

THE AMERICAN LAWYER

law.com/americanla

NOVEMBER 2018



CHANGE AGENTS

Our Attorney of the Year finalists are helping to move the legal industry forward.

David Sanford, left, Grace Speights and Bill Deckelman

BY LIZZY MCLELLAN

Becoming an Ally

The #MeToo movement was light on corporate culture, so **Grace Speights** redefined the employment lawyer's role.

GRACE SPEIGHTS ADMITS THAT THE work she's been doing this year would have seemed like asking for trouble not long ago.

"If a client would have asked most employment defense lawyers whether or not they should do a cultural assessment, the answer probably would have been no," Speights says. "The rationale would be, 'Why are you going out looking for problems?'"

But in the #MeToo era, things have changed.

Speights, head of the labor and employment group at Morgan, Lewis & Bockius, has led a group of lawyers across multiple practices in litigation, investigations and cultural assessments within organizations.

"A lot of people have said to me, 'You're a defense lawyer, you're a management lawyer. ... How is it that you can be an ally of the movement?'" Speights says.

But corporations have become more proactive about preventing sexual misconduct rather than covering it up, and they're turning to lawyers such as Speights to identify the problems in their company culture that may allow sexual misconduct to pervade.

"Many employers thought they had safe, inclusive and respectful workplaces, but they did not," Speights says. "We are an ally of the movement, and it's very different from what we did exclusively many, many years ago."

Around Christmas 2017, Speights found herself undated, she says. She had just been hired to conduct a particularly large-scale investigation of the Humane Society, arising from sexual harassment allegations against then-CEO Wayne Pacelle. (He ultimately resigned after Morgan Lewis' report was completed.) So she reached out to firm chairwoman Jami Wintz McKeon.



In a matter of weeks, they formulated a team of about 30 lawyers—all women. About a dozen, mostly labor and employment lawyers, work on #MeToo-related issues full-time, Speights says. They have also called on white-collar, e-data, executive compensation and employee benefits, and governance lawyers.

Speights and her team were behind many of the investigations of the organizations whose #MeToo stories have made headlines in the past year.

They evaluated NPR after allegations of sexual harassment arose against Michael Oreskes, then the senior vice president of news. Oreskes resigned before the investigation was complete, but NPR still publicly released the full findings.

Morgan Lewis also defended the Public Broadcasting Service against on-air personality Tavis Smiley's breach-of-contract suit, after he was terminated for sexual harassment claims.

Law firms, too, have turned to Speights' group to investigate claims of bullying and sexual harassment, Morgan Lewis says.

McKeon contends that not just any longtime employment defense lawyer would be able to help these clients navigate their cultural pitfalls. Speights, she says, earns the trust of both employers and employees, in dealing with matters where tensions run high.

"She brings that judgment and her insight about people to the job she does. She's not coming in there just as a technical scholar or an academic, or someone who can recite what the law is," McKeon says. "The things she does have a much better chance than almost everybody else at being something everyone can live with."

Email: lmclellan@alm.com