

**TITLE:** Is That a Unicorn I See? – A Conversation with LGBTQ Asian American Partners

**SUBJECT MATTER:** LGBTQ; Career Development

**DESCRIPTION:** Interested in hearing about the challenges of being a minority in the practice? In recent years, many law firms have put diversity and inclusion on the top of their agenda. And, although it is relatively rare to see an APA attorney make partner or even an out LGBT attorney make partner. So, what about LGBTQ Asian American law firm partners? Read: UNICORNS. For the first time in history, we sit down with some of the handful of out LGBTQ Asian American law firm partners in America to discuss their career paths and the impact their identities and intersectionalities have played in the journey towards partnership. Engaging in an open and frank conversation, the speakers will provide their thoughts on visibility, mentorship and role models, diversity programs, law firm recruitment and their role and responsibilities as partners (including business generation). We hope the experiences and lessons shared by the speakers prove valuable to *any* attorney or law student, as they touch on universal issues such as overcoming career challenges, tackling fear and vulnerability, finding common ground with those of different backgrounds and being a “first” within an organization, all from the unique perspective of our LGBTQ Asian American partners.

**MODERATOR:** Hon. Sabrina S. McKenna, Associate Justice, Hawaii Supreme Court

**SPEAKERS:**

David Tsai, Pillsbury Winthrop Shaw Pittman LLP

Connie Montoya, Hinshaw & Culbertson LLP

Jacob Y. Chen, Dai & Associates, PC

Trung D. Tu, Tyson & Mendes

## Program Materials – Bibliography

1. “The legal profession is diversifying. But not at the top.”. The Washington Post. November 27, 2017. ([https://www.washingtonpost.com/news/wonk/wp/2017/11/27/the-legal-profession-is-diversifying-but-not-at-the-top/?utm\\_term=.3457d7ced611](https://www.washingtonpost.com/news/wonk/wp/2017/11/27/the-legal-profession-is-diversifying-but-not-at-the-top/?utm_term=.3457d7ced611)). This article summarizes findings by the Minority Corporate Counsel Association (MCCA) on the disparity between minority law firm associates and partners. Included in the findings is the fact that Asian American lawyers are the most underrepresented in law firm leadership. In response, MCCA outlines a number of initiatives it plans to take.
2. “What’s Keeping Asian-American Lawyers From Ascending the Legal Ranks?” NPR. July 31, 2017. (<https://www.npr.org/sections/codeswitch/2017/07/31/538299755/whats-keeping-asian-american-lawyers-from-ascending-the-legal-ranks>). Another study of Asian Americans and the legal profession, undertaken by California Supreme Court justice Goodwin Liu. Notably, the study finds certain obstacles Asian Americans face including a lack of access to mentors, as well as stereotypes of Asians as being unable to assimilate.
3. “Asian-Americans are underrepresented in influential legal jobs, study says”. ABA Journal. January 17, 2017. (<http://www.abajournal.com/news/article/asian-americans-are-underrepresented-in-influential-legal-posts-study-says>). Another article of key findings by Justice Goodwin Liu.
4. “Fish & Richardson’s DJ Healey on Practicing Law as a Transgender Trailblazer”. Texas Lawyer. February 2, 2018. (<https://www.law.com/texaslawyer/sites/texaslawyer/2018/02/02/practicing-law-as-transgender-trailblazer/?slreturn=20180617111409>). A profile of a transgender law firm partner’s experience ascending to partnership and interactions with other attorneys and clients. We can draw on these experiences in an attempt to understand challenges faced by transgender Asian American attorneys.
5. “The Asian Glass Ceiling: Studying the Model Minority Myth”. Fortune. June 4, 2018. (<http://fortune.com/2018/06/04/asian-americans-model-minority-asian-glass-ceiling/>). Article on how the model minority myth plays into the career path of Asian American professionals. Additionally, the article points how the model minority myth may affect Asian ethnic groups differently.
6. “Does The ‘Bamboo Ceiling’ Shut Asian Americans Out of Top Jobs?”. NPR. May 23, 2014. (<https://www.npr.org/2014/05/23/315129852/does-a-bamboo-ceiling-shut-asian-americans-out-of-top-jobs>). This is an interview with Linda Akutagawa, president and CEO of Leadership Education for Asian Pacifics, or LEAP. LEAP conducts leadership training for Asian American professionals and also consults corporations on these issues. In the interview, Akutagawa discusses the bamboo ceiling, and LEAP’s work in addressing it.
7. “Law Firm Data Suggests Continuing Challenges for LGBT Lawyers”. American Bar Association. March 20, 2017. ([https://www.americanbar.org/content/dam/aba/administrative/litigation/materials/2017\\_LGBT\\_Forum/Written%20Materials/1\\_law\\_firm\\_data\\_suggests\\_continuing\\_challenges\\_for\\_lgbt\\_lawyers.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/litigation/materials/2017_LGBT_Forum/Written%20Materials/1_law_firm_data_suggests_continuing_challenges_for_lgbt_lawyers.authcheckdam.pdf)). Drawing from data from two recently published studies that reveal how attorneys are less likely to identify as LGBT than adults in the general public, this article discusses

these findings and suggests a few reasons why diversity efforts have not yet yielded full inclusion of the LGBT community.

8. "LGBTQ In Biglaw: Advice For Law Firms And For Job Seekers". Abovethelaw.com. February 10, 2017. (<https://abovethelaw.com/2017/02/lgbtq-in-biglaw-advice-for-law-firms-and-for-job-seekers/>). Perspective of a recruiter on how LGBTQ candidates at law firms should approach their job search. The article includes demographics of LGBTQ attorneys at law firms and law firm "rankings".
9. "LGBT Attorneys of Color in the Legal Profession: A Discourse on Inclusion". The Federal Lawyer. January/February 2017. ([http://www.fedbar.org/Resources\\_1/Federal-Lawyer-Magazine/2017/JanuaryFebruary/Features/LGBT-Attorneys-of-Color-in-the-Legal-Profession-A-Discourse-on-Inclusion.aspx?FT=.pdf](http://www.fedbar.org/Resources_1/Federal-Lawyer-Magazine/2017/JanuaryFebruary/Features/LGBT-Attorneys-of-Color-in-the-Legal-Profession-A-Discourse-on-Inclusion.aspx?FT=.pdf)). Explores the unique challenges of being both an LGBTQ attorney and an attorney of color. Barriers to inclusion and coming out are discussed. Additionally, the article makes recommendations for inclusion for LGBT attorneys of color.
10. "'Visibility Project' Portraits Show LGBTQ Asian Americans in All Their Power". NBC News. June 26, 2017. (<https://www.nbcnews.com/news/asian-america/visibility-project-portraits-show-lgbtq-asian-americans-all-their-power-n774641>). News article on photography project launched by Mia Nakano, involving portraits and interviews of LGBTQ Asian Americans. Demonstrates the importance of representation.

Other articles of interest:

1. In July 2011, the Center for Talent Innovation ("CTI"), a nonprofit think tank based in New York City, issued a blistering report, reaffirming the continued validity of the bamboo ceiling. Although Asian Americans account for "15 to 25 percent of Ivy League enrollment, 24 percent at Stanford and a stunning 46 percent at UC", they make up "fewer than 2 percent of Fortune 500 CEOs and corporate officers." Furthermore, "in spite of their ambition, Asian men are more likely to feel stalled in their careers than men in any other group: 63 percent feel stalled versus 46 percent of African-Americans, 51 percent of Hispanics and 48 percent of Caucasians." The report noted a host of "tripwires on the way to the top" including lack of mentorship, requirement to conform to "prevailing leadership models" and a feeling of being out of place. See [http://www.talentinnovation.org/\\_private/assets/CWLP\\_Asians-in-America-KeyFindings-CTI.pdf](http://www.talentinnovation.org/_private/assets/CWLP_Asians-in-America-KeyFindings-CTI.pdf).
2. Similarly, in a 2013 National Aggregate Report by the Equal Employment Opportunities Commission, 0.9% of Asians in the workforce work as "executive/senior level officials and managers", as opposed to 1.68% of employees generally. See [https://www1.eeoc.gov/eeoc/statistics/employment/jobpat-eeo1/2013/index.cfm#select\\_label](https://www1.eeoc.gov/eeoc/statistics/employment/jobpat-eeo1/2013/index.cfm#select_label).
3. In February 2013, CTI also issued a report studying being LGBT in the Workplace. See [http://www.talentinnovation.org/\\_private/assets/PowerOfOut-2-ExecSumm-CTI.pdf](http://www.talentinnovation.org/_private/assets/PowerOfOut-2-ExecSumm-CTI.pdf). The report found that 43% of professionals of color feel that homophobic people are common in their workplace, as opposed to 28% of Caucasians. While many companies "excel at publicizing pro-

gay policies and positions externally, there's an ongoing need for company leaders, HR officers, and succession planners to publicize and act on them internally. But equally, if not more important, to the success of LGBT employees is the underlying organizational culture of these companies."

### **Request for Elimination of Bias Credit**

Our course, “Is That a Unicorn I See?—A Conversation with LGBTQ Asian American Partners” is a 75 minute course whose main goal is to educate lawyers regarding the professional development and full participation of lawyers of color and/or lawyers who identify as LGBTQ. Speakers will consist of law firm partners who identify as both Asian American and LGBTQ. Speakers will provide their thoughts on skills required to make partner (as a person of color and/or LGBTQ), visibility, mentorship and role models of diverse attorneys, diversity programs, law firm recruitment and the attraction and retention of minority associates/partners and their general role and responsibilities as diverse partners. Using personal examples, anecdotes and statistical facts drawn from the industry, speakers will also touch upon how they believe bias and prejudice can be dealt with and eliminated from the legal profession.