

This edition of Voices of Excellence focuses on the firm's DEI policy, its continued DEI initiatives, and its commitment to providing low-income people with access to legal aid through a robust pro bono program designed not only to give back to the communities we serve, but also to add to our attorneys' and paralegals' bodies of work.

QUOTE OF THE QUARTER

"Equality says we treat everyone the same, regardless of headwinds or tailwinds. Equity says we give people what they need to have the same access and opportunities as others, taking into account the headwinds they face, which may mean differential treatment for some groups."

—Dolly Chugh

The Person You Mean to Be: How Good People Fight Bias

2021 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



Zach Forward
Syracuse

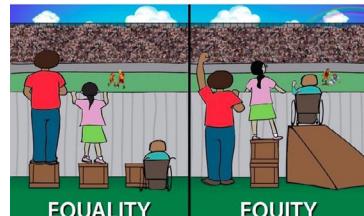


Mark Whitford
Rochester

Q&A With Sheila Gaddis and the Buffalo Diversity Leadership Team on Equity and Barclay Damon's DEI Policy

If equity is not diversity, inclusion, or equality, then what is it?

Equity is more than putting new people in the workplace (diversity). Equity is more than creating a sense of belonging (inclusion). Equity is an approach that ensures everyone has access to the same opportunities. Equity recognizes that we don't all start from the same place because advantages and barriers exist. It acknowledges uneven starting places and seeks to correct the imbalance. Diversity and inclusion are both outcomes. Equity is not. Equity is different from equality, which is when everyone has the same amount of something (e.g., food, medicine, opportunities) despite their existing needs or assets. It describes something deeper and more complex. It is about each of us getting what we need to survive or succeed—access to opportunities, networks, resources, and support—based on where we are and where we want to go. Think of it as each of us being enabled to reach our full potential.



Why is equity important?

Understanding the concepts of equity and equality is so important in establishing the programs and initiatives that will move forward our strategic DEI goals. Equity is important because, if we are going to have the fair, just, and free society that we idealize, we need to put in place efforts for all people to be able to meet their basic needs and take advantage of the opportunities available to them. This means putting in place mechanisms in society and in the workplace that ensure all people are able to achieve their aspirational goals. Equity is a process that never ends. We need to ask: What initiatives, actions, programs, policies, and procedures do we need in order to create conditions for inclusion and to make sure everyone is getting equal access?

Why did Barclay Damon incorporate equity into its DEI policy?

Diversity and inclusion do not work without equity; equity is the glue between diversity and inclusion. It is all about developing practices that make inclusion and all the steps in between possible. Without equity, not only do you risk never moving toward welcoming and appreciation, but you risk backsliding on the progress you have already made. There are power dynamics in every pairing, meeting, and social interaction. We are all navigating how we might take action or influence others in these situations. Power becomes a problem when it's consistently and systemically unequally distributed, especially on the basis of social identity. That's what equity solves. It's a process that understands the relationship between power and fairness. By incorporating equity into the DEI policy, Barclay Damon seeks to balance power dynamics in pursuit of fairness by acknowledging that not everyone starts from the same place, but instead some start with advantages while others start with barriers.

Q&A With Milo Obourn

Milo Obourn is a professor of English and Women & Gender Studies and chair of Women & Gender Studies at SUNY Brockport. They teach courses in critical race theory, gender and sexuality studies, disability studies, and US literature and culture. Milo is the author of *Reconstituting Americans: Liberal Multiculturalism and Identity Difference in Post-1960s US Literature* (2011; Palgrave) and *Disabled Futures: A Framework for Radical Inclusion* (2020; Temple University Press). Milo teaches yoga in Rochester, including ASL-interpreted and queer and trans yoga classes. They are a member and serve on the board of LEGION (League for Equity of Gender in Our Neighborhoods), a Rochester-based grassroots activist group focused on transgender rights and empowerment.

What steps should an employer take to protect a transgender or gender nonconforming individual's right to privacy to insure equity?

There are some basic policies that one can put into place that will serve all employees, including

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Q&A With Milo Obourn continued

things like expectations that colleagues will be addressed respectfully and correctly, that each individual will be able to determine what spaces are appropriate for their body (including gender segregated spaces like bathrooms and locker rooms), as well as policies and systems that ensure that a person's correct name (i.e., the one that they use) will be on all forms, paperwork, etc. that might be visible to other employees. I was reminded just yesterday by poet Ayanna Albertson in an NPR interview that "a space is only as safe as the least safe person in it." That really resonates with me when it comes to employers protecting trans and gender expansive people's privacy and safety. It really has to be a culture change. You can't add questions to a form or signs on bathrooms if the people receiving the forms or sharing those bathroom spaces will harass, question, or attack trans people that use them. And I think to really have a culture change, a place of employment needs to set a standard, engage and educate everyone, and not accept violence as part of its internal values and practices. I also believe that if everyone can start to see the ways that heteronormativity, cissexism, and dyadism have limited or harmed them by creating idealized forms of binary gender that very few of us actually fit and that have caused many of us to silence or cut off pieces of ourselves, we can start to unlearn the "isms" that consciously and unconsciously keep replicating unsafe spaces for trans and gender expansive people.

What are the most important steps leaders can take in 2021 to address inequities relative to gender and sexual orientation in the workplace? How can leaders create safe and supportive environments for all staff?

I would say that, in addition to education and culture change, there are two big things to focus on. The first is hiring *more than one* person of any minority identity and giving those people the voice, power, and support—and this means not only making sure they are safe but building in the time and compensation into their job description to do this—to tell you what is missing in your organization. We have to decenter what has been centered for so long and we can't do this by hiring one or two minorities in any category and asking them to do the work of changing the whole culture.

The second thing is to remember that if you want your organization to be a safe and supportive environment for LGBTQIA+ people, it as to be an anti-racist, anti-ableist, anti-ageist, anti-sexist, and anti-classist space as well. I think there is a myth that LGBTQIA+ people have "made it"—or at least gay and lesbian people. That homophobia is a thing of the past now that we have gay marriage and that transphobia is quickly disappearing. But if you look at the number of attacks on, incarceration of, and murders of queer and trans people, particularly BIPOC queer and trans people, and particularly Black and Indigenous trans and gender expansive people, it reveals the depth of the ways gender, sex, and sexual norms continue to do great harm to many people in our society.

If your workplace does not address the ways it has inherited a culture of white supremacy and white dominance,

LGBTQIA+ employees will never be safe. This is both because many LGBTQIA+ people are also Black, Indigenous, and People of Color *and* because white settler colonialism and racially based chattel slavery both relied on gender and sexual norms to maintain a culture of white dominance. You can't address one without the other.

Similarly, if you don't address the sexism that your institution or company has inherited, you will never have a safe space for queer and trans people. If cisgender women feel unheard and that they need to dress or act a certain way to be respected, you can probably assume that trans women—and particularly trans women of color—will be potential targets of harassment or even assault for being unable in many ways to perform in the ways cisgender women are pressured to do. We have to actively address in our policies, structures, interpersonal relations, and internal psyches the forms of bias we have inherited so that we can make our spaces freer for all bodies. When this happens, those with marginalized orientations and gender identities and intersex people will be more likely to feel supported, engaged, and safe in their workplace.

How do we improve the collection of sexual orientation and gender identity (SOGI) data for health care, education, workplace, etc.?

The first thing I would say is, ask the questions and ask the right questions. The questions can be asked any place one collects data. Remember that any form of social oppression that might create exclusion is something you want to track. Transphobia (oppression of trans and gender expansive people), homophobia (oppression of gay, lesbian, bisexual, pansexual, asexual, and other minority orientations), and dyadism (oppression of intersex people) are all structures that could be impacting the ways in which people get equal access to healthcare, education, employment, etc. So ask who you are serving to find out if it is representative of the population and what marginalized people's experiences are.

It is also essential to ask the right questions. These will be questions based in 1) a solid understanding of the difference between sex assigned at birth, gender identity, and sexual and romantic orientation and 2) a solid understanding of why you are asking the questions or collecting the data. If we are underserving those with marginalized orientations (sexual or romantic), marginalized gender identities (including all trans and gender expansive people), or intersex folks then it is important to know and understand the things that are being done to rectify that. However, I think sometimes we do not ourselves understand what we are asking or why framing all data collection within a broader set of strategies for LGBTQIA+ inclusion is important. And it's important to remember that collecting data on who is being served, included, excluded, etc. is different from needing to know private information about how people identify or what their personal experience has been and definitely is not about gathering details about their romantic and sexual lives or their bodies.

Pro Bono Corner

Fee Credit Program for Approved DEI Activities

Remember that associates, counsel, and paralegals can take advantage of the Fee Credit Program for Approved DEI Activities. The policy, which came out in summer 2020, supports and promotes Barclay Damon's commitment to diversity, equity, and inclusion; solicits engagement; and documents execution of DEI activities. Under the policy, eligible attorneys and paralegals can record up to 10 hours annually for approved DEI activities and will receive billable hour and fee credit in the same manner and as part of the existing budgeted pro bono fee credit system. Like the shadowing and pro bono credit, year-end performance will evaluate associate, counsel, and paralegal contributions as transparent billable time (no separation or demarcation) and fee receipts. Eligible attorneys can still receive credit for a total of 75 pro bono hours or a mix of 65 pro bono hours and 10 DEI hours. Similarly, paralegals can receive credit for a total of 20 pro bono hours or a mix of 10 pro bono hours and 10 DEI hours. If you have any questions regarding the Fee Credit Program for Approved DEI Activities, please contact [Corey Auerbach](#) or your office's diversity partner.

Congratulations to the 2020 Pro Bono Award Recipient

On January 20, 2021, the 2020 Pro Bono Award was presented during the State of the Firm address given by [Connie Cahill](#). The recipient for the award for this past year was Linda Gromek, a paralegal in Barclay Damon's Buffalo office. The Pro Bono Award is given to an individual who, during the past 12 months, has exemplified the spirit of pro bono service and

Barclay Damon's commitment to give back to our profession and the communities in which we live and practice. Linda is the first paralegal to receive this award and has singlehandedly contributed 40 percent of the total pro bono time for all paralegals across the firm. Congratulations, Linda!

Pro Bono Success in Tenant-Landlord Case

[Steven Mach](#), [Allen Light](#), and [Amanda Miller](#) successfully handled a damages hearing before the Supreme Court, Schenectady County, against a pro bono client's landlords. The court awarded the client nearly \$3,500 in damages and a judgment is being filed with the clerk. In an email congratulating the team, [Connie Cahill](#) said, "Through your efforts, you were able to get justice for someone who otherwise might have fallen through the social safety net." Well done to everyone involved!

Virtual Pro Bono Law Day

[Amanda Fitzgerald](#), [Eric Brenner](#), [Naresh Kannan](#), [Kadeem Wollaston](#), and [Ned Trombly](#) participated in a virtual pro bono law day for the McNulty Veteran Business Center, providing legal advice to veterans on business issues.

Pro Bono Work for the Center for Disability Services

[Naresh Kannan](#) assisted the Center for Disability Services through their Life Quality Solutions Incubator in a pro bono engagement to obtain approval for a patent application for a pressure wheelchair seating system. It is the not-for-profit's first patent.

BUFFALO

21 Day Diversity Learning Challenge

The Buffalo and Clarence offices participated in the 21 Day Diversity Learning Challenge that was coordinated by the Bar Association of Erie County. Participants were provided with information in various media formats covering a wide range of structural, institutional, and cultural aspects of racial diversity and injustice faced by Black Americans. It was presented through an online format over the course of 21 consecutive days. Though the challenge was intended to coincide with Martin Luther King Jr. Day, the links are still active and anyone can take the challenge at any time. If you would like to take the challenge, contact [Jen Leonardi](#) for the link.

RCJ Trivia Night

On March 25, 2021, Buffalo and Clarence attorneys participated virtually in Trivia Night to benefit the Erie County Bar Association Volunteer Lawyers Project (VLP). The event was coordinated by Rising Champions for Justice (RCJ), which is a group of young professionals dedicated to furthering the VLP's mission to provide free legal services to low-income people while gaining valuable board experience and professional development. [Arianna Kwiatkowski](#), who was recently appointed to the Erie County Bar Association Volunteer Lawyers Project Rising Champions for Justice Board, coordinated Barclay Damon's participation in the event.

Office Updates

2021 Diversity 1L Summer Associate Program

Barclay Damon is pleased to welcome Kaitlynn Chopra (Albany), Qui'Essence Harris (Buffalo), Theresa Oliver (Rochester), and Autumn Burgin (Syracuse) as participants in our annual Diversity 1L Summer Associate Program. Please be sure to say hello and welcome if you see them in the office!

ALBANY

Welcome to Our Spring Intern Syeda Zahra

Through the Albany County Bar Association's Diversity Internship Program, the Albany Office has a spring intern, Syeda Zahra, who is a 3L at Albany Law School. Syeda has worked with attorneys in multiple practice areas so far, and we are very happy to have her as part of the team.

Justice for All Campaign

Barclay Damon was again a proud sponsor of the Legal Aid Society of Northeastern New York's Justice for All Campaign, which raises money to help fund access to legal services to help with unemployment, homelessness prevention, education, disability, and hundreds of other civil legal matters. [David Cost](#) is co-chair of the campaign, and many Albany attorneys made generous donations to continue to help support this worthy cause.

Top 40 Under 40 Black Lawyers in New York

[Kadeem Wollaston](#) was selected for inclusion in the National Black Lawyers—Top 40 Under 40 Black Lawyers in New York list.

DEI Email to USLAW Diversity Council Steering Committee Leader

[Peter Marlette](#) was recently contacted by Mert Howard, partner at Hanson Bridgett and Steering Committee leader on the USLAW Diversity Council, encouraging the firm to get involved with the USLAW Diversity Council. Peter responded with an email outlining Barclay Damon's ever-evolving DEI initiatives.

MAJOR MARKETS

Holiday Giving

During the holiday season, individuals from Barclay Damon's major markets offices contributed to a number of their favorite charities, such as local food banks and soup kitchens and area legal aid organizations. In lieu of holiday gifts to adult family members, some made donations to the charities the family members selected, such as Feeding America, Wounded Warriors, and Planned Parenthood.

Gala for LeGaL and LEAP

Barclay Damon was a sponsor of two gala fundraisers for LeGaL and LEAP. [Janice Grubin](#) reported that the LeGaL gala was a huge success. Held virtually this year, several members of the firm attended the gala, which raised more money than last year. [Penny Mason](#) reported on the LEAP gala, which was held on the same night. LEAP, which stands for Leadership, Education, and Athletics in Partnership, is a program that works with New Haven's inner-city children in after-school and summer programs and also trains young counselors and mentors. It was likewise virtual this year, with a reception featuring speakers who are founders, leaders, and students. This event also raised a record amount of money for LEAP's work. Four major markets colleagues attended.

DEI Lunch 'n' Learn

On March 4, 2021, the firm held a lunch 'n' learn titled "Marriage Equality: From Outlaws to In-Laws" facilitated by [Penny Mason](#) and [Janice Grubin](#). The lunch 'n' learn featured speakers Christopher R. Riano and Professor William N. Eskridge Jr. and covered same-sex-marriage aspects of topics ranging from the evolution of religion to sexuality, sex, and gender. The speakers are the authors of the book after which the lunch 'n' learn was named.



Celebrating and Supporting Armenian and Lebanese Culture

Natalie Hajinelian, legal secretary, is a daughter and wife of Lebanese Armenian immigrants and was born and raised in Hawaii. She says, "I find it to be my responsibility to proudly represent the cultural diversity of my various origins." Before the COVID-19 pandemic, she would celebrate her culture by partaking in cultural events and activities, such as dancing the kochari (a traditional Armenian dance), commemorating her Armenian ancestors who were victims of the Armenian Genocide of 1915 during April and especially on April 24, which is Armenian Genocide Remembrance Day, and sending care packages back home. Now Natalie focuses on supporting Armenian and Lebanese businesses by purchasing their products, including everyday items like soorj (Armenian coffee), zhurat (a Lebanese herbal tea blend), and arak (a Levantine unsweetened distilled spirit made from anise).

Natalie uses social media to amplify the voices of these businesses. She says, "Social media has become such a powerful

tool, and through it, I have obtained the role of a social media activist for the people of Lebanon and Armenia. I report and repost businesses, products, news, petitions, on-ground NGOs, and donation centers. Having volunteered in these countries, I have always made sure to leverage my connections, and continuously work on bridging the gap between the two worlds."

ROCHESTER

Senior Capstone Project

Representatives from our Rochester office participated in the senior Capstone Project at the World of Inquiry School #58 (WOI). Each senior has to complete a two-semester process before graduation. During the second part of the process, they explore a topic of interest to them in depth and develop a project around that topic that contributes to the community. Unique to 2021, all Capstone Projects were presented via Zoom. [Sanjeev Devabhaktuni](#), [Matthew Paris](#), and Patrick Burke, office manager, volunteered for the morning panel session where each senior at WOI presented their proposals for review and approval to a committee that included a community member, a teacher, a junior from the high school, and a sixth grader from the middle school. Barclay Damon will be further involved in the Capstone Project as it develops throughout the school year, culminating in a final presentation of each project in May. Our work with WOI is part of our continuing Pipeline Initiative through the DLT. Feel free to contact any member of the Rochester DLT if you have any questions.

SYRACUSE

1L Diversity Mentoring Program

For the fourth consecutive year, the Syracuse office has continued its 1L Diversity Mentoring Program in partnership with the Syracuse University College of Law. This program takes place throughout the spring semester, with 20 mentees participating this year. The program connects firm attorneys with 1Ls from historically underrepresented groups within the legal profession.

Syracuse Heart (Walk) Challenge

In lieu of an in-person Heart Walk this year, the American Heart Association is instead holding a month-long Heart Challenge. The Barclay Damon Walk Team entered into a friendly competition with the legal department of National Grid, who is also a sponsor and participant in the Syracuse Heart Challenge. The "battle of the companies" was to see who could get more people registered on their teams by March 31, 2021. Barclay Damon met its goal of registering 100 participants and has raised over \$3,296! The teams will also compete to see who can get the most steps throughout April. In an email to [Brenda Colella](#), Kristen Thompson Henry, director of the Syracuse Heart Challenge, said, "This challenge is sparking national attention at AHA! We will be highlighted in our next development newsletter nationwide!"

Wear Red Day and BD Tower Lit Up Red

On February 5, 2021, attorneys and staff in the Syracuse office supported the American Heart Association by wearing red to increase women's heart health awareness and serve as a catalyst for change to improve the lives of women globally. Barclay Damon Tower was also lit up red for the occasion.

