

Strength in Diversity

BY ANUPAMA YERRAMALLI AND SARAH E. TOMLINSON¹

ABI Diversity Group Kicks Off Multifaceted Approach to Training, Education and Participation



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Editor's Note: *This new column focuses on the continued growth and development of diversity and inclusion initiatives. Those interested in contributing articles for this column should contact Anupama Yerramalli at anu.yerramalli@lw.com for more information.*

At a time when our nation is reeling from backlash and attacks directed at minority and diverse populations, it is important that all communities focus on inclusion and diversity training and education. Through the formation of ABI's Diversity & Inclusion Working Group, the restructuring industry is taking steps to do its part. The Working Group's mission is "to develop recommendations to increase diversity within ABI and its leadership, to help create opportunities for diverse ABI members, and otherwise to promote diversity within ABI and within our professions." The Working Group is chaired by **Michael L. Bernstein** (Arnold & Porter Kaye Scholer LLP; Washington, D.C.) and **Shanti M. Katona** (Polsinelli; Wilmington, Del.), and consists of multiple workstreams staffed by volunteers focused on diversity, equity and inclusion initiatives within training, pipeline-development, mentorship, profile-raising, accessibility, gender diversity and terminology, and leadership.

As part of these important efforts, the *ABI Journal* will publish a column focused on issues practitioners, jurists and others in the restructuring community face to educate, train and grow from each other's shared wisdom and experiences. This column is meant to be a forum for discussion, shared learning and overall broadening of horizons on these important topics.

On Jan. 21, 2021, the Working Group held its first event, "Diversity in Insolvency: Putting Inclusive Ideas into Practice," which 400 people attended.² The event covered all areas of insolvency practice — from private firms to public service, including every size of firm, attorneys, support staff, judges, professors and trustees. In short, this first event was a rousing success.

Led by **Omar J. Alaniz** (Reed Smith LLP; Dallas), this team of volunteers consisted of **Amber M.**

Carson (Gray Reed & McGraw LLP; Dallas), **Alan R. Rosenberg** (Markowitz, Ringel, Trusty + Hartog, PA; Miami), **Luis Salazar** (Salazar Law; Miami) and **Sarah E. Tomlinson** (U.S. Bankruptcy Court (E.D. Mo.); St. Louis). Together, they assembled the idea to target the issue of diverse attorneys leaving insolvency before making partner, and what firms and teams of every size can do to change that trend. The plan developed into bringing in diversity, equity and inclusion experts to talk about real skills and benefits in a plenary session before breaking out into small groups led by facilitators to continue the discussion.

ABI's President, Hon. **Barbara J. Houser** (U.S. Bankruptcy Court (N.D. Tex.); Dallas), led the virtual plenary session. She started off discussing the importance of diversity, equity and inclusion by highlighting the disheartening statistics, which indicate that many diverse attorneys never make partner. Judge Houser then laid out the goals and introduced the all-star panel, consisting of Carlos Dávila-Caballero, director of Diversity and Inclusion with Simpson Thacher & Bartlett LLP; Sylvia F. James, chief diversity and inclusion officer with Winston & Strawn LLP; and Jade Eaton, who is formerly with the U.S. Department of Justice's Antitrust Division. The lively discussion highlighted the depth and the breadth of the subject. The panelists discussed institutional changes, such as implementing sponsorship programs, as well as providing skill-building work and well-developed constructive feedback for all junior attorneys — efforts that any person in a position of authority could make. The audience frequently commented in the chat box, and submitted more questions than the panel had time to answer. The comments fell into four major categories: eager, engaged, interested and, most of all, seeking to improve the insolvency practice.

As the event broke out into small break-out rooms, the facilitators took center stage. Bankruptcy judges from across the nation joined diversity, equity and inclusion professionals to set up ice-breakers and get the rooms talking. Many of the rooms, however, ended up being participant-led. Attendees posed questions covering such topics as whether bankruptcy forms include preferred pronouns, especially at 341 meetings. Other conversations included how junior attorneys build books of

¹ Opinions or comments in this article are from Ms. Tomlinson's own experiences and are not representative of the U.S. Bankruptcy Court for the Eastern District of Missouri.

² Watch a free recording of the session at cle.abi.org.

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business and rapport with clientele in down years. Some rooms discussed how to implement sponsorship programs or how to adjust client expectations when assigning work to less-experienced associates.

Many of the facilitators and attendees shared personal anecdotes of how their chambers, department, firm, school or business supports diversity. These stories came with the goal of encouraging everyone to see what steps can be made — no matter the structure or group size. Attendees left with a sense that insolvency practice can be more inclusive, and many expressed a desire for more training on more targeted topics, such as developing gender-neutral forms, identifying inadvertent discriminatory evaluation techniques, and how to promote insolvency as a practice to diverse communities.

Building on the momentum of the January 2021 event, the volunteers, joined by new member **Diane Kim** (Duane Morris; Wilmington, Del.), focused on training and planned for ABI's Annual Spring Meeting session, "Diversity in Insolvency: Continuing the Conversation for Inclusivity of Insolvency Professionals." The topics selected for this event developed as a direct result of the questions asked and requests made at the first training seminar.

This event consisted of a plenary session on April 13, 2021, led by Hon. **Ashely M. Chan** (U.S. Bankruptcy Court (E.D. Pa.); Philadelphia). She kicked off the session and introduced the panel of **William J. Perlstein** (FTI Consulting, Inc.; Washington, D.C.); Ricardo Anzaldúa, formerly of Freddie Mac; and **Grace E. Robson** (Markowitz, Ringel, Trusty + Hartog, PA; Fort Lauderdale, Fla.). Each panelist discussed diversity, equity and inclusion goals and initiatives in their respective industries, providing deeper dives into the financial advisor perspective, in-house perspective, and the small-to-mid-size-firm perspective. Techniques and best practices for increasing the profile of diverse professionals remained a hot topic, and the conversation was a rousing successor to the initial event.

After the plenary session, ABI's Diversity & Inclusion Working Group hosted breakout sessions throughout ABI's

Annual Spring Meeting, led by more industry leaders. For the financial advisor room, Maureen Greene James, vice president of Global Diversity, Inclusion and Belonging with FTI Consulting, Inc., facilitated the discussion. For the in-house perspective, **Eunice R. Hudson** (Freddie Mac; McLean, Va.) and **Lauren J. Hofmann** (JP Morgan Chase Bank, NA; Plano, Texas) led a joint discussion. For the small-to-mid-size-firm perspective, **Jeffrey S. Fraser** (Albertelli Law; Lake Worth, Fla.) presented. Each breakout session produced unique discussions and provided necessary tools that practitioners can use to improve the representation in their fields.

On April 22, award-winning journalist and author Michele Norris closed out the Annual Spring Meeting with a galvanizing keynote. She has co-hosted NPR's "All Things Considered," and developed two successful initiatives: "The Race Card Project" and NPR's "Backseat Book Club." As a *Washington Post* opinions columnist, Norris sparks important dialogue on current events, social issues and the power to make change as she breaks down commonly held beliefs and attitudes on race, diversity and bias. Norris has received many honors, including the Peabody Award and the duPont Award, and she was named "Journalist of the Year" by the National Association of Black Journalists and as one of *Essence* magazine's "25 Most Influential Black Americans." In September 2010, she published her first book, *The Grace of Silence: A Memoir*.³ Registered attendees of ABI's Annual Spring meeting can access recordings of the diversity panel, as well as Ms. Norris's presentation, through May 31, 2021, on the Annual Spring Meeting virtual platform.

There is, without a doubt, much work left to be done. However, ABI and the insolvency practice as a whole should be motivated to see the excitement to meet this initiative head-on and work toward change. The dedication of ABI's community to these important issues is evidenced by the formation of the working group, the panels to date and the launch of this *ABI Journal* column. **abi**

³ Did you miss this exciting event? Conference materials are available at materials.abi.org.