

Skadden's Jessica Hough Talks Talent Challenges, Return-to-Office and Diversity

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BY CHRISTINE SCHIFFNER

Jessica Hough, partner at Skadden, Arps, Slate, Meagher & Flom's and head of the firm's Washington, D.C., office took the helm at the firm two years ago, just at the height of the COVID-19 pandemic. The National Law Journal sat down with her to discuss law firm management, challenges at her firm and within the industry, the firm's return to office policy, legal trends and diversity and inclusion efforts.

National Law Journal: What are the challenges you are seeing for the industry and your firm and what's your strategy to address them?

Jessica Hough: The biggest challenge has been the competition for talent. The market right now for attorneys is just incredibly competitive. In addition to keeping attorneys, it's a hard time to find people because there are just so many firms out there that are looking for folks right now.

Equally challenging is navigating return to office and these hybrid arrangements that allow people to work from home some of the time but also come to the office. There doesn't seem to be one answer that everybody in the industry agrees on. Balancing what attorneys want in terms of flexibility and working from home with the need for attorneys to get the work done at the highest level for clients and preserving firm culture—bal-



Courtesy photo

ancing that for me is one of the trickiest things, but getting it right is critical.

What is the return to office policy at Skadden at the moment?

Our expectation is that you'll be in the office at least three days a week and most people try to hit that. The majority of attorneys come in Tuesday, Wednesday, Thursday—a few people come in Monday. And Fridays, frankly, it's like a ghost town.

What trends are you seeing? Do you have any concerns looking forward?

There are a couple of trends—when you think of actual legal trends, I think there's going to

be a more active and complex regulatory enforcement regime. We've seen that starting to pick up a little bit—and I think it's also branching into different areas such as digital assets—that's going to continue.

ESG issues are huge and I think the other newer area is dealing with culture and racial equity audits, in particular, where companies want someone to come in and do an analysis to figure out whether their policies and systems are affecting the racial or discriminatory issues that face their community, stockholders, suppliers etc. Those are the legal trends that I'm seeing start to pick up.

When it comes to firm management, we have to make sure that folks have the opportunity to work on interesting pro bono matters where they feel like they're really helping people out. We are fortunate to have spent decades cultivating a robust, long-standing pro bono program, which is necessary and attractive for the current generation of attorneys, who are eager to ensure that, aside from their client work, they have opportunities to lend their legal acumen to do work on social issues that they care about. They want to get trained, they want to work on interesting technical matters but they also want to feel like they are helping people in need.

You took on this leadership role in the midst of the COVID-19 pandemic. What was it like to manage the Skadden Washington, D.C., office during that time?

It was challenging, in large part, because when I was head of the tax group in D.C. I managed by walking the halls, talking to and seeing people in person. You would get a feel for what's going on, what's worrying people and what's going well. Taking over during the pandemic and not being able to do that at all—if you wanted to talk to someone, you had to pick up the phone and you can't really read them, or you can do a video call, which is better than a phone call in some ways—but it's still not the same as just bumping into somebody in the hall.

I found that to be the most challenging part—not having that face-to-face, one-on-one contact with people the way you would if you were just walking around the building.

The other challenge was—back in the summer of 2020—there was a racial reckoning in the aftermath of the George Floyd murder that led to yet another layer of unease, with people already feeling off-kilter because of the pandemic and having to work remotely. Doing the work for our clients was of course a priority, but just as important was making sure that

everybody in the law firm who was doing the work, whether it was attorneys or support staff, was doing OK.

Looking back at the last two years, what were the highlights both in litigation as well as within the firm?

A big priority for the D.C. office was refreshing our government talent. We had several partners that had retired over the last five years, many with government experience.

Refreshing that expertise with folks that were coming out of the government or had deep government experience was important. Since 2020, we have hired nine lateral partners, and of those nine, eight have government experience. That was a priority for the D.C. office and one that we successfully were able to complete.

In addition to the lateral hires, it's still really important to us to continue promoting our home-grown talent. We have a very robust summer associate program. Over the last two years, we promoted 16 counsel and seven partners. Refreshing the pipeline and promoting folks is a big priority for us.

We've had several recent big wins on matters led by the D.C. office. One of them is from our appellate and Supreme Court practice. That is a new practice area for our office—we brought in Shay Dvoretzky a couple of years ago and he has done a

great job getting this practice up and running. He was working on several Supreme Court matters and then he had a big unanimous win in 2021—the *Edward Caniglia* case—it was a Fourth Amendment case that he argued before the Supreme Court.

In addition, our antitrust litigators had several huge wins, including representing Sprint in their merger trial with T-Mobile. That was a victory for our client that allowed the merger to go through.

And then, we also had a huge, one-of-a-kind M&A project that our D.C. office did for PPL that involved swaps of different assets—multi-party asset swaps. It was a very unique deal.

Our regulatory attorneys are working on all sorts of government-facing issues involving everything from the FDA to the CFPB to the Treasury to the FTC, among others.

How do you define your leadership role as a woman running a big D.C. office? What are your priorities also in relation to diversity, equity and inclusion?

My priority was in making sure the firm is—especially during the middle of the pandemic—able to do the work that our clients are hiring us to do. They pay us to work on really hard, cutting-edge issues, so making sure that we were getting that

work done and getting it done to the highest level was my priority.

People have been focused on DEI issues for a while now, but I think there's a heightened focus after the summer of 2020. It's always been really important and personal to me. As an LGBT black woman—in everything I do—diversity has always been in the back of my mind. I think the firm was in a place where it's always focused on diversity, too, but the summer of 2020 made everything they were doing in our diversity efforts much more intentional.

There were several overarching areas the firm at large was interested in focusing on, including the attorney talent pipeline and making people feel more included. That was something I was particularly focused on because as somebody who is diverse myself, I realize how important it is that you can recruit diverse attorneys. You can bring them in the door, but the key is, they need to feel valued, they need to feel like the firm wants them here.

There are a lot of DEI programs that were in place before 2020 but, after the summer of 2020, we instituted some new programs, focused on other areas of the DEI space.

For example, we have career sponsorship programs where we're focusing on diverse

women that have high potential, and making sure we are matching them up with a sponsor. We are really saying—you're a person we want to make sure is getting trained and getting good opportunities so you will be in a place to get promoted.

It's that kind of intentional programming that allows us to not just increase the pipeline and number of folks that we're bringing in the door, but to make sure, once they get here, they feel that they are part of Skadden and that they are getting the opportunities they should.

When talking about diversity, isn't the key to convey authenticity?

I agree completely. One of the things that we did this summer here in the D.C. office was what we call 'Inclusion Week.' It's a week of programming around diversity issues. So we had different panels with attorneys that were talking about issues that they deal with or talking about how to brand yourself in different stages of your career. And on one of those panels, a lot of the diverse attorneys spoke about authenticity. If you work at a place where you feel like you have to be somebody else when you walk through the door, you're using up energy to be that other person—when that energy could be used instead to, for example, draft a great brief.