



Nixon Peabody Diversity Update

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A message from Harry Trueheart:

Firm advances diversity initiative, rededicates efforts in 2006

It is my pleasure to recount some of the many successes we’ve experienced in 2005 in our efforts to establish the firm as an innovator in the field of diversity. Under the leadership of the Diversity Action Committee, the firm hired a diversity consultant who provided diversity and inclusion training to employees and partners across all of Nixon Peabody’s offices.

We sponsored many diversity-related events, recruited diverse attorneys from both law schools and other law firms, promoted both women and minorities to the partnership, and worked to promote diversity within the profession and within the communities where we are located. Many thanks go to the hard working committee members who have been the driving force behind the success of our diversity initiative. The committee members include: Co-Chairs Elizabeth D. Moore and Kendal H. Tyre, Margaret A. Clemens, Robert K. Carrol, Joseph J. Ortego, William Simpson and John V. Snellings. Their extraordinary efforts are helping to ensure that all members of our firm have equal opportunities and feel comfortable as part of the Nixon Peabody family. And we are beginning to see the results of our efforts.

Our recruiting committee reports that 33 percent of our incoming summer clerks for 2006 are minorities, and we now are happy to report that we have increased the number of minority partners from six in 2004 to ten by February of this year. However, the Diversity Action Committee and the firm understand that achieving and maintaining a diverse workforce is an ongoing journey, not a single-year effort. To continue our journey, we are looking forward to additional emphasis on diversity in 2006.

During this year, you can expect to see an increasing emphasis on affinity groups, as more of these groups are formed and have an opportunity to become fully operational. We are also sponsoring a wide variety of events and are using a minority recruiter to increase our ability to recruit strong minority candidates—to name just a few of the activities slated for this year.



NIXON PEABODY LLP
ATTORNEYS AT LAW

We believe our diversity efforts will greatly enhance our ability to meet and exceed our client's expectations, will help to assure the future success of our firm, and will continue to make our firm a great place to work for all individuals.

As you read this newsletter, I hope you will join with me in celebrating the successes we have enjoyed in 2005 and will look forward with anticipation as we continue our focus and renew our efforts for 2006.

Best Regards,

Harry Trueheart
Chairman and CEO

Diversity counts

The following is a representative list of entities for which diversity counts. These entities have periodically requested information from the firm on its diversity efforts, either as a part of the ongoing client relationship or as a part of the RFP process.

Baldwin Richardson Food Co.	J.P. Morgan Chase	San Diego Housing
Boston Housing	Massachusetts Housing	San Francisco Bond
Chubb Insurance	Morgan Stanley	Starbucks
Cingular Wireless	Oakland, California	Sun Pacific
DC Housing Authority	Office of Federal Housing Oversight	Univision
Eastman Kodak Co.	Pfizer	Walmart
John Hancock	City of San Diego	

Nixon Peabody named on “Best Places to Work” list

Diversity cited as one of firm's strengths

Nixon Peabody found itself among good company this year, when the firm was named to FORTUNE® magazine's "100 Best Companies to Work For."® The prestigious list was compiled from 466 competing employers. Each employer was required to provide extensive information about its benefits, culture and employee compensation. In addition to the cultural audit, employees were randomly selected to answer a 57-question survey that accounts for two-thirds of the total score. FORTUNE® then chose the best 100, based on wide ranging criteria aimed at identifying the companies with the most progressive human resources practices.

Nixon Peabody was listed 49th, the third highest ranked law firm in this competition. "We're the third highest ranked law firm in the nation. This is something we can all be proud of," says Bill Simpson, Nixon Peabody's director of human resources, who championed the firm's entry to the Best Places competition. Inclusion on the list is a fantastic morale builder for current members of the firm, and it is also helpful when recruiting new people to the firm.

So what did FORTUNE® say about Nixon Peabody? “Four mergers between 1999 and 2003 catapulted Nixon Peabody into a national law firm with 630 lawyers. Employees give it high marks for diversity: 17% of employees are minorities and 16% of partners are women,” according to the magazine’s description of Nixon Peabody’s strengths.

“Our employees gave us high marks for diversity, which impressed Fortune magazine’s list editors, who then made special mention of Nixon Peabody’s focus on diversity, which was an added bonus,” Bill says. In part, this mention was the result of the firm’s diversity training programs last year. “Our goal is to leverage the performance of every single person in the firm. The training helped us build a base of understanding so that we are inclusionary in our efforts to create a diversified workplace,” Bill explains.

During an interview last year about the training program, Nixon Peabody’s consultant was quoted as saying: “A diversity strategy is about creating a better firm for all attorneys and staff, not just minorities and women. The diversity journey is a long one, with a destination that may at times seem elusive. But the rewards are well worth it: productive, passionate attorneys and staff; a strong, growing bottom line; and recognition and admiration by clients and competitors.”

FORTUNE®’s public recognition of the firm’s dedication to diversity is certainly a positive step toward building the firm’s recognition and admiration by clients and competitors.

Firm is principal sponsor for 2006 national diversity conference

Event is one of the largest diversity conferences in the nation

When the Diversity 2006 Conference hosted by the Workforce Diversity Network kicks off on May 22 in Rochester, Nixon Peabody will be prominently featured. The firm is the principal sponsor for the event, which is widely considered the most significant diversity conference in the nation.

This year’s conference, “The Case for Diversity: It’s Everybody’s Business” will run from May 22 to May 24 and is expected to attract between 600 and 800 participants from around the nation. The agenda is filled with 37 sessions and keynotes. Among the speakers are Nixon Peabody’s Elizabeth Moore (NYC) and John Higgins (ALB), who will present “How Lawful is Your Diversity Initiative and How to Make it More So.” Their presentation will look at the 2003 U.S. Supreme Court decision in *Grutter v. Gratz*, which determined that the use of race as a “plus” in the law school admissions process was lawful. The two will discuss how, if at all, this decision affected corporate diversity efforts. They will also provide information about designing and defending popular corporate diversity initiatives, such as affinity groups, hiring and recruitment efforts and promotion strategies.

Several other Nixon Peabody attorneys will also speak at some of the technical sessions, according to Bill Simpson, Nixon Peabody’s director of human resources. The three-day conference will include an exclusive, final half day devoted specifically to law firm diversity, he explains.

“The last half day is law-firm specific sessions because law firms must address the same diversity challenges as other employers. The sessions will include best practices, as well as an examination of the challenges facing law firms today,” he says.

Bill is a longtime member of the Workforce Diversity Network and has been involved in the development of this year’s conference, along with the organization’s Executive Director Mike Streeter.

In fact, Bill is a founding member of the Workforce Diversity Network, which was originally called the Greater Rochester Diversity Counsel. In 1994 Bill and a colleague were lamenting the lack of diversity-related resources in the Rochester area when they hit upon an idea—forming the Greater Rochester Diversity Council. The council was formed in 1996 and was officially chartered as an alliance of companies that came together to sponsor the area’s first conference on workforce diversity and to meet regularly to share information and resources. Today, the council is a driving force for the region’s workplace diversity initiatives, as well as recently having taken their agenda nationwide.

More information about the conference is available on the organization’s Web site at www.workforcediversitynetwork.com, which, by the way, also includes two mentions of Nixon Peabody’s recent inclusion on the Fortune 100 List of Best Places to Work.

New affinity groups launched

As a part of NP’s Diversity Initiative, the DAC encourages the development of groups and activities for underrepresented individuals within the firm through the formation of affinity groups. The groups are designed to help the firm expand its diversity efforts in a number of ways, including hiring, retention, mentoring, partnership projects with clients or potential clients, business opportunities, and enhancing a supportive environment for everyone in the firm. Several have, or are in the process of being, formed. Our last issue focused on some of our women’s affinity groups, and this one features two of our newest groups, our GLBT affinity group supporting gay, lesbian, bisexual and transgender attorneys and professionals and our African-American Affinity Group. Our next issue will feature two others: our Asian and our Hispanic Affinity Groups.

If you’re interested in forming an affinity group, here are the steps:

1. Submit an application to NP’s Diversity Action Committee. (Specific information is required, so please ask one of the DAC committee members for details.)
2. After you receive approval for your group, send out a notice to the proposed members soliciting their participation. (DAC will provide a template to follow for the wording of the initial e-mail.)
3. Create an e-mail distribution list of members who indicated a desire to participate.
4. Open a non-billable number to record your time spent as a member of your affinity group.

After the group is formed, it will be up to the members to schedule and attend events or other activities.

Welcome to the Gay, Lesbian, Bisexual and Transgendered Affinity Network

The firm's newest affinity group, which supports gay, lesbian, bisexual and transgender (GLBT) attorneys and professionals, is beginning to take shape. The group is in the early stages of formation, but the co-chairs are working on establishing membership and have already provided a proposal outlining the group's goals to the Diversity Action Committee (DAC). The co-chairs are Jennifer Collins (BOS) and Laura Chapman (SF). Margaret Clemens, a member of the DAC, is the group's sponsor and a member.

"We're focusing on making the firm welcoming to GLBT individuals, while also concentrating on recruiting and retaining GLBT attorneys," Jennifer says. The group also hopes to encourage members to speak on GLBT issues, support social aid programs affecting the GLBT community, and maintain visible roles in our local communities.

Additionally, the network will be involved in sponsoring appropriate events, such as the National Center for Lesbian Rights Annual Dinner in April, and mentoring programs for GLBT law students and associates. They will also plan get-togethers, where members can discuss issues of concern or work together to create new business opportunities. "We're still ironing out the details and are looking for input from members," Jennifer says.

Recruiting members, however, is where the new network faces an unusual hurdle as it prepares to become an active group. That hurdle is identifying members. "We have some names but potential members of this group are not easily identified," Jennifer says. To help ensure that everyone who would like to participate is included, the group will be sending out a firmwide communication shortly. To get involved, please contact Jennifer, Laura or Maggie.

African-American Affinity Network builds momentum

Nixon Peabody's African-American Affinity Network may still be in its formative stages, but the network is off to a great start. The network currently has 27 members and is seeking others, according to Rosalyn Mitchell (SF), the group's co-chair, along with John Higgins (ALB). John is also the co-chair of the New York State Bar Association Committee on Minorities in the Profession.

"Our goal is to strengthen each member's relationship at Nixon Peabody and build each member's career," Rosalyn says. Plans for the network include employee orientation, a mentoring program and a communication plan to keep members informed about what's going on inside the firm, as well as in their legal communities. The network is also involved in business-building efforts, and plans to actively pursue opportunities to cross-sell existing firm clients and develop and build partnerships with new clients.

Del Monte Corp. general counsel speaks at NP's affinity network kickoff

James Potter, Del Monte's senior vice president and general counsel, was the guest speaker at the launch of the African-American Affinity Network in the San Francisco office. About fifty attorneys in San Francisco attended the event, along with Kendal Tyre (DC), who flew out for the event, and several other Nixon Peabody attorneys who attended by telephone. "There was widespread interest," says Rosalyn Mitchell, who invited James to speak.

James Potter's presentation focused on the importance of diversity in the outside firms that corporations select to work with them. He also talked about the pipeline for reaching young minority members and encouraging interest in the law and in going to law school. And he offered some suggestions for how law firms can reach, attract and retain diverse law students.

Jeff Tanenbaum (SF) has worked with Del Monte for decades, as a client of Nixon Peabody's Labor and Employment Practice Group. Rosalyn's connection to James Potter, however, is through her involvement in several minority organizations. "I know him because of my work with the Minority Corporate Counsel Association (MCCA) and the California Minority Counsel Program (CMCP). He is the chair of the steering committee for the CMCP," she says.

The African-American Affinity Network plans to pursue other opportunities to invite general counsel to speak at the firm. In March, Guy Rounsaville, general counsel for Visa, will speak. Guy is a pioneer in diversity issues and a founder of the CMCP. Rosalyn also met him through her involvement in CMCP and MCCA.

Affinity group hosts initial LexNoir Foundation Corporate Counsel Forum

On January 26, Nixon Peabody's African-American Affinity Network hosted the inaugural LexNoir Foundation Corporate Counsel Forum in the firm's Washington D.C. office. "The forum provides opportunities for African-American in-house corporate counsel to network among themselves and address topics of common interest," says Kendal Tyre, a member of the African-American Affinity Network and a founder of the LexNoir Foundation.

The LexNoir Foundation, a 501(c)(3) non-profit organization, promotes the exchange of ideas concerning law and the administration of justice and its impact on people of African descent. Kendal founded the organization several years ago with a group of black attorneys from various countries.

During the January event, a roundtable discussion on "Tips for Succeeding as In-house Counsel" was followed by cocktails and hors d'oeuvres. The discussion session was led by Karl Chen of Fannie Mae and April Jackson of Cushman & Wakefield.

Nineteen African-American in-house counsels attended the event representing eleven different corporations. Attendees included representatives from MCI, Amtrak, Verizon, Sprint Nextel, Intel, Gannett, Fannie Mae, Cushman & Wakefield, Aegon, Radio One, Washingtonpost.com, Newsweek Interactive and Deloitte.

Nixon Peabody representatives, in addition to Kendal, included Dwayne Toliver and Ken Nichols, who are also in the D.C. office. All three mingled during cocktails and are planning further follow-up during the weeks to come.

Additional forums will be held in Nixon Peabody's Washington D.C. office on a quarterly basis. The inaugural forum for the San Francisco office is planned for spring 2006

Firm's diversity initiative highlighted at NYSBA annual meeting

John Higgins and Liz Moore on diversity panel

On January 23, 2006, the first day of the Annual Meeting of the New York State Bar Association in New York City, the association's Committee on Minorities in the Profession, co-chaired by John Higgins (ALB), sponsored a panel discussion entitled "At a Crossroads—Affirmative Action and Diversity in the Legal Profession: Where Do We Go From Here?" This well-attended program explored the efforts of corporations, law firms, and state and national bar associations to increase diversity in the legal profession and in the "pipeline" on the road to law school and beyond.

John moderated the 3.5-hour CLE program and Liz Moore (NYC) was a panelist and featured speaker. Other panelists included Theodore Shaw, counsel to the NAACP Legal Defense and Educational Fund, Gerald Reynolds, the current chair of the U.S. Civil Rights Commission, Evett Simmons, current chair of the American Bar Association's Presidential Advisory Council on Diversity, Kenneth Standard, immediate past president of the NYSBA, representatives of the Law School Admissions Council and others.

After the program, Nixon Peabody was a gold sponsor of the NYSBA's Third Annual Celebrating Diversity in the Bar Reception. The reception was attended by nearly 350 people, including Chief Judge Judith Kaye of the New York State Court of Appeals, New York's highest court, who was in the front row as two of the Court of Appeals' Associate Judges, the Hon. George Bundy Smith and the Hon. Carmen Beauchamp Ciparick, were presented with Lifetime Achievement Awards by the Committee on Minorities in the Profession. Other attendees included federal and state judges as well as the current, past and future presidents of the New York State Bar Association, and members and officers of the Association of the Bar of the City of New York and the New York County Lawyers' Association. "This was the best attended diversity reception in the last three years and, as one of only two gold sponsors, Nixon Peabody helped to make it a great success," said John Higgins, who served as the emcee of the program.

As a result of their expertise in the area of diversity and contacts made at the NYSBA annual meeting, Liz has been invited to speak at the New York City Bar Association's Annual Diversity Conference, and John has been recognized by the president of the American Bar Association.

Congratulations to John Higgins for two recent honors: ABA presidential advisory council on diversity, Best lawyers in America

John's work on the NYSBA annual meeting and diversity reception resulted in his subsequent appointment by American Bar Association (ABA) President, Michael S. Greco, to fill a vacancy on the ABA Presidential Advisory Council on Diversity in the Profession. The council focuses on "pipeline diversity issues, such as law school admissions, bar examination passage, the paucity of minority males in law school" and related impediments to diversity in the profession.

In addition to this honor, John was recently surprised with another accolade from his peers and colleagues. In February, he was selected for inclusion in the upcoming 2007 edition of *The Best Lawyers in America*® in the specialties of Labor and Employment Law. His name will also immediately appear in the online edition of the listings at www.BestLawyers.com.

"Inclusion in Best Lawyers is based on an exhaustive and rigorous peer-review survey.... The current edition of Best Lawyers is based on 1.6 million confidential evaluations by only the top attorneys in the country.... Inclusion in Best Lawyers is regarded—by both the legal profession and the public—as the highest form of professional accolade," according to the sponsoring organization.

John is one of approximately forty Nixon Peabody attorneys to be listed. "It is, of course, a tremendous honor to be recognized by other lawyers as good at something you really love doing," John says.

Corporate counsel women of color select Nixon Peabody

Nixon Peabody's Liz Moore (NYC) was recently selected by Laurie Robinson to serve as outside counsel for the non-profit organization, Corporate Counsel Women of Color (CCWC). Laurie is the founder and CEO of the organization, which was formed in 2004 and has nearly 1,200 members.

According the group's Web site: The organization was formed to provide a support network to in-house women of color and to facilitate networking around the nation and abroad, promote career advancement and the success of in-house women of color, and promote all aspects of global diversity in the legal profession and workplace.

Laurie is the assistant general counsel in the labor and employment group at CBS Broadcasting Inc. in New York City. She formerly worked at two New York City law firms, Seyfarth Shaw LLP and Epstein, Becker and Green, P.C., where she represented management in labor and employment matters.

CCWC has quickly become a very successful networking organization, which began with just ten participants. Recently, nearly four hundred women lawyers of color converged at Manhattan's Hilton New York for the first annual Career Strategies Conference, a three-day event. Under the theme "Moving to New Dimensions," the conference challenged the attorneys to reach new professional and personal heights.

Nixon Peabody sponsors CYOC 2005 conference

For the first time, Nixon Peabody was a sponsor at the CYOC 2005 Conference. Kendal Tyre (DC) was the firm's representative at the conference, held in December at Lansdowne Resort and Conference Center in Leesburg, Virginia. Kendal will also represent the firm at several other events planned by this organization throughout the year. The firm's involvement provides an opportunity to network with in-house counsel from a wide variety of major corporations.

CYOC stands for Chart Your Own Course. The program was started several years ago and is aimed at addressing the unmet career development needs of minority attorneys. The three-day conference includes two tracks, one for in-house counsel career development and one for law firm career development. During the past seven years, more than 1,000 in-house attorneys from many major corporations have attended the program.

"Chart Your Own Course focuses on career development and mentorship between in-house and outside counsel. We're working to ensure that there is a pipeline of lawyers who are counseled by mentors on business and career opportunities. The group will hold a series of events, including a stakeholders meeting, which includes an opportunity for minority partners to work to develop a plan for business referrals," Kendal says.

Business in a box

Nixon Peabody attorneys co-author article on minorities and franchising

Roger M. Quinland (NYC) and Kendal Tyre (DC), members of Nixon Peabody's Franchise & Distribution group, are co-authors of an article appearing in the September/October issue of *Minority Business Entrepreneur* magazine. The article examines the franchise opportunities for members of minority groups, offers a primer on the benefits and pitfalls of franchising, and suggests how to best evaluate an opportunity.

The article points out that minority Americans are increasingly becoming business owners, and franchising is one opportunity for those who want to realize the dream of owning their own business and controlling their own destiny.

"Today, more than four percent of minority Americans are business owners, according to the Department of Commerce's Survey of Minority Owned Businesses. In addition, U.S. Census data also indicates that new minority-owned businesses have been growing at a rate more than six times that of all other U.S. businesses," according to the article.

For would-be minority business owners who choose to become a franchisee, the opportunities are expanding, as some franchisors are including incentives for minorities in their growth plans. For

example, the article outlines the incentives provided by Choice Hotels International, Inc., Inter-Continental Hotels Group, and Marriott International, Inc. These hotel chains are now offering incentives such as “waiving expensive application fees and temporarily reducing royalty percentages. Some hotel franchisors also provide property management training and give minority franchisees a first look at newly for-sale properties,” according to the article.

In memory:

20 year commemoration of Bill McKnight’s life and contributions



On December 16, just days before the twentieth anniversary of his untimely death on December 20, 1985, Nixon Peabody attorneys dedicated their regular partner lunch meeting to the memory of Bill McKnight, the firm’s first African-American partner, and a man who left an indelible mark on the firm and his community. Some of the attorneys shared their memories of Bill and introduced him to those who never had the chance to know him.

The lunch began when John Witmeyer invited a few people who knew Bill to get together and reminisce. As word spread, Dave Schraver suggested that the event became more formal. “All associates and retired partners were invited, and we invited a number of alums of the firm who, as young lawyers, had grown up in the firm with Bill.” John says.

The event included pictures of Bill and articles about him, as well as a videotape of him conducting training for the Haitian refugee immigration project, one of the firm’s more significant pro bono projects. Additionally, several attorneys shared their memories of Bill and the special person he was. For example, Maggie Clemens, who, now a partner, was a first year associate when Bill died. She spoke about the pro bono award honoring Bill and about what a great mentor he had been to her and others.

Bill McKnight joined Nixon, Hargrave, Devans & Doyle, NP’s predecessor firm, in 1973 and became a partner in the firm’s labor department in 1981. In his short career and life, Bill was both an exceptional lawyer (he argued before the U.S. Supreme Court) and a person who gave generously of himself to the community, serving on numerous boards of local Rochester companies and civic organizations, including the Urban League, the YMCA, Rochester Business Opportunities, the Baden Street Settlement, and the Bucket Dance Theater, which, now known as Garth Fagan Dance, reached national prominence when Garth Fagan was invited to choreograph *The Lion King* for Broadway.

To commemorate Bill’s life and his contributions to the firm and his community, his colleagues established a scholarship program and an annual moot court competition in his honor. In addition to these two honors, Bill McKnight is also remembered by the Volunteer Legal Services Project, which coordinates pro bono services in Rochester, through their annual William E. McKnight Volunteer Service Award for outstanding pro bono work on behalf of low-income clients.



The William McKnight Scholarship Fund

The fund, which was established in 1986, awards an African-American student an annual scholarship, renewable for each year of undergraduate school, which is presented at the Urban League's Salute to Black Scholars dinner. The 2005 recipient is R. Lamar Crawford, who graduated from Webster Thomas High School in Monroe County. Lamar attends Cornell University's School of Industrial and Labor Relations. Bill, himself, attended Cornell, graduating from the university's law school after completing his undergraduate studies at Merrimack College. The scholarship fund has awarded over \$71,000 to nineteen students.

The McKnight Moot Court Competition

Nixon Peabody also sponsors the McKnight Moot Court Competition in Bill's memory, which is held at Cornell Law School. The competition is organized in conjunction with the Cornell Chapter of the Black Law Students Association (BLSA). It is a tribute to Bill's memory, and it serves to introduce minority students to the law in the hope that they will follow in Bill's footsteps. The Moot Court Competition is unusual in that it is for undergraduate students rather than law students. Members of BLSA assist in the competition by creating the case study, which contains the facts and the law upon which the participants base their arguments. They also serve as judges in the preliminary rounds. Over the years, a number of attorneys from Nixon Peabody, along with faculty members from Cornell's Law School, have served as judges in the final-round arguments. Nixon Peabody underwrites the expense for the competition, including a reception, small stipends for the top two competitors, and plaques for other participants.

Christmas luncheon benefits battered women's organization

Each year since December 2000, the secretaries in the Rochester office have been treated to a special luncheon to thank them for their dedication and to provide an opportunity to socialize. But the secretaries have turned this time to honor each other into an opportunity to help others.

The luncheon, which was held in the Rochester office's 14th floor conference center, started out to be a morale builder, but the secretaries thought they could use the event to do something beneficial for the community," Michelle Kuhn explains.

Each year they choose a charity to be the beneficiary. This year, Alternatives for Battered Women (ABW) was selected. At the Dec. 15 event, which was attended by three partners, one dressed as Santa and two dressed as his elves, the secretaries contributed all types of gifts, including personal hygiene, household and children's items, as well as cash. Janine Lucas, a representative from Alternatives for Battered Women, attended to accept the donations. "The ABW is quite an incredible organization, and they were happy they were selected," Michelle says.

Nancy Blake and Nina Dziakonas co-chaired the luncheon committee. “The event was a catered lunch attended by about sixty or seventy people. I’ve helped every year but last year, when I decided to let someone else take a turn. I enjoy doing it because it gives us an opportunity to give something back to the community,” Nancy says.

“This year the committee did things a little differently. Normally a charity is chosen by the committee, but this year we decided to see what the secretaries would like to do. So we e-mailed them and they voted. The majority wanted to buy gifts for a charity and the majority chose Alternatives for Battered Women,” Nina explains.

ABW provides a host of services for women and children who need to escape a violent home situation. The Rochester shelter responds to thousands of calls on its hotline, maintains living facilities for longer term needs, provides walk-in counseling, operates a variety of other programs and helps victims get the legal help they need. Maggie Clemens, a partner in the Rochester office, is very involved with ABW. She serves on the organization’s board and has handled numerous pro bono cases for battered women for more than twenty years.