



In association with PAUL
HASTINGS

CASE STUDY 02

INTEL



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SYNOPSIS |

I recall a conversation some months ago with a seasoned Diversity and Inclusion professional who had just taken on a new and exciting role as Head of Diversity at a large organization. Even better, this was a board level position. She entered her first board meeting full of vim and vigor for change. The executive board's response to her was: "Great, now you can fix our diversity." She shook her head. "No. This is your job to fix this."

It's a familiar scenario for diversity professionals, who may be seen as a panacea in and of themselves for all of the diversity and inclusion woes of an organization.

Apart from the lack of responsibility on the part of these executives, what their response also revealed was a sense that diversity and inclusion is a problem that can be kept in a box. And all too often that is a significant factor in what stymies most corporate inclusivity efforts. True leadership buy-in and the diversity initiatives are seen as a "nice to have" – something to be do when times are good and money is flowing in. In the legal industry, stalwarts at MCCA will remember that many key efforts started to flow backward after the global recession of 2008. What that was a result of was that inclusion was not being seen as a pillar of business success.

There have been many surveys and reports which show in clear hard numbers the fact that diverse organizations are proportionately much more successful than non-diverse ones. Yet it can also seem that the maxim of diversity, inclusion and equity making business sense is bandied about all too easily, often without any real depth behind that pronouncement.

The story of creating a diverse and inclusive culture in Intel's legal department is a story of two strands, one of which leads to greater effectiveness through the other.

The first is allies and the importance of having truly committed, white, cisgender, men in leadership to affect change: in other words, inclusive leaders.

The second is weaving inclusion, diversity and equity into all your processes and practices. Diversity, inclusion and equity are not a nice to have or the icing on the cake - it has to be the bedrock of your organization.

Both of these together are key to really changing culture and ensuring that inclusion is not optional but instead foundational. The two are inextricably intertwined as Su Suh, Chief of Staff for the Legal Department oversees the D&I program office, explains:

"The single most important factor in our journey to change has been that we have diversity allies in leadership positions. In the Intel legal department, Allon Stabinsky, our Chief Deputy General Counsel and our General Counsel Steven Rodgers are huge allies and believers in the business and moral case for diversity. When we have allies at the helm, it allows us to work on the second strand, which is key to achieving successful culture change. That's having the opportunity to embed inclusive practices in the way we do everything."

The main themes of the case study start with the aims and objectives of the whole company regarding diversity and inclusion, which began in 2015 with the then CEO setting some big, audacious goals. These strategic goals for greater inclusivity were backed by focus and investment.

Another significant theme with the company as a whole and the legal department, in particular, is the role played by white, cisgender male leaders as allies in driving greater diversity, inclusion and equity forward. This included making sure that complete focus on the project of greater inclusivity permeated all areas of the legal department.

This consistent focus is a significant theme in this case study. Diversity, inclusion and equity cannot be seen as added extras or a 'nice to have.'

This laser focus on making diversity goals a reality extends to the Intel Legal Department's engagement with external counsel. In November 2019 the legal team announced it will not engage with firms who do not meet a minimum criteria of diversity goals.

FOREWORD BY GREG NITZKOWSKI

PAUL HASTINGS MANAGING PARTNER AND DIVERSITY COUNCIL CO-CHAIR

A very wise man, who I admired greatly as a brilliant thinker, writer and speaker, once observed that “when you begin discussing any one thing relevant to the success of your business, if it’s an important thing, it inevitably becomes a conversation about everything that’s relevant to your success.” That observation is on full display in the MCCA’s insightful case study of Intel’s experiences in weaving diversity and inclusion into the core of its culture and business strategy. At Intel today, the discussions around business strategy and diversity inclusion are one deeply interrelated discussion.

Paul Hastings is delighted to be associated with the Case Study. We partnered with MCCA on its creation because we knew from our client work that Intel had a great story to tell and had insights from which every business enterprise might benefit.

Diversity and inclusion are often put in the ‘nice to have’ box or shuffled around as ‘something we will get to when we have the time.’ From Intel we learn that the core elements of its progress are: (1) clear messaging and goal setting from senior leadership; (2) a well thought out and well resourced plan for turning those goals into measurable results; (3) holding people accountable for achieving those results in its performance evaluation and

compensation setting process; and (4) encouraging people to innovate, learn from each other without judging, evolve what they’re doing and not be afraid of making mistakes.

Despite my well-founded pride in Paul Hastings’ progress in diversity and inclusion, what I came away with is a better understanding of how much more we need to do and with a rasher of ideas on how to be a better leader in this arena.

Although you can get a great summary of the conclusions of the Case Study by reading the introductory “Synopsis” and the “Executive Summary”, I urge you to read it cover-to-cover because many of its richest rewards are in the anecdotal insights of the Intel team members who have been at the heart of conceiving and executing on its strategy.

Most of all, listen and read with open ears and enjoy this inspiring story of real progress.

EXECUTIVE SUMMARY

A number of interviewees at Intel reported that while diversity and inclusion efforts at the company had always been fairly developed, these have accelerated in recent years. What has pushed them to accelerate further was Brian Krzanich's speech in 2015 which heralded a real change. This was not just about words but money: the kind of money which could fuel action - \$300 million worth of action.

It's this - making the inclusion conversation central to everything, and backing this with resources - which is making a difference in the company as a whole and in specific departments like Legal. It's a courageous project through which leaders are accountable and it allows those leaders to empower others. Put together, all of these factors are creating some practices which might not be new but which feel innovative, due to the way in which they permeate so many aspects of what the legal team does.

Intel Legal Department's journey broadly mirrors that of the wider organization. It has had diversity and inclusion programs for decades but those efforts ramped up when it became an overarching strategic focus for the company. What is moving the needle in Intel's legal team are two interrelated factors: first, the utilization of allies to diversity to help make change happen (primarily white male cisgender leaders), and second, making inclusion and diversity a central strategy and a component of everyday behaviors.

ALLYSHIP

Allyship is key to real and lasting change taking place. But it is not without risk and certainly needs to be handled in a sensitive manner so as to not run the risk of diverse groups feeling their struggle is being hijacked or misunderstood.

But it's worth the effort as white cisgender men do make up the majority of corporate leaders still and we do need true leadership buy-in to make change happen. Allon Stabinsky, Chief Deputy General Counsel at Intel, advocates starting the change by listening and looking at your own behaviors. Ask yourself whether, even if well-intentioned, they can be mitigating against inclusion. Allon cites his own tendency as a leader to forcefully attack problems which may have led to him not allowing others the space to share thoughts and ideas.

Many of the behaviors and approaches in the Inclusive Leadership research undertaken by MCCA and Russell Reynolds Associates (RRA) are important here. 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.

At Intel, a companywide leadership resource called Ally Nation has provided perspectives and tools for leaders like Allon to integrate inclusive practices into everything they do. But one thing that the ally initiatives at Intel recognize is this is also bigger than just leaders. The legal department's We4She initiative, which is part of its Leading Edge Program (the women's leadership development program) was renamed from the UN's He for She initiative to We4She to show that anyone can be an ally.

EVERYDAY GOALS

The department's D&I Program, Leading Edge, and Ally Nation provide resources on everyday inclusive behaviors. The legal department now aims for meetings to be run in an inclusive manner. Meeting leaders are encouraged to ensure that there are ways for everyone to contribute and that everyone's contributions are valued. Inclusivity is also brought into how emails are composed and how meetings with individual team members are approached.

TAKING IT FURTHER: THE INTEL RULE

As befits their role as significant purchasers of legal services, the legal team at Intel is also working on how to make sure outside suppliers are thinking about how to be more inclusive. In November of 2019, Intel announced the 'Intel Rule':

Beginning Jan. 1, 2021, Intel will not retain or use outside law firms in the U.S. that are average or below average on diversity. Firms are eligible to do legal work for Intel only if, as of that date and thereafter, they meet two diversity criteria: at least 21% of the firm's U.S. equity partners are women and at least 10% of the firm's U.S. equity partners are underrepresented minorities (which, for this purpose, we define as equity partners whose race is other than full white/Caucasian, and partners who have self-identified as LGBTQ+, disabled or as veterans).

Meanwhile, the department is developing relationships with diverse lawyers from their preferred provider firms so that diverse attorneys can own portfolios of work and be central to the Intel relationship at their firm. It's through activities centered in business development for diverse lawyers, the legal team believes that the movement to greater inclusivity in the profession will accelerate.

The team has also been focused on building long range pipeline programs for law students in association with their key law firms to ensure that they continue to have access to a range of diverse talent.

In conclusion, the legal team at Intel and the wider company are focusing on change that is beyond just metrics but leads to true behavioral and cultural change. As Allon Stabinsky states this: "...is where magic happens: that's when we start to change behaviors and the way organizations behave."

SECTION 01 | ALLIES

BIG AUDACIOUS GOALS

But how do you begin to change culture? An aspiration or a big audacious goal could be the answer.

In 2015 the then CEO of Intel, Brian Krzanich, took to the stage at the annual Consumer Electronics Show in Las Vegas and used it as a platform to highlight the tech industry's dismal diversity performance. He announced that Intel would invest \$300 million over the next five years to help build a pipeline of women and under-represented minorities in tech. The company also set out to have full representation at all levels of its workforce by 2020, meaning it wanted its workforce demographics to reflect the demographics of the wider US population qualified to work in the industry.

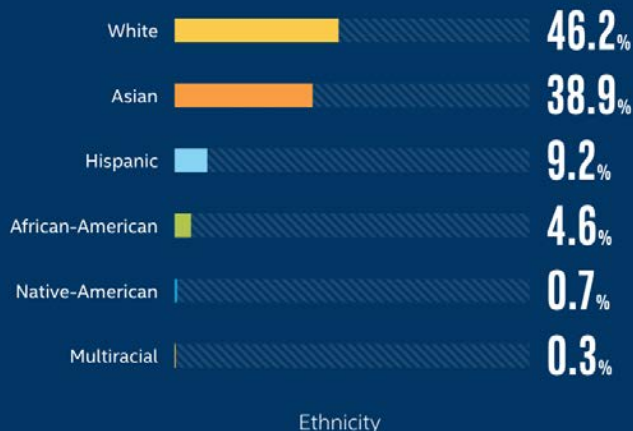
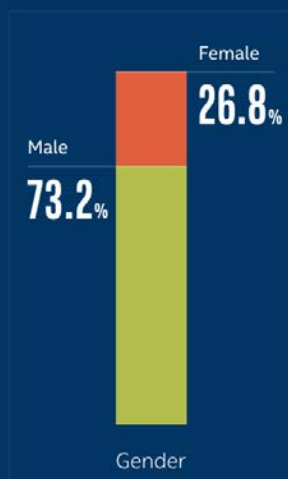
"That means a significant increase in hiring, progression and retention of women and minorities in the workplace," Krzanich told the crowd during his keynote speech. "We will

measure and report progress on a regular basis and with full transparency and we will hold our leaders accountable by tying their pay to our progress." The program had to be multifaceted to be successful; as Chief Deputy General Counsel Allon Stabinsky comments, "We are an engineering company so there's certainly a focus on the data which shows us the business results. But true culture change has to come from speaking to the heart and the brain."¹

The company set about to do this by working with education partners from K-12 up to college level as well as partners from groups such as Feminist Frequency, the National Center for Women in Technology and the International Game Developers Association.

Intel has now achieved its audacious goal some two years ahead of target. It announced this in 2018:

A SNAPSHOT OF OUR PEOPLE¹



¹Data is U.S. workforce as of Oct. 1, 2019. Ethnicity categories use EEOC ethnicity definitions. Percentages may not add up to 100% due to rounding and/or uncategorized employees. Employees with unreported ethnicity chose not to self-identify their race on the date that data was pulled. Intel complies with federal regulations and uses post-employment records to identify the gender, race, and ethnicity of individuals who do not self-identify. These updates are done on a quarterly basis. Definition of "Technical" is based on Intel internal job codes and reflects technical job requirements. "Entry Level" refers to salary grades 2 to 5 and equivalent grades and hourly grades. "Experienced" includes salary grades 6 to 7 and equivalent grades. "Senior" includes salary grades 8 to 9 and equivalent grades. "Directors" contains salary grades 10 to 11 and equivalent grades. "Executives" refers to salary grades 12+ and equivalent grades.

¹ <https://www.bizjournals.com/Portland/blog/techflash/2015/01/intel-to-invest-300m-in-diversity-initiatives.html>

Its workplace representation of women increased to 26.8%, an increase of 8.5%; under represented minorities grew 17.7% to 14.6%; Hispanic employees are at 9.2% with a growth of 10.8%; African Americans at 4.6% with a growth of 31.4%; Native Americans at 0.7% with a growth of 40%.

A number of themes that will become central to this case study of Intel's Legal Department are embodied in what the wider company has achieved and the goals it has set itself.

A key theme is that diversity and inclusion has to be owned by leaders; it cannot be an add on but instead has to permeate a company's business processes and goals. As Chief Diversity and Inclusion Officer, Barbara Whye comments:

“ I’m most proud that Intel diversity and inclusion goals are incorporated in our company business goals. Our diversity and inclusion metrics are incorporated into our company’s strategy, annual performance goals and bonus structure. Diversity and inclusion cannot be treated as an add-on. It’s an integral part of how we do business.”²

This view has cascaded down to the legal team. I asked Allon Stabinsky, the head of the legal department and the executive sponsor of We4She, how he felt strategy needs to balance with everyday actions to create culture change. For Allon it's about an evolution through stages:

“My own view is there is an evolution for how effective D&I programs adapt and create an inclusive culture. Phase one is realizing there is a problem. Phase two is to measure the problem. Phase three is addressing the numbers. Phase four is where magic happens: that's when we start to change behaviors and the way organizations behave. It's when you change from a diverse workforce to an inclusive workforce.”

In common with some of the other interviewees for this case study, Allon has seen a definite movement in the company and the legal team: “In 2005 when I joined we were between level one and two: we had recognized that we needed to work in this way but we were still feeling our way to understand the issues. The true transformation or accelerant was in 2015 when our CEO came out and set a bold goal for the entire company to address the disparities endemic in the tech industry. The full corporate weight was thrown behind it and the focus was pervasive throughout the company. So within the legal department we have ourselves accelerated up during that evolution from 2015.”

It cannot just be rhetoric though; it needs to be actions and actions need resources, as Allon highlights:

“A key factor was the \$300 million investment into this initiative. You can't change without money behind this- you need to invest in change but it also shows how serious it is.”

This investment of time, energy and resource means that Allon feels the company is now moving into the realm of true culture change:

“I think that now we are in level four: changing behaviors. This is where the magic happens when we move beyond numbers and goals and work more on behaviors to figure out how to help diverse talent succeed.”

² <https://www.forbes.com/sites/jillgriffin/2018/12/03/two-years-ahead-of-schedule-intels-diversity-inclusion-campaign-has-major-traction/>

ALLIES

The attitude of diversity and inclusion being integral to everything has permeated into Intel's legal team. But, as with the wider company, to do this, it needed leaders as allies to make sure this really took root. As is being recognized in a range of different situations pertaining to inclusion, the involvement of white cisgender male leaders is fundamental to success. When these men engage in diversity, it tangibly demonstrates that this is everybody's problem, not just someone else's issue. It's not without dangers: there have been some well-documented examples of diversity discussions featuring only white cisgender men, which ultimately end up missing the mark and smack of 'mansplaining.' Or of diverse individuals feeling their safe space is being hijacked once again by the majority.

These are all natural corollaries if allyship is not handled sensitively as W. Brad Johnson and David Smith explained in a 2018 article for Harvard Business Review. Men can face accusations of hijacking women's or diverse identity space; or of being placed on a pedestal for even small actions of support for inclusivity; or of being seen as a fake male feminist, who might pay lip service to female equality but whose actions negate that.

Johnson and Smith quote diversity consultant, Jennifer Brown, who recognizes that not all male allies are equally evolved. "She frames allyship on a continuum, ranging from apathetic (clueless and disinterested regarding gender issues) to aware (has some grasp of the issues but not at all active or engaged in addressing them) to active (well-informed and willing to engage in gender equity efforts, but only when asked) to advocate (routinely and proactively champions gender inclusion)."³

But, like it or not, white cisgender men still make up the majority of leaders and without engaged leaders, real change won't happen. Part of this is due to the very fundamental fact that full scale change needs resourcing and leaders control budgets.

The two roles are not at all mutually exclusive as Su explains:

"I was lucky enough to be chosen to be chief of staff to Allon Stabinsky and one of the reasons he chose me for that role is because of my experience in diversity and Inclusion work. Allon wanted to build inclusive practices into *all* aspects of the way he manages the department. You can't make such

a huge cultural change without having an ally: someone in power, more often than not a white, cisgender man, who believes and is ready to dedicate resources and support to inclusion."

The evidence shows that when men are deliberately engaged in gender inclusion programs, 96% of organizations see progress — compared to only 30% of organizations where men are not engaged.⁴ As Laurie Charrington, co-chair of the diversity committee in the legal team declares, "The diverse lawyers can be as vocal we want but our senior leadership is still majority white male leadership, without their buy-in we won't get anywhere; they need to be part of the change."

"We at Paul Hastings are focused on changing the culture of the legal industry and creating an inclusive environment for our talent. We know that to achieve this for our firm and our industry, we need strong leader allies to move the needle. Allyship is integral to pushing these efforts forward and to broadening this discussion."

Greg Nitzkowski, Paul Hastings Managing Partner and Diversity Council Co-Chair

Discussing the effect of allyship on gender equality programs, W. Brad Johnson and David Smith writing in Harvard Business Review assert that, "Without the avid support of men, often the most powerful stakeholders in most large corporations, significant progress toward ending gender disparities is unlikely. What's at stake? A study by McKinsey projects that in a "full potential" scenario in which women participate in the economy identically to men, 28 trillion dollars (26%) would be added to the annual global GDP when compared to the current business-as-usual scenario."⁵

³ <https://hbr.org/2018/10/how-men-can-become-better-allies-to-women>

⁴ <https://hbr.org/2018/10/how-men-can-become-better-allies-to-women>

This can be further extrapolated out to include all minorities, as McKinsey's research has again shown that the business advantages for ethnicity and gender inclusivity are almost double those for gender parity alone.

What's significant in considering the role of allies at Intel's legal Department is that efforts are being undertaken to engage diverse populations and through everyday actions, which we will discuss later. But also that there are allies and sponsors who are in the most influential positions of leadership. And that's what is termed Inclusive leadership, which has been a key area of focus for MCCA since 2018.

INCLUSIVE LEADERSHIP

MCCA and executive search firm, Russell Reynolds Associates (RRA) have collaborated on research benchmarking inclusion in the legal profession and considering best practices in inclusive leadership to create an inclusive culture.

What is inclusive leadership? RRA defines inclusive leadership as: "A set of proactive behaviors that leverage the unique attributes of each person in the workplace with the goal of enhancing overall performance."⁶

While comprehensive recognition and support of an inclusive workplace by leaders is needed, ultimately it's how the day to day experience of working there feels for those who are in the minority, that will determine whether a culture is truly inclusive or merely paying lip service:

“Inclusion focuses on actively embracing diverse perspectives and changing the culture to reflect them, rather than simply hiring diverse

employees and expecting them to fit into the existing culture. Importantly, any leader or employee can contribute to inclusion, regardless of background or demographic. Yet the measure of a culture's inclusivity ultimately lies with employees, and in particular, with those who have traditionally been marginalized.”⁷

According to their report on Inclusive Leadership, MCCA and RRA define inclusive leaders as excelling in four key areas, as discussed earlier. 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.

⁵ <https://hbr.org/2018/10/how-men-can-become-better-allies-to-women>

⁶ MCCA & RRA Unleashing the Power of Diversity Through Inclusive Leadership, (2019) p.19

⁷ MCCA & RRA Unleashing the Power of Diversity Through Inclusive Leadership, (2019) p.5

“It’s a lifetime of self censorship that people of color have to live. The options are: speak your truth and face the reprisal, or bite your tongue and get ahead in life, it must be a strange life, always having permission to speak and feeling indignant when you’re finally asked to listen. It stems from white people’s never questioned entitlement, I suppose.”⁸

RECOGNIZING THE PROBLEM

One of the first steps in allyship and the related inclusive leadership practices is recognizing the problem, bringing awareness and clarity to it and seeing the true lived reality of that rather than merely a partial understanding from a position of privilege.

As we began to explore above there are different versions of allyship and some are more successful than others. But to be truly successful, an ally or an inclusive leader has to be intersectional. That’s particularly true in regards to inclusive leadership, where leaders need to be both allies and sponsors of change.

Allyship has more commonly been discussed in regards to gender but it’s an important factor for all groups. A common complaint about many gender-based initiatives in workplaces are that they are not intersectional and are often skewed towards the experiences of white, cisgender, heterosexual, middle-class women. As MCCA and the ABA Commission on the Profession Research from 2017 *You Can’t Change What You Can’t See* showed, women of color fare the worst across the profession and across all markers of lack of inclusion. So allyship has to be intersectional and be open to broadly supporting ALL difference, not just the difference that feels comfortable or easy to deal with.

The issue of race can be a particularly difficult one to bring successful allyship to as there can be multiple layers of discomfort and fears around appropriation and the “white savior” complex. In the U.S., this conversation can feel much more fraught because of the history and legacy of slavery and segregation. The dialogue of race has been controlled by the dominant culture, and it’s often a conversation where huge swathes of experience are denied. In her seminal 2014 blog post, “Why I’m No Longer Talking to White People About Race,” in 2014, which was turned into a book in 2017, journalist Reni Eddo-Lodge, stated that this was due to the majority of white people not accepting the presence of structural racism and it’s symptoms:

⁸ Reni Eddo-Lodge *Why I’m No Longer Talking to White People About Race*, (Bloomsbury 2018) p. xii

LISTENING

A key starting point for successful allyship then is being able to hear the reality of other people's truths. That doesn't mean you need to feel you have lived them- that can never happen. Even an immersive virtual reality experience like the Thousand Cut Journey, pioneered by Stanford and Columbia University⁹- cannot give more than a tiny fraction of understanding the experience. In MCCA and RRA's Inclusive Leadership Research, knowing about other's histories and truths and being able to share your own is an important piece:

For many allies that comes from an essential sense of fairness and justice, as Su Suh explained is the case with both General Counsel, Steven Rodgers, and Allon Stabinsky. But many allies can also tap into their own stories and experiences, which help them to empathize and clearly see the issues that need to be addressed to promote greater inclusivity for all.

Allon explains that there are two factors that led him to recognize the importance of diversity and inclusion:

"The first factor is equality and fairness and the second is my unique childhood where I was both the beneficiary of equality and the victim of it."

For Allon, his personal journey began growing up Jewish in South Africa, the child of an Israeli father and a German non-Jewish mother - in itself an object lesson in seeing beyond difference. Layered into this was the unique experience of living through apartheid where racial discrimination was institutionalized and was the very foundation of society. Allon was privileged on the one hand because he was not black, but as Jews his family were not entirely welcomed by the right wing Protestant government in South Africa at that time. So being the subject of discrimination and living in an environment built on discrimination gave him a strong grounding in being able to understand others' experiences.

As Su explains, "This reflects Allon's strong sense of justice in and around things like diversity but it's more than just numbers; Allon has a learning and growth mindset. Consequently, he has been very open to considering the lived experiences of others."

While his role has been significant in driving change in the legal department, Allon believes firmly that the first responsibility of an ally is to step back and listen.

"I think it's useful to apply the Spiderman mantra here: 'With great power comes great responsibility.' As a leader it cannot be just about changing numbers and quotas but about changing behaviors: leaders are critical in changing behaviors and therefore the culture," Allon explains. But it has to be approached with great sensitivity, and in Allon's case this involved also taking a long hard look at his own behaviors.

"How you approach culture change for diversity and inclusion is different from other kinds of change," Allon clarifies. "You have to approach it in a different way with a different level of sensitivity. As a leader in many situations there is a lot of presumption on you that you know the answer, but with inclusion and diversity it doesn't work that way, because you do not see the world in the same way as your team might."

For Allon it was fundamental, "To approach this with humility and vulnerability and work in a more collaborative bottom-up approach than top-down. Listening was key.

For me it was a wake up call. My style of leadership is being wired to take charge. I did one of these leadership value assessments with my coach where you look at 360 degree input - this was incredibly helpful. Some of my values were broadcasting too loudly and drowning out others' views: this taught me I need to change the way I behave in meetings and the way I work in personal interactions. The key learning was I need to listen more: my natural inclination is to get the problems out there and vigorously attack them but not everyone is comfortable with that."

Thinking about how he wields power and listening to a diverse range of viewpoints led Allon to change his style. "Now I take a more backseat approach and let others be empowered including letting them speak at the table first. Previously by owning the debate too much from the start by setting my position too clearly. I also stopped alternative views coming out. Allowing that to happen means we get better results from the benefit of different viewpoints at the table."

It's these type of inclusive leadership practices across Intel that is allowing change to happen more quickly than before.

⁹ http://www.diversityandthebardigital.com/datb/fall_2018/MobilePagedArticle.action?articleId=1436894

SECTION 02 | UPPING THE ANTE: COURAGEOUS AND ACCOUNTABLE LEADERSHIP

A number of interviewees at Intel reported that whilst diversity and inclusion efforts at the company had always been fairly developed, these have accelerated in recent years. But those were not just words but money; money which could fuel action- \$300 million worth of action. Similarly with the Intel Rule, the legal department is putting its 300 million dollars annual legal spend to action.

It's this, putting the inclusion conversation as central to everything, and backing this with resources, which is making a difference in the company as a whole and in specific departments. It's a program that is courageous and in which leaders are accountable for success, but which also allows these leaders to empower others.

Put together all of these factors are creating some practices, which might not be new, but which feel quite innovative, due to the way in which they permeate so many aspects of what the legal team does.

Assistant General Counsel Eva Almirantearena is the head diversity and inclusion for the Growth Acceleration Team and leads a team whose responsibility is working with outside law firms who work with Intel in increasing inclusion and diversity.

Eva sees the difference since the inclusion conversation has become central.

"I have been here fifteen years and diversity and inclusion has always been part of the culture. But in the past four years since 2015 when the then CEO made it a business imperative by announcing this overarching initiative, achieving full representation by 2020 and dedicating a lot of resources, this time it has changed and moved from a 'nice to have' to a 'must have'."

What that's done according to Eva is seeing the inclusion discourse as truly central to what will make Intel successful: "That has produced a

lot of focus on the importance of diversity and inclusion from a business imperative and the fact that diverse teams get better results. That focus has permeated everything from representation at suppliers, hiring to retention and to where we invest money in smaller companies through our investment arm. It's really a whole new view that has expanded across the entire organization. It's also really part of the day to day conversation in a very significant way."

It's chicken and egg according to Su Suh. "While it's fundamental to have inclusion as a central stand to everything we do, I think the most important factor in our journey to change has been having allies like Allon and Steven Rodgers.

What having these allies does is allow us to work on that second strand, which is the key to achieving successful culture change: having the opportunity to embed inclusive practices in the way we do everything."

What's been fundamental to this bellwether change is strategic focus, strong leadership and resourcing. As Eva explains:

"Diversity and inclusion were made business imperatives in the company coalescing around three pillars: this then moved to creating very specific structures and programs around these in ways which were very different from the approach we had before. Previously people were working on this issue but not in the same focused fashion. But it needed that central leadership focus to cascade that out to different teams."

What's been most significant, Eva feels, is the structured focus which emanates both from corporate leadership and leadership of the legal team:

"Leadership has been vocal about diversity and inclusion and brings the issues to everyone's attention. Not to say wasn't done in the past, but it's

the depth of structure behind it now and the goals which make this feel different. Intel is a very goal-oriented organization so that has helped a lot."

Similarly, Mike Labbee (co-chair of the Diversity & Inclusion Committee in the legal team) has also seen a significant shift in the way both the team and the organization has approached inclusion and diversity in recent years. "There's always been good awareness but it has been increasing, and the real change in the last few years has been the real level of commitment to action."

For Mike this comes down to leadership engagement, "Steve Rodgers is our GC and he has taken some aggressive stances in the way he speaks about inclusion and diversity. That doesn't sound like a whole lot on paper but it's the first time it has been a real talking point in our leadership and the same with our current and our previous CEO."

A key aspect of how this leadership engagement is different according to Mike is that it's not just about words and not confirmed to just diversity initiatives but has actions which impact the way the department is run:

"Steve Rodgers and Allon Stabinsky have taken steps which might not seem like a lot but make a big difference such as being open about when positions open up and making sure they are open to all. For example, previously when promotions were filled you might not be aware of the opening. Now most of our openings are posted and anyone who is qualified can apply. But it's bigger than that; part of it is feeling supported and knowing that opportunities are available. It's about leadership being open to talking about it and making changes to our processes. That has a snowball effect of improving morale."

Similarly Laurie Charrington, who co-chairs the Diversity Committee with Mike, points to the forceful stance taken by Steve Rodgers. "Steve said after Brian made the announcement, that we are going to beat that goal!" The assertiveness definitely made a difference though Laurie feels, "I can see it has helped our numbers even at face value of you look at our department pre-2015 and today it is so different. When I joined there were only one or two other senior black lawyers in the entire department. We are now up to eight senior black lawyers and we now have a black Vice President in legal – the first in a long time."

What's been key in achieving this movement is the focus and discussion, says Laurie, "Just having the conversation primes the pump. We're making significant progress but it's a journey for sure. For example, prior to the announcement of the new diversity initiatives, there was a lot more tapping on the shoulder for a key assignment or promotion. Now the overwhelming majority of new opportunities are posted and the interview slate has to be diverse."

The growth of opportunities in the legal team, as a result of these goals, ties in with research on wider culture change in organizations, which suggests a successful starting point has to be the aspiration and a vision of what success looks like, so a goal is fundamental. But the ability to state goals and tie successful leadership into the achievement of those goals firmly underscores the second component of what successful inclusive leadership looks like, according to RRA research: courageous accountability.

There's an important optics factor around allies as well. If the champions of inclusion are obviously marked as diverse and in the minority, that may, mark inclusion activities as by and for the minority in the subconscious of many of the majority and even minority colleagues' minds.

THIS CAN RESULT IN A NUMBER OF OUTCOMES:

1. Majority colleagues feel inclusion is not for them, does not concern them and is 'not their problem'.
2. Inclusion is seen as happening at the periphery of the company and is a 'nice to have' but not 'central to what we do.' The corollary of this can be that time and resources are not given to inclusive activities or are only given when there are resources to spare. The 'nice to have' argument.
3. Inclusion is seen as belonging to those 'who are different from me' and this may activate biases. As humans we all have biases and cannot get rid of them, what we can do is recognize these and put up road blocks or logical gates to try and stop behaviors which may result from biases.
4. Another factor is if the majority feel excluded from initiatives around inclusion it can raise feelings of guilt, which can result in denial and push back against change. This can deny the reality felt by minority groups and make them feel as though they do not belong.
5. Making diversity and inclusion about certain groups and not about systemic change generally does not result in successful change as it becomes a narrative about the individual groups not the system and culture which they operate in.
6. Making diversity and inclusion about certain groups and not about systemic change can also lead to the 'savior complex.' The notion that disadvantaged groups need the majority's help to be saved from oppression. Whilst it is true inclusion needs to be everyone's issue, great care does need to be taken in how the role of allies is presented to avoid this trope.



BELONGING

A key factor for an inclusive culture and for the work of an inclusive leader is to foster a feeling of belonging. The MCCA and RRA research shows that having a sense of belonging is the most significant factor in creating an inclusive culture.

Those who belong are more likely to see their organization as bringing out their creative potential, more likely to remain at their organization, and are more engaged in their jobs. The comments made by Mike Labbee about the support for inclusion and some of the actions taken by leadership show this is creating, for him and other diverse lawyers, clearly illustrate a feeling of belonging. “Part of it is feeling supported and knowing that opportunities are available,” he says.

When employees feel they belong, they will work better and productivity and profitability will increase. This is all predicated on the culture of their organization and specifically an inclusive culture. Work on strong organizational cultures has shown that strong cultures create a strong sense of belonging.

Daniel Coyle in his book *The Culture Code* studied a range of organizations to determine what aspects cause their cultures to work and also looks at what happens in groups where those qualities are missing. Coyle identifies three core skills which contribute towards building a cohesive culture:

Skill 1: Build Safety

Explores how signals of connection generate bonds of belonging and identity.

Skill 2: Share Vulnerability

Explains how habits of mutual risk drive trusting cooperation.

Skill 3: Establish Purpose

Tells how narratives create shared goals and values. The three skills work together from the bottom up, first building group connection and then channeling it into action.

These three focus points align quite clearly with the ideas outlined in two recent popular business books about two very distinctive organizational cultures, those at Netflix and Pixar, *Powerful* by Patty McCord and *Creativity Inc.* by Ed Catmull. In Netflix’s case it was a nimble, high performance culture. In Pixar it was a focus on collaboration, creativity and possibility. What’s interesting in both cases is the authors point to is a sense of togetherness and safety, the ability to fail and a shared purpose. Another key fact is that underlying both these cultures is a sense of honesty and not shying away from their problems. It’s there that legal departments can be a fundamental catalyst to culture creation in all organizations not just their own teams, as it’s in lawyers’ very *raison d’être* to point out problems and risks.

What I would argue in the case of building an inclusive culture is that those feelings of safety, shared vulnerability and aligned purpose have to pertain to everyone in the organization and not just some of the group or those who set the agendas. True safety and the ability to share vulnerability can feel very different if you are in the minority versus the majority. And many of the factors which mean you do not feel safe or able to fail might be invisible to many of the majority. It can be difficult for majority groups to understand the micro-aggressions or expectations of certain types of behavior, which can lead to subtle modifications in what you do, say and even dress by minority groups to feel they must conform.

It’s often these micro-aggressions that interfere with creating an inclusive culture and are harder to change often than blatant discrimination. Indeed research carried out in 2016 by Eden King of Rice University and Kristen Jones of the Fogelman College of Business and Economics at the University of Memphis, showed that subtle biases can be worse than more blatant examples due to the fact it is harder for recipients to decode that it is bias:

“One of these effects stems from the very human fact that we try to understand why people treat us the way they do. For example, if a female employee is told by her boss that she will not be given a challenging assignment because “women are not suited to handle that type of pressure,” it’s relatively easy to identify the cause of the behavior: blatant bias. If the boss tells the female employee that he doesn’t believe she is ready for this kind of pressure, however, the reason is less clear. Is it because she is a woman? Or is the boss rightfully concerned, having the best interests of the employee at heart? People will spend a lot more time ruminating and trying to figure out the latter situation than a clear-cut case of sexism. This rumination, the longer it continues, can be significantly depleting to cognitive and emotional resources.”¹⁰

Another factor why this sort of behavior is more stressful is that there can be more of it and it can go on for longer, in large part because it is not understood as bias. We may go back and consider the whole reason for Reni Eddo-Lodge writing her blog and book entitled *‘Why I Am No Longer Talking To White People About Race.’* This sort of behavior is more insidious, harder to complain about and harder to change, and can lead to ‘gaslighting’ whether deliberately or through ignorance.

But individuals need to be able to belong in a culture where an authentic version of themselves is accepted. Too often success can be correlated with conforming to a specific cultural norm and changing aspects about your given identity. This can range from women pretending they do not have children or LGBTQ+ lawyers not being out at work. In more currently pervasive forms it can be African American lawyers adopting hairstyles which are not seen as ‘ethnic’ to fit in. Whatever, the form of these subtle biases it is giving the message that you can only belong if you look, act or think a certain way. It also gives the message that success is dependent on these characteristics. In MCCA and RRA research on Inclusive Leadership

and culture change this sense that there is only room for belonging for a certain type of person was cited over and over again as a source of frustration for diverse lawyers:

“A number of commenters pointed out that law firm culture also shuts out other kinds of diversity. “This goes beyond race and gender; there is a specific “type” that is predominant here, and some very talented individuals who may not be perceived to fit the Organizational Fairness Scores “type” (but who are nonetheless exceptional lawyers) sometimes get passed over,” noted an LGBT male attorney working for a law firm.”¹¹

What’s often seen as happening is that there is a commitment gap between what leaders say and what they do to promote true belonging. A key aspect here is that there has to be accountability throughout all layers of management, not just ‘nice’ pronouncements from the top tiers of management. So whilst in the previous section, Mike Labbee characterized the leadership’s transparency to promotions as not seeming like much, however, in regards to creating a culture of belonging and closing the commitment gap between leaders and the workforce, it’s actually doing quite a lot. The Inclusive Leadership research shows that a fundamental part of closing the commitment gap is management accountability throughout the ranks for inclusion. This has become an important part of the inclusion picture at Intel as Su Suh explains:

“Senior leaders are encouraged, and expected, to sponsor and mentor a diverse set of folks. And throughout the company, a portion of our bonus is keyed to participation by senior leaders and managers in our allyship program, Ally Nation. Inclusion is a key way leaders are measured at Intel; it’s a core expectation of leaders’ behavior that they lead inclusively.”

¹⁰ <https://hbr.org/2016/07/why-subtle-bias-is-so-often-worse-than-blatant-discrimination>

¹¹ MCCA & RRA Unleashing the Power of Diversity Through Inclusive Leadership, (2019) p.11

WE4SHE

While there's increased rhetoric around inclusion, still too many organizations still miss the mark on equality and inclusion efforts by focusing initiatives solely on changing those who are diverse. Employee Resource Groups (ERG) are often the first port of call for many organizations. While these are important in many aspects there can be a downside if these are not configured within the wider matrix of building an inclusive organization ERGs can end up functioning almost as a form of ghettoization which fails to address systemic structural causes and ends up reinforcing the perception that these are issues that white cisgender men, or something the majority of leaders don't really need to think about. As discussed above, the legal department leadership at Intel is making very strong efforts to have inclusive leadership and promote allyship to show this is everyone's problem and that inclusive practices need to be everywhere. A good example of how this has been practically achieved has been the We4She.

Leading Edge is the women's leadership affinity group for the legal team at Intel. One of its initiatives is the 'We4She' group, which was inspired in part by the 'He for She' global solidarity impact initiative started by the UN in 2014. The global He for She initiative, aimed to bolster efforts by men to support efforts for gender equality, recognizing that without the involvement and commitment of men, that change would be much slower or not happen in some cases.

The Intel focus set out with similar aims: recognizing that advancement for more women into leadership was an issue that men had to be involved in solving. Karol Goh, legal counsel in Intel's Singapore Office who heads up Leading Edge, explains that He for She, which became We4She to be more inclusive, has been a game-changer in assisting the advancement of women in the legal team:

"We have corporate-driven goals, which trickle down to the different departments and allyship has been a huge focus. The We4She team leads the effort for

leading allyship in the legal department. It's definitely been more than just signing up but has really called for demonstrating support. The move from He for She to We4She was to demonstrate that it's everyone being agents for equality."

It's important the initiative itself displays this inclusivity, Karol feels, and it's currently run by a female and a male lawyer. Having a man involved was deliberate, she explains, as it helps focus on their viewpoint as well.

In terms of day to day programs that tangibly demonstrate this viewpoint, the legal department has created 'We4She' awards which are given every six months. The legal team nominates and then awards someone who has demonstrated inclusive behaviors and recognizes men and women who are supporters of women's development. These awards are more grass roots awards and are often rooted in everyday interactions and behaviors; again showing that inclusion has to be everywhere and not something extraordinary.

The group also shows their support more broadly by sponsoring conferences that support the same goals, such as the 'Better Men' conference, which is focused broadly on engaging men in the corporate world to advance inclusion. This year a number of lawyers from the Intel Legal Department attended and spoke about their learnings as to what works in getting men to engage in advancing gender equality.

Given the group has the specific goal of moving more women into leadership and getting greater gender equality, its inclusive leadership and men being allies that has helped really move the needle, "It's this tone from the top that has been fundamental in advancing the message that this really matters," according to Karol. "Our We4She executive sponsor is the head of the legal department, Allon Stabinsky. It's really key that he shows his support tangibly by turning up to We4She events. It's fundamental; this is not just lip service."

PATHWAYS TO DIVERSE LEADERSHIP

Laurie Charrington who is Co-Chair of the diversity committee with Mike Labbee previously co-chaired Leading Edge for many years. But now alongside her work in the legal department's diversity committee she is also part of the leadership for Intel's Black Leadership Council. This group is one of a handful of leadership councils run across the company and unlike a typical ERG, which is usually open to everyone, the leadership councils are only open to those in the affinity group who are in leadership, of director level and above. "There are ninety of us company-wide," Laurie explains, "And our mission is to advance the professional retention and development of black employees." The group comprises the senior black employees of Intel and supporting each other cross functionally is key, Laurie says, "What that cross functional structure does for the council is it allows us to draw from across business groups to further our mission, so if we need support from one area or another, we can reach out to council members in those particular groups."

One of the main focus areas for the council is developing the pipeline of black employees into the coveted Vice President role. That initiative is led by the VP Group who are the most senior black employees of the company that have made it to that Vice President level. The hands-on involvement and visibility of this key group are fundamental to success, Laurie feels:

***“You only see real movement for black talent development if we make significant programs in most senior levels of a company. When you don't have diversity at management level, equity level or wherever it may be, it is then that much more difficult to attach and retain diverse talent. If you cannot see it, you cannot be it; it's hard to imagine.*”**

How the team in the Intel's Black Leadership Council do this is essentially from the grass roots via advocacy and sponsorship for black talent. Existing black VPs ensure that they are meeting with members of the pipeline, those in the grades leading up VP, and also connecting with the candidates' own managers. A key aspect of this regular contact is to make sure they are getting opportunities needed to develop the skills they need and make sure any blind spots are addressed.

This vocal advocacy from existing black leaders is central to the effort, Laurie feels, "The way we get ahead in corporate America is not just by excellence but by someone recognizing what we do. In our community we don't always have vocal advocates and sponsorship; being that vocal advocate and being that vocal sponsor is key for our black leaders."

For those high potential leadership candidates who do not have a black VP in their group, the Black Leadership Council is also focused on making sure they can get support and sponsorship from within their group and still get access to opportunities. Laurie feels it's sponsorship, not mentoring, which is what's really needed in changing the face of leadership at Intel. And, similar to the legal team's efforts with getting to know and work with diverse outside counsel, it's the individual focus which is crucial, not blanket initiatives.

Aside from this very focused initiative looking at growing black leadership, the council also works on connecting the wider black community within the company. Building that sense of community is significant for retention, says Laurie, "It's easier to leave a company that you do not feel connected to. But if you have a sense of community, where you have a network of friends and support system, where you know and see people who look like you is fundamental. There is an informal mentorship that can come out of this and that keeps people at a company. As a result, the Intel Black Leadership Council organizes regular social events, including events where members of the black leadership council share their career stories and their personal journeys. Again, such events underline the importance of having leaders who look like you, who are engaged and also visible, adds Laurie.

SECTION 03 | EMPOWERING EVERYONE: EVERYDAY BEHAVIORS

As shown in creating connections for black employees across the company, what's at stake in creating an inclusive culture is making everyone feel that, to a greater extent they belong. One of the challenges with creating truly inclusive cultures and getting those who are not diverse to tangibly support; this is the fact that many non-inclusive behaviors can be small and hard to define. These micro-aggressions or lack of awareness may also be harder to recognize if you have not been on the receiving end.

“Diversity and inclusion are often put in the ‘nice to have’ box or shuffled around as ‘something we will get to when we have the time.’ From Intel we learn that the core elements of its progress are: (1) clear messaging and goal setting from senior leadership; (2) a well thought out and well resourced plan for turning those goals into measureable results; (3) holding people accountable for achieving those results in its performance evaluation and compensation setting process; and (4) encouraging people to innovate, learn from each other without judging, evolve what they’re doing and not be afraid of making mistakes.

Greg Nitzkowski, Paul Hastings Managing Partner and Diversity Council Co-Chair

Sometimes these small cultural cues can be fundamental to the success or failure of culture change in regards to inclusivity because they speak to the everyday not the exceptional. This gets to the heart of cultural change, dealing with what Management Psychologist, John Amaechi has called “cultural littering,” where the lack of proactive intervention when there's bad behavior means this becomes normalized as part of the culture. One of Amaechi's favorite sayings is “People make choices; choices make culture.”¹²

This aspect of culture change has been a focus for Intel's legal team, specifically for the Leading Edge group.

One of the group's tools which has helped bring greater awareness of the everyday behaviors which can impact inclusivity in the workplace is the creation of posters, which details ten behaviors which can help colleagues to behave in a more inclusive way:

**We4She Pledges
for Gender Equality**

- Include women** when forming teams
- Be a sponsor or mentor** to a woman
- Solicit women's opinions** during meetings
- Speak up** when women are excluded or discriminated against
- Call out others** who restate a woman's idea as their own
- Create or seek out** development opportunities for women
- Promote** managers who role model inclusion
- Urge qualified women to apply** for open (including stretch) positions
- Support workplace flexibility** for working mothers (and everyone else)
- Acknowledge and discuss** unconscious gender bias



**LEADING EDGE
Law & Policy Group**



¹² <https://wtop.com/nba/2018/07/john-amaechi-still-has-plenty-to-teach-the-sports-world/>

Su Suh feels that this consideration of the everyday behavior, such as how a meeting is being run is has been a transformative part of the way inclusion is now approached:

“It’s important to the department’s leadership team that we run meetings with inclusive best practices and work to create an environment where everyone feels empowered to speak. Further, there are clear expectations that we not interrupt one another nor appropriate colleagues’ ideas. Slips and exceptions are treated contextually. But there is definitely a culture of accountability.”

This way of approaching meetings has made them more inclusive for everyone and had broader repercussions beyond just gender inclusivity, says Mike Labbee.

“Thinking about how you run meetings has been informative on a range of levels. One issue is we are this multinational company with offices all around the world so most meetings are held over the phone as people may be in different cities and countries; therefore it can be challenging to feel engaged in some of those meetings.”

Mike explains that this was first covered in a legal department summit as a topic of how you overcome inherent bias and how to make sure there is engagement in meetings. “One of the suggestions was when you have a teleconference and some people are in person and some are on the phone, make sure you ask for opinions and ideas from people on the phone first. It’s a little thing but it made a really big difference; people don’t check out when they are on the phone because they know they are being engaged.”

By addressing gender related issues in meetings, such as women’s ideas being appropriated, or women being spoken over, it’s making people think about all the small behaviors that can make a difference both positively and negatively. As Mike points out, “It’s just become just how we do things. It’s a good example of ways in which our culture has changed in subtle ways that normalize inclusivity.”

Eva agrees. “When we’re looking at being inclusive, the key is that everyone is joining in the conversation. If people are not joining in, you, as the meeting leader should go to those who didn’t and find out why. Don’t let ideas or comments be misappropriated; don’t have interruptions when colleagues are talking.” What does need to be interrupted are behaviors which are propagating the status quo and, as Eva explains, forcing everyone to think about being inclusive all the time also shows, “It’s fundamental to interrupt problematic behaviors so that everyone is aware and thinking about how to do things better. It’s not ‘just how it is’ but we also explore ‘how it should be.’”

STRATEGY + ACTION = SUCCESS

Having a strategy for inclusion and diversity is important for the team and particularly its leadership but Allon Stabinsky feels what's actually more important is making sure the strategy is followed through with action, "Strategy is definitely important and a strategy is necessary but it's not enough. Strategy has to be combined with action and it can't be done in your spare time."

Part of the rationale behind trying to bring inclusion and diversity into the sphere of the everyday was also to expose it to the same rigor and operational goals and measures as for other areas of strategy, Allon clarifies.

“You have to evaluate it and bring to it the same rigor and programmatic approach that you have for all your strategic goals. We have our strategy, our base plan and on a program-by-program basis we review progress on our base plans. We have periodic operational reviews of our diversity and inclusion strategy in the same way we do all our other operational reviews: strategy needs to be complemented by actions.”

As evidenced by the work undertaken by MCCA, the ABA Commission on Women in the Profession and the Center for Work Life, Law in their 2017 report *You Can't Change What You Can't See*, looking at existing structures and finding tools to interrupt biases and resulting behaviors produced by these structures are the keys to producing lasting and effective change. Allon and the leadership team at Intel have also recognized the importance of giving people tools to effect action, as he explains:

"You need to give people the tools to understand the issues and time to address them. This corporate initiative called Ally Nation is geared to empowering and arming our leaders to practice inclusive leadership. It's not just words: these successes are tied to our bonuses."

Ally Nation has a resource center where leaders have access to a variety of tools, as Allon describes: "It's a really great cheat sheet of how to practice inclusive behaviors, for example, how to run an inclusive meeting; how to send an inclusive email; how to have an inclusive discussion with team members." Allon appreciates the variety of resources available to him through Ally Nation.

"One of the things I found challenging as a leader is when they teach you about unconscious bias and behaviors finding the right actions address them. The key is realizing there is no 'one size fits all' and it's the same for inclusive leadership. Everyone is different and this resource center allows you to pick and choose from a set of tools that fit your circumstances and leadership style."

For example, Allon shared what he learned about getting opinions from everyone in the room. "Take special care with virtual meetings so that the proximity bias for those who are in the room is not overpowering." Allon adds, "by trying to include everyone you can make some individuals uncomfortable." He counsels that it's useful to make a list of people involved in meetings first and consider who is involved that you do not normally hear from. It's best to speak to them in advance of meetings to discover the best way to include their opinions, which may be not be putting them on the spot in the meeting.

ACTIONABLE GOALS

As mentioned previously by interviewees, Intel is a very goal-oriented organization and this focus on goals and achieving them has been a characteristic of their attitude in the legal department to create a more inclusive culture. Initiatives like Ally Nation are a good example of a macro-ambition aligned to micro-focused behavioral ideas that are easily actionable.

But inside counsel has a unique opportunity to advance diversity in the profession because they can exercise their power as a client. Allon Stabinsky feels that legal department leaders like himself have a duty to do so.

“I think it is critical that clients drive change in the legal profession with their dollars; We need changed behaviors. The legal profession is driven by profit and operated under an antiquated business model of the billable hour. Firms are under pressure to retain and keep their top rainmakers happy. It’s money that makes them listen. It’s critical that clients with significant books of business are speaking loudly and demanding truly diverse representation from their law firms.”

The legal department has a program focusing on outside counsel diversity and inclusion. This program is run by a team headed by Evangelina (Eva) Almirantearena. The focus is on Intel’s preferred counsel providers or PCPs.

Driving greater diversity and inclusion in the wider legal profession is not a new issue nor one that’s been solved.

Eva explains, “I have been a lawyer for over thirty years and struggled with this issue that entire time. It’s difficult to pinpoint what is happening in large law firm culture such that there is this disparity between their diversity hiring and the diversity of the people who become equity partners. What is causing that attrition that disproportionately affects women and underrepresented minorities?”

While there’s been much focus on creating a pipeline of diverse talent what we need to focus most attention on now, Eva believes, is the real progression of diverse talent to equity partnership. And that’s an area where clients can be central, she says.

“It’s got to be driven by clients because you are successful in law firms if you have client relationships. So it’s incumbent on firms to actively give professionals development opportunities to women and URM. For us, that means meeting more people at the firm so we can specifically request diverse talent and be proactive around staffing decisions.”

Intel Legal’s program around supplier diversity aims to incentivize more diversity and inclusive behaviors from preferred providers and measure this via data gathered on a regular basis. The Preferred Provider Program is engineered to be much more of a carrot than a stick approach and offers a bonus rewarding firms who can demonstrate a year over year improvement in diversity as well an award for the firm that is best at achieving full representation. The recently announced ‘Intel Rule’ further incentivizes law firms to prioritize diversity by requiring law firms that work for Intel to have, at minimum, better than average diversity in their equity partnership ranks.

However, goals regarding metrics are one thing, but they don’t always move the needle on changing the culture in big law firms or producing actual inclusivity all the way through including in the leadership of firms. As the famous quote by diversity expert Verna Myers states, “Diversity is being asked to the party; inclusion is being asked to dance.” Inserting goals for change with their suppliers, Intel’s legal team has recognized they need to go beyond the numbers.

A lot of their focus is now on recognition for diverse lawyers and exercises in diverse lawyer development. Given the structural foundation of all major law firms in the metric of the billable hour and recognition of key client mandates, the team is focusing a significant amount of effort on building substantive relationships with diverse lawyers.

As Eva explains, “We find that the best way is to really drive inclusion is to give diverse lawyers substantive work in matters to grow their professional skills. To do that we participate with our PCP firms in initiatives which provide greater exposure to the Intel team.”

These firm engagements can include pitch days where diverse lawyers with less experience of pitching do mock pitches to Intel. Eva recruits volunteers from the legal team and creates a session of mock pitches with networking and lunch. The Intel lawyers will give their opinions on best practices in pitches and what clients are looking for. “But generally, it’s about giving people an opportunity to get to know each other and network,” says Eva.

Other ways that the team is proactively trying to increase the diversity of outside counsel include working with firms to ensure that their internal legal education program features a number of diverse lawyers. The legal education series is where the team hears from their outside counsel about legal and regulatory developments but it can also provide another opportunity for the Intel legal team to connect with and get to know diverse lawyers.

The team is also actively considering the creation of a mentoring program to give opportunities for in-house

lawyers to mentor junior diverse lawyers at their PCP firms. There are also separate initiatives to identify women and Underrepresented Minority (URM) majority owned law firms and encouraging the legal team to add these firms to the roster. This focus on who does the work is starting at home but may expand to try and use Intel’s experience and influence to assist in diversity and inclusion across the wider legal industry as Eva explains:

“At the moment our focus on who does the work relates to work done for Intel but we are looking at broader initiatives now which may be focused across all of the firms we use and looking at their bigger picture.”

In developing this broader approach where the team will look at firm composition as a whole, not just the teams that work on Intel matters, it’s, in a sense, trying to show the firms that this is bigger than just pleasing the clients. It is actually about inclusive practices for the entire legal industry. Eva says, “We’re gathering data on the firms overall and trying to assess if the team we have in our matters are more or less diverse than the overall picture. Then it becomes a case of drilling down on issues and gaps that we see. You generally lose diversity the further up the tree you go so we ask ourselves ‘what does the partnership level of these firms look like?’”

The team has been focusing most of its efforts on firms they use regularly and how these firms staff Intel matters. This allows for the basis for doing more and expanding their influence Eva believes, citing the example of Microsoft who originally focused their diversity program on Microsoft work and then

started to look at the overall structure of firms and how were their decision making roles affecting inclusion.

The team’s approach is constantly being evaluated and changing as they get more data. “For example, credit origination and who owns the relationship is something we try and gather from our PCP firms but we haven’t focused as much on this,” Eva explains. But as this issue becomes more a point of focus and controversy in the wider industry, it is moving onto Eva’s team’s radar.

That expanding focus is how Intel is showing that these issues really matter to the company and the team and how serious they are about changing the structural inequalities still inherent in much of the industry. Just as Intel and it’s legal team sees that who is in leadership matters, they see leadership needs to look different everywhere for true change to come. “Part of the reason many people leave law firms is because they don’t see anyone at ownership or leadership level that looks like them or reflects their diversity,” says Eva, “That doesn’t send a good message for inclusion. The growth of women equity partners in most big law firms, for example, is dismal.”

The legal team at Intel is also broadening the message to take inclusion and diversity seriously to include firms who are not their primary ones. But, as Eva explains, it’s those ones where they do drive the most business that they feel their voice as clients can most clearly be heard and their influence will work the strongest. “What that means is most of the firms are now proactive on this, not reactive, and bring ideas to us on things we can work on together.”

PIPELINE

Pipeline is always going to be a significant factor, despite it often being the area where most organizations can have easy wins. The focus has to be maintained on managing a diverse pipeline and then advancing those who come in. Much of the pipeline work for diversity in the legal team is overseen by Mike Labbee, co-chair of the Diversity & Inclusion committee in the legal team. Mike's reasons for joining the committee about three years ago were triggered by the political changes in the US, as he explains, "My mother is an immigrant, I am Hispanic and I saw my community become a target of political commentators. I realized that I had become complacent so I started working with the D&I team in the legal department."

Mike's focus quickly became the pipeline for diverse candidates and his aim was to make sure this was robust and long term. "We had been very focused on recruiting and changing our recruiting practices but didn't have longer term engagement plans with diverse communities, which to me is what pipeline is: engagement in the long term."

To that end, in his leadership role with the D&I team, Mike is making the establishment of longer-term engagements with diverse communities a priority. "Right now our focus is pretty broad: the two areas we focus on are women in law and URMs, which is pretty broad swathe in the US, particularly in legal."

Due to the presence of and success of Leading Edge, the initiative which aims to move more women in the legal team into leadership roles, Mike has focused many of his new efforts on creating long

term engagement and paths to entry for URM students. Over the last two years, the legal team has run a summer internship program for law students and the focus for this has been URMs from historically, black colleges and universities.

"That was a big shift in mindset for Intel's legal team," Mike explains, "and it's a really good example of the cultural shift, as hiring was squarely focused on more seasoned lawyers: senior associates and partner level. Historically the view has been that we will not bring in very junior lawyers who don't have experience and train them."

Ideas like having the summer internship were counter to that approach but this has been a significant learning process for the team, according to Mike, with the biggest realization was that it could be done and we could support and sustain such a program. Currently the program is run in conjunction with the external law firms, Mike explains, with the interns coming into the law firms and then to Intel for three to five weeks. "The feedback from interns and the law firms we work with has been uniformly positive," says Mike. "The program gives these students exposure that is unusual, as many interns had not seen what in-house legal practice was like and the breadth and depth that it entails."

Mike characterizes the program as a great opportunity for learning on all sides. Although he admits it is a little too soon to engineer a full-scale change in the hiring practices of Intel's legal team but it does mean the team has a head start in relationships with these diverse lawyers as they move into law firms. In that way it dovetails nicely with the work being done by Eva and her team

on increasing diversity and inclusion at outside suppliers, "Our hope is that it will be beginning of a relationship if they get hired at those firms," Mike explains. "That has the possible outcomes that they strengthen their relationship with is and that supports their career at the law firm or they eventually choose us for an in-house move."

It's a long term pipeline initiative, Mike explains, and shows how in-house teams and law firms can work together to change the picture around diversity and inclusion in the profession. "Last year, our summer intern program focused on first-year law students that wound up getting an offer from the law firm. It was a great result for the participants and the exposure to and relationship with a key client worked."

Thinking about the issues for diverse lawyers in as holistic and long term a way as possible is key, Mike believes, "One of the issues with the big law firms is the lack of diversity and whether they can retain diverse talent over time. Sustaining diversity impacts folks as they move up., Progression is key but there are some underlying structural problems because you need diverse talent retained at every step along the pipeline."

How we sustain diversity is a hard problem in the short term and the long term, Mike notes. "That's why I think pipeline is still important, as it's about structurally building diversity into the departments then you can grow it. How do you grow that talent? This is a challenge for the legal industry as a whole but I do feel people need to be thinking in these five to ten year time frames as I think that quick solutions tend to exacerbate the problems."

RECOMMENDATIONS & CONCLUSION

MAINTAINING MOMENTUM FOR CHANGE

It's all too easy to look at inclusion and diversity as a one-way street where the only way is up. But even when there are major successes the real test of success is maintaining the momentum; indeed achieving the aim of changing behaviors and therefore changing culture.

The Intel legal team's efforts to bring inclusion and diversity into everything that they do is really changing the dynamic about how culturally this issue is seen.

Allyship, leadership and everyday inclusive behaviors have been central to driving this forward, as Eva remarks:

"We've been effective in raising awareness on issues that previous generations didn't talk about to or brought to anyone's attention. For example, our work in understanding and mitigating against unconscious bias makes us be more mindful of the impact of actions (or nonaction) on others."

What's going to be key is making sure this focus and centrality of inclusion and diversity to overall strategy remains true and develops accordingly. Some of the next challenges for the team will be how they ensure the next generation of leaders in the legal department reflects true diversity. The team has become much more transparent about promotions and promotion criteria. There is also now an expectation that leaders sponsor diverse talent. Allon firmly believes that this sort of personalized talent development leads to the best results, not generic one size fits all type programs. For Allon, ensuring there is diverse leadership will be a true measure of the success of their efforts.

“ Unless you have diverse people in leadership positions, you will always be chasing the numbers. Having diversity begets more diversity and the opposite is true. Leaders need to foster a sense of belonging or we have failed as an organization. Failure to do so will lead to attrition then you get into a cycle. How you break the cycle is having diverse people in leadership positions.” Allon believes the key is a bespoke approach focused on individual advancement, not a one size fits all approach: “There is fierce competition for diverse talent. I think the way I see this being done best is at the micro-level when you take the time to provide individualized career support. I find that personalized approach is better but does not scale - it takes time and resources but produces results.

But it's still a work in progress, as the team is happy to admit. Eva Almirantearena summarizes it thus: "Making it a business imperative, saying we are putting resources behind it, and having specific concerted efforts in various areas was really key to pushing diversity and inclusion culture forward. But we still have more to do."

KEY FINDINGS/ACTION POINTS

1. Real executive force behind culture change for inclusion is fundamental. All interviewees at Intel cited a definite change in emphasis after Brian Krzanich's 2015 speech and the announcement of specific targets and investment to meet those.

2. The aspiration and focus has to be bigger than any one leader. Krzanich is no longer CEO but the strategic focus has remained.

3. Money talks. Real change needs real investment. Intel allocated \$300 million to fund greater diversity, inclusion and equity and the legal department's Intel Rule ties its annual \$300 million legal budget to D&I requirements. Su Suh and others in the legal team report that having leaders dedicate and earmark resources makes a significant difference.

4. Most leaders are still white cisgender males. Getting their engagement is key; this also shows that diversity and inclusion is owned by everyone and is not just a 'nice to have' on the margins of the real business.

5. Listening and learning are fundamental to start being an ally. Allon Stabinsky needed to understand how his own leadership style might, even unintentionally, stymie full participation from all groups. That initial insight turned into the use of more inclusive meeting practices. This is echoed in findings from the MCCA/RRA Inclusive leadership research where awareness and clarity is a core action:

"Core actions associated with this competency include gathering information about D&I pain points from the organization, creating safe spaces for dialogue on differences, and proactively soliciting input from diverse viewpoints."¹³

6. Leaders need to show up and be present. In MCCA/RRA research on inclusive leadership, a key point is tangible involvement from leaders and not just words. At Intel leaders, like Allon Stabinsky sponsor initiatives like We4She and show up to the D&I events.

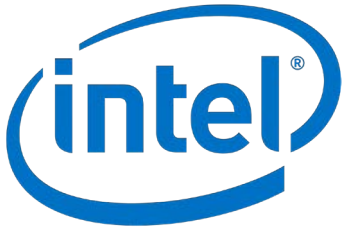
7. Real everyday actions to counter micro-aggressions are needed and this is happening in the Intel Legal department via how meetings are run; how emails are sent and making sure there is full participation.

This echoes findings in the Inclusive Leadership Report from MCCA, which defines this as INNOVATIVE COLLABORATION: "With a better understanding of each team member's potential, leaders leverage complementary strengths and styles to maximize team outcomes. Specific steps might include intentionally building diverse or cross-functional teams or adjusting meeting styles to ensure full participation."¹⁴

¹³ Unleashing the Power of Diversity Through Inclusive Leadership 2018 p.17

¹⁴ MCCA & RRA Unleashing the Power of Diversity Through Inclusive Leadership, (2019) p.18

Biographies



Intel is a USA headquartered multinational corporation and technology company. It is the world's second largest semiconductor chip manufacturer. It invented and manufactures the x86 series of microprocessors, the processors found in most personal computers. Intel is part of the Fortune 500, the largest public listed companies in the USA.

Intel supplies processors for computer system manufacturers such as Apple, Lenovo, HP, and Dell. Intel also manufactures motherboard chipsets, network interface controllers and integrated circuits, flash memory, graphics chips, embedded processors and other devices related to communications and computing.

The company was founded in 1968, by semiconductor pioneers Robert Noyce and Gordon Moore. The company's name, Intel, was conceived as a combination of the words integrated and electronics, with co-founder Noyce having been a key inventor of the integrated circuit (microchip).

EVANGELINA (EVA) ALMIRANTEARENA

Evangelina Almirantearena is Associate General Counsel, Antitrust and Commercial Litigation at Intel. She joined Intel in 2004. Previously she worked in private practice as a partner at Howrey. Prior to that, she was a trial attorney at the US Department of Justice. She took her undergraduate degree in International Relations at Stanford and her JD at Boalt Hall, UC Berkeley.

LAURIE CHARRINGTON

Laurie Charrington is Associate General Counsel and Patent Litigation Team Lead in the Intellectual Property Legal Group. In this role, Laurie drives the strategy and execution of significant patent litigation and IP-related threats to Intel, including matters threatening billions of dollars of revenue where an adverse outcome could materially impact Intel's business. Laurie handles a global portfolio, and has lead teams and cases in United States, Germany, Japan, France, and the Netherlands, and she is Intel's worldwide lead for patent indemnity issues, which often involves complex and delicate negotiations with Intel's largest customers. In addition to her responsibilities as AGC, Laurie serves as co-chair of Intel Legal's D&I team, and co-chair of the company-wide Intel Black Leadership Council (IBLC).

Before joining Intel, Laurie was an IP Litigator at Jones Day. She received her JD from Rutgers University School of Law—Newark in 2003, graduating with Honors, Order of the Coif. Laurie received her BA in Computer Science from City University of New York—Queens College.

KAROL GOH

Karol is the Asia IP Attorney, and provides specialized intellectual property advice to business units and attorneys in the region. She is also the CCG IP attorney and business unit attorney for the CCG BUs in APJ. Prior to Intel, Karol was in private practice as a partner at Bird & Bird's IP and Technology practice group. Karol is based in Singapore.

MIKE LABBEE

Mike Labbee is an Assistant Director in the Intel Legal Department and works in their Hillsboro, Oregon offices. Mike started with Intel as an intellectual property lawyer, supporting a wide range of technology transactions and mergers and acquisitions in the mobility and client groups. He currently supports Intel's Data Platforms Group. In his role, Mike is responsible for overseeing transactional matters and counseling teams engaged in product development and ecosystem enabling. Prior to Intel, he served as IP counsel for Nanostream, a small tech startup in Pasadena, California, and Homestore.com, a dotcom startup in Westlake Village, California. Mike received his Bachelor's Degree in Aerospace Engineering from the Georgia Institute of Technology and his JD from the Georgetown University Law Center. Mike is a member of the Arizona, California and Oregon (in-house only) State Bars and is a Registered Patent Attorney.

SU SUH

Su Suh is the Chief of Staff and Technical Assistant to Allon Stabinsky, SVP and head of the Intel Legal Department. She is an experienced business leader and commercial attorney with a passion for building inclusive workplaces. Since joining Intel in 2011, Suh has been a legal advisor to various Sales and Marketing teams, most recently leading the team advising the Business Management Group. Prior to joining Intel, Suh led legal support for the Building Materials Division at Weyerhaeuser Company. She has an MBA, JD, and degrees in Economics and Women's Studies and enjoys writing and speaking about the power of caring cultures to fuel innovation.

ALLON STABINSKY

Allon Stabinsky is senior vice president and chief deputy general counsel of the Law and Policy Group at Intel Corporation. He leads the Intel Legal Department, a worldwide organization of approximately 500 talented legal professionals, and reports to Intel's general counsel, Steve Rodgers. Stabinsky also serves on Intel's senior executive team.

Since joining Intel as senior litigation counsel in 2005, Stabinsky has held various leadership roles in the Intel Legal Department. In 2017, Stabinsky was promoted to corporate vice president and deputy general counsel of the Solutions Legal Group and chief compliance officer, with additional leadership responsibilities for legal support of Intel's Technology and Manufacturing Group (TMG) and Sales and Marketing Group (SMG), and ethics & legal compliance. Stabinsky has held his current role since 2018 holds a bachelor's degree from the University of Colorado and earned his law degree from the University of California's Hastings College of Law.

PAUL HASTINGS

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GREG NITZKOWSKI

Greg Nitzkowski is one of the Managing Partners of Paul Hastings. Prior to becoming Managing Partner in 1999, he was a Partner in the firm's Real Estate department and focused his practice on complex commercial real estate transactions, including equity investments, real estate-related lending, and secondary market transactions (including securitizations and whole loan sales).



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 in 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.



Intel Inside
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