



We at Murtha Cullina value all people and recognize that diversity within Murtha Cullina strengthens our firm and enhances the services we provide to our clients. We appreciate that meeting our diversity goals better enables us to participate in the communities where we practice law, work and live, as well as enhancing our overall experience as a member of the larger legal community. To that end, we welcome all people, without regard to race, national origin, color, ethnicity, religion or religious practices, gender, citizenship, marital status, age, mental or physical ability or disability, veteran status, sexual orientation or gender identity or expression.

WELCOME TO THE THIRD ISSUE OF *QUAE VIDE*,  
MURTHA CULLINA'S DIVERSITY NEWSLETTER

JUNE 2009

Like most law firms that care about diversity, Murtha Cullina is proud to trumpet the accomplishments of our "diverse" attorneys and our participation in related bar association and affinity groups. *Quae Vide* (trans.: see all things) presents us with the opportunity to emphasize our ongoing support for diversity within the firm and the communities in which we practice. In this issue, we highlight the various diversity events in which Murtha Cullina attorneys served as moderators, panelists, participants and attendees. Several of our attorneys were recognized for their accomplishments – Taruna Garg and Dena Castricone – while others, like Cherie Phoenix, Tom Vangel and Burt Cohen, were nominated to serve in leadership positions in major diversity organizations.

In this issue, we step back from our presentation on these outstanding efforts, however, and feature two frank essays that address the issue of "inclusion," which is corporate-speak for breaking down invisible barriers and allowing each of us to reach our highest potential. The Diversity Committee of Murtha Cullina actively considers the questions that these essays pose and works to develop initiatives and programs to further the ultimate goal of inclusion. We hope that this issue of *Quae Vide* not only highlights our firm's achievements and efforts, but also stimulates conversation about diversity and inclusion within a law firm.

Burt Cohen

*Burt Cohen*

Diversity Committee Chairperson

CONVERSATIONS

By: Elizabeth Neuwirth

I sit on the firm's Diversity Committee, and one of the things we constantly discuss is how to make the workplace more "inclusive." It goes without saying that we want talented people of all kinds to work here. People should feel their career opportunities are not limited by gender, sexual orientation, race, religion, or any other personal attribute that differs from the majority.

Most law firms want a diverse workforce, so why don't we always see the results, especially at the top? There are probably a dozen good answers, but the one I want to focus on is that people are not attracted to—and don't remain at—a place where they feel isolated or uncomfortable. In its crudest form, this probably means that a person of color expects to see other persons of color in the workplace who are climbing a career ladder; gay attorneys hope that there is someone else with the same life experiences; and women look at whether there are successful female partners. If you don't see people like yourself, you wonder why. Historically, straight white men just haven't had to think about these concerns because there have always been plenty of them. They were automatically "included."

Unfortunately, this brings us back to the problem: how do we *create* a diverse workplace so that it becomes easy to *maintain* a diverse workplace? I have been thinking about what makes the workplace comfortable for me. Yes, it helps that I can see a couple of other gay people working here. But far more important to my

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“comfort” level is a good-natured, open acknowledgement among co-workers of differences and similarities, and the willingness to speak about things without being afraid of them.

For me, the single thing that makes a workplace welcoming is that people talk to each other about themselves, and ask about each other. My mother used to say, “Don’t discuss religion, sex or race at work.” What she meant was: “Don’t spout your opinions on these topics because this will be inappropriate and probably offensive and nobody wants to hear you anyway.” Good advice, but it shouldn’t mean we can’t talk across our differences, or take note of them.

I am always curious about things I don’t know much about, and am interested in people’s life stories. Friendship is built from such human exchanges. I would like to know whether it is all right to ask, and I imagine the same is true for others. But in traditionally sensitive areas—and race is the biggest one for me—I feel tongue-tied. . . awkward. . . afraid I will give offense without meaning to. I’d like to get past that—and I surely hope other people, if it exists for them, can get past that with me.

I have watched people take in that I am gay, which most people don’t seem to pick up on right away, and then not know how to ask a question about my partner (e.g., what does she do?) because they get frozen with uncertainty. Nobody wants to ask whether my daughter is also my partner’s child—that one is just too complicated. The funny thing is, I wish they would just ask. It wouldn’t offend me and then we could move along to the next thing.

A colleague is an observant Muslim. I don’t press him about what he thinks of Pakistan’s handling of the Taliban, and he doesn’t ask me what I think about the Israeli/Palestinian conflict—at least *not yet* (my mother was right on this I think). But we do compare fasting on Yom Kippur to fasting during Ramadan, and the difference between what foods are kosher and what are *halal* (neither Muslims nor Jews are supposed to eat pork; Jews don’t eat shellfish and Muslims do). I know this is trivial, but it is human, a part of “water-cooler” conversation, but much better than “How was your weekend?”

Maybe eventually, if we talked more openly about things that make us different, we might get comfortable with the really important things. Then outside of work, maybe over a beer or a meal, we might get closer to the stuff that is uncomfortable. Or maybe not, because diversity in the workplace doesn’t require personal intimacy, just respect.

What it does require is an awareness that people may express themselves differently, may accomplish their tasks using different approaches, or may operate outside our comfort zones without it being a reflection on their ability to do the job or to succeed. I once saw a summer associate from a “diverse” background enthusiastically hug a partner so vigorously she lifted him off the ground. He looked utterly shocked, and I remember thinking that she had done herself a career disservice. But you know, now I think it was just what that partner needed.

## TARUNA GARG NAMED BROOKLINE’S UNSUNG HEROINE

Taruna Garg, an associate in Murtha Cullina’s Boston office, was selected the Unsung Heroine of 2009 for Brookline, Massachusetts by the Massachusetts Commission on the Status of Women. Ms. Garg was selected from nearly 400 nominations from cities and towns across the Commonwealth. Ms. Garg was recognized for her outstanding contributions to the Brookline community and organizations in a ceremony on May 13 at the State House in Boston.

## CABO NAMED “RISING STAR” CHAMBER OF COMMERCE BY NATIONAL GAY & LESBIAN CHAMBER OF COMMERCE

The fastest growing LGBT Chamber of Commerce in the country is located right here in Connecticut – the Connecticut Alliance for Business Opportunities (CABO). At the recent National Gay & Lesbian Chamber of Commerce National Business & Leadership Conference, CABO was named the “Rising Star” Chamber of the Year. CABO was launched in October 2007 and founded by Murtha Cullina associate Dena Castricone, who continues to act as President of the Board of Directors. As part of her leadership role, Ms. Castricone was part of a contingent to ring the closing bell at the New York Stock Exchange on June 5, 2009.

## MURTHA CULLINA ATTORNEYS GETTING INVOLVED

On February 12, **Burt Cohen** was a panelist at the Lawyers Collaborative for Diversity program “Charting Your Legal Future.”

On March 12, **Burt Cohen** attended the Lawyers Collaborative for Diversity (LCD) program on “Strengthening Your Diversity Brand,” part of the Creating Best Practices series.



During the week of March 28, **Cherie Gabrielle Phoenix** was elected to the Executive Board as a member of the Board of Directors of the George W. Crawford Black Bar Association in Connecticut. Her term begins effective May 1. **Ms. Phoenix** was also named scholarship chair for the April 2009 annual dinner.

On March 31, **Cherie Gabrielle Phoenix** attended the Boston Lawyers Group program “Effective Engagement of Clients in Today’s Market.”

On April 16, **Burt Cohen, Cherie Gabrielle Phoenix, Genea O. Bell, Elizabeth J. Stewart, Amanda Johnson, Thomas DeBose, Frank J. Saccomandi, Kia Murrell, Ka Fei Wong,** and **Daniel P. Elliott** attended the George W. Crawford Black Bar Association Annual Dinner.



On May 6, **Cherie Gabrielle Phoenix, Burt Cohen, Louis B. Todisco, Francis J. Brady, Daniel P. Elliott, and Ka Fei Wong** attended the Edwin Archer Randolph Diversity Award Ceremony at the Wadsworth Atheneum in Hartford.

On May 6, **Thomas S. Vangel** and **Burt Cohen** were elected to the Boston Lawyers Group Board of Directors.

On May 19, **Olga L. Bogdanov** and **Frank M. Capezera** attended the Boston Lawyers Group "Best Practice Panel Discussion" on "A Guide to Successful Business Development."

On May 19, **Taruna Garg** moderated, and **Burt Cohen** and **Robert J. Munnely, Jr.** attended, the 2nd Annual Joint Bar Diversity Event: *Moving Diversity Forward in the Face of Economic Challenges*, co-sponsored by SABA GB, AALAM, MBLA, MLGBA and MAHA.

On June 11, **Burt Cohen** and **Hugh F. Murray, III** attended the Lawyers Collaborative for Diversity program on "Strengthening Your Diversity Brand," part of the Creating Best Practices series.

## INCLUSION - EMBRACING DIVERSITY IN THE WORKPLACE: A CASE STUDY

By: **Cherie Gabrielle Phoenix and Genea O. Bell**

One of the biggest challenges to addressing diversity issues in the legal profession is creating an inclusive work environment. As organizations in private practice work to increase the numerical representation of their diversity, they face the even greater challenge of maintaining a comfortable workplace – an essential element to retaining those professionals that make their organization diverse. We have asked associates in various law firms in Connecticut to share some of their "uncomfortable moment" stories in an attempt to shed some light on the line of appropriateness and reveal how some people may be affected by "innocent banter." It may surprise you what attorneys (expected to have a general knowledge of the concept of employment discrimination) have said.

### SCENARIO #1

A female associate has put up several framed pictures in her office. One day, a partner picks up one of the photos and says, "This must be your sister." The associate replies, "Actually, that's my girlfriend." It takes the partner a few moments to realize what the associate means by this. Finally comprehending, the partner becomes visibly uncomfortable, mumbles something inaudible and leaves.

#### Takeaway

The lesson here is NOT "Never ask questions about a coworker's personal pictures." People personalize their workspaces by displaying pictures of family, friends and significant others. Someone who displays personal photos in the workplace should expect to entertain reasonable questions about them. However, people should refrain from making *assumptions* about the personal lives of their coworkers, including their sexual orientation and marital status. When asking personal questions it is important to be

prepared for any answer, especially the unexpected ones. Furthermore, when caught off guard by new information, it's not necessarily bad to acknowledge so. In the situation above, the partner could have simply said "I'm sorry. I shouldn't have made that assumption," and continued the conversation by asking the same questions that the partner would have ordinarily asked about a person's significant other.

### SCENARIO #2

A litigation associate was working on a matter with a partner that involved serving a party in a country in Africa. The associate and partner discovered that the party to be served was in the United States and arranged to have him served locally. The process server called the associate to explain that he was presented with a 13 year old child and could not complete service. When the associate gave the partner the news, the partner commented in frustration, "Why can't we serve the minor? In Africa these people are putting their kids to work at that age." The associate was very uncomfortable with the partner's remarks and requested not to work with that partner on any future matters.

#### Takeaway

This is an example of how an uncomfortable working environment can affect the distribution of work, a particular hardship on law firm associates where the billable hour is controlling. Furthermore, most of the associate's colleagues were unaware that her parents were African because her cultural background was not evident from her physical appearance (yes, this happens). Although it is unclear whether the associate's cultural affiliation mattered to the partner, it is noteworthy that people can never be sure of the personal life, background and experiences of others they speak to and around. Assuming that certain people will not be offended or will "find the joke funny" is a bad assumption.

### SCENARIO #3

A woman associate excitedly announces to a partner that a friend's dog has had puppies and that she and her husband are planning to adopt one. The partner smiles and responds, "Oh good. Now I don't have to worry about you getting pregnant."

#### Takeaway

Comments about having children are best left unsaid, especially from supervisors. Such comments create an environment of discomfort, fear, hostility and resentment (not to mention lay the foundation for future lawsuits). Whether intended by the partner or not, the associate may gather from this statement that having children may be damaging to her career. As stated earlier, people can never be sure of the lives of the people around them. What if the associate was planning to start a family soon? What if she was already pregnant and was waiting for the right time to tell the partner? Or what if she's unable to have children? In any case, flippant comments such as these should not



be repeated, even “in jest.” Whether and when to start a family is an extremely personal decision and women should not have to be concerned with how their bosses are going to react to the news.

**SCENARIO #4**

A partner asked an associate why firms in Connecticut appear to struggle with increasing diversity in the private practice of the legal profession. The associate commented that it may be tough to compete with New York which appears to some to be more open to and “tolerant” of differences in the workplace. The associate referenced an African American female attorney friend who was concerned that her afro would not be acceptable to attorneys in a Connecticut law firm. The partner immediately responded by stating, “Of course not. Afros are a sign of violence and aggression.” Rather than be offended, the associate took the opportunity to explain to the partner the history of African American hair styles, the many forms of natural hair growth and the varying effects of permanent chemical processing to hair, specifically for women.

**Takeaways**

First, when unsure of what appears to be certain inherent cultural differences, it is always better to ask questions than to make presumptions. This concept may also be applied to something as simple as discovering the cultural background of others. It is often better to simply ask someone where they are from than speak with them as if you already know, and be wrong. Second, it is important for people to make the best of the situations presented. Take the opportunity to educate others on what makes each of us different. It is often a lack of understanding that makes differences divisive. This can only be overcome through the willingness to share and educate.

Diversity in the workplace can best be achieved and sustained by creating a work environment that embraces and appreciates the differences between employees.

**MEMBERS OF THE DIVERSITY COMMITTEE**

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<u>Diane C. Bellantoni</u>	<u>Jane W. Murphy</u>
<u>Olga L. Bogdanov</u>	<u>Elizabeth Neuwirth</u>
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<u>Raj R. Mahale</u>	

While specific “real life” scenarios are presented in this article, it is important to understand that creating an inclusive work environment is more than just dealing with isolated incidents. One associate of color mentioned feeling that most people at her firm never expressed a genuine interest in getting to know her. She wasn’t invited to lunch (as were most of her fellow associates) and she didn’t have too many “buddies” in the office (as other associates appeared to have). In creating an inclusive work environment, it is important that employees are generally comfortable interacting with each other – talking about differences, asking questions and refraining from offensive remarks.

**Connecticut Member, Lex Mundi A Global Association of Independent Law Firms**

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