



# Making a Difference: Diversity & Inclusion in the Legal Industry

Sept 5, 2019

# Do One Thing For Diversity and Inclusion

Video by Ilias Feizidis, posted on YouTube

# Welcome

- **Why are we talking about D&I today?**

*"It's an irony that the profession that's been leading the struggle to equalize the playing field in most of America's workplaces has done such a poor job in its own." –  
Deborah Rhodes*

- **3 Goals**

Quote from: Deborah Rhodes, Stanford Law School Professor & author of "The Trouble with Lawyers," from part 2 of a video interview series, where Rhodes, a Stanford Law School professor discusses the ongoing problem of diversity in the largest U.S. law firms.

Law: 'The Least Diverse Profession', Bloomberg Law, <https://www.youtube.com/watch?v=SEzT2jPYG90&t=117s>

Published on Jan 26, 2016, YouTube, Video by Josh Block

# Agenda

- Welcome – Adrienne Fox & Milly Parekh
- Unconscious Bias – Joel Stern
- Making an Impact – Erin Hichman
- Big Firm Diversity – Kimberly Brown Blacklow
- Supplier Diversity – Jonathan Lovitz
- Closing Remarks



# Unconscious Bias

Joel Stern

NAMWOLF.

# Unconscious Bias in the Legal Profession



# Diversity of The Legal Profession as a Moral Imperative and Professional Obligation

**Lawyers have an ethical responsibility to eliminate bias in the legal profession as codified in the following rules of conduct:**

*California Rules of Professional Conduct*

Rule 2:400: Prohibited Discriminatory Conduct in a Law Practice



*New York Rules of Professional Conduct*

Rule 8:4(g): Misconduct



# Unconscious Bias in the Legal Profession

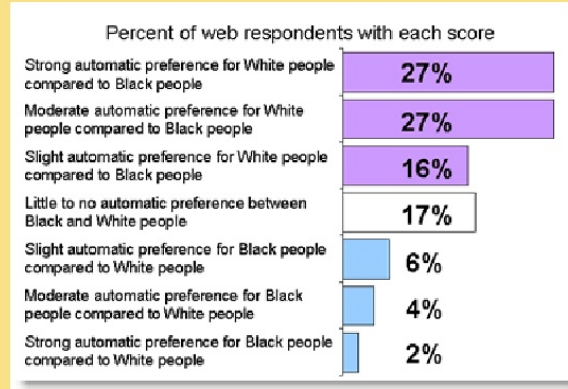
Study of unconscious bias is based on 40 years of social science research.

Our brain reaches conclusions without immediately telling us that it's reaching conclusions.

TAKE THE HARVARD IMPLICIT ASSOCIATION TEST (IAT)

[www.implicit.harvard.edu/implicit/demo](http://www.implicit.harvard.edu/implicit/demo)

## Harvard Implicit Association Test



<http://implicit.harvard.edu>





# Different Types of Unconscious Bias



- Confirmation
- Perception
- Affinity
- Halo Effect
- In-Group
- Fundamental Attribution Error

# Unconscious Bias in the Legal Profession

## Impact on In-House Legal Groups

### Internal Impact

- Hiring
- Promoting
- Firing
- Mentoring
- Overall engagement of legal group

### Big Firm Impact

- Who we interview
- Who we retain
- Who we like
- Who we find flaws in
- Who we support

### Supplier Impact

- Are you giving MBE/WBE firms the opportunity to compete for and win the business?
- Are MBE/WBE firms unfairly disadvantaged due to our unconscious bias?



# The Unconscious Bias Checklist



## **Understand**

Seek first to understand that you have biases and then take steps to solve them



## **Assess & Share**

Take and then share results of the Harvard Implicit Association Test



## **Be Aware**

Stay on top of your biases



## **Consult Experts**

Use expert consultants to minimize adverse impact on legal group  
(Michelle Silverthorn – Inclusion Nation)

NAMWOLF

National Association of  
Minority and Women Owned Law Firms

**Joel Stern**

[Joel\\_stern@namwolf.org](mailto:Joel_stern@namwolf.org)

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# Inclusion Starts With I

Video by Accenture, posted on YouTube



# Making an Impact

Erin Hichman

 DIVERSITYLAB

# Where We Are Now

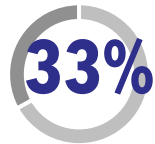
Law school graduates

Am Law 200 equity partners

Women



Racial/ Ethnic  
Minorities



LGBTQ+



\*All lawyers

# Confirmation Bias

"Written in Black & White"

	<b>Caucasian Male</b>	<b>African American Male</b>
<b>Average Rating</b>	4.1 out of 5	3.2 out of 5
<b>Comments</b>	"generally good writer but needs to work on..." "has potential" "good analytical skills"	"needs a lot of work" "can't believe he went to NYU" "average at best"



# Making an Impact



# DIVERSITYLAB



## IDEATE

The Lab hosts “Hackathons” to generate creative ideas that boost diversity and inclusion in law.



## EXPERIMENT

The Lab pilots innovative diversity initiatives such as the OnRamp Fellowship and Mansfield Rule.



## SHARE

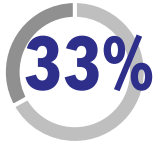
Through publicly available reports, the Lab shares the results of its ground-breaking research and pilot initiatives.

# OnRamp

F E L L O W S H I P

81

Fellows placed to date



Fellows who are women of color



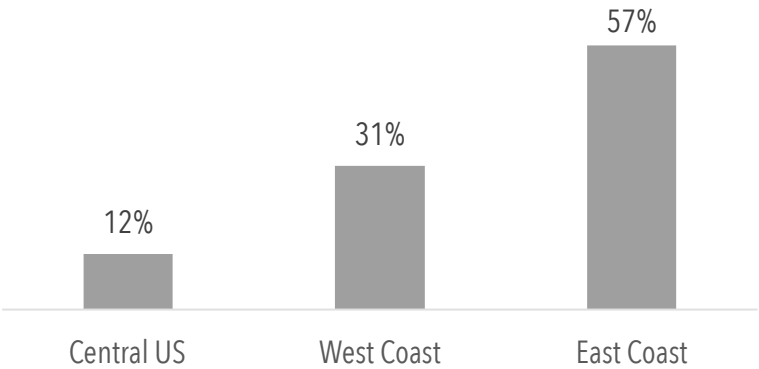
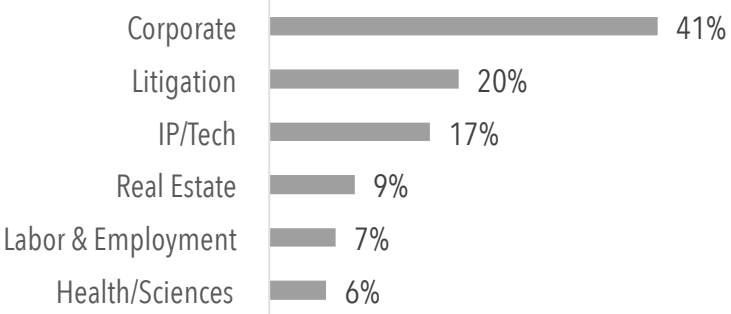
Fellows who received offers of full-time employment



Fellows placed in law firms



Fellows placed in-house or in financial institutions



2017 - 2018

## Mansfield Rule Pilot

**More than 40 law firms** piloted the inaugural Mansfield Rule. Of those, 41 achieved Certification and 27 achieved Certification "Plus" status.

2018 - 2019

## Mansfield Rule "2.0"

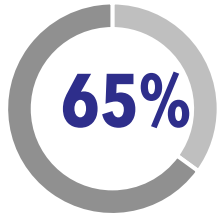
**60+ firms** participated; the Rule was expanded in 2.0 to include LGBTQ+ lawyers in addition to women and minorities.

2019 - 2020

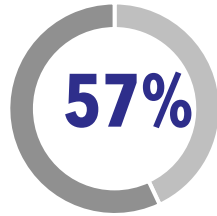
## Mansfield Rule "3.0"

**99 firms** are part of 3.0 which launched July 2019; a legal department version of the Rule was also launched

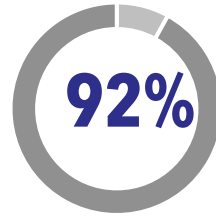
## Law firm progress: Outcomes of Mansfield Rule 2.0



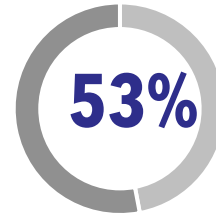
Increased diversity  
in equity  
partnership  
promotions



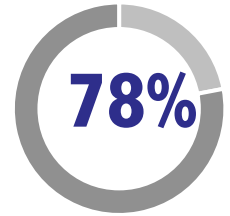
Increased diversity  
in Office Head  
positions



Increased diversity  
in formal pitch  
participation



Increased diversity  
in management/  
executive committee



Increased diversity  
in lateral senior  
associate hires



**DIVERSITYLAB**

**Erin Hichman**

**[erin@diversitylab.com](mailto:erin@diversitylab.com)**



# Big Firm Diversity

Kimberly Brown Blacklow

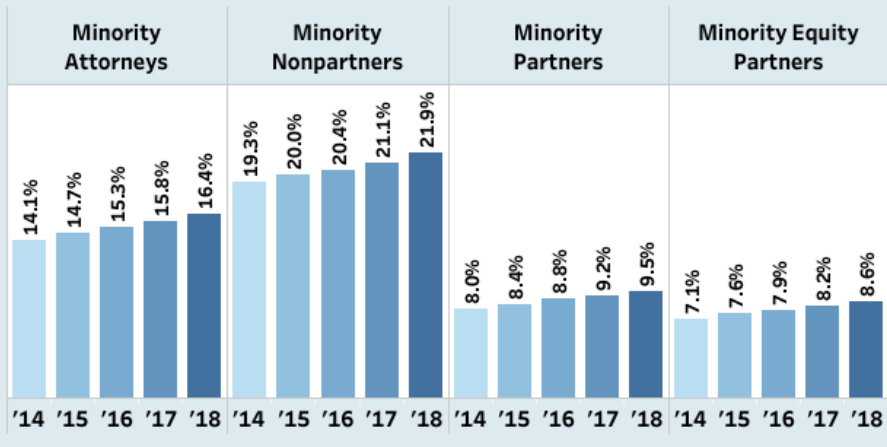


CLEARLY GOTTLIEB

# State of Diversity in the Legal Profession – Minorities

## Diversity Stagnates At US Firms

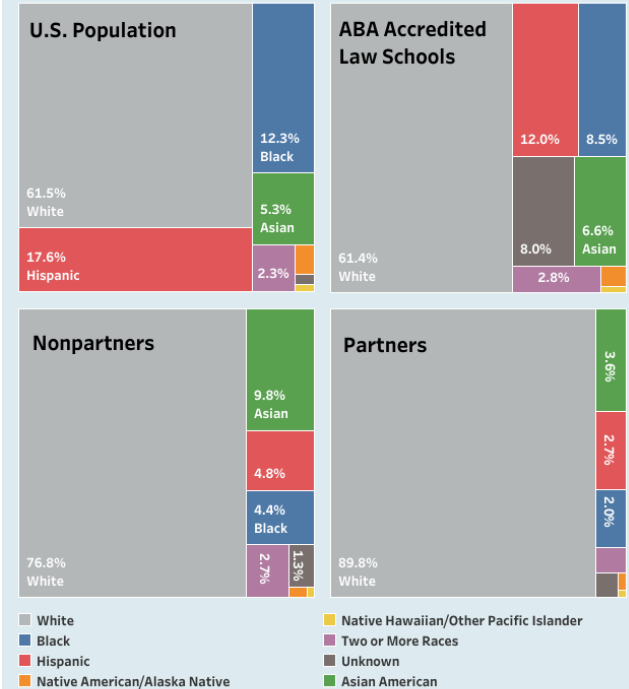
The proportion of minority nonpartners remains about 20% at U.S. law firms. At the partnership level, the proportion of minority attorneys remains below 10%.



Source: ABA, Law360

## Diversity Shrinks On Path To Top

The proportion of minority attorneys narrows on the road from law student to partner.



Source: U.S. Census Bureau, ABA, Law360 data

# State of Diversity in the Legal Profession – Women

## Sizing Up The Typical Law Firm

The average representation of female attorneys varies by firm size.

	Total Female Attorneys	Female Nonpartners	Total Female Partners	Female Equity Partners
600+ Attorneys	37.6%	46.3%	24.1%	20.6%
300-599 Attorneys	34.7%	44.4%	24.4%	20.4%
150-299 Attorneys	33.8%	44.1%	24.7%	20.6%
50-149 Attorneys	35.3%	43.3%	27.6%	22.8%
20-49 Attorneys	37.8%	46.4%	28.8%	25.4%

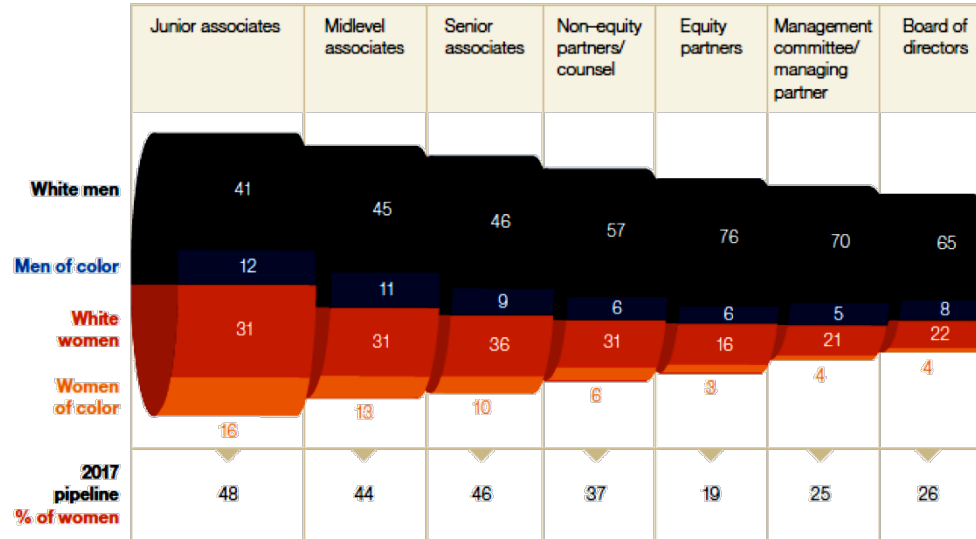
Source: ABA, Law360



# State of Diversity in the Legal Profession – Women

## Exhibit 1 Representation of women decreases rapidly at post-associate levels.

Representation in law firms' pipeline by gender and race, % of attorneys by level in 2017<sup>1</sup>



Women of color are the most underrepresented group in the pipeline at post-associate levels—behind white men, white women, and men of color.

<sup>1</sup>Total % of women and men per level in race and gender pipeline may not sum to overall pipeline totals, as the race pipeline only includes firms that were able to supply race data. Due to rounding, representation by race may sum to 101 within some levels

# Cleary Gottlieb – Diversity and Inclusion

At Cleary Gottlieb we value our culture of inclusion that is integrated into how we recruit, engage, develop, and promote women lawyers and lawyers of color.

**51%**  
of our  
U.S.-based associates  
are women

**35%**  
of associates in our  
U.S. offices are from  
diverse backgrounds

## The firm's D&I strategy is focused on:

- developing and implementing strategies to assist the firm and its committees in recruiting and advancing lawyers from diverse backgrounds and assisting the firm's Recruiting Committee in promoting diversity in our hiring;
- fostering a work environment that welcomes different perspectives and backgrounds, and ensuring that each person's professional growth and experience are not limited because of his or her difference; and
- approaching attorney development with an emphasis on providing our diverse and women junior lawyers with both internal and external opportunities to hone their lawyering and business development skills.

## The firm regularly partners and supports organizations that demonstrate a commitment to increasing diversity within the profession.

- Asian American Bar Association of New York
- Charting Your Own Course (CYOC)
- Council of Urban Professionals (CUP)
- Hispanic National Bar Association (HNBA)
- Metropolitan Black Bar Association (MBBA)
- National Bar Association
- National LGBT Bar Association
- SEO Law Fellowship Program

## RECENT RECOGNITIONS

100% Corporate Equality Index Score  
*Human Rights Campaign Foundation, 2018*

**Best Gender Diversity Initiative by an International Firm**

*Euromoney Legal Media Group's Women in Business Law Awards, 2018*

**Best International Firm for Talent Management**

*Euromoney Legal Media Group's Americas Rising Star Awards, 2018*

**Top 10 Firm for Minority Attorneys**

*Law360, 2018*

**Top 10 in the Diversity Scorecard**

*The American Lawyer, 2018*

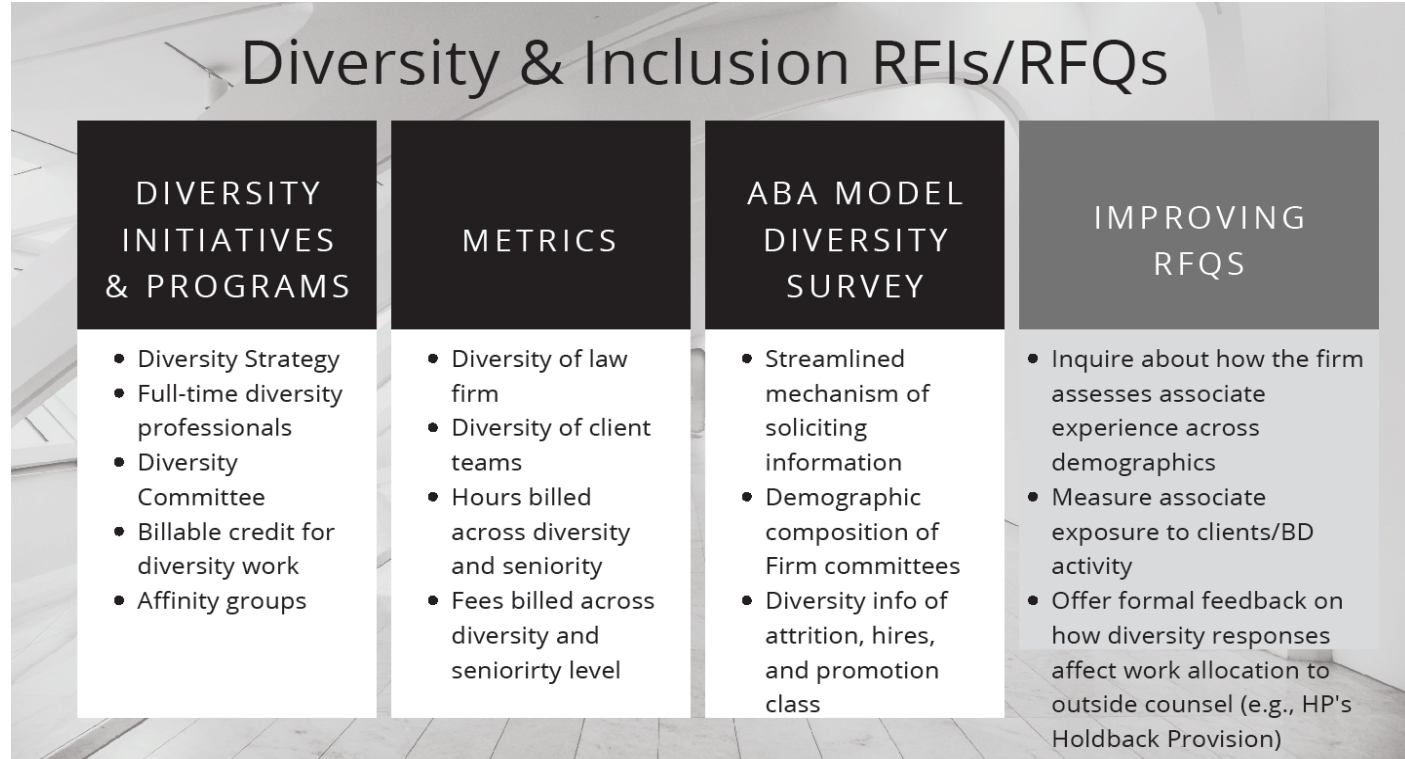
**Top Firm for Gender Equity**

*Yale Law Women's Top Ten Female Friendly Firms Report, 2018*

# 170 GCS Pen Open Letter to Law Firms: *Improve on Diversity or Lose Our Business*

- “We expect the outside law firms we retain to reflect the diversity of the legal community and the companies and the customers we serve. We applaud those firms that have worked hard to hire, retain, and promote to partnership this year outstanding and highly accomplished lawyers who are diverse in race, color, age, gender, gender orientation, sexual orientation, national origin, religion, and without regard to disabilities”
- “we are disappointed to see that many law firms continue to promote partner classes that in no way reflect the demographic composition of entering associate classes. Partnership classes remain largely male & largely white.”
- “We also know that there are women, people of color, and members of the LGTBQIA community and others who are no doubt equally deserving, but are not equally rewarded. We are left to wonder if you and your partners value diversity enough to put into place programs to develop, promote, and retain talented and diverse attorneys.”
- “Instead, the reality is that you must consciously and personally invest in diversity and inclusion and interview, hire, mentor, support, sponsor, and promote talented attorneys who don’t always look like you or share your background.”
- “We, as a group, will direct our substantial outside counsel spend to those law firms that manifest results with respect to diversity and inclusion, in addition to providing the highest degree of quality representation. We sincerely hope that you and your firm will be among those that demonstrate this commitment.”

# What Clients Want to Know About D&I for Outside Counsel?





CLEARY GOTTLIEB

**Kimberley Brown Blacklow**

[KBlacklow@cgsh.com](mailto:KBlacklow@cgsh.com)



# Supplier Diversity

Jonathan Lovitz

# Supplier Diversity

- Supplier Diversity, or buying from diverse-owned companies...
  - is a requirement for US businesses with government contracts
  - **should** be a business imperative for **all** businesses around the globe
- Supplier diversity delivers value to your business in many ways...
  - innovation through inclusion of new ideas & different ways of thinking
  - growth through supplier representation of diverse customer segments
  - contribution to a corporate social responsibility platform
- Diversity organizations & certifications
  - certification provides benefits to corporations & certified suppliers
  - the certifying-body trade groups offer resources to diverse-owned businesses, such as mentoring, networking & corporate matchmaking

Government Compliance	Non-Government
Small Business	Minority
Veteran (small)	Women
Service Disabled Veteran (small)	Disabled
Small Disadvantaged	LGBT *
Small Women-Owned	
HubZone	
LGBT *	

\* Recent wins for NGLCC - some states now count LGBT certification for government reporting

# Who is the National LGBT Chamber of Commerce (NGLCC) ?

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- The **business voice of the LGBT community**
  - Direct link between LGBT business owners, corporations, and government
  - Leading national policy advocates for LGBT economic inclusion
  - Founder of the National Business Inclusion Consortium (NBIC) in 2012
  - 50+ NGLCC affiliates in the U.S. and internationally
  - Offices in Washington DC and New York City
  - Founded in 2002; NGLCC Global division established in 2014
- Exclusive **certifying body for LGBT Business Enterprises** (LGBTBEs)
- Hosts largest LGBT business event in the world:
  - **NGLCC International Business & Leadership Conference** | August 2020 | Las Vegas, NV



# Who does NGLCC Work with in Supplier Diversity?



**nglcc**   
Corporate Partner

There's plenty  
of room for  
YOU, TOO!



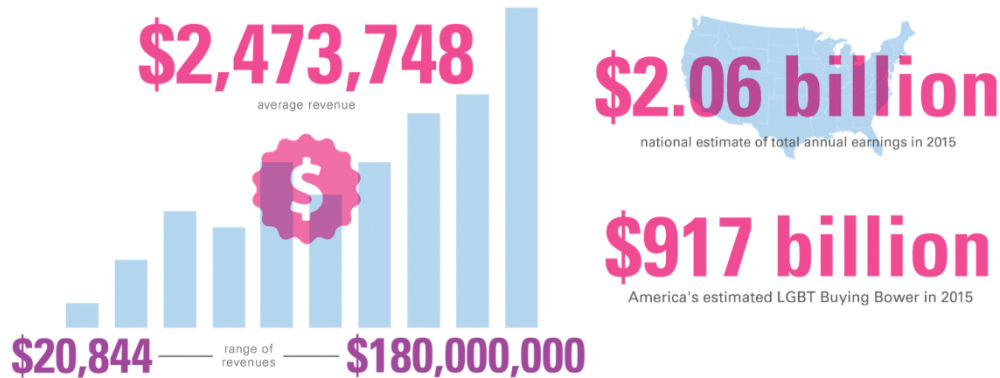
#LGBTBiz | @nglcc | nglcc.org

# What does the LGBT Economy Look Like?

American #LGBTBiz Would Be 10<sup>th</sup> Wealthiest Nation in the World

If all estimated LGBT-owned businesses in America are projected,  
their contribution to the economy exceeds

## \$1.7 Trillion



#LGBTBiz | [@nglcc](#) | [nglcc.org](#)

**nglcc**  
National LGBT  
Chamber of Commerce

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COUNCIL

# Legal Supplier Diversity

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The exclusive provider of certified LGBT-owned firms, and the direct conduit to corporate supplier diversity teams, government agencies, and peer organizations expanding legal provider opportunities.

Currently promoting over 100 LGBT-owned firms, service providers, and support services utilized by legal departments of every size.



## Put ROI in Your Firm's D&I:

Exceed your law firm diversity & inclusion goals by making tangible, cost-saving investments into diverse-owned firms and legal services. NGLCC is your partner to increase diverse partner utilization and grow your inclusion initiatives firmwide.

### **NGLCC Certified Legal Service Providers Provide:**

- External legal counsel
- Research and document prep
- Alternative fee arrangements
- Specializations at scale
- Trackable spend on diverse-owned businesses you can report to clients

### **NGLCC Certified Non-Legal Service Providers Include:**

- Office temps and staffing
- IT, furniture, and supplies
- Catering and special events
- Custom printed products
- ...and everything else your firm purchases, procures, and can celebrate in diversity reports

# Legal Supplier Diversity | A Baker Botts Case Study

## What We Purchase:

As a global business operation, Baker Botts buys numerous products and services, including:

### CONSTRUCTION

- Construction Management Services
- Construction Services
- Engineering and Architectural Services
- Interior Architectural and Art Services

### EVENT/MEETING PLANNING

- Catering Services
- Entertainment
- Event Decorations
- Floral Arrangements
- Transportation Services

### MARKETING SERVICES

- Advertising Services
- Client and Executive Gifts
- Commercial Printing Services
- Promotional Products
- Public Relations Services

### PROFESSIONAL SERVICES

- Consulting Services
- Contract Legal Services
- Courier/Delivery Services
- Court Reporting Services
- Litigation Support Services
- Professional Training Services
- Records Retrieval Services
- Recruiting/Search Firms
- Temporary Help

### INFORMATION TECHNOLOGY

- Computer Software
- Computer Supplies
- Consulting Services
- Network Hardware
- Network Software
- Permanent Personnel Placement
- Telephone Equipment
- Temporary Help

### FACILITIES/FIXTURES AND EQUIPMENT

- Cleaning Services
- Coffee and Beverage Services
- Duplicating Supplies and Services
- Office Equipment
- Office Equipment Maintenance
- Office Furniture
- Office Supplies
- Moving and Storage Facilities
- Plants and Floral Arrangements
- Security Equipment

# Legal Supplier Diversity - It's Never Been Easier



**National LGBT Chamber of Commerce  
How-To Guide:**

**Building a Successful Supplier Diversity Program**  
*National Legal Partnership Edition*

Updated Summer 2018

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## STRATEGIC SOURCING

A Guide for Creating an Effective  
and Sustainable Legal Supplier  
Diversity Program



Legal Supplier Diversity - It's Never Been Easier

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# DIVERSITY & INCLUSION

Thank You

# Resources

# US Population & Diversity Impact

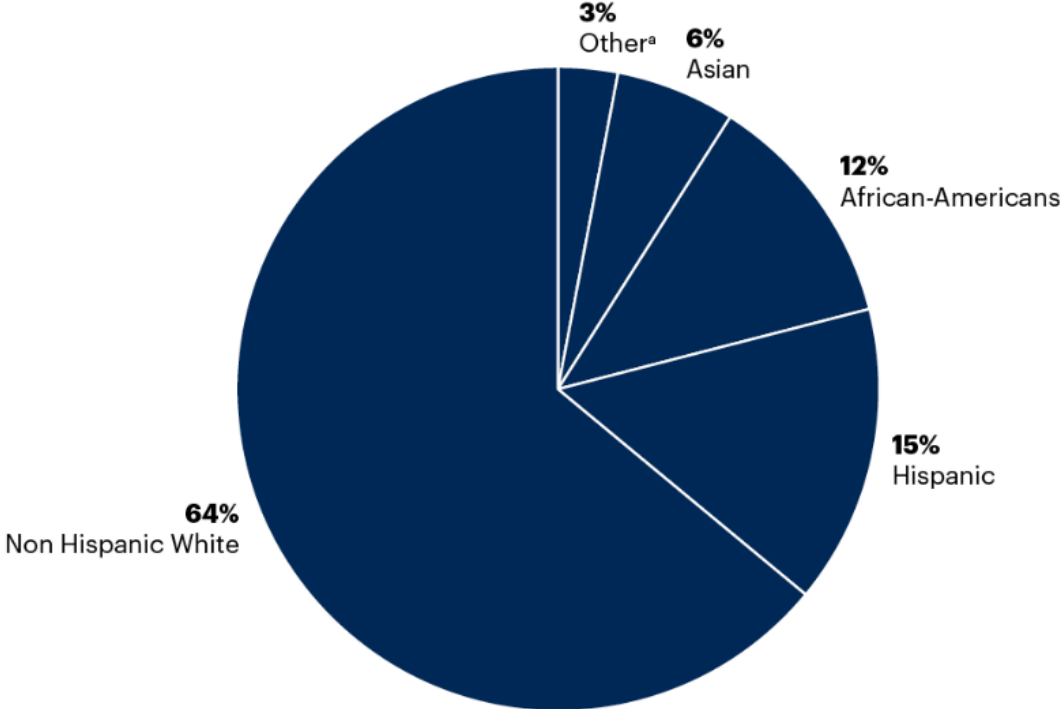
- The US population is projected to increase by 12 percent, or 38 million, during the period 2015 to 2030.
- Most of the growth will come from minority and immigrant populations.

## Population Overview

- In the millennial generation, which will account for 75% of the US workforce by 2025, **whites have already become a minority population**
- By 2060, **Asian and Hispanic populations will increase by 128% and 115%** respectively; the Black population will double by that time, but the white population will grow by just 16%
- **The population under age 18** is projected to grow by only 5%, while the population aged 65 and over is projected to grow by 55%
- From 2005 to 2035, the **population of individuals over age 65** will double to approximately 80 million
- **Approximately 1 In 5 Americans have a disability;** 60% of them are under 65
- According to the Department of Labor, in 2016, **approximately 21 million men and women were veterans**, accounting for 9% of the civilian working age population
- A Pew Research Center study found that today, **more than 10 million adults identify as LGBTQ**, approximately 1.75 million more than in 2012
- **58% of the LGBTQ segment** of the US population are of the millennial generation

Source: AHA/ACHE; Altarum; 2017 Gallup; US Census Bureau

# Workforce Diversity in U.S



n = 151,436 (numbers in thousands)

Source: "Labor force characteristics by race and ethnicity, 2016" BLS Reports (October 2017)

<sup>a</sup> Other groups include Native Americans, Alaska Native, Native Hawaiian, Pacific Islanders and people of two or more races.

# Workforce Diversity in U.S - Healthcare Industry

- Minorities and women remain underrepresented in healthcare professions, particularly in higher paying and leadership positions
- Only 9% of CEO positions at hospitals and health systems are held by minority populations, the second-lowest percentage of all C-suite positions
- White men hold more senior-level positions in healthcare than minority men
- In 2015, the median salaries of Black and Hispanic men in the healthcare industry were 17% and 8% less respectively than white men
- Women account for 80% of healthcare jobs but are significantly under-represented in executive positions; only 4% of healthcare companies are run by women
- White women hold more senior-level positions than minority women, and the gap has widened, not decreased, since 2010
- Black women in health-related jobs went from earning nearly the same median salary as white women in 2007 to 13% less in 2015
- Between 80-90% of leadership roles in medicine, such as medical school deans, are filled by men
- Women are 52% less likely than men to be promoted to senior healthcare positions, even after controlling for age, experience, education, and training

Source: AHA/ACHE; Deloitte; Missouri; Collegegrad.com-

# Additional Information:

## Law Firm Diversity Survey & Scorecard Rankings:

- » Above The Law Diversity Scorecard  
<https://abovethelaw.com/2019/05/check-out-the-2019-biglaw-diversity-scorecard/>
- » Chambers Rankings - Best Firms for Diversity  
<https://www.chambers-associate.com/law-firms/associate-satisfaction-surveys/the-best-firms-for-diversity>
- » Law Firm Diversity Database, MCCA Vault  
<http://mcca.vault.com/browsebyfirm.cfm#alphaM>

## Information about Diverse Certification Programs, blog articles:

- » CVM - <https://blog.cvmsolutions.com/10-invaluable-supplier-diversity-certifications>  
<https://blog.cvmsolutions.com/millennials-the-generation-thats-driving-supplier-diversity>

# Speaker Biographies

# Joel Stern

Joel Stern is the Chief Executive Officer of the National Association of Minority and Women Owned Law Firms, Inc. (NAMWOLF). NAMWOLF, founded in 2001, is a nonprofit trade association comprised of over 195 minority and women owned law firms in 44 states. NAMWOLF'S mission is to provide corporations the premier place to go to locate and hire minority and women owned law firms of the very highest caliber.

Prior to this role, Joel was the Global Deputy General Counsel and COO Legal at Accenture. Joel managed the Americas Legal team and also had primary responsibilities as the Chief Operations Officer of the 420+ member global legal group managing all operations of the Legal team including finance, IT, human resources, communications, facilities and support services. Additionally, he managed all outside counsel relationships across the globe. During his tenure at Accenture, he was also tasked with revitalizing and then leading the Accenture Contract Management group.

Throughout Joel's accomplished career, he personally championed key diversity and inclusion initiatives including leading Accenture Legal Group's award-winning diversity and inclusion programs. He has been a Board Member of NAMWOLF since 2010 and formerly chaired the NAMWOLF In-House Advisory Council. Joel's published articles and regular speaking engagements reflect his zeal for expanding opportunities in the law. Among some of his presentations in the last several years: "Diversity and Inclusion in the Legal Profession, A Moral and Business Imperative" (2017); "Diversity is the Future – A Client's View" (Marbury Institute, 2009); "Advancing Leadership Goals for Women in the Legal Profession" (ALFA Women's Initiative Program, 2009); "Women Attorneys and Compensation – The Glass Ceiling" (International Bar Association, 2008); and, "Contemporary Conversations on Diversity – Inclusion, Justice and the Bottom Line" (Black Women Lawyers Association of Chicago, 2008).





## Erin Hichman



Erin is a market research professional with a passion for process improvement, project planning and project management. She recently joined Diversity Lab as the Director of Data Management & Analytics. Diversity Lab is an incubator for innovative ideas and solutions that boost diversity and inclusion in the legal field. The Lab uses data, behavioral science, design thinking and technology to further develop and test ideas, measure results and share the lessons learned related to improving diversity & inclusion in the legal industry.

Prior to joining Diversity Lab in 2019, Erin worked at ALM Media, Kennedy Information, Technology Business Research and Deloitte Consulting, gaining great experience in working across several industries with market research and advisory experience spanning the consulting, IT, technology and legal markets.

Erin has an MS degree in Industrial Engineering with concentration in Integrated Technology Management.

# Kimberly Brown Blacklow

*Partner, Cleary Gottlieb*

Kimberly Brown Blacklow is a partner based in Cleary Gottlieb's New York office. Her practice focuses on real estate and other asset-based finance transactions as well as structured finance and capital markets transactions in both the U.S. and abroad. Kim represents both lenders and borrowers in commercial mortgage and mezzanine loan origination, intercreditor agreements, asset-based warehouse lending, credit tenant lease financing, and other types of financing transactions.

Kim serves as chair of the firm's committee on Retention and Promotion of Women.

In addition to her regular practice, Kim has significant pro bono experience, including guiding the Lower Manhattan Cultural Council in the establishment of The Arts Center at Governors Island in New York City. For this and other efforts, she was acknowledged as the "Real Estate Lawyer of the Year" at *Euromoney Legal Media Group's* annual Americas Women in Business Law Awards in 2013 and 2019. She was also recognized by Chambers USA, *The Legal 500 U.S.*, *Crain's New York Business Notable Women in Law Awards*, *Best Lawyers in America*, *PLC Corporate Real Estate*, *New York Super Lawyers*, and *Who's Who Legal*.

Kim earned a J.D. from Columbia Law School and a A.B., cum laude, from Radcliffe College.



## Jonathan D. Lovitz



Jonathan D. Lovitz is a Senior Vice President at the National LGBT Chamber of Commerce (NGLCC) overseeing government affairs, media relations, and strategic partnerships. He previously served as Director of NGLCCNY, the New York office & network of NGLCC. He regularly speaks to conferences and the press about LGBT economic empowerment and the vital role NGLCC & business plays in creating equity for the LGBT community. Lovitz is a regular commentator on MSNBC, CNBC, NPR, The Advocate, Out Magazine, among others. In 2018 Lovitz was recognized by Business Equality Magazine as one of its "40 LGBTQ Leaders Under 40." He was also named "Outstanding Young Alumni" by the University of Florida in April 2018. Jonathan graduated Summa Cum Laude from the University of Florida. Connect with Jonathan on Twitter at [@JDLovitz](#) or [jlovitz@nglcc.org](mailto:jlovitz@nglcc.org)