

Losing Out

Preferred providers lists may erect barriers to retaining diverse outside counsel. **BY LAURIE ROBINSON**



To help reduce legal bills by obtaining discounts and alternative fee arrangements, more and more in-house legal departments are developing preferred providers lists, streamlining the number of law firms that handle their legal matters (sometimes hundreds of law firms) to fewer firms (typically a core group of 50 or fewer). The firms that make it onto these coveted lists are usually those that have been tried and tested, and have a longstanding relationship with the corporation's executives. ¶ I do agree that there are benefits to preferred providers lists. However, there is great

concern that these lists act as a barrier of access to minority- and women-owned law firms.

When I am out in the marketplace talking to diverse outside counsel vendors, one resounding complaint that I hear is that they are not given a chance to do legal work for corporations. When they approach in-house counsel for the opportunity to handle new legal matters, they often receive the following response: "Sorry, we cannot give you the work because we have an already established preferred providers list."

For those corporations with a providers list, I ask, "What does your list look like? Does it include diverse relationship partners at majority firms? Does it encompass minority- and women-owned law firms? Do at least 5 percent of the law firms on the list represent diverse outside counsel?" If the answer is no to any of these questions, I challenge you to go back to the drawing board and freshen up your list.

Don't let the adage that there are no diverse lawyers out there to handle your unique legal matters serve as a barrier to updating your list. I guarantee if you

are open to forging new relationships, you will find plenty of qualified diverse vendors who you can trust and who will provide you with quality service, professionalism and expertise.

There are several organizations that you can partner and forge relationships with to find diverse outside counsel vendors. A good start is the National Association of Minority & Women-Owned Law Firms (NAMWOLF). It has more than 80 law firms that are certified as being either a minority- or women-owned business enterprise.

The goal of NAMWOLF is to ensure that minority- and women-owned law firms can fairly compete for outsourced legal work. They have gathered a select group of firms that have exhibited excellence in the legal profession. Part of the criteria for being certified by NAMWOLF is being rated an A-V law firm by Martindale-Hubbell.

In addition to NAMWOLF, organizations where you can meet and network with diverse outside counsel vendors include the Minority Corporate Counsel Association, the Corporate Counsel Women of Color, the National

Bar Association, the Hispanic Bar Association and the National Asian Pacific American Bar Association. These organizations offer conferences with continuing legal education credits and provide an effective forum for you to get to know diverse outside counsel.

Finally, if you are looking for diverse outside counsel vendors, you can ask your colleagues in the profession for referrals. You can also call the above listed organizations and they will connect you with people who can work on your legal matters.

Taking time to make your corporation's preferred providers list more reflective of a multicultural society is the right thing to do. It carries actions beyond dialogue and adds a dimension of diversity that can only be beneficial to in-house legal departments, diverse lawyers/law firms and the clients as well.

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