

Culture and Values

**An Interview with Brad S. Karp, Chairman;
Dave Curran, Chief Sustainability and Environmental, Social and Governance (ESG) Officer;
and Danyale Price, Chief Inclusion Officer, Paul, Weiss, Rifkind, Wharton & Garrison**

EDITORS' NOTE *Chairman of the firm since 2008, Brad Karp is one of the country's leading lawyers and corporate advisers. He has extensive experience successfully defending financial institutions and other companies in "bet the company" litigations and regulatory matters.*

Dave Curran has more than 30 years of experience in legal, technology, compliance, risk and ethics roles. He was previously Senior Vice President and Chief Business Officer at FiscalNote, a legal AI/technology company, and held senior business and legal leadership roles with Thomson Reuters, IntraLinks, Integrity Interactive, Havas, Vertis and Campbell Soup Company. He serves as co-chair of the New York State Bar Association's ESG Committee.

Danyale Price is the Chief Inclusion Officer at Paul, Weiss. She is responsible for continuing to develop and promote all diversity and inclusion practices across the firm, while ensuring that these principles and values are reflected in its client work, policies and daily interactions.

FIRM BRIEF *Paul, Weiss, Rifkind, Wharton & Garrison (paulweiss.com) is a firm of more than 1,000 lawyers with diverse backgrounds, personalities, ideas and interests who collaboratively provide innovative solutions to their clients' most critical and complex legal and business challenges. Paul, Weiss represents the world's largest public and privately-held corporations and investors, as well as clients in need of pro bono assistance.*

Paul, Weiss has long been a leading law firm, both in its work for clients and in its leadership on diversity, equity and inclusion (DE&I) in the legal profession. What have been the keys to Paul, Weiss' success in both?

Karp: It comes down to our professional culture and values. We have a remarkably strong collegial and collaborative culture and we share a commitment to diversity and inclusion, public engagement, pro bono and professionalism, rooted in our firm's DNA for more than a century. Our dedication to our clients, which include the world's most significant companies, is another key to our success. We strive every day to exceed our clients' expectations, solving their most complicated, threatening problems efficiently and delivering a compelling value proposition, and



Brad S. Karp



Dave Curran



Danyale Price

we strive to build lasting professional and personal bonds with our clients. We have been disciplined in our growth, investing in five core, market-leading practices: public M&A, private equity, litigation, white-collar regulatory defense and restructuring.

When you combine our values-based culture and our unsurpassed talent, deep commitment to our clients and our strategic focus, that's a powerful and compelling foundation for success.

Will you discuss how Paul, Weiss became a leader in the DE&I area, and how that continues today with renewed attention on this area, particularly on racial justice and equity?

Karp: The national movement this past year for racial justice and racial equity led us to redouble our efforts to make our firm more diverse, equitable and inclusive. Across the firm, our lawyers and operations staff have worked alongside our Chief Inclusion Officer, Danyale Price, to implement innovative initiatives around talent acquisition, talent management, training, development and engagement, and programs and policies that were developed in 2019 by a task force we created specifically to look into these issues. Danyale brings to her role two decades of experience as a diversity and inclusion professional. Her mission is to promote a diverse workforce and sustain an inclusive culture, and to ensure that these principles and values are reflected in our client work, policies and daily interactions. Increasingly, our clients are also looking to Danyale and her team for guidance on their diversity strategy and programming.

Our firm's rich legacy of commitment to diversity provides a wonderful foundation for making measurable progress. We were the first major firm to hire a Black associate, William

Coleman, in 1949; the first major firm to hire a Black female associate, Pauli Murray, in 1956; and the first major firm to make a female partner, Carolyn Agger, in 1949. We've been a leader in this area for generations. Three of the most prominent Black lawyers in the United States – Ted Wells, former U.S. Attorney General Loretta Lynch, and former Secretary of Homeland Security Jeh Johnson – call Paul, Weiss their professional homes.

Price: Ted, Loretta and Jeh, along with many of our partners of color,

have all been wonderful examples of inclusive leaders and a source of inspiration within the firm. They have also spoken to many of our clients in the past year in various roundtables and fireside chats, as our clients have been wrestling with how to address the national movement for racial justice. Within our firm, we have also looked to our very strong Black Lawyers Network and other affinity networks for guidance. They have been helpful in offering specific recommendations to take our efforts to the next level. At their urging, we recently expanded the pool of recruits to additional Historically Black Colleges and Universities (HBCUs); overhauled our supplier diversity program; and increased opportunities for our lawyers to engage in grassroots pro bono racial justice efforts, among others. To counter the isolation many lawyers feel given the remote work situation, we identified several new ways to build greater connections and inclusivity, launching small mentorship-focused communities called Colleague Connect Circles. We have also had dialogues across the firm about racial trauma in Asian, Black, Latinx and LGBTQ+ communities, mitigating unconscious bias and allyship, and other issues of interest.

The firm launched one of the first dedicated Sustainability and Environmental, Social and Governance (ESG) Advisory practices at a law firm. Will you highlight the combination of DE&I expertise and ESG advice at the firm?

Karp: Our DE&I work and our Sustainability & ESG Advisory practice are an incredibly powerful combination that is unique in our profession. As a law firm, we can add enormous value in both areas. We launched our Sustainability & ESG Advisory practice in March 2020 to help our clients deal with the increasing importance of ESG issues. They wanted to know how they

“When you combine our values-based culture and our unsurpassed talent, deep commitment to our clients and our strategic focus, that’s a powerful and compelling foundation for success.” - Brad Karp

could safely navigate the legal, business and political ramifications of developing and implementing ESG initiatives. We recruited Dave Curran to launch the practice and he is a widely-acclaimed leader in the space who has more than 30 years of experience in legal, compliance, risk and ethics roles. Our timing was propitious; in the wake of a series of societal upheavals that accelerated the collision between ESG considerations and corporate governance, our work on the ESG front exploded. Today, virtually all of our clients are interested in taking action on the diversity and racial justice front.

A significant part of our work as lawyers on the ESG front is helping our clients mitigate potential risks as they do take action, ensuring that their public statements related to ESG goals and initiatives match their ability to track progress and meet expectations. At the same time, we can also help clients by providing insights on our own experience with evaluating our policies and procedures for addressing unconscious systemic bias and aligning our diversity commitments and statements with inclusive talent management initiatives. That’s where Danyale’s team comes in: turning a DE&I business strategy into substantive actions that create an environment where all members of the firm can do their best work and contribute to an inclusive work culture.

Price: Clients know of our leadership on the DE&I area, and they come to us because we have deep institutional knowledge and experience of building DE&I programs. We leverage this perspective to help them enhance their efforts to develop sustainable and impactful initiatives; to learn from us how to build or enhance a culture of inclusion; and especially, how to track and measure DE&I progress. We also leverage our longstanding relationships and partnerships in the DE&I area; we can help clients by introducing them to outside consultants and organizations that we trust. For clients with DE&I strategies already in place, we look for ways to collaborate and partner, and how we can help each other.

How important is it for clients to think about their DE&I initiatives through the ESG lens?

Curran: It’s critically important. Today, 90 percent of the value of companies is intangible assets – its reputation and its human resources. The market is beginning to recognize that non-financial assets are as important and relevant as financial assets. This culture shift is happening at the board level as well, as directors are

increasingly discussing issues such as diversity, equity and inclusion and other values-driven goals. Boards and executives recognize that there is a business imperative to getting ESG initiatives right. Our client, Carlyle, recently presented at one of our ESG roundtable events on its own study showing that diverse boards in their portfolio are outperforming non-diverse boards. Many other studies have confirmed the benefits of a diverse workforce and diverse leadership.

What are some of the similarities and distinctions in the client-facing work the firm is doing in ESG versus DE&I?

Curran: Achieving ESG goals, like achieving DE&I goals, requires matching aspiration to action by tethering your commitment to the entire engine of your organization, including the C-suite, legal, compliance, finance, public relations and more. But our ESG team doesn’t tell clients what their specific initiatives should be; instead, we’re focused on helping our clients identify their ESG goals and implement those initiatives in a way that meets their business objectives and reduces risk. We are very focused on the “G” for “governance” part of ESG, how governance relates to these initiatives, and how our clients document, monitor and disclose them.

That said, the number-one governance issue at companies today is board diversity. Some states have pushed to require representation of women and people of color on boards. The bigger push has come from the private sector, from investors, and in particular, Nasdaq. In December, Nasdaq proposed setting a “recommended objective” for its listed companies to have at least two diverse directors on their boards; if they did not meet that objective, they would need to explain their rationale for not doing so. That standard-setting is currently under SEC review.

Will you elaborate on your ESG advisory work on board diversity initiatives?

Curran: The new Nasdaq board diversity standard has prompted clients to reassess the way they find new board members. The way they have traditionally done that is via individual networks. Not surprisingly, this has resulted in 80 percent of boards being white and male. Finding qualified diverse or women board members for 3,300 Nasdaq-listed companies is no simple task. We help connect clients with resources and service providers who they might not be familiar with that can help them find and connect with diverse candidates. We also help companies

“pressure test” new diversity-focused processes of board recruitment; advise them on how to document it; and determine what investments they need to make to develop a robust pipeline of diverse board talent. Additionally, we host roundtables that bring together leading ESG experts across industries for dialogue on evolving practices and solutions. We recently hosted a roundtable focused on the mechanics of bringing more diversity to boards.

Will you describe ways that Paul, Weiss is currently helping clients in their diversity efforts?

Price: We are currently piloting a program to leverage technology and innovation to provide our clients real-time information about the diversity of our matter teams. We’re doing this via online client knowledge management “portals.” We’ve already been using these portals to provide real-time billing, key case or transactional documents and corporate governance documents as well as other information. What we’re hoping is that, by accessing our portals, clients don’t have to survey us about our diversity metrics months or even a year later, because they will be able to see the diversity trends and understand in real time who the people are on their matter teams. This facilitates dialogue between our clients and our partners about diversity and inclusion. We’re trying to make it easy for clients to discuss our diverse talent management strategy and the array of talent available to them for their matters.

We have also designed similar technology for our partners through a matter management dashboard which visually signals whether matters are diversely staffed as compared to firm metrics. Matter management dashboards also link to our associates’ career development plans, so as associates track the work they’ve been doing to help them assess where they are in their development and where the gaps are, partners concurrently can access those dashboards as they consider staffing future matters.

Do you believe the new attention on DE&I will endure?

Karp: We believe that the racial justice movement not only will endure, but will also become even more imperative. Organizations should be prepared to address continuing and heightened stakeholder scrutiny. We’re already seeing a renewed and more intensive focus on diversity, racial equity and racial justice within the Biden administration, both in its policy statements and agency and regulatory appointments. ●