

WINTER 2025

DIVERSITY MATTERS

NEWSLETTER

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DIVERSITY MATTERS NEWSLETTER

EDITORS' NOTE – DEI DISCUSSIONS HIGHLIGHT HOW WE ARE DIFFERENT AND YET, STILL THE SAME

By: Elizabeth U. Okakpu and Laura Seider



Elizabeth U. Okakpu

As we work with our colleagues to prepare and circulate the Diversity Matters Newsletter each quarter, it is not lost on us that DEI initiatives, programs, and philosophies permeate and inundate our lives from all angles. Initiatives and programs at work, hot button topics and stories in the news, political messaging, and social media are constantly reminding us of the importance of recognizing how different we are from each other on every level. We are prompted to recognize, discuss, analyze, and celebrate our racial, cultural, religious, ethnic, gender, and life experience differences daily. The downside of constant exposure to these conversations is the risk of dilution of the message by sheer oversaturation. While prioritizing DEI initiatives and programs is vital to the growth and success of all types of businesses, including Weber Gallagher, there is no doubt that repetitive conversation can become exhausting.

It is not surprising that we are seeing a growing backlash against DEI initiatives across the country. While some backlash inevitably comes from ignorance, misunderstanding, or bias, some of the negative responses and counteraction we have seen are certainly coming from well-meaning Americans who are exhausted by the constant hyper-focus on everything that makes us different. On that point, this Diversity Matters Edition includes an insightful article by our colleague, Partner Scott Wilson, in which he discusses legal challenges to DEI initiatives and the driving forces behind these movements.

But diversity—differences—is just one part of what is, or should be, highlighted and celebrated through our DEI initiatives. It is impossible to unite people together behind the common goal of achieving and maintaining diversity, equity, and inclusion in our workplace if we focus solely on how we might be unable to relate to each other. Yes, hearing about our colleagues' unique family background, religious practices, or racial



Laura Seider

identity can make us feel closer to each other and foster understanding and camaraderie. But so can hearing about how our colleagues are just like us. What makes us the same is just as important as what makes us different. There are amazing opportunities to see ourselves in the stories of others, regardless of how "different" their story may initially seem.

Associate Ruby Delarosa's Spotlight Article presents a wonderful opportunity for us all to understand how our differences may reveal similarities that would otherwise be overlooked in our constant search and identification of diversity among us. In her article, Ruby recounts her personal struggles and successes as a young Hispanic woman in the legal profession. While her personal anecdotes are expressed from her unique perspective as a member of those groups, her article is full of experiences that many of us can relate to.

As we move into the new year, we should spend some time reflecting on how identifying and bonding over our similarities can be just as productive in promoting our DEI objectives as identifying and discussing our differences. As Ruby so astutely points out in her article, "it's essential to create opportunities for others who may feel like they don't belong." Maybe feeling different, for whatever reason, is something that makes a lot of us the same, and maybe we should spend more time bonding over our similarities instead of focusing solely on what makes us different.

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Facing Legal Challenges to DE&I

In the wake of George Floyd's murder and ensuing protests, many US corporations and privately held companies began to implement Diversity, Equality, and Inclusion (DEI) programs to address historic imbalances in the workplace which adversely affected people of color, women, and other minority groups. Recently, however, a spate of legal challenges to such programs has resulted in a variety of State and Federal Court opinions which will significantly impact the design and implementation of such programs going forward.

Oddly, the most important ruling which ultimately may be the most impactful on DEI programs did not involve a DEI program. The US Supreme Court ruled in 2023 higher education institutions could not use an applicant's race as a basis for admission (*Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College*). The Court based the ruling in great part on the 14th Amendments' Equal Protection Clause. Specifically, the Court found that race-based admissions were a "zero sum" game in which some applicants lost admissions places to other students because of race.

Although the ruling was limited to colleges and universities, Justice Gorsuch indicated there was no reason the same reasoning couldn't apply to private businesses. The ruling has subsequently triggered a significant number of lawsuits challenging the constitutionality of DEI programs. The vast majority of these suits have been brought by conservative advocacy organizations. In each of these cases, those challenging the DEI programs have relied broadly upon the Equal Protection Clause to argue these programs are unconstitutional in that they violate the rights of white people by unfairly favoring minority groups. In addition, several states have passed legislation to restrict DEI programs.

One of the most prominent cases (*DiPiero v. Penn State University*) involved a white, male, Penn State University professor who alleged discrimination based on, in part, having to participate in sensitivity training programs which spoke in absolute terms regarding race and discrimination. (One training video was titled, "White Teachers are the Problem.") A federal Judge ruled that diversity training programs that spoke in absolutist terms

could create a hostile work place environment for white employees. The Judge specifically cited programs which attributed negative attributes to white people in absolute terms.

Lawsuits have also attacked race-based hiring in both the work force and internships. In a recent case



By: Scott Wilson

(*Do No Harm v. Pfizer*), a conservative organization challenged Pfizer's diversity fellowship program which sought to increase minority representation at the senior employment level. Do No Harm argued the fellowship discriminated against whites and Asians. The Federal Judge ruled the plaintiff had no standing in the case since it could not demonstrate a single member of the group was adversely affected by the fellowship program. (This has been a trend in several suits brought by Do No Harm.)

There have also been shareholder lawsuits brought against Fortune 500 corporations arguing these companies breached their fiduciary duties with respect to DEI programs and policies. However, unlike the lawsuits brought by Do No Harm and other conservative organizations, the shareholder lawsuits have alleged these companies caused financial harm by not properly implementing DEI programs or failing to properly enforce existing ones. These suits allege the boards made public statements indicating a strong commitment to DEI while not actually doing anything. The shareholders argued they were duped into investing in such companies based on their commitment to DEI and the boards violated their fiduciary duty to monitor the companies' anti-discrimination policies. However, not all shareholder suits have contained similar accusations. In line with the advocacy lawsuits discussed above, some shareholder lawsuits have also alleged DEI programs violate the constitution by favoring minority groups.

It should be noted many of these shareholder suits have not proceeded to trial and it is difficult to determine how Courts will rule in the future. At least one suit resulted in a

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Facing Legal Challenges to DE&I Cont...

judicial dismissal, however. In *National Center for Public Policy Research Center v. Schultz*, a conservative organization brought a derivative suit on behalf of the shareholders arguing Starbucks' DEI programs were unconstitutionally discriminatory. The Federal Judge dismissed the suit arguing the plaintiffs were pursuing a personal agenda rather than legitimately advocating for Starbucks' shareholders. However, it should be noted this case was decided before *Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College* and future Court rulings may well differ with the reasoning used by the Judge in the Starbucks case.

Several major companies, including JP Morgan, Lowes, and McDonalds have altered their DEI after receiving public shareholder letters. The changes usually involve opening DEI programs and fellowships to employees of all races rather than minorities only.

As well as legal challenges to DEI, there has been legislation passed attacking DEI programs in private businesses. Florida governor Ron DeSantis signed the "Stop Woke" Act in 2022 which banned schools and businesses from conducting sensitivity training which placed blame on certain groups for discrimination of minorities. It forbade discussing issues such as "white privilege" or any concept that taught a student or worker to feel guilt due to their racial, ethnic, or gender identity. Florida argued the law did not restrict speech, but rather only prevented students or employees to listen to speech with which they disagreed in order to stay in school or employed.

The Federal Appeals Court completely disagreed with the state's argument and found it violated the Free Speech clause of the First Amendment. The Court denied the state's argument that it was only controlling conduct and not speech. While the Court acknowledged the state could be right about the speech it was attempting to control, they ruled the state cannot control the dissemination of such ideas.

Although DEI programs are facing significant legal challenges, it should be noted most businesses are still in favor of such programs. A survey conducted by CNBC found that 78% of those surveyed supported DEI programming. However, certain trends have emerged from the lawsuits. In order to withstand judicial scrutiny, DEI programs must avoid absolutist language and be open to all employees. Furthermore, DEI is not affirmative action. While affirmative action seeks to redress workplace employment imbalances, DEI seeks only to make workplaces more welcoming. As such, it seems the future of DEI is safe now.



About the Author

Scott Wilson is an active member of the DE&I committee at Weber Gallagher. His legal work is primarily focused on defending employers, insurance carriers, and self-insured entities in New Jersey workers' compensation matters. With over 20 years of experience, Scott has successfully tried hundreds of cases to conclusion consistently delivering favorable results to his clients. He also handles complex Second Injury Fund claims.

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NAVIGATING THE LEGAL FIELD AS A FIRST-GENERATION HISPANIC LAWYER AND MOTHER

In many ways, the path of a 34-year-old Hispanic lawyer in New Jersey mirrors the experiences of countless first-generation professionals who have faced adversity and broken barriers. My parents, both from the Dominican Republic, moved to the United States after they got married, driven by a desire to provide a better life for the five daughters they would later have (I am the oldest of those five). Their sacrifices and determination to build a future in a new country laid the foundation for my own journey. As a married mother of two young children, with a doctorate degree and an unwavering commitment to my profession, I've encountered both the rewards and tribulations of navigating a predominantly male, Caucasian-dominated legal field. For those of us who belong to a community that has long been underrepresented in many professions, the journey often carries unique challenges.



By: Ruby Delarosa

The Weight of First-Generation Expectations

Growing up as a first-generation daughter, granddaughter, eldest sister of five girls, and the first to obtain a graduate and then post-graduate degree, I witnessed firsthand the sacrifices my family made for me to have the opportunities they never had. My parents, who came to the United States seeking better opportunities, instilled in me a strong work ethic and the belief that education was the key to success. That belief led me to become the first in my family to graduate from college, and ultimately, to earn a doctorate in law, notwithstanding a surprise illness that flipped our lives upside down throughout most of my teenage years.

Yet, that achievement, while deeply fulfilling, also came with the added pressure of representing not just myself, but my entire community. The weight of expectations is often invisible to those around you, but it is ever-present. As a first-generation post-graduate, there's a constant awareness that you are carving out a path for others, particularly those from similar backgrounds. This can be both motivating and burdensome, as the desire to prove myself is balanced with the responsibility of being a role model.

Facing the Lack of Diversity in the Legal Field

The legal field, particularly in areas like New Jersey where large corporate law firms, state agencies, and private practices dominate, remains overwhelmingly male and Caucasian. For someone like me, who does not fit the traditional mold of a lawyer, there's often a sense of being excluded. It's a subtle feeling that permeates everything from how you're addressed in meetings to the way your opinions are sometimes overlooked. Hence my history of searching and searching before finally finding a progressive law firm that not only welcomed me, but invited me, my difference, and my desire to thrive as simply 'me'.

Cultural differences can also create barriers. For example, in the courtroom or during negotiations, my style of communication may be different from what others are accustomed to. As a Hispanic individual, I'm deeply rooted in a culture that values personal connections and empathy, but in a field that prizes objectivity and stoicism, it can sometimes feel as though my approach is viewed with skepticism. There have been more than a handful of times when my "chipper" personality (as one unaccepting adversary once put it) was less than welcome. As I navigate these cultural divides, I've had to learn to strike a balance between staying true to my roots and myself, while adapting to the professional norms of this field. I will always believe that my joy of being within a field filled with many unhappy peers continues due to the sheer unlikelihood that someone like me would ever be a part of this world. I always dreamt of this life, mostly because in my family, it was not a likely path for any of us to take. I'd be lying if I said I ever felt truly sure that it would indeed happen one day.



NAVIGATING THE LEGAL FIELD AS A FIRST-GENERATION HISPANIC LAWYER AND MOTHER CONTINUED...

Overcoming Bias and Stereotyping

It's no secret that the legal profession, like many others, has been shaped by long-standing biases. As a Hispanic lawyer, I've encountered prejudices that stem not only from my ethnicity but also from my gender and age. There have been times when I've been mistaken for a clerk, a paralegal or a secretary—never mind that I hold a doctorate, after having held and been proud of working in every single one of those positions before becoming an attorney. I wouldn't be the attorney I am today had I not started as a paralegal and then a clerk. I've had to work harder to gain respect and recognition, often needing to prove my capabilities twice over.

The implicit biases I face aren't always overt, but they come through in small ways. For example, I may be the only person of color, or the youngest, or most common, the only female in a courtroom. I have learned to push for and be immensely grateful for being welcomed and invited to the spaces in which many important relationships are built. These challenges can be isolating, but they also push me to be more intentional about creating spaces for other minority voices, both in my personal practice and in the broader legal community.

Juggling Family and Professional Life

One of the most complex parts of being a lawyer and a parent is striking a balance between my career and my family life. As a mother of two young children, I know that being successful in law requires long hours, attention to detail, and unrelenting dedication. However, balancing that commitment with my responsibility to my family is a constant challenge I feel proud to handle better than most. I have had to learn, the hard way, that work-life balance is non-negotiable if I am to be the best I can be in both of my titles as mother and lawyer. I will save the never-ending debacle of also having to take care of my own health and wellness on top of those titles.

In many ways, my family serves as a source of strength and motivation. My husband, who has supported me every step of the way, has been a pillar during the most demanding moments of my career. However, there's still an unspoken pressure, particularly when it comes to managing work-life balance. The legal field is often unforgiving, with high expectations for availability and performance. After over a decade of working in this field, I have learned that time with my family is priceless.

Advancing Diversity and Inclusion

Despite the trials and tribulations, I remain hopeful for the future. The legal profession has seen incremental improvements in terms of diversity and inclusion. As a minority lawyer, I make it a priority to mentor younger individuals from underrepresented communities. Through mentorship and guidance, I believe it's essential to create opportunities for others who may feel like they don't belong in this field. Admittedly, I would not be here had it not been for a few other minority lawyers and judges that saw potential in me and guided me as best they could.

Moreover, I have made a commitment to continue advocating for diversity and inclusion within my practice and in the broader legal community. Whether it's through my involvement in different diversity committees or minority bar associations supporting policies that promote equal opportunity or engaging in conversations about the unique challenges faced by people of color, I believe my voice can be an agent of change.

Conclusion

Being a 34-year-old Hispanic lawyer in New Jersey, married with children, and navigating a predominantly male and Caucasian-dominated legal field has been both challenging and rewarding. I've faced my share of obstacles. However, each hurdle has made me stronger, more determined, and more committed to improving the legal profession for the next generation of diverse lawyers. Most of all, I have solidified that I am exactly where I am supposed to be. I love what I do, appreciate who I work with, and value the clients I have the privilege of representing. In the end, it's not just about achieving personal success—it's about paving the way for others who may one day follow in our footsteps and continue to break down the barriers that have kept our profession from truly reflecting the diversity of the communities we serve. The legal profession is a humbling one, and I hope to help others like me join in in making meaningful impact on the legal system and, ultimately, on society as a whole.

Returning to Work as a New Mom: Navigating the Balance



VALERIE F. LYONS, CHIEF MARKETING AND BUSINESS DEVELOPMENT OFFICER

Becoming a mother is a life-changing experience that brings immense joy, but it also introduces new challenges, especially when it's time to return to work. For those of us in demanding careers, like working at a law firm, the transition can feel overwhelming. I recently found myself navigating this very path, with a mix of excitement, guilt, and uncertainty.

The bond I built with my baby during maternity leave is indescribable. Those precious early days of snuggles, sleepless nights, and discovering the world together were magical. But as the date to return to work approached, a wave of emotions hit me. I was eager to get back to the profession I love—supporting our lawyers in their marketing efforts, diving into business development strategies, and collaborating with colleagues. Yet, I also felt the weight of leaving my baby in someone else's care. Would I be able to balance it all? Was I still good at my job? Could I trust someone would care for my baby as I would?

The first day back at the law firm was tougher than I expected. I missed the rhythm of motherhood, but I also felt like I was stepping back into a part of myself that felt like a distant past. My colleagues were supportive, and I realized I wasn't the only one facing this struggle. There were other mothers and fathers in the office, each of them juggling work and family, showing me that it was possible to thrive in both worlds.

One thing I've learned in this journey is the importance of self-compassion. There are days when I feel like I'm falling short at work or at home, but I remind myself that finding balance is a process, not a destination. It's okay to ask for help, to take a break, and to give myself grace as I navigate this new chapter.

Returning to work after becoming a mom has reshaped how I view both my career and my role as a parent. I'm more focused, more intentional, and more appreciative of the time I spend in both spaces. Though the fear of missing out on work or motherhood may never fully go away, I've come to realize that I can be a dedicated CMBDO and a loving mother. It's not about choosing one over the other—it's about weaving them together in a way that feels right for me.

Valerie Lyons

DIVERSITY MATTERS!

CONGRATULATIONS



Congratulations to our associate, Ruby Delarosa, on her recent appointment to the 2024-2025 Board of Officers and Trustees for the The Hispanic Bar Association of New Jersey (HBA-NJ)!

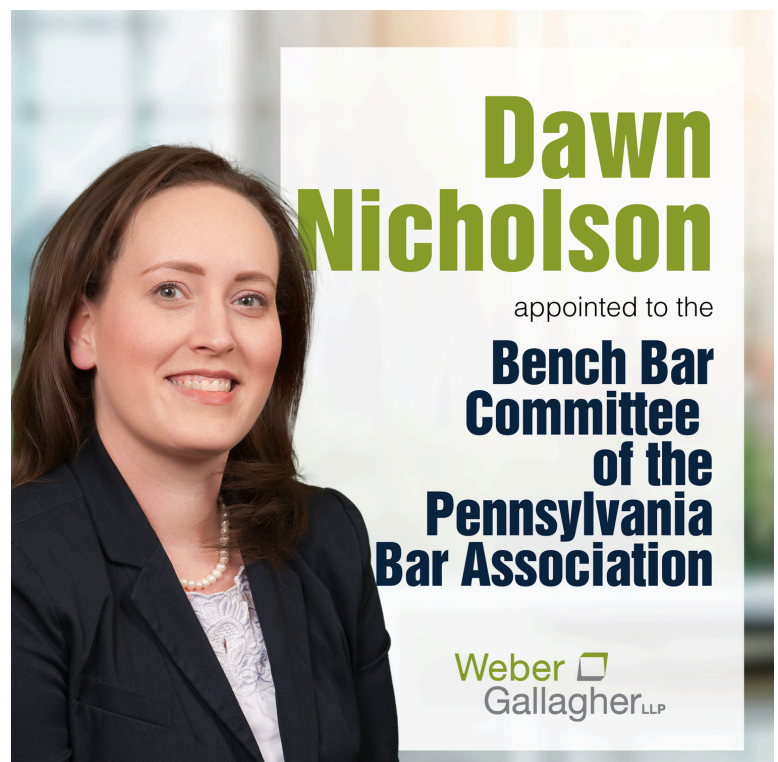
Ruby was officially sworn in as Trustee for Region 12, representing Cumberland, Gloucester, and Salem Counties, at the installation ceremony on Wednesday, November 6, 2024. We're proud to see Ruby's dedication to leadership and community service recognized in such a meaningful way.

Please join us in celebrating this exciting milestone for Ruby and her continued commitment to serving our legal community!

Congratulations to our partner, Dawn Nicholson, on her recent appointment to the Pennsylvania Bar Association's Bench Bar Committee!

The program was launched in 2014, resulting in a series of recommendations in the areas of practice and procedure, WCAIS, and mediation. As a result of the overwhelmingly positive feedback from that trial program, the Workers' Compensation Section of the Pennsylvania Bar Association, has officially amended their bylaws to provide for a permanent standing committee.

This is an incredible opportunity for Dawn who will be carrying forward the Statewide dialogue on how to improve the practice of Workers' Compensation.



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Strategies for Creating Belonging in the Workplace

Diversity Equity and Inclusion are principles which most people aspire to in creating an accepting environment. But what about Belonging in the workplace. Is Belonging something an employer should encourage, develop or foster for its employees. Belonging is necessary to encourage a positive workplace culture and promote diversity of thought and acceptance. All of these traits create a feeling of acknowledgement which develops a successful work environment.

Belonging is a desire to be accepted by someone's peers and be a part of a team. It is the positive feeling that you are recognized which then promotes an atmosphere that a person is comfortable about sharing their individual opinions and being their true self. Employers may ask why is Belonging important and why should Belonging be encouraged. Statistics show people who have a sense of belonging in the workplace are happier, feel that they are part of a team and will be more successful in life and at their workplace. Belonging helps someone feel committed to their employment and will be less likely to leave because they feel accepted.

Leaders of firms often ask how do we create an atmosphere of Belonging. At Weber Gallagher, The Breakroom is a wonderful opportunity for all members of the firm to feel a sense of Belonging. By creating a safe place where every member of the firm may discuss topics, some of which may not always be encouraged in the day-to-day atmosphere at work, provides an opportunity for employees to create long term relationships and a sense of Belonging. The Breakroom allows members of the firm to become more secure and confident which allows them to be more productive and everyone can be their true self. Mentoring others in the firm whether they are associates, partners or law students also develops trusting relationships among all members of the firm. Mentoring relationships may develop throughout



Carolyn Mirabile
Diversity, Equity & Inclusion
Leader

someone's career whether they have been a member of the firm for 5 years or 25 years. Successful mentoring provides guidance for a successful career based on experience and continued relationship building. Additionally, recognizing other members accomplishments, no matter how small, allows members of the firm to feel important and creates an atmosphere that each employee makes a recognized contribution to the firm.

Promoting collaboration and shared experiences are important ways an employer may try to create an atmosphere of Belonging in the workplace which may lead to developing relationships and creating an environment where everyone's opinion counts.

Maximizing each employee's potential and creating opportunities for employee engagement all create opportunities for Belonging in the workplace. The Diversity Equity and Inclusion Committee encourages you to join us in our joint efforts to create a sense of Belonging.

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WEBER GALLAGHER'S DEI ACTION CHECKLIST

- ☐ Join Weber Gallagher's Diversity & Inclusion Committee and actively participate.
- ☐ Recommend a diverse attorney or staff person for employment at Weber Gallagher.
- ☐ Write an article about diversity and inclusion for Weber Gallagher's diversity newsletter, Diversity Matters!
- ☐ Attend one (1) or more conferences, programs, or CLE seminars on diversity-related topics.
- ☐ Attend one (1) or more program(s) sponsored by Weber Gallagher's Diversity Committee.
- ☐ Participate in "The Breakroom," a small group discussion fostering a safe place to share your thoughts and experiences while learning about your colleagues.
- ☐ Read an article or book about diversity and inclusion.
- ☐ Develop a mentoring relationship with an attorney, law school graduate, or law student of a diverse background.
- ☐ Mentor a high school student, college student, or paralegal interested in pursuing a career in law.
- ☐ Learn about the impact of subtle, unconscious, and implicit bias by visiting Project Implicit at <http://www.projectimplicit.net> and take one of the surveys.

