

FOR IMMEDIATE RELEASE

Contact: April M. Preston or Diane Nowak-Waring
410-626-0805
mediarelations@mcca.com

**Analysis Debunks Claims that Corporate Requests
for Law Firm Diversity are Unlawful**

Washington, D.C. (November 5, 2007) – A legal analysis prepared for the Minority Corporate Counsel Association (MCCA) debunks the claim that it is unlawful for law firms to comply with corporate requests for diverse legal teams.

The analysis, a white paper prepared by the law firm Jackson Lewis LLP, cites both legal and business reasons to rebut the claims of attorney Curt Levey that complying with diversity is illegal, calling his arguments “flawed.”

The MCCA/Jackson Lewis’ white paper also explains how law firms can be prepared to support decisions regarding diversity policies and procedures and how they can avoid federal antidiscrimination laws.

In recent months, the general counsel of several of America’s leading corporations received a paper prepared by Levey, executive director of “The Committee for Justice,” in which he asserts that both the general counsel and their primary law firms were engaged in potentially unlawful discrimination activities.

Veta Richardson, executive director of MCCA, calls Levey’s efforts an “attempt to cast doubt and discourage efforts by corporate general counsel to advance diversity with their primary law firms.” Richardson said, “Levey’s attempts to scare the legal community are not only offensive, they’re dead wrong.”

After hearing Levey’s assertions presented at events hosted by The American Enterprise Institute, MCCA asked the law firms in its network for assistance with a rebuttal. Jackson Lewis, one of the country’s leading workplace law firms, volunteered.

In its rebuttal, the MCCA/Jackson Lewis’ paper explains: “A commitment to diversity does not equal discrimination. On the contrary, it generally entails taking steps to ensure that minorities, women and others are given opportunity for access to positions that historically have been denied to them or in which they currently are under-represented.”

Among the paper's other key arguments rebutting Levey:

- The implication of Levey's paper that diversity is being used as an exclusionary tactic is "unreasonable."
- The Supreme Court has reaffirmed the need for diversity in today's business environment.
- While Levey argues that compliance with client requests for diversity is no more than unlawful acquiescence to customer preference, he omits discussion of business reasons for having diverse legal teams.
- Levey's argument limits diversity to race, but the MCCA/Jackson Lewis paper contends that diversity is about the bottom line, which means hiring individuals who bring competitive advantage to the enterprise.

In the long run, the MCCA/Jackson Lewis' paper reasons, "Case precedent suggests that courts are likely to view an employer's diversity efforts as a legitimate exercise of business judgment with which they are reluctant to interfere." The MCCA/Jackson Lewis' paper concludes that, law firms "should be aware of the changing breadth of diversity, beyond the scope of race and gender, and be prepared to support any decisions made regarding diversity policies and practices."

MCCA is celebrating its 10th Anniversary in 2007. It was founded to advocate for the expanded hiring, promotion, and retention of minority attorneys in corporate legal departments and the law firms that serve them. In addition, MCCA stimulates an ongoing dialogue of diversity "best practices." MCCA accomplishes its mission through the collection and dissemination of information on diversity in the legal profession. MCCA's headquarters are in Washington, D.C., and also has an office in Atlanta.

###