

DiversityInc

Leadership 

Attorney **Weldon H. Latham**

The Brains Behind Diversity Crisis Management

BY C. STONE BROWN | © DiversityInc Media, 2003

"WHEN I GET HIRED by a company the first thing they say is, 'I'm no Texaco and I don't have a problem, but I just thought I'd confer with you,'" says high-powered Washington, D.C., attorney Weldon H. Latham, senior partner of Holland & Knight. Latham represented oil-giant Texaco in 1997 in its \$115 million discrimination settlement with its employees and assisted Coca-Cola in its \$192.5 million settlement in 2002 with its African-American employees.

When Coca-Cola was accused by its African-American employees of wage- and promotion-discrimination at its shareholders meeting in April 2000, the soft-drink maker called Latham and immediately sent the message it was serious about changing its policies. "I've been lucky ... the vast majority of people check me out before they hire me, so the vast majority of people are totally committed to doing something," he says.

In addition to the settlement with its African-American employees, Latham advised Coca-Cola on its five-year, \$1 billion empowerment and entrepreneurship program that will increase spending with women- and people of color-owned busi-

nesses to \$800 million by 2005, under the watch of a procurement-advisory council.

Latham, 56, who served as an honorary vice chairman of former President Clinton's re-election campaign in 1996, has played as much a role as anyone in

putting workplace diversity on the corporate-executive radar screen.

"I came to Holland & Knight and brought diversity with me. In '96 I got on a path of doing diversity for corporations with the Texaco case," he says.



GARY LANDSMAN

*Effective June 30, 2009, Weldon H. Latham joined Jackson Lewis LLP.

As head of Holland & Knight's Corporate Diversity Counseling Group, Latham represents some of the nation's largest and most prestigious companies, including General Motors (GM), Boeing and Eastman Kodak, specializing in resolving their discrimination disputes, crisis avoid-

ance and management, and conducting diversity-compliance reviews.

"There are 250 top law firms in the country; we're the seventh but we're the only firm that has a comprehensive corporate-diversity counseling group—lawyers that have been involved in liti-

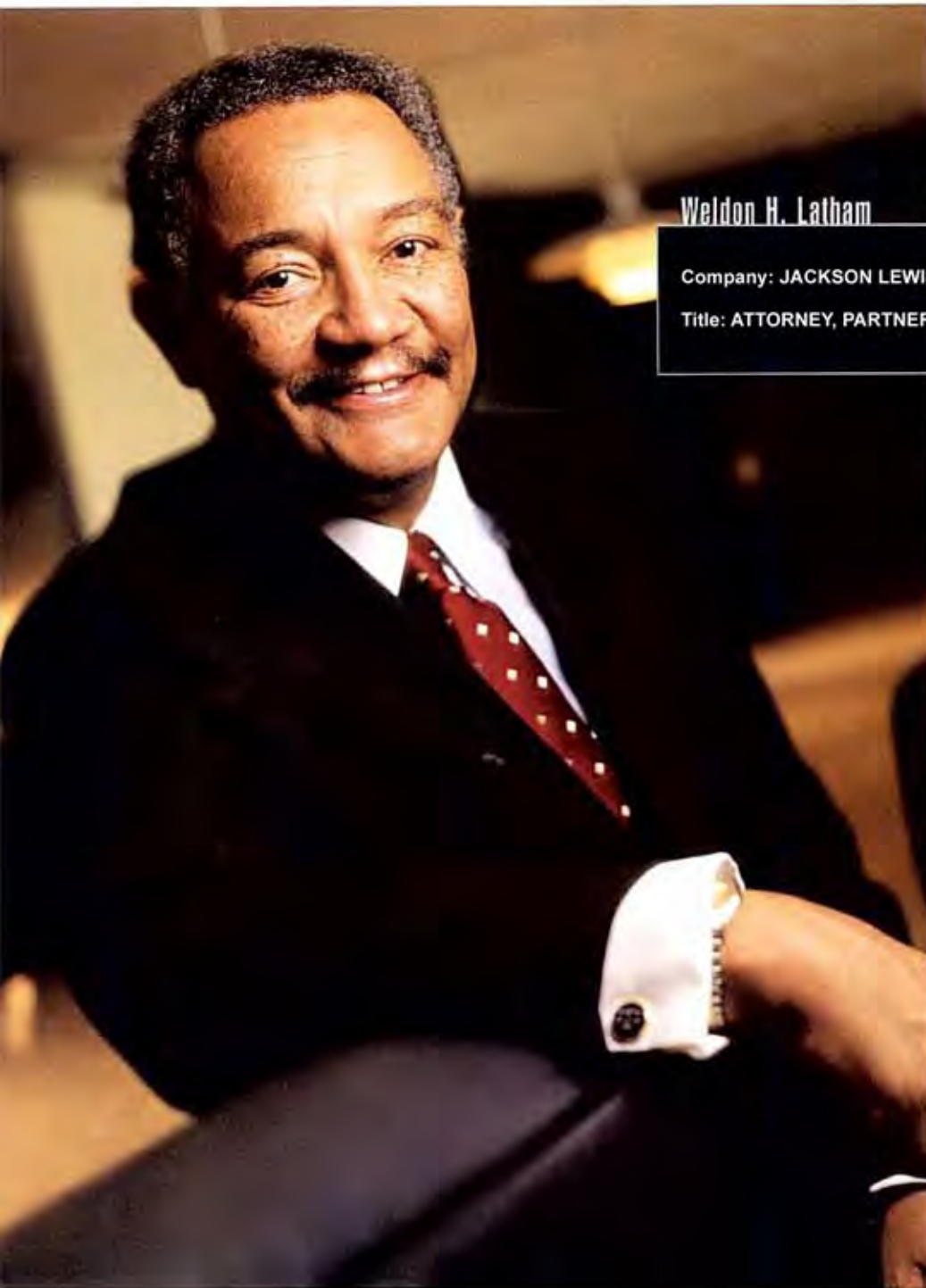
gation, employment law, in supplier and diversity programs, and philanthropic activities that relate to minority and women's communities," he says.

Don't confuse Latham's Diversity Counseling Group with the approach of some public-relations (PR) firms that try to mask the problems; he only works with companies that genuinely want to solve their diversity issues.

"A company that's not serious would rather hire a PR firm," says Latham. He advises his clients to hire PR firms to communicate to the public once they have solved the problem. "Don't get out the message until you change the product," he says.

In 1997, Latham was hired to advise GM about tensions with African-American-owned dealerships that accused the automaker of numerous discriminatory practices, including overcharging African Americans for dealerships and steering them to economically marginal communities. In the end, GM accepted 213 of Latham's 215 recommendations. "There's a great saying that came up in the [President] Eisenhower administration which is 'What's good for General Motors is good for America.' This is a case where that's absolutely true."

Latham, who chairs accounting and consulting firm Deloitte & Touche's Diversity Advisory Board, which advises the firm on the implementation of its internal diversity strategy, is a strong advocate of affirmative-action programs and voiced his disappointment with President Bush's opposition. "In the '60s, the government was leading the way and dragging corporate America, kicking and screaming, to do the right thing and forcing them to do it by changes in the laws. In 2000, corporate America is pulling



Weldon H. Latham

Company: JACKSON LEWIS LLP

Title: ATTORNEY, PARTNER

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the government behind it and it's a disappointment that a president who has a great term—'affirmative-access'—doesn't realize that in this country you don't get access without an education," he says.

It was education coupled with a strong grandmother's influence that put Latham on the track to become one of the nation's most sought-after attorneys.

"I had a grandmother who loved me very much and was totally exasperated by me ... because she said 'He's always talking, he always wants to give you a response, he always wants to give you a rebuttal, he always wants to argue with you' ... so probably [when I was] around 3 years old she started saying, 'You really need to be a lawyer, because that is the only way you're going to survive, the way you deal with people.' "

Latham, who received his bachelor's degree in business administration in 1968 from historically black Howard University in Washington, D.C., at first thought he had made the wrong choice of college since Howard had no standard pre-law curriculum.

"I arrived thinking there was a pre-arranged course," he says. A guidance counselor suggested he take business-administration courses, improvising for the lack of pre-law courses. "That's purely how I picked it," says Latham. "Then, having gotten into it, I found those courses to be very interesting ... I happened to have a professor who was a lawyer and a businessman and I got really hooked on that kind of law and it moved me in that direction to be a business lawyer."

After graduating from Howard and receiving his law degree in 1971 from Georgetown University Law Center, Latham went on to work briefly for Washington, law

firm Covington & Burling before he fulfilled his deferred Air Force Reserve Officer Training Corps commitment he made during the Vietnam War. He quickly rose through the ranks, working directly with the secretary's office of the Air Force, providing civilian advice on major legal problems.

"I was the first African American picked to be in the honors program, general counsel's office of the Air Force office of the secretary," says Latham. His work so impressed the Air Force, it earned him special assignments with the White House, which ultimately brought him face to face with a prominent African American who suggested he leave the Air Force and work for the White House. "The person who was giving me that good advice was Colin Powell," he says.

"Colin Powell facilitated my early release from the military to come work in the White House and I went to the Office of Management and Budget. Over time, I went from business law to the Air Force to the White House," says Latham.

In 1996, Latham came full circle in a big way to business law when The New York Times published quotes from a transcript of a meeting where Texaco executives made racist remarks about African-American employees. Immediately, the chairman and CEO of Texaco, Peter I. Bijur, came to Washington, D.C., to personally recruit him. Latham proceeded with caution.

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WELDON H. LATHAM | *Jackson Lewis LLP*

"I had a reputation to preserve. My reputation was for being a defender of the minority community, being a defender of minority business. When issues would come up about the federal government's minority business programs and the civil-rights guys would get involved, people like [the Rev.] Jesse Jackson and the NAACP and others ... they'd come to me," he says.

Bijur knew what he was getting with Latham. However, Latham was putting his life's reputation on the line, and the considerable amount of currency and trust he had built up in the civil-rights community. Latham remembers how Bijur courted his services as a "great" story.

"He came down and told me what his problems were, told me how he needed my help. He said, 'You're hired,' and he went walking out the door. I said, 'Sir ... my wife tells me I shouldn't take this job, it will ruin my reputation.' "

Latham recalls they talked for another hour and he became convinced of Bijur's sincerity and was assured he wasn't being used as an "outside flak man."

"A lot of it [the discussion] focused around supplier diversity and things they weren't doing," he says. "People that know me know that I wouldn't take the case if I couldn't make a difference in the company."

Those words were put to the test in the Texaco case.

"I think he [Bijur] believed that the only way he would get the press to stop is to really change and eliminate the problem and he was just eliminating like you would eliminate a problem of drilling oil ... it's another business problem," says Latham. "He was doing it because it knocked a billion dollars off his stock value. He was getting letters from somebody every day and he couldn't run his company. So in my mind he did it for all the right reasons," says Latham.

Many of those letters were coming from people Latham knew personally in the civil-rights community and they were poised to

tion. We're working on it, but give us 60 days to come back to you and present what we have in mind and then critique what we have," he says. According to Latham, they all agreed to give Texaco 60 days before taking any action, except for Sharpton, prompting a lighthearted exchange between the two.

"So I'm doing this presentation and everybody is just shaking their heads and Rev. Al is saying, 'Why are you listening to him, who is this guy? I don't know what's wrong with my colleagues but I don't know why we should believe you or give you 60 days. You need to get out of the game.'

Washington with Rev. Jackson and Mfume, Sharpton and Dorothy Height," he says.

Weldon remembers the civil-rights leaders were suspicious when Texaco not only agreed, but exceeded their demands. "Peter [Bijur] was very bright and he had this chart up. He said every one of them had written him a letter and each one had said what he [Bijur] needed to do. He said, 'NAACP, you asked for nine items.' 'Jesse Jackson, you asked for 11 items.' 'Rev Al, you asked for seven items' or whatever. He matrixed them all across and said, 'OK, if I do everything you guys ask for, it's like 14 items, here's my 17-point plan to respond to your activities.'" Latham remembers the silence in the room.

"They're not used to someone giving them what they want. So they sort of sat around and said there must be something wrong with this," says Latham. He asked them to at least agree to Bijur's plan for two months and if they weren't satisfied, they could go ahead with their plans for a boycott.

Latham says the group convened alone for about 40 minutes and came back and said, "We agree with you. The plan is a good one. We're going to hold your feet to the fire, but tomorrow we're going to have a press conference and say that we think the plan is good and we're going to monitor it." Latham says, "From that, the rest is history."

Texaco agreed to settle the suit for \$115 million, divided among 1,400 current and former employees, in addition to corporate-wide reforms in its supplier-diversity program, going from \$135 million to \$1 billion over the next five years from the date of the settlement.

"It became a model," says Latham. "I think it's still a model today for what a company does that wants a comprehensive corporate diversity program." - [1]

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WELDON H. LATHAM | Jackson Lewis LLP

boycott Texaco. Latham recalls his first assignment was to avert a massive boycott.

"He [Bijur] said, '[The Rev. Al] Sharpton is picketing now, Jackson says he's picketing in 30 days and [NAACP President Kweisi] Mfume says he's picketing in 60 days.' He says 'you got to get them on the same wavelength.' "

Latham said he requested to speak with the respective camps of Sharpton, Jackson and Mfume at a central location where he made his "pitch" to them.

"Look, you guys got his [Bijur's] atten-

tion. Well, Rev. Al, the reason why is that I'm your home boy. I'm from Brooklyn. And he says, 'Where do you live?' I say, 'I grew up in Bedford Stuyvesant.' He said, 'Oh, a rich neighborhood.' " Latham says the room broke out in laughter. It was vintage Latham, who is known for neutralizing tense encounters.

Latham says he ultimately obtained 60 days and a couple of weeks to spare, before Bijur and he met again with the civil-rights leaders to iron out a settlement. "We all met in the Texaco office in