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**TIERNAN BRADY ADVISES
CLIFFORD CHANCE ON A D&I
CAMPAIGN WITH A GOAL,
NOT A FINISH LINE**

INSIDE

- **Cash Is King:**
GC Compensation
- **International Trade in the
Trump Administration**
- **Diligence Under Duress:**
IP Review on a Tight Budget
- **As Big Firms Charge More,
Companies Seek Alternatives**

Clifford Chance's Out-of-the-Box Inclusion Campaign

► **Tiernan Brady led successful campaigns in his native Ireland and in Australia to pass marriage equality by a public vote. He is one of the world's best-known advocates for LGBT rights, but has recently broadened his remit to be responsible for all aspects of diversity in his new role as Global Head of Inclusion and Diversity at Clifford Chance.**

CCBJ: Tell us what drew you to this new role with Clifford Chance.

Tiernan Brady: I'm an unlikely person to have ended up here. I have never worked in a law firm or corporate entity. My background is in public life. I was mayor of my hometown after college and would recommend this experience to anyone. You learn how the world really works in a small town. After two terms, I became Policy Director for GLEN (Gay and Lesbian Equality Network) in Ireland. I was charged with delivering civil unions legislation through the Irish parliament. We developed a successful strategy that led to my becoming political director for a public referendum on marriage equality. Much to the surprise of those who still think of Ireland as the land of rolling hills, sheep and priests, we became the first country to pass marriage equality by a public vote.

The Irish campaign worked because it convinced people that taking this step wasn't about rejecting who they are. That's relevant to all change. It's not about telling people they're bad and have to change, and we never expected that everyone would say, "Thank you, I will support you." We don't think like that. But traditionally, we do campaign that way. The Irish campaign was the opposite journey.

When we won with 62 percent of the vote, I was then asked to direct Australia's marriage equality campaign.

They became the second country – still one of only two – to pass it by public vote. That led to conversations with Clifford Chance about the firm's role in inclusion, diversity and values. I had good talks with our Managing Partner, Matthew Layton, and our Global Head of People and Talent, Laura King, about framing these issues as campaign issues.

There's an important difference between political and social change, and many people are tempted to look at the national referendums in Ireland and Australia as political moments. I don't. They're actually moments in a social change campaign that started long before the vote and will continue long after. Politics, by nature, tends to be about beating the other side – telling them that they are bad and removing them from power. But how can you do that, really?

That's where social change campaigns fall down. It's the opposite of what's needed for diversity and inclusion because the people on the so-called losing side don't go away. You aren't thrown out of Ireland for voting no. You don't get barred from the workplace if you're not there yet on some issues. Social change is about understanding that we're all in this together regardless of the political moments in our lives.

Campaigning for social change is a very different journey. It requires thinking of diversity and inclusion not as guidelines and programs but as campaigns to change our experience. It's easy to say you're for really great values. But the only way to prove that to your firm, your clients and the world is by standing up for people. Are you prepared to be campaigners for them?

Running campaigns has taught me that people are incredibly wise and have good radar. They are underestimated by those who devise campaigns thinking that

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they can get away with saying something they don't mean. Principles only matter if you're prepared to stand up for them when it's tough.

What inspired the firm to create your role?

Clifford Chance is a disruptor. My father was a solicitor, and I was aware of the firm growing up. (I studied law, but I'm a closeted lawyer. I try not to tell people about it.) The firm has continuously shaped the legal industry – from its origins in the London market as two firms from the rough side of the tracks, to becoming a preeminent global firm. This process involved empowering regions and staying away from the franchise model, and the creation of my role takes that forward.

In 10 years, the best firms will understand that inclusion is a core value of the law, and they will have made a strategic choice to become global experts on inclusion in advising their clients – not just about changing laws across countries but about improving the work experience. It's a radical shift to conceive of this within a campaign model. It's also a smart idea, and one that requires breaking new ground.

Our leadership gets it, and that was clear at our annual partners meeting in Washington, D.C. this past June. Fifteen years ago, "inclusion" would have merited a side session, but this year it was a central theme.

How will your experiences as an international equality campaigner influence your work?

This role is a continuation. It's global campaigning. As a small-town mayor and then a national director of campaigns, I learned that it's all about making change stick. It's easy to fight battles based on a winner-take-all political structure. But winning in the social change arena is different. The real win is about persuasion and using that to create enduring change.

One of the challenges we face is the presumption that change will happen on its own. In Australia, I often heard, "Oh, yeah, marriage equality will happen." But why would you think that? What evidence supports that when what you actually see suggests the opposite is true? I can't think of anything less inevitable than progress.

Progress is about fighting for the win and then spending the rest of your life defending it. Most talk about inclusion is based on rights that aren't very old – LGBT rights, anti-discrimination rights. They are fragile, and we have to avoid making the kind of progress that simply replaces one set of oppressed minorities with another. Real change comes from persuading everyone, and it's challenging because the space where you can have respectful conversations about difference is shrinking. It can't be done in a polarized environment such as social media or television. You have to create an entirely new space for raising questions.

What are your observations so far in meeting with stakeholders across the firm?

I view these issues across three spheres. How do we deliver inclusion and fairness in our firm, for our clients



Photograph courtesy of Thomas Donley, New York

and in the world? We are doing incredible work in all three. In the U.S., we piloted and are certified under the Mansfield Rule, demonstrating our support for women and other diverse lawyers. In Singapore, our team is handling the case against decriminalization of homosexuality. Just two of many examples.

The other thing you notice straightaway – one of the great strengths of being a global firm – is you can have a single goal but many different ways of getting there. Talking about ethnicity in our Tokyo office, where most of our people are Japanese, is different from talking about it in New York or London, where we have a broad mix of ethnicities and nationalities. Every office has the same set of challenges but also the need to approach that in different ways.

What's important is empowering people to understand that they are the agents of change in their space, in their offices. You don't need to be an expert in sociology to understand how to make an environment respectful, engaging and aware.

It's helpful, of course, to have colleagues who really want to be part of this. Our lawyers, for instance, don't think of inclusion as an additional piece of work but rather a core part of why they chose to study the law. They were attracted to the profession because they believe in justice. If you give smart and motivated people the campaign they deserve, they will create something incredible. I have no doubt about that.

Let's focus a bit more on the client piece.

If you need proof that law is the home of diversity and inclusion, look at pro bono work. We have a very large practice and plans to grow it exponentially in terms of inclusion. I have been engaging with our clients, and the reaction has been amazing. There's real hunger for this.

The fastest growing area we are asked about is matters dealing with inclusion and diversity. Now that we've reached that point, we have to remind ourselves this is already our core value and, as I mentioned earlier, make it our ambition to be the go-to firm for every client in advising on these issues.

We love your story about the Irish campaigners. Can you share that with us, and maybe a few others?

Sure. Let me first say that the language of inclusion can be intimidating. People feel that they have to be experts before they can be advocates. The journey is the opposite. I don't care if you're an expert. I want you to be an advocate.

A polite, middle-aged woman in Ireland came to the door to greet two men campaigning for marriage equality. "Thank you very much for coming," she said. "I've thought about it, and I'm definitely voting yes." But I don't know about himself, she said, referring to her husband, who was watching football in the sitting room. "Who's at the door?" he shouted. She yelled back, "The queers are here, and they want to get married" – to which he replied, "That's fine with me, but tell them I'm taken."

Tiernan Brady is global head of inclusion and diversity based in Clifford Chance's London office, where he is responsible for developing and implementing its global inclusion policies and campaigns within the firm, with its clients and in society. Reach him at tiernan.brady@cliffordchance.com.

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We had a politician in Ireland campaigning around marriage equality, but he kept campaigning for BLTs. "You've got to vote for the BLTs." He was campaigning for sandwiches, and that has to be okay. I don't want this incredible advocate to stop because he has the language wrong.

Another woman in her eighties, when asked about marriage equality, said, "Of course I'm voting yes. It's not your fault you're the way you are." You might say that this was a politically incorrect way to think about it, but I thought it was a great victory. That language is ingrained in her, but she managed to get to the other side and become a supporter of equality.

Any final messages?

The key message is that this is a campaign with a goal, but no finish line. In campaigns, you have to maintain momentum and energy. There is no day when you can say, "It's done. Let's go home." Just the opposite. The minute you quit, you stop making progress and may lose the ground you've gained. Our duty is to make the journey feel like the goal. When you do that, you've won. ■