

RESEARCH ROUNDTABLE STUDY SUMMARY REPORT

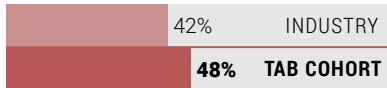
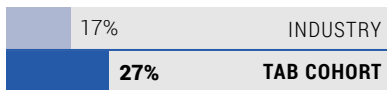
Diverse Silicon Valley Attorneys Drive Innovation Through  
**EMOTIONAL INTELLIGENCE**

Tina Shah Paikeday & Salam Rafeedie Baqleh

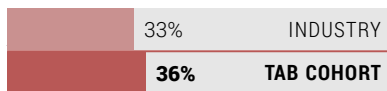
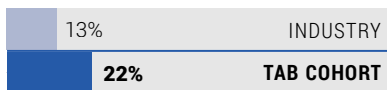
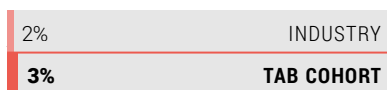
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**TABLE 1: % OF WOMEN AND MINORITIES AT GC + DIRECT REPORT LEVEL**
**women**

**minorities**


Sources: MCCA 2011 Corporate Legal Department Survey; TAB Research Roundtable

**TABLE 2: % OF WOMEN, MINORITIES AND LGBT ATTORNEYS AT LAW FIRMS**
**women**

**minorities**

**LGBT**


Sources: NALP 2013; TAB Research Roundtable

## EXECUTIVE SUMMARY

### INTRODUCTION

High growth companies demand internal innovation in order to remain competitive in the Silicon Valley marketplace. Silicon Valley in-house legal department attorneys play a critical role in enabling such innovation, and along with high IQ, emotional intelligence is critical for working within a team to achieve break-through results.

The in-house legal departments that we profile in this research study collectively exceeded the industry average for the percentage of women and minorities at the direct report to General Counsel (GC) level and above. Qualitative data was collected through interviews with in-house legal department leadership including general counsels and general counsel direct reports, human resource representatives, and diverse attorneys.

This report summarizes key findings from these interviews which were initially organized by the three main areas of talent management – recruiting, retention and advancement. In our analysis of the information and data collected, the role of the manager and importance of emotional intelligence in driving the success of women and minorities became very clear and the main report is so organized.

### KEY FINDINGS

One of the most interesting and potentially useful findings of this study is the crucial role that emotional intelligence played in the success of the diverse attorneys in the best practice law departments. Across the board, we found that women and minority attorneys had high degrees of self-awareness, motivation, empathy, and other elements of emotional intelligence that were essential to helping them better serve their business clients and work with their in-house colleagues.

To more deeply explore the relationship between emotional intelligence and diverse law departments, the study provides below: (1) a discussion of emotional intelligence elements; (2) the role of emotional intelligence in the legal industry and; (3) the connection between emotional intelligence, diversity and innovation. Subsequently, emotional intelligence and the role of the in-house managing attorney is broken up into the five categories of emotional intelligence summarized by Daniel Goleman in *Working with Emotional Intelligence* – self-awareness, self-regulation, motivation, empathy, and social skills.

This public report summarizes key research findings based on the following best practice case examples which are included in the full report:

1. **HP** Talent Factory Attracts Under-Represented Minorities from Law School
2. **Intuit** Core Values of Integrity and Responsibility Empower Women Leaders to Drive Their Careers
3. **SolarCity** Hires Those Who Have Developed Interpersonal Skills Through Life Experience
4. **ZELTIQ's** Legal Department Thrives with Attorneys Who Leverage Their Personal Strengths
5. High Stakes Environment at **Zynga** Attracts, Empowers and Rewards Diverse Attorneys

**EMOTIONAL INTELLIGENCE BEST PRACTICES OF IN-HOUSE ATTORNEYS:**

■ 1	■ 2	■ 3	■ 4	■ 5
self-awareness	self-regulation	motivation	empathy	social skills
<ul style="list-style-type: none"> <li>• are reflective about what is important professionally and personally</li> <li>• are comfortable being in supporting roles</li> <li>• know their strengths and weaknesses</li> <li>• are aware of their temperaments</li> <li>• value upward feedback</li> </ul>	<ul style="list-style-type: none"> <li>• enjoy cross-functional work because they can navigate new arenas</li> <li>• are able to manage their own career development</li> <li>• are comfortable working across practice areas</li> <li>• exhibit calm while achieving collaboration</li> <li>• are straightforward with their opinions</li> </ul>	<ul style="list-style-type: none"> <li>• like challenges and like to affect change</li> <li>• are optimistic</li> <li>• have overcome significant hardships to succeed</li> <li>• are willing to take title demotions to join a company</li> <li>• want to prove themselves</li> </ul>	<ul style="list-style-type: none"> <li>• manage to the individual's motivations</li> <li>• understand their importance as role models</li> <li>• make junior attorneys feel comfortable approaching them</li> <li>• offer others a wide breadth of opportunities</li> <li>• are team players dedicated to serving the organization</li> </ul>	<ul style="list-style-type: none"> <li>• drop the legalese and speak like a business person</li> <li>• operate as business enablers</li> <li>• influence others and help resolve business/legal conflicts</li> <li>• identify commonalities to develop relationships in affinity groups</li> <li>• know their colleagues personally</li> </ul>

Sources: Daniel Goleman, Working with Emotional Intelligence; TAB Research Roundtable

Qualitative data was collected through interviews with in-house legal departments and law firms. This report summarizes key findings from these interviews which were initially organized by the three main areas of talent management – recruiting, retention and advancement.

**The following is a summary of the top 10 best practices:**

1. Consider emotional intelligence (EQ) in addition to IQ, e.g., candidate pool, evaluation criteria, interview techniques.
2. Create a unique employment brand to compete for highly sought-after candidates, e.g., prestige, platform flexibility, expertise.
3. Create an internal critical mass of attorneys, e.g., early pipeline programs, diverse candidate events, recruiter incentives.
4. Create a broader community of critical mass, e.g., locating facilities in micro-geographies with a critical mass of under-represented minorities, cross-functional affinity groups across all levels, minority bar investment.
5. Create an inclusive culture across invisible differences, e.g., work style, socioeconomic background, sexual orientation.
6. Create manager accountability for retention, e.g., organizational structure, aligned incentives, and upward feedback.
7. Customize career development paths to address diverse skills, interests and life choices, e.g., legal work across practice areas, cross-functional work, managerial and business development responsibility.
8. Empower attorneys to lead and drive their own careers by eliminating office politics, e.g. no back-channeling after meetings, open and honest communication, no exclusive groups.
9. Develop excellent talent and promote internally or candidly discuss external career options, e.g., work assignment coordinator, internal job posting webpages, one-on-one career planning meetings.
10. Develop managers who excel at interpersonal relationships, e.g., knowing about employees' personal lives, work/life goals, individual motivations.

KEY LEVELS FOR  
MANAGING DIVERSITY:

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**1 individual**

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**2 manager**

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**3 organization**

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In our analysis of the information and data collected, we found three key levels for managing diversity: (1) the individual; (2) the manager; and (3) the organization. First, the emotional intelligence of attorneys is of paramount importance in-house because of the nature of the work and on-going relationships. It must be driven by the individual and can be developed through targeted training programs. Second, the role of the manager in-house is critical given that he or she is charged with and held accountable for making sure team members – including women and diverse attorneys – are ultimately successful. Third, leadership, diversity staff and diversity committees are of vital importance for creating an inclusive culture in the organization. We found in our research that the in-house legal departments in high growth companies value business innovation and therefore screen for individually driven emotional intelligence which attracts diverse talent. These relatively large organizations also have in place sophisticated management structures in which the diverse talent is retained by virtue of manager accountability. Finally, to the extent the companies have also built an inclusive culture through leadership or programs, we see that the diverse talent rises to the leadership level pervasively within the legal departments at these innovative, high growth companies.

**RESEARCH PARTICIPANTS**

The Bay Area headquartered high tech companies selected to be profiled as diversity best practice cases in this study are ones that outperformed relevant industry in-house legal department benchmarks. The TAB cohort outperforms the industry average for top level women and minorities (See Table 1). We extend our sincere appreciation to the following individuals for their significant contributions to this research as well as over two dozen anonymous diverse in-house attorneys from the legal departments.

The law firms who have participated in this study for purposes of in-house legal department identification are large law firms that meet at least one of the following quantitative metrics: (1) at least 14% minority attorneys; (2) at least 6% under-represented ethnic minority attorneys including African Americans and Hispanics, and/or (3) at least 2% LGBT attorneys. These law firms are: Fenwick & West LLP, Latham & Watkins LLP, Morrison & Foerster LLP, Skadden, Arps, Slate, Meagher & Flom LLP and Wilson Sonsini Goodrich & Rosati PC. Collectively, these law firms exceed the national industry averages for diversity (see Table 2). We also would like to thank the individuals who participated in this research to advance diversity and inclusion efforts in the legal profession.



TAB IN-HOUSE LEGAL DEPARTMENT  
COHORT

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**Hewlett-Packard**

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**John Schultz**, EVP  
General Counsel &  
Corporate Secretary

**Ashley Watson**, SVP  
Deputy General Counsel

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**Intuit**

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**Laura Fennell**, SVP  
General Counsel & Secretary

**Kerry McLean**, VP  
Deputy General Counsel

**Anirma Gupta**, VP  
Deputy General Counsel

**Terilyn Monroe**,  
Director Global Employee &  
Community Engagement

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**SolarCity**

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**Seth Weissman**, EVP  
General Counsel

**Chrysanthe Gussis**, SVP  
Deputy General Counsel

**Terri Factora**,  
Senior Contracts Manager

**Damien Scott**, Senior VP  
of People Empowerment

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**Zynga**

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**Devang Shah**,  
General Counsel Secretary

**Renee Lawson**, VP  
Deputy General Counsel

**Tyler Haugen**, HR Director

---

**ZELTIQ**

---

**Sergio Garcia**, SVP  
General Counsel & Secretary

**Denise Flaharty**,  
Senior Director of HR

TAB LAW FIRM  
COHORT SPONSORS

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**Fenwick & West LLP**

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**Kathryn Fritz**,  
Managing Partner

**Michael Shuster**, Partner,  
Diversity & Inclusion Committee  
Co-Chair

**Felix Lee**, Partner,  
Diversity & Inclusion Committee  
Co-Chair

**Julieta Stubrin**, Director of Attorney  
Recruiting and Diversity

**Joanne Millard**, Senior Manager,  
Staff Recruiting, Diversity & Inclusion

**Jessica Natkin**, Senior Manager,  
Professional Development

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**Latham & Watkins LLP**

---

**Ora Fisher**, Co-Vice Chair &  
Executive Committee Member

**Nadia Sager**, Partner,  
Head of Diversity Leadership  
Committee

**Adrian Davis**,  
Chief Attorney Development Officer

**Lauren Clairicia**, Director of  
Global Attorney Diversity & Training

**Sarah Fellows**, Manager of  
Attorney Recruitment &  
Development

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**Wilson Sonsini  
Goodrich & Rosati**

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**Rico Rosales**, Member,  
Employment Law Practice

**Stacey Layzell**, Senior Director of HR  
& Office Administration

**Chris Boyd**, Senior Director of  
Professional Services

**Laura Tyler**  
Senior Manager, Employment and  
Employee Relations

**Linda Lee**,  
Corporate Associate Staffing  
Manager

TAB LAW FIRM  
COHORT PARTICIPANTS

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**Skadden, Arps, Slate,  
Meagher & Flom LLP**

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**Emily Lam**, Partner,  
Palo Alto Diversity Committee

**Melique Jones**,  
Diversity Manager

**Devin Glenn**,  
Diversity & Inclusion Manager

**Caryn S. Schreiber**, Attorney  
Recruiting & Professional  
Development

**Benson Lee**,  
Administrative Coordinator

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**Morrison & Foerster LLP**

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**Richard Hung**, Partner,  
Litigation Hiring Partner

**Natalie Kernisant**, Attorney  
Recruiting Diversity Manager

**Nadia Jones**,  
Attorney Diversity Manager

**Erika Drous**,  
Attorney Development Manger

## **RESEARCH OVERVIEW**

### **INTRODUCTION**

High growth companies demand internal innovation in order to remain competitive in the Silicon Valley marketplace. Silicon Valley in-house legal department attorneys play a critical role in enabling such innovation, and along with high IQ, emotional intelligence is critical for working within a team to achieve break-through results. Because of their life experiences in navigating cross-gender and/or cross-race relationships and overcoming related obstacles, successful women and minorities have often developed very high levels of emotional intelligence including motivation, empathy, self-awareness, self-regulation, and social skills. These skills are incredibly important in-house as the role of attorney as manager is pronounced at in-house legal departments. The in-house legal departments that we profile in this research study collectively exceeded the industry average for the percentage of women and minorities at the direct report to General Counsel (GC) level and above. Further research would need to be conducted to understand any causal relationships, however, our initial research indicates that women and minority attorneys are succeeding at top levels in innovative companies because there is a good fit between their full set of skills and company needs.

### **RESEARCH PURPOSE**

The legal sector faces a pipeline problem because of a dearth of under-represented minorities in law schools. Despite high enrollment of women and Asians in law school, they are not succeeding at top levels in the same proportions. While the entire legal industry suffers, in-house legal departments appear to have more gender and racial diversity both at entry and senior levels. The purpose of this research was to understand not only pipeline solutions but also other strategies to advance diversity in the legal profession.

### **RESEARCH METHODOLOGY**

Initially an analysis of industry demographics was conducted to identify demographic trends. The data sources for this study include the following: *MCCA 2011 Corporate Legal Department Survey*; *MCCA 14th Annual General Counsel Survey*, September/October 2013; NALP Bulletin, December 2013; NALP Bulletin, January 2014; NALP Bulletin, February 2014; NALP Bulletin, April 2014; ABA Lawyer Demographics, April, 2013; California Lawyer 2013 California 50;

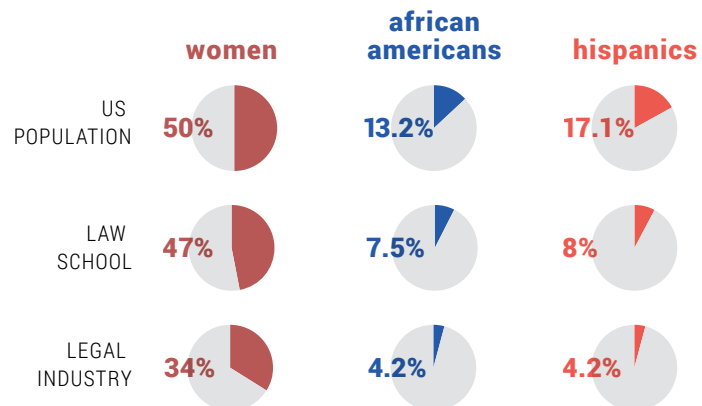
American Lawyer 2013 AmLaw 200; *Raising the Bar: An Analysis of African American and Hispanic / Latino Diversity in the Legal Industry*, Microsoft Corporation, December 2013; Talent Advisory Board 2014 Research Roundtable.

The success criteria initially used to qualify in-house legal departments for this study are Bay Area headquartered in-house legal departments with an expressed commitment to diversity that meet at least one of the following quantitative metrics: (1) a female, minority or LGBT general counsel or deputy; (2) at least one-fifth minority attorneys, and/or (3) at least two-fifths female attorneys. These in-house legal departments are: Hewlett-Packard, Intuit, SolarCity, ZELTIQ, and Zynga. The metrics for the five in-house legal departments have been provided by each department and aggregated by TAB. The TAB in-house cohort outperforms law firms on minority representation and also outperforms law firms with women in the highest ranks. These additional and other cohort benchmarks and associated key findings in this report are further substantiated in a confidential presentation for TAB Research Roundtable members at the annual best practices meeting organized by Talent Advisory Board.

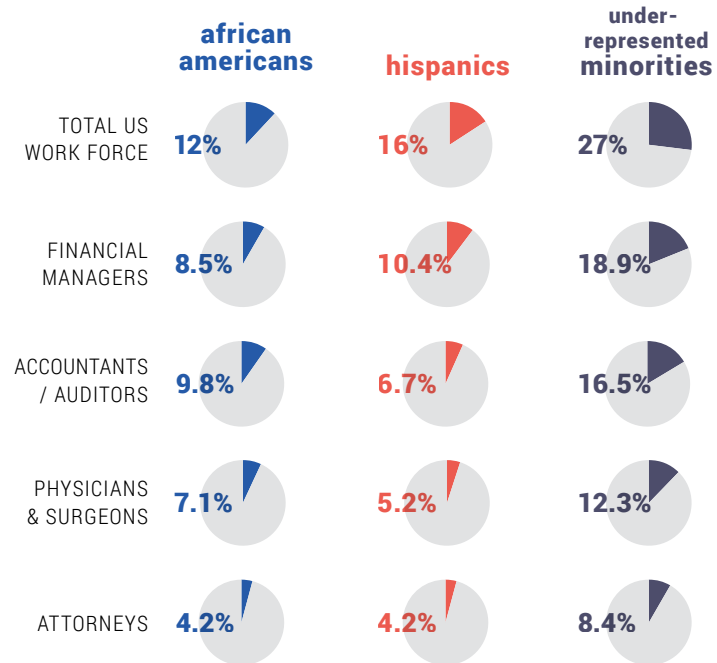


**INDUSTRY AND COHORT BENCHMARKS**

In the United States, women, African Americans, Hispanics, Asians and LGBT make up 50%, 13.2%, 17.1%, 5.3% and 3.5% of the population respectively. According to the American Bar Association (ABA), US law schools are comprised of nearly one-fourth ethnic minority and one-half female students. While the percentage of Asians in law school is higher than its representation in the population and workforce (7% in law school v. 5.3% of population), the representation of African Americans and Hispanics are starkly lower than their representation in the population. African Americans only account for 7.5% of law students and Hispanics account for 8% of law students. In the legal industry African Americans and Hispanics, collectively “under-represented minorities,” make up only 8.4% of the legal workforce. Not only is their representation dramatically smaller in the legal field as compared to the entire workforce, but it is also small compared to the representation of these groups in financial manager positions, accountants/auditors and physician/surgeon categories (18.9%, 16.5%, and 12.3% respectively). Women also make up 16 percentage points less of the legal industry than their population at large (see Table 3 and 4 below).

**TABLE 3: FEMALE AND MINORITY REPRESENTATION**


Sources: *Raising the Bar: An Analysis of African American and Hispanic/Latino Diversity in the Legal Industry*, Microsoft Corporation, December 2013; *A Current Glimpse of Women in the Law*, ABA 2014; *TAB Research Roundtable*; *As Law Schools Struggle, Diversity Offers Opportunities*, *The Chronicle of Higher Education*, 2/10/2014; U.S. Census Bureau, 2013; Gallup Data, 2012.

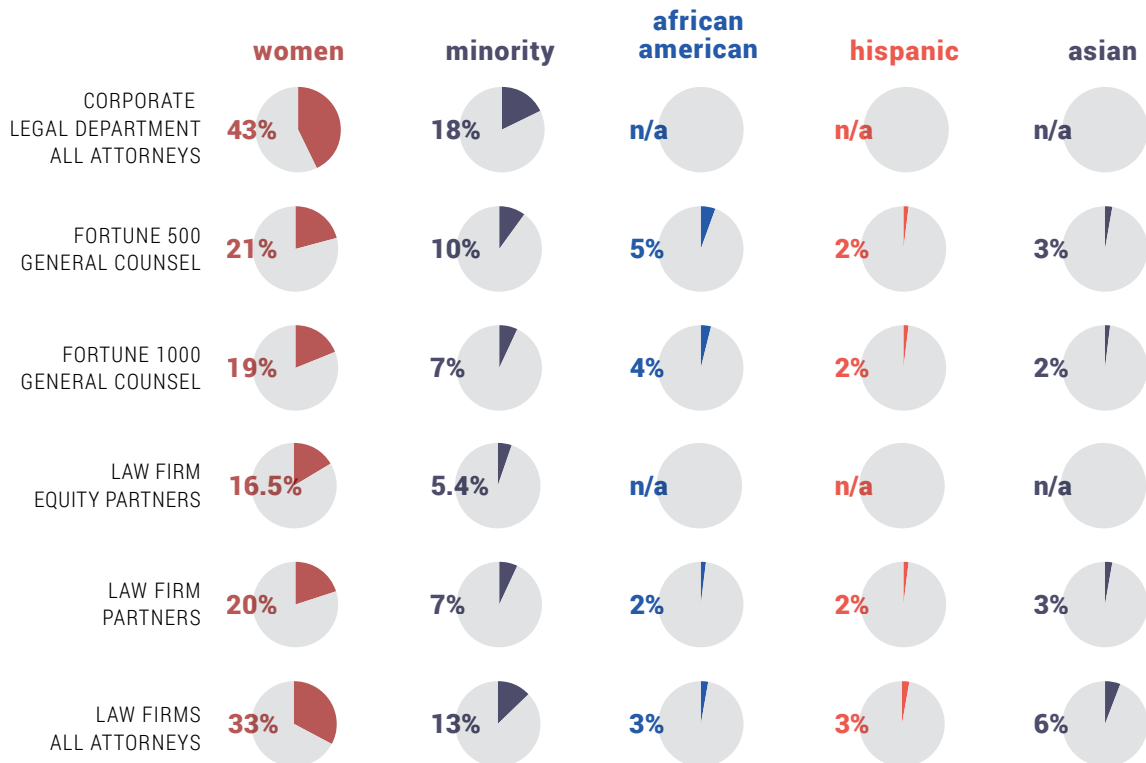
**TABLE 4: COMPARISON OF UNDER-REPRESENTED MINORITIES  
IN OTHER PROFESSIONS**


Sources: *Raising the Bar: An Analysis of African American and Hispanic/Latino Diversity in the Legal Industry*, Microsoft Corporation, December 2013; NALP; TAB Research Roundtable.

At large law firms only 13% of attorneys are ethnic minorities and 33% are women according to NALP (The National Association for Law Placement). African Americans and Hispanics account for less than 2% of partners and roughly 4% of associates each and while Asians have a strong 10% representation in the associate ranks, they are less than 3% of law firm partners. While data on LGBT attorneys is harder to quantify because of self-reporting issues, only 2% of attorneys at law firms self-report as LGBT.

NALP also reported that in 2012 nearly one-fifth of attorneys left law firms and over one-fifth of those departed attorneys left for in-house legal department positions. Although industry data is sparse, one 2011 Minority Corporate Counsel Association (MCCA) study indicates that in-house legal departments are comprised of over two-fifths women and nearly one-fifth minority attorneys. Data shows that African Americans, Hispanics and women are more highly represented in-house than at law firms in the highest ranks. African Americans and Hispanics comprise 7% of Fortune 500 general counsel positions, while they comprise only 4% of partners at law firms. Moreover, MCCA's 2013 survey indicates that 21% of Fortune 500 general counsel positions are held by women and 10% are held by minorities, while NALP data shows that equity partners at large law firms are comprised of only 16.5% women and 5.4% minorities (see Table 5).

TABLE 5: FEMALE AND MINORITY REPRESENTATION ACROSS THE LEGAL INDUSTRY



Sources: MCCA 2011 Corporate Legal Department Survey (n=765; 12/31/2010 data); MCCA 14th Annual General Counsel Survey, September/October 2013; NALP Bulletin, December 2013; NALP Bulletin, April 2014; TAB Research Roundtable.

### KEY FINDINGS

One of the most interesting and potentially useful findings of this study is the crucial role that emotional intelligence played in the success of the diverse attorneys in the best practice law departments. Across the board, we found that women and minority attorneys had high degrees of self-awareness, motivation, empathy, and other elements of emotional intelligence that were essential to helping them better serve their business clients and work with their in-house colleagues.

To more deeply explore the relationship between emotional intelligence and diverse law departments, the study provides below: (1) a discussion of emotional intelligence elements; (2) the role of emotional intelligence in the legal industry and; (3) the connection between emotional intelligence, diversity and innovation. Subsequently, emotional intelligence and the role of the in-house managing attorney is broken up into the five categories of emotional intelligence summarized by Daniel Goleman in *Working with Emotional Intelligence* – self-awareness, self-regulation, motivation, empathy, and social skills. This public report summarizes key research findings based on the following best practice case examples which are included in this report:

1. **HP** Talent Factory Attracts Under-Represented Minorities from Law School
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### **ELEMENTS OF EMOTIONAL INTELLIGENCE**

Emotional intelligence has five elements according to Daniel Goleman: (1) self-awareness; (2) self-regulation; (3) motivation (4) empathy; and (5) social skills. The first element, self-awareness, is about recognizing one's own internal emotions and knowing personal strengths and opportunities to grow. Self-regulation is about keeping disruptive emotions out of the equation in the workplace, being trustworthy and adaptable and taking responsibility for one's own performance. Motivation is a person's drive to improve standards and to be optimistic and pursue goals despite obstacles. Empathy has several facets including understanding others' feelings, developing others and anticipating and meeting the needs of others. The final category, social skills is a person's ability to influence, communicate, and manage conflicts in key relationships.

### **EMOTIONAL INTELLIGENCE AND ATTORNEYS**

Possessing high emotional intelligence capabilities can make attorneys, law firms and in-house legal departments more successful. NALP Lawyers' Professional Development Guide 2<sup>nd</sup> Edition by Ida O. Abbott, Esq. lists attributes of a successful supervising attorney and they include many elements of emotional intelligence like being concerned for the people the attorney is supervising, respecting associates' time, and observing, teaching and coaching associates. The best practice case studies set forth later in this report provide many examples of how emotional intelligence contributed to diverse attorneys' success in their law departments. Our interviews with diverse leaders and research by leading authorities on emotional intelligence indicate that, because of their life experiences in navigating cross-gender and/or cross-race relationships, successful women and minorities have often developed very high levels of emotional intelligence.

Emotional intelligence assessments can not only help organizations recruit better attorneys, but they can also lead to increased diversity in the legal field. U.C. Berkeley Law professors Sheldon Zedeck and Marjorie M. Shultz developed a test that assess law school candidates' effectiveness as a lawyer with categories ranging from how they manage stress to how they solve problems – more of emotional intelligence elements than intellectual abilities. The professors had 1,100 lawyers take the test and then compared it to their original LSAT scores. The study found that the emotional intelligence based test was a better indicator of a lawyer's success than the LSAT. Unlike the LSAT, the professors' test did not show

any significant difference between minority groups. In the work place context, employers are realizing the significance of emotional intelligence and are using behavioral based questions to assess candidates' likelihood of success. Even the ETS, creators of the SAT, GRE and other educational measurement tests created a new assessment test called "SuccessNavigator Assessment" which aims to equalize the measurement by testing self-management and commitment among other "soft skills."

#### **EMOTIONAL INTELLIGENCE, DIVERSITY AND INNOVATION**

Some experts believe that a more diverse work environment can also lead to greater innovation. In Robert Sutton's *Weird Ideas that Work*, the author says "variance in people, knowledge, activities, and organizational structures is crucial to creativity and innovation." He goes on to write, "new ideas generated when groups and organizations have people who act and think in diverse ways, express diverse opinions, are connected to diverse knowledge networks outside the organization and store and constantly make use of diverse technical knowledge. The belief that innovation depends on a broad palette of ideas was around long before academics started studying innovation." James C. Collins and Jerry I. Porras', in *Built to Last* (which profiles Hewlett-Packard, IBM, Motorola, and Sony, among others), suggest that many key emotional intelligence elements are necessary in company leadership for the company to succeed. Similarly, Daniel Goleman, author of *Working with Emotional Intelligence*, suggests that to be motivated, a key factor of emotional intelligence, one must persist in "pursuing goals despite obstacles and setbacks." Another Collins/Porras factor is to keep home-grown talent which is similar to Goleman's category of empathy which includes developing others within your organization. Finally, one emotional intelligence element of self-regulation is for an individual to be "comfortable with novel ideas, approaches, and new information" and one element of social skills is to be a "change catalyst" who manages change. Emotional intelligence, diversity and innovation all go hand in hand to create successful companies.

## **EMOTIONAL INTELLIGENCE AND INNOVATIVE IN-HOUSE LEGAL DEPARTMENTS**

Through the course of our interviews it became apparent that the in-house legal departments are adept at recruiting, retaining and advancing minorities and women based on the strong emotional intelligence of each individual company's leadership. The companies profiled here are all cutting edge technology companies that pursue the goal of innovation to maintain their position as the leaders in their particular fields and have developed organizational structures that enable change at high rates. Below is a discussion of each element of emotional intelligence and a discussion of how the leadership of in-house legal departments within the TAB cohort utilized emotional intelligence to create a diverse and innovative workforce.

### **■ Self-Awareness**

The element of self-awareness has to do with “knowing one’s internal states, preferences, resources and intuitions.” Individuals who are self-aware recognize their own emotions and effects of those emotions, know their strengths and weaknesses, and have a strong sense of their own worth and capabilities. The in-house attorneys in this cohort often had a strong sense of self-awareness overall and particularly that the role of the in-house attorney is a supporting one with less glory than other departments inside a corporation. One attorney said about the legal department’s position in the organization “we are not the stars here.” This awareness of his own role within the organization felt comfortable to him as someone whose particular strength lies in his ability to support the goals of others. Attorneys in this cohort often had clear career path goals including being aware that they were often good at giving business advice to non-attorneys. One attorney took a year off of working entirely to reflect on her role at a law firm and determine which direction to take her career. Other attorneys noted how they used their status as minorities to leverage relationships with others within their minority group. Other managing attorneys in-house became more aware of their strengths and weaknesses through 360 evaluations and workforce surveys by being held accountable for their retention of women and diverse team members.

### **■ Self-Regulation**

The element of self-regulation is about “managing one’s internal states, impulses, and resources.” Individuals who can successfully self-regulate have self-control to keep their impulses in check, are honest and have integrity, take responsibility for their performance,

are flexible in handling change, and are innovative and comfortable with novel ideas, approaches, and new information. In-house attorneys in the best practice law departments who exhibited adeptness at self-regulation were able to do a multitude of cross-functional work within their organization. Their personal drive and their managers pushing them towards cross-functional work was taken in stride. Some attorneys managed non-legal teams where they were striving to achieve collaboration. Their sense of calm, straightforwardness, honesty and integrity led to a culture of collaboration.

#### ■ Motivation

Motivation is the third element of emotional intelligence. People who have strong motivation strive to achieve excellence, commit to the goals of the organization, are ready to act on opportunities, and are persistent in the face of setbacks. Attorneys in the research cohort came from a range of backgrounds but often had a very strong motivational drive within them to overcome obstacles. Some overcame severe medical issues and extreme poverty. Others were looking for “another hill to climb.” Some were willing to take a position at a company whose stock price had plummeted. Several attorneys had taken a step down in terms of titles when joining their current companies but still had motivation without title.

#### ■ Empathy

The emotional intelligence element of empathy is about the awareness of others’ feelings, needs and concerns and includes understanding and developing others, anticipating and meeting others’ needs, and leveraging diversity through different kinds of people. The ability to empathize with colleagues and internal clients is very important in the success of in-house attorneys. GCs in this cohort spoke about managing to each individual employee after determining that individual employee’s motivation. One GC knew the names of not only all members of his legal department, but all of their significant others and children. Junior attorneys reported that they felt comfortable speaking with their legal department leadership. Women attorneys commented on how they could develop more meaningful relationships with women department leaders because of a perceived common ground.

The very real phenomenon of stereotype threat, where unspoken messages about women and minorities not being able to achieve success within a corporation, are neutralized in these departments



because of the high level of empathy from department leaders who convey respect by challenging their attorneys and providing role models. Because some in-house legal departments have widened their candidate pool to go into law schools, they are able to recruit more diverse women and minorities. Those attorneys, particularly when there is a critical mass of others within their minority group already at the company, have a great opportunity to be successful. Legal departments tended to offer their attorneys a wide breadth of opportunities – both legal and non-legal – to develop their careers. One in-house legal department developed a talent development strategy with full knowledge that many of the attorneys would not be able to advance because of the limited upward mobility inherent in-house. Still, attorneys were offered work in different practice groups and sat on numerous committees. In at least one case, a work flow manager delegated work assignments to ensure a good balance of quantity and quality work for attorneys. In-house legal departments had diversity committees to advance the cause of recruitment, retention and advancement of diverse attorneys.

#### ■ Social Skills

The final element of emotional intelligence is about the “adeptness at inducing desirable responses in others” through communication, influence, conflict management, leadership, building bonds, collaboration and creating group synergy in pursuing collective goals. With a finite group of internal clients, in-house attorneys were particularly adept at maintaining relations with internal client members of their organization. Attorneys learn very quickly how to drop the “legal speak” and adopt “business speak” when conversing with their clients. Many spoke of being conscious of their use of the word “no” in an effort to truly create an open environment where business people would feel comfortable seeking their advice before any situation advanced too far. In-house legal departments used behavioral interviews, often with large portions of the legal department and even non-legal departments, to assess a candidate’s ability to communicate and resolve conflict.

**RESEARCH STUDY SPONSORS**

The research study has been conducted by an independent third party Talent Advisory Board and has been generously underwritten by Fenwick & West LLP, Latham & Watkins LLP, and Wilson Sonsini Goodrich & Rosati P.C.



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**Fenwick & West LLP**

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Established in 1972, Fenwick & West works closely with technology and life sciences companies that are changing the world through innovation. The Firm has more than 40 years of experience crafting innovative solutions to the business challenges that arise at the intersection of technology and the law. Fenwick & West clients, who range from start-up ventures to global enterprises, value our attorneys' deep industry experience and understanding of their technologies. The Firm is ranked by *Multicultural Law Magazine* as the top law firm in the country for diversity. The Diversity and Inclusion Committee at Fenwick & West works closely with the attorney recruiting department to increase outreach at law schools targeted to diverse students communities and Fenwick has been actively involved in various groups and activities that work to promote diversity both in the legal profession and the community, including the Asian American Bar Association, Bay Area Lawyers for Individual Freedom (BALIF), the ABA Section of the Litigation Committee for the Minority Trial Lawyer and the Minority Corporate Counsel Association. The Firm has implemented diversity training, mentoring, assignment tracking and recruiting initiatives in order to strengthen diversity. In its efforts to embrace diverse heritages, the Firm hosts cross-cultural celebrations, including Cinco de Mayo, Chinese New Year and Juneteenth.



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**Latham & Watkins LLP**

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Latham & Watkins LLP is a leading global law firm dedicated to helping clients achieve their business goals and overcome the most sophisticated legal challenges anywhere in the world. The firm has earned considerable market recognition based on a record of landmark matters and a unified culture of innovation and collaboration. At Latham & Watkins, we believe that having a multiplicity of viewpoints, backgrounds, and experiences is critical to providing pre-eminent legal services that help our clients achieve their business objectives. Our commitment to diversity is exemplified by our Diversity Leadership Committee, whose mission is to strengthen and promote the firm as a workplace where the best and brightest attorneys

from all groups, including those traditionally underrepresented in our profession, excel and find the opportunity and support to fulfill their potential and become firm and industry leaders. Among the firm's diversity initiatives are our Women's Leadership Academy, which provides tailored training and support in the areas of leadership, self-promotion, communication, and business development, and our associate-driven, grassroots MPAC (Multicultural Promotion & Attainment Coalition) initiative open to all lawyers and focused on supporting the recruitment, retention, and promotion of attorneys with diverse backgrounds through a variety of activities. We are honored to have received such accolades for our efforts as the Gold Standard Certification from the Women in Law Empowerment Forum and a perfect score of 100% on the Human Rights Campaign Foundation's Corporate Equality Index. For the past seven years, we have been named to Working Mother and Flex-Time Lawyers' list of "Best Law Firms for Women," and for the past ten years we have been placed among the leading US law firms on The American Lawyer's "A-List," which ranks firms based on four core professional values, including workplace diversity. To promote a culture of inclusion in the profession as a whole and to increase the number of diverse law students studying at ABA-accredited law schools who want to pursue a career at a global law firm, Latham created a Diversity Scholars Program that awards six recipients \$10,000 scholarships each year. In addition, our firm and lawyers proudly provide support to many organizations around the world committed to diversity.



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**Wilson Sonsini Goodrich & Rosati**

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Wilson Sonsini Goodrich & Rosati is the premier legal advisor to technology, life sciences, and growth enterprises worldwide. We represent companies at every stage of development, from entrepreneurial start-ups to multibillion-dollar global corporations, as well as the venture firms, private equity firms, and investment banks that finance and advise them. As a law firm that serves a dynamic, diverse and innovative client base, we are well aware of the value that diverse viewpoints, diverse experiences, and diverse backgrounds bring to an organization. We aim to attract, mentor, and retain the best legal talent from all backgrounds, and foster a culture in which all employees are empowered to achieve their maximum potential. Forty percent of our partners and over half of our associates are women or belong to a racial or ethnic minority group. We frequently have been recognized for our commitment to diversity: In 2014, the firm ranked No. 2 in *The American Lawyer's*

*Diversity Scorecard*—which annually recognizes the achievements of the nation's 250 largest and highest-grossing law firms—with 27 percent minority attorneys and 22 percent minority partners. Internally, women and minority attorneys hold leadership positions on key management committees, including the board of directors, the Strategic Practice Development Committee, the Nominating Committee, the Compensation Committee, and the WSGR Foundation's board of trustees. Further, the firm is actively involved in several external programs promoting diversity, including the Asian Law Caucus, Bay Area Lawyers for Individual Freedom, the Silicon Valley Japanese Entrepreneur Network, and the Forum for Women Entrepreneurs & Executives, and the WSGR Foundation has provided financial support to numerous diversity-focused organizations, including the Asian Law Alliance, the Equal Justice Society, La Raza Centro Legal, and the National Center for Lesbian Rights. In addition, in 2008 the WSGR Foundation began providing support for the California Bar Foundation's Diversity Scholarship Program, to assist incoming first-year law students from groups historically underrepresented in the legal profession who have committed to attend a California law school and have a financial need and a desire to make an impact in the community. For more information, please visit [www.wsgr.com](http://www.wsgr.com)



#### **About Talent Advisory Board Inc.**

With the social mission of fostering a greater understanding between people of diverse backgrounds, Talent Advisory Board Inc. is a boutique research and consulting firm focused on advancing workforce diversity. The firm's researchers and consultants have experience in human resources strategy, diversity programs and employee research, and they provide leading edge diversity research and management consulting services. The firm uses an analytical approach to solve the most challenging diversity problems including recruiting, retaining and advancing diverse legal professionals. Talent Advisory Board enables diversity to be a powerful asset for clients to leverage for competitive advantage. The firm is a minority-owned and woman-owned B-Corporation. For more information please visit [www.talentadvisoryboard.org](http://www.talentadvisoryboard.org).

**TINA SHAH PAIKEDAY**  
*Managing Director*

**Tina Shah Paikeday** is the Managing Director of Talent Advisory Board Inc. Tina works with clients to develop diversity strategies, while also assisting them with employee research and related programs. She has authored numerous research papers on diversity issues such as sponsorship, accountability, retention, work-life and ROI. She has spoken at a variety of industry forums including the Minority Corporate Counsel Association, the California Minority Counsel Program, and the Association of Law Firm Diversity Professionals.

Tina began her career at McKinsey & Company and served as a Senior Director at the Corporate Executive Board prior to founding Talent Advisory Board. She has advised human resource executives and business leaders on strategic human resource issues at dozens of large corporations and professional service firms and has lectured at the Haas School of Business at the University of California at Berkeley.

Tina earned a B.S. in Commerce with Distinction from the University of Virginia and an M.B.A from the Stanford Graduate School of Business. She was also the Founding Board Chair of the Network of Indian Professionals and Indus Women Leaders as well as an active member of The Indus Entrepreneurs. Tina lives in San Francisco with her husband and son and enjoys biking, yoga and spirituality.

**SALAM RAFEEDIE BAQLEH**  
*Research Fellow*

**Salam Rafeedie Baqleh** has a special interest in researching issues of diversity and inclusion in modern day American society. She tackles a variety of complex workplace diversity topics ranging from LGBT equality to religious tolerance to racial and ethnic bias.

Prior to her work at Talent Advisory Board, Salam spent three and a half years practicing intellectual property litigation at Fenwick & West LLP. While at Fenwick, Salam served on the firm's Diversity Committee playing a key role in Fenwick's first ever diversity retreat. In addition to managing a large caseload for corporate clients, Salam maintained an active pro bono practice including helping disabled youth attain Social Security benefits, filing temporary restraining orders for abused women, and coaching and judging Santa Clara County high school mock trial students.

Salam has a bachelor's degree in English and Ethnic Studies from U.C. Berkeley and a Juris Doctor from U.C. Berkeley School of Law. In law school, she received the American Jurisprudence Award in Islamic Law and wrote her thesis on blood quantum requirements for membership in Native American tribes. She enjoys reading and spending time with her husband and two young children.



## HP TALENT FACTORY ATTRACTS UNDER-REPRESENTED MINORITIES FROM LAW SCHOOL

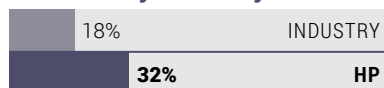


High growth companies demand internal innovation in order to remain competitive in the Silicon Valley marketplace. Silicon Valley in-house legal department attorneys play a critical role in enabling such innovation, and along with high IQ, emotional intelligence is critical for working within a team to achieve break-through results. Because of their life experiences in navigating cross-gender/race relationships and overcoming related obstacles, successful women and minorities have often developed very high levels of emotional intelligence including motivation, empathy, self-awareness, self-regulation, and social skills. These skills are incredibly important in-house as the role of attorney as manager is pronounced at in-house legal departments.

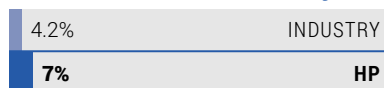
HP outperforms the industry in representation of minorities in its legal department in the All Attorney ranks. Within their large minority representation, a critical mass of African American attorneys has developed. While African Americans make up only 4.2% of the legal industry, 7% of HP's attorneys are African American.

TABLE 1: MINORITY REPRESENTATION

### all minority attorneys



### african american attorneys



The element of emotional intelligence that was most pervasive in interviews at HP is the element of empathy including the development of others. HP's legal department leadership emphasizes the development of their attorneys, even attorneys with very little technical experience. HP has found significant value in recruiting straight out of law school. They believe that these top notch recruits have the ability to develop the technical skills needed to succeed at HP especially because of the company's willingness to invest in their development. In

addition to their novel approach to talent recruitment, HP created a talent management strategy called "Talent Factory" that has the express goal of developing attorneys with full knowledge that upward mobility within the legal department ranks may not be possible for all attorneys. They develop attorneys knowing that they may leave for another company for advancement opportunity but also knowing that those who end up staying and advancing will have all of the essential skills necessary to succeed. Finally, HP's legal department has its own Diversity Committee focused on the acquisition and development of diverse attorneys.

#### Self-Awareness

One way in which self-awareness manifests itself at HP, particularly when it comes to recognition of existing biases, is the policy to interview at least one diverse candidate for every position that becomes available within the department. This conscious effort to recognize any internal preference, and then challenge it, helps to create the diverse workforce at HP.

#### Self-Regulation

One senior attorney at HP spoke about how the absence of the billable hour in-house allows for time to spend reading articles outside the immediate scope of expertise and using that "unaccounted" for time to think creatively about projects. This is evidence of the department placing value on novel ideas, new information, and new approaches. HP attorneys also felt in-charge of their time and schedules to make themselves the best attorneys.

#### Motivation

Another element of emotional intelligence ripe within HP is the motivation attorneys have for the success of their company. One attorney, noting business challenges HP has had in the past, said that a company facing challenges is "a good thing" because of a personal internal drive to achieve. Attorneys in charge of a business unit feel a high motivation for that particular business unit to succeed as they are able to see their role in the success of the company at large.

This case example dated September 24, 2014 was prepared by Talent Advisory Board Inc. for the 2014 TAB Research Roundtable Study entitled Diverse Silicon Valley Attorneys Drive Innovation Through Emotional Intelligence. The organization above was selected for inclusion because its legal department outperformed at least one benchmark of having: (1) a female, minority or LGBT general counsel or deputy; (2) at least one-fifth minority attorneys, and/or (3) at least two-fifths female attorneys derived by Talent Advisory Board Inc.



### ■ Empathy

HP leaders are particularly empathetic to their attorneys. This is highlighted by the value that they place on developing their attorneys. The department spearheads pipeline programs as early as high school with its Street Law Program. The program connects HP attorneys with students within the community of Palo Alto and Plano to bring legal knowledge into the classrooms of low income communities. The program has a well-developed curriculum that includes career panels, helping students with resumes and college applications and bringing students into HP offices. Also, HP has a high school internship program. Currently, HP pipeline program leaders are working on a means to track high school students who are interested in the law through their college careers. The investment of time and resources into the development of HP's community speaks to the value HP leaders place on the development of others. Indeed, HP also has taken a unique approach to talent acquisition by recruiting attorneys straight out of law school. HP has a 1L Diversity program and hires 2Ls for summer internships similar to law firms. Because HP recruits at top tier law schools, they go into their recruitment process with the assumption that recruits are fully capable of learning the law and it is up to HP to develop them. John Schultz, HP General Counsel says that getting "the best and brightest from law schools" is the way to capture more promising attorney hires and he is working on ways to develop them in-house like bringing all single-plaintiff employment cases in-house. This novel approach to recruitment has widened the pool of diverse applicants to HP.

Once attorneys are on board, HP focuses on developing their talent with a program called "Talent Factory." Ashley Watson, SVP and Deputy General Counsel says that HP strives to be "talent makers, not talent takers" and have committed to a department structure that allows all of their talent to develop. Where many in-house legal departments struggle with making attorneys feel like a promotion is possible when there is very little room for upward mobility in general, HP's philosophy is that

investment in career development, regardless of the lack of internal promotion opportunities, makes the best business sense. The result is a highly engaged group of attorneys who have reaped the benefits of intensive career training and a pool of the best trained attorneys for HP to choose for promotion. Many junior attorneys feel HP management is invested in their development because of the opportunities they get leading committees and the resources HP dedicates to attorneys to attend conferences and networking events such as those hosted by MCCA, CMCP, and LCLD.

The result of recruiting talent straight out of law school, developing that talent through the Talent Factory, and focusing on the success of diverse attorneys through the department's Diversity Committee, has been the accumulation of both minority attorneys in general and a critical mass of African American attorneys within the legal department. This critical mass has contributed to HP's value of developing its attorneys to succeed at HP or elsewhere. New African American attorneys are quickly approached for lunch and coffee dates with members of their particular ethnic group where a wide range of topics are discussed in an effort to help their colleagues navigate their way through the corporate culture. No topic is off limits – from how to wear your hair to how to approach assignments. Members are particularly empathetic to the trepidation a new hire may feel in a mostly white male corporate environment and strive to develop their colleagues into successful HP attorneys.

### ■ Social Skills

HP DGC Ashley Watson discussed how her unique position as a white, gay woman has allowed her to navigate the perspectives of the minority and the majority. As the Executive Sponsor for the legal department's Diversity & Inclusion committee, she believes her perspectives from both sides of the fence have led to her to be in a special position to influence change rather than "preach to the choir."





## INTUIT CORE VALUES OF INTEGRITY AND RESPONSIBILITY EMPOWER WOMEN LEADERS TO DRIVE THEIR CAREERS

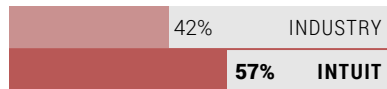


High growth companies demand internal innovation in order to remain competitive in the Silicon Valley marketplace. Silicon Valley in-house legal department attorneys play a critical role in enabling such innovation, and along with high IQ, emotional intelligence is critical for working within a team to achieve break-through results. Because of their life experiences in navigating cross-gender/race relationships and overcoming related obstacles, successful women and minorities have often developed very high levels of emotional intelligence including motivation, empathy, self-awareness, self-regulation, and social skills. These skills are incredibly important in-house as the role of attorney as manager is pronounced at in-house legal departments.

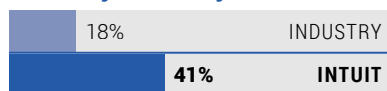
Intuit outperforms the industry benchmarks with minority attorneys, senior women attorneys, and notably, with its female General Counsel – Laura Fennell.

TABLE 1: FEMALE AND MINORITY REPRESENTATION

### female GC + direct reports



### minority attorneys



Core values at Intuit include integrity, innovation and accountability. These values enable women to take career ownership in an industry where career sponsors can be crucial to career advancement and where men are often more likely to have sponsors than women. These core values are top of mind for Intuit women leaders like GC Laura Fennell, and DGCs Anirima Gupta and Kerry McLean, when making legal and non-legal decisions. The relatively high number of women attorney leaders on the Intuit legal team are committed to creating an environment where no one feels unheard or dismissed and where attorneys feel empowered to drive their own careers. Ms. Fennell serves as both the GC and a general manager for Intuit in her role leading not only the legal department but also data engineering,

information security, privacy, and government affairs. Under Ms. Fennell's business-focused leadership, the legal department at Intuit is viewed more as "enablers" than "roadblocks" and women and minority attorneys have been able to succeed at the highest levels.

### Self-Awareness

At Intuit there is a strong emphasis on understanding the value that people with varied backgrounds bring to the company, and as a result, there are many affinity groups at Intuit. Minority, LGBT and women attorneys may choose to be involved in one of these many affinity groups. Intuit has a Pride Network, Women's Network, Latino Connect, Muslim Awareness, Christian Action Network, among others. While the groups are created based on a common identification, they are open to all Intuit employees. The groups bring together employees from all different areas of the company who share a similar aspect of their identity and work to advance cross-company knowledge and engagement. Leveraging a similarity among employees, for example through these affinity groups, helps to develop internal client and colleague relationships and has enabled success for attorneys within Intuit's legal department.

### Self-Regulation

Intuit attorneys pride themselves on being transparent and straightforward. Employees are encouraged to speak up during meetings – in fact, one unwritten but strictly followed rule at Intuit is that "there is absolutely no back channeling after meetings." If someone has something to say, they say it at the meeting, to ensure honest and effective conversations are happening in the meeting, and not in the hallway after the meeting. Managers are evaluated not only on results, but also against the company value of integrity, along with other values, such as creating an inclusive environment. One way they receive feedback from direct reports is through the annual employee survey and related pulse surveys.

Intuit attorneys are extremely adaptable (an element of self-regulation). Intuit encourages its attorneys to develop skills and knowledge beyond their subject matter expertise. Intuit attorneys, from the GC to junior level attorneys, all detailed the cross-functional nature of their

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work. Laura Fennell herself, though initially hired as GC, now heads several other non-legal groups. The value placed on cross-functional experience has enabled a fluidity in the legal department where there is frequent movement of attorneys within various groups. Attorney adaptability allows each attorney to gain a broad breadth of knowledge and become a well-rounded team player and most importantly, a great business partner. Several of her direct reports credit their development into legal and business generalists to Ms. Fennell's push for them to develop beyond their subject matter expertise. One DGC said that while attorneys may be hired for their specific expertise, Intuit views that as the just one element of their value and expects them to develop far beyond that expertise. They want attorneys to develop broad expertise to become better business partners in addition to being stellar subject matter experts. They are encouraged to move around to develop their experience and knowledge and so are the people they manage. Attorneys frequently take on projects in groups outside of their own practice groups, both legal as well as non-legal.

Ms. Fennell described the legal department at Intuit as spanning the entire organization with the goal of enabling all aspects of the business. The attorneys are keenly aware of their roles in enabling larger organization. One junior attorney described her job as "helping business folks launch products." Another junior attorney said that often business side partners approach her with non-legal questions because they are seen as business partners, not just risk analysts. One DGC said that it's not about billable time or face time, but about whether an attorney is supporting the business in what the business needs to achieve. Ms. Fennell describes Intuit as an innovative, product focused company, where your own success is based on how much you are helping the company succeed.

In addition to her focus on the development of women at Intuit, Ms. Fennell is part of a Bay Area women's GC group that meets quarterly to share best practices, and several members of her team are part of similar affinity groups outside of Intuit that are focused on the development of women and minority attorneys.

#### ■ Motivation

The motivational facet of emotional intelligence includes a readiness to act on opportunities and Intuit attorneys demonstrate this readiness. One junior attorney noted the emphasis her manager places on cross-func-

tional work, and how easy it is to stay engaged with her work because of the continuous challenge of learning something new. A DGC attributed her success at Intuit as coming from Ms. Fennell's willingness to let her take on new work and her own drive for taking on new challenges. There is a heavy emphasis on being motivated "do-ers," "enablers" and "business leaders." Ms. Fennell says that if attorneys "deeply care about the company's goals, they will be successful" at Intuit. She says that she constantly focuses on challenging and empowering the people in her department. Indeed, half of her direct reports are women who have broadened their roles over time. DGCs Kerry McLean and Anirma Gupta are just some examples of the motivated women at Intuit. Ms. Gupta has held several different positions in the legal department, significantly expanding her role over time. Ms. McLean came into Intuit as a legal business partner eight years ago and is now in charge of corporate securities, M&A, and enterprise risk management.

#### ■ Empathy

Laura Fennell is conscious about making the legal department at Intuit a place where attorneys feel that company leadership cares about "who you are and what your story is." She says it is important to "understand the power of diversity" and that "Intuit culture doesn't require you to be like someone else to be successful." Indeed, one junior attorney who described coming from a very blue collar background felt pride in Intuit's diverse environment noting that she has colleagues who went to prep school. She felt that there was no one way to be at Intuit and she could be her genuine self with no fear of career repercussions. Intuit seems to be fostering an environment of understanding and encouraging diverse perspectives and abilities.

#### ■ Social Skills

One element of emotional intelligence is social skills, including the ability to lead and inspire individuals and groups. The Intuit Women's Network is a company-wide global network which is one of the company's affinity groups. Recently, Anirma Gupta, currently head of the Intuit Women's Network, put on a program with an Intuit customer – GoldieBlox, a women-owned company, to educate members of the network about Intuit's customers and more broadly, about business leadership. Developing innovative and agile business leaders, who can bring diverse perspectives to the company is central to Intuit's mission, and that of the Intuit legal department.

## SOLARCITY HIRES THOSE WHO HAVE DEVELOPED INTERPERSONAL SKILLS THROUGH LIFE EXPERIENCE

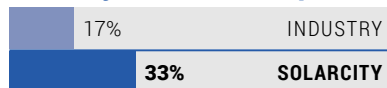


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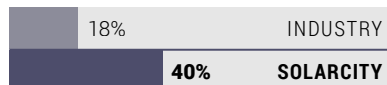
SolarCity's legal department out performs the industry benchmarks for minorities and women, particularly in the top levels where 33% of SolarCity's GC+Direct Reports are minorities. SolarCity's percentage of minority attorneys is more than double the industry average.

TABLE 1: FEMALE MINORITY REPRESENTATION

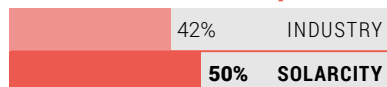
### minority GC + direct reports



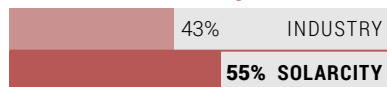
### all minority attorneys



### female GC + direct reports



### all female attorneys



SolarCity's leadership places a strong emphasis on the emotional intelligence of its legal team – particularly

when it comes to social skills including interpersonal relationships and influence. With the assumption that years of successful practice at law firms screens candidates for the requisite technical skills, and that such skills are easier to identify during the screening process, the legal department spends more of its time focusing on the candidates social skills with behavioral questions through a very involved interview process. Women and minorities fare particularly well in this process because they have often had to navigate challenging interpersonal situations. All candidates are interviewed by a very broad subset of the legal department and all members have veto authority when an interviewee comes off as arrogant or lacking in interpersonal skills. The result has been a very diverse and cohesive legal team that has had no voluntary turnover in over 5 years.

#### ■ Self-Awareness

SolarCity's attorneys exert a great deal of control over their careers and frequently get to take on the work that interests them the most. One minority AGC, Sanjay Ranchod, straddled between the legal department and the policy department carving out his own niche and giving himself multiple career path options. This particular attorney exemplified keen awareness of ones' own strengths and used them to navigate his way into not one, but two, departments within SolarCity.

#### ■ Self-Regulation

SolarCity Senior Vice President and DGC Chrysanthe Gussis says that the more efficiently in-house attorneys work, the better it is for internal clients and the company. While SolarCity attorneys get evaluated by their managers and their peers, they know that their main purpose is serving as a support function for the business needs of the company. Attorneys are constantly anticipating and trying to meet the needs of their internal clients and they take responsibility for the outcomes of their legal work performance. AGC Sanjay Ranchod discussed his busy schedule working on solar energy policy and how that required him to be out of the office most days of the week. He is able to continue with his policy work because he gets his legal work done to the satisfaction of his clients.

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### ■ Motivation

SolarCity's legal department is relatively new and there is tremendous opportunity for attorneys to grow as the business around them has been doubling year over year for the past several years. This environment fosters attorneys with a particularly strong desire to achieve and grow. DGC Chrysanthe Gussis is a prime example of this motivational drive. She describes herself jokingly as a "stalker" when she needs an answer from someone who is particularly hard to reach. She laughingly painted the picture of herself sitting at their desk until they come back with an answer for her. This persistence in the face of setbacks is a key element to the motivational aspect of emotional intelligence demonstrated by SolarCity legal department leadership.

### ■ Empathy

SolarCity emphasizes the development of the attorneys in their group by fostering strong mentorship relationships, providing junior attorneys with significant responsibility and formally monitoring their work. One Asian junior attorney came to SolarCity through a network connection with another senior Asian attorney already at SolarCity and their relationship has grown into a strong mentorship with the senior attorney giving him career and work advice regularly. Another minority attorney, straight out of law school, is given responsibility over various bankruptcy and small claims court cases where there is a strong sense of personal ownership. SolarCity's emphasis on developing these attorneys has created a class of attorneys who feel invested in and also feel a strong sense of ownership. Moreover, in an effort to develop the careers of its attorneys, SolarCity carefully monitors the quality and quantity of work assigned to attorneys with a work flow coordinator. At the time of our interviews, SolarCity employed one full time staff member dedicated to legal work flow operations although another staff member was in the process of coming onboard.

### ■ Social Skills

SolarCity General Counsel Seth Weissman places strong emphasis on social skills in his department. While his direct reports joke that during the interview process he appears to be "searching for unicorns," Mr. Weissman is emphatic that they do exist. He believes

that minorities and women in particular "have a life time of experience with the navigation of interpersonal relationships" and that makes them particularly adept at the empathy element of emotional intelligence necessary to succeed in-house. As a former employment attorney, then in a legal/human resources role at another company, Mr. Weissman places high value on understanding coworkers. He hones his listening skills as the only male ambassador on a women in clean energy leadership group – C3E. He says that he attends meetings and participates but tries to listen much more than he speaks so that he is able to learn from the women in the group. This willingness to listen to women's perspective shows in the SolarCity female data where the majority of Mr. Weissman's direct reports are women.

One of Mr. Weissman's mottos for his legal department is that he wants it to be "painful for a person to leave, and not painful for a person to stay" indicating his capacity to provide conflict management and create group synergy in his legal department. This high level of emotional intelligence goes beyond even Mr. Weissman and seems to permeate the company at large where top level executives are known to create a real team environment singing at company-wide holiday parties and winning the hearts of employees.

SolarCity's focus on understanding others right from the beginning of the recruiting process has been instrumental in its perfect record of no voluntary attrition in the legal department for the past 5 years. Candidates are asked behavioral questions and emotional intelligence questions. One of Mr. Weissman's favorites is regarding the difference between wisdom and intelligence; indicating his philosophy about well-rounded candidates having both technical intelligence and high emotional intelligence. The result of this heavy focus on social skills has led to an environment where there is a strong sense of camaraderie on the team and attorneys know that if they "pay into the team, the team pays you back" picking up any slack due to personal issues or heavy workload. Attorneys feel at ease chatting with top legal leaders and leaders make it a point to learn the names of their employees' children, their school drop-off/pick-up schedules, and to ask about them regularly.



## ZELTIQ'S LEGAL DEPARTMENT THRIVES WITH ATTORNEYS WHO LEVERAGE THEIR PERSONAL STRENGTHS

# ZELTIQ

High growth companies demand internal innovation in order to remain competitive in the Silicon Valley marketplace. Silicon Valley in-house legal department attorneys play a critical role in enabling such innovation, and along with high IQ, emotional intelligence is critical for working within a team to achieve break-through results. Because of their life experiences in navigating cross-gender/race relationships and overcoming related obstacles, successful women and minorities have often developed very high levels of emotional intelligence including motivation, empathy, self-awareness, self-regulation, and social skills. These skills are incredibly important in-house as the role of attorney as manager is pronounced at in-house legal departments.

While only 4.2% of the U.S. legal industry is made up of Hispanic attorneys, Sergio Garcia, a Hispanic male, leads the legal department at ZELTIQ - a high growth medical technology company that has seen its workforce double in size within the past two years. ZELTIQ is focused on developing and commercializing products utilizing its proprietary controlled-cooling technology platform, including the Company's first commercial product, the CoolSculpting® System. The legal department is keenly aware of its critical role in advancing the strategic goals of the company through skilled advice, vigorous protection of the CoolSculpting brand and reputation, and effective, proactive counsel. The vision of members of the legal department is to be valued and trusted partners to all key areas of the business, recognized as problem-solvers committed to helping to resolve legal and business issues in a practical, timely and efficient manner. The legal department's keen sense of self-awareness of their interests and capabilities has served the company well. Attorneys realize their strengths in communicating with business people and often take time to reflect on their strengths and interests. According to Denise Flaharty, HR Senior Director, ZELTIQ's largest group of employees, sales relationship managers, has a high concentration of women possibly due to their ability to nurture the account relationships. Another large employee group, the device manufacturing group, has a high percentage of Hispanics and Asians since employees are recruited from the East Bay.

### ■ Self-Awareness

General Counsel, Sergio Garcia, was drawn to a career in law from an early age. He recalls accompanying his mother to the bank as a child to serve as a translator. From that early in his life he knew the influence of language and law school always seemed to him the natural progression for his desire to accumulate knowledge and influence in society. Mr. Garcia grew up in the inner city of Los Angeles in a working class family where education was highly valued. He excelled in high school – academically and in several varsity sports – and when it was time to graduate, he was eager to take on new challenges. He says that his college education at Stanford was a very challenging and rich experience. As he progressed in his legal career, his skill at understanding himself in relation to the world led him to the conclusion that his talents would be best suited where he could keep his finger on the business pulse and see the direct results of his legal work and strategic advice to business groups and boards.

One of his direct reports also spends a great deal of time reflecting on personal strengths and interests. After working at a law firm for several years, this attorney took a year and a half off to travel and really think about what she wanted to do with her career. She determined she wanted to be in an environment where she could be a generalist attorney that helped with a multitude of legal and non-legal issues and in an environment where developing relationships was an important part of her job.

ZELTIQ values employees with strong self-awareness as is evidenced by a recently instituted 360 review evaluation system. Attorneys in ZELTIQ's legal department will not only be evaluated by their managers and peers, but also by internal clients in an effort to provide feedback from a variety of sources.

### ■ Self-Regulation

ZELTIQ attorneys try to check their knee-jerk reactions at the door when conversing with non-attorneys at the company. One attorney gave an example of a question that came up about initiating a lawsuit in Japan and while her typical reaction would be to dismiss the thought unilaterally and move on, General Counsel

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Sergio Garcia has taught her the wisdom of being a truly collaborative member of the organization. He taught her the route to take would be to actually take the time to consult with the business side to review the business strategy and legal risks, conduct some research, and contact Japanese counsel who may have the specific knowledge and then discuss the pros and cons with the business side. She says she appreciates the wisdom of Mr. Garcia's approach in that it creates a truly collaborative environment where attorneys are seen as the first line of defense.

### ■ Motivation

The emotional intelligence element of motivation is evident within the ZELTIQ legal department. General Counsel Sergio Garcia worked at international law firms where he made partner and served as the co-chair of a life sciences department, but he is always striving for the next feat to conquer. Mr. Garcia's passion on taking on the next hurdle suits him well at ZELTIQ where this young company is dynamic and ripe with opportunity. Even early in his life, when most of his high school classmates were enrolling in the military or two-year college programs, Mr. Garcia was recruited to Stanford University and then went on to law school at Boalt Hall School of Law (U.C. Berkeley). Mr. Garcia's drive to achieve has served him and his company well.

### ■ Empathy

A large part of the emotional intelligence element of empathy is understanding and developing others. Mr. Garcia speaks of the nature of work at law firms where truly understanding the needs and motivations of clients can be difficult because of the lack of deep relationships and understanding of the business. In-house, on the other hand, so much of his time is spent building relationships with internal clients, senior management, and the Board of Directors. There is constant collaboration and meetings of the mind.

In the realm of talent management, Mr. Garcia is a prime example of a person with a high level of empathy who takes advantage of his in-house position to spend time developing talent. At ZELTIQ, one of his direct reports said that she has candid discussions with him regarding new job opportunities even outside of ZELTIQ. Mr. Garcia's aptitude for understanding and developing

those around him have led to a highly functional and collaborative legal department. Another direct report, a non-lawyer HR Senior Director Denise Flaharty, noted how Mr. Garcia had such a broad range of knowledge about the company that his advice is always very well-informed. It is unusual for HR to report into the legal department, but Ms. Flaharty's working relationship with Mr. Garcia is successful because of the high level of empathy they both exhibit.

### ■ Social Skills

The final element of emotional intelligence has to do with social skills and a person's adeptness in relationships. One attorney said that he learned early in his legal career that there is a stark difference in how attorneys speak to each other and how attorneys should speak with business people. Early mentors in his career provided significant opportunity to present to business people and from these mentors he learned how to tailor his language to be able to connect with his audience.

Another attorney mentioned that she makes it a point to attend work social events like happy hours and birthday parties. Her visibility and approachability at these events leads internal clients to think to come to her for any legal issues sooner rather than later.



## HIGH STAKES ENVIRONMENT AT ZYNGA ATTRACTS, EMPOWERS, AND REWARDS DIVERSE ATTORNEYS

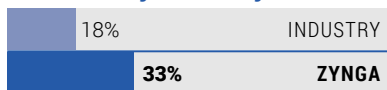


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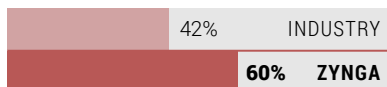
Data for minorities and women at Zynga show outperformance of the in-house legal department industry. Female representation in the GC + Direct Report level far surpasses benchmark data as does the percentage of minority attorneys overall.

TABLE 1: FEMALE AND MINORITY REPRESENTATION

### all minority attorneys



### female GC + direct reports



For a company with a stratospheric rise and equally rapid drop into turnaround mode, the team of attorneys who came and stayed at Zynga seem to have at least one very important shared characteristic – they are all attorneys who have strong motivation to build something from ground zero. Often times, attorneys from diverse backgrounds are attracted to such high stakes situations in which they can really prove their talents, and such was the case at Zynga. Many had come from stable partner positions or high ranking in-house positions, including general counsel positions, to a compa-

ny in its infancy with a very uncertain future. The underlying current apparent to anyone is that the culture of this department has little to do with fitting in or being “one of the guys” and everything to do with strong desires to deliver a wide variety of top-quality legal services that meet the company’s rapidly changing landscape by any means necessary, including working long hours and finding innovative ways to help the internal clients reach their goals. Recruiters look for attorneys who can “drive results through social interaction” and have the skill by which to relate to gamers. The result is a highly motivated diverse legal department with a reputation of being true business partners.

#### Self-Awareness

Tyler Haugen, an HR Director at Zynga says that one of Zynga’s philosophies is to “change the world through social interaction.” One of the ways that Zynga has implemented this philosophy is through the development of an internal recognition page that publicly displays individual employees’ goals and allows for peers and managers to cheer them on as they accomplish their goals. This exercise hones employees’ ability to assess their own strengths, weaknesses and capabilities with the help of their peers.

#### Self-Regulation

Zynga attorneys spoke about the necessity of attorneys being comfortable with the “grey” area. Much of Zynga’s legal work is relatively novel and without precedence. The ability to be comfortable not having a clear cut answer but still provide solid legal advice for an internal client is key to managing the demands of the job at Zynga. An attorney’s ability to be adaptable when faced with uncertainty is a key element within self-regulation.

#### Motivation

Another element of emotional intelligence is motivation. Motivation can be the drive to achieve excellence and persistence in the face of setbacks. Several attorneys we spoke with at Zynga left their firms or other in-house legal departments because they were not feeling challenged. One attorney had created a system

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for addressing legal issues within her special expertise area and it was so efficient that her job became boring. She left the security of that company for Zynga. Another prime example of a Zynga attorney looking for challenges is DGC Renee Lawson who after successfully making partner at her law firm and being a first chair litigator at trial needed another way to satiate her drive for achievement. Her next move was to go to Zynga. In her words, she was looking for “another hill to climb.” Ms. Lawson believes that the attorneys at Zynga have very high stakes matters. She described going through WW3 with the colleagues she joined in the newly forming legal department in 2010, taking the company public in 2011, enduring a stock drop and resulting litigation in 2012, experiencing complete management turnover in 2013, and helping the company rebuild its business in 2014. She says that the company would ask the legal department to jump, and the legal department’s response was “which hurdle when?” Indeed, most of the attorneys we interviewed have stayed at Zynga even though the company’s ultimate existence has at times been questioned. It is clear that Zynga attorneys are very motivated in the face of uncertainty.

#### ■ Empathy

Zynga exemplifies empathy in its development of its attorneys through sponsorships and the strong commitment to promote from within. GC Devang Shah says, in an almost nonchalant and very humble manner, that he “raised his hand” when the GC position became available. He had the strong support of the outgoing GC who believed in promoting from within. In fact, Mr. Shah held 4 different positions in his 4 years at Zynga prior to becoming the company’s General Counsel. An AGC spoke of her mentor pushing her into a group where she had no experience and which she ended up heading. Promoting from within does not end with just the attorneys. At Zynga, file clerks who perform well can also expect to be promoted to paralegals. The themes of promotion from within and strong sponsor support were prevalent in many of the attorney stories at Zynga. The result has been a minority GC and a very strong representation of women in the GC Direct Report level. Junior attorneys have recognized this and the thought of their own advancement seems more of a realistic goal than an unattainable dream.

While a formal evaluation process is in its infancy at Zynga, the attorneys agree that in general, attorneys are evaluated on whether their clients are happy. One Zynga AGC said that attorneys must be adept at meeting the needs of their clients. A senior level attorney said that the key to attorney success at Zynga is being able to empathize with internal clients in a way that will inform legal and business goals. Mr. Shah sets the example of recognizing and meeting the needs of others. He “manages to the individual” by determining what motivates each attorney and fostering that motivation. He says some are motivated by career growth, others by compensation, among other motivations. He tailors his interactions with each person based on their particular motivation.

#### ■ Social Skills

Examples of strong social skills of Zynga attorneys are abundant. Tyler Haugen, HR Director, looks for candidates who “can really engage their business partners” and who have “built and maintained relationships.” The company uses behavioral and situation type interview questions to determine if a person has a high capacity for understanding others’ perspectives and needs. DGC Renee Lawson makes it a point to hire experienced attorneys, whom she considers true professionals, and then empowers them to take the lead on their legal work.