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## SYNOPSIS | BARCLAYS



Barclays' Legal Department has focused on developing diversity, equity and inclusion both internally and externally for a number of years. The department's journey demonstrates the unique roles that in-house counsel have as influencers; both within their own organizations and externally within the wider profession.

As a large, influential client Barclays is able to influence their own industry and the industries of their suppliers, such as law firms.

#### **KEY THEMES:**

**CONVERSATION:** Being able to talk about subjects freely means that change is more likely to happen.

The ability to speak about subjects which may be uncomfortable or assumptions which can be damaging to inclusion is a fundamental starting point in creating change.

#### **COLLABORATION**

Another theme uniting many of the initiatives being undertaken by the Barclays legal department is collaboration, both internally and externally.

#### **SEEING THE BIG PICTURE**

This can be seen in the breadth and inclusivity of initiatives as Bringing Your Whole Self to Work, Gender Intelligence and The Mindful Business Charter.

### **INCLUSIVE LEADERSHIP**

This is a core theme which runs through all our case studies. Tone from the top is fundamental in producing meaningful culture change.

# FOREWORD BY RONAN P. O'SULLIVAN

### MANAGING PARTNER

At Paul Hastings we always seek to present ourselves in our best light—to our clients by drawing their attention to the qualities that distinguish us: our unique legal and market insights; our technical excellence and expertise and our teams' responsiveness to our clients' most complex and challenging issues. However, in our experience, the characteristic that truly enhances all of our most successful client relationships is our ability to listen to and learn from our clients because in so many aspects of our business, it is what we absorb from our clients that motivates and inspires us and elevates and enhances our culture.

This is especially true when it comes to creating the culture that gives rise to a truly inclusive work environment. And as this case study shows, our client Barclays provides an excellent example from which to learn.

Real change starts with words: articulating what we believe in, what we want to see change, and having that conversation with people throughout the organization. But to achieve meaningful and lasting change, those words must then take the form of actions that can be seen and felt each day.

From its key role in launching The Mindful Business Charter to its focus on big-picture initiatives like Bring Your Whole Self to Work, Barclays has shown how being inclusive and supportive of its people fosters greater collaboration. And as everyone's unique

perspectives are brought into the conversation, the people of Barclays are working to make those culture changes together.

Notable in Barclays' story is the powerful role that the legal department has played in creating and accelerating culture change across the bank. To share one example, Barclays' D&I Consortium brings together representatives from its panel law firms to share best practices and collaborate on programs and events. There's a good reminder here for our industry: lawyers, sometimes thought of as bound by precedent, can be powerful agents of change.

At Paul Hastings we are proud to gain insight from our clients. They inspire us. It's no coincidence that in our firm's diversity and inclusion initiatives we often partner with clients. We have learned a lot—and continue to learn—from our friends at Barclays. There are many valuable, actionable insights in this case study. I hope you will find them inspiring too.



## **EXECUTIVE SUMMARY**

Barclays legal department has focused on diversity and inclusion (D&I) for a number of years. Notably in recent years it has centered that around the campaign of "Bring Your Whole Self to Work".

## **CONVERSATION**

A common theme running through all the initiatives in the legal department in the past and more recently is one where diversity and inclusion conversations can take place freely. The 'Bring Your Whole Self to Work' campaign was driven by the impetus to do more than just talking about D&I while retaining frank and open dialogue at its core. The ability to speak about subjects that may be uncomfortable or assumptions that can be damaging to inclusion is a fundamental starting point in creating change.

## **COLLABORATION**

Another theme uniting many of the initiatives being undertaken by the legal department is collaboration, both internally and externally. This echoes the findings of MCCA and Russell Reynolds Associates in their research into inclusive leadership, which showed that inclusive leaders must excel at fostering innovative collaboration to unlock the unique contributions of each person in a group.

Innovative collaboration certainly describes the Barclays D&I Consortium. The traditional headlines about client and law firm interactions over diversity can frequently focus on where it's not up to par. However, many clients feel a true partnership and encouragement via incentives are more likely to produce lasting results in their suppliers. Clients don't have all the answers, nor do law firms have all the problems. That's why the partnership and collaboration aspect of this Consortium is really helpful and innovative for Barclays and its panel law firms.

## SEEING THE BIG PICTURE

The recent Gender Intelligence (GQ) initiative introduced within the legal department took, as its starting point, an attempt to understand why more female colleagues were not progressing to leadership at the same rate as their male colleagues. This initiative was designed to take a comprehensive view of female colleagues' experiences in the bank, aiming to identify what, if any, actual barriers existed for female colleagues in progression. If there were no fundamental systemic barriers - such as women deliberately being denied access to promotions - what is it then about being a woman in financial services that means (consciously or unconsciously) the same progression that men attain cannot be achieved for women?

One of the key hypotheses this research seeks to understand is the different nuances and perspectives formed by behavior that is coded "masculine" or "feminine" in the workplace. By understanding this, we can start to break down the assumptions and behaviors that may be displayed by both genders. These may result in subtle unconscious biases which hamper feelings of belonging for women or other minorities. This research and analysis will lead to a comprehensive program of gender intelligence training, starting with line managers.

## **INCLUSIVE LEADERSHIP**

Inclusive leadership is fundamental to various initiatives. Bob Hoyt, Global General Counsel for Barclays, frequently speaks about D&I and expects to see results. When the legal department launched the Gender Intelligence (GQ) training program, Bob and the legal executive committee went through the experience first with the entire initiative launching via a video of the legal department executive committee going through the training. But several initiatives, such as Gender Intelligence and the new mentoring and reverse mentoring programs, also recognize the important part that line managers - middle management - have to play. Indeed, research on change suggests this tranche of leadership is fundamental to success.

## SECTION 01

## SOWING THE SEEDS: BRING YOUR WHOLE SELF TO WORK

In recent years much of the legal department's focus on diversity and inclusion has been centered around their "Bring Your Whole Self to Work" campaign.

The campaign was aimed at promoting inclusion globally in the legal department. What the campaign tried to get to the heart of was combating the "otherness" and exclusion that anyone can feel in a situation where the dominant culture sees them having to hide fundamental aspects of themselves in the workplace. This focus was also about attempting to create real change, moving D&I beyond rhetoric.

This theme has gained ever greater resonance due to the death of George Floyd in May 2020, and the movement of global protests for Black Lives Matter. The notion of being seen as who you truly are and being able to present an authentic version of yourself at work is a significant issue that has garnered even greater momentum as more and more people become aware of the deeply entrenched systemic racism black colleagues and colleagues of color have faced over the years and continue to face.



Philip Aiken
Head of Legal
for Regulated
and Unregulated
Lending at Barclays

Philip Aiken, Head of Legal for Regulated and Unregulated Lending at Barclays, explains why this was fundamental.

'Bring Your Whole Self to Work' was our first banner when I took on the mantle of D&I. A key part of it was driving real meaningful change in the department. A lot of people talk about D&I and go to events, and while there can be a lot of passion there, the key is to land initiatives that make actual changes on the ground. It's critical to move away from what I term 'D&I tourism' towards initiatives which really move the needle and deliver real change for the function as a whole."





Jane Son became co-chair of the Legal Department Diversity Committee in the Americas six years ago. "At that time there was a lot of raising awareness around the topics of diversity and inclusion generally," she says. "Many of the legal department's efforts were about trying to support external law firms, often through organizing and attending events and trying to raise more awareness around diversity. Now it's turned into a much more collaborative approach - not just with our law firm partners but across the legal department and within the wider business. The 'Bring Your Whole Self to Work' campaign was significant in getting us to be much more linked up with our messaging across the entire legal department."

Jane echoes Philip's thoughts that 'Bring Your Whole Self to Work' helped to kick off a number of things the department is now focused on.

It's now an environment where we can talk about things more," she says. Jane feels that 'Bring Your Whole Self to Work' has also had an effect in regard to mental health and well-being. "That initiative really became about our culture. It helped us focus more on what it means to create a supportive culture."

Tracey Dovaston, Head of Litigation, Investigations and Regulatory Enforcement EME, has also seen firsthand the value of diversity. "Legal in Barclays is a very diverse function and we are proud of the statistics. Heading up our Litigation, Investigations and Enforcement team, I've actively encouraged diversity through recruitment and promotion, ensuring that everyone has access to these opportunities."

Tracey has been involved with projects internally with WIN, the Barclays women's group, as has Beverley Roberts, Head of Birmingham Corporate Bank Legal and co-chair of WIN. What Tracey feels is most significant in producing meaningful change is the symbiosis in approaching diversity internally and externally.

We're looking at what we are doing within the department and also looking at best practices externally. Within our suppliers we're looking for diversity in the lawyers we instruct, ensuring suppliers know this is really important within Barclays."



Philip and Tracey are two of the diversity and inclusion champions from the in-house legal team and Philip is now leading D&I for the legal function globally.

"My interest was personal: being a gay man in the financial services industry which has historically been very masculine was something I felt acutely when I started out in my career in 2001, but I feel far less 'other' now than I did then. But if I felt like that, there must be many other people out there who feel the same way. There is a real risk that those people who feel 'other' in any workplace which has a dominant culture have to work even harder to rise to the top of those organizations than those people who find it natural to thrive in that culture and it is this, in my opinion, which drives homogeneity at the top of

many organizations in the financial services industry and beyond."

Philip, in heading up diversity and inclusion in the legal department, is now an accountable executive for this area. Part of his role is to bring topics and issues about diversity and inclusion directly to the legal executive committee, headed up by group general counsel, Bob Hoyt. While the needle has moved since he started at the bank, Philip is aware of the need to create lasting change, especially regarding everyday behaviors which people may not realize are exclusionary or that they need to change:

"Even now when I sit in meetings, I will clock the attendees and see if there is only one woman or if the office banter is unintentionally exclusive."

## **DYNAMIC WORKING**

Creating lasting change around culture has been a significant area of focus both for the wider bank and for the legal department. An example of an initiative which has had a wider cultural impact and has also helped to drive inclusion at the bank is the redefinition of flexible working practices as "dynamic working." This has been adopted across the bank, and the legal department has been a driving force in its adoption.

"Dynamic working" provides all Barclays' colleagues the opportunity to define how one works their life. It is defined as a method of empowering anyone to integrate their professional and personal lives in a way that works for them, to assist them in achieving their ambitions. While flexible working often constitutes or implies a change in working hours, usually a reduction, dynamic working may be just doing the same hours but from a different place. It becomes about the value of outputs, not the "where" and "how." Flexible working can be associated with working mothers and carries connotations of not working as much or not prioritizing one's career. By changing the semantics around flexible working patterns, Barclays hopes to push the concept to a broader meaning and audience.

## SECTION 02

## BARCLAYS LAW FIRM DIVERSITY & INCLUSION CONSORTIUM:

The restructuring and change undertaken over the past few years in the legal department had, at its core, the desire to change culture and behaviors. A key aspect of this was in relation to diversity and inclusion, wider working practices and how services were purchased and from whom.

While concern with D&I has long been a staple of law firm panel reviews and request for proposals (RFPs), there have also been concerns that in many cases these requirements have not had any teeth or resulted in lasting change. To demonstrate that their panel process requirements for D&I were more than 'tick the box' exercises for the review process, Barclays introduced the Barclays Panel Law Firm Diversity & Inclusion Consortium. Diversity and inclusion is now one of 6 pillars in Barclays' Expectations of Law Firms. Jane Son explains that in 2018 the legal department's external engagement team started a refresh of the law firm panel relationships, following on from the initial reformation of the panel in 2016. In the 2018 refresh, two new key expectations for law firms were identified.

One was around innovation and the other around diversity and inclusion," explains Jane. "Around this expectation of law firm engagement with diversity and inclusion, we especially wanted to identify and show the firms that Barclays was committed to building a more diverse and inclusive

culture within the legal profession.
Therefore, any law firm should be an active promoter of diversity and inclusion, should be taking significant actions to advance diversity and inclusion and introduce diverse teams to work on Barclays' matters. We identified this new diversity and inclusion expectation via our RFP to law firms, which included, as part of that request, a number of D&I specific questions."

This more focused engagement with law firms on the subject of diversity and inclusion led to more formalized and structured dialogue via collaboration on this topic with the identification in each region of a consortium of law firms. These firms would generally be the bank's primary counsel in those jurisdictions, who could work on Barclays' matters and with whom Barclays would also proactively collaborate on moving the needle with D&I within the firms and within Barclays own legal department.

There are three consortia across (i) UK&EME (Europe and the Middle East), (ii) the Americas and (iii) APAC (Asia Pacific).

The purpose of each consortium is to share what members are doing to further the dialogue on diversity & inclusion in their respective organizations and regions, and, more importantly, to work together to deliver initiatives and to effect change. This will drive meaningful improvement

across the bank's diversity agendas for its colleagues and also across the financial services legal industry. Bob Hoyt, Barclays Group General Counsel, has spoken publicly about how important collaboration is in how he leads and how he feels teams should work.

The way the Diversity & Inclusion Consortia are structured similarly foregrounds the use of collaboration for meaningful change which is the dynamic that ultimately drives the initiative. Part of the selection process for the firms to be included in the consortia was whether the firms had been proactive in wanting to collaborate with Barclays around the topic of diversity and inclusion.

The process was started by sending an e-mail to each firm inviting them to join the Consortium. "An important factor to each invitation was that we wanted each law firm's participation to be voluntary. We did not want law firms who would be hesitant in sharing all aspects of what they are doing on the D&I front to feel pressured in joining because it was a client asking," explains Jane. "The focus for the consortia is for each consortium to work together to deliver specific initiatives collectively but to also create meaningful improvements for us at Barclays and for the legal and financial services industries more generally." To ensure that change could be affected, Barclays asked firms to nominate two people to represent the firm who could discuss diversity authoritatively and who were senior enough to meaningfully contribute and make decisions as a result of what was discussed. Normally, says Jane, "that's the relationship partner and a senior member of the diversity and inclusion team at the law firm."

The Consortium has just finished its first year. Unlike the popular narrative of law firms being spurred into action by demands from clients, specifically the various letters from GCs that have been authored over the years demanding more law firm diversity, the Consortium was designed to be as collaborative as possible, utilizing the expertise, knowledge and resources of all the parties involved to share equally and support each other. "We almost started by looking backward from where we wanted to end up," explains Jane. "We had a number of different firms who

are at different stages in the lifecycle of diversity, but we wanted to make sure that we were choosing impactful activities."

Each regional consortium can choose different areas of focus. For 2019, the Americas and APAC D&I Consortia chose to focus on the topic of mental health and well-being in the legal profession. The EME D&I Consortium chose to focus on the broader area of effecting cultural change.

Being able to work together in a spirit of true collaboration was one of the reasons mental health was an effective topic to start with, notes Jane. "There is no 'winning' at that because we are all in it together," she says. "The discussions were focused on sharing best practices, pooling resources and creating initiatives where law firms would work together. It was certainly not a one-way street. When the sharing started, I was initially thinking that these firms have so much more than we do in terms of resources." Jane recalls.



But when I ended up reaching out to our HR team, I realized we had a lot as well, but it was just not as transparent. So, our collaboration was really helpful to me in finding out what we had on offer more widely at the bank and to help me think about how to make that offering more transparent and share that with others in the legal department."

But of course, the power of the client that Barclays can bring is an important part of the collaboration as well, says Jane. "What firms asked us - what they thought would be very impactful is if Barclays could organize and host something for the consortium on the topic of mental health. That was felt to be especially helpful for firms who were not as far along in the mental health and well-being journey, so that they could show, for example, a member of their executive committee or managing partner that they need to do more on raising awareness of mental health issues within the legal profession." That event was the event held on May 9th in New York, where the Barclays US legal team hosted a Mental Health and Well-Being D&I Event. It featured Patrick R. Krill, a leading authority on mental health, addiction, and well-being in the legal profession, to provide his perspective on the current state of well-being in the profession and why it should matter to law firm leaders. It made an impact. "I know Mark Shelton, our Barclays Bank GC, got e-mails from a number of firms involved in the consortium who were grateful for this event and the collaboration," Jane notes.

Collaboration and the sharing of best practices foregrounded by the consortia are what drives the team at Barclays. As Philip explains, "It's about people thinking beyond the remit of their organizations." The expectation from Barclays of the consortium member law firms is also helping to drive better transparency around inclusion across the industry.

Tracey Dovaston

Former Head
of Litigation
Investigations &
Enforcement for
Barclays



Tracey Dovaston, Head of Litigation Investigations and Regulatory Enforcement EME, agrees that the relationship built up with panel firms and then cemented via the Consortium is a significant aspect of helping bring about change. "For each firm we work with, we have a relationship team. We expect these relationship teams to be diverse."

Part of the process, Tracey says, is looking critically at hiring practices from both sides. It's true that law firms need to become more diverse and inclusive, but clients have a responsibility to move the needle by really changing who they hire and not defaulting to the same non-diverse teams while advocating in the abstract for more diversity and inclusion. Inclusion starts with every hiring decision, as Tracey explains:

We asked our lawyers if they were hiring the same individuals for every engagement. They may be good lawyers, but that does mean we will never change the dial if we instruct the same people for years. We made it a requirement for all panel firms to provide us with diverse teams."

## NO BAR TO INCLUSION

The legal department is not just applying a diversity lens to law firms but including barristers (known collectively as The Bar). In the UK and other Commonwealth-based legal systems, there is a division in the bar between solicitors and barristers. Barristers will appear in court and be instructed by solicitors. For a US analogy (for those readers who may be unfamiliar with this) it's as if trial lawyers had a different infrastructure to other lawyers. Traditionally, solicitors instructed barristers to appear in court on behalf of their clients, but since the introduction of direct access, clients who are qualified solicitors (such as most in-house lawyers) are allowed to instruct barristers sets that offer direct access without the involvement of solicitors.

Traditionally the bar has skewed very white, upper-class and male. There has been little wholesale appetite for diversity and inclusion and the structure of the bar makes it challenging for those who do not conform to the majority. Barristers are organized into sets or chambers, and these do not work in the way traditional law firms do. Rather, they are more like a collective of self-employed individuals and much of the allocation of work is handled by a team of clerks who book work for individual barristers within the set. To train as a barrister, you need to gain a pupillage where you work with a more experienced qualified barrister. These are incredibly competitive and often connections and pedigree count for more than anything. Therefore, in many of the commercial sets there is still very little diversity.

Examples of sexism and racism are rife at the bar and while there's an appetite for change from some barristers, many do not see an issue with the status quo. Interestingly, many clients who are very vocal on diversity in law firms have not always joined the dots and extended their efforts to influence barristers. But Barclays' legal department is doing so. As the Head of Litigation, Investigations and Regulatory Enforcement, Tracey is at the forefront of much of the team's engagement with barristers and the team is asking the chambers to also provide them with diverse slates. The focus on the bar and in making it clear to barristers' chambers that diversity is not just an optional extra has been interesting, Tracey acknowledges. "In the past I have had a discussion with a chamber where I was told, 'Oh, you don't want to instruct that female barrister because she is pregnant.' We have been making our position on diversity clear and we can see that the chambers from which we select barristers, are taking it seriously now."

### **ONLY CONNECT**

A significant aspect for many legal teams in ensuring that they have diverse slates is getting to know a wider variety of individuals from across law firms. It's about getting to know diverse individuals and ensuring that, as clients, the legal teams can make a difference to one individual lawyer's career. Diverse lawyers getting work opens channels of communication, and clients can ensure allocation of work is a way to produce tangible change in the profession.

As Tracey explains: "Being introduced to a variety of people across firms so we are definitely instructing the right individuals has been key. By ensuring that our panel firms introduce us to more diverse partners it allows us to give opportunities to individuals who are up and coming in their firms to work on significant cases and rise into more senior positions."

The team is using the same criteria in instructing barristers sets as well. Tracey says this has been producing a virtuous circle which is also great for morale within the internal legal team: "It's great for the team to see we have been working both internally and externally on diversity and inclusion and not just talking about it."

Diverse teams are now part of the requirements for Barclays' external advisers. This means looking at the teams that have been provided and if the team is not diverse, Barclays will actively question that and ask for a more diverse team. To assist in this the legal department has also been holding a series of events where they collaborate with firms and barristers' chambers to allow Barclays to meet more diverse lawyers and barristers. "Through these we have met many fantastic women and lawyers of diverse backgrounds," explains Tracey. "It's now becoming the norm; we don't have to call up and remind firms and chambers they need to field a diverse slate. They know that's what we need, and the aim is it becomes completely automatic."

## COLLABORATION FOR CHANGE

As Nelson Mandela declared, "Together, we are stronger." In the same way, MCCA's mottos over the last two years have highlighted the necessity of collaboration in driving true progress and change.

#RiseUnited, this year's theme, recognizes that change has to bring together different groups working for a common goal. This same recognition of the power of creating links and working together to make change is at the heart of Barclays D&I Consortium.

"Client collaboration leads to crucial communication," explains Jane Son. The Law Firm Consortium is based on the Law Firm/Client relationship being a collaborative partnership. "This partnership extends well beyond the quality of service, client feedback forms and billing arrangements. These relationships are human. We are looking to delve into how law firms and their corporate clients are advancing well-being in the profession."

For initiatives like the D&I Consortium to really work is inclusive leadership. As Juliet Bourke and Andrea Espedido of Deloitte wrote in Harvard Business Review: "Simply throwing a mix of people together doesn't guarantee high performance; it requires inclusive leadership — leadership that assures that all team members feel they are treated respectfully and fairly, are valued and sense that they belong, and are confident and inspired." 1



This echoes the findings of MCCA and Russell Reynolds Associates in their research into Inclusive Leadership. The report published in 2018 shows that 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.

Innovative collaboration certainly describes the Barclays D&I Consortium. Corporate legal departments are generally more advanced than many law firms and may be thinking about D&I in more global and intersectional ways. Similarly, given many corporates may have a very broad consumer base, they may have begun to think about diversity and inclusion much earlier. Another key factor is that corporates are traditionally much more democratic in the ways they apply diversity. In many law firms, some benefits are only still available to lawyers or even partners.

The traditional headlines about client and law firm interactions over diversity can frequently focus on where

it's not up to par. However, many clients feel a true partnership and encouragement via incentives are more likely to produce lasting results in their suppliers. It's also true to remember that not all clients are as focused on diversity and inclusion as the popular rhetoric may seem. Law departments may be outliers in their organizations and industries where lack of inclusivity is much worse than in the law. Similarly, the opaque structures and compensation practices of many in-house legal teams may mask inequalities. This was highlighted by research undertaken by MCCA, The ABA Commission on Women in the Profession and The Center for Work Life Law at UC Hastings. Their research, You Can't Change What You Can't See, was based on 2,827 respondents from throughout the legal profession. Within that, some in-house departments were also found to have significant issues with gender pay disparity and career progression. Clients don't have all the answers and neither do law firms have all the problems. That's why the partnership and collaboration aspect of the Consortium is very helpful for Barclays and its panel law firms.

## THE BARCLAYS DIVERSITY & INCLUSION CONSORTIUM; PAUL HASTINGS VIEW.

Paul Hastings is a member of the Barclays D&I Consortium in New York and London. The collaborative approach this initiative takes is something that is helpful is driving meaningful culture in the firm and with others in the group, we spoke to Karlie Ilaria, who leads the Global Diversity & Inclusion efforts at Paul Hastings to find out why and how.

The D& I Consortium started about 14 months ago. We all sat down - the various law firms and Barclays - and had a discussion on what the direction for the first year should be before settling on mental health and well-being as the focus.

We meet every quarter as a forum, and everyone attends. What has been most helpful about the Consortium is the true spirit of collaboration which has come from it. It's been incredibly helpful to see what other firms are doing, being able to share ideas with each other and also being able to share information about impactful speakers and trainers.

Patrick Krill spoke at the Barclays D&I Consortium program in May; then Paul Hastings brought him in. Patrick came to New York and spoke to all our US offices and our São Paulo and London offices via video conference. That started an interesting internal discussion about where we are, as a firm, on the journey of considering mental health in the workplace. As a result of the training we had at the Consortium in mental health first aid by the New York City Department of Health and Mental Hygiene, we recently rolled that

out to HR, Talent and co-chairs of our wellness initiative across all of our US offices.

Most recently, Philip Aiken from Barclays came into our London office and spoke about the Mindful Business Charter and now we will be starting a communications campaign around it in London. His message really resonated with our partners in the office and it wasn't just because he was a client but because of his authenticity.

The best way to describe the effectiveness of the Barclays D&I Consortium is it's a rippling effect. We're being brought together through the efforts and partnership of our client, Barclays, and then as peer law firms we are sharing intelligence and experiences. We are then able to bring that back to our firms to start the conversation there.

The client push is what's needed to drive real culture change in law firms. But I think this sort of partnership effort makes it much deeper and allows it to resonate on a level which is truly heartfelt with our partners and not just about the bottom line.

With initiatives such as the D&I Consortium it feels as though we are on a truly collaborative journey with our client and our peers.

It's much more effective than the various letters general counsels have written over the years demanding firms become more diverse. No one owns this; we're all working together for change."

## SECTION 03

# CHANGING THE PROFESSION: MINDFUL BUSINESS CHARTER (AKA THE MBC)

The topic of mental health has become a significant issue in a number of professions but in recent years it has been a significant focal point for the legal profession in particular. More so, in the months just before this case study was published, the world faced some mental and emotional health issues in ways which many, particularly those in the majority, might not have previously considered. Since the onset of the COVID-19 pandemic many countries have been in some version of lockdown. This has made awareness of mental health, stress and the need to emphasize healthy working practices even more pertinent. Working from home may lead many employees to feel they have to overcompensate or without structure they may be metaphorically tied to their desk with multiple video calls and feel unable to take even the most cursory of breaks. The recent upsurge of activism and awareness around Black Lives Matters has also shown organizations that racism can have serious emotional and physical health implications for employees of color in ways that many white colleagues and leaders could not have previously imagined.

In 2017 the UK government commissioned the Stevenson/Farmer Review to look at the issue of mental health and employment. The conclusion was that there was a potential mental health crisis amongst employees in the UK, leading to the conclusion that employees were "surviving, not thriving."

"The UK is facing a mental health challenge at work that is much larger than we had thought. Not only is there a big human cost of poor mental health at work, there are also knock-on impacts for society, the economy and the Government. Employers are losing billions of pounds because employers are less productive, less effective, or off sick."<sup>2</sup>

The law itself has a number of triggers for mental health issues as a result of the particular demands of the profession. The focus on the individual and the metrics of billable hours connected to an individual's output as the foundation for compensation in the majority of private practice law firms are linked to poor work-life balance due to a perceived requirement for long hours. This is further exacerbated by a competitive culture. A focus on perfectionism is another factor which has a detrimental factor in mental health in the profession. This is often seen as a product of the way lawyers are educated, where a focus on academic strength and getting everything right is a message which gets internalized from the earliest part of a lawyer's career. The flip side of perfectionism can be imposter syndrome, where one feels that nothing done is ever good enough and one's success is not deserved. This again can lead individuals to push themselves to extreme lengths to try and prove their worthiness.

This focus on the productivity of the individual and a perceived need for perfection can then, by extension, mean there is a cultural stigma around mental health problems in the law. The cultural stigma then often leads to a lack of awareness and training, particularly within key personnel such as line-managers, so that dealing with mental health matters when they do arise is absent or lacking the right approach.

Since the advent of #MeToo and #TimesUp, there has been greater recognition of bullying and sexual harassment in the workplace. The recent IBA report Us Too, based on a comprehensive global survey across the profession, showed that there is a significant impact on lawyer well-being of uncivil and corrosive workplace cultures, bullying, harassment and discrimination. While much of the focus has been on the corrosive cultures and mental health dangers posed by private practice firms, in-house departments are not without their issues and

also have a fundamental role to play in ensuring change in the working practice and attitudes contributing to mental health issues.

It was the desire to start a dialogue and make a change around this that inspired the legal team at Barclays in the UK to institute a number of conversations amongst in-house lawyers in London and a handful of law firms around the topic of mental health and well-being, specifically around identifying how collaboration between the legal team and their suppliers could tackle instances of avoidable stress with a set of mindful working principles.

On October 10, 2018 – World Mental Health Day – in conjunction with other leading banks and law firms, the Mindful Business Charter was launched, introducing ways of working to help reduce avoidable stress in the workplace. The Mindful Business Charter is a set of principles that focus on four areas:

- Openness and Respect
- Smart Meetings and E-mails
- Respect Rest Periods
- Mindful Delegation

The MBC is not intended to be a set of rules; rather, they are principles designed to encourage all of us to think about making small adjustments to the ways in which we work which can help reduce instances of avoidable stress. By making small adjustments to behavior together, the Barclays team feels they can sustain the long-term mental well-being of colleagues. The MBC's real power will come from its collaborative stance: working together to do things differently.

Philip Aiken, Head of Legal for Regulated and Unregulated Lending at Barclays, has been one of the driving forces behind the MBC, which is currently being driven by leading banks and their law firms.

"The legal team at Barclays has a great awareness of ourpower in being a significant buyer of legal services. It's also incumbent on us to use that commercial leverage wisely and thoughtfully. As a result of our work on the Mindful Business Charter, we actively seek opportunities to collaborate with law firms on creating better cultures."

The charter's aim is to remove unnecessary sources of workplace stress and promote better mental health and well-being in the legal community. The statement introducing the charter states this is not always going to be achievable, but the recognition of the need for a baseline of practice which does prioritize mental health and wellness can start to produce cultural and behavioral change at individual organizations and the profession as a whole.

We recognize that there will be times and transactions when long hours and stress cannot be avoided; but this isn't always the case and we want it to become the exception rather than the rule. In this way, the Charter is brave and commercial. It recognizes that we cannot remove all sources of stress, nor will change happen overnight – but as a legal community we have a responsibility to try to do things differently."3

Organizations that sign up to the MBC have a commitment to introduce meaningful cultural change but also to pay it forward and spread the word to more organizations as the requirements for signatories states:

- Drive forward the actions and change necessary to support the Mindful Business Charter.
- Promote a culture where people can speak up early about any concerns that they might have with their well-being (or the well-being of colleagues).
- Make performance against the Mindful Business Charter / responsible business a priority standing agenda item for all relationship review meetings.
- Ensure responsible business is included as an area of assessment during significant procurement processes.
- Once established, introduce the Mindful Business Charter to one new member every 12 months.

As Philip states, the MBC has an important role to play in reducing stress in workplace law firms due to the influence that Barclays and similarly sized banks carry. "Lawyers can say 'Barclays is my biggest client, and this is what they want to do." That influence is spreading as currently there are thirty organizations signed up to MBC.

The areas for focus and action highlighted by the Mindful Business Charter are mostly on issues related to communication and empathy. The first area covers the fundamentals of undertaking interactions regarding openness and respect, building trust and effective communication.

Action points include discussing upfront with colleagues, clients and contacts what their preferred method of communication is and making sure the relevant implications of an individual's working patterns are therefore considered. Also treating internal colleagues and external contacts with

the appropriate level of respect and courtesy and asking for and providing feedback to others on a regular basis.

The next section focuses more on the delivery of interactions through a focus on smart meetings and e-mail protocols. This includes allowing people to join meetings by the method they deem suitable; providing dial-in details as default on meeting invites unless it is imperative that everyone attends in person; being respectful of others' time by planning meetings properly (considering who needs to attend/giving appropriate notice/setting clear agendas and objectives) and avoiding last-minute cancellations. In terms of e-mail protocol, this includes avoiding overuse of e-mail and not copying people into e-mails that they don't need to receive, making use of subject lines in e-mails and ensuring that these are reflective of the e-mail's content.

The next tranche of action points is directed towards respecting work/life balance via consideration for rest periods and the need to 'switch off'. Where support is required outside of someone's core working hours, one action point is to give them options for when that could be (early morning or evening/weekend). When sending e-mails outside of business hours, being clear in the title whether it needs to be read/actioned promptly or considering sending pre-timed e-mails (so e-mails are not received late at night and at weekends) is also a consideration, as is including working hours/availability as part of e-mail signatures, so people are aware of each others' working patterns. Respecting people's right to take annual leave without the expectation of them checking e-mails/being on call, and role modeling the same behaviors (particularly by leaders) where possible is preferred. Finally, the charter considers mindful delegation: implementing a best practice approach to collaboration, instruction and delegation, which is particularly pertinent consideration for clients when instructing law firms.

Points to consider here include respecting the need to provide sufficient context and information for a piece of work, ideally including the purpose and ultimate recipient. When instructing on a task, negotiating rather than

imposing a deadline, being transparent where possible on the wider timetable, and promptly communicating timing changes which impact others. When being instructed on a task, being confident to flag when a deadline is unrealistic and/or unachievable.

The aims of the MBC are linked to the D&I Consortium and the two initiatives work together to promote meaningful change. On May 9, 2019, Barclays US legal team hosted a Mental Health and Well-Being D&I event born from an initiative identified by the Consortium. That event featured Patrick R. Krill — a leading authority on mental health, addiction, and well-being in the legal profession — to provide his perspective on the current state of well-being in the profession and why it should matter to law firm leaders.

Patrick led a panel discussion to explore some of the challenges and opportunities for firms, including removing the stigma around mental health and ways panelists are successfully leading the charge within their organizations. The topics discussed included the obstacles to improving the mental health landscape within the legal profession; examples of how firms are successfully addressing these challenges and what the end-goal for firms should be. Each of the 11 law firm members of Barclays US D&I Consortium was asked to invite up to five attendees who were senior members of their firm to join the discussion.

This diversification of responsibility is enhanced by collaborative practices such as those championed by the consortia, which is helping the MBC make an impact. That responsibility is being shared internally across the Barclays legal department as well.

When we signed up and kicked off with the MBC last year," says Jane, "We identified a number of individuals globally who could be MBC champions. We split ourselves

into different workstreams: in the business, dynamic working, working with law firms and working with the bar. Philip Aiken is responsible for delivering the MBC globally, and I think the global perspectives are important as there is more work to be done in the US and in APAC around how we can be mindful."

The dynamic working is a very important workstream, the team feels, as it brings it back to their own working practices. An important starting point is to consider the way an individual views work which can impact on other relationships such as with outside providers. Thinking about working practices in a 360-degree fashion helps Barclays legal team to show firms they mean what they say.

It's also important to inspire firms to be brave in calling them out if they are setting unrealistic and overly aggressive expectations, says Jane. "We need the firms we are working with to ask these questions. That can then empower us to go back to the business and ask, 'is this really urgent?'". Just as with 'Bring Your Whole Self to Work', a key impetus of the MBC is having conversations and creating the culture to talk about issues that might have been unacknowledged. This is not always easy, but as Jane stresses, "One of the big mottos of the MBC is being brave. Whether you are an internal client to the Barclays legal team or Barclays is the client to external counsel, it is about having the courage to question the client on something like a deadline."

### **BRAVERY AND CHANGE**

Paul Hastings London-Based partners Arun Birla and Suzanne Horne shared how working with Barclays Law Firm Consortium and on the Mindful Business Charter is creating tangible change.

Suzanne Horne

What has been brilliant about the Barclays Diversity and Inclusion Consortium is that so much of it is based on making a real change and on real collaboration. That is the key with diversity: how do we make a change and how do we get others to make the change? With the Consortium we have different law firms involved and a different firm hosts the meeting each time. We get perspectives from a range of different people and this encourages us all to share ideas. That leads to the sort of collaboration, which produces initiatives such as the work we have done to embed the Mindful Business Charter. It's initially been mostly Barclays and their law firms, but it obviously has such a wide application that I think it is now getting wider traction in business more generally.

**Arun Birla** 

The Mindful Business Charter gives an incredibly important message. We all work hard; we're in the professional services industry but we can't just carry on the way we have been: it's all about smart working, intelligent working. It's a no brainer that having a more diverse and inclusive environment is better for business. Part of what's needed to bring that about is ensuring that we are operating in a truly collaborative environment in regard to everything we do. Is the way we work inclusive- is it for the benefit of everyone? When you're sending e-mails, just make a mental note of whether you need to send the same basic stuff or can it wait for Monday or rather than doing a massive drop of documents on a Friday night. It's smarter working, it's not working less. Barclays has been great with thinking in that way for a number of years with their dynamic working designation.

#### **Suzanne Horne**

I think it's really prompted a conversation, internally at Paul Hastings, as, with the MBC, this is something that people have sat down and thought about and they have distilled it down to ideas, which are very actionable. Then the conversations now look at how we can apply it. I like the fact that it's not so prescriptive, telling you what to do but rather giving you guidelines and ways of thinking. We can then see how we can embed it in different teams, who work in different ways. The Consortium has also been about getting people together to consider how they saw their role as driving that change and how Barclays legal team also saw that they had a responsibility when setting deadlines to be considerate about the people that they were giving the work to; to be realistic and to have a recognition about the impact on others.

#### **Arun Birla**

It was a brave thing for Barclays legal team to do and the important thing is it's opened the debate. We need this sort of bravery in driving diversity and inclusion and courageous leaders. Mental health and stress have been hidden in the background for too long in professional life. It is also something that can affect anyone. I think that now the diversity conversation has moved on from looking at separate groups to looking at inclusion and the concept of bringing your whole self to work. That's helped have the conversation about how we work and how there need to be structural changes, which are not about particular identity groups, If you are aware of other people, whatever their talents, you also get the best from people and you get the best results for your business, whether that's a law firm or a bank. Forget about whether it's right or wrong to be inclusive; no one can ignore the fact that it totally makes sense from a business perspective and diversity of thought is what we all need to succeed in the future.

## **SECTION 04**

## **GENDER INTELLIGENCE**

Many of Barclays' programs now, which stem from the earlier "Bring Your Whole Self to Work" focus, are designed to tackle deep-seated problems regarding belonging at work for groups that are not the majority. In cases such as the Dynamic Working initiative, this deep dive is also coupled with a way of looking at or considering differently a construct which may be taken for granted. In the Dynamic Working example, it essentially redefined and reframed flexible working.

The Gender Intelligence (GQ) Program similarly aims to take a deep dive into the systemic barriers facing women in finance. Despite focusing on getting more women into leadership and to its Director roles, Barclays was not achieving significant gains. The GQ program was devised to take a comprehensive view of female colleagues' experiences in the bank. This would aim to identify what, if any, actual barriers existed for female colleagues in career progression. If there were no fundamental systemic barriers - such as women deliberately being denied access to promotions - what is it then about being a woman in financial services that means (consciously or unconsciously) the same progression cannot be achieved?

One of the key hypotheses this research seeks to understand is the different nuances and perspectives formed by behavior that is coded 'masculine' or 'feminine' in the workplace. What this does by taking a comprehensive microanalysis is to understand and start to break down the subtle assumptions and behaviors that may be realized in both genders. These may result in subtle codes which hamper feelings of belonging for women or other minorities.

The idea is this will lead to a comprehensive program of gender intelligence training starting with line managers.

As discussed previously, inclusive leadership is fundamental to that, as Philip explains. "Bob Hoyt, our Global GC, is passionate about D&I and expects to see results. Having that drive from the top is helpful. This was especially the case when we launched the Gender Intelligence training program. Bob and his leadership team went through that experience first; then we launched the entire initiative with a video of the leadership team talking about their reflections on the training."

## LOOKING THROUGH A GENDER LENS

The first part of the Gender Intelligence initiative was setting up focus groups for all female colleagues, which meant about 70 groups across the legal function. This provided some significant groundwork, explains Philip. "Are there actual barriers to progression? – generally the view was no. What we were hearing was much more nuanced.

The average female career journey is more complex because of childbearing and then family arrangements. Overwhelmingly, the majority of parenting responsibilities still skew more towards women not men. What this translates to is a very basic starting point, says Philip. "There has to be a conversation before maternity leave and before and after returning to work. Arrangements must be made for returning to work before that happens.

Therefore, the relationship with a woman's line manager is critical because if the line manager is clumsy, that can make that part of a female colleague's career journey more difficult."

Dealing with these factors of course raises the sociological issues that parenting is not balanced, and many women still shoulder the broader workload. Who buys the groceries and who figures out the child's World Book Day costume? This is where the earlier focus on dynamic working has really helped at Barclays in taking away some of the biases around flexible working, often needed by women to manage this broader workload. But because the practice has become so much more widely accepted as a general working practice for everyone, it has allowed it to feel much less loaded and a potential point of construction for those who, traditionally, have needed flexibility more.

Mapping the awareness of broader societal factors for female colleagues and translating these into the day-to-day working environment falls mostly to line managers. It's no use having tone from the very top if the manager you deal with day-to-day is just not getting it.

Philip explains, "The Gender Intelligence program showed us how significant line managers are in creating culture. We realized a lot of issues were coming down to lack of knowledge or ineffective handling, and so training line managers was the starting point. As a result, we ran a focus group for line managers to understand from them what the training was they received. Mostly it was none."

This led to the legal team refreshing their manager excellence program and developing a specific Gender Intelligence program for line managers.

This was developed through the lens of gender," says Philip, "but we realized we could replace it with an ethnicity lens, a culture lens and a religious lens. We are now evolving this into a broader focus which will be on belonging at Barclays, replacing the initial gender focus with culture, socio-economic diversity, ethnicity, religion and language lenses."



The Gender Intelligence program, as a result of its deep dive around the entirety of women's experience at work, obviously produced a lot of information which the team is using to address key issues raised.

There was a need to focus on the issue of taking and returning from parental leave and, as a result, Tracey Dovaston is now the executive sponsor of the parental leavers and returners' groups. That role is to provide clarity and consistency for prospective and new parents around guestions that they have such as parental leave and how dynamic working might give the right amount of flexibility needed. To ensure this is both practical and friendly the groups have introduced a buddy scheme where someone who is pregnant is partnered with someone who has had a child and returned to work. That partner functions as a point of contact and a resource for the colleague on parental leave as someone to talk to who has experienced that and keeps them informed about the practicalities of navigating maternity and paternity leave. As a result of this focus and executive sponsorship, there has been more take up of paternity leave at Barclays, partly because sharing information about how it works and how the return to work will be handled has helped dispel some myths.

Again, as with some of the other initiatives, a significant starting point has been talking about these issues and to a great extent these conversations are much broader than one specific workplace. "Going back to the issue of women not being instructed in law firms or barristers sets because they are pregnant," Philip comments, "if you imagine a world where childcare is completely equal then that would remove a lot of biases and it would make shared parental leave more common. The more dialogue we have around diversity, the more we can discover how to practically progress." Tracey agrees, "Talking about topics such as parenting and work and making it natural is key to an open and transparent environment."

## NEW PERSPECTIVES ON MENTORING

While the Gender Intelligence initiative didn't identify any structural barriers to women's advancement, it did highlight the fact that, for a range of reasons, women don't advance as much as men. McKinsey's annual *Women in the Workplace Report* highlights the fact that it's often very early in the pipeline that problems set in for women's advancement.

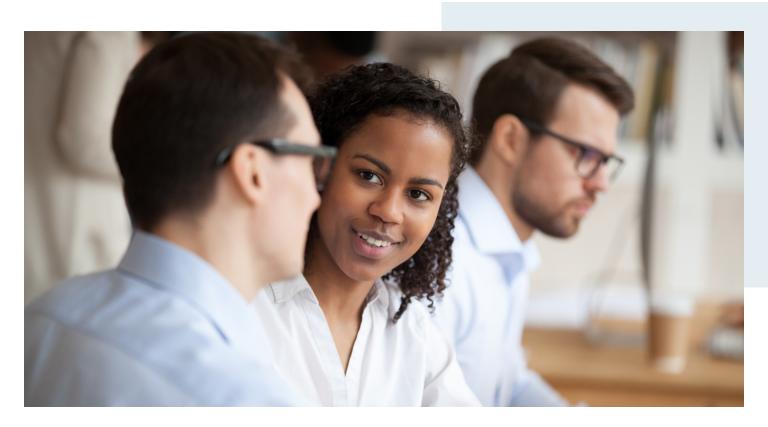
To change the numbers, companies need to focus on where the real problem is. We often talk about the 'glass ceiling' that prevents women from reaching senior leadership positions. In reality, the biggest obstacle that women face is much earlier in the pipeline, at the first step up to manager. Fixing this "broken rung" is the key to achieving parity."4

In the Barclays' initiative the step of introducing manager training on gender awareness is an important step in highlighting where unconscious biases or the pervasiveness of the status quo might harm women's opportunities for promotion. A common aspect of most legal team's initiatives is the power of openness and creating a culture where discussion can happen. Realizing you are not alone can be a key starting point for change to happen and is an important aspect of mentoring.

Beverley Roberts Head of Birmingham Corporate Bank Legal at Barclays



Beverley Roberts, Head of Birmingham Corporate Bank Legal, has been co-chair of the WIN (Women's Affinity Network) legal committee for about a year. In common with the other affinity groups at Barclays, the women's network organizes internal network events and meetings. Part of Beverley's role has also been instrumental in the introduction of a new mentoring and reverse mentoring program for the legal team. One of the reasons it was felt that the mentoring program needed an overhaul was it was becoming too bureaucratic and causing unnecessary delays for mentees being matched with mentors.



A significant aspect of the mentoring program is that there are no limits as to who can mentor whom. For women the seniority of their mentor can be a fundamental component for a successful relationship as can whether the relationship is via a formal program or an informal one. Research conducted by Herminia Ibarra of London Business School and Christine Silva and Nancy Carter of Catalyst showed that "women who had found mentors through formal programs had received more promotions by 2010 than women who had found mentors on their own (by a ratio of almost three to two)."5

As with the Gender Intelligence training, the mentoring program is focusing on the heavy involvement of line managers who are encouraged to discuss it with their team members. "The reason for this," says Beverley, "is we had feedback that junior female colleagues might have been scared to approach more senior colleagues. Involving line managers in that ask makes it easier." It also focuses the line managers on the issue of female progression.

To further underscore that, Beverley has also overseen launching a reverse mentoring program within legal. In this program, a Managing Director is mentored by a promising VP, generally of the opposite sex. Again, the cultural issue of making connections and deepening understanding, which is a defining aspect of all the Barclays initiatives, comes to the fore here.

It's about driving more diversity at the senior level," explains Beverley. "A key part of that is connecting with an MD and trying to give them an understanding of the pressures faced by more junior members of the legal team. Having this reverse mentoring relationship enables senior staff to understand challenges such as balancing family needs, caring responsibilities and lack of promotion opportunities, which are all challenging for juniors in-house."

### **DECONSTRUCTING SUCCESS**

Environments such as banking and law are ones where career success is seen as fundamental and they are also both industries where there can be an excessive focus on individual success. Consequently, both industries may attract individuals who have success- and results-orientated personalities. A key issue for organizations to consider is how they are defining success for their talent; what message that gives off about the attributes you need to be successful; and, therefore, whether that means success is being correlated, explicitly or implicitly, with one identity group.

"Success," says Philip, "is quite a loaded term. We always try to talk about what success means to you. But I think, for too long, there has been one poster child for success and that's a problem many industries are facing. If everyone wants to be head of a team and an MD, there just aren't enough roles to go around. Part of the focus has to be in redefining success and building careers which are varied and mobile and which are about new experiences and new ideas." That's where multi-generational perspectives can be very helpful. As discussed above, one of the newer initiatives in the Barclays legal team has focused on reverse mentoring.

Understanding the changing definitions of success across generations allows for there to be a diverse understanding of how success and talent can be defined and redefined in the future.

It is possible that the popular definition of success in workplaces like financial services and the law has been so narrow and focused on the hierarchy that it has resulted in mental health impacts. Understanding the whole picture has been a central aspect of the various diversity and inclusion initiatives in the legal team. As Philip explains, "Having discussions around gender is also part of bringing one's whole self to work and understanding there is not one template for success: one is not right, and one is not wrong." What that is evolving into is considering the inclusivity of everyday behaviors, as Philip clarifies. "For example, people are often given feedback around gravitas and impact in the workplace - those behaviors which many feel convey a sense of gravitas or impact, and which we might think are objective, often derive from stereotypically masculine traits. We need to have conversations to question and ask who we are asking people to be."

## RECOMMENDATIONS & CONCLUSION

## CONNECT, TALK AND HAVE WIDE RANGING CONVERSATIONS.

A shared characteristic of many of the initiatives from Barclays' legal team described in this case study is that they are centered around starting conversations on key topics. This is shown in 'Bring Your Whole Self to Work,' the Diversity and Inclusion Consortia, the Mindful Business Charter and Gender Intelligence. These conversations may cover practical issues such as returning to work after parental leave but also bigger picture issues such as the definition of success. But the important thing is are the conversations being had? The power of discrimination is that it is systemic and normalized. You Can't Change What You Can't See, MCCA's research undertaken with the ABA Commission For Women In the Profession and the Center for Work Life Law at UC Hastings in 2018, shows in its very title that the journey to change starts with recognition of the problem. The power of many of the Barclays initiatives is as much in creating a culture where conversations about these topics can be had all the time, not only as a focus point of the various initiatives.

### UNDERSTAND THE BIG PICTURE

Related to the above point of being able to have conversations is the importance of being able to situate these conversations within the bigger picture of your industry and wider society. Employees and employers are shaped by many forces which are much wider and more pervasive than the workplace alone. The Diversity and Inclusion Consortia also aims to help the participants understand and change not just their own organizations but their industries. Similarly, the Mindful Business Charter looks at both specifics: how Barclays and their suppliers interact on matters and also the wider picture regarding how we work and the assumptions which are normalized across many professions.

The clearest example though can be seen from the Gender Intelligence project, which aims to understand a specific problem – lack of female advancement - by gaining a qualitative understanding of what it means to be a woman working in Barclays legal department and the multiple demands and views, inside and outside of work, which can impact on progression.

## TONE FROM THE TOP/ MANAGEMENT ACCOUNTABILITY

Tone from the top is a universal theme in culture change because without clear leadership buy-in, real change is much harder. In the Gender Intelligence initiative, Bob Hoyt and the legal executive committee very publicly underwent the first round of management training, sending a clear message to all members of the team about the importance of this initiative and that nobody was above it. Similarly, the introduction of accountable executives such as Philip Aiken who can take concerns, issues and ideas directly to the executive committee messages the centrality of diversity and inclusion. It is accountable and members of the executive committee in legal have part of their performance which is tied to diversity and inclusion.

### DON'T FORGET MIDDLE MANAGEMENT

The reality is a lot of change management fails because the central role of middle management is not taken into account. Behnam Tabrizi of Stanford University, who studied change efforts in 56 companies across industries and sectors, found that the majority of the efforts failed: only 32% succeeded. "A hallmark of the successful 32% was the involvement of mid-level managers two or more levels below the CEO. In those cases, mid-level managers weren't merely managing incremental change; they were leading it by working levers of power-up, across and down in their organizationts." In Gender Intelligence, the first action has been to train middle managers as the research found that it was often their actions, mostly not deliberate, which could be curtailing female progression. Similarly, in the new mentoring program, the involvement of middle management to serve as a conduit between more junior talent and senior leaders is a key component.

## **COLLABORATION**

A characteristic of many initiatives is trying to bring a joined-up approach and utilize the collective efforts of a large legal team spread across the globe and also to take advantage of the ideas and efforts of others outside of the organization. This is clearly seen in the consortia, where innovative collaboration is creating learnings and support across organizations. It's also an impetus to change: the first collaborative event run by the consortia was partly inspired by members who wanted to demonstrate the importance of action to their leadership. Showing that a major client and other law firms were taking this seriously showed those leaders that this is a focus of collaborative action across the legal industry that they need to be part of.

## BIOGRAPHIES



Barclays is a British multinational investment bank, headquartered in London. Apart from investment banking, Barclays is organised into four core businesses: personal or retail banking, corporate banking, wealth management and investment management. Barclays traces its origins to the banking business established for goldsmiths in the City of London in 1690. James Barclay became a partner in the business in 1736. In 1896, several banks in London and the English provinces, united under the name Barclays and Co. Over the following decades, Barclays expanded to become a nationwide bank. In 1967, Barclays has made numerous corporate acquisitions, including of London, Provincial and South Western Bank in 1918, British Linen Bank in 1919, Mercantile Credit in 1975, the Woolwich in 2000 and the North American operations of Lehman Brothers in 2008.

Barclays has a primary listing on the London Stock Exchange and is a member of the FTSE 100. It has a secondary listing on the New York Stock Exchange.

Its core purpose is stated as 'Creating opportunities to rise'. The bank has had a strong commitment to inclusion and diversity and arranges its efforts around five pillars of focus: Disability, Gender, LGBT (Lesbian, Gay, Bisexual & Transgender), Multicultural and Multigenerational.

Barclays Chief Executive, Jes Staley has stated:

"Barclays will only succeed if we relentlessly focus on building and maintaining a diverse and inclusive environment."

#### PHILIP AIKEN

Philp is Head of Legal for Regulated and Unregulated Lending at Barclays covering all lending activity across Barclays UK. This includes all consumer regulated finance - UK cards, consumer loans, overdrafts and mortgages - as well as all unregulated lending for the Community, Premier, Wealth & Investments and Business Banking businesses of Barclays UK.

He has worked in the bank's legal department for 13years. Prior to that he was in-house at BNP Pairbas and was an Associate at Clifford Chance. Philip is the chair of the Global Legal Team's Diversity and Inclusion Committee.

#### TRACEY DOVASTON

Tracey was Head of Litigation Investigations & Enforcement for Barclays in the UK and EME. Since the research for this case study took place, Tracey has left the bank and joined the London Office of law firm, Boies Schiller & Flexner as a partner. Prior to working at Barclays, she was an Executive Litigation counsel at GE Capital for the EMEA region.

### **BEVERLEY ROBERTS**

Beverley has worked at Barclays since 2013 and is Head of the Birmingham Corporate Bank Legal team.

Prior to joining Barclays Beverley was an associate with the law firm Pinsent Masons. Before qualifying as a solicitor in 2006, Beverley worked in finance for 7 years. She is the co-chair of Barclays women's network, WIN.

#### JANE SON

Jane is a Director of Legal at Barclays in New York working for the Investment Banking arm where she provides legal advice and transaction execution expertise across a wide variety of investment banking products. She also provides legal suppor in connection with Barclays open innovation program (Rise), Barclays Lab San Francisco Global Connect Program and Barclays Social Innovation Facility. Jane has been with Barclays for ten years and prior to that was a lawyer with Clifford Chance.

Jane is co-chair of the Legal Department Diversity Committee in the America's.

## PAUL HASTINGS

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

Our lawyers provide innovative legal solutions to many of the world's top financial institutions and Fortune 500 companies. We offer a complete portfolio of services to support our clients' complex, often mission-critical needs—from structuring first-of-their-kind transactions to resolving complicated disputes to providing the savvy legal counsel that keeps business moving forward.

Since the firm's founding in 1951, Paul Hastings has grown steadily and strategically along with our clients and the markets we serve. We established successful practices in key U.S. and European cities, creating a broad network of professionals to support our clients' ambitions. In addition, we were one of the first U.S. law firms to establish a presence in Asia, and today we continue to be a leader in the region. Over the past decade, we have significantly expanded our global network of lawyers to assist our clients in financial centers around the world, including the emerging markets of Latin America.

Diversity is a fundamental part of the Paul Hastings story. Over the past 60 years, we have established ourselves as one of the world's leading law firms and a leader in global diversity. Our holistic approach that focuses on one or more of four key focus areas: talent, brand, culture and business. Our programs all align with this strategy and concentrate on recruiting and developing talent, promoting an inclusive firm culture, building awareness in the industry and engaging with our clients to ensure we are tackling this important issue from every angle.

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

Please visit www.paulhastings.com for more information

#### ARUN K. BIRLA

Arun Birla is the chair of the London office of Paul Hastings and vice-chair of the global Tax practice. Mr. Birla is widely recognised for significant experience in tax and investment funds. He provides tax advice to UK and international clients on a wide range of matters including, M&A, private equity, private and credit funds, structured and asset finance, joint ventures, financing arrangements, mergers, demergers, reorganisations, and restructurings.

#### **SUZANNE HORNE**

Suzanne Horne is a partner and head of the International Employment practice of Paul Hastings and is based in the firm's London office. She has a broad-ranging practice covering all aspects of employment law and employmentrelated matters advising both U.K. and international clients. Ms. Horne provides practical and commercially driven advice on both contentious and non-contentious matters with a focus on business transfers, outsourcings, insolvencies, mergers and acquisitions, private equity, investments, and the application of TUPE (U.K. business transfer legislation). On the international front, Ms. Horne also has extensive experience in cross-border, pan-European, and multinational projects including business reorganization, integrations, redundancies, hiring and firing. She has a special interest in advising employers on employee related data protection and privacy matters and high-level litigation.

#### KARLIE ILARIA

Karlie L. Ilaria is Head of Global Diversity & Inclusion at Paul Hastings LLP and a seasoned executive with nearly

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

Karlie began her diversity career in 2008 with MasterCard Worldwide as director, Global Diversity & Inclusion, where she helped build MasterCard's global diversity strategy and business resource groups and was an integral part of the Executive Women's Initiative.

Karlie was previously in marketing and communications management and has worked for a variety of organizations ranging from Fortune 500 corporations to technology start-ups to large global law firms.

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



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.





