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# LAW & ORDER

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By Kamille D. Whittaker

For this year's Diversity Issue, we zeroed in on Atlanta's legal community. One firm in particular, Schiff Hardin LLP, stood out — not only because it is in the good graces of the honorable Chief Justice Leah Ward Sears (ret.), but because it has assembled a team of African-American litigators to helm one of the most formidable general practice law firms in the nation. Not as associates — but as partners. These are their stories.



Photography by Alex Jones





**D**iversity, as it plays out in the corporate arena, is only a single cog in former Chief Justice Leah Ward Sears' world view. Revered for being the first woman on the Georgia state supreme court, the nation's first African-American state supreme court chief justice and landing on President Barack Obama's U.S. Supreme Court nominee shortlist, the justice-turned-Schiff Hardin LLP partner points out that the stakes extend far beyond the corporate buzz word *du jour*.

**Leah Sears**  
**Partner**  
**Schiff Hardin LLP**

**Specialization:** General and appellate litigation, with a particular focus on "high stakes" cases, where an appeal is likely or the client is facing governmental inquiries

"There's not enough access to justice, and not just in criminal law but in civil matters like divorce and custody cases as well. We also need to expand the categories of who is entitled to free legal services. Additionally, lawyers need to increase their *pro bono* offerings because the onus of getting cases adjudicated often falls on them."

Justice Sears' credentials include extensive experience on both sides of the bench — a factor that has made her particularly adept at developing and advising clients on litigation and appeal strategies.

"Currently, I'm representing New York City's Port Authority on litigation that stems from the 9-11 attacks; I'm assisting with the state appeal by the widow of an officer killed in the Brian Nichols

case; and an appeal in the Toyota Motor Co. case, to name a few. But having served in the appellate capacity for 17 years, I have a unique perspective on how cases ought to be presented. The writing needs to be crisp, concise and easy for a generalist to pick up. You've got to break it down. You've got to speak the appellate judges' language."

Code switching is something that Justice Sears is doing more of as of late, "One of the benefits of being off the bench is that I'm able to take more people in their 20s, 30s and 40s under my wing and teach them that if they plan their lives as well as they plan out how to succeed in business or make partner, then they'll begin to create their own road map for lifetime success."

Justice Sears calls them "purpose goals."

"Being born in 1955, I had a passion and a mission to make things better for women and African Americans in this country by the time my life was over. I answered the questions about what life was about for me and what is it that I want to say that I accomplished very early on. Most of the decisions that I've made so far in my life have been toward that goal. My parents gave me everything they could, but they couldn't give me everything. Everything else, I just had to figure out." **AT**



**T**he most pressing issue in employment law, according to Eric Barnum, partner at Schiff Hardin LLP, is how to maintain productivity, profitability and diversity in a lean job market; all while balancing the need for right-sizing companies in a non-discriminatory and non-harassing fashion. “Take the automobile industry and General Motors Co. for example — which is actually doing better now. When you are closing plants, the seniority system of ‘last hired, first fired’ is what employers typically employ. The decision of who to cut often ends up having a disproportionate impact on women and people of color, since seniority typically favors white males,” theorizes Barnum.

Further, some 60-70 percent of operational costs are associated with labor, even more than inventory and infrastructure. “So, the natural tendency is to cut the greatest expense — labor — in the face of declining profits. Where I come in is helping companies remain true to their stated core principles of diversity within legal requirements. My advice to employers is to have in place — on the front end — an objective and thoroughly vetted process for right-sizing your company. This includes determining which divisions and departments and functions are absolutely necessary to get the job done. My advice to employees is to simply stay in high demand by developing a reputation as the go-to person.”

Indispensability is a recurring theme in Barnum’s narrative — punctuated by the rare opportunity to learn, as he puts it, “at the feet of masters.”

**Eric Barnum**  
Partner  
Schiff Hardin LLP

**Specialization:** Employment law and litigation including wrongful discharge discrimination and hostile environment harassment, litigation labor arbitration and analysis of personnel practices and procedures

“Two great African-American partners of another firm served as my mentors. One was just a great trial lawyer; the other a great rainmaker. I learned that you not only had to be a great lawyer, but you also had to understand the business of practicing law. Our business here at Schiff Hardin is to understand our client’s business. I’ve made it a point to learn each client’s industries, objectives and trends and, in return, the clients have been loyal.”

One trend in particular, social media, is steadily making inroads into employment law litigation and discourse.

“There’s an interesting tension that exists between the employers’ need to know and the employees’ right to privacy. Courts are still struggling with where the workday ends and personal time begins.”

But what is considered “settled law” is how social media is being used to broaden the reach of talent and clients that it otherwise could not reach.

“Social media is blowing huge holes in all of those barriers that used to exist. Social networking groups, blogs or forums are usually centered on cultural diversity. You can simply blast a memo that you’re looking for diverse talent and they’ll come to you. If you build it they will come.” **AT**



**W**hile National Black Golf Hall of Famer Lewis Horne acknowledges that he was encouraged to play golf by two senior partners in his firm more than 20 years ago, he admits that for him, deals haven't been miraculously cut on the links, as corporate legend would have it. Instead, one of the Schiff Hardin partner's game-changing pivots came in the form of a poignant letter.

"After becoming a public bond attorney in the late '70s, when Maynard Jackson took office as mayor, I wrote a letter to the National Association of Bond Lawyers and suggested that they spend more time focusing on the needs of lawyers in small firms and minority bond lawyers. There was an implicit assumption that public finance work could only be done in the context of large, big city firms. But the fact that you existed within a small or minority firm did not suggest that the quality of work may be less."

As a result of the letter, Horne was invited to meet with prominent bond lawyers from across the country, and was soon asked to become the first minority to join the association's board of directors. Years later, he was asked to serve as chairman of the association's diversity initiative.

Since then, he has remained in private legal practice with heavy involvement in Fulton County matters, took a hiatus to work in the golf industry in Arizona as president of the National Minority

Golf Foundation, and then returned to "civilian life" to eventually represent the Fulton-DeKalb Hospital Authority in connection with the review and implementation of the restructuring plan for Grady Memorial Hospital. The negotiations led to the leasing of the hospital facilities to a newly created 501(c)(3) non-profit corporation organized for the purpose of operating the hospital as a private non-profit facility.

**Lewis Horne**  
**Partner**  
**Schiff Hardin LLP**

**Specialization:** Public finance, taxable bonds, multi-family housing revenue bond transactions

"When it became clear that the hospital authority was not going to be able to access the additional monies needed, we came up with a unique structure which provided for new operational opportunities without villainizing or dispensing with authority members. We were able to avert catastrophe with Grady, but the fact of the matter is that public hospitals do die and go away because funding sources dry up."

As do amicable sentiments surrounding the subject of diversity. But in his 30 years of practice, Horne has always found the sweet spot.

"I've done many deals with people who didn't know who I was and what I look like. But, I'm sure it affords some decision makers some comfort knowing that there's a level of diversity and that the bond lawyers don't always come from the 'other side of town.' To the extent that there's a big deal done and a team is being introduced, I think it's important that the team reflects the diversity of the community." **AT**