

Organizational Values and Strategy Task Force

Leading companies and institutions recognize the critical importance of diverse perspectives in driving organizational success. However, the current landscape is fraught with risk and requires strategic navigation of legal, reputational, and operational challenges.

Recent court decisions and actions taken by the Executive Branch have increased scrutiny of diversity initiatives and organizations now face significant legal and reputational risk, including federal and state enforcement actions, Congressional scrutiny, and private lawsuits.

We are here to help: whether it's by assisting companies developing inclusion and engagement programs that fully comply with the law, defending companies and institutions in litigation, or helping clients navigate high-profile government scrutiny and enforcement actions.

Responding to Inquiries from Congress and State Attorneys General

In recent years, dozens of states have introduced bills aimed at dismantling or restricting DEI programs. Congress, initially focused on DEI programs in higher education, is now turning its attention to corporations. Our Organizational Values and Strategy Task Force, Government Controversies and Public Policy Litigation, and Congressional Investigations practices possess deep experience helping clients navigate state regulation and enforcement actions, congressional investigations, and the media landscape. With a client's long-term interests in mind, we work to minimize reputational risks while advancing the company's brand. Our bipartisan team has extensive experience preparing witnesses for, and defending, depositions and interviews, as well as managing the response to information requests and subpoenas. We are also known for our experience in complex investigations, whether in response to a government inquiry or as a critical tool to address a problem proactively.

Analyzing and Defending Corporate DEI Programs

Increasingly, plaintiffs are bringing lawsuits against a host of corporate programs related to diversity, inclusion, and employee engagement. These lawsuits involve civil rights and employment discrimination statutes and frequently present reverse discrimination claims that point to a company's programs as evidence of discriminatory intent. We help organizations understand the aspects of their programs that are most vulnerable to challenge and take steps to ensure those programs are fully compliant with the law. When litigation is unavoidable, we draw upon a wealth of

experience representing clients across all facets of discrimination-related legal challenges to defend our clients' interests.

Counseling Directors and Officers

Challenges to corporate DEI initiatives could put directors and officers in the crosshairs of securities litigation or shareholder derivative actions, breach of fiduciary duty claims, demands, governmental investigations, or internal investigations. We counsel business leaders on individual liability, and work to ensure D&O insurance policies are up to date with market developments and expansions of coverage.

Organizational Values and Strategy Resource Library

- New Year, Renewed Focus on False Claims Act Risks for Recipients of US Funds
- Client Alert: DOJ Eliminates Disparate-Impact Liability Under Title VI. What's Next?
- Client Alert: Managing Divergence in DEI Obligations Globally
- Client Alert: What Businesses Operating in the United Kingdom and Europe Need to Know About DEI
- Client Alert: A New Era for Immigration Policy and Enforcement: Five Key Issues Affecting Higher Education Institutions
- Client Alert: Week One's DEI Executive Orders: What Higher Education Institutions Need to Know
- Client Alert: Week One's DEI Executive Orders: What the Private Sector Needs to Know
- Client Alert: DEI on the Defensive—Predictions for 2025
- One Year Later: The Implications of *SFFA* for Corporate America
- Client Alert: The Supreme Court Denies Certiorari in *Coalition for TJ v. Fairfax County School Board*: What This Means for Colleges and Universities
- Client Alert: DEI in the Crosshairs: Reflections On 2023 And Predictions For 2024
- Client Alert: Shareholders Pose Growing Risks to Companies' DEI Initiatives
- Client Alert: Senator J.D. Vance Calls for FTC and DOJ to Investigate Admissions Practices of Universities in the Wake of *SFFA*

- Client Alert: The Supreme Court Grants Certiorari in *Muldrow v. City of St. Louis*: How the Case Could Bolster Attacks Against Corporate DEI Initiatives
- Client Alert: The Supreme Court Strikes Down Race-Conscious Admissions Programs: Key Takeaways for Higher Education and Corporate DEI Programs
- Webinar: Post-*SFFA* Briefing: Risks and Strategies for Corporations after the Supreme Court's Decision in *Students for Fair Admissions*
- Webinar: *Students for Fair Admissions*: Immediate Post-Decision Analysis Webinar
- Client Alert: Threading the Needle: Navigating Potential Legal Threats to Supplier Diversity Initiatives
- Client Alert: State Legislators Target Diversity Statements in Latest Effort to Dismantle DEI Initiatives
- Client Alert: Standing Up for Diversity: How the Federal Government and States Are Fighting Back Against Anti-DEI Initiatives
- Client Alert: State Anti-DEI Initiatives Are Gaining Momentum: What Does It Mean for Your Organization?
- Client Alert: Elusive Litigants, Extraordinary Relief: How Unorthodox Litigation Tactics Endanger DEI Initiatives
- Client Alert: Board Diversity Efforts: Factors for Companies to Consider Given Growing Scrutiny
- Supreme Court Considers Native American Preferences and Classifications
- Affirmative Action: What Did We Learn from the Oral Argument and What's Next?
- Client Alert: *SFFA v. UNC* and *SFFA v. Harvard*: Navigating the Impact Across All Industries

→ Stay up-to-date on how SFFA may impact your business

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