

A CONVERSATION WITH TARA KELLY OF BP

ON HOW IN-HOUSE COUNSEL CAN ADVANCE GENDER DIVERSITY IN THE MALE-DOMINATED FIELD OF ENERGY LAW

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Professional women are an ever-increasing presence in the energy industry, thanks in part to concerted efforts by the industry to engage women in the workforce. For example, women represent more than 30 percent of BP's hires in recent years, and the company's goal is to have women comprise 25 percent of senior leaders by 2020. Female attorneys practice in BP's legal department at even higher percentages.



Tara Kelly is litigation counsel at BP, where she manages cases related to the Deepwater Horizon incident and response.

Prior to joining BP in 2011, she practiced environmental litigation at King & Spalding and products liability litigation at Dechert LLP. Kelly graduated cum laude from the New York University Law School in 2000. She also has a master's degree in literature from American University in Washington, D.C., and a bachelor's in philosophy from Stockton State College in New Jersey. Kelly is an adjunct professor at University of Houston Law Center, where she teaches negotiation and creative problem-solving.

Corporate counsel are uniquely positioned to promote gender diversity at the law firms they hire. Indeed, the impact of the gender shift occurring at the industry level can reverberate throughout the legal profession, because energy issues involve a broad spectrum of legal disciplines in both private and public sectors.

Tara Kelly, in-house counsel at BP and a member of BP's regional diversity team and its external counsel management committee, offers an inside look at her organization's robust diversity and inclusion practices, including standards for outside counsel. She also shares some insight and practical advice concerning common career challenges encountered by women in all areas of legal practice.

Q: What Is BP's Perspective on Diversity and Inclusion?

A: BP considers diversity and inclusion an essential component of its business model and a key source of its success. The company believes diversity and inclusion enables it to be more effective, creative, and competitive. BP's business leaders are required to attend diversity training and are accountable for progressing diversity goals. The company has implemented many initiatives to attract, develop, and retain diverse talent. BP employees have also established voluntary networks of diverse groups that enhance the success of the company's diversity and inclusion objectives. Those objectives encompass the gamut of diverse categories, including race, gender, LGBT, and disability, among others.

BP also expects its outside counsel to take measures to increase the number of diverse attorneys of all ranks, and it analyzes diversity data as part of its evaluation process.

Q: How Can In-House Counsel Help Women Advance in Law Firms?

A: We all know that it takes more than mastery of the law to make it to the top ranks in the legal profession. Men and women alike need certain types of access, opportunity, and encouragement along the way. For various reasons, women do not always receive that critical access as readily as their male counterparts.

In-house counsel have a unique opportunity to influence the law firms that serve the company and create opportunity for all attorneys, including women and other minorities. My experience is that our law firms are very responsive to requests from clients to develop and identify diverse attorneys. This is one of the many reasons I find in-house practice to be so rewarding. For example, we can ensure women do important work on our files. We can provide women with advice, training, networking, and business development opportunities. Most important, we can direct business toward women so they can receive origination credit and manage their own work. I also think it is very important for successful female attorneys to help prepare other women for success by sharing their perspectives on the challenges in the profession.

Q: What Are Some of the Challenges Facing Women in Law Firms?

A: My impression is that we need to continually bring attention to the subtle yet pernicious unconscious biases, misperceptions, and assumptions about women's competency and commitment to the practice that continue to affect women in law firms today. Implicit bias and stereotyping impede advancement by disrupting the sort of relationship-building that is invaluable to success. Women can also find themselves grappling with a barrage of micro-aggressions, micro-inequalities, and covert opposition to diversity and inclusion. All of these factors can present barriers to equality in women's status and compensation at law firms. Through my leadership involvement with DRI's Women in the Law (an organization for the Defense Bar, formerly called the Defense Research Institute), the Association of Corporate Counsel (ACC), and networking with women in different legal positions, I've also seen that some women in the legal profession still experience instances of overt hostility, sexism, and harassment.

Q: How Widespread is This Lack of Female Leadership?

A: My experience practicing at national law firms and in-house at a global organization like BP has exposed me to impressive lawyers all over the country. One issue that has been recognized in the industry, and that we have worked to address, is a lack of women in leadership positions—countless national surveys over the years bear this out. For example, the National Association of Women Lawyers' "Ninth Annual National Survey on Retention and Promotion of Women in Law Firms" reflects that only 18 percent of law firm equity partners are women, and the compensation gap between women equity partners and men is wide. The legal industry needs to improve these statistics because it is the right thing to do and it is what is best for the profession.

Q: How Have You Tried to Help Women Overcome These Challenges?

A: In addition to mentoring younger attorneys in the energy field and exchanging advice with a large network of women colleagues, I have presented and published advice on topics concerning women in the legal profession. I also mentor my law students and others in my network on these issues.

In 2015, I spoke at the American Conference Institute's Women Leaders in Environmental and Energy Law conference. In 2014, I co-authored a chapter on overcoming setbacks in the book *Women Rainmakers: Roadmap to Success*.

While writing the chapter in *Women Rainmakers*, I had the pleasure of interviewing women who are leaders and rainmakers in the legal field. What really impressed me was their tireless work ethic,

their enduring optimism, and positive approach to handling various setbacks in their careers. Their belief in themselves is what ultimately enabled them to attain such high levels of success. The lesson is to always believe in yourself, be a good lawyer, be a good adviser to your clients, and learn from your setbacks.

My single best piece of advice is to make sure that your contributions and achievements are known and that you receive due credit for your efforts. That is how you build a strong reputation, and your reputation is what counts most in this profession—it transcends gender and earns respect at all levels. I also believe in continual networking and building your own "good old girls" network—that is, a group of women lawyers in and outside of your company or firm that can provide important introductions, references, client and job leads, and support.

Q: Any Special Advice for Women With Energy Practices?

A: Practicing law in the energy field can be challenging (and rewarding) for anyone. Energy law encompasses broad and complex issues involving interactions with government agencies, industry clients, private litigants, the press, and public interest groups. The environment has traditionally been male-dominated, making advancement more challenging for women. Although the industry has made tremendous strides in recent years, we need to continue pushing for further gains. That progress will continue to benefit the industry and law firms that serve the industry.

In conclusion, Kelly's leadership and efforts are making a real difference at increasing gender diversity in her area of the law. She is an impressive model for fellow in-house counsel who are committed to this important cause. It is encouraging to know that industry leaders like BP are prioritizing diversity as a business imperative and that the industry's diversity initiatives are making an impact in the market. Each of us has the power and responsibility to help advance all types of diversity throughout our ranks. As Kelly demonstrates, women and other minority lawyers can play a vital role in this effort. While we are still a long way from achieving equality, the recent signs of progress in the male-dominated energy field will hopefully serve to inspire further change throughout the entire legal profession. ☉



Tiffany Delery Davis practices in the areas of maritime and energy law. She concentrates her practice on maritime and oilfield torts and contracts, and on environmental litigation involving oil

spills, oilfield restoration, and coastal erosion. She also has experience with regulatory and transactional matters concerning environmental and energy law. She is a shareholder in the New Orleans office of Liskow & Lewis and serves as the chair of the firm's diversity committee. Shannon Skelton Holtzman is a shareholder with Liskow & Lewis in its New Orleans office. Listed in The Best Lawyers in America, Louisiana Super Lawyers, and New Orleans Magazine's Top Lawyers, Holtzman has over 25 years of experience resolving business disputes, including complex contract and lease disputes, construction contract disputes, class action defense, unfair trade practice, fraud and business tort claims. Holtzman also regularly advises clients with respect to litigation avoidance and compliance with the Louisiana Private Works Act.