

A trailblazing attorney fights for diversity

She defended firms accused of discrimination.

Now, she's helping them be more inclusive.

By KEITH L. ALEXANDER

Grace Speights's cellphone rang on a recent Saturday. The corporate attorney, who has represented household names including NPR, Amtrak and celebrity chef Paula Deen, was in her D.C. home watching TV news of the escalating protests over police brutality and racial justice.

The CEO of a technology company had called. The white male executive, Speights recalled, was proud that his company had issued a public statement affirming racial diversity and social justice and denouncing inequality following the killing of George Floyd, an unarmed black man, in police custody in Minneapolis.

But the CEO was concerned when a senior black executive said he believed that statement belied racial disparities within their company. Speights said he told her he thought the black executive was laying groundwork for a discrimination lawsuit and he needed Speights to investigate and prepare a preemptive defense.

After interviewing the black executive and other black employees, Speights concluded the executive wanted change in his own workplace, not legal action. So she worked with the company to create a study to ensure black and white employees were compensated and rewarded comparably. And to help the company tap into a more diverse hiring pool, she advised developing relationships with professional minority organizations and historically black colleges.

"Employees want situations investigated where they believe they were treated unfairly or discriminated against," said Speights, who would not identify the company because of their legal relationship. "This is not just about police killing black people, but also about corporate America and making sure it, too, is accountable."

A corporate attorney for more than 35 years at the Morgan Lewis firm, Speights has made a career of defending companies accused of treating employees unfairly based on their race, gender or age. The 63-year-old litigator



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Grace Speights, who is a senior partner at her law firm specializing in representing companies in race or sex discrimination lawsuits, is also focusing on making sure firms are prepared for coronavirus issues.

is also a trailblazer in her own profession, the first African American woman to be named partner at the firm.

Companies are now looking to her for guidance at a time when scrutiny of workplace culture in corporate America is as intense as it has ever been. The national reckoning over racial inequality has forced companies to examine their treatment of minority employees and diversity within their ranks, even as many continue to contend with allegations of sexual harassment coming out of the #MeToo movement. Overlaid is a pandemic that is forcing some companies to downsize.

Following protests over alleged unfair treatment of women and black employees at Adidas North America in Portland, Ore., the sportswear company hired Speights and her team to help with diversity and racial inclusion efforts.

Speights also has been tapped by Essence magazine to review its operations after an anonymous blog was posted in June alleging staffers at the monthly black women's maga-

zine were subjected to sexual harassment, pay inequity and bullying.

Speights said companies she works with strive for a healthy and diverse workplace. But avoiding costly litigation and a barrage of negative press that could tarnish a beloved brand is often still the primary focus.

"I am there to help clients come up with a workplace culture where black employees, people of color, women and older employees all feel included and welcomed and valued," Speights said. "But yes, at the end of the day, it is about minimizing the risk of litigation."

A tough adversary

As a child growing up in south Philadelphia, Speights wanted to be a civil rights attorney. But as she watched her mother, who worked at a drapery manufacturing factory, come home covered in bits of fiberglass, she realized she wanted to focus on trying to make companies better for hard-working employees.

Speights graduated from George Washington

University Law School. Last year, she was elected as chair of the university's board of trustees, becoming the first woman and the first African American to hold the position.

After law school, Speights clerked for Judge Aubrey Robinson Jr., former chief judge of the U.S. District Court in Washington. Speights, who is now divorced, settled in the District, where she raised two children. She went to work for Morgan Lewis at its D.C. office, where she currently leads a team of 300 attorneys.

When it is hired to investigate a discrimination claim, Speights said, her team may spend weeks interviewing workers and reviewing other evidence. If she determines there is merit to the allegations, Speights said she urges the company to settle. But if she finds it unfounded, she goes to court and fights. Either way, she advises the company on changes to make to avoid future lawsuits.

When cases do end up in a courtroom, Speights sprinkles charm, a smile and a quick laugh with her vast knowledge of corporate law.

"I like Grace, but she's a tough adversary," said attorney Timothy B. Fleming, who has been battling Speights since 1998 on behalf of African American employees at Amtrak who sued the company for discrimination in federal court in D.C. When the workers tried to get a judge to agree to a class action, Speights successfully fought against that effort. The case continues as an individual claim.

"Just because she's African American, you can't expect that she is going to cut your African American clients a break," Fleming, who is white, said. "And that's my definition of tough. You got to fight your way, every step of the way, if you are litigating with Grace Speights."

Among her most high-profile cases was that of Deen, the celebrity Southern TV chef who admitted during a 2012 deposition that she had used the n-word previously. Deen and her brother were facing a racial discrimination and sexual harassment lawsuit filed by a former employee.

Some people questioned how a black woman could defend Deen, Speights said. But she

said she appreciated Deen's honesty and determined her use of the racist word more than 50 years earlier was not relevant to the lawsuit.

"She did not have to admit to using the word, but she did," Speights said. "And she said it was in the 1950s, in the South and she had just had a gun put to her head during a bank robbery by a black man. I'm not saying that as an excuse for what she said. But this was what she told her husband when he asked her what happened. She was still very shaken."

The case ended in an undisclosed settlement. Deen, 73, did not return calls or emails for comment.

In 2017, NPR hired Speights after a senior executive was accused of sexual harassment. NPR Chairman Paul Haaga Jr. said he chose Speights based on the recommendation of Abigail Johnson, the chairman and CEO of Fidelity Investments. Speights oversaw an investigation at Fidelity following allegations of sexual harassment and bullying against two senior managers. Johnson declined to comment for this article.

At NPR, Speights quickly pulled together a team that interviewed nearly 100 of the radio news network's current and former employees as well as interns — 71 women and 15 men in all.

Her team looked at when management became aware of the allegations and how they responded. Speights ultimately came up with a list of suggestions to include conducting in-person training sessions on harassment and a gender-equity study.

"Her role was to interview everyone from the lowest entry-level intern to board members to the CEO. She came across very quickly as someone who could draw out people, relate to them very well, show empathy and yet be decisive in making proper judgments, not be everyone's friend, but do the right thing. And she really did," Haaga said.

"We knew she wouldn't be protecting the brand. We knew she would be looking for truth and giving us wisdom as to how to do things better," he said.

Defending brands

In late February, Speights was in D.C. Superior Court defending PBS in a court fight against TV talk show host Tavis Smiley.

She had to prove that PBS was within its legal rights to end Smiley's long-running show after the network discovered that several women had accused him of sexual harassment. She had spent three years investigating the allegations and preparing for trial.

On the witness stand, two of the six women testified under oath that Smiley demanded oral sex when they worked for him. The women used a two-syllable euphemism for the sex act. Speights noticed three of the jurors bow their heads and shift in their seats. So when a defiant Smiley took the stand and denied the accusations, Speights strategically repeated the phrase as she questioned him.

"It was very important the jury hear what they heard so they could put themselves in the shoes of those women, to understand why they would feel like they were being harassed," Speights said after the trial.

The jury ordered Smiley to pay PBS more than \$1.5 million. The verdict vindicated the network, said its CEO, Paula Kerger.

"This was about the reputation of PBS. At the end of the day, that was the most important thing that we own, our reputation," Kerger said.

Defending the reputation of a company or its top executives is critical, especially in the age of social media where negative images can be costly. And understanding that reality carved out a niche for Speights to help make workplaces better for employees.

"My clients call on me because I call it the way I see it," Speights said. "I'm going to review the situation and I'm going to say to you, as a black woman who has been around a long time, this is your problem and this is what you need to do to fix it."

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