

Stride

A Communication from the NYSBA
Committee on Diversity and Inclusion

June 2015 | Volume 3, Number 1

Tracy Richelle High to receive 2015 Diversity Trailblazer Award

From intern to Sullivan & Cromwell's first black female partner and wise counselor

By Patricia Sears Doherty

Soon after joining Sullivan & Cromwell, Tracy Richelle High made a positive impression on colleagues with her leadership skills and enthusiastically mentoring young associates.

In 2008, she became the first black woman to become a Sullivan & Cromwell partner and the first woman to co-chair its Diversity Committee—"no easy feat," wrote partner William J. Snipes in a nomination letter. On January 26, High received the State Bar's Diversity Trailblazer Award at its weeklong Annual Meeting in New York City.

"Tracy has been a leader and mentor almost from the moment she arrived at the firm," wrote Snipes. "She has the rare ability to tell people what they don't want to hear, which not only makes her the lawyer of choice for clients, but, also, the person young, diverse lawyers instinctively turn to for guidance."

High is deputy managing partner of the firm's litigation group and a member of its criminal defense and investigations practice. She focuses her practice on representing financial institutions and other corporations in complex civil litigation, including shareholder derivative and class action suits, regulatory enforcement proceedings, corporate internal investigations, and employment and labor matters.

In addition to co-chairing the firm's diversity committee, High founded and co-chairs its Women's Initiative Committee. She also oversees the firm's participation in the Sponsors for Educational Opportunity Program (she is a former intern), Practicing Attorneys for Law Students, Inc. and the Legal Outreach Program.

She has mentored numerous young students and associates, inside and outside the firm. Periodically, she hosts dinners for women lawyers of color and recruiting events at her home as a means of providing informal opportunities for mentoring.

"Right out of the box, there was no doubt Tracy was in it to win it. She navigates the high octane environment fearlessly and with style. Her partners admire and respect her, the associates love her, and clients trust her with their most challenging

problems" wrote Snipes. "Even Tracy's adversaries acknowledge—sometimes begrudgingly and often regrettably—that she is an unabashed advocate for her clients."

Her own advocate

A native of Washington, D.C., High's mother was a teacher and her father a chief of police. She said she knew she wanted to be a lawyer since she was seven years old.

"I always wanted to feel that I could speak up for myself and advocate for myself and I knew I didn't want to rely on anyone else to do that," she said.

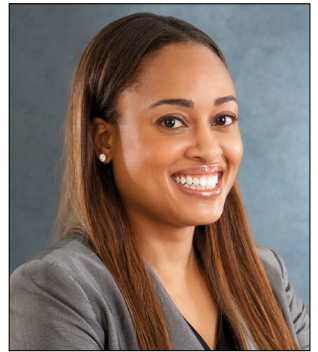
She is a strong advocate for young lawyers of color in the firm because she is "proud of being a black woman" in the legal profession. Chairing the Diversity Committee was "a natural fit," she said.

She said the firm has a "welcoming and inclusive" culture that "starts at the top." She said it was natural for her to pitch in and help with the diversity and inclusion programs because her seniors modelled that behavior for her.

But, her energy and drive is not just limited to her professional life. During her second year as an associate at the firm, High and three of her friends began writing a book about the lives of four bright, young, accomplished black women. The book was inspired by emails the four sent to one another when one of them became a Ford Fellow in Brazil, in an effort to figure out life and their places in it.

"Fab: A Novel" was published by the four friends in 2006 and continues to be a steady seller on Amazon. ■

Sears Doherty is State Bar News editor.



After Garner, Ferguson: Finding fairness in justice system

By Patricia Sears Doherty

Even as they acknowledged a national climate of distrust and suspicion about the motives of police officers, a panel of powerful members of New York's legal and law enforcement communities told a packed roomful of lawyers, judges and activists during Annual Meeting that there is hope for improved cooperation between prosecutors, defenders and police, and more understanding of citizens' right to protest.

The three-hour discussion, "Justice, Race and Police Force: Going Beyond Ferguson and Garner," was sponsored by the Committee on Civil Rights and the Committee on Diversity and Inclusion.

Panelists—who represented both sides of the racial, First Amendment, and law enforcement issues that are dividing contemporary American society—vowed continued cooperation in finding solutions.

The discussion covered implicit bias and policing, law enforcement training, the role of prosecutors in grand jury proceedings, civil rights laws and police misconduct, the role of the judiciary and the lawyer as racial justice activist.

Albany attorney Mark S. Mishler, who proudly touts his racial justice activism, described a recent judgment in Albany against a 16-year-old African American, who was sent to prison for nine years for stealing sneakers.

"I am filled with despair, anger and hope," said Mishler. Despair and anger over the case and its outcome, and because this case is "hardly unique," but "hope because this is a time of change, creativity, courage and caring nationally, with a growing realization of public officials that the criminal justice system has to change," he said.

Dr. Darrin Porcher, a retired New York City police lieutenant with experience in the

Internal Affairs Bureau, said police officers must be trained in recognizing their own implicit racial biases.

"When I was in internal affairs, I saw where officers' implicit bias affected their interactions" with suspects.

Manhattan District Attorney Cyrus Vance, Jr. said he supports Governor Cuomo's proposal to raise the minimum age of criminal responsibility to 18.

"It is safe to say that anyone who enters our courtroom is struck by the fact that 90 percent of our clients are men of color," said Vance. As co-chair of Gov. Andrew Cuomo's Commission on Youth, Public Safety and Justice, Vance said he knows that "this is a moment in time where legislators ...give me hope" that the age of criminal responsibility will be raised.

Hon. Shira Scheindlin of New York City (U.S. District Court, Southern District) detailed 12 racially charged cases since the 1990s that "set the stage to this becoming an escalating problem" in New York City.

Mishler pointed out that "in most of those 12 examples, there was little or no consequence to the police, although there were civil settlements in many of those cases."

"Young black men in recent years are at far greater risk of being shot by police than their white counterparts," said Mishler. He noted that the U.S. incarcerates a higher percentage of its population than any other nation.

"Racism has been a central feature of our legal system since the very beginning," he said. "What can we do to force the necessary changes?"

Zachary W. Carter, New York City's corporation counsel, said that in "situations in which law enforcement policy is impli-



Scheindlin

cated in law implementation, we are the canary in the coal mine."

When the issues concern operational policies, such as in *Floyd v. City of New York*, that are compounded by over-lying federal civil rights laws, adversaries often use highly charged language that they don't really mean. "That is, I am not accusing you of being racist, I am accusing you of being human," said Carter.

Schiendlin said that was the difficulty with *Floyd*. "How do you prove racial bias? It is not easy. There were no precedents concerning racial bias. Nobody had ever gone to trial and tried to prove in concrete terms bias," she said.

Vance discussed the increasingly difficult positions faced by prosecutors in cases involving alleged law enforcement prejudice and aggression, especially where someone is killed by police.

"The question is can prosecutors be trusted to prosecute police when there are accusations of criminal violations of the law? I acknowledge that this is occurring at a time when there is fear, distrust, and



Responsibility—Manhattan District Attorney Cyrus Vance, Jr. discusses raising the age of criminal responsibility while attorney Mark S. Mishler, a self-proclaimed racial justice activist, listens.



Justice, Race and Police Force—Frederick K. Brewington makes a point during a three-hour discussion on issues ranging from bias and policing, law enforcement training, the role of prosecutors in grand jury proceedings, civil rights laws and police misconduct, the role of the judiciary and the lawyer as racial justice activist. Michael W. Warren of Brooklyn, left, and consultant Darrin Porcher listen. [Photos by] Jacques Cornell/Happening Photos]

anxiety across the country,” Vance said. “I can say that prosecutors take their jobs seriously.” But, because of the volume of defendants making the allegations, “I cannot answer that question with a blanket response.”

Opening grand juries

Schiendlin asked Vance how he keeps grand jury proceedings from becoming a trial and determining guilt or innocence.

“A grand jury is not determining guilt or innocence and jurors are told they are not to decide guilt or innocence. Their job is to decide whether there is enough evidence to go to trial,” Vance said. “And we have to presume that instructed grand juries understand their instructions.”

He praised the governor’s proposal to appoint a special monitor in cases of alleged law enforcement bias or misconduct to decide whether a special prosecutor is needed. “That’s a wise move,” said Vance, “because we as prosecutors need to understand that greater transparency is not something that we need to be afraid of.”

Michael W. Warren of Brooklyn (Michael W. Warren, P.C.) expressed concern that when police officers appear before a grand jury to answer accusations of violence, they appear “with a halo swirling around their heads.”

The answer lies in proposals such as Cuomo’s that is meant to ensure transparency, said Vance. “The way we can deal with

it is not to be afraid of it...and the hope that you will look for a middle ground without hurting secrecy and privacy.”

Lawyers speaking out

Warren recounted a personal experience in 2007 when he and his wife were beaten, handcuffed and arrested by police after observing and speaking up about the treatment of a young black man being arrested. They eventually were released,

“In most situations, the police have never, never been interviewed by anybody about their alleged wrongful actions,” said Frederick K. Brewington of Hempstead (Law Offices of Frederick K. Brewington). “Most people who get beat up and arrested falsely don’t have the resources to get legal” investigations, he said. “We have got to look into this to see how uneven it is for plaintiffs to go into court to get some reasoning.”

Warren noted the need for lawyers to speak up. “What we can do as lawyers is be aggressive in bringing the issues in these enforcement cases and providing a nexus between us as lawyers and those that go into the streets to protest are related to by the police.” ■

Sears Doherty is State Bar News editor.

LESBIAN, GAY, BISEXUAL, AND TRANSGENDER

PRIDE
MONTH

In celebration of
Pride Month
June 2015

Minority Bar Association Profile at a Glance: Capital District Black and Hispanic Bar Association

History of the Association

The Capital District Black Bar Association was formed in the early 1980s by Bernard Bryan and Randolph Treece to serve the needs of attorneys of color in the Capital Region. In 2004, the Association merged with the Capital District Hispanic Bar Association and became the Capital District Black and Hispanic Bar Association. Membership includes attorneys employed in private practice, government, academia, and the non-profit sector.

Over the years, the Association has grown and become more of a presence in the Capital Region. Among other things, members participate in Community Law Day events distributing information to the public about available free legal resources in the Capital District. Each year members participate in career day activities at Albany High School and some of the Charter Schools, informing students about legal career opportunities.

The Association continues to advocate for equal justice under law and the promotion of real diversity on the bench



Standing Tall with Diversity Leaders—The Capital District Black and Hispanic Bar Association (CDBHBA) held its first-annual awards ceremony at the State Bar Center on Wednesday, June 10. The CDBHBA created the Peter M. Pryor Pioneering award to recognize attorneys of color and diversity in the legal profession. Mr. Pryor, an Albany attorney, was also recognized with a Distinguished Achievement Award, having represented the poor and victims of discrimination throughout his long career. Pictured above (l – r), Ricja Rice, CDBHBA First Vice President; Patricia L. R. Rodriguez, CDBHBA President; Hon. Randolph Treece, U.S. Magistrate Judge, Northern District of New York; award recipient Penelope Andrews, President of Albany Law School; award recipient Peter M. Pryor; Hon. Leslie Stein, Associate Judge for the New York State Court of Appeals.

and in the bar. Recently, it began to explore collaborative relationships with other professional organizations such as the Hispanic Chamber of Commerce and the Association of Minority Business Professionals. It has also co-sponsored

Continuing Legal Education courses offered by the New York State Bar Association, the Albany County Bar Association, and the Capital District Women's Bar Association. ■

Minority Bar Associations in New York State

Click on the link below (if provided) to visit a minority bar's website for more information on programs and initiatives.

Amistad Long Island Black Bar Association
Arab American Bar Association
Asian American Bar Association of New York
Association of Black Women Attorneys, Inc.
Black Bar Association of Bronx County
Capital District Black and Hispanic Bar Association
Caribbean Attorneys Network
Dominican Bar Association
Haitian American Lawyers Association of New York
Hispanic National Bar Association - New York, Region II
Korean American Lawyers Association of Greater New York
Latino Lawyers Association of Queens County
LGBT Bar Association of Greater New York (LeGal)

Long Island Hispanic Bar Association
Macon B. Allen Black Bar Association
Metropolitan Black Bar Association
Minority Bar Association of Western New York
Minority Corporate Counsel Association
Muslim Bar Association of New York
National Bar Association, Region II
Nigerian Lawyers Association, Inc.
Puerto Rican Bar Association
Rochester Black Bar Association
South Asian Bar Association of New York
Westchester Black Bar Association

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Second Time the Charm: Committee on Diversity and Inclusion Again Sponsors Members to Attend the National Diversity Pre-Law Conference and Law Fair

For the second year in a row, the Committee sponsored two members to attend the National Diversity Pre-Law Conference in Washington D.C. April 10 & 11, 2015.

Judge Helena Heath (Albany City Court - Civil Division) and Paula Edgar (Principal, PGE LLC) served as panelist / moderator during the Conference, held at the Washington Court Hotel on Capitol Hill. Judge Heath participated on the Pre-Law Programs Panel and discussed the value of the Youth Law Day program the Committee organizes for high school students. She addressed the important role law schools and minority law student organizations can play to expose students of color to the law-school experience and provide keys to success in their careers.

Ms. Edgar moderated the panel on diversity in law schools, and provided coaching for attendees during the law school fair.

A third committee member – Erica Edwards-O’Neal, Director of Diversity and Inclusion and Senior Director of Career Services at Touro Law Center – also attended and took part in a panel discussion on the challenges and opportunities of leading



Springtime in D.C.—Diversity and Inclusion Committee member Judge Helena Heath (center, in light-colored coat) with student attendees at the Second Annual National Diversity Pre-Law Conference, in between program sessions and a tour of the Supreme Court.

in diversity and inclusion in American law schools.

More than 250 attendees took part in the 2-day conference. Over 50 law schools and organizations participated in the law school fair. Judge Heath and Ms. Edgar spent time with the prospective students to highlight the strength of New York State law schools, discuss pathways to the judiciary and opportunities for a legal career in

New York, and encouraged participation in minority bar associations or the state bar.

Conference programming provided best practices and strategies to become successful law students and lawyers, and highlighted the need for diverse men and women of color to be leaders in the legal profession. ■



A long-running tradition—The Puerto Rican Bar Association (PRBA) held its 58th Annual Scholarship Fund Gala on May 13 at Battery Gardens in New York City. This year’s gala raised more than \$5,000 for scholarships to deserving law students. More than \$400,000 in scholarship grants have been awarded since the Fund began.

Betty Lugo (c), a member of the Committee on Diversity and Inclusion and recently installed PRBA President is flanked by Dave Miranda (l), recently installed President of the New York State Bar Association and by U.S. Army Colonel Luis Burgos, Jr., Esq. [Photo ©2015 Steve Hart/Happening Photos]

Fifth Annual Law Student Conference Day

The Committee on Diversity and Inclusion, in sponsorship with bar associations and law firms throughout New York State, is hosting its Fifth Annual Minority Law Student Conference Day on Thursday, August 13, 2015, from 10:00 a.m. to 3:30 p.m. at New York Law School,

185 West Broadway, New York, NY. This half-day program is free and open to current law students and recent graduates. Sessions will be presented on crafting resumes, drafting cover and thank-you letters and interview preparation with speed interviewers available—including

fashion advice and tips on how to be an engaging candidate.

To register, contact Bridget Donlon at 518.487.5541 or bdonlon@nysba.org ■

Call for Nominations: Candidates for 2016 Diversity Trailblazer Award



The call for nominations for the New York State Bar Association's 2016 Diversity Trailblazer Award is now available. The Trailblazer Award recognizes exceptional efforts by men and women within the legal profession to promote the full and equal participation of diverse people at all levels of the profession. Each Diversity Trailblazer candidate should present a unique blend of experience (from up-and-coming to lifetime), skills and accomplishments. New York attorneys, whether practicing or not, are eligible. **Download the fillable pdf form.** For more information, contact Mark Wilson (mwilson@nysba.org | 518.487.5540). ■

Youth Law Day Program Recognized by American Bar



A partnership for good—The New York Bar Foundation presented a grant of \$4,400 to the Committee on Diversity and Inclusion for use in its Youth Law Day (YLD) programs. Now in its ninth year, Youth Law Day provides programming for diverse high-school students of color interested in a law career by holding mock trials, engaging speakers with private, solo and judiciary backgrounds and encouraging attorneys of color to spend time with students during lunch to discuss opportunities in the legal profession. To date in 2015, seven law schools hosted YLD programs that attracted nearly 650 students. Committee member Judge Helena Heath (c), receives the grant from Foundation President John Gross (l) and member of the Foundation board James Barnes. *[Photo by Marty Kerins, Jr.]*

The American Bar Association will present the Committee on Diversity and Inclusion's Youth Law Day Program with the 2015 Partnership Award.

The Award, sponsored by the ABA's Division for Bar Services, recognizes bar association projects that increase the participation and advancement of lawyers of color and provides pipeline programs for diverse students interested in pursuing a career in law.

The Committee's Youth Law Day Program, now in its ninth year, held a record 7 programs at law schools throughout the state this spring, reaching more than 600 students.

The award will be presented at a joint awards luncheon in Chicago on Friday, July 31. ■

MISSION STATEMENT

The objectives of the Committee on Diversity and Inclusion are to promote and advance the full and equal participation of attorneys of color and other diverse attorneys in the New York State Bar Association and in all sectors and at every level of the legal profession through research, education, fostering involvement and leadership development in NYSBA and other professional activities, and to promote knowledge of and respect for the profession in communities that historically have been excluded from the practice of law.

The Committee shall also foster the development of, monitor progress of and report on diversity initiatives of the Association, as well as partner with the Sections to continue to pursue enhanced diversity and inclusion in the Association, including among the leadership of the Association.

In conducting its work, the Committee shall consult with and engage Association leaders, other entities and individuals, including Sections of the New York State Bar Association, the New York State Conference of Bar Leaders, the Committee on Leadership Development, the Committee on Women in the Law, the Committee on Civil Rights, the Committee on Issues Affecting People with Disabilities, the Special Committee on LGBT People and the Law, The Law, Youth & Citizenship Program, minority and women's bar associations, and others with an interest in the Committee's mission and activities.

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Subcommittees

Constance Baker Motley Symposium
Sandra Buchanan, Chair

Diversity Reception Event Planning
Glinnesa Gailliard, Chair

Diversity Report Card
John Higgins, Chair

Judicial Diversity
Elena Goldberg Velazquez, Chair

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Trailblazer Award Nomination Review
Paula Edgar, Chair

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