

# SXSW + Jackson Lewis' Technology Industry Group

By Eric J. Felsberg & Scott P. Jang

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## Meet the Authors



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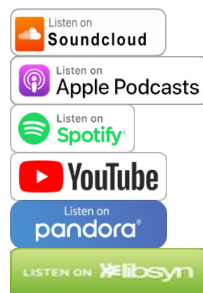
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## Details

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SXSW is widely known for celebrating the convergence of tech, film, music, education, and culture. Selected to participate in this premier event, the Jackson Lewis Technology industry group hosted a panel on how employers can advance their DEI initiatives.

Jackson Lewis P.C. · SXSW + Jackson Lewis' Technology Industry Group



## Transcript

Welcome to Jackson Lewis's podcast, We get work™. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable, and inclusive workforce. Our podcast identifies issues that influence and impact the workplace and its continuing evolution, and helps answer the question on every employer's mind.

How will my business be impacted? South by Southwest is widely known for celebrating the convergence of tech, film, music, education, and culture. Selected to participate in this premier event, the Jackson Lewis Technology Industry Group, realizing the impact and potential disruption of the US Supreme Court's 2023 decision on affirmative action, hosted a panel on how employers can advance their DEI initiatives.

In addition to DEI, other significant workplace themes were discussed at South by Southwest, including artificial intelligence, fair chance legislation, and the importance of all tech employers building a culture of equity and fairness. Listen to this special episode of We get work™, where we review the firm's first, but not last, participation at South by Southwest. Today's hosts are Eric Felsberg and Scott Jang, principals and co-leaders of the Technology Industry Group.

In their shared role, Eric and Scott help emerging startups and established organizations navigate the complexities of the tech world with confidence and strategic foresight. Eric and Scott, the question on everyone's mind today is, what are some of the highlights and trends spoken about at the 2024 South by Southwest Conference and how does that impact my business?

Thanks Alitia. How's it going Eric? Hey Scott, how are you? I'm doing alright. I will have to say though, I am still catching my breath. You know, I'm still recovering from the quality of the content and the variety of topics that we saw at South By. I don't know if that was your impression as well. Yeah, I mean just the completely amazing experience. I was telling some of our colleagues that...

It was probably one of the most thought provoking and inspirational, I will say, conferences I've ever been at. I mean, the quality of the presenters and the content was just off the charts and really something everyone should get to experience at some point. Yeah, this was my first time at South By and I just didn't realize that we of course had the workplace track, but we also had segments on science and technology, sports, music of course, and film. And,

After coming back from SXSW the way that I always described it, it was, it's kind of like that movie, everything everywhere all at once. Did you see that movie? I did. I did. It is, and it could be overwhelming at times because you just, you can't decide which, you know, which program to go to because so many of them are, are interesting and they're, they're going on simultaneously. And the perfect microcosm of that, I think was I always describe this as saying, you know, in one room,

We had Dwayne Wade talking about his career. And then in another room, we had female astronauts linking up to space, talking about life as an astronaut. And that just really shows the depth and the quality of content that was on display at South by. And that may be a good segue actually to talk about Jackson Lewis's presentation, not to throw in a plug, but it was a great program by our colleague, Michael Thomas and our Orange County office.

He and of course, Roberto Concepcion from Hearst Communications, Yvonne Hutchinson from ReadySet, and Aisha Massengill from Sonos led a great conversation about DE&I initiatives in 2024 and beyond. And I know that we both attended Eric and I thought it was a fantastic program in which the panel really fleshed out what not only employers should be thinking about, but employees should be thinking about in the landscape of DE&I initiatives post the Supreme Court's decision in students for fair admissions. And I thought one of the key takeaways was kind of this theme about the push and pull of DE&I and that there is this ebb and flow with respect to diversity, equity, inclusion efforts in the workplace.

And that even though we have this decision from the Supreme Court, that that's not the end to DE&I efforts and that employers employees alike should be thinking about what exactly does DE&I mean for them and how does that fit in their organization? And so the theme in that DE&I is a tool and that employers employees alike must make sure that DE&I efforts are built in structurally, whether it's, you know, through leadership or other structural elements of the organization ensure that even though we have this push and pull with respect to DNI, that it proceeds forward into the future.

Yeah, I would agree with all that. I thought one of the things that was really great about the panel is, I think there was a lot of uncertainty and confusion following the Supreme Court's decision as to what is permissible, what's permissible in different settings. And I thought one of the things that Michael Thomas did a nice job of to start off the session was to kind of provide the legal framework, right? And I think

once he laid that out and he did so in a manner that...

you know, even if there were non-lawyers in the audience, they could kind of really understand what the different standards were and then kind of put those concepts to our panelists. And so, you know, of course we had Ayesha and Roberto who were in-house who were grappling with these issues kind of on the front lines. And then Yvonne who works across multiple employers and really kind of has her thumb on the pulse of all things DEI, it was a really good discussion within that legal framework. So I think it really kind of clarified, for employers as well as folks that work for employers as to kind of what the expectations are, where are the risks? And a lot of kind of their talk was really geared around the delicate balance between advancing DE & I, but also managing and hopefully mitigating any sort of risk that can flow from that. So it was a, you know, well-attended program. And I, you know, I always kind of use as a measure of how well the program.

went is the amount of engagement that you see from the audience. And, you know, I know Scott, you were in the room with me and as well as several of our colleagues and, you know, toward the end of the program, you know, it kind of came a race to the finish because they were kind of running out of time, but yet had a line of people waiting to provide their perspectives and ask questions. So I thought all in all really well done. And, you know, I think everyone that was in the room left with at least some nugget of wisdom that.

they could take back to their workplaces and apply in a practical way. I agree. I think that the panelists did a fantastic job in educating and enlightening us with respect to what are the issues post the Supreme Court's decision. And I know that there was a lot of uncertainty, as you mentioned, with respect to what does this mean moving forward. And I thought it was a great discussion. And

If anyone wants to listen to the discussion, I do know that it is posted on South By's website. So I would encourage everyone to go ahead and check that one out. Yeah, absolutely. Well, what else did you happen to catch at South By, Eric? Yeah. You know, I think I was saying to you when we were there, I wish I had spent more time before we traveled down to Austin where South By Southwest is held so that I could come up with a game plan because once, you know, I waited till I arrived and

You know, once you start looking at all the topics, all of them are very engaging and you kind of have to make some decisions about which ones do you want to kind of see and spend some time with and which ones could you live with missing because, you know, I think you would agree, I think most attendees would agree that if you were able to, and I don't think there's any way you could attend every single program, it would be time well spent. But what else did I do? So one of the programs, I mean, one of the big themes that...

at the conference this year was AI. AI was everywhere at the conference. There were multiple sessions on it. And so one of the sessions that I joined was AI and Humanities Co-Evolution. And this is with OpenAI's head of chat GPT, right? So, you know, our firm has an AI services group. And so we help employers kind of navigate this rapidly evolving world of AI. So this topic was...

Really interesting to me. And what was even more interesting than just the title was

Peter Deng, who was the head of chat GPT at open AI was being interviewed by Josh Costin who's with signal fire now, but he was the former editor at large for tech crunch. And so they had a, it was approximately an hour, very engaging discussion about AI. And it was interesting, right? Because Josh.

was raising a number of questions that I think we all have and to kind of hear it right from the person who is literally at the front lines of chat GPT who leads that team really fascinating, right? And so some of the kind of points that I took away is, you know, from Peter Deng's comments was, you know, he kind of sees chat GPT as a thought partner and he kind of made the comment that he feels that AI makes us all more human.

It lets us go deeper and ask questions and it opens up more information to all of us about what we're curious about. And so, you know, it was interesting to hear his perspective because if you do think about that, I think that really is true, right? You know, chat GPT and a lot of these AI platforms, they're powered by kind of what's out there, you know, on the internet and all of that at some point, right, is created by humans on some level. But yet, you know,

these AI tools are kind of taking all that and making it into kind of new content. So, you know, he said that it, you know, it does make us more human, right? It's not, we're just moving completely over to machines because it allows us to ask these questions and get really comprehensive responses to it. But he says that he uses it again as a thought partner to help him think through issues, maybe when he's stuck, you know, in terms of something he's grappling with at work or otherwise.

But I thought one of the interesting questions that Josh Consine had asked Peter Dang was, how do you know if content that you come across is AI generated or generated by a human and doesn't matter? And it was an interesting answer, right? The initial answer was that Peter thinks now that it does matter, but in the future it may not, right? And the example he gave is that, you know, if you were to get an email or text or what have you from a colleague of yours,

and the sentence that's in that email is grammatically perfect. Do you care, right, that an autocorrect program was used when that email was drafted, right? Do you care? And his point was maybe in the beginning you did, right, because it was such a new technology, but nowadays it's so commonplace that you don't really care that an autocorrect program was being used. And I think, you know, I'll talk about this other AI program that I sat through, which was terrific.

But I think one of the themes that were flowing through at least the two programs that I saw was that, you know, everything's so new to us now. And if you think back a few years ago, seems like a few years ago, I remember when I was back in college, they brought up this notion of email, this concept of email. And I was like, you know, I'm not even so sure what that is, but it sounds difficult. You know, why can't I just call somebody nowadays? You wouldn't think for a moment about living without email. And so,

I think these presenters are saying, look, it's so new and novel to us right now, but in a few years, it's not going to be, right? So whereas autocorrect programs were new and, you know, maybe there was some skepticism like there is now of AI, maybe there'll

come a time where it'll be so commonplace that we don't think much about it. But a very engaging discussion. And I thought that Peter Deng's parting comments toward the end of the program, which were, stay curious.

really could have been the theme of the entire South By conference because I sat through some workshops that going there I didn't know I had an interest in. Now that I have, I'm incredibly, incredibly curious about some of these topics. So that particular program really, really engaging, very interesting and thought provoking. And I know that this is a topic that you and I discussed quite a bit and will be speaking on. I was wondering if..

they happened to touch upon the legislative or regulatory or social aspects of AI because the emphasis that this is so new also raises the questions of what do we do with it? Yeah, and so they did touch on that a bit, the idea of not so much from a regulatory perspective, but the concern that everyone has is that somehow AI could be misused. And they did.

kind of comment that that's something that they think about and, you know, they see possibilities of this being used in a good way in other settings. And so they spent a lot of time talking about, you know, how does the use of AI impact the legal practice and how does it impact medical practices, right? Or one day you're going to kind of punch your symptoms into an AI program and perhaps you're going to get an AI diagnosis as opposed to speaking with a doctor or.

you know, with lawyers is there going to come a time where, you know, you're going to have AI playing a huge part as part of defenses, you know, legal defenses, for example. And so, you know, they didn't get too much into the regulatory landscape, but I think they did touch on a number of topics that regulators out there are kind of thinking about. But it was kind of humbling in a way to hear from Peter Deng. Again, he's the head of CHAT GPT.

you know, be confronted with some of these questions and in very genuine way say, Hey, that's a good question. That's something we need to think about. Right. So really engaging and you know, the thought that they're still thinking through these issues. And as an audience member, you're kind of watching technology be made right in front of your eyes. And so it was, uh, it was a pretty special presentation. That sounds like a fantastic presentation. And I will definitely try to catch that one on South by his website.

In terms of myself, I happened to cross upon a panel led by some various distinguished guest speakers and the program was called building a fairer future of work, one job at a time. And the focus there was about fair chance legislation, but from a business and social point of view. And the main takeaway from the presentation was the real business pros of adopting fair chance legislation. And there were actually two presenters who were real life beneficiaries of such legislation and their life path and journeys. And so from the business perspective, the idea was the statistical analysis that has been done that shows that those who have been convicted with a crime.

and who are trying to enter the workforce actually have a higher retention rate when brought back into the workforce, even though they have great difficulty in finding jobs

once they have served time. And the discussion related to the whole notion of this giving another opportunity to these employees is a great way of reducing.

recruiting costs, stabilizing your workforce, and really building a culture of equity and fairness within the company that I thought was very interesting and enlightening to hear that perspective. We also heard from Larry Miller, who is an executive at Nike. And he told his story about how he was convicted of a felony at a very early point in his youth. And he ultimately, you know, became the president of the Portland Trailblazers and then became an executive at Nike leading the Jordan brand.

And the power of giving workers in the workforce a second chance to really demonstrate and show their abilities and the untapped resources that this population of the workforce is. And so I thought that was particularly powerful and the takeaway, the catchphrase or the key line that the presentation left off with was just make one hire, but it was.

very powerful to hear real personal stories about how this actually does affect a lot of colleagues in the workforce. Yeah, it's just another example of a program where it sounds like for the gentleman who worked with Nike and had their early run in with the law, that somebody was able to absorb that and still not let them hold them back and be able to go on to succeed is...is very inspiring and again, that was kind of the one word I would say across all of these programs is that I would always walk out with a nugget and it sounds like you had that experience where something you heard in there really kind of made an impact on you and I think that's what was really special about the conference. Yeah, I had attended a couple more. I'll just touch on. Next one I attended was something called Billion Dollar Teams, the future of again, another AI powered workforce, another AI topic.

This one though was led by Ian Becraft, who's from an organization known as Signal and Cypher. And this one was a very interesting and thought provoking, but at the same time a little scary in terms of what the message was. A very engaging program, but talked about this, the concept of how AI is developing exponentially. You know, how quickly it's developing since, you know, just a few years ago.

It was something we really never came across in our everyday life. And, you know, he, as I alluded to before, kind of touched on this notion that, you know, when digital was first coming out, everybody was completely engrossed in how kind of digital was going to change our life. And people would be holding themselves out as being, you know, digital based or, you know, somehow involved in digital technologies. And that was kind of seen as the cutting edge technology, a lot of excitement. And now.

Today, it's kind of old hat, right? We don't really think about all the digital devices that we use on a daily basis. And so he had this kind of quip that, you know, the concept of an AI powered company that so many companies, you know, put that phrase in their slide decks, that particular phrase has a short shelf life because before too long to say that you're an AI powered company isn't going to really resonate because everybody's going to be AI powered, right? And so.

He also, I thought in a very compelling way, confronted this age old issue. And I say age old, the age old being, you know, over the last few years about, you know, is AI going to take all of our jobs away? And, you know, he talked about this idea of what he

called a creative generalist, right? So this would be somebody who, you know, kind of in my words, you know, embraces AI and embraces how technology is evolving and kind of reinvent how they do their jobs and leveraging AI to this idea that, you know, while you may not be a good author or a good artist or a good whatever, that you now have this technology at your fingertips that could help you do all those things. And these creative generalists are going to help, you know, kind of see the link between all these different capabilities and how they can help the workplace. And then the other kind of idea he talked about is how,

companies are gonna become stronger and stronger with fewer and fewer people potentially, right? So if you're thinking about as an employee, hey, I'm gonna take on AI and it's not gonna take my job, well, that may not work out so well for you, but if your mindset is I'm going to embrace AI and try to have it help how I perform my job and how I evolve in my job, well, then there's probably room for you to succeed. So that.

Again, very engaging talk. And then, you know, you touched on this next one that I saw in your opening comments, and this was one I wasn't planning to go, but the topic just grabbed me, right? This is one that I just kind of saw a sign on this. I said, you know what? I'm going to pop in here and see what it's about. And the title was Live From Space, Astronauts and Your Work in Orbit. So.

Right there for me, they got extra extra points, right, for just a really creative title. But essentially what it was, I think they had three representatives on the stage from NASA kind of talking about their involvement in sending astronauts to space at the International Space Station. As if that wasn't interesting enough, NASA then kind of beamed in from the International Space Station two astronauts, one of whom was about to end her mission, I think,

over the next couple of weeks, apparently, I guess they stay there for a period of time and then come home. And there was one who was just starting her mission. And so they were talking about all the challenges of space, right? You know, the lack of gravity and what that means, you know, from the mundane, right? So if you're, you take a pen and you write something down, you put the pen down on earth, it stays there, right? In space, it kind of floats off. And they said, once it kind of floats off, it's in the space station. But the space station's the size of, roughly the size of a US football field, you never really find that pen again, right? And so they talked about some of that stuff. They also talked about how like astronauts have to work out while they're there because there's no gravity. They're not really depending as much as we do on earth on our bones and our muscles. So working out in space is critical. So there were a lot of anecdotes like that that were very, very interesting. What I thought the beauty of the program was, was this whole idea of

when you send somebody to space or you're sending multiple people to space, you have to think of every contingency, right? You have to reduce risk, you have to think about what's gonna go wrong, you have to think about methods to optimize performance. And so it kind of got me thinking, and I think this is the message they wanted to leave everybody, at least from my perspective, is, you know, there's a lot of parallels to the workplace, right? And Scott.

The business that we're in is employment lawyers. This is what we do all day long,

right? Is how do we reduce risk? How do we optimize employee performance? Like what could go wrong? What type of protections, what types of policies, handbooks, policies, practices do we need to have in place to mitigate the risk of something horrible taking place? And again, we talk about it, I talk about it, you talk about it in the workplace, which does seem a bit small when you're talking about

that versus sending astronauts to space, but I still think it's similar lessons, right, that we can take back to the workplace. So that one was really interesting and there were a lot of novelties associated with this program, you know, beaming in astronauts from space being one of them. I think when you kind of boiled it all down, the messages that you receive from this very impressive, obviously intelligent panel that they had both on earth and in space, you know, at the end of the day, you could kind of take

back some of those lessons to the workplace. So while they were all terrific programs, I came across that one I thought was among the most creative and again, inspiring. So how about you? Did you catch any others? Well, first of all, I don't know about you, Eric, but I commonly equate my work to a NASA astronaut and the importance of my work to society as a whole. Now, I thought that in addition to the Fair Chance legislation panel, another program that I saw was with respect to just generally how to make your workplace better. And that was hosted by a great panel, including Erica Ward, Warren at Adobe. She's a head of communications, I believe over there. And one of the main takeaways that I came back from, from the panel was the role of building culture and a leader's role in building culture and.

I don't know, maybe just because I am a newer partner to the firm, it did resonate with me in terms of everyone's collective responsibility of building culture and how important it is for leadership to be at the forefront of that and how that is essential to making, you know, your workplace great. And another point that I think Erica highlighted was that leadership and building culture is a muscle.

and like a muscle, it needs to be exercised daily. That was another program that really struck me with respect to its poignancy and relevance to, you know, just even my personal daily work life. Yeah. And like I said, I think that was the theme for a lot of these programs. I think regardless of what the topic was, there seemed to be always something, even if it was one point like you just talked about.

that you could bring back to the workplace and use it in a practical way. So that's what I really enjoyed about the conference. Fully agree. And I don't know about you, but I am definitely looking forward to South by 2025. And along those lines, I also have a better sense of which barbecue spots I will be trying out next year. Likewise. I hope to be with you next year at South by cause I.

Virtually certain they will have a lot of terrific programs and compelling speakers much like they had this year and they have a long history of providing and yeah, you're right. If nothing else, we can go get some of that barbecue because you know, that was something I missed as soon as I got on the plane to come back home. Well, thanks for listening and stay tuned as Eric and I have further updates with respect to not just South by Southwest, but of course everything in the technology industry space. Thank you, Scott.

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