



SUFFOLK ACADEMY OF LAW
The Educational Arm of the Suffolk County Bar Association
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Building Your Business Through Diversity and Inclusion

FACULTY
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Lois Cooper

**Thank you to Patrick McCormick, Esq., Campolo, Middleton & McCormick,
LLP as Benefactor of this program.**

January 25, 2018
Suffolk County Bar Center, NY

GROWING YOUR BUSINESS THROUGH DIVERSITY AND INCLUSION

TIMED OUTLINE

The Attorney's Ethical Duties with Respect to Diversity and Inclusion	25 minutes
What is Meant by Diversity and Inclusion?	5 minutes
The Importance and Benefits of Inclusive Engagement and Communication	5 minutes
Obstacles to Diversity and Inclusion	10 minutes
Emotional, Business and Cultural Intelligence	10 minutes
Modeling Inclusive Behavior	5 minutes
Treating Others with Dignity and Respect	10 minutes
The Inclusive Leader	5 minutes

LISA RENEE POMERANTZ BIO

Lisa Renee Pomerantz has more than thirty years of legal and dispute resolution experience. After graduating from Harvard University and Boston University Law School, Lisa clerked for a federal judge. Following a stint as a litigation attorney, she worked for fifteen years as a senior-level in-house counsel for NEC.

Since 2003, Lisa has practiced law in Suffolk County. She works primarily with entrepreneurs on commercial and corporate matters involving customers, vendors and collaborators, and to resolve business and employment disputes amicably and cost-effectively. She serves on the AAA's Roster of Neutrals as a commercial and employment mediator and arbitrator and is on the Mediation Panel for the U.S. District Court for the Eastern District of New York. Lisa has served in a variety of leadership roles with the Association for Conflict Resolution, the New York State Dispute Resolution Association and the Suffolk County Bar Association. She currently serves as Co-Chair of the Suffolk County Bar Association ADR Committee and on the Advisory Council of the Commercial Section of ACR.

Lisa is a popular keynote speaker at legal and business meetings and conferences, and publishes an email newsletter entitled "Making the Connection." She writes the ADR column for the Suffolk Lawyer and has contributed several articles to ACR Resolution Magazine. She also has provided on-line and live training for business and legal audiences.

Lisa has received numerous awards for her professional activities. She was named Member of the Year by Moxxie Network for 2015. Lisa also received an award in 2015 from the Association for Conflict Resolution for exemplary leadership. In 2010, the Long Island Business News named Lisa as a recipient of its Top Fifty Around 50 Award and in 2011 and 2017 as a recipient of its Leadership in Law Award. In 2007, Lisa received the Suffolk County Bar Association Directors' Award in recognition of her service as ADR Committee Co-Chair and also received Awards of Recognition in 2004 for her contributions to continuing legal education and as IP Committee Co-Chair.



**Lois Cooper, Associate Certified Coach
Diversity and Inclusion Consultant and Trainer, Professional Speaker
and Published Author**

Lois Cooper is a featured speaker for global Conferences such as The Forum on Workplace Inclusion, the Society of Human Resources Management (SHRM), Working Mother Media's Multicultural Women's Conference, Women in Cable Telecommunications and other Diversity and Inclusion thought leadership Summits. She has trained leaders and individuals regarding effective strategies to increase engagement and communication with current clients, prospective clients, peers and staff.

Lois has leadership experience in organizations across a variety of industries including 16 years at Adecco Group North America, the world's largest temporary staffing firm and the parent company of Lee Hecht Harrison where she is currently an Executive Coach. Lois' experience includes Employee Relations, Change Management, Conflict Resolution, Performance Management, Organizational Design and Development, Workforce and Supplier Diversity and Corporate Social Responsibility. Her experience spans the Professional Services, Media and Entertainment and Talent Acquisition and Development fields.

In April 2017, Lois was awarded the Diversity In Business Award from Long Island Business News for outstanding leadership in Diversity and Inclusion. In 2016, she was named a Woman of Influence by the Urban League of Long Island. In 2015, Lois was recognized for her Remarkable Dedication and Commitment to Farmingdale State College's STEM Diversity Program. In 2014, Lois was named as a Top Executive by Uptown Professional Magazine, a Top Influential Female in Corporate America by Savoy Magazine and a Top Diverse Leader in STEM by STEM Connector.

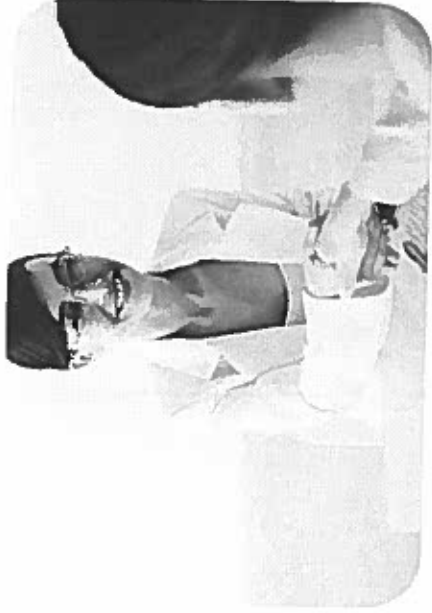
Lois was credentialed as an Associate Certified Coach by the International Coach Federation (ICF) in 2016. She is also certified in Conflict Resolution Using Movement and in Motif Notation, The Method for Recording Movement Concepts. Lois is active in many community organizations including being Board Chair of the Urban League of Long Island, Co-Chair of the Diversity and Inclusion Council for SHRM Long Island and Program Chair for ICF-Long Island. She is also currently involved in an initiative to educate the community regarding Diversity and Inclusion through an organization named Raising Voices. Lois received her MBA from Baruch College in New York City and her BA from American University in Washington, D.C.

The Attorney's Ethical Duties with Respect to Diversity and Inclusion

Lisa Renee Pomerantz, Attorney at Law

1. The attorney's oath of office in New York states: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of [attorney and counselor-at-law], according to the best of my ability."
2. Section 1 of the Fourteenth Amendment to the United States Constitution states: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
3. Article I, Section 11 of the New York State Constitution reads as follows: "No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state."
4. Rule 8.4(g) of New York's Rules of Professional Conduct provides that "A lawyer or law firm shall not ...unlawfully discriminate in the practice of law, including in hiring, promoting or otherwise determining conditions of employment on the basis of age, race, creed, color, national origin, sex, disability, marital status or sexual orientation. Where there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding"
5. Section 10 of the Statement of Client's Rights issued by the New York Office of Court Administration provides: "You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability."
6. Despite these provisions, there is significant evidence that discrimination persists within the legal profession. See, e.g. *IF NOT NOW, WHEN? Achieving Equality for Women Attorneys in the Courtroom and in ADR*, Report of the New York State Bar Association (approved November, 2017) <https://www.nysba.org/WomensTaskForceReport/>; *NYSBA Diversity Report Card 2015*; <https://www.nysba.org/DR2015/>

7. The response of the ABA was to recommend adoption of a mandatory CLE requirement in the new Diversity and Inclusion category
https://www.americanbar.org/news/reporter_resources/midyear-meeting-2016/house-of-delegates-resolutions/107.html. OCA adopted this recommendation in 2017.
<https://www.nycourts.gov/attorneys/cle/>
8. In approaching this issue, consider that diversity can benefit your law firm, the profession, and society as a whole. See, e.g., Kang, Edward T., “Diversity and Its Impact on the Legal Profession” <http://www.lawpracticetoday.org/article/diversity-impact-legal-profession/> (2016)



**Building Your Business
Through
Diversity and Inclusion**
By Lois Cooper
January 25, 2018

Q:

**WHY IS INCLUSIVE
ENGAGEMENT &
COMMUNICATION
IMPORTANT?**

Inclusion ROI

New Clients

Strengthened Relationships

\$24 Billion Dollars

Brand Management

Increased Profit

What might get in the way?

Cultural Barriers

- Actions and behaviors that “make us disengage” or withdraw.

Team Interaction Barriers

- Behaviors, attitudes, and communication exchanges.
- Perceptions of ‘favoritism’ or lack of fairness.

Individual Barriers

- Individual interactions we encounter each day with individuals across a variety of situations.
- Balance managing our own behavior with holding others accountable for their choices.



Q:

**WHAT IS
DIVERSITY?**

A: The essential differences in...

- Race
- Gender
- Ethnicity
- Age
- Nationality
- Religion
- LGBTQ
- Values
- Personality
- Disability
- Language
- Physical appearance
- Marital status
- Lifestyles
- Beliefs
- Geographic origin
- Economic status
- Education
- Organizational tenure, level and/or function
- Movement
- Thoughts
- Others ?

Q: WHAT IS INCLUSION?

A:

- Diversity is what you have.
- Inclusion is what you do with it.
- Inclusion is leveraging diversity to achieve the maximum performance from each employee.

Q: WHAT IS CULTURE?

A:

1. Culture is learned through the rules and norms of society, families, communities, educational systems and workgroups.
2. Culture is shared by a group of people and is often defined by the boundaries of group membership. (i.e. insider vs. outsider)
3. The various aspects of culture are connected and make up our cultural blueprint.

Q:

**•WHAT IS A
STEREOTYPE?**

A:

A generalization imposed on an entire group based on a real or perceived characteristic of some individual belonging to that group.

Based on a cultural norm that has been distorted.

Based on a myth or total misunderstanding of the group.

Q:

**What is
Discrimination?**

A:

Failure to treat all persons equally where no reasonable or legal distinction can be found between those favored and those not favored.

A showing or partiality in treatment.

Q:

**What is Anti-
Racism?**

A:

Actions and actions which challenge personal, cultural or institutional racism.

Q:

Who is an Ally?

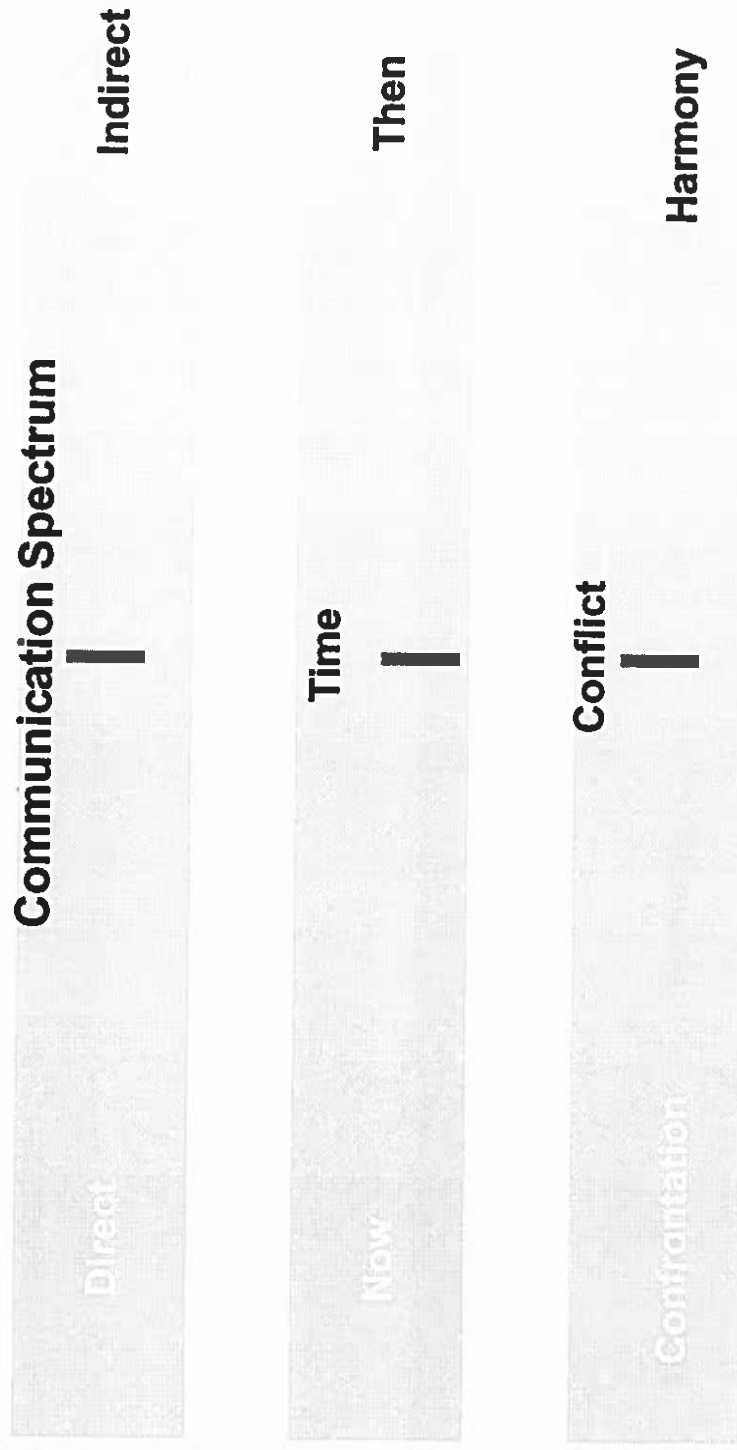
A:

One whose personal commitment to dismantling discrimination is reflected in a willingness to educate oneself about discrimination and oppression, to challenge one's own biases and practice the skills of inclusion.

Q:
WHAT IS THE ROLE OF
COMMUNICATION IN
INCLUSIVE
ENGAGEMENT?

D-ROI DIAGNOSTIC

There are many variables that influence our behaviors.
Communication is one of the most important.



Why Build Cultural Awareness?

CONSIDERATIONS:

- \$\$\$
- Diverse Population
- Brand and Market Reputation



Everyone desires to be valued and appreciated for who they are.

Q:
WHAT DOES IT LOOK
LIKE TO MODEL
INCLUSIVE BEHAVIORS?

A: Model Inclusive Behaviors

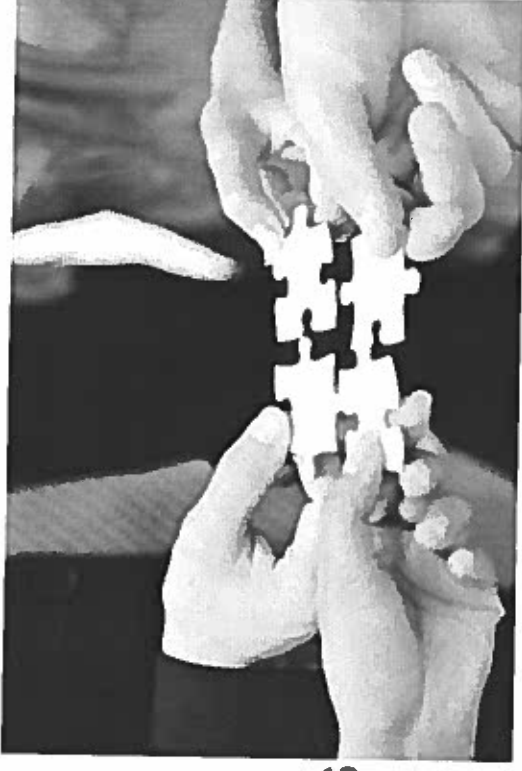
Modeling inclusive behavior is creating an environment or experience that welcomes, embraces and demonstrates respect for differences both verbal and non-verbal.



Modeling inclusive behavior improves the clarity of our communication with others both verbal and non-verbal.

When to Model Inclusive Behaviors

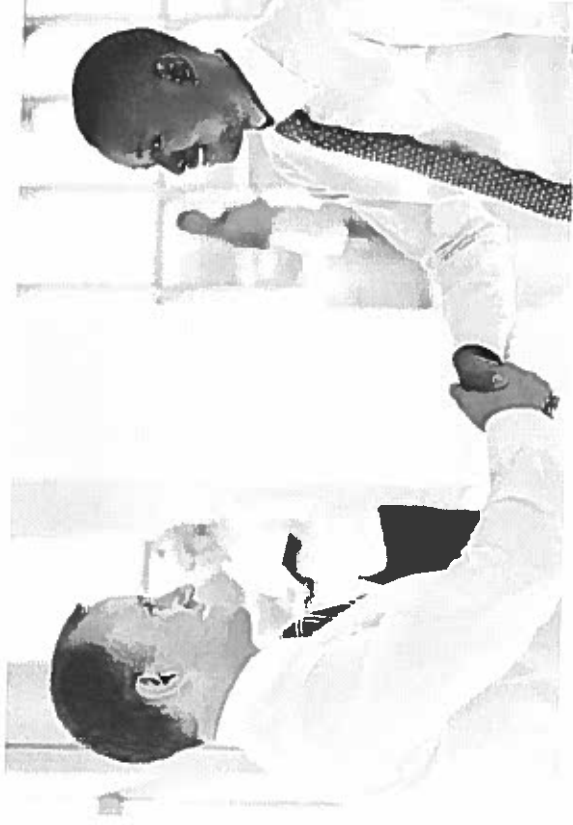
- Communication
- Different View Points
- Problem Solving
- Different Values and Beliefs
- Resolving Conflict
- Achieving Results



Modeling inclusive behavior improves the clarity of our communication with others.

Impact of Modeling Inclusive Behaviors

Being aware and mindful of how we respond to others. It is also understanding and acknowledging unintended consequences from our words, behaviors and actions.



Every day we have the opportunity to demonstrate our commitment to dignity and respect through our behavior.

Emotional Intelligence

Emotional intelligence is the understanding of behaviors, personal thoughts and unconscious personal filters needed to interact successfully with others.



Business Intelligence

Business intelligence is knowledge about a specific industry or business that is necessary to perform a particular job competently.

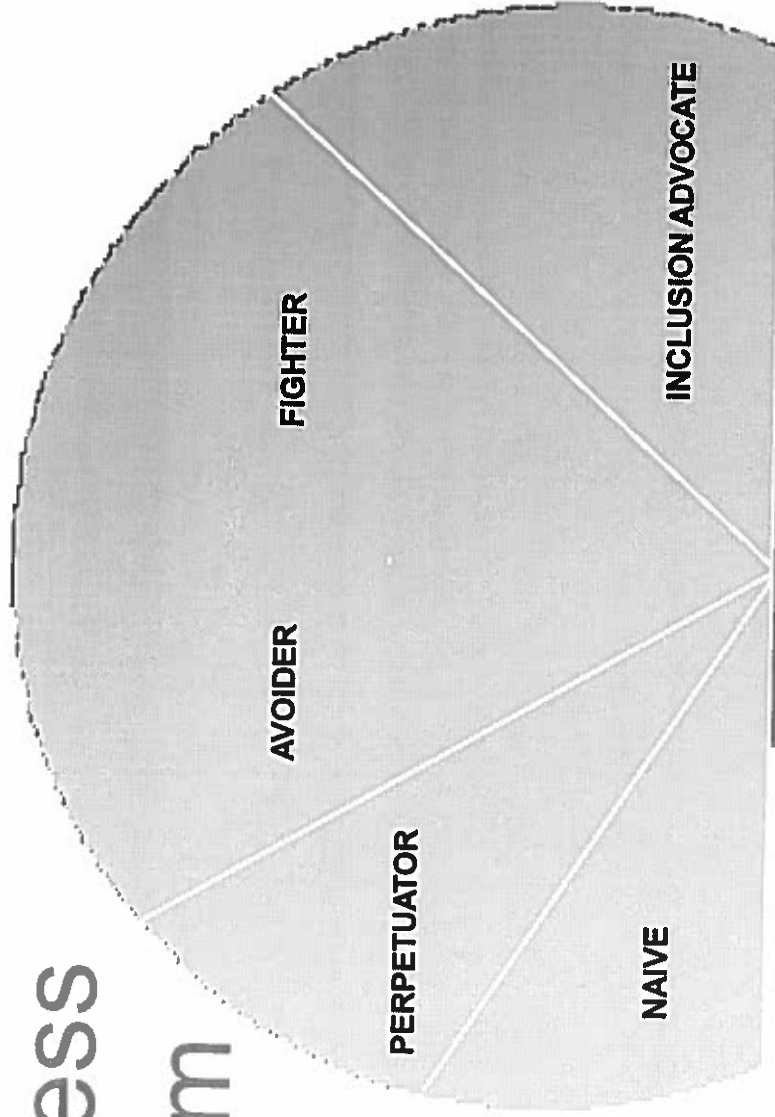


Cultural Intelligence



Cultural intelligence is the understanding of behaviors and thoughts of individuals from different cultural backgrounds in order to improve business interactions.

Awareness Spectrum



NAIVE
 Acts with no knowledge or awareness of biases and prejudices and their negative impact
 "Clueless"

PERPETUATOR
 Aware of biases and prejudices but engages in perceived negative behaviors and reinforces stereotypes.
 "Pot Stirrer"

AVOIDER
 Tolerates unjust behavior in others and plays it safe.
 "Silent Supporter"

FIGHTER
 Engages in Aggressive communications.
 "Defensive"

INCLUSION ADVOCATE
 Acts as a role model, takes action when appropriate, and addresses behaviors when necessary.
 "Leader"

Dignity & Respect Solution - 30 Tips

- 1. Sweat the small stuff.**
2. Smile.
3. Listen.
4. Say hello.
5. Say thank you.
- 6. Reinvent the wheel.**
7. Be open.
8. Be flexible.
9. Join the team.
10. Be a relationship builder.
- 11. Treat others the way they want to be treated.**
12. Be culturally competent.
13. Break the ice.
14. Demonstrate mutual respect.
15. Ask.
- 16. Find common ground.**
17. Communicate respectfully.
18. Practice patience.
19. Seek understanding.
20. Share your point of view.
21. Get someone else's point of view.
- 22. Lead the way.**
23. Do the right thing.
24. Be considerate.
25. Remember, we all make mistakes.
- 26. Get involved.**
27. Become a mentor.
28. Take a healthy step.
29. Lend a hand.
- 30. Be a champion of dignity and respect.**

Qualities of an Inclusive Leader!

- Be aware
- Commit to inclusion Advocate

for change Inspire others

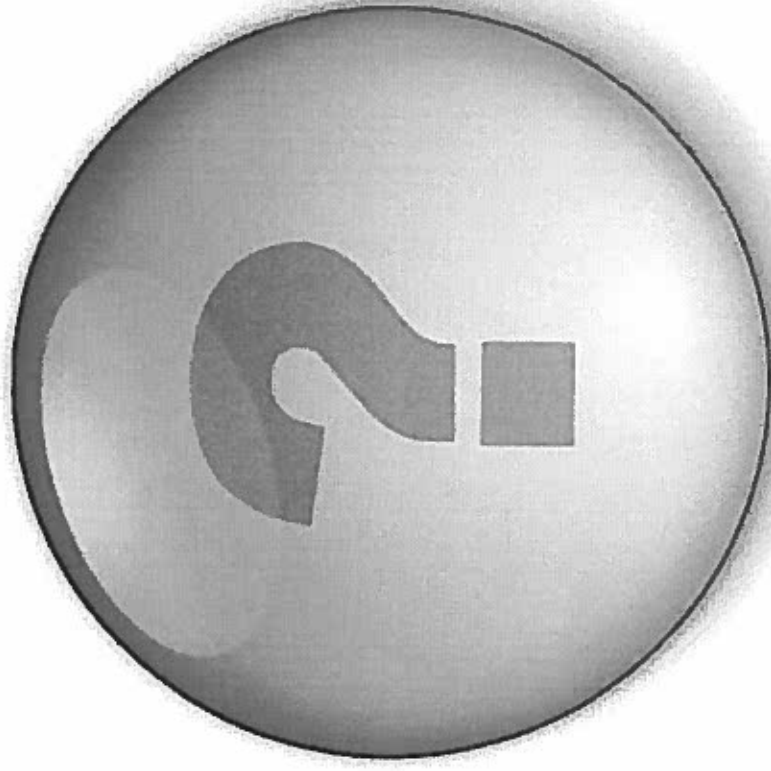
- Model inclusive behaviors

- Be aware of the diversity in cultural perspectives and movement perspectives



In what ways can we support or encourage each other to be a champion each day?

Questions?



**LOIS COOPER, Associate Certified
Coach, Diversity & Inclusion
Consultant and Trainer**

