

This edition of Voices of Excellence focuses on anti-racism and the ways we as individuals and as a firm can take action against racism and the systemic oppression of marginalized groups. Being anti-racist is based on our conscious, collective effort and action to provide equitable opportunities for all. People can act against racism by acknowledging personal privileges, confronting acts of racial discrimination, and working to change our own racial biases. This issue features insights from various firm members about their participation in anti-racism activities and initiatives. We hope you enjoy these articles and that they inspire the Barclay Damon family to continue the fight against racism.

QUOTE OF THE QUARTER

“When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something.”

— Congressman John Lewis



Bar Associations and Black Lives Matter: An Interview With Oliver Young

On June 30, Oliver Young, of counsel, was officially sworn in as the 114th president of the Bar Association of Erie County. Oliver is also a member of the New York State Bar Association Task Force on Racial Injustice and Police Reform and the NYSBA House of Delegates, the

Minority Bar Association of Western New York, and the American Bar Association. He is also the former board of directors president of the Western New York Law Center. Oliver was nice enough to take some time out of his very busy schedule to answer a few questions the Buffalo Diversity Leadership Team had regarding how our local bar associations can contribute in the fight for social justice reform.

How can our local bar associations assist attorneys and other legal professionals in making an impact for social justice reform, specifically in supporting the Black Lives Matter movement?

The Minority Bar Association of Western New York (MBA/WNY) recently created the Criminal Justice Reform Task Force. The purpose of the task force is to propose reform measures to the criminal justice system, hopefully leading to fair treatment and real social change. The Bar Association of Erie County (BAEC) is collaborating with the MBA/WNY’s task force in rigorously examining current criminal justice norms and advocating for social justice corrective action. Any of our Buffalo attorneys looking to make a difference in the social justice arena may wish to work with the BAEC on the MBA/WNY’s task force.

What is the BAEC doing to support diversity and inclusion and Black Lives Matter?

The BAEC has a standing Diversity & Inclusion Committee whose mission is to educate our legal community concerning the importance of racial equality, diversity, and inclusion; to support sustainable programs that foster, build, and develop a diverse legal community; and to ensure the BAEC promotes inclusion and provides significant opportunities for personal and professional growth for all. The committee has been in existence for approximately five years and is diligently working to accomplish its mission. Its mission is in line with many of the aims of the Black Lives Matter movement.

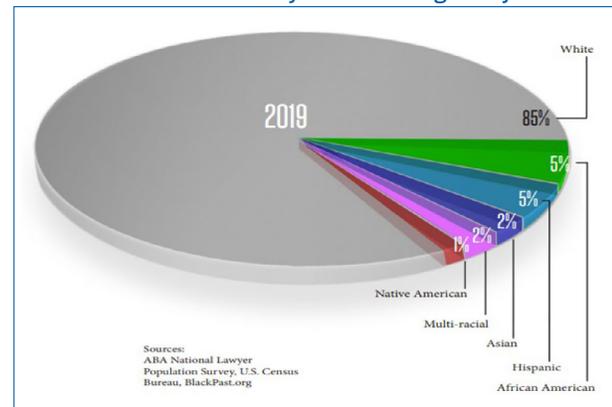
How can attorneys help?

Buffalo lawyers can work with the BAEC on the MBA/WNY’s task force. In other areas, I would encourage lawyers to become members of the their local bar association’s Diversity & Inclusion Committee.

2020 DIVERSITY PARTNER COMMITTEE MEMBERS

-  **Sheila Gaddis, Committee Chair**
Rochester
-  **Bob Heary, At Large**
Buffalo
-  **Jerry Mackey, At Large**
Rochester
-  **Corey Auerbach, Pro Bono At Large**
Buffalo
-  **David Cost**
Albany
-  **Jen Leonardi**
Buffalo
-  **Penny Mason**
Major Markets
-  **Zack Forward**
Syracuse
-  **Mark Whitford**
Rochester

2019 Race and Ethnicity Within the Legal Profession



How the Barclay Damon Family Supports BLM and Anti-Racism Efforts

Brenda Baddam | Associate | Albany



Martin Luther King Jr. said, “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.” As lawyers, we’ve sworn to uphold truth and justice and have a moral and ethical duty to call out injustice when confronted with it. As trained professionals, I believe we have an obligation to share our knowledge and skills when they can be used for the greater good.

I’ve been an active participant in the Black Lives Matter movement, including speaking during Albany Law School and the Legal Project’s “Movement Lawyers: Representing Activists in Criminal Cases” virtual CLE webinar, which educated attorneys, activists, and allies on basic criminal procedures in representing arrested protestors. I’ve also been fortunate to assist those needing representation by connecting them with attorneys willing to take their cases on a pro bono basis. Most importantly, utilizing my relationships with councilmembers and police officers in the Albany area, we’ve been able to pass local legislation that directly supports minority communities in the Capital Region. While I may not be the one on a bullhorn at rallies, I’m using my unique skills to contribute to the much-needed call for change happening in the United States.

Ilan Markus | Partner | New Haven



I’m a big NFL fan, but I don’t root for teams as much I root for players on the teams. As you may know, in 2016, Colin Kaepernick was an amazing young quarterback (who I really enjoyed rooting for and watching) who led the San Francisco 49ers to two NFC Championship games and a Super Bowl appearance. When I learned Kaepernick had been sitting and then kneeling during the National Anthem to protest police brutality and racial inequality, my first instinct was to support both his cause and the action he used to draw attention to it. It was frustrating when the action was interpreted by so many people as anti-military and threatening, while I interpreted the action as shedding light on an important aspect of injustice in this country.

When Kaepernick was unable to find work as an NFL quarterback after his peaceful protesting, I decided to support him more visibly. I purchased shirts and other items featuring Kaepernick that I wore often in public, leading to spontaneous discussions with people of different backgrounds and viewpoints. I read more about

Kaepernick’s cause, the impact of racial injustice, and his NFL stats and achievements so I could be informed and hold my own in any discussion on Kaepernick.

Shortly after the white supremacist and neo-Nazi “Unite the Right” rally took place in Charlottesville, I drove to Boston to participate in a large protest against hate. After George Floyd’s death and considering my experiences with issues of race and my education on the subject, it was very important to me to take part in public action, and I participated in a BLM protest in Fairfield, Connecticut, to affirmatively oppose what I saw on TV and the historical racial injustice it represented.

Bob Heary | Labor & Employment Practice Area Chair | Buffalo



I grew up in the 1970s in a white, middle-class, predominantly Catholic Buffalo suburb. From this fairly insular childhood, my circle of acquaintances, colleagues, and friends widened significantly, but I can’t pretend I could ever fully appreciate what it’s like to be a woman bumping against a glass ceiling, a gay man in fear of coming out to his family, or a Black person living in America with its history of racism and discrimination.

Each of us has our own lived experience that’s unique in its effect on shaping our lives. The recent killing of George Floyd and Black Lives Matter protests gave me a reason to try to further my understanding of some of the realities, challenges, and obstacles that many Black Americans face in their lived experience. And so my wife and I decided we would participate in the [ABA Labor and Employment Law Section 21-Day Racial Equity Habit Building Challenge](#). The syllabus includes articles, TED talks, and other resources designed to provoke thought and understanding on the subject of race in America. There’s a substantial amount of material on a variety of different topics related to race, including the continuing social and economic impacts of the country’s long history of slavery followed by Jim Crow laws, the experiences and perspectives of Black individuals in America, and discussions about the concepts of white privilege, reparations, and microaggressions, among others.

From my perspective, the point of participating in the 21-Day Challenge was not necessarily to “adopt” wholesale the perspectives of the authors but to be open minded about the issues raised. Two pieces stood out for me in particular. The first was a lengthy article from the *Atlantic* entitled “The Case for Reparations.” I found it thought

provoking, and it significantly shifted my view on the concept of reparations for the descendants of Black slaves. The other was an article about the portrayal of Black men in the media. While some of the studies cited in the article were dated (from the 1990s and early 2000s), it was less than 24 hours after I read the article that I caught an episode of *Law & Order* in which a Black male suspect was portrayed in exactly the same stereotypical manner the article described. The syllabus is still up, and the materials are readily accessible. Check it out, and you might find something of interest—I know I did.

Jim Grossman | Partner | Rochester



In June, I joined fellow attorneys from the Monroe County Bar Association and the Greater Rochester Association for Women Attorneys in a peaceful quarter-mile march protesting police brutality and systemic racism. The speeches given at the demonstration were extremely moving, and I was very proud to be with many attorneys from both Barclay Damon and the MCBA who have a real desire to see the goals of the Black Lives Matter movement achieved, including incorporating anti-racism efforts in our community and ensuring that true equality exists.

Kayla Arias and Janae Cummings | Associates | Syracuse



In partnership with the Onondaga County Bar Association, the two of us provided outreach and food to Black Lives Matter protestors in Syracuse on June 8. The protestors were affiliated with Last Chance for Change, a group of activists that led 40 days of peaceful protests through Syracuse

following George Floyd's death. As the only two attorneys of color present, we spoke to community members and provided legal resources. We were proud to give back to our community and to show support for the demand for justice in a direct way. Thanks to the firm for supporting the cause by donating 12 pizzas to feed approximately 100 activists!

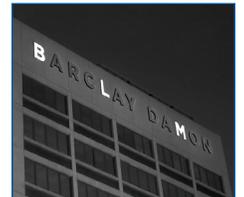
Diversity Awards

Barclay Damon was ranked among the nation's top 200 firms by American Lawyer Media in its 2020 Diversity Scorecard, which was published in June. The firm moved up 20 spots this year over last year. The 2020 Diversity Scorecard records the average number of minority attorneys at *Am Law 200* and *National Law Journal 250* law firms in 2019. For this purpose, Asian-American, African-American, Latinx and Hispanic, Native American, and self-described multiracial attorneys are included.

Barclay Damon was also recently included by *Albany Business Review* in its program Leaders in Diversity, Equity & Inclusion, which recognizes companies, organizations, and individuals for exceptional commitment to promoting practices that advance diversity, equity, and inclusion in the workplace, community, and business leadership.

Honoring Juneteenth

In recognition of the Black Lives Matter movement and Juneteenth, the firm's offices closed early at 3:00 p.m. on June 19 to give employees an opportunity to take action that supported the Black community, whether reflecting on personal experiences with racism in America as well as how those experiences may differ from someone else's,



Pro Bono Corner

As part of the firm's Pro Bono Program, all full-time attorneys must contribute at least one hour of their time each year, with the annual goal of 100-percent participation and collectively donating time valued at \$1 million.

MAJOR MARKETS SPOTLIGHT

- Lizz Acee, managing director of major markets, is providing employment advice to a New Haven-based child care and preschool center for underprivileged children.
- Mike Caldwell, partner, serves as a New Haven Legal Assistance Association, Inc. board member.
- Michael Case, partner, serves on the board of directors and Risk Management Committee for Kids in Crisis, Inc., which is Connecticut's only around-the-clock shelter for abused and neglected children.

- Ilan Markus, partner, is working to open the Connecticut chapter of Credit Abuse Resistance Education (CARE), an organization that teaches at-risk teenagers about money and personal finances.
- Penny Mason, partner, by appointment of the US District Court for the District of Connecticut chief judge, serves as counsel to the district's Federal Grievance Committee.
- Stephen Oleskey, of counsel, serves as a mentor at Boston legal incubator Justice Bridge, which trains young attorneys to represent clients who can't afford attorneys but don't qualify for legal aid.
- Brian Whiteley, partner, participates in the ABA Free Legal Answers program, providing advice on labor and employment matters.
- Robert Wonneberger, partner, is working with a New Haven church on mortgage financing.

How the Barclay Damon Family Supports BLM and Anti-Racism Efforts (continued)

explaining what Juneteenth celebrates to their kids, supporting Black-owned businesses, volunteering with a civil rights organization, or watching a movie or picking up a book from the Diversity Partner Committee's "Anti-Racism Resources" list. The firm additionally partnered with Black-owned sign vendor Ariella to emblazon the Barclay Damon Tower in downtown Syracuse with "BLM" and light it up in red, white, and blue.

BLM Mural

The view outside the Rochester office changed dramatically in June when a Black Lives Matter mural was painted on the street. The mural was created by Shaun Dunwoody, the father of Justice Dunwoody, who participated in the firm's Diversity 1L Summer Associate Program in Rochester in 2019.



NYSBA Leadership

We'd like to congratulate the following attorneys on their New York State Bar Association committee appointments:

- Sharon Brown, Public Finance Practice Area co-chair: Committee on Diversity and Inclusion
- Dena DeFazio, associate: Committee on Diversity and Inclusion
- David Hutter, associate: Veterans Committee
- Oliver Young, of counsel: Task Force on Racial Injustice and Police Reform

Great work, all!

2020 Diversity 1L Summer Associate Program

Barclay Damon was pleased to welcome Kyra Ganswith (Albany), De'Lenci Shannon-Brown (Buffalo), Jeremy Torres (Rochester), and Keyashia Willis (Syracuse) as participants in our annual Diversity 1L Summer Associate Program. Although the program was a bit different this year due to COVID-19, the summer associates were still able to meet with attorneys and work on a number of different assignments across practice areas.

Office Updates

ALBANY

Brenda Baddam Celebrated as Industry Leader in Albany



Brenda Baddam, associate, was named as a *City & State NY* 40 Under 40 Rising Star as well as a Capital District Transportation Authority Community Champion.

Her community work includes recently addressing the Albany city council about a resolution to approve a protocol to provide

non-English-speaking residents with translation services when approached by members of the Albany Police Department. The resolution passed in July. Brenda also recently presented during Harkness Consulting Solutions' "Let's Talk About Gender Diversity: Women on Boards" webinar.

Dena DeFazio's LinkedIn Post Selected as "Editor's Pick"



A LinkedIn post by Dena DeFazio, associate, on the historic US Supreme Court decision in *Bostock v. Clayton County* was shared in the LinkedIn article "LGBTQ+ Workers Win at Supreme Court" as an "editor's pick." Dena's post was right below one by NYS Governor Cuomo.

BUFFALO

Virtual Food Drive

The Buffalo office held a virtual food drive to benefit FeedMore WNY, doubling its original goal of contributing 250 food items by ending with a total of 501 virtually donated food items.

MAJOR MARKETS



Sharon Brown Chosen for National Black Lawyers Top 100

Sharon Brown, Public Finance Practice Area co-chair, was chosen for the National Black Lawyers Top 100, which was "created to celebrate legal excellence by promoting our attorneys as subject-matter experts, developing a strong national network of top African American attorneys, and facilitating the exchange of timely information to enable our members to maintain their status as leaders."

ROCHESTER

Lunch 'n' Learn

On July 17, the Rochester Diversity Leadership Team hosted the firm's first-ever entirely virtual D&I lunch 'n' learn, featuring AutismUp's Rachel Rosner discussing working with children and families living with autism.

Monroe County Commission on Racial and Structural Equity

Sheila Gaddis, Diversity Partner Committee chair, served as a Selection Committee member in creating the City of Rochester's new Commission on Racial and Structural Equity.



SYRACUSE

Volunteer Lawyers Project

The Syracuse office has been working with the Volunteer Lawyers Project of Onondaga County, Inc. and its Small Business Consult program to assist small businesses and not-for-profits impacted by COVID-19. Attorneys have also resumed their participation in its Family Law Clinic and Tenant Rights Clinic, which reopened in July and August, respectively.