Thoughts on Diversity, Equity & Inclusion
“We make our living by what we get. 
We make our life by what we give.”

— Benjamin E. Mays
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195 countries, 6,500 languages, 4,300 religions & thousands of cultures

Diversity, Equity & Inclusion is an enormous journey best practiced with grace and humility
Change will not come if we wait for some other person or some other time.

— Barack Obama

A reporter for 6ABC Philadelphia (Action News), a Disney-owned television station, got into a disagreement with a colleague in the station’s parking lot. Still angry from the argument, she stormed over to a news truck, flung open the passenger side door, and started recounting her argument while screaming racial epithets about her colleague. The cameraman in the front seat, who appeared to be sitting alone, responded “well there’s a Schwartze in the back seat.”

I can still remember the day as if it happened yesterday. Early in my career — in the late ’80s — I worked as part of a news team covering high-profile stories for Philadelphia’s leading news station ABC-6. My work centered around setting up live shots and supporting coverage of everything from breaking news stories to courtroom steps interviews, the corporate scandal of the day, and professional sports. On this particular day, I was sitting out of sight in the back of the live truck with my partner waiting for our next assignment when Karen, her real name, started screaming racial epithets about another colleague. The incident quickly went public. Outside of engaging the station’s equivalent of a diversity officer, nothing happened, and things returned to business as usual.

This issue was a big deal because Karen covered stories about minorities and clearly had a biased opinion. It was the station’s overall bias in the coverage of the communities it served that inspired me to go to law school so that I could have a real impact on how minorities are portrayed in the media. At Howard University, my undergrad studies centered around the negative images of minorities used in film/media from the impact of Birth of a Nation and minstrel shows, to the sole use of overweight Mammy-like figures in modern commercials, to news outlets only showing Black people as associated with crime. Funny that the latter is now a campaign theme for the upcoming 2020 election.

Fortunately for the station, business as usual for 6ABC Philadelphia did not result in a viral story on social media, protests or EEOC intervention. Karen went on to cover the biggest news stories of the day, including stories about communities of color. And while fellow colleagues of color at the station viewed Karen differently from that day forward, her reputation as a reporter and the station’s brand remained untarnished.

This is one of thousands of stories of institutional racism in the workplace.

According to a Pew Research Center’s Race in America 2019 survey, it’s now more common for people to express racist or racially insensitive views and four-in-ten say it’s more acceptable. In this politically charged environment, there’s no doubt that these issues can spill over into the workplace, and no one is immune.

To be sure, well-known brands are now being called out for diversity and inclusion failures and toxic work cultures in record numbers. The Washington Post recently reported on large corporations facing skepticism for fostering toxic work cultures, inequalities in pay and promotion, and other discriminatory practices.

Case in point: Ellen DeGeneres, known for her “Be kind to one another other” message is currently under fire for toxic workplace issues. A widely circulated piece in Buzzfeed provided anonymous accounts of racism, unjust termination, intimidation and an overall work culture that’s hostile. In response, Ellen issued a letter to her staff taking responsibility for the issue and stating that she was essentially unaware of the underlying issues.

In the wake of worldwide Black Lives Matter protests, #MeToo, LGBTQ equality, and calls for equity an end to racial and sexual preference discrimination and social injustice, it is now more important than ever for organizations to address the undercurrent of systemic racism that may be brewing in their organizations. Too often, there’s a blind side in the management ranks where leaders think the absence of an
EEOC filing or HR complaint means all is well, but employees think the workplace culture is a #Fail.

Unfortunately, there's no quick fix. Diversity, equity and inclusion challenges cannot be resolved with a one-off corporate statement. Former Food Network star Paula Deen missed the mark when she attempted to quell widespread criticism over her use of racially insensitive language and symbols by issuing a statement that failed to acknowledge the abhorrent history behind her epithet. She would have been better off acknowledging her racial insensitivity and vowing to work with the Black community to rebuild trust and forge new connections.

During these unprecedented times, it is crucial for all organizations to reexamine the past for issues not yet resolved. Conduct audits and a corporate 360 to identify emerging threats before issues go public. Provide a safe place for employees to address concerns and grievances. Review your organization's leadership, history, HR and local market data, business partners, and values and corporate purpose for glaring disconnects. Most importantly, talk to your organization's “onlys” and be prepared.

What are onlys? Onlys are the sole representatives of underrepresented groups in the room or within an organization's ranks. Homogeneous workplaces tend to have many onlys. The only woman, the only openly gay person, the only gender-neutral person, the only religious minority, the only Indian or Chinese or other ethnic minority — you can fill in the blank of underrepresented group in the organization. Being an “only” is the antithesis of diversity and should be viewed by management as a step in the process, not the goal.

According to the McKinley & Company, Women in the Workplace 2019 report microaggressions are a common occurrence in the workplace and disproportionately impact onlys. For example, the report states “73 percent of women experience microaggressions or everyday slights rooted in bias.” The study also recommends that companies should empower employees to speak up.

Warren Buffett once said, “It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you’ll do things differently.”

Doing things differently means moving beyond business as usual and stepping outside of the comfort zone.

Underrepresented groups essentially work outside of their respective comfort zones every day. Perception (or sometimes social media) is reality. Organizations that want to protect their brand must pledge to step out of their own comfort zones, move beyond statements or silence, and empower leaders to take a stand and do the right thing in times of challenge and controversy.

LEVICK's e-book on the current state of diversity, equity and inclusion aims to provide some of the best practices and guidance for leaders that want to do the right thing, but don’t know where to start, or don’t know where to go next.

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Introduction:
To Boldly Go Where No Generation Has Gone Before...
Whether literal or allegorical, the fact is that from the moment that Adam and Eve took the bait believing that there was something they could do to be more like God and sunk their teeth into the fruit of the tree of duality (good and evil) the eyes of their self-consciousness opened to the illusion of separation that abstracts everything and everyone into polarities: good and evil; black and white; in and out; male and female; winners and losers and elite and proletariat.

Throughout history succeeding generations have come to the ancient crossroads and have been invited to make the choice to choose the good way (the way of non-dualism) or choose their own way, (the way of separation, difference and deficit). On the 25th of May when George Floyd was killed, we came to our generation's crossroads. We are now at the ancient path. Here we now stand. It is a seminal moment in our generation's history we must choose:

"Thus says the LORD: ‘Stand by the roads, and look, and ask for the ancient paths, where the good way is; and walk in it, and find rest for your souls.’" We dare not say like those who have gone before us, ‘We will not walk in it.’ Jeremiah 6:16

In recent weeks as pressure has intensified on organisations to address the debilitating problem of racial inequality, we have seen what amounts to panic buying unconscious bias programmes and recruiters being pressed to find candidates for their clients’ hitherto non-existent in-house D&I function. The there-we’ve-done-something! approach may assuage the “I’m not a racist angst,” but it is bound to fail in addressing the underlying causes of the disease that is systemic inequality. There is an answer, of course there is, but it is a big ask to get a person whose pay, position and power depend on them not knowing the right answer.

In the absence of any true unifying statesmen and stateswomen we are left to make do with self-interested divisive politicians who serve the interests of the elite; in the absence of servant leaders we are left to make do with broken models of leadership that cause organisations to be overmanaged and under-led; we cannot even turn to our places of worship for the most part, they have become religious workhouses, profiting from making us afraid of God and suspicious of outsiders. They dream of a better world but only for the elect, i.e., the spiritually elite. We, the people, may have to take the lead on this one.

As we all know, there are diseases that are known as silent killers, these are diseases that people have without even knowing it. People can live with certain types of cancer, autoimmune disorders for years without even knowing they’re sick. Racism is a disease. It can be voluble but most often it is a silent killer; one that robs the carrier and deadens all those it comes into contact with.

Racism is an infection. If unchecked it can (and has) spread all through society. For 8 minutes and 46 seconds the world held its collective breath as it watched aghast the footage of George Floyd’s life being stolen from him by police officers in Minneapolis. What had previously been an invisible ever-present headwind for Black people suddenly became a hurricane, the storm surge of upending complacency and flooding the consciousness of white people across the globe.

As I and many others have written about there is a correlation, I say quantum entanglement, between the Covid-19 pandemic and the pandemic that is racism. But whilst the world searches for a vaccine to protect us against the coronavirus we have the antibodies that can immunize us against racism.

Racism is a heart disease. We have no need to look for a cure outside of ourselves, the cure lies within. The cure is rediscovering human-heartedness.

Human-heartedness recognizes racism and all inequality as an attack on our fundamental moral sensibility which consists in appreciation and reverence for the fundamental human value; one’s human-heartedness always manifests itself as interpersonal love and care when treating others.

So, we have a choice: we must decide whether the murder of George Floyd will be reduced to another footnoted example of the infection or whether or not we will take this as a moment of inflection.
We are now living in liminal space. We know that we will never go back to the pre-Covid world and neither can we allow ourselves to go back to the pre-Floyd world. We are at the threshold with all the ambiguity and disorientation and what-can-we-doism? that occurs before we begin the transition to the new normal.

The plaintiff appeal of this note is that we must choose the ancient path, the way back to oneness, where we will find rest for our collective souls. We must do two things, first we must tread lightly in the earth and second, we must B.O.L.D.L.Y. go where no generation has been before.

Some will say, the agenda is too ambitious, you’re aiming at an impossible future. Maybe, but let me end by telling you a short story that might encourage you to reach for our vision.

A man was wandering along the seashore early one morning, reflecting on his life and trying to establish a sense of meaning. It was very early, just before sun-up, and he imagined that he’d have the beach to himself. To his surprise, he saw, from a distance, a young boy whom, he presumed, was playing on the beach. “Strange,” he said to himself, “what with it being so early and all.”

Something about the boy’s game caught his attention. The boy would bend down, pick something up and, with all his might, toss it into the sea.

There was a real urgency about the boy’s game. In rapid succession he would repeat the action – bending, picking up and throwing; bending, picking up and throwing.

When the man got close enough to the boy, he could see that the boy was throwing back into the sea starfish which had been washed up onto the beach by the incoming tide. The beach was literally carpeted with them.

The man called out to the boy, “Hey, son! What are you doing?”

Without looking up but continuing his bending, picking up and throwing motion, the boy replied, “I’m saving the starfish.”

“Oh,” exclaimed the man, a little bewildered. “Well, look here. There are thousands of them. How can you make a difference?”

Completing one of his mechanical cycles, the boy looked up as the water splashed when the thrown starfish re-entered it. He said, “I guess you’re right, but I sure made a difference to that one, though.”

The man laughed. “Hey, can I join you?”

“Well,” answered the boy, “there’s plenty left.”

Well, my friend, grab yourself a star fish. There’s plenty left.
John Lewis’ Life Bridged the Best of America

The United States has tens of thousands of bridges but none quite like the one that spans the Alabama River near a Black Belt crossroads called Selma. America’s agonizing struggle with the hatred engendered by our original sin has made the Edmund Pettus Bridge a sacred symbol — as revered in its own way as Little Round Top at Gettysburg or Bunker Hill outside Boston.

It was on that bridge named “in honor” of a Confederate general and a founding member of the Ku Klux Klan that the great John Lewis and hundreds of other civil rights protestors were attacked in 1965 by vicious dogs and club-wielding Alabama state troopers. Why were they beaten and bloodied? Because they wanted an end to the abhorrent racial caste system known as Jim Crow. They wanted less fortunate Americans to have the same economic and educational opportunities as other Americans — the causes to which John Lewis devoted his life.

He was so devoted to civil and voting rights, in fact, that he was arrested some 40 times in the 1960s. But his courage and sacrifice led directly to the enactment of momentous laws that brought this country at least a little closer to the aspirations of Bunker Hill and Little Round Top.

“When you see something that is not right, not fair, not just, you have to speak up,” Lewis once said. “You have to say something. You have to do something.” He did both so brilliantly that he made America a better and kinder place.

Let’s keep his legacy alive by renaming that span across the Alabama River the John Lewis Bridge.
Speak Truth With Love, Not Anger
"As I walked out the door toward the gate that would lead to my freedom, I knew if I didn’t leave my bitterness and hatred behind, I’d still be in prison."
— Nelson Mandela (born July 18, 1918)

The anniversary of Nelson Mandela’s birth would, by minutes, have been the same day as John Lewis’ death, separated by 102 years. As one light goes out, others must rise.

It was the last thing I remember reading before falling asleep late Friday night, the sad news that John Lewis, the conscience of a generation, had passed away. A few hours later at 3 a.m., I read the daily essay by the brilliant Boston College historian, Heather Cox Richardson, commemorating Congressman Lewis. Her daily essays are as powerful as she is indefatigable, and this one, as always was well worth the read, made all the starker by the early hour.

In a Washington Post interview, after Congressman Lewis’s last public appearance at Black Lives Matter Plaza across from the White House on June 7, just over four miles from my home, he summed up the #BLM movement by saying, “I can do something. I can say something.” So can we all.

As if on cue, nearly 12 hours later, as I sat in a rocking chair in the backyard, facing Rock Creek Park reading, the passionate New York Times editorial board remembrance, “John Lewis Risked His Life for Justice,” on came “When,” from the late Richie Havens, a soft but powerful song about a deeply challenged future (“I don’t have a future, cried the children in the streets”). God does indeed work in mysterious ways, even if it means Pandora finding exactly the right song — one out of roughly 100,000 possible songs — at precisely the right moment.

We are at a crossroads, again. America’s original sin; 1855-64; 1963-72; and right now. We are in the midst of another great Civil Rights movement. For those on the far right who would deny it and claim it is anarchy; for those on the far left who want to intimidate through cancel culture and cultural appropriation shaming; and for those in the middle who would choose to ignore it, this. is. it. The great arc of history will judge us by what we do next.

A path forward

Over the past week, we recorded three broadcasts to provide companies and executives with insights on actions we can take to lead:

For companies investing in Diversity, Equity & Inclusion (DEI) efforts (if not now, when?), Paul Anderson-Walsh, co-founder of The Center for Inclusive Leadership in London, in a powerful broadcast, reminds us to “speak truth with love, not anger.” This is a time for “radical acceptance, not judgment.” So many of us are entering the conversation on race as if we are in a bad marriage, fearful of every word so that we stutter rather than embrace, we judge rather than listen. I could have spent the day with Paul, with his voice radiating acceptance and his wisdom providing pathways. We will have him on again but these 40 minutes help us on the journey. We all need to listen.

For those reviewing their CSR through fresh eyes, we interviewed DC SCORES and America SCORES (the official charitable partner of DC United and the Washington Spirit, respectively), including recent alumni and Morehouse College rising freshman DeAndre Walters, whose poem, “Letter to the Movement” he reads on air and will cut you to the quick. He concludes with these lines:

“I don’t wanna be hashtag
I wanna be remembered”

DC Scores calls them “poet athletes,” teaching the most beautiful game at the same time they teach how to nurture a beautiful mind.
CSR can make a difference in people’s lives — lives that enrich and empower.

In a broad ranging conversation via Wake Forest’s Center for the Study of Capitalism, called Doing the Right Thing: How Companies Lead in the New Age of Diversity and Inclusion, a panel including former Monsanto GC and Akerman partner Bill Ide; Neil Foote, CEO of Foote Communications and President of the National Black Public Relations Society; Kurt Bardella, a contributor to MSNBC, USA Today and NBC; Chris Jackson, of the global polling company Ipsos; and Derede McAlpin of LEVICK, explore specifically what companies can do. We will follow this soon with more articles and checklists to help companies build long term, institutionalized efforts.

Later in this newsletter, historian, author & LEVICK consultant Tim Gay writes a beautiful remembrance of John Lewis.

All of us need look as much in the mirror as we do with judgment. We need to be the change we want. This is a moment about holistic justice, not personal power. For those still insistent on blaming the “other” rather than embracing the other, remember the futility of ostracism and that it often backfires. Emperor Nero blamed an obscure religious cult for the Great Fire of Rome in 64 AD. That obscure cult? The Christians.

“You have to have the capacity and the ability to take what people did, and how they did it, and forgive them and move on.”
— John Lewis

Embrace the journey.
— Richard Levick
It’s Complicated
“Human beings are not born once and for all on the day their mothers give birth to them, but... life obliges them over and over to give birth to themselves.
— Gabriel Garcia Marquez

In the 1940s, my grandfather Lou loved baseball so much that he not only went to Washington Senators’ games at old Griffith Stadium, but when the Senators were on the road and the Homestead Grays of the old Negro League played there (splitting their time between Washington and Pittsburgh), he would go to those games, too. Years later, I would buy a reproduction of their old warmup jacket for my father. It looked so good, I bought one for myself.

Belief in fairness and equity were always a huge part of the value system my grandfather and father passed on to me. Yet there were limits, for even Jewish liberals who suffered antisemitism and saw so many parallels with Martin Luther King, Jr. and the Civil Rights movement of the 1960s. In 1968, when my parents returned from the Mexico City Olympics, my father said, “I support the message of Tommie Smith and John Carlos raising their fists, but did they have to do it there, on the medal stand at the Olympic Games?” Even at age ten I remember thinking, “Well, perhaps not, but where else would they get the world’s attention?”

Bigotry is easy to spot when it is intended. It’s a half century later and I can’t get the photos of Bull Connor, the Birmingham Commissioner of Public Safety and other anti-civil rights thugs out of my mind. The dogs, the fire hoses, the chewing tobacco, the smugness, daring you to integrate “their” city. But unintended and unconscious acts of bias and exclusion? Those are harder to spot because they often occur in the synapses of our minds and take the form of omission or compliance with existing policy, not evil intent.

Over the years we have done an immense amount of Diversity, Equity & Inclusion work under a variety of names, #MeToo, anti-Arab and anti-racist work, LGBTQ rights, religious liberty, not to mention all the times we have represented foreign companies and countries and had to confront all the biases – and often regulations – which made their lives and opportunities much more challenging. We also have come to see some patterns, in those who seek cultural change and those who resist it. Not to mention in the thousands and sometimes millions of observers who, in the age of social media, weigh in with everything from support to false narratives to doxing, which has, I might add, resulted in risks to life and home.

We have a new eBook coming out next week on Diversity, Equity & Inclusion, comprised mostly of our own observations, recommendations, broadcasts and best practices, along with a few guest columns, and we also have a series of DE&I infographics ready to release today. So far there are three in the series: one for corporations trying to figure out if now is the time to lead; one for people inside companies who lean on something between fear and an excuse when they don’t embrace the need for cultural change; and one for each of us. You and me. Mirrors if you will, that call upon us to “speak truth with love, not anger” as Paul Anderson-Walsh, Director of The Center for Inclusive Leadership, suggests. They call on us to not only embrace the change but also recognize that while we are almost all victims at one time or another, we can also all be victimizers. Make “good trouble” as John Lewis so adroitly told us through the decades, but also do it with love, not violence, anger or self-righteousness.

What did we miss? What did we get wrong? Please let us know and we will update the infographics. Please stay tuned for the eBook in a week and let us know if you want to contribute.

“Be the change you want to see in the world.”
— Mahatma Gandhi

— Richard Levick
Privately refusing to engage
Openly hostile to change
Want to do the right things but don’t know how
Want to do the right things but paralyzed by their past
Dipping their toe in the water
Attempting serious change but confronting internal resistance
Attempting serious change but having it hijacked by personal power plays
Slowly and successfully implementing it but wanting to upgrade
Leading DEI at every level
Making only cosmetic changes
 Privately refusing to engage
Openly hostile to change
Want to do the right things but don’t know how
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Slowly and successfully implementing it but wanting to upgrade
Leading DEI at every level

DIVERSITY • EQUITY • INCLUSION
The Risk Has Shifted To Non-Leadership
What’s a Director to Do?
“Are directors even relevant anymore?”
— Fortune 150 Board Member

Today we release the fourth eBook in our series on challenging issues facing companies and institutions, this one on our thoughts about Diversity, Equity & Inclusion. We are planning a number of additional broadcasts soon, including a new series we have developed with CommPRO and the Museum of Public Relations entitled Conversations with America’s Legends, kicking off with Ambassador Andrew Young, which will be added, along with others, to the eBook.

Over the years, I have had the honor of working with and speaking to many boards, public and private, and with many individual board members. Never was I simultaneously impressed and surprised by a question more than the one above. And that was three years ago. The world has only gotten faster, transparency more weaponized, political challenges more divisive. Into the breach, though always there, come sexual and racial issues. Certainly, there is no going back, nor should there be. There’s not even hiding. Leading is the only option.

The number of Diversity, Equity & Inclusion speeches, matters and meetings we have participated in has only escalated in the past number of months, resulting in this new eBook. At each meeting, executives and, particularly, directors, are asking, “What should we be doing?” I find that when I speak about history, trends and what’s next, it all seems too big. Understandable, as we have reduced so many of our board responsibilities down to lists, so here is one to make it more tactical, though these actions all require wisdom, grace and indefatigability, as DEI is not a destination but a journey that never ends.

Crisis Abhors a Vacuum — There are three notable periods in American history prior to the current pandemic where the federal government has utterly failed to assert leadership (James Buchanan, et al., on secession, Andrew Johnson on Reconstruction and Herbert Hoover on the Great Depression). When leadership is absent, others will or are forced to fill it, among them governors, mayors, city councils and CEOs. Companies are now expected to lead on the public health and social issues of the day. Covid-19, #MeToo, #BLM, climate change. As in 1909, corporate neutrality is dead and mercantile activism is expected.

#BLM is Here to Stay — As a director, do not think “this too shall pass.” The Black Lives Matter and associated new Civil Rights movement inspired the largest series of demonstrations in the history of the United States, with 12 to 26 million Americans taking to the streets — during a pandemic — in over 500 cities, far overshadowing the street protests of the anti-war movement in the 1960s and 70s. Activity on social media is 12 to 120 times greater than any of the other high-profile political issues of the day such as climate change, #MeToo, immigration and abortion. Inactivity in the face of an immovable object is a miscarriage of responsibility.

Prepare Rather Than Respond — As challenging as this moment is, it is far easier at this very moment than it will be when the klieg lights are on your company, board or you. Prepare now for leadership.

It Is Not About Symbolism — A diverse advertisement, hire or CSR donation won’t work anymore. Instruct executives to conduct an audit of the full spectrum of the company’s engagements, all the things that make up its profile. This includes political donations, advertisements, brand and social activities, IR, CSR, ESG, legislative priorities, etc. Failure of consistency in one area (e.g., financially supporting a hostile politician) will overwhelm much if not all of the corporate good works.

527s Are No Longer Opaque — Companies have long enjoyed a more neutral approach to political funding activities and, in more recent years, “527” funds (so named for their IRS designation) when a funding position is more likely to be controversial. Until very recently, 527s were hard to track. No longer. When you are doing your corporate housecleaning, fully appreciate that 527s will become transparent.

Ask Simple Questions — I am always amazed at the amount of code used in large companies for critically important decisions. Rather than engage in an open discussion about risks, acronyms and buzz speak takes over and everyone assumes all is well. Digital is but one example. It speaks its own language that few board members can understand.
understand yet most are reluctant to ask for clarity for fear it will expose what they don’t know. The same is true for other enterprise risks, and this sea change, if not addressed, will certainly turn from opportunity to risk. Ask simple questions and demand simple answers. “Why is our DEI recruiting healthy and yet fails to dent our executive ranks in any meaningful way? How do we fix that with a long-term, institutionalized approach?”

Offer Real Help – Tweets about DEI commitment are powerful and useful, but hollow when not combined with more. Ask executives how they are leading through this challenging period. Are we recommending meaningful financial and mental health recommendations? Have you conducted the audit recommended above so that the company commitment is consistent? Are we showing, not telling?

This Is Going To Get Personal – Change activists — Gandhi, Martin Luther King, Jr., Saul Alinsky — never wasted their time in jail. Gandhi wrote My Experience with Truth; King wrote Letter from a Birmingham Jail, and Alinsky wrote Rules for Radicals which, whether they realize it or not, has become the rule book for a new generation of change activists. “Make it personal.” Doxing, call-outs on social media and protest at the homes of executives and board members. You are likely to get called into the public fight one way or the other. If you are standing on the right side of history, bolster your courage and stand firm; if you are standing in the way of history, similarly bolster your courage and lead the change.

It is Now About Stakeholders, Not Just Shareholders – Whether you are publicly traded or not, you have shareholders and stakeholders. Measuring profit through maximization is a great strategy for the quarter, but it increasingly leaves companies antiquated in the future — likely the very near future. What investments, financial and otherwise, can companies make in their expansive view of communities to empower the brand and its evangelists, which build for the future? An expansive view of this is provided below in an article I co-authored with former Monsanto general counsel and private attorney Bill Ide.

Don’t Rush In With “Fixes” – Don’t rush in with the thought of a “fire sale” on DEI. These problems took hundreds of years to get to where we are today. They will not go away with instant fixes, command authority and a few hires. This will take time. And you will get it wrong along the way. Plan for an institutionalized approach that is as sensitive to people who fear they will be displaced as those you are welcoming. This is really difficult stuff where even the language is so loaded and trust so low that missteps are easier than modest leaps forward.

Recruitment and Advancement – We will not fix the DEI challenges with hiring opportunities alone. Saying you recruit from the “Ivies” is a brand, it’s also exclusive. Look at the world differently. Challenges are historic and deep rooted. Look to form close, deep and long term relationships with Historically Black Colleges and Universities (HBCU) and develop training and support programs for years. As directors, don’t just ask about diversity numbers, break them down and study the patterns, then lead.

Silos are Dead – For over 70 years companies have operated as silos — HR, GR, PR, Legal, Brand, etc. But problems, particularly social justice challenges, are fully integrated. Activists look for the weakest point and leverage. As media coverage escalates a recruitment problem, heretofore assigned to HR alone, is now a legal, brand, GR and PR problem, to name a few. Directors should be looking for ways for their companies to integrate their silos so companies think holistically, just like their critics.

If Biden Wins – I am not going to prognosticate, but it is a scenario well worth considering as there is at least a 50% likelihood this may happen. If there is a sweep and the Senate turns over for an entirely Democratic alignment, it creates a moment that occurs only once or twice in a generation. I am not speaking of political power, but the historical kind. Change comes in waves. Prior to 1964, Lyndon Johnson was no Civil Rights leader. Yet, in the wake of the Kennedy assassination and the televised Civil Rights movement, the mood of the country changed radically and quickly. It became Johnson’s raison d’être. The 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Fair Housing Act. Over 240 new laws were enacted during the first few years of the Johnson Administration because the country was ready. We may be entering a similar moment; as directors, you should be considering it, if not expecting it.
No Company is Exempt – Business-to-Business and Business-to-Government companies luxuriate in the opaqueness of what they do because their customers aren’t usually also active citizens. If Takata and Foxconn taught us anything, operating in this sector is no longer a shield to citizen activism. Expect to be in the limelight and act now to do the right things.

Have a Strategy, Not Whack-A-Mole – Think long term and proactively. Develop an approach that will put you in a leadership role. Responding to one problem after another without the systemic approach leads to bad decisions and weaker boards. Activists — unions, #BLM, plaintiffs, etc. — need the Internet to build alliances, support and to communicate direction. Ask questions about how the company is tracking these trends and, just as importantly, how they are evaluating it. Are there potential allies? Thoughtful critics who can provide opportunities? Nascent but critical information that can be corrected before it passes for “truth”? The Internet is where social movements are born. Why wait until they are adults to address them?

Read – This may sound passive, but understanding the historical swings — the Hegelian Dialectics — of business and politics, gives us both understanding and vision. We are in 1918, 1929 and 1968 all at once. We might as well learn from them — reducing errors along the way — and have them serve as our guides.

Courage – Patience, vision, integrity, honesty. These are all needed to exhibit courage. Be willing to question and if necessary sacrifice the board member who stands in the way; the short-term profits that will lead to future exposure; the self-righteous and inflexible leaders; and those that counsel hiding. There is time for reasoned, wise and calm discussion followed by action. Overwhelmingly fear is an emotion which rules us. Fortunately, courage is needed in short supply. But it is, of course, needed now.

Happy Reading.

— Richard Levick
Shareholders vs. Stakeholders: Is the Paradigm Shifting?
Late one night during the financial crisis of 2008–2009, when working around the clock was the order of the day in the AIG war room, a team member left the building to grab takeout for dinner. Having forgotten to remove his AIG badge, he was punched by an irate passerby, a man incensed by the unfairness of it all. That financial gulf has only gotten bigger and more lethal in the past decade.

From that day on the two of us, as longtime corporate counselors, wondered, “Did the financial crisis last long enough to teach corporations its critical lessons?” Companies no longer serve just customers and shareholders, but a much broader audience that is as much impacted by the doings of large companies as those that they serve directly. When they sneeze, we all get colds.

A forthcoming article by Harvard Law Professors Lucian Bebchuk and Roberto Tallarita, both experts in corporate governance, spotlights how this country’s contentious debate over social justice and inclusion has cascaded into C-suites and boardrooms. Their essay explores whether publicly held companies should continue basing decisions on the interests of shareholders, or whether there’s been a paradigm shift, meaning that corporate executives should take into greater account the views and aspirations of such stakeholders as customers, employees, and community leaders.

As we can attest, the shareholder vs. stakeholder dynamic is not new and long predates the AIG and Wall Street experience. What is new is the urgency of the debate and an abiding belief in many quarters that now — more than ever — corporations must practice what we call “mercantile activism” to address societal ills and enhance their brand while they do it. If all companies are doing is maximizing profits for this quarter, what are the liabilities they are creating for the next? Even if the perfect storm of the pandemic and its financial devastation could not have been precisely predicted, down markets and their associated unrest could be. Historically, when the federal government becomes inactive in addressing societal problems, Wall Street steps into the void — at least to a degree. J.P. Morgan, Andrew Carnegie and even John D. Rockefeller eventually understood that.

After breaking down the arguments and volunteering some positive perceptions of shareholder capitalism, Professors Bebchuk and Tallarita conclude that the conventional model — shaping corporate actions around the (generally) short-term pecuniary desires of shareholders — is still the smartest path for publicly traded companies to pursue.

While they concede that a substantial number of corporate leaders support “stakeholderism” because it enables them to insulate themselves from short termist hedge fund activists and investors, they argue that stakeholderism “would impose substantial costs on stakeholders and society, as well as on shareholders.” Based on their analysis they counsel, “If stakeholder interests are to be taken seriously, stakeholderism should be rejected.” As if maximizing profits now doesn’t create liabilities later. Sometimes not much later at all.

We’d like to register a partial dissent. In our view, shareholders are stakeholders. To be sure, they’re at the top of the list, but their desires should not subsume those of other stakeholders. It’s difficult for many shareholders to see beyond the next quarter and the next stock dividend, which too often hamstrings corporations from recognizing longer-term or strategic imperatives.

Between us, we have advised hundreds of companies over the years, protecting their brand reputation through good times and bad, through tough crises and recoveries. We can distinguish between a “moment” and a “movement.” And we believe that what is happening in America today is a genuine paradigm shift, a movement toward transparency, accountability and inclusion that is not likely to abate until real change occurs. If companies do not substantially invest in diversity, equity and inclusion or sustainability today, will they soon be written off as not relevant going forward?

The world is changing — and we maintain that corporate America must adapt or be left behind.

In our estimation, the shareholder primacy paradigm for corporate governance should be redefined to include other constituencies, not only customers, shareholders and employees, but at least include a critical look at the holes in society and anticipate
where investments in constituencies are sound and advisable. Companies don’t need to serve all of society, replacing the declining federal government, but they do need to at least look forward and do the math. Several states have had so-called “other constituencies” statutes on the books for many years, but Delaware (the home of most publicly traded corporations) does not, a reality that needs to change.

Not long ago, both Delaware and California enacted laws allowing for the incorporation of businesses with explicit social or public benefit purposes — an encouraging development that we hope gets emulated elsewhere.

Meanwhile, the Business Law Section of the California Lawyers Association has approved formation of a working group to study stakeholder capitalism. Bebchuk and Tallarita’s article should be required reading, but more compelling to us is the work of the Business Roundtable (BRT) in recent years listening to institutional investors and other thought leaders calling for stakeholder capitalism which the BRT then endorsed.

— Bill Ide & Richard Levick
“Show Me, Don’t Tell Me”
“When you have seen hate-filled policemen curse, kick, brutalize, and even kill your black brothers and sisters with impunity … then you will understand why we find it difficult to wait.”

— Letter From Birmingham Jail, Martin Luther King Jr., 1963

That same year, when I was almost six years old, I was listening to AM radio and on came the news. White political commentators debated the merits of Martin Luther King, Jr’s civil disobedience. It struck me at the moment because it was the first time, at that tender age, that I thought “How come everyone is not in support of these changes? Maybe adults don’t always know what they are doing?” Less than five years later I was struck by the outpouring of adulation of white pundits after the tragic assassination of Reverend King. Even at ten years of age, I thought, though I didn’t know the word, “Where were you before martyrdom?” Support, it seemed, was always safer after the fact.

This past week is monumental in a year of endless historic moments. But make no mistake about the blinking signpost we have just passed. The corporate community can no longer remain neutral.

I’ve spent the past week and through the weekend speaking with publicly traded and private companies all asking, “How can we be good corporate citizens in an age of civil unrest?” It’s hard today and it’s going to get harder.

Study Sony’s $100 million dollar commitment “to support social justice and anti-racist initiatives around the world.”

Study AT&T Chairman Randall Stephenson eloquently calling for corporate action on CNBC’s “Squawk Box.”
Study Nike’s move last year with its ‘Just Do It — Dream Crazy’ ad campaign featuring Colin Kaepernick. They analyzed the risks and benefits, understood they were going to spark controversy, withstood the initial sharp criticism, and subsequently experienced a 10% increase in revenue to $9.4 billion after it heroically used advertising to address social injustice issues. ‘This is what our brand stands for.’

The solution is not about advertising, donations or tweets, though they will play a role. It is about reviewing and reimagining your organization’s values, culture, corporate and brand purpose. It’s about having the courage to walk the walk, or in this case, taking a knee and meaning it for the long haul. If all you’re going to do is issue some variation of “We support Black Lives Matter” without more, you might as well keep standing.

Companies need to look at their leadership, their CSR, ESG, core purpose, history, future markets, political donations, internal and external brand and re-evaluate with fresh eyes. We are at the stage where companies need to show, not tell, who they are and what they stand for.

Make no mistake, when the NFL admits it was wrong in its handling of Colin Kaepernick’s bended knee protest — four years after the fact — it means that some of America’s most conservative, white, flag-waving corporate titans are saying that they recognize the moment. Suddenly, they are acting as if they want to be near the front of the train, not the caboose. As if to underscore the point, NFL Commissioner Roger Goodell’s PR guru is none other than White House communications counselor Hope Hicks’ father, Paul.

Patience is no answer to injustice. Corporate America is going to have to lead the way.

In the coming weeks we will be producing a great deal of guidance for companies in these challenging times. We look forward to speaking with you.

— Richard Levick
Crisis Mismanagement and Other Cautionary Tales
Every test successfully met is rewarded by some growth in intuitive knowledge, strengthening of character, or initiation into a higher consciousness.

—Paul Brunton

The consequences of scorched-earth media coverage of scandals can be devastating. In a marketplace where the 24/7 news cycle and digital media make every business decision a potential landmine and the court-of-public-opinion essentially deems one guilty until proven innocent, a single news story can test or kill a brand in seconds.

When it comes to crisis or corporate scandals, the reality is often no happy ending. Unlike the speedy resolutions portrayed on popular television shows, it is a long, expensive process, exposing vulnerabilities and forcing all affected parties to evaluate their positions.

As news reports spew egregious allegations and negative information gains momentum online, the party that forges the best connection with stakeholders is the one with the smoothest path to victory.

Crisis Events Expose Glaring Disconnects

From data breaches and whistleblowering accusations to regulatory actions and high-profile litigation, every company ultimately faces some level of risk. More often than not, these events expose glaring disconnects between well-established global brands and the consumers, shareholders and public they serve.

Building collapses and factory fires in Bangladesh forced garment manufacturers around the world to tackle worker safety conditions. Protests about fair wages casted a well-known global retailer in a negative light, causing the company to terminate new store openings. Further, recent trends in class action litigation have forced many companies to resolve issues through settlement to prevent additional reputation harm.

Missed Opportunities

The true test of survival when a catastrophe hits is not the crisis plan on the shelf. The effectiveness of a crisis response usually falls apart right from the start with the distribution of an ineffective statement.

Prime example, former Food Network star Paula Deen attempted to quell widespread criticism over the use of racially insensitive language by issuing the following written statement from her company Paula Deen Enterprises:

During a deposition where she swore to tell the truth, Ms. Deen recounted having used a racial epithet in the past, speaking largely about a time in American history which was quite different than today. She was born 60 years ago when America’s South had schools that were segregated, different bathrooms, different restaurants and Americans rode in different parts of the bus. This is not today. To be clear, Ms. Deen does not find acceptable the use of this term under any circumstance by anyone nor condone any form of racism or discrimination.

After an extremely publicized no-show on NBC’s highly rated program, the Today Show, Deen issued videotaped statements on YouTube, in which she stated:

I want to apologize to everybody for the wrong that I’ve done. I want to learn and grow from this. Inappropriate and hurtful language is totally, totally unacceptable. I’ve made plenty of mistakes along the way, but I beg you, my children, my team, my fans, my partners, I beg for your forgiveness. Please forgive me for the mistakes that I’ve made.

This action further demonstrated a significant disconnect between the allegations and the issue at hand. Rather than playing ignorant to the negative history behind the epithet, it would have been better to state that she has been racially insensitive in the past and that she plans to work with the black community to rebuild trust and heighten her awareness.
Even the Best Intentions Will Fail With the Wrong Message

While book sales have soared, public sentiment following the aforementioned statement has been predominately negative. While some fans offered support, many others mocked her online. Social media users expressed displeasure on Twitter and Facebook. Scandals will kill a brand in social media. For example, #PaulasBestDishes, a hashtag used to promote Deen’s recipes, is now being used to associate her famous meals with racist icons. It has gone viral. According to the social media-monitoring site Topsy, the hashtag was used more than 950 times over a 30-day period.

Bad news also travels around the world fast. It is now a trending topic in Australia, Canada, Ireland, New Zealand, Puerto Rico, Singapore, South Africa, Trinidad & Tobago and United Arab Emirates. Needless to say, even the best intentions fail with the wrong message.

The Effects of Negative Coverage Can Be Permanent

If an issue isn’t properly managed, what is at stake? Potentially everything. The effects of negative media coverage can be permanent. It can drop stock values, sponsorships and endorsement deals.

Sponsors publicly regarded Deen’s brand persona non grata. According to news reports, more than 13 sponsors, including Food Network, dropped Deen and distanced themselves from the brand. It shows how fast a brand can be derailed due to failure to properly manage issues at the onset. And Deen is far from alone.

Australian swimmer Stephanie Rice lost a lucrative sponsorship deal with Jaguar after allegedly making a controversial remark on Twitter and Tiger Woods lost several deals after allegations of marital infidelity played out day after day in traditional and online media. Comedian Gilbert Gottfried got fired after he tweeted insensitive jokes about the 2011 tsunami in Japan. In addition, Sharon Stone was dropped from an ad campaign after making offensive remarks about the Chinese.

Corporations must be ready at a moment’s notice to implement integrated reputation management strategies that involve sophisticated, professional and systematic programs geared to protect their image throughout the course of a crisis. Absent such strategies, the company oftentimes will surrender a significant advantage to adversaries in both a court of law and the court-of-public-opinion.

In order to avoid a similar fate and mitigate risk, keep these crisis management rules in mind:

Perception is reality. As soon as an incident occurs, consider how every stakeholder will receive the issue. Deen’s mea culpa failed for several reasons, but the biggest misstep was using the wrong message. It is important to utilize third parties, because they are perceived as more credible than someone with a direct interest in the outcome of the case or issue. Credibility is key. The wrong approach, as illustrated in Deen’s case, could appear offensive and desperate. Why?

First, launching a website called “Black People for Paula” is just bad form. The site also wrongly assumes that the civil rights leaders mentioned on the site represent all minority groups and other people she offended. Offering pink tee shirts for purchase with the website’s tagline trivializes the issue. Most importantly, all of her statements focus on nostalgia, which makes it appear that she endorses America’s ugly history.

Define the desired end game. The intelligence gathering process will enable an organization to determine whether the goal of the crisis campaign is a quiet settlement of a lawsuit, outright vindication, or public display of repentance. Each objective requires drastically different internal and external communications strategies to come to fruition.

Address issues early on. Once the battleground has been surveyed, it is crucial to reexamine the past for issues not yet put to bed. Any previous infractions, disciplinary actions, civil or criminal litigation that has yet to be resolved will most certainly be resurrected in the courtroom or the public. Identification and awareness of these issues is a significant part of crafting an effective response.
Assess, control and treat. The aforementioned concept of managing a crisis from the onset can be easily broken down into a three-pronged imperative: assess the potential negative impact on reputation; quickly take steps to control the message; and as appropriate, provide remedies to affected parties that might mitigate the likelihood of litigation or penalties.

The truth will not always set you free. The failure to deliver what matters most (to stakeholders) is often the basis for losing in the court-of-public-opinion. When it comes to litigation, prejudicial information is going to obtrude on a case whether or not the court bars it. Jurors cannot turn off their memories like a spigot, and as a practical matter, limiting exposure to the Internet is impossible. A report by the American Psychological Association indicates that exposure to pretrial publicity impacts juror memory and decision-making. The report also noted that exposure significantly drives quality verdicts and obviates defendants’ credibility.

Band-Aid remedies don’t work. Recognize the path to redemption takes time, sometimes years. Instead, use peacetime wisely, and when necessary, quietly.

There is no getting around the public’s unquenchable thirst for the truth and justice. There is also no single script for managing an effective issues management or crisis problem, but best practices and sound judgment can create a path to success.

In a chess game, when a player’s king is under attack and threatened with capture, the king is “in check.” When “in check,” the player must take action to avoid letting the king get captured. Counter or block the attack is the strategy.

Managing the public side of corporate scandals and high-profile litigation follows a similar strategy. The winning “player” does not have to capture its opponent (king) to secure victory. They need only show that defeat is inevitable — checkmate.
"I'm not a person of color and feel left behind"

"Insiders are being replaced by outsiders"

"We lack credibility because of poor DEI numbers"

"We have a homogenous culture or customer base"

A lack of safe zones prevent courageous conversations

Assumptions that DEI only benefits women, people of color, LGBTQ

Good intentions/bad execution

Whites & people not of color feel left behind

Stopped at white women diversity

"As I walked out the door toward the gate that would lead to my freedom, I knew if I didn’t leave my bitterness and hatred behind, I’d still be in prison."

— Nelson Mandela
#MeToo Is Too Important To Let Devolve Into “Vigilantism”
“Those who are the hardest to love need it the most.”
— Socrates

I lost my mother when I was four and she was just 25. The tragedy set me on a path that among other things, includes a lifelong advocacy of women’s rights.

I was a teenage supporter of the Equal Rights Amendment, marched for women’s rights in my early 20s, served as the first male employee as a law student in the Women’s Rights division of the AFL-CIO’s largest union, and wrote a master’s thesis on pay equity. My commitment isn’t just about words or a trend. It is embedded in history and lived daily. Yet something about the #MeToo movement, both long overdue and deeply needed, has me unsettled.

All revolutions have their unintended casualties. Has #MeToo, which swept the country with such moral clarity two years ago, begun to devolve into something less clear?

Has #MeToo contributed to the pell-mell rush to judgment, the desertion of due process that’s become endemic on both sides of the political spectrum?

In the view of Deborah P. Kelly, a partner in Manatt’s Employment and Labor Practice, has an overreaction to #MeToo induced certain companies to adopt “sex-segregation” policies that preclude men from mentoring women, prohibit after-hours business events where liquor is served, discourage women from traveling with men, and dissuade males from meeting one-on-one with female co-workers?

It’s too early to say that #MeToo is undercutting its own integrity. Nor is it fair to blame #MeToo for these societal ills.

Yet as we approach year three, it’s a good time to assess its effectiveness — and ask some tough questions about its future.

Let me be clear: #MeToo has done much good for women who have suffered in silence for far too long. “Coming forward and being believed is the first step in recovery and moving past traumatic events,” observes Dr. Pamela Rutledge, who teaches in the Media Psychology Program at Fielding Graduate University and is an advisory board member for the University of California-Irvine’s social media marketing program.

“The fact that those voices could be heard en masse is due largely to social media,” Rutledge says. “The historical difficulty of a victim being believed or having any verifiable proof is inherent in the years of silence.”

“The #MeToo movement has courageously exposed the extent of sexual assault and harassment toward women, although there have been some unintended consequences,” adds social historian Andrew L. Yarrow, a senior fellow at the Progressive Policy Institute and the author of Man Out: Men on the Sidelines of American Life.

Yet for all these positive developments, what is there about #MeToo that leaves a disquieting feel? As Kelly puts it, “If the ‘solution’ to heterosexual sexual harassment is flat-out sex discrimination, we’re just trading off one unlawful practice for another.”

Why has addressing workplace discrimination proved so daunting? “Sadly, we are in a climate of finger-pointing, frustration, and divisiveness about many things — not just #MeToo,” points out Dr. Rutledge.

“This anger is at every level with people seeking justice, retribution, and some means of setting things right at a time when ‘Twitter-blaming’ is at an all-time high, increasing distrust and undermining the sense that there is some fair outcome.”
Cyberbullying is a revved-up version of Twitter-blaming; online belligerence has become an all-too-common weapon in #MeToo and other societal issues. Indeed, Yarrow argues that, “It has left many men fearful of being accused of innocent acts, casting a pall on relations between the sexes. In addition, it has reinforced the incorrect belief that only women are victims of assault, despite data indicating that about one in three men experience sexual or physical violence or stalking by an intimate partner, according to the Centers for Disease Control and Prevention.” The fact that men do not often come forward when they are victims of physical abuse by women only makes these statistics more formidable.

Among the organizations that have been hit with a tsunami of adverse coverage triggered by unwarranted allegations of sexual abuse are Silicon Valley’s UploadVR and the University of Virginia. Both stories, initially offered as ‘proof’ of systemic problems — on college campuses and in Silicon Valley — have been roundly criticized for their conclusions-first, facts-second approach.

Digital media, notes Yarrow, has “made it sickeningly easy to accuse and attack others, spew hatred and bigotry toward any group, and threaten violence against public figures, ex-partners, journalists, and others.”

“There is a difference between evidence and legal procedures and vigilantism,” maintains Rutledge. “Vigilantism is the natural outcome when people feel their voices and concerns are not heard.”

Cyber vigilantism — now there’s a phrase for our time — cannot be allowed to puncture the presumption of innocence, the bedrock that undergirds our rule of law, let alone due process. Nor should it be used as a form of prior restraint. If we want to be true revolutionaries, then we should seek justice, not power.

“For many, #MeToo has become a litmus test of tribalism,” says Rutledge. “When this happens, it can be used irresponsibly as a weapon. When presumptions of guilt are acted upon through boycotts and social shaming, when questioning or asking for evidence becomes disloyalty, it runs the risk of undoing a lot of the good that has been achieved.”

As Yarrow puts it, “While initially aimed at exposing individual men and raising awareness of a critical problem, some #MeToo proponents have moved on to see men, in general, as evil — a simplistic and totalizing way of thinking all too much like racism, anti-Semitism, and — for that matter — sexism.”

Too many social movements end up boomeranging, hurting the very people they set out to protect. It would be a shame if #MeToo, which sought to achieve dignity and justice for victims of sexual harassment and discrimination, could be degraded into vigilantism.

#MeToo is a movement started by an African-American woman — Tarana Burke — for the double injustice that women of color face. Almost all of us are victims at one time or another — of race, religion, sex, sexual preference, age, and the list goes on. The path to justice requires understanding — not retaliation. As frustrating as the rules of due process, statute of limitations, and free speech (when we don’t care for the free speech of others) are, they combine to make the rule of law.

We cannot sing the clarion call for the rule of law when it benefits us but ignore it when it delays us. “Judge not, that ye be not judged.”
#MeToo After Moonves: What Should Companies Be Doing?
In the wake (well, CBS hopes it’s the wake) of the Les Moonves scandal, institutions grappling with sexual misconduct allegations against senior executives need to reexamine the assumptions surrounding their internal and external response strategies.

After slowly forcing Moonves’s resignation, CBS did what other publicly-traded companies have done in similarly disquieting circumstances: it expanded its board of directors. CBS’s old board, in my judgment, remained far too detached and passive as the accusations against Moonves escalated, especially given what should have been its canary-in-the-coal-mine moment with former CBS morning anchor Charlie Rose, a serial harasser. The rumors of a culture of harassment and worse were very public.

That was the time to begin an independent internal investigation and draw a “that was then, this is now,” line in the sand. Three of the six new CBS board appointees added in recent days are women.

It’s worth asking the uncomfortable question: Is putting women on the board truly going to change a company’s culture? In my experience counseling companies, diversity is critical, but diversity of opinion and the courage to share those opinions is critical, too. Does adding women to the board run the risk of being viewed as window dressing, a gambit that could backfire if it isn’t followed by meaningful and thoughtful action? America’s changing demography also poses challenges. If organizations are hoping to cultivate brand loyalty and attract first-rate talent, they should be aware that, right now, more than half the students in higher education are women. Moreover, institutions should keep in mind that some 77 million millennials have far different expectations about gender equity than their parents.

Companies confronting #MeToo accusations must do more than administer band-aid solutions. They need to thoroughly address the wound — and do their best to ensure that the infection doesn’t recur. “Women have been victims of eons of harassment, but many men now are wary about interacting with female colleagues, fearing that some misconstrued action or comment could lead to accusations of harassment, with no due process to determine the facts,” says Andrew Yarrow, author of the new book, Man Out: Men on the Sidelines of American Life. “The current climate not only hinders teamwork, brainstorming, and productivity, but it also has the perverse and sad effect of leading many men to resent and be angry toward women.”

Women on the board is only one small but important step. Anyone who spends time outside America sees a diverse world with very different cultures. American companies fall prey to their own biases — just as Asian and European companies do. We notice it when these great foreign conglomerates follow their biases. Do we have enough distance and diversity to recognize it in ourselves?

I asked three seasoned corporate change agents to assess these questions. They all happen to be accomplished — and hard-charging — women.

Catherine A. Allen, a long-time champion of business innovation and now Chairman and CEO of The Santa Fe Group, a strategic consulting concern, agrees that CBS’s board mishandled the initial charges against Moonves.

“The CBS board either condoned a culture that enabled sexual harassment or was too slow to be transparent and research the allegations,” she says. “This happens when boards sometimes view their CEO or senior team as ‘irreplaceable.’”

“The ‘Me-Too’ movement highlights the long-known ‘secret acceptance’ of sexual harassment in the workplace,” Allen asserts. “Every organization has the potential to experience sexual harassment, but some have a culture that not only allows it, but ‘wink-winks’ the condoning, and sometimes, celebration, of it.”

“The discerning issue is power — the use of it by people who have power on those who don’t or have less. It becomes less about sex and more about control and ego. So, rules that ban office romances are not necessarily addressing the problem.”
Allen believes that boards and senior management should focus on the “tone at the top.” If senior executives and board members “condone or allow or even exhibit inappropriate workplace behavior, it sets the tone for others to follow,” she says. “That is why it is so important to be transparent and address complaints with seriousness, especially when leveled at senior people. But it is also important for those accused to have a chance to explain or tell their side of the story.”

Kimberly Fine, the principal of Shippan Partners, a business development consultancy, has after three decades at the top of the corporate world developed a provocative perspective: “Simply put, one major factor that has led us to this point is that most women do not help other women. Women do not understand power. They may earn it — but most don’t share it.”

While still in her mid-30s, Fine was widowed. It wasn’t easy trying to balance a demanding professional life with caring for her infant son. She learned quickly to set boundaries with aggressive male colleagues and bosses.

“I was, and still am, often the only woman at the table,” Fine says. In her experience, “most women do not help other women. Women do not lift each other up. Women do not take the risks of championing other women. Of course, there are the exceptions; when you find one, grab them and hold on to them.”

“If women supported women to a greater extent, many young women would not be at the mercy of ‘men in power.’ We have all had ‘Me Too’ experiences. It is inner strength and a sense of self-worth that empowers a woman not to succumb.”

“There is no easy route to power: you have to do the work, earn it, and pay it forward. The tide can be changed — but ladies, it is up to us!” Fine says.

Suzanne Rich Folsom, a former general counsel of U.S. Steel and a director of Women’s Corporate Directors, argues that, “Yes, having women on boards can make a difference. But simply adding a woman or women to the board for the sake of ‘appearances’ is not the right move for a corporation.”

“When I talk about strength in numbers, it’s about both women and men having the courage to speak truth to power on these issues. Boards also need to diversify and make sure that they have members who have been responsible for different functions within the corporation, especially compliance. The board needs to be devoted to a corporate culture that not only fosters diversity but encourages everyone — including women and minorities — to strive for success and aspire to leadership.”

Lessons can be learned from the CBS debacle, Folsom believes. “We don’t know what questions the female and/or male board members asked about culture at CBS. Perhaps if there had been more women on the CBS board, they would have been able to influence attitudes about the value of diversity and inclusion — and demand better behavior from executives,” she says.

She also points out that board members need to be intimately familiar with their corporation’s harassment policies and to insist that allegations involving senior leaders be immediately brought to their attention. “We don’t know what, if anything, was shared with the CBS board about any such allegations, but we now know that the board should have taken the lead on any investigation and ensured that it was independent,” she says.

Board members also have to ask managers tough questions about their efforts on diversity and inclusion, even when the corporation’s financial performance is strong. Finally, to better understand all sides, boards should make a commitment to interview female and minority executives who exit the company, particularly when they’ve been top performers, she notes.

Still, it cannot be the responsibility of women and minorities alone to champion changing attitudes in C-suites and on boards — we need men who understand the true value of a diverse workforce and leadership, asserts Folsom.

Folsom, Allen, and Fine aren’t a law firm. But in the #MeToo world after Moonves, organizations would do well to heed their counsel.
“The future always comes too fast and in the wrong order,” the late futurist Alvin Toffler once wrote. Mr. Toffler’s prophecy continues to vex corporations battling to manage risk and compete in today’s hyper-charged marketplace.

What will the communications challenges of 2020 bring? No doubt there will be some surprises, but I’m willing to bet my old copy of Mr. Toffler’s Future Shock that a lot of general counsels and communications EVPs will be grappling with the following:

Precedent-shattering cyber breaches and other cybersecurity calamities will not only jeopardize your bottom line, but threaten to permanently damage your brand. Cyber breaches have increased 54% over the pace of a year ago. If your organization hasn’t yet been hacked, it will be, if not in 2020, then soon. Plan on it. Soon, free credit reporting will no longer be ameliorative. Customers are going to demand more, putting far more attention on what your company did to prevent the breach.

Radical revisions to enterprise risk management (ERM) will become imperative as corporate challenges — from global warming and the sugar industry to #MeToo and cocoa farming — come from the grassroots, not from shareholders or institutional investors. If you haven’t rebuilt your ERM based on this, then you are looking in the rearview mirror, not to mention subjecting yourself to activists’ investors, who will soon argue that the failure to do this is malpractice. The number of companies being targeted by grassroots mobilizers has skyrocketed. Issues and movements now emanate from the ground up, not from the top down. Do you track the fundraising letters of NGOs who cover your industry?

Do you know the high-authority bloggers or other social commentators that criticize your company or industry? If you can’t identify these sources, you cannot measure risk and reward.

There will be a public relations backlash to the #MeToo movement. Meritorious #MeToo litigation will proceed apace, but men will also file litigation over a perceived absence of equity. LGBTQ employees will be filing more charges against executives for bias. Companies will find that they are in a compromised position in what previously appeared equitable. Now is the time to review your policies and procedures so they are fair for all parties.

Litigation funding will continue its rapid growth, providing more funds for the defense while also equalizing the playing field for the plaintiffs’ bar. The age-old strategy of papering a plaintiff to death is an increasingly expensive and fruitless approach when plaintiffs have access to large amounts of liquid capital.

A new generation will expect companies to stand for something political, with an assertive environmental, social and corporate governance footprint, beyond the brand. This is an extraordinary change, when, for the past 70 years, companies were expected to be apolitical. For companies to navigate this new expectation, they must understand the rules, which include being transparent, consistent, selective and truthful.

The Department of Justice will crack down on perceived abuses of the Foreign Agents Registration Act (FARA), including going after foreign communications and public affairs firms, even though they are specifically not written into this pre-World War II statute. Our interpretation is that new FARA senior enforcement director and Mueller investigation veteran Brandon Van Grack is using this statute to crack down on Russian election interference via social media. Don’t be caught up in the dragnet as an experimental case on how far he can use the long arm of this statute. Paul Manafort is serving jail time for violating FARA rules.

The criminalization of the boardroom will continue, meaning that your CEO, senior executives and board members will be subject to legal scrutiny, quite possibly changing everything from brand value to succession. Many of today’s convictions, settlements and investigations would have been unimaginable a few short years ago.
**New unions will take two forms:** First, traditional unions are targeting Big Tech, while companies like Google and Facebook fumble their once-esteemed brand positions. Second are the nonunion “wildcat actions,” those spontaneous employee-organizing efforts that lead to walkouts and company embarrassment. Google, Disney, Dick’s Sporting Goods, and Delta represent only a handful of the companies grappling with First-Amendment-in-the-workplace issues.

**Faith in democracy will decline further.** Today, in virtually every democracy, including the United Kingdom, Australia and the United States, our children are two-thirds less likely than our parents to believe in democracy as essential. This will have a profound effect on outreach toward millennial consumers and workers moving forward.

“You’ve got to think about big things while you’re doing small things, so that all the small things go in the right direction,” Mr. Toffler once opined.

That’s not a bad sentiment to scribble on the whiteboard as you size up your 2020 communications challenges.

— Richard Levick
"We Want to Do The Right Thing"
“A journey of a thousand miles begins with a single step”
— Laozi

Last week we ended our lead article with the question we are so regularly asked by companies in this new Civil Rights era — “Can you help us to do the right thing?” Weighed down by historical actions or inactions or simply overwhelmed by the enormity of the task before us, many companies and institutions are seeking guidance to get this right. We have started putting together a series of resources, some already published or broadcast, others forthcoming. As we work through these, we will provide a compendium of best practices to assist companies and organizations in building a more equitable present and future.

Presumptive Democratic presidential nominee Joe Biden captured in a weekend op-ed the right tone that applies conceptually as well to companies as it does for our country:

“Our democracy rose up from the ground when we ended slavery and ratified the 13th, 14th and 15th Amendments. It rose higher when women fought for suffrage — and won. It was fortified when a lawyer named Thurgood Marshall persuaded the Supreme Court to strike down ‘separate but equal’ and blaze a trail for opportunity in Brown v. Board of Education. And when our nation opened its eyes to the viciousness of Bull Connor and the righteousness of the Freedom Riders — and responded with outrage, and a new Civil Rights Act and a Voting Rights Act — we built it stronger still.”

In the Winston-Salem Journal, I join Christina Elson, Executive Director of the Center for the Study of Capitalism at Wake Forest University, to outline the importance of honest and transparent communications from brands during the Black Lives Matter movement and beyond.

In a webinar hosted by Primerus, I discuss what lawyers need to know to be highly effective crisis and litigation communications members in the age of transparency and division.

Barrett Avigdor and Duc Trang of Major, Lindsey & Africa Transform Advisory Services, one of the nation’s leading consultants to law firms and legal departments, provides insights into diversity, inclusion and leadership on our podcast, In House Warrior.

This Thursday, July 9th, I join bestselling author and one of the world’s leading experts on brand and culture transformation, Martin Lindstrom, along with Christina Elson of the Center, to discuss “The End of Brand Neutrality: How to Be Good Corporate Citizens in an Age of Civil Unrest.”

On July 15th I join a panel of communications and legal experts to discuss “Doing the Right Thing: How Companies Lead in the New Age of Diversity & Inclusion.”

Come take the next step with us.
— Richard Levick
The Age of Transparent Political Donations Is Coming
On this day in 1974, the House Judiciary Committee recommended that Richard M. Nixon be impeached and removed from office. By January of 1975, there were 93 new members of Congress, including 49 seats in the House and Senate which had flipped Republican to Democrat.

In the mid to late 1960s, when I was in elementary school, I would play with Chase Church, whose house was just a quick shortcut through the woods from our elementary school. Too young to think much of the fact that his father was the United States Senator, Frank Church, I would just hang out at his house after school, say hello to his mom and, on the rare occasion, hear his father’s sonorous voice. A few years later, while in high school, I couldn’t avoid the recognition as Senator Church would become one of the “Watergate Babies” ushering in remarkable transparency reforms — Sunshine laws — that would become part of the national fabric, though increasingly whittled away over the decades.

The Great Experiment — the American system of democratic rule — is only fully appreciated when viewed through the lens of the 18th century. Authority was the exclusive domain of royalty and self-rule was utterly inconceivable. For all its limitations, American democracy largely self-corrects through Hegelian transitions, like a pendulum in a slow moving Grandfather clock that takes years to go from side to side. Watergate led to Sunshine laws. So too — if our democratic process still works — will the current environment lead to reforms. Companies engaged in the political process need to prepare for it now. In light of the recent unrest, many companies have been calling for diversity, equity and inclusion but are unsure of how to lead and what to do.

There is a dawning realization that corporate responsibility is not just to the shareholders but the stakeholders as well.

We have been suggesting that this is a complex wave of change, not healed through symbolic efforts, and that every component, from recruitment to advertising, public affairs to Corporate Social Responsibility, sustainability to investments, and more, need to be reexamined through fresh eyes. Corporate political donations play an outsized role. Already, many companies have been embarrassed after being lauded days earlier for powerful and righteous tweets and statements only to be revealed to have been financially supporting opposite actions.

On Friday, I interviewed Bruce Freed, co-founder of the Center for Public Integrity, on our daily podcast In House Warrior, for the Corporate Counsel Business Journal, who has just released a new report entitled Conflicted Consequences which follows corporate donations to “527” organizations (527 is the IRS designation). Among the advantages that 527s provide over traditional political spending is that they are opaque. If companies and individuals want to fund someone or something, how much better to do it than in the dark, without accountability? Or so the thinking went for years.

The Center provides maps of which companies spend how much through 527s to fund campaigns and candidates that fuel racial gerrymandering, attack the Affordable Care Act (20 million Americans still rely on it for their health insurance), fight climate change reform, oppose LGBTQ and more. In other words, if you are a company that wants to do the right thing and tweets, advertises or speaks on #BLM, climate change, LGBTQ, DEI or other social issues, now is the time to get your house in order. Companies need to review their entire political spend, not just donations made through PACs and other more transparent methods, but the entire legislative agenda. Support whatever you think is in the company’s interest, just make sure you know it will see the sunshine. A note about the Center. They work with companies. Imagine when others figure out how to trail the breadcrumbs?
During the financial crisis of 2008-2009, AIG brought in an outside expert to review and remake their entire public affairs division. That in itself is a fascinating story, but for today, just a short circuit to the conclusion. AIG recognized it was a new day, with new priorities and, for them, blinding transparency because the whole world was watching. They remade their entire department, leaving few idols standing. For companies wanting and proclaiming to do the right thing, now is exactly the time to put your house in order because, as Abraham Lincoln said at his acceptance speech for United States Senate in Springfield, Illinois, “A house divided against itself, cannot stand.” He lost that election in 1858 to Stephen A. Douglas, but, of course, won a bigger office two years later. This transparency change is coming. Time to take the lead.

— Richard Levick
Into the Breach
We have a lot of articles and podcasts this week, so we thought we would keep our note fairly short. Take a listen to a special edition of *In House Warrior*, the daily podcast of the *Corporate Counsel Business Journal*, as John Mullen, of the law firm Mullen Coughlin, which handles approximately 2,500 cyber incidents a year, provides insight into best cyber practices. It’s 25 minutes well-spent.

Please also take a look at NewsWhip/Axios’ analysis of social media conversations since the murder of George Floyd. Online engagement is greater than the five other leading social conversations in the Trump era, combined, and 15 to 120 times greater than each of them at their respective apex. This includes discussion of gun control after Parkland, backlash to the president’s policies on immigration, abortion, global warming and #MeToo. Anyone who thinks this isn’t a seminal moment is missing the signposts of history.

In a somewhat related story, *American Heritage* magazine, a journal about history and therefore seldom if ever one to make news with an exclusive, does just that with a story of how many Confederate likenesses are actually in the U.S. Capitol, nearly twice as many as widely reported.

Kudos to our friend Ed Grosvenor, the publisher and editor of AH, for his methodical review of congressional art and architecture databases. **Is it any wonder that this country has systemic racial issues when fully 16 percent of the men honored in Congress’ Statuary Hall championed white supremacy and led an armed insurrection against the Republic?**

In case you missed it, Ross Douthat, columnist for the New York Times, makes a remarkable point about the judicial arc, arguing we are now a juristocracy.

It was quite a week. Don’t expect it to slow down.

Enjoy the listen.

— Richard Levick
CEO Leadership During the Heartbreak
Is it possible? We are coming off another heart wrenching week. It is as if in three months we are living through the pandemic of 1918, the Depression of 1929 and now the race riots of 1968. It is as heartbreaking as it is exhausting. And yet, we still need to lead. Federal leadership will be required, but until that time, we must carry the torch, with our commitment to equality, fairness and love for each other.

We have collected just a few of the best CEO leadership posts and shared them below. We hope they provide inspiration:

'A Heartbreaking and Painful Week'

Target CEO responds to Minneapolis protests: 'We are a community in pain'

WarnerMedia CEO Jason Kilar Responds To George Floyd Protests, Urging Empathy And Reflection On Storytelling In Internal Memo

Lowe's CEO responds to George Floyd killing as ‘father of a young black male’: Marvin Ellison told employees that Lowe's has ‘zero tolerance for racism’

Our Very Existence is Rooted in Empowering Everyone, Says Satya Nadella on George Floyd’s Death

— Richard Levick
Embrace the Disruption: What the Nation’s Protests Can Teach Us
The death of George Floyd has unleashed years of pent-up emotion. There's anger, frustration and exasperation with the way this country — built of the fundamental phrase that “All Men Are Created Equal” — has turned its back on us. What these protests have shown us is that people from all races, ethnicities and backgrounds are calling out for change. The passionate pleas of these “Say Their Name” protesters are hoping to prevent future Floyds, Taylors, Arberys and the numerous other incidents eroding the foundation of all the work so many others fought for in the legendary marches of the past.

The horrific looting and violence that dominated the images in the early days of the protests have primarily disappeared, much like the smoke still smoldering in some of our nation's cities. What is inspiring about what we see the millions of the young and old, black, white, Hispanic and Asian who are channeling their emotions to help drive cultural change in our homes, our businesses and our communities.

As people who shape images and messages every day, we can learn from these protesters because they are showing the best of humanity. What would this world have been without Rosa Parks not wanting to move to the back of the bus? Or the thousands throughout the South who opted to walk to school and work during the Montgomery Bus Boycott? Or tens of thousands who attended the March on Washington or braved firehouses and dogs to fight for justice?

While there are many lessons that we can learn from these protests, here are three takeaways:

**Reinvigorate your purpose**

Take this moment in time to engage your board of directors, C-Suite and division leaders to ask yourselves what is firm's purpose? Last summer, the Business Roundtable made a bold announcement, urging CEOs to move beyond ROI as the primary measure of success. Jamie Dimon, chairman and CEO of JPMorgan Chase & Co. and Chairman of Business Roundtable, said, “These modernized principles reflect the business community’s unwavering commitment to continue to push for an economy that serves all Americans.” The events of the past two weeks create a window to strengthen your connections to your co-workers, your employees, your community, particularly your diverse employees. That leads me to the next point.

**Find new voices**

We are at a moment in this country’s history where we have to step out of our comfort zone, open our minds — and ears — to listening to people who come from racially and ethnically diverse backgrounds. And if you have few or no racial or ethnic diversity in your C-Suite, then you can use this time to make a bold statement on transforming your company's culture. As a recent McKinsey Report recently stated, “The wholesale shift to remote working is also opening up access to a whole new array of talent that may not have been available to companies previously: working parents, dual-career couples, and single parents are all better suited to a flexible workplace and remote working. ... Diverse companies are also more likely to have employees who feel they can be themselves at work and are empowered to participate and contribute.”

**Organize for change**

Look, it’s no joke. We are all struggling to retain current clients and find new business. We are having to make difficult decisions about letting folks go or whether to fill those empty positions. With all of this going on, use this period of disruption to assess how your firm can work more effectively and efficiently. Use this time to restructure your company to create opportunities for your existing diverse employees, figure out way to hire diverse interns or work with minority-owned firms to assist you with projects. If cultural change is going to change in our society, every one of us has to lean in, accept disruption as the norm and brace for a way to do business where diversity is ingrained in your culture as standard operating procedure — not as a moral obligation thrust upon you. True structural change will send a clear, resounding message more than just a letter full of great intentions that lacks a specific plan for action.

— Neil Poote
Why Embracing Diversity Will Lift Us Out of This Crisis Faster
As an African-American public affairs, lobbyist and communications strategist, I have seen firsthand the impact of diversity and inclusion on organizational performance and success. But in my current role as Executive Vice President and Managing Director of one of the world’s largest communications firms, working with Fortune 500 companies, start-ups and everyone in between, I have never been more convinced that diversity and inclusion are critical for successful leadership and communications, especially in these extraordinary times of unprecedented crisis and uncertainty.

COVID-19 is the most serious health crisis the world has experienced in more than a century. As the multidimensional impact of this crisis mounts, leaders in the public and private sectors are taking urgent steps to manage the growing human toll and socio-economic fallout. Immediate action is critical, but easily lost amid the chaos is the opportunity for leaders to embrace a new agenda — one that is not temporary but permanent — aimed squarely at diversity and inclusion and what comes next.

The global pandemic has brought to the forefront in brutal fashion the structural inequalities that have long existed in our educational systems, in healthcare and in so many other facets of our lives and areas throughout our country. As Torsten Bell of the Resolution Foundation describes it, “The virus doesn’t discriminate between people, but the accompanying economic shock certainly does.” Despite large stimulus dollars from Congress, it is the least advantaged — communities of color and vulnerable communities — who are suffering the most.

Inequality is not just about individuals, it is about companies, too. And now is the time for business leaders to think about what kind of company they want their organizations to be, to examine not only how they could be more diverse and inclusive to employees but how they could be a better, more inclusive and engaged business for the diversity within their communities, customers and audiences who may be disproportionately impacted by this crisis.

As the winds of recovery begin to accelerate, organizations need to think about the new business climate they will face, the new psychology that will drive new priorities for both communities and business, and how they want to prepare and position themselves to lead and engage in it.

The COVID-19 crisis is forcing companies to rethink, rewrite and rebalance their social contract with employees, the communities they serve and shareholders. One key focus of this rebalancing must be to help companies accept the responsibility and embrace the opportunity the current moment provides to unlearn stale patterns, confront limited narratives and champion the “we” agenda that is the foundation of diversity and inclusion and is the necessary part of every company’s innovation and relevance.

Now more than ever, the presence of diversity and the practice of inclusion is critical to challenge us to view problems differently and consider a wider range of issues and impacts that we might not otherwise. Diversity within communications and public relations is particularly important for companies as we oversee some or all of the strategic thinking and reputational risk management for many companies, and often serve as an essential voice in guiding the strategic communications direction of a company, especially during crisis. Ours is a critical seat at the table right now.

The positive impact of diversity and inclusion in all its manifestations is particularly powerful as businesses and communities come together to consider the myriad profound challenges directly affecting us all, especially the most vulnerable, and the smart solutions needed to help us adjust with urgency to the new realities of the world.

The crisis gives companies the opportunity to reevaluate the structure of work and support lasting changes to improve conditions for everyone. By extension, it also gives companies the opportunity to ask themselves who they help, what problems they solve and how they communicate their value. As Fiona Daniel, CEO and Founder of FD2I, a diversity and inclusion consultancy, puts it, “How leaders act today will have a profound impact on how they are seen and judged post the crisis.”
In the aftermath of Hurricane Andrew in 1993, Warren Buffett highlighted the business failures exposed by the storm's impact, famously saying, “It's only when the tide goes out that you learn who's been swimming naked.” The fallout from COVID-19 exposes—and threatens to widen even further—longstanding inequality in America and raises questions and places a spotlight on the behavior of companies and what role they desire to play during and in a post-COVID world.

Getting the right answers will require leaders to embrace a new and resilient diversity and inclusion agenda—one that is rooted in diverse professional expertise, diverse personal and life experience, and a willingness and commitment to be inclusive of other ideas. In times of crisis, business can knit the economy together, but it also can, and has a responsibility to, knit communities and people together, too.
American Legend
“The arc of the moral universe is long but it bends toward justice.”
— Dr. Martin Luther King, Jr.

In the early 1960s, Birmingham, Alabama, was so dangerous to Black Americans who suffered so many bombings at the hands of White supremacists that it was often referred to as “Bombingham.” There’s an old joke from the Civil Rights movement: “A Black preacher in Chicago wakes up one morning and tells his wife that Jesus had come to him in a dream and told him to go to Birmingham to seek justice. His wife is horrified. ‘Did Jesus say he’d go with you?’ The husband replies, ‘He said he’d go as far as Memphis.’” Birmingham was just that dangerous.

We view the heroism of history from a safe distance. Pretending that we would do the same, given the opportunity. Stand up for justice, risk our careers, or even our lives. But few of us heed the call. It’s just too hard. You know those moments when we “Go along to get along.” Not to cause even “good trouble” as the late John Lewis would say. Even in protest, we often don the mantle of self-righteousness, which can make change more threatening, rather than advance “truth and reconciliation.”

Imagine not having the safety and security of the rearview mirror, but instead to have lived history-making in real time? What courage and strength of character. At the Edmund Pettus Bridge; on the bus in Montgomery, Alabama, with Rosa Parks; at the door at Foster Auditorium when Governor George Wallace attempted to block the integration of the University of Alabama. To run into the burning building rather than away from it?

Enter Andrew Young, among the last of the early civil rights leaders, the former executive director of the Southern Christian Leadership Conference (SCLC) and a close confidant to Martin Luther King, Jr. Later in his career he served as a U.S Congressman from Georgia, Ambassador to the United Nations and the Mayor of Atlanta. At 88, he is still leading the way.

Ambassador Young was kind enough to offer to kick off a series called American Legends that we are doing with CommPRO and on our podcast, In House Warrior. Sponsors of this historic event — free to the public — include the Museum of Public Relations and American Heritage magazine. Bill Ide, the former General Counsel of Monsanto, a partner at Akerman in Atlanta and a friend of the Ambassador for over 50 years, will join me in moderating this timely conversation on Aug 21 at 2 pm ET over the CommPRO network.

Ambassador Young will provide perspectives on the upcoming presidential election, including the emerging new “birtherism,” #BLM and the impact of COVID-19 on communities of color... please join the conversation.

— Richard Levick
Standing on the Shoulders of Giants
As a young child I always wanted to be taken seriously, especially by my father. What I thought of the ’68 election, the Vietnam War, Watergate…It wasn’t that he and I hadn’t had plenty of good discussions, it was that he had already come to the conversations with opinions largely fully formed. I learned a lot from those discussions and still remember many of the lessons. But the relationship was clear, father and son. Teacher and student.

Then one day, two-thirds of the way through law school, it happened. My father asked me a legal-business question, as an empty vessel, asking me, his son, “What did I think?” Whatever joy I had in this long-anticipated moment was vanquished by the realization that I didn’t really want this adult responsibility after all. That in a small way, the torch was starting to be passed and with it, its weight. The endless rights we envision of adulthood as children are quickly replaced by the endless responsibilities we inherit with maturity. Are we ready for the torch to pass to us?

This past Friday I had the honor to moderate two conversations with Ambassador Andrew Young, the great Civil Rights leader, confidant of Martin Luther King, Jr., who had served as a Congressman, Mayor, brought the Olympics to Atlanta, and so much more. The programs include a webcast with CommPRO on their new American Legends series and a podcast on In House Warrior in concert with the Corporate Counsel Business Journal. I was joined by co-hosts on each program, including the remarkable Dr. Denise Hill, historian and Assistant Professor, Strategic Communication, at Elon College; Bill Ide, a partner at Akerman and the former general counsel of Monsanto and former President of the ABA; and Ed Grosvenor, the Editor-in-Chief of American Heritage magazine. Each of these co-hosts are incredibly interesting guests in their own right and have and will be on future programs.

Toward the end of the CommPRO webinar, an audience question came in too late to be asked, but it struck me nonetheless. “Thank you for the reminiscences of Ambassador Young” but could he talk more about today? “Reminiscences?” This last voice of history from the 1960’s Civil Rights movement? In. The. Room. with Dr. King and so many more. Whose “Andy Young Presents” videos has him in the room with Jimmy Carter, Hank Aaron, Nelson Mandela and on and on.

“How does this affect me?” is a fair question. It also seemed like the kind of dismissive question that in today’s walking-on-eggshells world, would sound like cancelling if it didn’t involve someone older, who are the easiest to dismiss. I know it wasn’t meant that way, but it felt sort of like an “OK Boomer” dismissal. “Yeah, yeah, yeah, but can you get to the good stuff?”

Imagine what it would be like to be in the room?

And maybe that is the lesson all in itself. All of us are in the room. What we do next matters most. History doesn’t always feel like history at the moment. Are we ready to carry the torch?

— Richard Levick

Watch the webinar >>

Listen to the podcast >>

Read “Andrew Young Presents” >>
Leadership & the Business of Law

Major Lindsey & Africa Transform Advisory Services, one of the world’s leading consultants to law firms and legal departments, provides insights into diversity, inclusion and leadership during a period of civil unrest, greater awareness and a thirst by hundreds of law firms and legal departments to provide leadership.

LISTEN >>
CSR Soccer Balls & Poetry

CSR with Soccer Balls and Poetry with DC Scores. At a time when many companies are re-examining their Corporate Social Responsibility efforts to become more diverse and have greater impact, Bethany Henderson, CEO of DC Scores and Network President of America Score (aligned charities with Major League Soccer), Ben-James Brown a board member and VP with Wells Fargo Bank and DeAndre Walters a DC Scores alumni and incoming freshman at Morehouse College tell powerful, moving stories, read poetry and talk about how to make a lasting difference in communities.

LISTEN >>
DEI With Truth & Love, Not Truth & Anger

DEI with Truth and Love. Paul Anderson-Walsh, cofounder of The Center for Inclusive Leadership discusses radical acceptance without judgment in a moving program designed to help companies and institutions embrace diversity, equity and inclusion.

LISTEN >>
#MeToo

When Silence isn’t Golden.

The #MeToo Movement’s unapologetic call for accountability has changed the landscape of sexual misconduct and gender parity in the workplace. While protecting powerful executives and muting accusers through non-disclosure agreements (NDAs) once served as the playbook for employers when malfeasance reared its ugly head, victims of harassment are now speaking out in record numbers.

Even the most conscientious employers are not immune. Hundreds of prominent men have lost their jobs in the fallout of public allegations. According to NPR, a survey by the nonprofit Stop Street Harassment found that 43 percent of men and 81 percent of women experienced some form of sexual harassment. The #MeToo hashtag has been used by millions on Facebook, Twitter and Instagram in more than 85 countries.

Is your company prepared to respond to decades-old allegations? In the wake of #MeToo, “no comment” is no longer an option. Given the speed of allegations going viral, it’s important to have a plan in place. LEVICK’s rapid response team is available 24/7 to handle sensitive issues, media interviews and misconduct allegations. We also provide support throughout all phases of the investigative and litigation process.
The End of Brand Neutrality

Best-selling author Martin Lindstrom and crisis expert Richard Levick joined Christina Elson, Executive Director of Wake Forest University’s Center for the Study of Capitalism in a webinar titled, “The End of Brand Neutrality: How to Be Good Corporate Citizens in an Age of Civil Unrest.”

WATCH >>
How to be effective crisis and litigation communicators in the age of transparency and division.

2020 is as if 1918, 1929 and 1968 had all happened at once. The country is polarized; the pandemic changed forever how we look at work and what — and who — are essential; economic uncertainty is pervasive. The tragic death of George Floyd and the demonstrations and massive social movement immediately thereafter has instantly and fundamentally changed corporate identity and brand goals. Corporate neutrality is dead. Even prior to 2020, social media had already swallowed so many brands and reputations in a sea of anger and distrust that communicators already had to rethink strategy.

As courts open up, as companies reimagine themselves, their law firms and litigation; as a forthcoming election further highlights a country more divided than at any time since the Civil War, how do lawyers and their clients handle crisis and litigation communications? Nothing is in a vacuum and everything symbolizes something.

WATCH >>
#MeToo

There is always a canary in the coal mine.

Welcome to Real Washington, a podcast where thought leaders from litigation and regulation to Wall Street and movement politics discuss what’s next. We started this podcast because we too often miss the signs of the future. Too busy with the now to register what’s next. There is always a canary in the coal mine. A warning sign of future crisis, when the past becomes prologue. If only we had paid attention.

Richard Levick, chairman and CEO of strategic communications firm LEVICK, welcomes Deborah Kelly and Nicole Lamb-Hale to the inaugural episode of our podcast, Real Washington, to talk #MeToo.

WATCH >>
Is C-19 Taking Women Lawyers Careers Back to the 1950s?

Author, consultant and law firm management coach Sally Dyson outlines the inequities on women lawyers working from home during the pandemic in a prelude to her series of programs with the Asia-MENA In House Community. She provides understanding, insights and recommendations on how law firms and families can anticipate and avoid the imbalance.

LISTEN >>
Since the murder of George Floyd and the “Battle of Lafayette Square,” Diversity & Inclusion has taken center stage in a way that it hasn’t since the great Civil Rights movement of the 1960s. On social media, the Black Lives Matter protests have generated far more conversation than all other social issues — abortion, immigration, gun control, and #MeToo — combined. This is not a passing moment but an historic crossroads. Companies have and are changing but most are asking, “We want to do the right thing but don’t fully know what or how?” There are no easy answers but paths are beginning to emerge. Join a panel of communications and legal experts who will explore the internal changes that need to be made and the external communications that is required.

WATCH >>

67 Thoughts on Diversity, Equity & Inclusion
Board Advice
on DEI

Use Your Peacetime Wisely: Nadira Clarke of Baker Botts provides insights into best practices for Boards and C-suits looking for DE&I leadership advice in a time of change. Derede McAlpin, Chair of LEVICK’s Litigation and DEI practices joins the show.

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Help for Law Firm Pro Bono Efforts
We applaud the dramatic increase in pro bono work by law firms over the past 20 years. The change you contribute to is sometimes small and only noticed by the litigants and at other times changes the course of history. Covington, Ropes & Gray, Morgan Lewis, Latham, Jenner & Block, Orrick, O’Melveny, Paul Weiss, Arnold & Porter and Akin Gump to name a few firms who have made such substantial contributions and commitments. While we have worked with many law firms on pro bono matters and whenever possible, provide our services pro bono, we want to encourage all law firms engaged in pro bono activities to reach out so that we can either provide support (e.g., we host podcasts for general counsel publications), significant fee discounts, or, when feasible, pro bono assistance. We also have litigants come to us requesting our assistance and would love to introduce these parties to you. History making needs a hand. As always, please feel free to reach out to me at rlevick@levick.com.

— Richard Levick
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