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HASTINGS

CASE STUDY 01
BOEHRINGER INGELHEIM

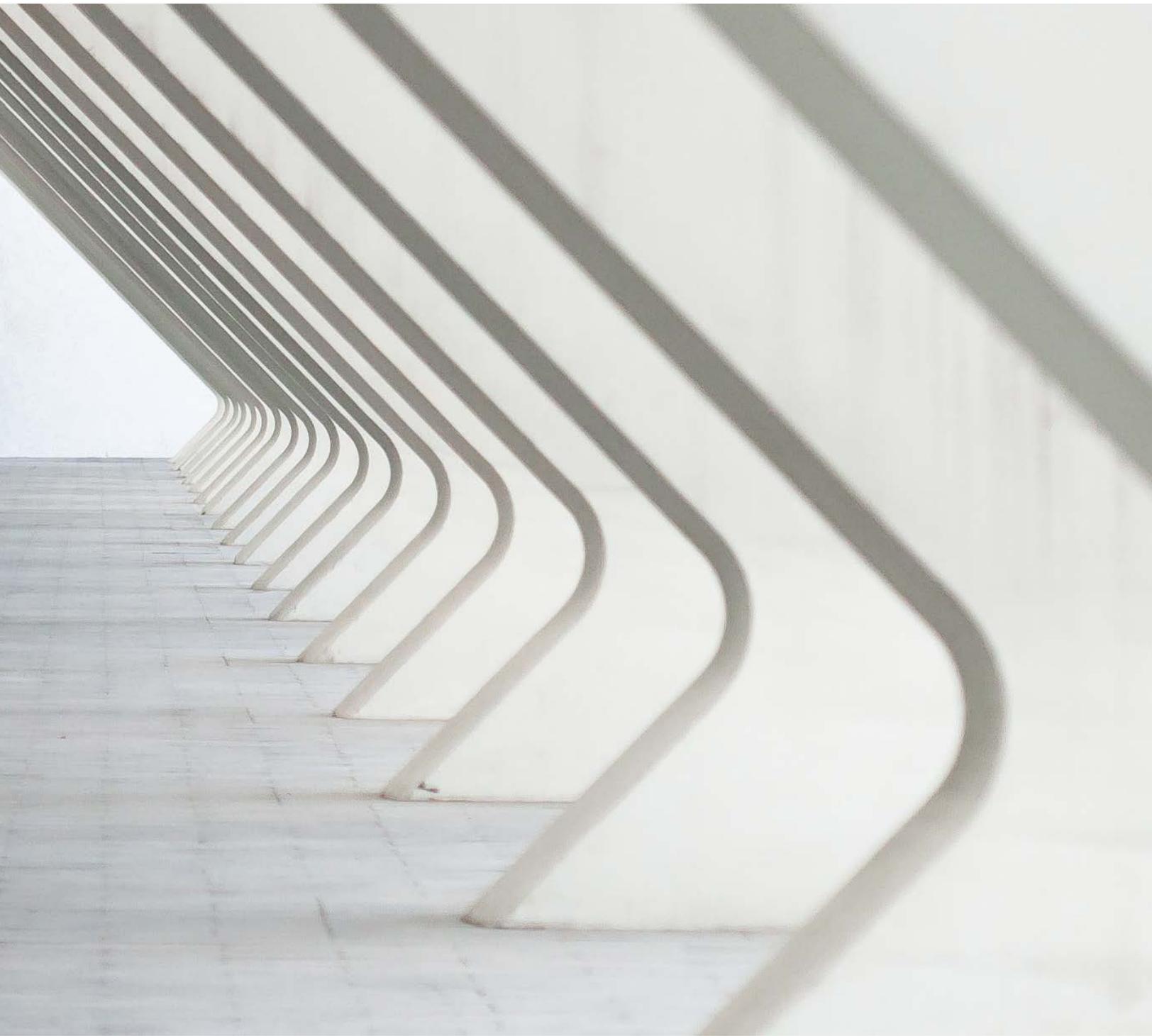


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SYNOPSIS | **Boehringer Ingelheim**

MCCA and Paul Hastings are embarking on a year-long project to examine how culture change works in regards to diversity and inclusion in a selection of legal departments and their organizations.

Culture is increasingly seen as a key differentiator for modern business. Management and organizational theorists frequently now point to culture as the most pressing aspect for CEO engagement, greater even than strategic planning.

Having diversity and inclusion embedded as part of the cultural fabric of an organization is also the real key to success in making meaningful strides to true inclusivity. Without this such activities are merely ‘window dressing.’

This project takes a focused and analytical approach to explore into how culture change plays out in an organization and the relationship between inclusion and diversity.

We look at the role of legal departments in creating their own cultures in diversity, inclusion and equity. We also look at the collaboration and communication between the legal departments and the organization as well as those outside in the legal industry and beyond.

In this first of four case studies case we analyze the drivers to change; the main actors who helped achieved this change and the steps in doing it.

No story of culture change and inclusion is complete. No one organization has reached a perfect state. So these are necessary stories of the journey to greater inclusivity.

Our first case study focuses on the experiences of Boehringer Ingelheim’s US Legal team. It’s a story that has developed over the last 14 years and over the tenure of three different female general counsel.

For this case study we interviewed different members of the legal team and the wider organization with varying tenure to give an overview of experiences of the culture regarding inclusion.

The report focuses on three main themes:

01
The importance of leadership and setting a strategy for change.

02
Talent management for diverse talent.

03
Flexible working and collaborative working practices as ways of cementing inclusive practices in the workplace.

FOREWORD BY SETH ZACHERY

CHAIRMAN, PAUL HASTINGS LLP

The legal industry is still struggling to leverage the benefits of diversity and inclusion. It's not because of a lack of knowledge. Many firms understand that diversity is no longer about ticking a box or only a matter of responding to client demands.

These firms understand that diversity and inclusion stimulates innovation. The lack of more significant improvement is not due to a lack of will. There are firms, like ours, that are working with clients, schools, organizations and publications like MCCA to accelerate the pace of change. The challenge law firms face is understanding the way forward—and taking it. That path to progress is systemic cultural change. This should begin with firms weaving diversity and inclusion into the fabric of their cultures.

Cultural change does not come naturally to law firms. Lawyers like precedent and prefer to deal in the tangible. But to harness the value and innovation that diversity and inclusion stimulates, firms will need to embrace cultural change.

So the challenge ahead for law firms is to fully ingrain diversity and inclusion into the culture of their firms and their overall business strategies, so that it can be embodied by their people. It is only through meaningful engagement and maximizing the contributions of each member of our firms that we can truly integrate diversity as a natural part of law firm culture.

At Paul Hastings, we don't pretend to have solved this challenge. However, we believe that through partnering, researching and talking with our clients and other experts we're sparking dialogue to move the needle. We hope that sharing this dialogue through MCCA will help more firms to be cultural change agents.

The journey ahead will have some bumps. The ride may be uncomfortable. But as more firms connect diversity and inclusion to their cultures, the rewards will be great.

SECTION 01 | LEADERSHIP AND CULTURE

“For better and worse, culture and leadership are inextricably linked. Founders and influential leaders often set new cultures in motion and imprint values and assumptions that persist for decades. Over time an organization’s leaders can also shape culture, through both conscious and unconscious actions (sometimes with unintended consequences).

The best leaders we have observed are fully aware of the multiple cultures within which they are embedded, can sense when change is required, and can deftly influence the process.”

(Groysberg, Lee, Price & Cheng, Harvard Business Review, January-February, 2018).

Culture change is an interesting phenomenon to study: when it works, it is a unique dance between the needs of the individual and those of the organization. Leadership is pivotal in aligning these two drivers and in ensuring there’s organic interaction between both. Research into successful culture change suggests that the best leaders are fully aware of their influence in culture and how they help set the balance between the needs of individuals and the organization.

In changing culture to increase diversity and inclusion, leaders are crucial. They set the scene and show that inclusion, diversity, equity and a sense of belonging are priorities. They function as role models, whether that’s a conscious choice on their part or not. Leaders can also demonstrate the professional importance of inclusion and belonging by changing the conversation around what success at work looks like, both internally and externally, and driving difficult conversations when that’s not happening.

At Boehringer Ingelheim, the legal department has been guided over the last 14 years by a series of female general counsel. From 2005 until 2013 that was Marla Persky, who firmly set the initial focus for the legal team on the importance of diversity and inclusion to its culture. Marla was followed by Desiree Ralls-Morrison who is a woman of color. Eighteen months ago Desiree was succeeded by Sheila Denton.

For one of the inside counsel I spoke to, the development of the focus on inclusion and diversity has been analogous to an iceberg where only a fraction of the entirety is visible on the surface. This is partly a result of defining diversity differently and looking beyond merely the visible differentiations. Executive Director & Executive Counsel Employment & Government Investigations, Adam Price, explained: “While our demographics have changed above

the surface, what’s also changed is the background of what people bring to the company – it’s more diverse. For example, the locations and the backgrounds that people are coming from – not just from law firms but also in-house people with non-traditional legal backgrounds. It’s also the type of law firms people come from, which has become a broader cross-section. That means that we demonstrate our commitment to diversity to be more than just how it looks; we also bring a real diversity of perspectives.”

How the journey to inclusion and diversity at Boehringer’s legal department has developed is also indicative of how the legal department’s leadership has changed. Marla Pesky initially put the notion of diversity and inclusion firmly on the radar of the legal team. Gina Mazzariello, Vice President, Human Pharma Business Law, explains:

“We can look to the leadership role to understand evolution of diversity in the department. Marla was very outspoken and clear about a commitment to diversity and inclusion, which really set us on the path of thinking about this strategically. Marla hired me as a junior lawyer and she had certain things she required in hiring; when we were interviewing for a new position that slate needed to be diverse.”

Adam Price joined the legal team at around the same time as Gina Mazzariello, and comments, “The company has changed significantly in the last 11 years; they had started their

diversity journey right around that time. There were many people who were “home grown” with fantastic knowledge and insights, but the leadership saw they also needed to bring in new viewpoints and diversity of thought to add into the mix. Geographically, we started looking more broadly than the North East, advertising in different places for our roles and looking further than Ivy League colleges.”

Thus, the leader’s articulation of the aspiration for culture change is significant in starting the journey for change, which becomes a positive loop and encourages buy- in throughout the group, according to Groysberg et al.:

“As employees start to recognize that their leaders are talking about new business outcomes—innovation instead of quarterly earnings, for example— they will begin to behave differently themselves, creating a positive feedback loop.”

(Groysberg, Lee, Price & Cheng, Harvard Business Review, January- February 2018).



ROLE MODELS

The positive feedback loop created is also reinforced, in this case, by the diversity of the leaders in question as role models and leaders. As the legal team became more diverse, the fact that the general counsel over the last 14 years was diverse has been an important reinforcement factor.

Sheila Denton, the current General Counsel, feels that this series of female leaders has had a significant effect. “As long as I have been here it’s been a female GC. Personally, my experience of having a female GC allowed me to be more comfortable and more open about the challenges of being a working parent and balancing the needs of flexibility in the workplace. This backdrop created an environment where you can strive for and achieve greater work life balance and having that sense of belonging, setting a tone within the legal department that has continued to today.”

Karem Friedman, a Hispanic lawyer who is Director & Senior Counsel, Human Pharma Business Law and who has been with the company for six years, feels the role modelling from the leadership and their commitment to the promotion of diversity has definitely had a tangible effect on culture in the legal team for minority attorneys such as herself.

“From my perspective, it sets the tone but also gives you someone to emulate in many ways. That’s why it is important to me that our department has continuously had strong female leaders that I consider role models. This was

particularly true for me when Desiree, a female of color, became our general counsel. It made me proud to be part of Boehringer Ingelheim’s culture and made me feel that it was a role that I could aspire to.”

But in thinking about culture change and role models - what’s the connection? Role models function as markers and can help the individual in navigating an organizational culture. It’s particularly the case in guiding new employees, to assess whether they truly have cultural fit. If you cannot see people, particularly in leadership, who look like you or embody experiences that are similar to yours you may question whether you can be successful.

One of the downsides of cultures where there isn’t diversity is the fact that leadership and, therefore, what’s defined as success at work can be tied up with one identity set. Diverse role models can be an arbiter for change, showing that it is possible to be successful and look different and be authentic. The last part of being able to be an authentic leader is fundamental to changing culture: if diverse candidates are only acting as role models or being designated as successful if they mimic the majority, then culture change will not happen. What will be achieved will be mere mimicry of culture change or ‘window-dressing.’ As success is generally defined explicitly and implicitly by leadership in companies, the leader becomes significant as a role model and driver for inclusion, whether they are themselves diverse or not.

CULTURAL MAPPING

Research in culture change, such as that undertaken by Groysberg et al., suggests that a key aspect in beginning culture change is defining the current state of affairs to determine what needs to change. For Sheila as a General Counsel of fairly new tenure, stepping into the role afforded opportunity but also a chance to take stock of the culture as it stood generally and in relation to inclusion, diversity and belonging. “When you grow up in the organization, it’s a different perspective than when you join from outside,” Sheila explains.

“**With every new role, you have to approach it with your new responsibility mindset. I needed to lead with my GC hat and lens rather than other hats I had worn in my previous roles at Boehringer. As a new leader I had to challenge myself personally. The number one need was just to listen, observe, and reflex.**”

It’s important for leaders to situate culture change for inclusivity within the wider context as Sheila notes. “Before I had returned (from the global headquarters in Germany to assume the GC role) the US organization was in a period of transition. That uncertainty had leveled off, but when you are part of a changing industry like pharma, there will always be some uncertainty.

“**One of the key challenges is maintaining a culture where it’s OK to feel uncomfortable with the uncertainty and the process of change - all that is significant in creating diversity, a culture of belonging and inclusion.**”

For Sheila it was “Fundamental that I have a sense of where we are now, to really observe and let my leaders be leaders.” What this exercise in observation and listening led Sheila to conclude is that there was a lot of activity in inclusion and diversity but that it needed direction and strategy. And that this was also a great opportunity to further empower the all-female leadership team to work on driving this.



STRATEGIC DIRECTION

A key building block regarding culture change is setting a vision and then a strategy to achieve that. As business expert Simon Sinek has stated in his seminal book *Start With Why*, setting a vision or a 'why' inspires those you work with but will also become a key metric for finding more of the right people to work with. For Sinek and many other thinkers who consider organizations, a significant factor in successful change is that employees are brought into the sense of 'why' and have purpose, passion and trust.

That's backed up in reality: research by Robert Quinn of the University of Michigan and Anjay Thakor of the University of Washington in St Louis detailed in Harvard Business Review what happened when a CEO who was struggling with employee engagement in his call centers, visited a company who wasn't. Gerry Anderson, CEO of DTE, was asked to visit USAA's call centers by their CEO Joe Roble, a board member at DTE.

"Familiar with the culture of most call centers, Anderson expected to see people going through the motions. Instead he watched positive, fully engaged employees collaborate and go the extra mile for customers. When Anderson asked how this could be, Robles answered that a leader's most important job is "To connect the people to their purpose".
(Quinn & Thakor, Harvard Business Review, July-August 2018).

In the legal department at Boehringer, a key area of focus now for leadership is the development of a strategy for diversity and inclusion. The desire to organize the legal department's work around a strategic vision is driven by Gina Mazzariello and Andrea Lockenour, but a catalyst was the change in leadership with Sheila Denton assuming the GC role. For Gina, it was important that the various activities and ways of approaching issues were clarified around a vision

and strategic statement as a means to further consolidate and enhance the work that was already happening.

Gina explains: "Sheila and I discussed that we do a lot of activities that focus on diversity and inclusion, some of it left over from when Marla started this and some of it just things we do. Going forward, we agreed to put together a real strategy where we want to spend our money and put our time and our vision."

This conclusion was one that Sheila had also come to as a result of her culture mapping exercise when she assumed the GC role. "I felt like our culture was kind and collaborative but also felt that, as adept as we were, we also weren't connecting the things we were doing in inclusion and diversity: asking what we were doing and what does it mean?" For Sheila, the why, the how and the what of that sense of belonging needed to interconnect. "By tying this to a strategy or a mission, people understand the 'why' rather than go through the motions."

Gina has been working on this with Andrea Lockenour, who joined BI last year from GlaxoSmithKline. The first stage of the strategy journey has been articulation of the vision as Gina explains:

"We wrote up a draft vision statement about what diversity means to the legal department and brought that to leadership. Our goal is to craft a vision statement that encompasses a definition of diversity that is broader than just protected classes. It's really got to be rooted in valuing diversity; fostering diversity and seeking out diversity in all its forms. That all works towards the inclusion piece, which is key. Once we have the statement agreed, we are going to develop a road map for activities and where we will focus our efforts, what outcomes we want to see, etc."

For Sheila it was key to question the strategic and operational value of activities in inclusion and diversity. "We realized we had a lot of activities linked to certain individuals or certain groups in legal. What we started asking was 'how does it all fit together?' and 'what does it achieve?', then we needed to ask 'is it achieving what we want to achieve?'".

What's been fundamental for Sheila, Gina and Andrea in setting the strategic direction is that inclusion and diversity is not related to the status of 'nice to have'. Sheila asserts that this has been crucial. "Creating an inclusive culture and a strategy for that is a leadership team priority. It's something we discuss in every leadership meeting: what we want our D&I culture to be and what it is right now."

But culture change generally and strategy around inclusion is not a finite destination: it's a continuing journey. That message of change being a continuous process is something that the leadership team in legal at Boehringer has taken to heart. As Sheila explains,

“ Looking at our strategy around inclusion and diversity is something we should do every couple of years. We need to keep asking why do we do it, and what is it achieving? Only then can you instill a culture where people feel empowered asking things and expressing themselves.”



In fact, we have evolved to focus more on a culture of belonging. Diversity is about our inherent differences and similarities while inclusion is about how the organization is accepting and welcoming of all differences. Belonging is being able to always be your authentic self; not worrying about covering up who you are or how you present.

A focus for the leadership team is considering events that may have grown up organically, perhaps due to an individual's personal passions, and to figure out how this can be part of a holistic strategy. Sheila gives the example of the legal team's annual pro bono program where they spend a day working with community groups, non-profits and charities in the local area.

"We have a full day of discussions for local non-profits on topics such as how to fund raise, legal issues with boards, etc. Now, the full day event is almost formulaic. But now we are looking at it and asking "It's great, but why do we do this and what does it mean?" in a more holistic and strategic approach."

“ Culture is a group phenomenon. It cannot exist solely within a single person, nor is it simply the average of individual characteristics. It resides in shared behaviors, values, and assumptions and is most commonly experienced through the norms and expectations of a group – that is, the unwritten rules.”

(Groysberg, Lee, Price & Cheng, Harvard Business Review, January -February, 2018).

MORE THAN ASPIRATION

As Groysberg et al. note in their HBR study, culture is a shared responsibility and how it really becomes true culture change and embedded is through day-to-day behaviors and norms. Directional thinking and pronouncements as well as serving as a figure head or role model are all important focus points for leaders in changing culture. Leadership cannot be based only on high-level pronouncements; it has to cascade down to the day-to-day reality of all individuals in the department. For Karem Friedman, the experience of having two children while working in Boehringer Ingelheim’s legal department was a strong indicator of cultural realities for working mothers.

Karem was a couple of months pregnant with her first child at the time of her interview. For Karem, how BI handled her pregnancy after she shared the news was indicative of the culture in the team. “They were so gracious and supportive, despite the fact that the other attorney they had hired at the same time was also pregnant! It’s a testament to the agile and accommodating culture of our department. Our leadership handled it very well and we worked together to ensure the department had the appropriate support during my leave.”

What’s been significant for Karem is this culture is being handed down, not just through strategy and initiatives, but via everyday interactions, particularly from women leaders in the department who are supportive and also able to share practical tips of how they have coped as working mothers. She explains: “One time I mentioned to a mentor how difficult I found it to deal with a sick infant. She immediately shared her personal experiences with similar situations and told me how she worked through it by making up lost time at night or on weekends. It was very valuable to me to have females in leadership roles telling me, ‘You’re not the first one to encounter these challenges and here’s how to overcome them.’”

For Sheila, as a leader, it is important to connect what they do with how they do it. To get the widest buy-in, diversity cannot exist in a vacuum but has to be connected to real world imperatives. Groysberg et al., writing in Harvard Business Review suggest cultural change strategy is best defined not in terms of culture change per se but organizational change priorities. It should be framed not as a culture change initiative, but in terms of real-world problems to be solved and solutions that create value.



Pictured from left to right are: Karem Friedman, Sheea Sybblis, Adam Price, Sheila Denton, Andrea Lockenour, and Gina Mazzariello of Boehringer Ingelheim.

For Sheila, thinking about this in her own team has wider ramifications than just the day-to-day of working in the legal department. There is the commitment to hiring more diverse candidates with different perspectives and life experiences but also requiring more diversity from external suppliers such as law firms. “If you’re not looking at it both within your own law function as well as in the profession more broadly, you are not going to have the same impact,” Sheila explains. “You have to consider the ramifications of why, what and how throughout everything you do. More importantly, we need to have a culture where diversity, in all its dimensions, thrives and our colleagues feel that true sense of belonging.”

For Sheila a significant focus of her leadership is fostering a culture of creativity and innovation where people can ask questions. She feels that goes hand in hand with diversity.

“In a legal function of an organization, we are in a unique position within the company because not only do we understand the importance of the result of a more diverse culture, but we are in a unique position to partner with the business as trusted advisors to help map out how to achieve the result. That’s what makes the creative lawyering really interesting; who helps you get there? It is your legal team. And for our lawyers, seeing the bigger picture of the importance of what inclusion means to the company and, indeed, society, only fuels our journey with more energy.”

SECTION 02 | TALENT MANAGEMENT

Talent: how to get it, how to grow it and how to retain it is one of the biggest - if not the biggest challenge - facing companies today.

The multi-generational workplace is increasingly diverse in the way it wants to experience work. And to have a truly diverse and inclusive workforce, leaders in organizations need to think carefully about what they do with that talent. Too much of a focus on recruiting diverse talent without figuring out how to progress that talent may not result in meaningful changes if that diverse talent does not stay.

The progression of diverse talent has been a challenge in the legal profession for many years, particularly on the law firm side. Historically, in-house legal departments have fared better in this metric, partly due to the lack of billable hours as a defining metric in how work is measured. The very structure

of what ‘good’ work looks like in most law firms has historically mitigated against those who require any type of flexibility or different working styles. Similarly, the dominance of client relationships in getting credit for billing has also worked against many diverse lawyers. Defining what work looks like and therefore who can succeed at it is a fundamental factor in the war for talent.

A survey of global CEOs undertaken by PWC in 2017 found that many still felt underprepared for the demands of sourcing and keeping the best talent. But fundamental to this is flexibility, as the survey results showed:

“The willingness of organizations to embrace flexibility in the way they source and manage talent has already become a differentiating factor for employers.”

But in-house departments can still face substantial challenges in how to develop and retain diverse talent. Some of this can be down to unconscious biases, which still means many female or minority lawyers may be paid less than white male counterparts or have to work harder than to prove their capabilities. The opaqueness of in-house titles as to the exact level and scope of responsibilities can also serve to make it harder to understand if there is a gender-based pay gap.

Outside of some of these structural issues, such as how you work and how much you work for, employees also have to be energized and motivated. In-house, there are generally flatter structures and fewer opportunities for progression, but this does not mean talent management should be ignored; indeed, for that very reason it’s often one of the most significant areas of focus for legal department leaders. How can we engage and maximize the experience of talented employees within the parameters for progression we have available to us?

At Boehringer Ingelheim the acquisition and management of diverse talent has been an important aspect of how the legal team is building its inclusive culture. This focus is paying off; speaking to some of the more recent diverse hires, the sense of an environment where they can grow as professionals was a quality that was influential in their decision to move to the company.

Sheea Sybblis, an African American female attorney in the Human Pharma Business Law group, recounts how the sense of being able to progress and grow in her career was one factor in joining the legal team 18 months ago. Selected for BI’s Accelerated leadership program for 2019, she notes, “Before I joined I had a definite sense of the potential for career development here. It was visible in the structure of the legal department and support. The opportunities for advancement, flexibility, and availability of leaders as well as openness to innovation, were important to me.”

DECONSTRUCTING TALENT

But, how do organizations approach effective talent management in tandem with building an inclusive culture? A significant challenge is considering what is meant by 'talent' and how that maps with different identities. Historically, minorities faced the stark choice of adopting the traits and behavior of the successful majority in order to succeed or not progress at all. This could include women not discussing their families at work; being closeted for LGBTQ+ employees or ethnic minorities playing down their ethnicity at work. In

a report focusing on how to use talent management to drive inclusion by Catalyst (the leading non-profit working with CEOs and industry leaders to drive greater use of female talent), companies are first urged to deconstruct what is meant in their own organization by 'talent', asking questions to determine who is succeeding and for what reasons, and whether there are common traits the talent shares:

How is TALENT defined in the organization and who does talent look like (e.g., gender, age, race/ethnicity, region, educational institution, etc.)?

What are the key COMPONENTS of the talent management system?

How are they connected (e.g., goal-setting, key competencies, performance appraisal, feedback loop, etc.)?

How are different levels of employees held ACCOUNTABLE for effective talent management (e.g., performance rating, compensation, bonus, goals and evaluation criteria, etc.)?

What MESSAGES do senior leaders convey about leadership competencies and promotion opportunities (e.g., key leadership behaviors, written and oral communication regarding key competencies, etc.)?"

https://www.catalyst.org/system/files/using_talent_management_to_support_inclusion_a_how_to_guide_for_organisations.pdf

Certainly in the US arm of Boehringer, a more considered focus on talent development and how it relates to diversity and inclusion has been playing out over the last fifteen years. But there are challenges and yet a ways to go, as Chief Diversity & Inclusion Officer, Nancy Di Dia explains:

"I think we are still focusing on the best candidate for the position, and, overall, we tend to buy talent more than we build it - specifically for certain areas - and that does not sit well with some employees. We often hire for the position today and not for the potential tomorrow. What we need to do is make sure that our talent can grow, so we don't find ourselves in these conundrums where we have talent that might not be able to take us where we want to be in the future. We need to create the culture of inclusion and sense of belonging where all are able to thrive."

That conundrum can be a challenging one for all businesses, particularly in fast-changing industries like pharma, life sciences and technology. What got you here won't get you there for most companies but how can you balance talent needs with strategy when you may not yet know your strategic roadmap for the future?

To begin at the beginning, the initial challenge before you develop and manage the diverse talent is recruiting it. How did Boehringer Ingelheim's legal team increase its pipeline of diverse candidates?

THE PIPELINE

A good starting point to increase the pipeline can be to shake off stereotypes that limit the pool of diverse candidates. As Adam Price, Executive Director & Executive Counsel Employment & Government Investigations, declares, “Once you have started working, no one cares where you went to law school, they judge you on the quality of your work.” But, historically, which law school you attended has been a huge barrier to many entering the profession, as many law firms severely limit which schools they initially hire from. In common with many in-house departments, Boehringer often hires from law firms, which in certain instances may mean they are hiring from a pool restricted by the law firm’s initial biases.

This focus on a small set of law schools has had some pushback, partly due to the intervention of major clients like GE, whose Brackett Denniston Fellowship Program forces its law firms to consider diverse candidates from non-traditional law schools who have worked for a year in GE’s legal department.

But, increasingly throughout the profession the need is seen for earlier and earlier intervention in the career path to assure the pipeline of diverse talent, as Gina Mazzariello, Vice President, Human Pharma Business Law explains:

“Law school admission of diverse individuals is declining. Why is that? And how do we address that - how do we foster people wanting to go to law school? The Lawyers Collaborative For Diversity (LCD), a non-profit organization based in Connecticut of which BI is a member, created a summer internship program where college juniors and seniors spend their summer working at law firms and in-house legal departments in Connecticut. Last year there were 11 interns and BI worked with LCD to support that program.”

This partnering with outside counsel can be of huge practical significance for in-house teams. Andrea Lockenour, VP of US Intellectual Property, Human Pharma, reflects on how, both at Boehringer Ingelheim and her

previous company GlaxoSmithKline, working together with outside counsel can make difference finding interns from diverse backgrounds and then offering interns a range of opportunities, commenting:

“We often found our interns through law firms that were part of various diversity legal groups. An in-house legal group does not have as much programming or physical capacity to provide all of the opportunities a firm will. By partnering with firms, in-house counsel can offer both the in-house experience while providing law firms networking opportunities to 1L or 2L students.”

For Boehringer Ingelheim’s General Counsel Sheila Denton, a focus on the pipeline for diverse talent is crucial for the team and the company but also for the profession more broadly. “Essentially, it becomes about what we can do to influence what the future legal profession will look like,” she says. The legal internship program at BI has a personal significance for Sheila as it started when she first joined over

ten years ago as a new lawyer and remembers doing a phone interview with a prospective intern.

Sheila admits that the program has had its ups and downs and one of the tasks for the new strategic focus in D&I under her leadership is figuring out the mission for the internship program and how it can best be resourced.

“When we reviewed our mission statement as a leadership team, we decided that this program is important and something we are going to focus on. We have done it one way, but what would different look like? Can we put someone in Atlanta with our animal health legal team and not only in our Connecticut headquarters? We spoke about why it ebbed and flowed; how we manage getting resumes; asking whether we are casting our net wide enough; do we go to high schools; do we go to colleges and does it need to be law students?”

Through asking a lot of questions about the program and how it currently runs, the iterative process has confirmed for Sheila that it is

fundamental to how the legal team at Boehringer Ingelheim USA thinks about talent. “We are committed to having interns every summer,” declares Sheila. “If you manage it well, it can be a win-win, not just for us but for the wider profession. I love the fact that there is a woman in Connecticut who started as a 1L intern with us about 12 years ago. She is now in a leadership legal position with the State of Connecticut, after years of success at other roles before her current position. I hope our program helped her be engaged and have passion for the profession. If there is passion you find the time. As the leader it’s up to me to help the team find the time to make such passions a priority.”

Karem Friedman sees firsthand the significance of companies opening up more pathways for diverse candidates to get an entrée, which she feels can be an additional challenge for diverse lawyers in the pharma industry. “Seeking out legal talent in the pharmaceutical space can be challenging as many of the relevant areas of law are niche fields. One of

the reasons BI has been able to do so successfully is because of its positive workplace culture and flexibility,” she comments.

Biases, both conscious or unconscious, can be a huge barrier to hiring and over the years the team has experimented with blind resumes to try and ensure a diverse slate. HR and the Employment Law team, including Adam Price, are proactively trying to ensure that biases do not interfere with hiring. As mentioned earlier. When interviewees disclosed their pregnancies to BI’s HR function, HR did not pass on that information to the interview panel as they did not want it to be a factor in decision-making.

It’s also a significant topic of discussion for the leadership team, as Andrea Lockenour reports. “We have a lot of discussion around keeping positions opened until we have a diverse pool: getting a diverse slate is definitely part of the vernacular here.”

PROGRESSION

As diverse candidates know, getting your foot on the ladder may not actually be as hard as ascending the ladder. Many companies may excel in attracting diverse candidates but struggle with retaining them because there are not well-rounded or well-defined opportunities for progression. A steady flow of diverse talent in one door and out of the other can be indicative of a culture which is not truly inclusive and has not thought through how to afford diverse talent meaningful ways to progress.

In my conversations with various members of Boehringer Ingelheim's legal department, a consistent theme was a focus on talent management and progression. Karem joined the company as a fairly young lawyer but states she is surprised to still be there six years later as she had originally assumed she would have to move employers to get the exposure to different experiences that were important to her to develop professionally.

"I thought I would have to move around a lot more, but my managers at BI have been great at listening and providing me with opportunities to develop in the areas that I believed would adequately help shape my career. The flexibility and the amenities that BI provides are nice benefits, but at end of the day, to be the professional you aspire to be, you have to feel challenged and happy with the work you are doing. BI creates a culture where conversations involving what I want to do next and how do I get there are on-going discussions with my leadership".

Effective talent management for diverse employees is predicated on understanding their point of view and any additional factors that they might feel constrain them from being 'successful' in the terms currently defined by the company.

Understanding those constraints takes a number of different avenues. Nancy Di Dia describes coffee sessions with leaders where focus groups of employees were able to discuss key issues with them. Sheila Denton spoke of extensive listening exercises when she began her tenure as general counsel. Karem Friedman cited the fact she was listened to regarding her professional development as a significant factor in her development and success. As Karen Brown of Diversity & Inclusion consultancy Bridge Arrow writes in Harvard Business Review, these tactics all serve to create a culture that's inclusive for all talent.

"Tools such as segmented engagement surveys, focus groups, and personal conversations can guide management in taking the actions that will help keep their talent engaged and committed to the organization."

<https://hbr.org/2018/12/to-retain-employees-focus-on-inclusion-not-just-diversity>

In the section on leadership we discussed the fact that having a series of female general counsel, including one of color, sent a very powerful message to the wider team. It also sent a powerful message as to how success could be achieved as those women were mothers who have had to balance the demands of the role more flexibly. The message was also transmitted to the wider team that success was not just 'a jacket on the chair' culture. Karem reports in to Gina Mazzariello, for whom ensuring her team have the right range of opportunities is a passion. Gina states that "Talent development is a goal of mine at all times", noting that the needs of the business and the needs of the talent are not, and should not, be mutually exclusive. "I have to serve the needs of the business first, but talent is key to the business," she says. "I never make staffing decisions without discussing with the individual their needs and what's in their best interests for their individual development – it's a two-way street. I want to try and work with our talent to keep them here, by keeping them motivated and energized."

For leaders, the quest to keep diverse talent can lead to selfless acts. Andrea Lockenour told me of a "really talented" female lawyer in her group. "She was from another group (supporting animal health patents) originally, but really needed to live remotely for a while, so her then-manager attended that she started working for our group in human pharma in order to accommodate her. I thought that was very selfless of that manager, as he recognized her as talented but realized it's better overall to keep her in the company rather just in his group. As far as professional development went, human pharma turned out to be much more in her wheelhouse so it was a win-win for the team and the organization."

ACCOUNTABILITY FOR DIVERSE TALENT

Unless leadership is bought into and held accountable for the progression of diverse talent, then organizational cultures are unlikely to change.

Gina's focus on nurturing the talent in her group has produced results: in researching for this report, attorneys in the group have expressed satisfaction with their opportunities and development, as well as with the flexibility of the company to accommodate their particular needs.

Talent and the progression of diverse talent is a strategic focus which resonates throughout the legal team's leadership group. Andrea Lockenour remarks on how she has been impressed by the focus on this since she joined:

"They are certainly doing many things and take it very seriously. We talk about it on leadership team a lot; Gina and I are tasked with driving the project on ways in which we can improve and maintain diversity. It's not just numbers but is strongly linked to talent. For Sheila, the diversity focus is also that people feel comfortable getting their ideas out there; really it's about producing a culture of innovation. It's a key project for the leadership team and not at all extra-curricular."

For Andrea, since joining the leadership in Boehringer Ingelheim it's been notable how central the promotion of an inclusive culture is as a leadership prerogative. "Those things are seen as fundamentally important - Sheila makes us all discuss this and raises

ideas of how we can make people feel more included. I never feel that's a conversation that's waylaid here," she comments.

But as Nancy Di Dia points out, this has to be an ongoing conversation. "It has to be a continuous process. What was useful for us as a Diversity & Inclusion team was to take a step back and see what our employees were saying because in an organization of our size and magnitude, we can get lost in the business."

For Nancy, having a leader in a diversity function who can take a bird's eye view of the company is a significant advantage. "It's really important to have an agitator who can help leaders take a step back to think who they will put on a project the next time and to raise awareness of unconscious actions that have significant impact on a culture of inclusion and belonging. To deal with this we have instituted informal coffees with leaders, just so they could hear how people were feeling. That creates a safe space where psychological safety is initiated and also lets employees know we want change to be bottom up rather than top down."

The ability to take the employees needs and align those with the needs of the business is something that defines a culture

which has a commitment to nurturing talent. As Karem Friedman stated, a significant factor in her retention has been the fact that her progression has taken into account her requests for development she feels she needs.

For Sheila, taking stock of how talent is managed and making sure it's strategic - particularly for diverse candidates - has been a focus. In her initial observations, it became apparent to Sheila that career progression needed to define the structure of the legal team and who individuals report to, "in order to make opportunities for advancement and for flexibility available to everyone."

It's really only via an authentic engagement with work that inclusivity and the ability to really develop one's career occurs for anyone. 'Identity cover', where an employee cannot be a full version of themselves at work, generally leads to lack of true engagement and ultimately an exit. To Sheila, being able to create an authentic working environment has been a key aim of Boehringer and the legal team and one that is inextricably linked with developing the best talent and getting the 'true you', where you feel comfortable coming to work as your true self. This ultimately produces better business results, Sheila says. "Everyone here is very comfortable, works well together and I hope that we have created an environment where each individual can be their authentic self."

Collaboration is one of the biggest challenges for modern businesses; perhaps a challenge even more keenly felt in the service department of modern organizations such as legal departments. In the next chapter we will consider the way in which a collaborative culture is being fostered in the team and has also helped aid in creating greater inclusion.

A WORD FROM PAUL HASTINGS ON DIVERSITY AND TALENT MANAGEMENT

Paul Hastings' diversity journey started long ago. When I joined the firm in 2015, it was with a clear new strategic focus: inclusion. In order to thrive, a key piece of any organization's culture must be to create an inclusive environment where everyone is able to enthusiastically be their authentic selves – so it should be no surprise that inclusion is a top priority for our firm. In order to build a workplace that is not only diverse, but also inclusive, we have embedded these two principles in all that we do. The most recent stepping stone in our journey was to roll out our chairman sponsored, firm-wide inclusive leadership campaign. By educating and creating awareness, we hope to help remove obstacles, increase collaboration and enhance productivity. This is just one example of how Paul Hastings ensures that all of our people truly feel valued, included, and seen by firm leadership.

-Karlle Ilaria, Head of Global Diversity & Inclusion, Paul Hastings LLP

Another significant factor in developing diverse talent has been Boehringer's use of its affinity groups or, as it terms them, Business Resource Groups. The naming is deliberate to align what the groups are doing more strategically with the wider aims of the business. Adam Price explains:

“**Business resource groups or BRGs are similar to affinity groups that anyone can join: African Heritage; Asian; Women's Leadership Initiative; Generation BI; Working with Pride; Combining Abilities for Business Success (CABS); Veterans, for example. Those groups are great resources and one of the reasons we call them Business Resource Groups was that what we felt we have been missing from the business sometimes is diverse perspectives - BRGs can help people see what they may not be seeing. There's a range of collaboration on different topics between the groups and the wider business and the leadership. In terms of talent management, the BRG perspectives have been incredibly impactful in helping us build the pipeline but also in having people stay because they have a place to go, to discuss their progress. The Business Resource Groups are also fundamental in making sure we have the right opportunities for progression.**”

SECTION 03 | FLEXIBILITY, COLLABORATION AND INNOVATION

To achieve greater diversity and inclusion in organizations, the traditional way that work is configured and how success at work is defined needs to be rethought. There are a number of key issues to address that will allow for greater access to advancement for all: Flexible working practices is one of the most crucial ways to achieve this, especially within a collaborative environment. How can a flexible working and a collaborative mindset help to create a more inclusive culture in Boehringer Ingelheim's US Legal team. And do both of these aspects help to enable greater innovation and creativity.

UNDERSTANDING THE WHOLE PERSON

One of the significant differentiators that most interviewees in Boehringer Ingelheim's US legal team spoke of regarding culture and inclusion was the commitment of the firm to truly flexible working practices. This seems simple but it is incredibly complex for many companies to come to terms with, although it seems to be happening more often (albeit slowly) as the benefits of new ways of working become apparent.

Ironically, flexibility is only really an issue for salaried employees. The issue for many hourly employees in lower paid jobs may be too much flexibility and not enough stability, which is a valid subject of research for another study. But, what's at the crux of both challenges is the need to understand the employee as more than just an employee but also as a person. The mantra for inclusivity is 'to bring your whole self to work', but that can include challenges from outside the workplace and an understanding from employers of the competing demands on their

talent. Many experts now suggest we should not speak about the work-life balance but rather the work-life continuum. There will never really be an equilibrium between the two but what's needed is understanding that at certain times one will be more demanding than the other. A key to healthy, less-stressed employees and a good culture is employers who can provide flex between competing life demands whilst ensuring business objectives and outcomes are met.

But while many employers offer flexibility (a study by the Center for Work Life Law at UC Hastings cited that 80% did), fewer employees actually take up the offer - according to the same research, only 30% do. The mismatch is explained by perceptions and experiences of employees that to take advantage of these opportunities would lead to negative career outcomes.

In many professional roles, particularly if candidates want to advance, 'the jacket on the seat' mentality is still alive and well - you're only working if you're seen to be working. What this has traditionally meant and still means is that those who have less caring responsibilities, particularly for children, are more likely to progress up the ladder. This still skews opportunities towards men who generally are less likely to be the primary caregiver for children or elders.

What this has meant in professional life is the acceptance of what Professor Joan Williams of the Center for Work Life Law has termed the 'maternal wall'. Many commentators in diversity in the workplace cite the maternal wall as one of the defining factors in continuing gender inequality in the workplace including the gender pay gap. Williams defines the maternal wall as a factor that stalls women's progression and even inclusion in the workplace:

"Women who have been very successful may suddenly find their proficiency questioned once they become pregnant, take maternity leave, or adopt flexible work schedules. Their performance evaluations may plummet and their political support evaporate. The "Family gap" yawns: An increasing percentage of the wage gap between men and women is attributable to motherhood."

(Harvard Business Review, October 2004).

UNDERMINING THE 9-5

More awareness of inclusivity is slowly beginning to change flexibility. But, other forces around the changing workplace are aligning to ensure that traditional modes of working are being reconsidered. The traditional 9-5 model of work is being undermined by new ways of working and new industries in which that is not the norm. Experts such as Rita McGrath and Lynda Gratton, who both have researched the workplace of the future, argue that the traditional fixed salaried job may soon be a thing of the past.

What are the forces making this happen? One is globalization. As companies and their work focuses become more global, greater flexibility is needed to allow for teams spread around the world to be able to communicate and collaborate.

Another factor is working environment. The rise in the cost of real estate and the related need to make the best use possible of that real estate has led to increasing adoption of flexible workplaces. Indeed, this has been a factor in some workplaces making flexibly working mandatory for all: to save on office cost and to make sure that the work space they have is used to its best capacity. A side effect of this can be greater flexibility and allowing employees to find ways of working which means life and work can truly operate more in a continuum but often this is NOT the driving force, even though organizations may seek to rewrite history after the fact. And in this aspect, Boehringer Ingelheim was no different. The initial driving force behind flexible working was spatial and not rooted in employees' needs, as Gina Mazzariello remembers:

"The flexibility initially evolved from the move to the open work space. Five years ago we all had offices, then the company as a whole moved to flexible working," explains Gina. "When we moved to the open space, part of the rationale for the property engineers was that people were not in every day, so they designed a space that was not big enough. This was partly driven by the realization that people were doing their jobs all day long and not sitting at the office: the way we conceptualized work had changed. Then we got the tools and the technology to support that."

But, the change was not easy, as Gina remembers. "The first person to get a cube was our CEO. Everyone was fighting it with reasons why they needed an office, including us lawyers, but when we

had offices there was also an expectation that we would be in them."

In-house legal departments have long had a reputation for better hours and the ability to achieve more work-life balance than law firms. Many female lawyers, particularly mothers or would-be mothers, move in-house because of this perceived benefit, although not all legal departments are created equal and some may expect a fixed or even demanding schedule.

Boehringer Ingelheim's legal team conforms to what the Center for Work-Life Law terms a 'Balance-Supportive Model' of in-house teams. Such departments are those that "actively supported attorneys' work-life balance by providing policies that created a more flexible work structure. These departments encouraged the use of alternate work schedules and attorneys' careers were not compromised by flexible schedules." (Still Better On Balance? Work|Life Balance In-House, 2012, p.1). Ironically this has been the outcome even if the initial reason was rooted in the practicalities of real estate management!

At in-house legal departments like Boehringer, what allows for greater flexibility is an outcome-based (not time-based) model. The traditional law firm model with success being calculated both through the number of hours billed to matters and key client relationships being 'owned' by certain individuals continues to perpetuate working practices and mindsets which are prejudicial to women and diverse lawyers. What's also key is the strategy and vision of leadership in law firms. Many who study the legal industry argue that a large part of the reason for this model enduring in law firms is that those who lead them are predominantly white and male.

Nearly unanimously, the interviewees for this case study cited the many years of female leadership of the legal team as fundamental to this culture of flexibility at work.

Sheila Denton, the current General Counsel, cites the years of successive female leadership of the legal team as a huge practical benefit to culture and progression in the team, particularly regarding flexibility at work.

“Having a female GC allowed me to be more comfortable and more open about the challenges of being a working parent. It created an environment where you can achieve and strive for work-life balance and helps set a tone within the legal department. That has continued and will never change. One of our strengths is our flexibility - knowing it exists, everybody really values it and wants it to stay.”

This flexibility seems to be a major factor in cementing the culture of the legal department, partly because of the autonomy it affords employees. As Sheila elaborates:

“One reason we have such good engagement and commitment from the team is the autonomy a flexible culture gives you; when you can manage your schedule to have flexibility, you can manage or prioritize what is outside work.”

Increased motivation and increased productivity are shown to arise from more flexible working practices, partly because of the autonomy and empowerment this gives to employees. Research from Lotte Bailyn, professor of management at MIT’s Sloan School of Management and co-author of *Beyond Work-Family Balance: Advancing Gender Equity and Workplace Performance* shows that when workers are given the flexibility they need, they meet goals more easily, take less absences, are not late as frequently and their morale goes up.

A reputation for flexibility and the autonomy for employees this brings with it goes beyond an internal benefit and actually becomes a significant recruiting advantage. Two diverse female lawyers in the legal team both cited the inherent flexibility of the team as a significant reason for joining Boehringer Ingelheim.

Karem Friedman states, “BI had a wonderful reputation for being very friendly to working moms. It was definitely an important factor for me. The commitment that BI had to inclusion felt very genuine.” Karem was able to see that in practice sooner rather than later as she was pregnant during her interview.

Adam Price, the chief employment lawyer who works closely with Chief Diversity Officer Nancy Di Dia, recalls that, “It was something of a joke in the legal department as so many of us happened to have children born around the same time. But really, our attitude was to take a bigger picture view and just pitch in for the months of parental leave to make sure our teammates could enjoy their leave time with their families and not have to worry about their work being covered.” What’s fundamental for Adam is that this attitude is truly inclusive: “Our policy is broader in terms of care-giving responsibly, and it’s more generous for the fathers with a lot more time than in many other companies.”

Adam feels BI’s parity of flexibility is fundamental in truly producing an inclusive and accepting culture no matter one’s personal situation. According to non-mothers and male parents, the same tenets of autonomy around their working practices can also help to ensure fundamental biases like the maternal wall don’t become a defining aspect of the culture. Adam explains, “As a working father who has three kids, I really appreciate this about the company and the department. One of the big things is the flexibility; if my kids have a reading event at school or an important after school event, I don’t think twice about making the time to attend them.”

Karem remembers that as a first time mother, she was apprehensive about the “unknown aspects of motherhood and the flexibility that [her] employer would offer to help meet those new family demands.” The manner in which BI handled her first pregnancy quickly assuaged her fears. “It made it clear to me that I was working for a company that had a really great culture for working mothers,” she explains.

This autonomy and trust in employees is fundamental here. As Karem explains: “We are expected to meet all of our work obligations, including attending meetings with our business partners, but we are afforded the flexibility to exercise our judgment on how we meet those obligations. This flexibility includes the autonomy to determine when we should be in the office, or in what building for that matter, and when we can work remotely. This approach makes me feel treated like a responsible adult and also gives me the opportunity to balance potential family conflicts.”

For Gina Mazzariello, who leads the Human Pharma Legal Team, this flexibility means team members are being relied on to exert judgement around how that flexibility works. “We have very flexible work arrangements; people can work from home and it’s left to our judgment how we do that. To me that’s one of the biggest drivers of inclusion - the recognition of that harmony between your personal life and your career and your ability to bring your whole self to work.”

COLLABORATION

A significant theme woven through the way the legal team can work flexibly is how this is communicated to them and how it is also seen as a benefit the entire team gains from. While it's true that certain demographics such as working parents often need more flexibility over a concerted period of time, ring-fencing flexible working practices for them alone can then cause other employees to become disgruntled.

The autonomy that general counsel Sheila Denton mentioned as being central to the team's flexible working practices is also dependent on good communication.

Teams that have a high level of autonomy also have to be very aware of their interactions with other key stakeholders they are working with and for.

Silos and lack of communication are a huge risk for modern organizations. In her seminal book *The Silo Effect*, Gillian Tett explains how organizing the role into mental, social and organizational boxes is a natural human instinct but that these can easily turn into specialist silos which do not communicate well and get fixed into one view of the world. Silos can be linked to group think, particularly if a silo is dominated by a

particular majority identity and/or way of thinking:

"When these are rigid, they often cause people to behave in following or damaging ways; silos can make people blind to opportunity and dangerously unaware of risks."

(Tett: 2015: p175)

In regards to inclusivity and culture, lack of communication or working together can be fundamentally destructive both professionally and personally. Like overcoming biases and thinking more inclusively, the starting point is not in the organizational infrastructure but in our heads. As Gillian Tett points out, the organizational and the individual strategies have to work together:

"Some of these responses involve big strategies to change the culture of institutions or structures of groups. But, before looking at institutions, it pays to think about individuals. After all, institutions are just gigantic collections of people and one of the most basic steps that we can make to fight the risks of silos starts not with a leadership committee or organizational chart or grand strategy plan, but inside our heads."

(Tett: 2015: p.175)

What's fundamental to the increased flexibility of how Boehringer Ingelheim's legal team works is also how they think about the work they are producing - and a defining aspect of this is collaboration. Gina Mazzariello, a leader in the legal department, is one of the biggest advocates for flexible working and links the ability to do this as a symbiotic process with a collaborative way of working:

"The way we work is predicated on a collaborative work environment. We are completely redefining success to be output-based and getting the work done. The key metric is business partner feedback and results, not necessarily in-office hours clocked." As noted here, a significant aspect in making the flexibility work is the close working relationship with business partners.

CHICKEN AND EGG

There is symbiotic relationship between flexible working, collaboration and innovation. One of the key findings from a 2018 study from the Flex+Strategy Group (FSG) amongst US employees suggests that flexibility in 'where, when and how' people work leads to an increase in innovation, as well as improvements in communication, creativity, productivity and engagement. The report claims that 60 percent of people who have flexible

working options feel they're "more productive and engaged."

Adam Price, the team's most senior employment lawyer who works across a number of departments, echoes that finding:

"For legal HR and finance we are enabling functions and are really blended into the business, becoming partners with them. Physically we can

be all over the place: it's a rare day when you see legal colleagues just sitting in the legal department. Each one of us is a representative of the legal department in our work with different businesses. But because we are different and diverse I think that has also driven our collaboration."

So the culture of allowing the freedom that flexibility gives, the mindset that this induces, and the

positive relationship with the working environment is actually making colleagues work more collaboratively with each other. Collaboration comes more easily when people feel comfortable. A phrase that has resonated through much of this case study is the ability for members of the Boehringer legal team to bring their whole selves to work.

However, coming together when needed is important and the team recognized the importance of this and diversity of thought which is sparked via collaboration. Adam Price comments:

“We often partner with each other in different things and can see the diversity of skills and viewpoints we can bring. For example, Sheea Sybblis and I often work together on different issues where we may have varying expertise, and that culture of collaboration within the team is very valuable and something we can spread to others.” For Adam, one of the biggest advantages of driving a culture of inclusion and diversity is the innovative mindset it also fosters.

That aspect is a fundamental driving force for general counsel Sheila Denton in making the culture more inclusive. “Creativity of thought is something we discuss often at Boehringer Ingelheim, not just in legal but across the company because our market is changing. As lawyers, we are trained to focus on precedent to guide us. And there’s always something new happening,” she says. If you keep your approach the same today, something may be missed – a new perspective, a new fact, a new technology that influences the analysis. Our business is focused on innovation – and we have brought in some of the trainings in innovative thinking and what it means in the legal context in the assessment of risk”

For Sheila, this means accessing the competitive advantage of thinking differently and imagining what ‘different’ looks like. “If we don’t push ourselves,

our business won’t feel empowered to ask ‘what would different look like?’. We need an environment to test that and if you can get to that end where people are thinking about what different looks like, you will enhance innovative thinking in ways that we did not originally contemplate.”

Culture change is a journey without end; indeed, all organizations and all of life are in a constant cycle of change, and with diversity and inclusion it is fundamental to recognize this. The work is never done. The perfect inclusive culture is never achieved. One off-kilter remark to a new employee

THOUGHTS FROM PAUL HASTINGS ON INNOVATION AND INCLUSION

Law firms don’t see these requirements as a burden from their clients, but as a best practice to incorporate into their own strategy. Meg Sullivan, Chief Business Development, Marketing and CSR Officer at law firm Paul Hastings, notes that law firms see the importance of an environment that doesn’t just celebrate diversity, but empowers the pursuit of new ways of thinking. “It isn’t enough to invite diverse backgrounds to the table,” said Sullivan. “When you encourage that culture to flourish, innovation and unique ideas will follow.”

This innovation and creativity from diversity of thought in the team is another step in the Boehringer Ingelheim legal team’s journey. In this aspect they are still at the start of their exploration. What’s informed the wider journey into changing to a more inclusive culture are factors beyond them alone, such as transgender rights and the way work is changing enabled by technology. In some cases, the inclusivity has been a side effect rather than the primary goal but the cultural effect of that inclusivity is still felt by those who live it.

can color one person’s view of an organization. We make and remake our cultures every day. What is considered best practice in inclusion today may seem hopelessly outdated in five years. For all of us, the journey to inclusion will never reach a conclusion - though we cannot stop striving.

COLLABORATION AND INNOVATION: INCLUSIVITY IN CLINICAL TRIALS

An example of diversity, collaboration and innovation in action has been the project to increase diversity across clinical trials for new drugs



The Boehringer team uses jigsaw puzzles in the office to provide additional means of connection for team members.

The legal team for Human Pharma has been working with the wider business and the diversity and inclusion team to assist in bringing more inclusion into clinical trials. Gina Mazzariello, who heads up the Human Pharma Legal Team, explains. “My team supports the medical group in North America on clinical trials. There’s a whole industry-wide initiative to increase levels of diversity in clinical trials because of the fact that drugs may work differently for different ethnic groups.” This challenge is outlined in a range of academic and industry literature. Clinical trials on certain cancer drugs, for instance, where the disease has greater prevalence in certain ethnic groups can be meaningless if those groups are not participating in the R&D phase.

Gina explains there are further socio-economic challenges in creating diversity in clinical trials and getting patients access to new medicines. “The doctors who tend to refer people may generally come more from areas of affluence. There’s the disparity with medical care across socio-economic groups. There’s also the basic issue of language barriers, which we are addressing by having translations.”

Aside from social barriers, the advent of more genetic research in the pharma and life sciences space further complicates issues. Even someone who might identify as a particular group may be in a situation where their DNA tells a different story.

The focus on creating diverse patient populations in clinical trials at Boehringer Ingelheim has broadened out to more of an industry-wide initiative, as Chief Diversity Officer Nancy Di Dia explains. “We began to feel we should be looking more broadly through the industry at the dynamics of DNA codes and raised it with the trade associations. Several chief Diversity Officers from the top 20 global pharmaceutical companies convened with PhRMA to help develop new strategies to recruit minority patients.” For Nancy, it is a fundamental issue of how “we as an industry better relate to patients and how can we be more culturally-attuned and relevant to patients.”

Much of the drive and focus for this work has come from the legal, diversity and business working together at Boehringer, as Nancy Di Dia explains.

“In June last year we brought in patients who had transitioned or were non-binary for an event and we had many colleagues from both clinical development and from bio data in the room. As a result of that we have included three transgender patients in a recent study on drugs for depression. That came directly through diversity initiatives: when leadership can see how diversity can affect the bottom line it gains more credibility. This was a project which was driven in no small part by the legal team. It’s a great example of how collaboration can produce wins for diversity and innovation.”

SHEILA'S PODCASTS

Prior to Sheila Denton joining as general counsel, the legal department had a book club. Sheila felt this was a great idea which brought people to together, but that podcasts might be more accessible because they took less time and members could listen during their daily commutes or exercise activities. The team could then come together to discuss and debate ideas raised in the podcast. As Sheila explains:

“The focus for this initiative was trying to find a way in which the legal team can discuss weighty issues which might indeed impact on the inclusiveness of the team, in a supportive and guided environment.”

The initiative has become one which helps to cement the diverse identity and culture of the legal team by sharing ideas related to work but not purely defined by work.

“It's now become more than just team members sharing their podcasts - the last podcast session was about turning purpose into performance. For me, it's about a topic that people want to learn from or discuss in an open session, and relevant for this period of time, it's about the opportunity to come together and have a dialogue around that. We can have a great podcast just on things worth sharing with the department and the team.”

While the initiative is in its nascent phases, Sheila hopes that this will help to drive a culture where diversity of thought and culture of belonging is truly embedded.

Recommendations & Conclusion

LEADERSHIP AND STRATEGY

Inclusive leaders excel in four key areas. They bring **awareness and clarity** to problem areas, they practice **courageous accountability** to help resolve those problems, they **empower others** and they foster **innovative collaboration** to unlock the unique contributions of each person in a group.¹

Leadership needs to be a key focus point for guiding efforts and demonstrating diversity. Even if not diverse, leaders can set the tone and lead the way with both actions and words. It can be even more important for non-diverse leaders to go the extra mile in both what they say and do to promote inclusive leadership.

In meetings, bring up inclusion and diversity as it will permeate everything you do. BI legal leadership team makes a point of discussing it at every meeting.

Host interactive town hall meetings to discuss proposed policy changes or initiatives, not only to notify employees of change but to also encourage employees to make management aware of any potential challenges the new policies and/or initiatives create, as diverse cultures are rarely taken into account in these changes.²

Role modelling by leaders can be key. Karem Friedman speaks of the inspiration she derived from seeing female leaders and female leaders of color.

Many inclusive leaders make it a point to share their personal stories to encourage employees to share about their own backgrounds, feel comfortable showcasing their identities and bring their authentic selves to the workplace.

Strategy regarding diversity, inclusion and equity is important. This is an area where people get passionate and projects born of this passion can spring up. BI's legal team realized they had a lot of efforts and projects but to make real change they had to get strategic and focused. The key steps in developing an effective and sustainable strategy are: establish guiding principles; outline a process and framework; develop communication and engagement strategy; develop timeline with established objectives, action plan, milestones and stakeholders; identify measurable metrics and establish accountability; and transparency in communicating challenges and successes.

TALENT MANAGEMENT

Acquiring diverse talent is only part of the equation: do you have the strategies and paths for retention and promotion for that diverse talent once you acquire it? Sheaa Sybillis points out that being able to see there was a clear route for advancement was a significant factor in her move to BI.

Pipeline strategies need to look at what are currently the barriers to entry. Are you, for example, focusing on direction such as law degrees from certain law schools which may exclude lots of diverse talent? Look at contextual recruiting techniques. Scrub job posting of biased language that may deter women and diverse candidates from applying for positions. Consider using outcome and problems-based questions as part of the interview process. Make sure all candidates are asked the same questions and standardize the interview evaluation process.

Partnerships with non-profits, associations and outside counsel are a great way for resource and time-poor in house legal departments to develop their talent pool. For example, BI's legal team works with The Lawyers' Collaborative For Diversity (LCD) on summer intern programs for diverse law students in the local area.

If currently only certain identity groups hold leadership positions, is that because you define success in ways that exclude other groups? If this is the case it's worth looking at every stage of the advancement process and figuring out how actions can be taken to produce behavioral change such as more diverse individuals sitting on management, hiring and compensation committees; moving to outcome or continuous performance feedback models; separating discussions of potential and performance with employees; and implementing skip-level sponsorship.

An effective retention/promotion strategy should also focus on assignments. Diversity at the top can only occur when diverse employees at all levels of the organization have access to assignments that let them take risks and develop new skills. A level playing field requires that both the glamour work (career-enhancing assignments) and the office housework (the less high-profile and back-office work) are distributed fairly. Don't ask for volunteers, formalize a pool with list of people with the requisite skills and circulate amongst managers, establish a rotation and institute accountability.³

¹Lee J., Piliouras S., Dow C., Martin J. and Paikeday T. (2019). *Unleashing the Power of Diversity Through Inclusive Leadership*. MCCA and Russell Reynolds Associates.

²*Id.*

³Williams, J., Multhaup, M., Li, S., and Korn, R. (2018). *You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession*. Minority Corporate Counsel Association and Commission on Women in the Profession, American Bar Association.

FLEXIBILITY, COLLABORATION AND INNOVATION

Taking stock of traditional working practices can be beneficial not only for inclusion and diversity but for business costs and efficiency. BI's move to flexible working was mainly motivated by space and cost saving, but a happy side effect was the fact this helped with recruitment and retention of diverse staff.

Flexible working requires trust and collaboration, but if you don't have these with your employees you do have a significant culture problem and a business issue as staff are likely to be less productive. BI Legal Department's experience was that flexibility in working practices has actually produced greater collaboration, partly due to the fact that lawyers feel more comfortable at work being given trust and autonomy.

There is a symbiotic relationship between flexible working, collaboration and innovation. One of the key findings from a 2018 study from the Flex+Strategy Group (FSG) amongst US employees suggests that flexibility in 'where, when and how' people work leads to an increase in innovation, as well as improvements in communication, creativity, productivity and engagement. The report claims that 60 percent of people who have flexible working options feel they're "more productive and engaged."

Projects that bring people together to generate ideas and discuss issues outside of day to day work can create value in both collaboration and innovation. BI's Legal Team has used their book club and Sheila's Podcasts initiatives to create opportunities to connect over ideas that are bigger than work.

A collaborative mindset can lead to connections across departments even outside of the organization and industry. These can then lead to advances that may well impact the bottom line for business. An example here was the collaboration between BI's clinical trials team, diversity team and legal team to create a program promoting greater access for clinical trials to transgender individuals. But what this sort of work relies on fundamentally is employees feeling comfortable and valued and being encouraged to look at the bigger picture, which is why having an inclusive culture is so fundamental.



Biographies



Improving the health and quality of life of patients is the goal of the research-driven pharmaceutical company Boehringer Ingelheim. The focus in doing so is on diseases for which no satisfactory treatment option exists to date. The company therefore concentrates on developing innovative therapies that can extend patients' lives. In animal health, Boehringer Ingelheim stands for advanced prevention.

Family-owned since it was established in 1885, Boehringer Ingelheim is one of the pharmaceutical industry's top 20 companies. Some 50,000 employees create value through innovation daily for the three business areas human pharmaceuticals, animal health and biopharmaceuticals. In 2018, Boehringer Ingelheim generated net sales of around 17.5 billion euros. R&D expenditure of almost 3.2 billion euros, corresponded to 18.1 percent of net sales.

As a family-owned company, Boehringer Ingelheim plans in generations and focuses on long-term success, rather than short-term profit. The company therefore aims at organic growth from its own resources with simultaneous openness to partnerships and strategic alliances in research. In everything it does, Boehringer Ingelheim naturally adopts responsibility towards mankind and the environment.

SHEILA DENTON

Sheila Denton currently serves as the Senior Vice President, General Counsel and Corporate Secretary for the Legal Department and the Government Affairs and Public Policy Departments at Boehringer Ingelheim USA, Inc. based in Ridgefield, Connecticut. Ms. Denton's responsibilities encompass the U.S. pharmaceutical, biopharmaceutical and animal health businesses, with a team of approximately 80 legal and governmental affairs professionals, providing creative and solution-oriented legal and policy services that help drive the company's three business areas forward.

NANCY DI DIA

Nancy J. Di Dia, is currently the Executive Director and Chief Diversity & Inclusion Officer for the Americas at Boehringer Ingelheim. Nancy's team works on developing cultures of belonging, inclusive leadership and building cultural capital in all that we do. She has been actively engaged in Clinical Trial Diversity as well as launching a culture of belonging in the United States across all of our key businesses, Human Pharma, Animal Health and Bio Pharma. Nancy joined BI in 2006 and has led BI to become the recipient of many prestigious awards such as Working Mother's Top 100 Companies, NAFE Top 75 best companies as well as achieving a perfect score for LGBTQ and Disability Equality for many years.

KAREM FRIEDMAN

Karem M. Friedman is Director & Senior Counsel II in the Human Pharma Business Law group at Boehringer Ingelheim. She primarily supports Boehringer's US specialty franchise providing business and regulatory legal counsel for an orphan drug for idiopathic pulmonary fibrosis. She also currently provides legal support for Boehringer's US Medical and Innovation Unit Investigative Review Committee. She joined BI in 2013 and throughout the past 6 years has held various roles within the organization, including supporting Research and Development, Clinical Trial Contracting, and Transparency and Disclosure. Karem is a former president of the CT Hispanic Bar Association.

ANDREA LOCKENOUR

Andrea Lockenour currently serves as the Vice President for US Intellectual Property for Human Pharmaceuticals at Boehringer Ingelheim, based in Ridgefield, Connecticut. She joined BI in October 2018 after over 16 years at GlaxoSmithKline. She manages a group of legal professionals dedicated to protecting Boehringer Ingelheim's innovation and helping the company deliver great medicines to patients. She also co-chairs the Diversity and Inclusion working group for US Legal with Gina Mazzariello.

GINA MAZZARIELLO

Gina Mazzariello currently serves as the Vice President for the Human Pharma Business Law group at Boehringer Ingelheim based in Ridgefield, Connecticut. Her team provides proactive and solution-oriented counsel to the Human Pharmaceuticals business in all aspects of business operation including advertising and promotion, conduct of clinical trials and other scientific activities, market access activities, and contracting. Gina also serves as BI's Board Member on the Lawyers Collaborative for Diversity, a CT-based nonprofit organization dedicated to increasing diversity and inclusion in the practice of law in Connecticut.

ADAM PRICE

Adam Price currently serves as Executive Director & Executive Counsel Employment & Government Investigations at Boehringer Ingelheim based in Ridgefield, Connecticut. His team provides counsel to BI management on labor and employment issues and manages employment litigation, including administrative charges and class actions, for BI's U.S. based entities. He also leads the U.S. government investigations unit and manages BI's U.S. Information Governance team.

SHEEA SYBBLIS

Sheea Sybblis currently serves as Associate Director & Senior Counsel at Boehringer Ingelheim, where her primary responsibilities currently include Market Access, Diabetes, and Medicine functions within the Human Pharma business, including real world evidence generation, health care economic and outcomes research, scientific communication, funding, patient advocacy, and price transparency, as well as innovation and collaboration efforts. Ms. Sybblis has also been the lead legal advisor to Oncology, Compliance, and Field Based Medicine areas. She joined BI in October 2017 after supporting Oncology and Immunoscience at Bristol Myers Squibb, U.S. and worldwide. She is a former president of the Association of Black Women Attorneys NY.

PAUL HASTINGS

Paul Hastings is a leading global law firm with a strong presence throughout Asia, Europe, Latin America, and the U.S. The firm has been ranked among the Top 10 on *The American Lawyer's* A-List of the most successful law firms in the U.S. eight years in a row.

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Drawing on the firm's dynamic, collaborative, and entrepreneurial culture, our lawyers work across practices, offices, and borders to provide innovative, seamless legal counsel—where and when our clients need us.

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KARLIE L. ILARIA

Karlie L. Ilaria is Head of Global Diversity & Inclusion at, Paul Hastings LLP and a seasoned executive with nearly 25 years combined experience. For the past decade, Karlie has worked to advance diversity and inclusion in the workplace and currently heads the global diversity and inclusion efforts for leading law firm Paul Hastings LLP. In this role, she directs the strategy and execution of the firm's diversity and inclusion program, which focuses on creating a culture of inclusion, recruiting and developing the best talent, and integrating diversity into the core business of the firm and in the legal industry.

Karlie began her diversity career in 2008 with MasterCard Worldwide as director, Global Diversity & Inclusion, where she helped build MasterCard's global diversity strategy and business resource groups, and was an integral part of the Executive Women's Initiative. Karlie was previously in marketing and communications management and has worked for a variety of organizations ranging from Fortune 500 corporations to technology start-ups to large global law firms.

Karlie serves on the board of the Thirty Percent Coalition, an organization whose mission is to promote gender diversity, including women of color, on corporate boards.

MEG SULLIVAN

Meg Sullivan is the Chief Business Development Officer and Marketing Officer at Paul Hastings LLP and responsible for supporting the firm's strategy for growth and innovation in providing legal services. She oversees the business and client development programs, public relations, brand management, and communications that promote Paul Hastings' international reach and commitment to client service. She also leads the Diversity & Inclusion and Corporate Responsibility efforts, a vital component of overall strategy and culture at the firm.

Before joining Paul Hastings, Ms. Sullivan was based in Europe for ten years. During that time, she was the Director of Marketing for the EMEA region at Andersen. In addition, Ms. Sullivan has served as the director of development and export for a major French clothing manufacturer, the director of development for the largest French shoe manufacturer, and the assistant vice president in an American venture capital business.

In 2011, Ms. Sullivan founded Quorum Initiative, an international organization focused on accelerating the advancement of executive women in business. Chapters exist in New York, Washington, D.C. and London, connecting executive women across borders to share ideas and create systemic change. Ms. Sullivan is passionate about diversity and inclusion being a driver of business innovation and women's role in helping to shape our future global enterprises.

Ms. Sullivan is a Fellow of the Aspen Institute's First-Mover Fellowship program, serves on the steering committee for The Aspen Institute Socrates Program, and is an advisory council member for Child HELP Partnership.

Ms. Sullivan holds a B.A. degree from Sarah Lawrence College, and is fluent in French.

SETH ZACHARY

Seth Zachary is the Chairman of Paul Hastings and a partner in the Tax practice, based in the New York office. His tax law practice focuses on general, corporate, and real estate tax-related problems as well as foreign tax issues. Mr. Zachary represents numerous corporations and investment banks in the federal, state, and local tax arenas.



The preeminent voice on diversity and inclusion issues in the legal profession, MCCA is committed to advancing the hiring, retention and promotion of diverse lawyers in law departments and law firms by providing research, best practices, professional development and training, and pipeline initiatives. MCCA's groundbreaking research and innovative training and professional development programs highlight best practices and identify the most significant diversity and inclusion challenges facing the legal community. MCCA takes an inclusive approach to the definition of "diversity" including race and ethnicity, gender, sexual orientation, disability status and generational differences. Since MCCA's founding 20 years ago, it has been recognized and honored by the Association of Corporate Counsel, the National LGBT Bar Association, the National Minority Business Council, Inc. and the U.S. Equal Employment Opportunity Commission, among others. MCCA's vision, "To make the next generation of legal leaders as diverse as the world we live in," is what drives the organization and our passionate and committed partners.

JEAN LEE

Jean Lee is the President and CEO of the Minority Corporate Counsel Association (MCCA), a national organization focused on hiring, promoting and retaining women and diverse attorneys by providing cutting-edge research, best practices and training.

Prior to joining MCCA, Ms. Lee served as Vice President and Assistant General Counsel at JP Morgan Chase & Co. where she worked on consumer litigation and regulatory matters. Before joining JP Morgan Chase & Co. in 2011, Ms. Lee worked on litigation matters at a boutique litigation firm in New York City and started her career as a law clerk to the Honorable John J. Hughes, United States Magistrate Judge (retired), in the District of New Jersey.

She graduated from New York University with a B.A. in Politics and Psychology and a M.S.W. in Social Work. Ms. Lee received her J.D. from Rutgers University School of Law, where she was a Senior Editor of the Rutgers Law Record.

Ms. Lee served on Asian American Bar Association of New York's Board of Directors from 2010 to 2016 and as its President in 2012. In 2014, the Council of Urban Professionals recognized Ms. Lee as a Catalyst: Change Agent | Law and in 2015, she was recognized as a Trailblazer by the Korean American Lawyers Association of Greater New York. Currently, she serves on the Select Committee for the Legends in Law Award for the Burton Foundation.

DR. CATHERINE MCGREGOR

Catherine specializes in thought leadership consultancy on the legal market, particularly the role of the general counsel, the future of the legal profession and inclusion and diversity in law.

She runs her own company Catherine McGregor Research: here she undertakes consultancy, content creation and training for law firms and in-house departments.

Catherine is also Editor-in Chief of the Minority Corporate Counsel Association's magazine *Diversity & The Bar* and undertaking other consulting projects with MCCA including producing these four major case studies on culture change and inclusion at in-house legal departments alongside strategic MCCA sponsor, Paul Hastings LLP.

She previously founded and edited *GC Magazine*, which has been described as one of the best magazines for general counsel and one which really gets to the heart of the challenges and developments within the role.

SOPHIA PILIOURAS

Sophia M. Piliouras is President of MCCA's Advisory Practice ("MAP") at the Minority Corporate Counsel Association (MCCA) and partners closely with MCCA's members in increasing the impact, effectiveness and sustainability of their organization's D&I initiatives. Sophia joined MCCA in 2016 as Senior Counsel, Director of Education and Research.

Prior to joining MCCA, Sophia was Vice President, Assistant General Counsel at JP Morgan Chase where she served as the lead lawyer for the Auto Finance and Student Lending, Business Banking, and Asset Wealth Management lines of business and managed the company's relationship with over 300 law firms on behalf of her clients. Sophia also practiced as a litigation attorney at Seyfarth Shaw LLP where she represented clients in commercial and construction-related litigation.



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