

Gateways

How General Counsel Are Trying to Change the Tech Industry



Harvey Anderson



Brian Cabrera

By Lydia Lum

When Harvey Anderson recounted his college and career paths to disadvantaged undergraduates at Marquette University last year, the curiosity and interest among the ethnically diverse audience sparked ideas that percolated after he left Milwaukee.

Anderson shared his ideas with officials at Marquette, his alma mater. He also contacted colleagues at technology companies in California's Silicon Valley, where he has been an information management and tech lawyer for two decades.

By summer, a group of college and high school students flew 1,800 miles to Northern California, where Anderson led them on a four-day tour of major tech companies. There, the young people, some of whom are the first in their families to attend college, learned about app development, product marketing and other jobs.

Anderson believes that such introductions can help improve racial diversity in an overwhelmingly white industry.

"That is my hope," says Anderson, the chief legal officer at AVG Technologies Inc., in San Francisco, a provider of online security software and services.

Hispanics and African-Americans comprise 16 and 12 percent, respectively, of the labor force, according to the U.S. Bureau of Labor Statistics.

Since last year, however, some of the highest-profile, Silicon Valley technology titans have released workforce and executive leadership data that confirmed the embarrassing racial disparities that journalists, equal opportunity activists and other observers had long suspected. A *USA Today* analysis of seven corporations revealed that only 2 percent of their technology employees are African-American and 3 percent, Hispanic. A survey of 22 companies by the Rainbow PUSH Coalition, headed by civil rights leader the Rev. Jesse Jackson, showed three Hispanics and six African-Americans among 307 C-suite executives.

"I really would like to see these numbers change," Anderson says of the disparities, a sentiment echoed by other general counsel.

It's not known how many—or more to the point, how few—tech companies employ minority legal

to Diversity



Dawn Smith

chiefs such as Anderson. Nonetheless, he and some of his Silicon Valley peers have spent years trying to increase underrepresented minorities in their law departments.

Steps Toward Progress

When Brian Cabrera was general counsel of Synopsys Inc., in Mountain View, Calif., from 2006 until last year, he regularly asked recruiters for diverse job candidates. Cabrera's senior leadership team adopted his commitment by expanding contact lists and scouring job banks for resumés of minorities and women.

The result was a law department that MCCA recognized in 2010 with one of its annual Employer of Choice Awards. By then, women and nonwhites combined to constitute a majority of the department's top leadership, a contrast to the white men who occupied most of these posts when Cabrera had taken the helm.

Before Cabrera left the semiconductor design software company, half of his direct reports were women. Several African-Americans and openly LGBT individuals were among high-level managers of the 40-member department.

But diverse viewpoints and backgrounds aren't limited to minorities. Similarly, the definition of minorities isn't confined to racial, gender and sexual orientation categories.

Just ask Delida Costin, who was general counsel of Pandora Media Inc., an online, personalized radio service, from 2010 until last year. Job candidates for the Oakland-based company included lawyers who hadn't taken the traditional route of working for big law firms after graduation because the firms rescinded offers for financial reasons.

Costin was impressed that these lawyers, however, overcame setbacks. "They were hungry to obtain work and gain experience," she says. "They were persistent in securing temporary in-house assignments and displayed grittiness."

Sometimes, diverse candidates emerge when job vacancies don't exist.

When Anderson was a law school symposium panelist in 2009 at the historically black Howard University in Washington, D.C., he met a student who stayed in touch afterward. Anderson was then-general counsel of Mountain View-based Mozilla Corporation, which distributes the Firefox web browser.

He later interviewed the man, among other finalists, for a law department vacancy. The meeting would not have occurred without their introduction at the symposium, Anderson says, adding, "Recruitment doesn't have to be purely formulaic. It can happen organically if you put yourself in the right places."

That is what Dawn Smith hopes will result from this year's launch of a new summer associate program at VMware Inc.

Smith has traveled to multiple law schools in or near U.S. cities where her company has offices, including institutions near the corporate headquarters in Palo Alto, Calif. At these schools, which enroll a critical mass of African-Americans or Hispanics, Smith asked deans to steer underrepresented minorities into the VMware program so that before becoming 2L, they can work alongside in-house lawyers or with members of the government relations team.

"While most of our job opportunities are not for recent law school graduates, we want to introduce stu-

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dents to VMware [so] that once they gain some professional experience, VMware is at the top of their list,” says Smith, who’s senior vice president, general counsel, chief compliance officer and secretary for the virtualization software company.

Anderson, meanwhile, arranged last summer’s Digital Discovery Tour for 10 Wisconsin youths without limiting it to legal teams.

Instead, he exposed students to a spectrum of technology-related careers at Google Inc., Dropbox Inc. and Twitter Inc., where top executives discussed their professional paths and how they made choices. The youths explored more of the digital ecosystem with venture capitalists who explained how they selected businesses in which to invest.

“There are constantly new opportunities in the information economy, so I wanted to shorten their discovery process,” Anderson says. “Some of them did not realize that a giant tech company can start with only five people working from a coffee shop.”

Before and after the California trip, the students have been participants in Marquette’s Educational Opportunity Program, part of a national initiative aimed at increasing the graduation rates of young people from low-income families.

Students on the digital tour were struck by the fact that so many executives persevered through failures on their road to success, says Joseph Green, EOP director at Marquette.

“The trip opened their eyes,” Green says. “Seeing real people work at these companies underscored that they aren’t mythical. Many of the students could envision themselves at these kinds of companies.”

The latter is significant, he says, because college students tend to pursue jobs in the region where they’re educated. If not for the California trip, his EOP participants would not think to apply for Silicon Valley positions.

Respect Helps Fuel Retention of Personnel

Just as Hispanics and African-Americans are few at Silicon Valley corporations, women have historically been underrepresented, too. Women constitute 46 percent of the nation’s workforce, according to the Bureau of Labor Statistics, but news reports indicate that they hold less than 20 percent of computing jobs at some tech companies.



Joseph Green



Jan Kang

Even so, the number of female legal chiefs is multiplying industrywide.

Of the 180 members of the Women’s General Counsel Network—most of them northern Californians—more than 60 percent work in the tech sector, says Jan Kang, the group’s founder. Furthermore, membership in the organization, which began in 2009 with five women, including Kang, hovered in the 50s for a couple of years until more Silicon Valley companies brought their legal work in-house.

Look no further than VMware’s law department as an example of stepped-up gender inclusion. Before Smith joined the company as GC in 2009, none of the direct reports to her female predecessor were women. Now, women make up half of Smith’s senior leadership tier and about half of her 138 lawyers.

But workforce observers emphasize that improved head counts won’t guarantee that a company climate is welcoming and supportive. Without respect from supervisors and peers, employees across all divisions will likely seek jobs elsewhere, even outside the field. Amid last year’s release of dismal race and gender data in Silicon Valley, the *San Francisco Chronicle* published accounts from female tech workers who were groped by male colleagues and subjected to suggestive remarks.

Offensive behavior crosses racial lines, too.

Costin was a junior law firm associate at the 1995 conclusion of the murder trial of former football star O.J. Simpson.

One of the few African-Americans at her firm, Costin was using the restroom at work when two white colleagues came in. The women, who were outside



Rachel Gonzalez

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—Brian Cabrera

Costin's stall, speculated on public reaction to Simpson's acquittal. One woman predicted riots in the neighborhood where many African-Americans lived.

Costin deliberately exited the stall, managed to smile at her colleagues, gave a quick "hello" and washed her hands before leaving.

Neither of the women reacted to

her presence. Costin, however, calls the offensive remark "an example of problems in the world that aren't solved in a workplace."

She believes that senior executives can cultivate more racially sensitive and inclusive environments by encouraging employees to disclose these kinds of incidents to their supervisors. "You need to have compassion for the fact your employees are experiencing the problems of the world and experiencing events personally," she says. "Diversity is about dignity. Too often, we do not talk about race in the workplace. To retain talented employees, you need to acknowledge problems and have the dialogue."

Costin also encourages mid-career lawyers and other employees "who have seniority and political currency to speak up. Open doors for other people."

She and other legal chiefs say that young minority lawyers shouldn't bypass in-house jobs in the tech sector just because they might be the sole, nonwhite person in their department.

Kang, who is vice president and general counsel of Campbell-based AOptix Technologies Inc., which provides wireless communications and mobile network solutions, recalls how she, her brother and sister were the only three Korean-American kids in their Chicago-area school.

"Many of us grew up in places where we were the only one of our racial group," Kang says. "Go in and show them how skilled you are. Show them you belong there. Change the industry. You can't effect change if you aren't in the workplace. If you can help change the culture, that can be quite a legacy that you give your company."

Cabrera, who's now senior vice president and general counsel of NVIDIA Corporation in Santa Clara, Calif., hasn't endured the same level of marginalization his Colombian-American father did. But he manages a hearing impairment. Cross-talk at meetings can prove tough to keep up with. Cabrera supplements his hearing aid with lip reading at the visual computing company.

"Everybody has an aspect to their lives that could make them a target for discrimination or singling out," Cabrera says. "My advice to others is think of differences as a blessing. Be who you are. These differences can drive a corporate culture in ways that change the status quo for the better."

Opportunities Near and Far

Although the tech domain is often associated with Silicon Valley, the industry thrives elsewhere, too.

Rachel Gonzalez knows this firsthand. Last fall, she joined Sabre Corporation in Southlake, Texas, as its executive vice president and general counsel. Gonzalez notes that the technology solutions provider to the travel and tourism fields "is growing fast, and for the past 20 years, my work has supported corporate and commercial transactions, mergers and acquisitions and growth strategy."

Two years ago, Gonzalez was promoted to GC of a packaged foods company in a neighboring city but found the Sabre opportunity "an irresistible proposition." The move marked her return to the tech realm; she held an in-house post at a third Texas company prior to 2008. Like other legal chiefs interviewed by *Diversity & the Bar*, Gonzalez enjoys the field because technological advances can constructively disrupt and transform daily life.

Anderson and Green, meanwhile, believe the power and influence of technology have captivated the disadvantaged students in Wisconsin, two of whom still correspond with Anderson.

Green, the Marquette administrator, hopes to send another cohort of youths to Silicon Valley this summer and for the Digital Discovery Tour to occur annually. He is seeking university funds to cover travel costs that Anderson underwrote last year for students and three Marquette staff members who were chaperones. Green wants students to tackle research projects during the academic year so that the digital tour becomes a capstone experience.

Back in California, Anderson eagerly monitors the young people's job search direction. "Tech companies are always looking for bright people, and there is tremendous opportunity," he says. ■

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