams. Basically, though, we have lawyers all over the world, in Canada, the U.S., Mexico, Latin America, mainland Europe, the UK, Dubai, India, China, South Africa, Thailand, Australia, Japan, Hong Kong and the Philippines—it is a real international global function. They are encouraged to share ideas and leverage each other to avoid "reinventing the wheel." They're committed, hardworking and a very nice group at an individual level!

We've been quite acute in terms of having a clear vision and mission in relation to our strategic objectives. We've built on those objectives to make sure that we focus on high-value, important, strategic work—work that really makes a difference to the business.

### **| Nissan's use of the Hoshin Kanri method of process management has been written about over the years. How do you incorporate the organization's approach into managing the work of your legal team?**

It was important for Nissan GHQ legal to adopt the methodology used throughout the business. It's very important to be able to put down on paper your vision and strategic goals and then have specific actions that contribute to the vision and each of those goals. What we also do is ensure that Nissan GHQ legal's objectives clearly link back to Nissan's business objectives so the lawyers can see how what they do relates back to the business.

The lawyers are part and parcel of the business, so they need to use the tools and approaches used by their business colleagues so that they are familiar with the Nissan terminology and can then tailor their advice in "speak" that the business understands.

### **| With your deep focus on the business and aligning your team with the overall organizational strategy, how have you worked to ingrain the legal team into the day-to-day operations of the business?**

Being a partner to the business is one of our key strategic objectives. I say to the legal team that "it's our business as well"; you are an integral part of this business and you have a phenomenal skill set because you understand the law. However, not only do you understand the law, you understand business, so make sure you give your business view as well. This company is as much yours as it is the engineering team's or the sales team's or the design team's; it's your business and you have to contribute to it. The more you learn about the business—about how it operates, how it works, what the concerns are, what the challenges are—the more you'll be able to tailor your advice to help them. If you help them achieve their objectives, the company succeeds. Make sure you are embedded with the team—and that's what we've done. Some of our lawyers sit within particular business units and work hand in hand with their business colleagues.

### **| When you moved into the role of global general counsel in 2015, what was the first thing you did and what were some of the biggest challenges in front of you?**

The first thing that I did was carry out an assessment of the Nissan GHQ legal team. That was a challenge in and of itself because I didn't have the base information that I needed in order to create a legal strategy. I needed to find out what the official head count was, what we were spending, what the problems were, what the team thought, what technology we had, etc., etc. Once I got all of that information and analyzed it, I then had to develop a strategy. I looked at the weak points and at the strong points. We then had to decide whether we should fix the weak points or just focus on our strengths. That was the biggest challenge for me—getting a grip on what was going on and the problems/issues, and identifying the changes we wanted to make.

We ended up focusing on both because if you are strong at something, then it makes sense to continue to make

those things better. For the weak areas, if they were what we categorized as “core” weak areas, then we worked to fix them, but if they were “non-core,” we let them go. We now do this every year and try to identify the five things “to do” and the five things “not to do”—it’s a real team effort, and I’m grateful for the work the team puts in.

**Prior to becoming global GC, you were a division general manager for organization development department. How did that role help prepare you for your GC role?**

The organization development department has a number of distinct functions: They act as consultants to the executives (i.e., problem fixers) and they also look at the structure of the organization (i.e., set up and/or improve). So if we were going into a new territory, they would work out how the business should be structured and how the reporting lines, for example, should work. I learned a great deal from the team here about managing people and business priorities, and ultimately, that experience has helped me in my global general counsel role.

**“ I say to the legal team that ‘it’s our business as well.’ [...] This company is as much yours as it is the engineering team’s or the sales team’s or the design team’s; it’s your business and you have to contribute to it. ”**

**You have been described as “open and direct”; does this differ from the Japanese style of management and how have you adapted or progressed?**

I suppose it differs from a traditional Japanese style that is applicable to traditional Japanese companies, but Nissan isn’t a traditional Japanese company. I have many Japanese colleagues who are also open and direct, and there is no one right way to manage. I like to take the best of different styles, be that the consensual style of Japan or the direct style we see in the West. The key is to try things so that everyone is on the same page and working toward the same goal. I have to

be mindful of the fact that, from a cultural perspective, there are some differences in the way in which you approach things, and on occasion, I have had to change my style of management. My primary style is open and direct, but I do adapt as required.

**Diversity is important to you and for your team. How do you define diversity?**

I look at things holistically. I look at myself—I’m a British lawyer, born and brought up in the UK, working as the global general counsel for the GHQ of a company in Japan. I’m an example of that diversity. We try to make sure that within the team we have people who, in essence, replicate that. No matter what your background, your race or sex, or where you’re from or where you qualified, there are opportunities available within the Nissan legal function. I look at my team here at GHQ: I’ve got French lawyers, Chinese lawyers, Spanish lawyers, Japanese lawyers, American lawyers and so on—people from all backgrounds, of different ages, both sexes, who are all working here. So for me,

it’s making sure we get that mix, but the priority is to make sure that the people we bring on board display the right attributes.



### **When you are recruiting new members to your team, what are you looking for?**

I look for people who are proactive, work on a day-to-day basis in a very open manner, and have a collegial manner—people who are team players but also people who will work with a degree of urgency. By that I mean they will be able to spot the actual issues, come up with a plan to fix those issues and implement that plan pretty quickly—and then move on to the next matter. However, the key thing is the ability to work as part of a diverse team—that’s absolutely fundamental.

The best way you’ll ever be able to judge that is once they are on your team; however, there are some indicators. Some of the things I look at are: How has this person managed other people? How have they dealt with crises or things that haven’t gone according to plan? Do they like to work by themselves or are they able to delegate? Are they good-humored? Can they bring people along with them? If they are people who can work with other people, if they are people who can share, if they can act urgently, if they are creative and are team players, then they are people I want at Nissan.

### **What are some of the challenges you face today at Nissan?**

The challenge for in-house lawyers is to ensure that we are continually refining, adapting and taking on best practices that exist in the legal industry. We need to understand how to utilize the new technology and applications and new lawyering tools that are out there. That challenge exists in-house because we don’t have a dedicated IT support function in the way that law firms do.

From a legal perspective, I think one of the things we’re realizing is that legal issues you see in one part of the world don’t just stay confined to that part of the world. With the advances in the way in which people communicate, a particular issue that happens in one part of the world can have implications all over the world. We need to make sure that those types of issues are spotted and managed in the jurisdiction in which they occur. But we also need to look at it from a slightly wider perspective and see which other jurisdictions will be impacted and ensure resources are lined up to deal with the issue.

### **With all that you’ve accomplished at Nissan, did you always know you wanted to be a lawyer?**

No, not really. Growing up in Leicester, I wanted to be many things—a footballer, a cricketer, a doctor or a dentist. It was only when I got to be about 16 that I thought I actually needed to focus on what I’m really good at doing, so I discounted certain things. I liked to think, debate and argue my point, and I liked to look at things from different angles. I started reading up more about what it means to be a lawyer. Did I want to be solicitor? Did I want

to be a barrister? Did I want to qualify in different jurisdictions? I spoke with many other lawyers, did secondments and placements, and that really consolidated my view that it was the career for me.

### **After law school, where did your legal career path take you before Nissan?**

After law school in the UK, you have to undertake a training contract with a law firm. At the time, it was very competitive; I think it still is super-competitive. I managed to get a training contract at a firm in Cardiff, Wales, called Hugh James. At the time, it had about 50 partners and was a top 100 firm—I think it still is. The great thing about Hugh James, as opposed to a big-city firm, was that I got to do everything from day one. You have an exposure you don’t necessarily get at some of the bigger firms because you are the lawyer (even if you are a very junior lawyer). A lot of people rely on you, and you have your own clients. I got to do all kinds of things while I was at Hugh James, and I really enjoyed the exposure and taking the responsibility for a particular case, albeit a small case.

I spent a total of four years in private practice before moving in-house. I realized that maybe private practice wasn’t for me. I liked looking at things slightly differently; I liked the business side of things and seeing solutions implemented.

### **Along the way, what is the best advice you ever received?**

Don’t be afraid to start something. If you’ve got a plan, an idea, you don’t need to wait until it’s 100% perfect. If it’s 60–70% of the way there, launch and learn from it. Otherwise, you’ll be procrastinating and waiting and you may miss the optimal time to launch it.

For example, we launched an initiative here at GHQ legal where we adopted some new technology. Things weren’t 100% perfect; however, if we’d waited for them to be perfect, we would have lost 12 months. Even though we had some difficulties, when we now launch new technology applications, we plan for those issues. We’ve learned from our mistakes, which is an integral part of being a lawyer—you learn from your mistakes.

### **What advice do you have for up-and-coming lawyers just starting their careers?**

Do everything. Get as much experience as you can. Do a diverse range of work and don’t be afraid to do something new. It’s quite important that young lawyers work with as many experienced lawyers as they can so they get to see how a litigator thinks, how a property lawyer thinks, how a corporate lawyer thinks, etc. They can take elements and apply them to whatever they are doing. It is very important to see a broad range of things like that. ▲



# MOMENTUM

Career insights from legal mavericks

## SHANUAH BEAMON

General Counsel and Senior Vice President of City Year

“The role of GC is general in every sense of the term. There are myriad issues that I face on a day-to-day basis, all of which help the organization but also feed my intellectual curiosity. I think that any lawyer who has been practicing a long time needs to keep engaged and fulfilled. I’ve learned that when you are a GC for a large organization, leaders have varying experiences and use counsel in varying ways. It is important to partner with them as individuals and meet them where they are, finding out how they can use me and how I can earn their trust. That really is the deciding factor on whether they do seek your advice.

**IF YOU APPROACH THE PROFESSION AS A CONTINUOUS OPPORTUNITY TO LEARN [...] THERE IS ALWAYS A CHALLENGE AROUND THE CORNER THAT IS VERY GRATIFYING.**

The joy of working with an organization that has not had a GC is that there is a tendency in some organizations to view the general counsel as compliance cop—the people who tell you no and raise the stop sign. I have not experienced that at all. People really gravitate toward having a trusted advisor and seek my counsel—and not just legal advice but also just good business advice. This relationship ties into the earlier experiences I had in my career where I was on the business side.

I realized early in my career that being a good counselor and legal advisor requires an intimate understanding of your client’s business. For a brief period in my career, I had an

opportunity to work as a project manager for Six Sigma, a continuous improvement initiative. The

ability to be embedded in the business helped me understand people, processes, systems, opportunities and challenges. That shifted my thinking of my role as a lawyer. It’s not just someone who advises on the laws, regulations and risks, but someone who acts as a business partner and understands the unique challenges



of a client. That is how I have approached my legal leadership.

My advice for young lawyers is to enjoy the process. Often we are so goal-oriented that we are always looking for the promotion, the bigger title. The process of learning should never stop and never take a back seat. That mindset has been a transformative shift in how I approach my career and has made a difference in my happiness in this career. You see a lot of people burn out because of pre-established milestones; it’s always ‘what’s next?’ If you approach the profession as a continuous opportunity to learn and grow, then you don’t get that burnout because there is always a challenge around the corner that is very gratifying.”

## CHRIS MONSOUR

*Vice President and General Counsel  
Eurasia of Diebold Nixdorf*

“While in law school, I started feeling like I needed to broaden my skill set, develop leadership skills and toughen up a bit. Once I finished law school, I went to the Army selection board, was tested (IQ test, scenario testing) and selected, and entered officer cadet training. Over two years, they put me through hell. After I finished training and while working in-house for the government, I received my commission and spent the next 25 years working my way up through the ranks within the Royal Australian Armoured Corps—ultimately becoming a commanding officer of the Royal New South Wales Lancers while at the same time maintaining my professional legal career in private practice then in-house at HP.

**IT'S NOT ABOUT DOING  
120% YOURSELF OR  
THROUGH A SELECT FEW;  
IT'S ABOUT GETTING YOUR  
WHOLE TEAM INSPIRED.**



Developing people and capabilities is the cornerstone of the Army. We have a training program in which we look at each capability and create individual roadmaps for each person. This training gave me the ability to manage and lead people. In law, we revel in data privacy laws, for example, talking about contractual principles in negotiations, but sometimes our ability to lead large groups of people is challenging because no one has ever taught us how to develop someone over the course of their career. One of the key things I learned when I got into the business world was how to understand the actual business construct and the associated growth strategies and how they create and maintain profitability. That knowledge coupled with what I learned in the Army gave me the ability to manage and lead a team, which is a somewhat unusual combination in the law. People see a difference in the team I lead.

You have to make people believe that you truly care and want to help them succeed. We tend to promote that angelic professional and leave half our team unnurtured. Instead, we should get them all to be quite as good, because at the end of the day, it's not about doing 120% yourself or through a select few; it's about getting your whole team inspired and feeling that you care about them so much that you'll develop them all to their highest level of success. A great manager will know all about their people and have a plan. My 30 people have individual mentoring and real training and succession plans. That same 30 inspired people are then able to deliver capabilities well beyond a select few. ”



## FRANCISCO HERNÁNDEZ-CASTILLO

*Corporate Vice President, Legal of Mexichem*

**YOU CAN'T SEE  
THE PROBLEM OR  
THE SOLUTION  
IF YOU DON'T  
UNDERSTAND IT.**

“My parents instilled in me a curiosity for the world and an appetite for learning. When I finished law school in Venezuela, I was already working in a big law firm and was fascinated by the interconnectedness between people, society and law. My interest in globalization was what drove me to pursue my law degrees

in Italy, France and the U.S. Those experiences made me a more effective thought leader, allowing me to develop a very strong network around the world and helping me to comprehend and be mindful of cultural nuances that play an important role in interpreting law and approaching specific issues when managing legal affairs on an international platform. I had a vision for becoming a global legal leader, so I wanted to have a better understanding of the world.

We live in a very global environment and that requires international understanding and exposure. You can't see the problem or the solution if you don't understand it. If you don't know that on the other side of the ocean there is a completely different world where your values, your perception, your vision are different, then you are not ready to manage international legal issues. We are working in a very interconnected world today, with real and significant consequences in different jurisdictions. The way businesses go to market, the way we interact with each other, and the way we handle data and business relationships are all impacted by factors that go beyond local borders. Understanding how this works and pondering both domestic and international consequences is very critical for your success. ”

## PRACHI JHUNJHUNWALA

Associate at Gibson, Dunn & Crutcher (Singapore)



“I come from a family of lawyers; being a lawyer was always in my blood. My father is a corporate lawyer and has always been a major influence in my life. I could always see how much he loved his job, and I appreciated his dedication to clients. I knew I wanted to continue that tradition—but I also wanted to get a different perspective.

I began practicing law in India and further developing my understanding of the principles of corporate law, contract drafting, etc. During this time, I frequently came across U.S. precedents in relation to the M&A deals I was a part of. As a result of this experience, I made the decision to earn my LLM in the U.S., with the specific objective of getting a practical view of mergers and acquisitions in the U.S. With my parents’ encouragement and support, I began my studies and eventually took the New York bar exam.

**MY UNDERSTANDING OF U.S. WORKING CULTURE PROVED TO BE VERY INSTRUMENTAL IN MY CAREER ADVANCEMENT.**

During the LLM courses, partners from law firms gave us practical advice, explaining why things were drafted a particular way. The bar exam was tough, but it is something you just have to get through. What I found helpful was taking one of the bar prep courses, making a daily schedule and sticking to it. I treated it as a commitment—thinking of it like going to a job in the morning. Having an LLM and international experience has made a huge difference in my career. When I began interviewing at law firms, my understanding of U.S. working culture proved to be very instrumental in my career advancement. ”

## JULIETTE PRYOR

Senior Vice President, General Counsel and Corporate Secretary of Cox Enterprises

**BE SELECTIVE ABOUT WHERE YOU GO AND CLEAR ABOUT WHERE YOU WANT TO TAKE YOUR CAREER.**

“When I was a law school student, I was very fortunate to wind up in a conversation with an upper-class student who suggested the option of going to a company instead of a law firm. I was intrigued by the notion of being a lawyer inside a company and started looking at in-house opportunities for my internship. I

loved being in an environment where I was contributing from a legal perspective but was surrounded by people with different paths. If I had not had an in-house experience early on, I probably wouldn’t still be a lawyer.

By the time I went to Skadden, I had enjoyed a number of varied career experiences. Not only had I worked in-house at IBM, where I started as a staff attorney, but I also had worked at a telecom startup and as federal appointee at the U.S. International Trade Commission. At that point, I knew I wanted to be a GC in a large organization, but I felt I would be limited without being able to check the BigLaw box; I needed that experience in my toolkit. When the opportunity presented itself, I thought it was the right thing to do at the right time. I didn’t go to Skadden with a definite plan to go back in-house after a certain amount of time; I went to experience it and learn as much as I could. I had an incredible experience there, working on matters that were specific to my unique experiences and skill set.

The fact that I went in-house first speaks to who I am as a person: a person who takes risks and doesn’t necessarily take the traditional path. I wouldn’t say don’t go in-house first, but if that is your desire, I would recommend that you be selective about where you go and clear about where you want to take your career. You must consider carefully the organization you choose and also what kind of investment it will make in you and what type of development opportunities it will offer you. I was very fortunate that IBM was a place that had carefully considered how best to provide meaningful development opportunities for lawyers early in their career. ”





## DAVID GIBBONS

*Partner, Leader of the Global Corporate Practice Group at Hogan Lovells and Member of the Firm's International Management Committee*

“When I was in college, I was torn between going to business school or law school, as I had always thought I would become involved in business as an entrepreneur. Following the advice of my older brother, I decided to attend law school and focus on corporate law. My thought was that I would practice law for a few years and then go into business. More than 25 years later, however, practicing law and helping multinational companies and growth-stage enterprises navigate highly complex deals has satisfied my intellectual curiosity. And the ability to develop and build a vibrant practice has satisfied my entrepreneurial spirit.

As a global practice leader, my job is multifaceted. The practice of law is still a relationship business. So part of my role involves building relationships with my partners and helping them build relationships with our clients in an integrated way across the broader platform. Another part of my role involves meeting with clients, understanding our clients' needs and putting the right teams together to serve our clients. That means I travel a lot. Since September 2018, for example, I have met with our lawyers and clients in Japan, Hong Kong, Singapore, London, Rome, Mexico, Paris, Germany and, of course, the U.S.

I also continually evaluate our corporate practice to determine the strengths on which we can capitalize, making sure we're operating at the right end of the market. We seek to build a culture of consistent ambition among the entire corporate practice related to where we want to be and go. I can't express how important my immediate team is. We share clients and relationships, which enables us to practice law in a seamless way in an incredibly competitive environment. We are constantly working on a number of deals at any given time. We very much work together as extended teams of our clients. Our clients appreciate that we are dedicated to them.

**WE SEEK TO BUILD A CULTURE OF CONSISTENT AMBITION [...] RELATED TO WHERE WE WANT TO BE AND GO.**

My favorite part of my job is the people and clients with whom I have the privilege of working. We are a diverse, talented and committed group from virtually every part of the world, and we represent many leading companies. Getting to know so many of them and working so closely with them is by far the best part of what I do. ”

“Often we are so goal-oriented that we are chasing a bigger title. The process of learning should be the focus.”

## MARCELA KIRBERGER

*Chief Counsel at Leica Microsystems*

“I always knew I wanted to be a GC, and Novartis was big on exposing lawyers to the breadth of experiences necessary to achieve that role. After several roles in different Novartis U.S. companies, it became clear that if I wanted to move up the ladder and have a global mandate, I would have to leave the U.S. So in 2014, I accepted an offer from the then-Sandoz global general counsel to take on the role of global compliance officer for Sandoz, which was headquartered in Germany. Prior to this role, I had worked closely with the compliance function for many years, but I had not had a compliance role before. I took that role and moved my family to Germany. It was, professionally, the best move I’ve ever made.

The professional growth that came with this role was substantial. It was a completely different experience than what I’d had at other Novartis companies and that was

because of both the different competencies required to perform a compliance role and the different business model and regulatory framework related to a generics/biopharma business. It was a shift in mindset.

**INFLUENCING AND PERSUADING BASED ON A SET OF PRINCIPLES AND VALUES BECOME PARAMOUNT, ESPECIALLY WHEN DISCUSSING GRAY AREAS.**



For me, becoming a close compliance partner was, in many ways, more challenging than being a legal partner to the business. In general, lawyers are seen as technical experts; the business is usually deferential to legal because lawyers have the knowledge of the laws, regulations, case law, etc. In compliance, however, influencing and persuading based on a set of principles and values become paramount, especially when discussing gray areas. As a really effective compliance person, you have to deeply understand the business you are counseling and be able to effectively and pragmatically calibrate risk. A business region head once told me that I seemed to be a “driver,” and that unless I conquered the hearts and minds of the businesspeople, unless I reached them and established trust with them, I wouldn’t be able to make the changes I wanted to make. He was absolutely right.

In order to get close to the business, and to understand its challenges and how to best be of help as a supporting function, I spent a lot of time in the countries. Spending time with the local teams allows you to gauge people’s understanding and willingness to embrace compliance. By understanding the business from the bottom up, my team and I were able to come up with a lot of great initiatives that were geared toward simplifying and streamlining compliance for the business—to help the business understand the why behind integrity and how they could use compliance as a competitive advantage and differentiator. ”

*re always looking for the promotion, the  
ld never stop and never take a back seat.*

– SHANUAH BEAMON

# 360:

## The state of diversity in law and how to move the needle



**Diversity is the cornerstone of a dynamic and effective organization. In the law, however, diversity feels like an uphill battle most days. To explore the state of diversity in the law and what needs to be done to improve it, we chatted with:**



**JENNIFER SALINAS**

President of the Hispanic National Bar Association (HNBA), executive director of IP and Commercial Litigation, Worldwide at Lenovo



**DANIEL SAKAGUCHI**

President of the National Asian Pacific American Bar Association (NAPABA), partner at Alto Litigation



**JOSEPH DRAYTON**

President of the National Bar Association (NBA), partner at Cooley LLP

### What is your definition of diversity?

**Jennifer:** The definition of diversity is so heavily debated in the legal community. Is it gender, race, ethnicity and LGBT, or is it broader than that? Because there has been so much time and attention focused on just trying to get our arms around that definition, sometimes engagement gets lost in that debate. Most people, however, focus on gender, race/ethnicity, LGBT and disabilities. Those are the primary areas—and while other areas shouldn't be diminished, it's a good place to start.

**Daniel:** There are many definitions, and some of them really depend on your context. Are we in Hawaii, where I'm from, or Missouri, where I used to live, or the Bay Area, where I am now? Everyone has different perspectives on what adds to the diversity of that mix, but I typically tend to think about gender and gender identity, race and ethnicity, sexual orientation, and physical ability. I would add age and socioeconomic status to the mix, too. Within NAPABA, Asian-American adoptees have a unique perspective that adds diversity that the wider community doesn't necessarily think about, but again, context often

defines what you're looking at. In the law firm world, reaching folks from disadvantaged groups, folks from groups that historically have not been included and not able to add their perspective to the profession is the thing we should work on. That's where the focus should be.

**Joseph:** Diversity is an all-encompassing concept. In the legal world, we try to look at the differences and try to ensure we respect differences and that differences don't disadvantage individuals. From the lens of the president of the National Bar Association, we have focused historically on the disadvantaged groups because they remain disadvantaged as compared with other groups.

**During your legal career, how have you seen the diversity needle move and what do we still need to do?**

**Joseph:** There have been improvements in diversity at every stage. We are better than we were 10–20 years ago, and we need to recognize that progress. Our numbers should be higher, without question. In general, however, we're seeing improvements to access, but we still don't have the industry numbers that reflect the demographics of communities or graduation rates. That's the gap that needs to be bridged. But I do think there has been progress and that the legal community and corporate America recognize that there is value in diversity and that, at times, it renders the best work product.

**Jennifer:** When I went to law school, I felt very alone. There were not a lot of Latinos in law school, or college for that matter. I was part of La Raza (the Latino law student association) at Loyola in Los Angeles, which gave me a sense of belonging, but when I went into the law firm world, the numbers were even worse. I was the only Latina and remained that for quite some time. At that time, the efforts to increase diversity were sporadic and all over the map.

**While numbers [of women and diverse lawyers] increased, the attention was on the numbers and not on retention and promotion. That's the stage we are at now. The inclusive part is critical, but I haven't seen the needle move there. There are lots of companies trying to do that.**

– JENNIFER SALINAS

Firms at the time didn't have well-established plans of how they were going to attack the issue of diversity. It was very ad hoc, and as a result, the numbers didn't really move for quite some time. Then I saw a shift; I don't know what caused it, but I felt it and saw it. It was good in the sense that there was more effort in recruiting women and diverse lawyers, but then it became about the numbers, which started the next challenge. And while numbers increased, the attention was on the numbers and not

on retention and promotion. That's the stage we are at now.

The inclusive part is critical, but I haven't seen the needle move there. There are lots of companies trying to do that.

**In general, [...] we're seeing improvements to access, but we still don't have the industry numbers that reflect the demographics of communities or graduation rates. That's the gap that needs to be bridged.** – JOSEPH DRAYTON

**Daniel:** There are a lot of needles—some move a lot and some move backward. In law school, I was in one of the first classes in California that was post-Proposition 209, and you could tell it had an impact on diversity at the law school. My class was 57% women; there were more Asian Pacific Americans, fewer of other ethnic minorities. There was a study done by Justice Goodwin Liu of the California Supreme Court that shows Asian Pacific American (APA) lawyers make up 11% of law firm associates, but when it comes to making partner or being put on the executive committee, it's only 3%. APA lawyers are still one of the largest groups of minority lawyers in law firms, but we see a steep drop-off when it comes to promotion. And as has been mentioned, promotion and retention are nuts that haven't been cracked, even though the numbers are up across the board in law school enrollments and the associate ranks.

**What do you see as the obstacles to diversifying the profession? What are the actions that we all can take to support you all and be allies in your efforts?**

**Daniel:** Implicit bias is the No. 1 impediment to truly diversifying the profession. One thing allies can do is to see whether they have implicit bias—by taking tests online. There are some that are pretty accurate. The first step is to be intentional

all the way. People in law firms and legal departments should make a practice of diversity, developing daily habits to cultivate and nurture it. It should come to be natural or second nature, but until it is, each step needs to be intentional and thoughtful—from recruitment messaging that the environment is welcoming to the interviewing process and hiring. Then we need to make sure we are intentional about providing challenging assignments that help folks grow, letting people make mistakes and giving

them second chances; mentoring associates, taking them aside and telling them what they need to hear; making interactions inclusive—from whom you take to lunch to where you go to lunch, asking people to dance as it were, through the later stages of facilitating business development opportunities, not just bringing associates on pitches as token minorities but really giving them a chance to make the pitch and do the work; working on promoting and retaining talented lawyers; and encouraging them to grow and take initiative and telling them how. The key is to bring that intentionality into your day-to-day.

**Jennifer:** Daniel, I've been thinking about your exact remarks. It's accepting the fact that there are these implicit biases, and I think organizations are beginning to understand the impact these biases have on their decision-making. Little unintentional acts can torpedo someone's career projection, so recognizing that and knowing they exist are so important. We have to be intentional. Within the HNBA, the biggest challenge is that we are stretched very thin because there are only so many of us in leadership positions who can provide the coaching and mentorship

young Latino lawyers need. We have many great initiatives, but we're always struggling to have enough folks to really help and keep these programs alive and growing. We have been lucky to have many different people who are not Latino willing to help us along the way. Most of the opportunities I've received in my career have been from white men. We need more allies like that if we are really going to effect change.

**Joseph:** To echo Jennifer's sentiments, we need more resources. We're a volunteer organization. If the National Bar Association had unlimited resources, you'd see a lot of progress. We appreciate the partnership and patience that we receive, but we don't have the consistency of organizations that have robust staff. To those who want to engage, engage and be committed to what you can do. We can all do our part; we're all talented and can take a sliver of a project

and can lead and execute on it. So join bar associations, get engaged and champion what the associations do—and sponsor if you can. We have significant programs that have proven success, but we always need sponsorship [financial] support to keep them going. ▲

***Implicit bias is the No. 1 impediment to truly diversifying the profession. [...] The first step is to be intentional all the way. People in law firms and legal departments should make a practice of diversity, developing daily habits to cultivate and nurture.***

– DANIEL SAKAGUCHI

## Legal Recruiter Perspective: Sonya Olds Som, Partner, In-House Practice Group



**Diversity isn't just the right thing to do; it's the smart thing for business.** Statistics show that diverse organizations are more profitable and diverse teams make better decisions. This is why Major, Lindsey & Africa (MLA) strives to present every client with a diverse slate of candidates to

consider for every search whether they ask for it or not. It's also why we try to live by the same principle when interviewing and hiring for internal positions as well. One of the ways we identify diverse candidates is through our relationships within the legal community. Many of our

recruiters are former practicing attorneys (including me—I was a law firm partner once placed by MLA) with long-established connections and networks. Through our active participation in legal organizations such as the National Bar Association, Hispanic National Bar Association and the National Asian Pacific American Bar Association we are able to build deep relationships with diverse candidates and present them for opportunities. The work of these organizations is incredibly important; MLA is pleased to partner with them and use our platform to help move the needle on diversity and inclusion in order to have a significant, positive impact on the legal profession.





# How the Bar Associations Are Encouraging Diversity

## Hispanic National Bar Association

**NETWORKING & MENTORSHIP PROGRAM** — The HNBA Networking and Mentorship Program pairs HNBA lawyer members and affiliate bar organizations with Latinx law students at law schools throughout the country. The program also offers law students and young lawyers the opportunity to work closely with an experienced attorney to obtain career advice. Mentors provide guidance and share practical knowledge about the legal profession with their mentees.

**HNBA YOUTH SYMPOSIUM** — This annual program, which takes place during the HNBA's annual convention, provides high school students with the opportunity to meet Latinx attorneys, judges, law professors and government officials from across the country for a day of discussions and activities that aim to inspire them to be leaders in their communities and to choose the legal profession as their career path.

## THE HNBA INTELLECTUAL PROPERTY LAW INSTITUTE

**(IPLI)** — Launched in 2013, in partnership with Microsoft, IPLI is an intensive immersion program for law students interested in practicing IP law, including patents, copyrights, trade secrets and trademarks. Approximately 30 Latinx law students are selected to participate each year. IPLI scholars are flown to Washington, D.C., for a full week of substantive instruction from top IP law practitioners, federal judges and government officials.

**PODER25** — The Poder25 initiative aims to increase the number of Hispanic general counsel at Fortune 500 companies to 20 by the year 2025. Today, only 1.8% of Fortune 500 general counsel are Hispanic.

## National Asian Pacific American Bar Association

**PORTRAIT PROJECT** — The Portrait Project is the first study of its kind to assemble a comprehensive portrait documenting the rise of Asian Americans in the law, their distribution across practice settings and the challenges they face in advancing to the top ranks of the profession.

**20X20 INITIATIVE** — The 20x20 initiative aimed to help land 20 Asian-American lawyers into the ranks of Fortune 500 general counsel by 2020—but exceeded its goal by spring 2018. By the organization's count, there are currently 23 Asian-Americans heading major corporate legal departments.

**PROSPECTIVE PARTNERS PROGRAM** — The NAPABA Prospective Partners Program aims to increase the number of Asian Pacific American partners at major law firms through introduction, mentorship and relationship building.

**LEADERSHIP ADVANCEMENT PROGRAM** — The Leadership Advancement Program is a yearlong program to develop mid-career Asian Pacific American attorneys' leadership skills, while providing an opportunity to foster genuine relationships with peers within the profession, especially between in-house counsel and law firm attorneys.

## National Bar Association

**BLACK GC 2025 INITIATIVE** — The NBA aims to increase the number of black general counsel (GC/CLO) in large companies (public and private), with an initial focus on increasing the number of GCs in Fortune 1000 companies from 38 to 50 (5%) by the year 2020, and from 50 to 100 (10%) by the year 2025.

**DR. MARTIN LUTHER KING, JR., DRUM MAJOR FOR JUSTICE ADVOCACY COMPETITION** — The Dr. Martin Luther King, Jr., Drum Major for Justice Advocacy Competition is a contest designed to motivate high school students to excel in education. The competition encourages students to express their views on a preselected topic and focuses on the ability of the students to communicate orally and in writing. The contest is also designed to give young people experience in public speaking and reviewing legal documents as well as to provide an opportunity for them to obtain some financial support to continue their education.

**NBA GATEWAY PROGRAM** — This corporate program provides best practices to our corporate cohorts. We host this program in connection with historically black colleges and liaise with the students in order to incentivize college students to go to law school and show them what it's really like to be a lawyer.

## CORPORATE COUNSEL LEADERSHIP SUMMIT

— The Corporate Counsel Leadership Summit is focused on refining professionals so they have the gravitas—the executive presence—to succeed in the law firm and corporate environments.

**GC INVITATIONAL** — The GC Invitational brings together GCs and CEOs to serve as faculty to in-house counsel to help maximize their career success. The goal is to see them succeed in their organizations and find them mentors and role models to help them gravitate into the role or other key positions.

# Brad Mallett

Brad Mallett is the senior executive officer of legal and compliance and associate general counsel at the Choctaw Nation of Oklahoma. He is a Harvard Law graduate and licensed attorney with extensive business and leadership experience. His current responsibilities are leading the legal department, governmental relations, environmental, risk management, public safety law enforcement, and land and title. His team consists of approximately 650 associates and 15 attorneys. Here are five things you may not know about Brad, who is also the highest-ranking attorney at the third-largest tribe in the U.S.



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## **1** Indian tribes are unique.

Brad says, “It’s hard to imagine any other entity as diverse. We have a government, a health system, a political system, an educational system, a court system and commercial enterprises. I truly work in a different area each and every day. I might lead a team meeting one minute, work on a casino expansion the next and then finish the day by serving Thanksgiving dinner for our seniors. Our Chief’s main directive has always been to focus on the tribal members and what we can do to serve them.”

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## **2** Litigation is not king.

Native American law does not include as much litigation or trial work as some might believe. After spending the first two decades of his practice in civil litigation, Brad was pleasantly surprised to find the lengths to which most tribes, including the Choctaw Nation, will go to make sure they deal fairly with other parties. “Although we closely guard our sovereignty and any tribal rights, we often go the extra mile to avoid having to exercise our sovereignty when it comes to third parties in commercial settings. I found this to be much different than the more adversarial relationship of private practice.”

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### 3 Politics matter.

Throughout his career, Brad has been a law partner with three different state senators. "Campaigning, fundraising and being involved with creating governmental policy seem to have always been part of my career. I spend a fair amount of time working on partnerships with federal, state and local governments."

### 4 Memories are more important than things.

Brad is an avid cyclist and musician. He plays the guitar to relax and has finished the Hotter'N Hell Hundred and numerous other endurance bike rides. Also, Brad and his wife, Kristi, love to travel. "We enjoy Mexico, Canada, France, Italy and other countries. Now that our son is in college, we also take frequent weekend trips across the U.S. when we can."

### 5 Brad is a businessman at heart.

"Most of my litigation history is grounded in business. I love creating things and making things work better. Finding efficiencies while trying to see the big picture is a large part of what I do as a tribal executive. The best part of my job is seeing what you can do to lift others up and make them successful." ▲

**“ I love creating things and making things work better. Finding efficiencies while trying to see the big picture is a large part of what I do as a tribal executive. ”**





Within a global organization, diversity becomes an even more complex issue than when viewed from a local perspective. Organizations are impacted by diversity in many different ways, and it takes on different forms in different locations.

# THE IMPORTANCE OF A **GLOBAL** PERSPECTIVE ON **DIVERSITY** AND BUILDING TEAMS

While the U.S. and UK are veritable melting pots of different cultures and ethnic backgrounds, a country in Asia such as Japan has an indigenous (ethnic Japanese) population of over 95%, so achieving diversity for employers means something entirely different. In Japan's case, achieving greater gender equality is currently a priority for the more enlightened companies. In other Asian states, such as Singapore, protecting jobs for the local population has become a greater priority for local government. For example, the Singapore government's restrictions on foreign labor include high salary thresholds and uneven local-to-foreign worker ratios. Moreover, the slow creep of global business practices such as law firms

in Singapore and other Asian jurisdictions having to pitch their diversity bona fides to prospective corporate clients requires constant worldwide vigilance lest you be considered out of the loop or worse. Becoming a leader of a global organization requires that these types of nuances be considered within each country under your purview, as they will inevitably affect your strategy as to how you build your teams and how they navigate emerging challenges and realities.

## TAKING IT ALL IN

When leading a global team, you must strike a balance between understanding both your local team and the needs of the market and not completely diluting the corporate culture formed at headquarters. It is important to listen internally but also to investigate and corroborate externally. Similarly, if you wish to be successful in engaging and inspiring your staff from a distance, you can't just come in and make changes or declare how things are going to be; it takes time to form a comprehensive understanding of the local environment. As Francisco Hernández-Castillo expressed in *Momentum*, "We live in a very global environment, and that requires international understanding and exposure. You can't see the problem or the solution if you don't understand it."



**By Brent Harris**  
Vice President,  
EMEA & APAC

“Diversifying your team is never done. You always have to have an eye toward what can be done better.”

There are a lot of cultural differences across the EMEA and Asia-Pacific regions. An effective leader must spend time in the local markets to understand the different dynamics in every country under that leader's remit. For example, among the legal community in Hong Kong, foreign law firms may soon be compelled to employ two Hong Kong-qualified lawyers for every foreign-qualified lawyer. In the future, this may well lead to redundancy for some of those who qualified abroad should firms not hire locally qualified lawyers in sufficient volume to satisfy the new ratio. This potential shift may also drive Major, Lindsey & Africa's Hong Kong business to focus on recruiting more Hong Kong-qualified lawyers in order to be successful. A lack of understanding and awareness of these kinds of local market developments by a global leader could have dire consequences for the broader business in an increasingly connected world; reputations travel far and wide. Staying informed and creating strategies before such changes occur are critical for sustained growth and to maintain industry relevance as well as credibility both locally and globally.

## BUILDING YOUR TEAM

Once you build a picture of what your clients want and what the market truly looks like, you must then take that perspective back to your team and start to shift the conversation. These local insights will shape your business direction and hiring decisions. A global team cannot be built just by looking in the mirror. You must ask yourself, "How do we go about finding talent who do not all look

the same or sound the same and who are reflective of the markets in which we operate?" It's not simple at all.

Diversity is not a box-ticking exercise, especially if you don't have a huge office. At Major, Lindsey & Africa, in our smaller offices, it is difficult to have a workforce truly reflective of the population; so we have to make an effort to encourage diversity within each office to the best of our ability, knowing it will never be perfect. And, to be sure, this is not diversity for the sake of ticking the box; a failure to recognize the need to hire professionals who have a high potential to successfully engage the local market is to start already on the back foot.

In London, we are not unaware that we have room to improve our efforts at attracting a broader pool of employees, including those with different ethnic and socioeconomic backgrounds, the latter category perhaps being unique to the Major, Lindsey & Africa London office. The fact that this under-representation was not immediately obvious suggests that we should continuously improve your awareness of your market so you can pinpoint where you are not showing up.

Diversifying your team is never done. You always have to have an eye toward what can be done better.

## FINDING THE RIGHT FIT

While diversity should always be factored into hiring, to echo Ravinder Passi's sentiment, "The priority is to make sure that the people we bring on board display the right attributes." Identifying people who are a really good cultural fit matters. For me, a great hire is someone who is highly collaborative and collegial, who wants to be part of the journey of building our business in new markets and who wants to see the company vision become a reality. Is the individual a fundamentally decent person? Will he or she put the company before him- or herself—at least professionally? Regardless of ability or previous success, if someone is going to negatively impact the work environment, then that's not the person you want on your team.

## MAINTAINING THE BALANCE

When you find the right people who bring different backgrounds and perspectives, you need to nurture them. When you are leading from a distance, your overseas team members can feel very remote, so make sure to have as many touch points as possible. The employer/employee experience is very different when you are able through propinquity to forge close bonds versus when you have to pick up a phone or send an email to communicate—and if different time zones become a factor, the reality becomes even more challenging. As a global leader, try to make sure your interactions with your team are meaningful and that you have an understanding of each team member's life so that you can support them as much as you can. ▲



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**Thank you to our consultants for connecting us with our outstanding interviewees!**

Naveen Tuli  
Tanja Albers  
Barrett Avigdor

Evangelos Apostolou  
Miriam Frank  
Randi Lewis

Nathan Peart  
Sonya Olds Som  
Elizabeth Smith

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