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Concrete Recommendations for Identifying and Eliminating Bias in Law Firms and Courts

Hon. Magdalena Reyes Bordeaux

U.S. Bankruptcy Court (C.D. Cal.) | Riverside

Jennifer Davda

Loeb & Loeb LLP | Los Angeles

Tracy Hope Davis

U.S. Trustee's Office | San Francisco

Zev Shechtman

Danning, Gill, Israel & Krasnoff, LLP | Los Angeles

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2023 Southwest Bankruptcy Conference

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Tracy Hope Davis, United States Trustee, Region 17, San Francisco

Jennifer Ganesh Davda, Loeb & Loeb

Zev Shechtman, Danning, Gill, Israel & Krasnoff

Elimination vs Interruption

Bias Interrupters

- Mindfully design and assign people to high value projects
 - **As a leader:** reconsider who is capable of doing the “important tasks”.
 - **As a team member :** be proactive about connecting with individuals who you would like to work with or who have the type of work you would like to do.
- Acknowledge the importance of “lower profile” contributions
 - **As a leader:** integrating and recognizing the individual goals and intangible contributions in evaluations and feedback is an important step.
 - **As a team member :** make sure you are reporting and sharing your contributions.

Bias Interrupters

- Respond to double standards, stereotyping, interruptions, belittling, or appropriation of ideas.
 - **As a leader:** avoid a select group of people from dominating the conversation and embrace strategies to ensure members of the group feel comfortable participating.
 - **As a team member:** employ reciprocal tactics to amplify colleagues and ensure they are being credited for their ideas and work.
- Equalize access proactively.
 - **As a leader:** ensure that you are carving out similar amounts of time for each of the members of your team
 - **As a team member:** ask for the time if it is not automatically being given.

Definitions

- **Diversity:** the representation of different cultures or identities.
- **Equity:** the equal treatment or opportunities for all individuals.
- **Inclusion:** the sense of belonging or acceptance.
- **Belonging:** a feeling of comfort at an inclusive workplace.
- **Implicit Bias:** a negative attitude, of which one is not consciously aware, against a specific social group.
- **Microaggression:** a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group.
- **Allyship:** active support for the rights of a minority or marginalized group without being a member of it.
- **Sponsorship:** putting one's reputation and professional branding behind someone in order to support their success.

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BOUTIQUE LAW FIRMS

Leaders Of Barber Ranen Exchanged Racist, Sexist, Antisemitic Emails For Years

These emails are incredibly inappropriate. Read at your own risk.

By STACI ZARETSKY
June 5, 2023 at 1:42 PM

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SHARES



In May, John Barber and Jeff Ranen made headlines for [leading more than 100 lawyers away](#) from Lewis Brisbois to join their new firm, Barber Ranen. The mass exodus of attorneys inspired the longtime [chairman of Lewis Brisbois to step down](#), with the firm completely revamping its management committee at the same time.

Now, Barber and Ranen are making headlines once again, and this time, the news is quite alarming.

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derogatory emails called out by the Post:

“Kill her by anal penetration,” Barber emailed Ranen in June 2012, reacting to an overtime request from another Lewis Brisbois attorney. On at least three occasions, Ranen described female attorneys as “c-ts.”

In a March 2022 missive, a Los Angeles judge was described as “sugar t-ts.” when Barber joked about how the judge liked to be addressed.

In a November 2012 note, Ranen noted to Barber that another partner has “huge t-s.” That female partner has since decamped to Ranen and Barber’s new firm.

The Post then details several racist and anti-LGBTQ emails exchanged between Barber and Ranen, where the N-word is used frequently and homophobic remarks are made gratuitously.

This sounds quite different from the “hopeful and inspiring” messaging Barber gave in a prior Above the Law piece, where he said this of himself and Ranen: “We are both singularly focused on paying it forward. We try as we can to create opportunities for our people to foster their careers, to mentor, to create an environment which is conducive to becoming the very best that you can be as a lawyer.”

[Forward](#) has a separate report on the antisemitic language used in emails between Barber and Ranen. These are just a few of the offensive exchanges:

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In a Sept. 13, 2012 email, for example, Ranen wrote to Barber, “I forgot to write that we will not hire Jews” after the latter recommended a person — his or her identity was redacted by the company — for a litigation contract. In another email earlier that year, Ramen told Derek Sachs, a former partner at Lewis Brisbois, “This is the reason why people don’t like Jews,” in response to an invoice submitted to them. In a June 2012 email thread that begins with discussing a new hire, Ranen referred to Barber as a “Jew” for owing him money.

The pair also singled out observant Jews. In a January 2014 email, Ranen boasted to Barber that he deliberately emails a Jewish opposing counsel on Shabbat after the person requested that he not be sent material related to a deposition on Saturdays. “This Jew is cracking me up,” Ranen. “I almost ONLY write to him on Saturday mornings.” Barber responded, “Jew hater.”

Why are these emails just coming to light now That’s explained in a statement Lewis Brisbois supplied to the Post. Here it is:

“Following their departure from our firm, a complaint was lodged against John Barber and Jeff Ranen to a member of our management committee. In keeping with our firm’s policies and our responsibility to our personnel, an investigation was undertaken and the firm was shocked to find dozens of emails between John Barber and Jeff Ranen containing highly inappropriate and offensive content.

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language and racial and cultural slurs aimed at colleagues, clients, attorneys from other firms, and even Judges.”

As our audience knows all too well, law firm emails that are the subject of internal investigations — disgusting as they may be — aren’t typically leaked to the press. One wonders what happened here.

The firm did not immediately respond to our request for comment.

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UPDATE (5:15 p.m.): Barber and Ranen have resigned from the firm. Read more [here](#).

‘Woke’ LA firm partners routinely used vile language to refer to women, POC, emails show [New York Post]

Prominent law firm partners routinely made offensive comments about Jewish people, internal emails show [Forward]

Earlier: Partners Lead Mass Defection From Biglaw Firm, With Up To 140 Lawyers Set To Join New Boutique

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Staci Zaretsky is a senior editor at *Above the Law*, where she's worked since 2011. She'd love to hear from you, so please feel free to [email](#) her with any tips, questions, comments, or critiques. You can follow her on [Twitter](#) or connect with her on [LinkedIn](#).

TOPICS

Barber Ranen, Boutique Law Firms, Legal Ethics, Lewis Brisbois

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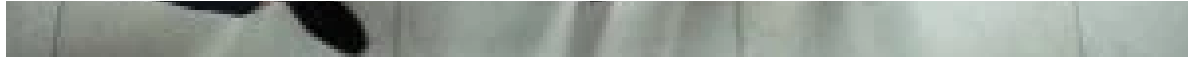
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8/1/23, 3:26 PM

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Our legal hiring is open to both entry-level attorneys through the Attorney General's Honors Program and experienced attorneys. In addition, volunteer legal internships are available to law students during the academic year and the summer.

The USTP relies on the diverse backgrounds of its talented and dynamic workforce to ensure the fair and effective administration of bankruptcy cases.

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The USTP is composed of a headquarters in Washington, DC, and 21 regions with 90 field office locations. USTP staff appear in about 250 bankruptcy courts and preside over statutory meetings of creditors held in about 400 locations.



In our more than 30 years as a national program, the USTP has achieved remarkable success in promoting the integrity and efficiency of the bankruptcy system. This is a direct result of the hard work and commitment of our dedicated professionals throughout the country. We hope you will take a moment to learn more about the important work we do and consider joining our team.

BENEFITS

As a component of the U.S. Department of Justice, USTP employees have access to a top-notch benefits package, including health, dental, vision, and life insurance; a generous leave program; a comprehensive retirement plan; and flexible spending accounts.

In addition, the USTP offers:

Mentorship: New USTP employees are placed with a mentor to help ensure a successful transition to their position and to enhance their knowledge and understanding of the USTP's mission and national priorities.

Continuing Education: The USTP offers a wide range of learning services with a focus on honing skills, enhancing relevant knowledge, and providing professional growth opportunities. Many courses qualify for Continuing Legal Education or Continuing Professional Education credits.

Work-Life Balance: The USTP offers a number of programs to support employees in balancing responsibilities at work and home, including flexible work options and employee assistance programs.

Student Loan Repayment Assistance: Eligible candidates may apply for incentive program funding to help repay their federal student loans.

WHAT OUR EMPLOYEES SAY

"A strength of our Program lies in the collaboration of legal and financial professionals on projects that further our mission. I often draw on the expertise of colleagues throughout the nation to refine legal issues or case strategies to ensure that the best possible arguments are before the court."

Martha Hildebrandt

Assistant U.S. Trustee, Newark, NJ

"My colleagues in the USTP are high quality individuals with great integrity. Throughout my career, I have had the opportunity to work on a wide range of tasks, including service on chapter 7 and chapter 13 reconstruction teams that has allowed me to hone my forensic accounting skills. I enjoy public service and know our work is making a difference in the oversight of the bankruptcy process."

Michael Sorgaard

Supervisory Auditor, San Francisco, CA

"What I love about my job is that the work is both exciting and challenging. No day of the week and no bankruptcy case are ever the same. After many years of working at the DOJ and USTP, it continues to be one of the most rewarding experiences of my life."

Ann Killian

Paralegal, San Antonio, TX

"The USTP has afforded me incredible professional and personal growth opportunities throughout my career, including being able to attend many local and national training programs and to serve for four years on the Board of Directors for DOJ Pride (the official DOJ LGBTQ employee resource organization). The camaraderie among USTP staff is amazing and I consider myself fortunate to be a part of such a great organization."

Timothy Laffredi

Assistant U.S. Trustee, Oakland, CA

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Hon. Magdalena Reyes Bordeaux is a U.S. Bankruptcy Judge for the Central District of California in Riverside, appointed on Jan. 18, 2022. Before her appointment, she was a supervising senior staff attorney with Public Counsel's Debtor Assistance Project, where she managed the nation's largest bankruptcy *pro bono* project. Judge Bordeaux was a Ninth Circuit Lawyer Representative and served as an elected member of the Ninth Circuit Judicial Conference Executive Committee. She also was an adjunct professor at Loyola Law School, an executive board member of the California Lawyers Association's Business Law Section, and a board member of the Latina Lawyers Bar Association. Judge Bordeaux has written numerous articles on bankruptcy issues, and she has received several awards recognizing her work and scholarship in bankruptcy law, including the President Emeritus Henry J. Sommer Scholarship Award and the Thomas B. Donovan Public Excellence Award. She received her B.A. from the University of California, Irvine and her J.D. from UCLA School of Law.

Jennifer Davda is chief diversity officer of Loeb & Loeb LLP in Los Angeles and leads the firm's efforts to continue building a diverse, equitable, and inclusive (DEI) culture across the firm and within the legal profession more generally. She works with firm leadership to develop and execute the firm's strategy to attract, recruit, retain and advance diverse talent. Ms. Davda has more than 15 years of experience working in DEI both as a lawyer and as a DEI professional. She takes a holistic approach in cultivating an inclusive environment by partnering with key stakeholders and professional development departments to embed principles of DEI into all aspects of the firm's practices and processes. Ms. Davda is a guest lecturer at Pace University, where she collaborates with faculty at the Lubin School of Business to help develop cutting-edge curriculum for those interested in pursuing Master's degrees in Arts and Entertainment. She serves as executive director emeritus of the Women in Law Empowerment Forum's Southern California Chapter, and she is a member of the Association of Law Firm Diversity Professionals. Ms. Davda received her B.S. from Rensselaer Polytechnic Institute and her J.D. from the University of Chicago Law School.

Tracy Hope Davis is the U.S. Trustee for Northern and Eastern California and Nevada (Region 17), based in San Francisco. Prior to her appointment, she served as U.S. Trustee for Region 2 in New York, Connecticut and Vermont. Ms. Davis joined the U.S. Trustee Program in 1997 as a trial attorney before being named as the Assistant U.S. Trustee in the Southern District of New York. She has also served as the Acting Assistant U.S. Trustee in the Eastern District of New York (Brooklyn) and the Acting U.S. Trustee for Region 2. During her tenure as a U.S. Trustee, Ms. Davis has been closely involved in a wide range of bankruptcy issues in some of the largest and most complex bankruptcy cases, including *Bethlehem Steel*, *Adelphia Communications*, *Lehman Brothers*, *Chrysler Corporation*, *General Motors*, *Lyondell*, *General Growth Properties*, *Kodak*, *Dynegy*, *MF Global*, *ResCap*, *American Airlines*, *Hostess*, *Hawker Beechcraft* and *Dewey LLP*, among others. In 2019, she received a USTP Director's Award and she has been nominated for Attorney General's Awards for her chapter 11 work. As a bankruptcy practitioner and as the U.S. Trustee, Ms. Davis has participated in many panels for national, state and local bar associations, including ABI and the National Bar Association, and she has lectured extensively at the National Advocacy Center on bankruptcy issues. Previously, she practiced bankruptcy law in New York City and clerked for Hon. Cornelius Blackshear (ret.). Ms. Davis received her J.D. from Rutgers Law School and her B.A. from Wells College.

Zev Shechtman is a partner with Danning, Gill, Israel & Krasnoff, LLP in Los Angeles and represents debtors, creditors, creditors' committees, trustees, shareholders, asset-purchasers and other parties in bankruptcy, restructuring and insolvency matters. He has assisted clients in a variety of industries, including entertainment, aviation, real estate, food and restaurants, trucking, health care, media, retail, e-commerce, telecommunications and energy. He is often sought after to assist legal teams dealing with complex litigation or transactions requiring bankruptcy expertise. Mr. Shechtman serves on the mediation panels for the U.S. District Court for the Central District of California, the U.S. Bankruptcy Court for the Central District of California, the U.S. Bankruptcy Court for the Eastern District of California, and the U.S. Bankruptcy Court for the Southern District of California. He served as 2021-22 president of the Los Angeles Bankruptcy Forum, and he is a former chair of the Bankruptcy Section of the Beverly Hills Bar Association. Mr. Shechtman is a member of the board of the Anti-Defamation League's Pacific Southwest Region and supports the *pro bono* legal services of Bet Tzedek and Public Counsel's Debtor Assistance Project. He also is an editorial board member of the *California Bankruptcy Journal* and the California Lawyers Association's *Business Law News*. Mr. Shechtman served as an extern for Hon. Thomas B. Donovan of the U.S. Bankruptcy Court for the Central District of California in the summer of 2007. He received his B.A. in history in 2003 from the University of California, Santa Cruz, his M.A. in Near Eastern studies from New York University, in 2006 and his J.D. from the University of Southern California Gould School of Law in 2009, where he served as managing editor of the *Southern California Review of Law & Social Justice*. He also completed a training program in 2022 at Pepperdine University School of Law's Straus Institute for Dispute Resolution, Mediating the Litigated Case.