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INSIGHT ON DIVERSITY

Increasing Diversity in the Environmental and Energy Bar

BY MICHAEL C. GROSS

Special to the Legal

As clearly stated in Section 27 of the Pennsylvania Constitution, “Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come.” The inclusiveness of this constitutional provision notwithstanding, there is a lack of diversity within the environmental and energy professions that extends to a lack of diversity within the environmental and energy bars.

In their article, “Diversifying the American Environmental Movement,” published in the Land Trust Alliance’s “A Report on the Future of Land Conservation in America,” authors Marcelo Bonta and Charles Jordan present a series of statistics concerning the absence of minorities within the American environmental professions. Specifically, the authors point to a 2005 study conducted by the Minority Environmental Leadership Development Initiative that found that 33 percent of mainstream environmental organizations and 22 percent of government agencies responsible for environmental matters had no people of color on their staff. The authors write that there is “a widespread belief that people of color are not an important constituency because it is assumed that they do not care about the environment.” Yet the same study disproved this unfounded notion, showing that minority voters supported land preservation and water



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quality ballot initiatives in significantly greater numbers than non-minority voters.

Author Barry Yeoman in his Audubon Magazine piece “Facing the Future” observes that for decades mainstream environmental groups have adopted programs and tactics to increase diversity. Even so, Yeoman finds a “persistent whiteness” continues to prevail in the environmental sector. Yeoman cites the work of Angela Park of Diversity Matters, who concluded that a serious challenge to environmental diversity is the tendency of certain environmental groups, not unlike law firms, to reproduce themselves in the image of their original leaders. Not surprisingly, Park found that when people of color attend meetings of certain mainstream environmental groups, some were actually mistaken for hired help or politely told they were in the wrong meeting. Many minority attorneys could tell the same stories.

Yeoman notes that even one of the greatest environmental achievements in America’s history, the creation of the National Park

System, came at a price to people of color—most notably the forcible eviction of Native Americans from certain NPS lands. All too often, this displacement was accompanied by racist rhetoric, even from the likes of John Muir, who argued the Mono Indians of the Yosemite Valley lacked “any right place in the landscape.”

In Pennsylvania, home to the Marcellus Shale gas play, there is a similar lack of diversity within the workforce of the oil and gas industry. According to a 2011 Pennsylvania State University study, the natural gas industry supported more than 156,000 jobs in Pennsylvania with more than 250,000 jobs anticipated by 2020. Yet according to a recent analysis by the Pittsburgh Tribune-Review, only a quarter of oil and gas workers nationwide are minorities, and only 17 percent are women. Somehow, despite the many economic benefits conveyed by the Marcellus Shale play and the related natural gas boom across the country, a diversified workforce has not ensued. The oil and gas industry has responded by providing grants to support workforce training programs in urban areas in an effort to increase diversity and the results appear to be gaining momentum. Chevron provided a \$200,000 grant to the Pittsburgh-based Mentors Community Wealth Building Initiative, which provides technical training with the specific goal of increasing the number of African-Americans working in the Marcellus Shale industry. Targeting this population for training and employment is critical as the

need for oil and gas workers in the state continues to outpace employment demand for nearly all other industries.

Our firm has worked hard to meet the challenge of increasing diversity within our own ranks. As a member of the Philadelphia Diversity Law Group (PDLG), we at Manko, Gold, Katcher & Fox fully embrace the mission of PDLG in “fostering participation of a more diverse group of lawyers in the Greater Philadelphia region in order to make our legal profession stronger, more productive and better equipped to address the challenges of the 21st century.” The PDLG Fellows Program has allowed us to attract and hire minority law students as summer associates. Further, to demonstrate our support of diversity initiatives, we have endorsed as firm policy the Statement of Diversity Principles adopted by the American Bar Association and we established a diversity committee in 2011.

To better understand how the environmental and energy bars can effectively work to increase diversity within our ranks, I spoke with African-American environmental lawyer Gina Thomas, a 21-year veteran of the Office of Chief Counsel at the Pennsylvania Department of Environmental Protection. Thomas emphasized the critical importance of mentoring minority law students and young lawyers who express an early interest in practicing environmental law but could otherwise be deterred given the lack of minority role models in the field. Thomas’ mentoring has paid off and resulted in the entry of minority women lawyers into environmental law into both

private practice and the government sector. Thomas reported that earlier in her career, “it took a long time to get respect and be treated like everyone else,” and that at times, it was a challenge “to not take things personally.” Thomas stressed that due to the complexities of environmental law, “being young, a minority, or a woman” can be particularly daunting because you are not part of the “boys’ club.” But her

its legal services group to complete a diversity scorecard, the results of which are ultimately reported to Shell’s board of directors and the chief executive officer. This commitment extends to the selection of outside counsel—as succinctly stated by the company’s former general counsel: “We no longer do business with some firms because they were simply giving lip service to diversity.”

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persistence has paid off and Thomas now credits her own diverse mentors, such as retired Commonwealth Court Judge Doris Smith-Ribner, who showed her the values of perseverance and solid work ethic that allowed her to leave an indelible mark on the judiciary in Pennsylvania.

On the client side, major environmental and energy providers are demanding diversity both from outside counsel and within their own organizations. The Minority Corporate Counsel Association has hailed Shell Oil Co.’s Model Diversity Plan as a best corporate practice. Shell has established a Diversity Center and requires

Aside from meeting client expectations, it is well established that diversity in the legal workplace fosters innovation and improves the quality of our profession as a whole. In the constantly expanding and changing realms of environmental and energy law that are inextricably linked to both our health and economy, a commitment to increase diversity within our ranks is now more critical than ever. •

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