Session 204: How to Combat Bias in the Workplace by Developing Sponsors, Building Networks, and Cultivating Power

This program will explore strategies APA lawyers can adopt in the workplace to combat bias and to achieve success. Leading attorneys from law firms, in-house counsel, government, and not for profit sectors will lead three small group discussions on how to develop sponsors, build one’s brand and network, and cultivate power in all settings (including with external clients at a firm, with business clients in-house, and with constituents internally and externally for government and non-profits). They will counsel attendees on career missteps to avoid and lead discussions on best practices to achieve strong sponsorship, branding, networking, and power consolidation. These small group breakout sessions will allow for intimate discussion and immediate feedback by experts in their field.

Program Chair & Speaker:
Susan Tien, Founder and General Counsel, Susan Tien Search, Inc.

Moderator:
Peggy Nagae, Founder, Peggy Nagae Consulting

Speakers:
David Cho, General Attorney - Trademarks & Copyrights, AT&T Services, Inc.
Bruce Ishimatsu, Founder, Ishimatsu Law Group, P.C.
Liani Reeves, General Counsel, Oregon Governor John Kitzhaber
Alexandra Shin Smith, Senior Director, Product and Services Development, Fenwick & West LLP
Bijal Vakil, Executive Partner in Charge, Silicon Valley Office, White & Case LLP
Session 204

How to Combat Bias in the Workplace by Developing Sponsors, Building Networks, and Cultivating Power

Selected Readings


Do Race and Gender Impact the Everyday Practice of Law?

Peggy A. Nagae

Do race and gender impact the practice of law in an everyday way? My answer is an unequivocal YES. We already know from the news that race and gender impacts people’s lives every day. The practice of law is no more immune to these persistent forces in our society than is any other profession.

For lawyers who are women of color, it is difficult, if not impossible to separate issues of race and gender. A legal term that speaks to this is “intersectionality” (Degraffenreid v. General Motors). It refers to the fact that there are multiple factors at play in exclusion and discrimination. In my own experience as a lawyer, I have certainly faced the intersectionality of race and gender. I would also add class discrimination, a dimension of diversity largely invisible in the U.S., and thus not typically discussed. In my first job out of law school in a legal aid office I was the only woman and also the only person of color among the ranks of the attorneys in that office. I have also felt left out or dismissed because I was not a “real minority,” i.e., not African American. I have clashed with my peers on class issues, as I have a background of rural poverty. In the courtroom I have been misidentified as a legal secretary, witness or client. Opposing counsel would often call me by my first name while addressing others more formally. After having won a case in which the jury deliberated for only 25 minutes before finding the defendant not guilty, my boss's response was, “It must have been because it was Friday.” Many others too have faced similar intersectionality issues.

Statistics On Intersectionality:

A 2006 study conducted by the ABA Commission on Women in the Profession found that the career experiences for women of color differed dramatically from those of their peers, especially their White male counterparts:

- 49% of the women of color reported having experienced demeaning comments or harassment at their law firms. Only 3% of White men reported demeaning comments or harassment.

- 63% of women of color reported being excluded from formal and informal networking opportunities; 4% of White men reported being excluded. The women’s mentors often did not ensure that they were integrated into the firm’s internal networks, that they received desirable assignments, or that they had substantive contacts with clients.

- 44% of women of color reported that they were denied desirable assignments, while only 2% of White men reported being denied desirable assignments.

- 43% of women of color reported having limited client development opportunities; 3% of White men reported the same. Women of color “met with clients when it was
advantageous to the firm,” and they were often not given a substantive role in those meetings.

- 20% of the women of color felt they were denied promotion opportunities, while only 1% of White men felt the same.

As many respondents in the ABA survey explained, the pervasive but subtle discrimination wears you down as you are made to feel invisible, marginalized or dismissed.

An Example: The "Model Minority"

Asian American lawyers are one of the largest, if not the largest, groups of associates at the nation's large law firms. Stereotyped as bright and industrious – the "Model Minority" – it would seem they might navigate the road to partnership well, but this is not always the case.

Asian American lawyers face a myriad of obstacles on the way to partnership. They are often valued in Asian-related areas of the practice or the more math/science areas such as intellectual property, but many Asian American associates in litigation are perceived as not sufficiently aggressive. Their cultural values, placed on silence, harmony and cooperation, are typically misconstrued by the dominant culture as inattentiveness, disengagement, lack of interest, and an inability to take charge. On the other hand, if Asian American women litigators are as aggressive as their White, male counterparts, they run the risk of being type cast as "Dragon Ladies."

Model Minority status is a double-edged sword. When one is regarded as “Almost White” or “the New White” (and therefore not a real minority) the experiential reality of bias, discrimination and inequity is denied or dismissed. When issues of race are raised, oftentimes the conversation turns to Black and White perspectives. For example, one Asian American law professor confided that she is not considered a minority at her school even though she teaches critical race theory and writes in that area as well. The “real minorities” are other than Asian. Yet people of Asian ancestry are never fully accepted by their white peers either. So where do they fit?

What Can We Do About It?

When various forms of exclusion due to race, gender, and/or class intersect in the everyday practice of law it is important to recognize that they are driven by ultra-subtle and unconscious stereotypes. Discriminatory remarks, actions and decisions can be motivated, not by overt, malevolent, depraved forms of racism, sexism or classism, but by hidden, implicit or cognitive biases, unknown to the people who hold them. These biases, however, are not insurmountable. Research shows they can shift if conscious actions are taken to shift them. Here are some examples:

- Become consciously aware of people who contradict the stereotype. If there is an
unconscious bias against African Americans, showing people pictures of blacks like Bill Cosby, Martin Luther King, Rosa Parks, or Colin Powell can contradict these biases. If there is an unconscious bias that privileges Whites, showing people pictures of serial killer Jeffrey Dahmer or Klu Klux Klan members in their white garb can shift people’s implicit attitudes.

- In general, when there is talk of tolerance, understanding and valuing differences, the higher part of the brain engages and the less developed prefrontal area where prejudices lie lessens. There is an actual physical reaction in the brain. This is why educational sessions are invaluable.

- Familiarity is the most effective method of reducing or eliminating stereotypes and not acting on implicit bias. An emotional connection with someone from the “other side” is the single most powerful antidote to racial hatred and/or implicit bias. When "others" become "us," the closeness begets positive feelings for all “others” of that group.

Thus, while race, gender and class do impact people’s daily experiences in the practice of law, discriminatory behavior need not be the norm. What does it take to make the shift? It takes commitment and conscious action to form strong bonds with those who are different from you. That can be done through working together, depending upon each other, and in that context, getting to know one another more deeply. It takes a willingness to be emotionally accountable for yourself. It takes strength of heart to open up and emotionally invest in such relationships. With that investment, however, will come immeasurable return for yourself, your working relationships and your organization. Such an investment maximizes the valuable contribution people from all races/ethnicities, genders, and socioeconomic classes can bring to the firm or legal organization. Give it a try!

Peggy A. Nagae, a former trial attorney, assistant dean at the University of Oregon Law School and law firm leader, has used her expertise in leadership development and coaching, diversity, cultural competency, strategic planning and communication for over 17 years in her business, Peggy Nagae Consulting. She served as the pro bono lead attorney in reopening a Supreme Court case, Yasui v. United States, on the World War II incarceration of Japanese Americans. Her work focuses on developing teams and leaders to reach aggressive business and marketing goals with greater grace and ease, using fewer resources and gaining more potent results. She can be reached at peggy.nagae@gmail.com or 503.816.4920.
Business Development for Attorneys of Color: Pathways to Success
Why Marketing is Important
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Many lawyers view marketing as difficult, painful and even sleazy. I know attorneys of color who have left their firms to go in-house or with government because they do not think they will be good at marketing. They say, “It’s too hard.” “I’m too shy.” “I don’t know anyone.” “My family is not from the North Shore.” I have heard many reasons why marketing was just not their thing.

Other attorneys, however, have told me that marketing, or “rainmaking,” is not that difficult. They say things like, “It’s about doing what you like to do and building relationships.” “It’s just like talking to someone.” “It’s sharing a great service, like you would any other good service, whether it’s a doctor or a terrific dining experience.” Some build a network of relationships through public service and doing community activities. Some do this through professional associations like the American Bar Association, affinity groups or local bar associations. For others, it is networking with college friends, parents of their children’s friends, or attending arts events.

Now more than ever, to be successful in law firm practice means to master the art of rainmaking, marketing, and client development. As an associate you may not have to bring in many clients, but as a partner your job clearly depends upon your client list, whether those clients are external or internal to the firm. The rules of the road in law firms have changed, and success is equated with not only your substantive legal acumen but also the amount of new business you originate. At one time just printing a modest firm brochure was seen as suspect, bordering on the unprofessional. In California – the land of glitz and glitter – marketing materials had to be clearly identified as such. Today law firms have full-blown business development staffs and spend thousands upon thousands of dollars in pursuit of new clients. As a partner your performance is evaluated, your compensation determined, and your bonuses calculated, in good measure, on making “rain.”

The Paradoxes of Marketing

Is rainmaking different for attorneys of color than for other attorneys? Do we market or develop clients differently? Yes… and no. This is the paradox – two seemingly inconsistent assertions held as true at the same time, and therefore creating dynamic tension between the two. Marketing for attorneys of color is both the same as and different from marketing for White males. For us, marketing is being both color blind and color conscious at the same time. These two
paradoxes speak to where, how and why we may market differently as attorneys of color.

In one sense business development is no different for African Americans, Latinos, Asians, Native Americans, or women of color than it is for White males. They may all develop clients by attending events at professional associations, asking prospective clients about their business and who currently represents them, listening to the prospective client’s response, and then moving to the next step of marketing, accordingly. Yet when you ask where attorneys of color develop new business, differences do arise. Some will say their best marketing is within affinity groups, such as a national ethnic bar association, where they can meet peers, in-house counsel and others from across the country who understand and are committed to diversity. Around the world there are affinity organizations such as the Society of Black Lawyers in England and Wales, the Black Lawyers Association of South Africa, or the Canadian Association of Black Lawyers. Other ethnic groups have similar national and international affinity groups. While marketing can occur at the ABA or DRI, the focus of their rainmaking is concentrated within their own affinity groups.

Furthermore, there are now more minority attorneys who hold powerful positions in various corporations, and there are organizations that now hold diversity as one of the criteria for retaining outside counsel. Twenty years ago, these situations rarely, if ever, existed. Now, with A Statement of Principle by Charles Morgan, the Call to Action by Rick Palmore, and the number of general counsel of color, there is a greater payoff than ever before to focus on diversity in marketing. Now, many White general counsel also attend national ethnic bar association conventions. They do some of their best recruiting at these events.

Another marketing paradox is being both color blind and color conscious. On the one hand, prospective clients are more color conscious. Prospective clients are asking for attorneys from diverse backgrounds to be on their outside legal teams, and not just as window dressing, mascots, or tokens. They want to know how much time minority attorneys bill on their matters and whether there are partners of color with whom they might interview to serve as relationship partners.

Harold Piazza noted that his company – Teachers Insurance & Annuity Association – and other institutional clients focus on the form as well as the substance of minority diversity in selecting and retaining law firms. He observed that, if all things are equal, the diversity issue could be a deciding factor. Diversity in background, practice, color and gender are all important. According to Piazza, in presentations, firms do well to show realistically that they have and will use a diverse group of lawyers and other professionals in staffing matters.

Nonetheless, clients are color blind when it comes to the quality of the work
product or excellence in client service. Without quality, the attorney’s race or ethnicity do not matter. Clients will look elsewhere. Without excellent client service, diversity alone will not hold up. Most attorneys of color already know this. The expectation of quality is a given, and it goes without saying that excellent performance is without regard to race, ethnicity, gender, or other dimensions of diversity.

**Past Experiences and Present Realities**

In a four-year study that focused on marketing, nearly 1,000 attorneys were interviewed regarding their marketing concerns and rainmaking skills. One of the major findings is quite revealing: fear of rejection during the client development phase prevented a significant majority from gaining new clients. Equally as important, another finding was a strong positive correlation between successful marketing and how the attorneys viewed their life events. Respondents who held a positive view of events since childhood tended to view both themselves and others positively. From that foundation, they then tended to be more sociable, affable and positive, all excellent attributes for successful rainmaking. *(Rainmaking in the Legal Profession, MentoringPros.Inc., August 2001, [http://www.mentoringpros.com/rainstudy1.pdf](http://www.mentoringpros.com/rainstudy1.pdf]*)

Non-rainmakers tended to be the reverse. Thus, the attorneys’ own belief systems from their personal life experiences oftentimes stood in their way of marketing effectively. The study found that key obstacles to improving their rainmaking included poor interpersonal skills resulting from low self-esteem. These so-called “soft skills” can have a significant impact on the hard edge of client revenues.

Among attorneys from racially diverse backgrounds, both men and women, childhood experiences could have had a disproportionately negative impact. Life may not be viewed in a very positive manner if their families have faced discrimination, incarceration during World War II, a history of slavery, racially biased immigration, or the injustice of broken treaties.

Success in marketing among attorneys of color is thus a tribute to the strength of the human spirit and to the understanding that one’s circumstances do not define who one is as a person or one’s value and capabilities. Indeed, for attorneys of color your own past or your family history can ignite in you a passion for justice and a vision for positive change. Such a passion and vision generates the energy for action, which prospective clients will see and admire.

Past experiences notwithstanding, the issues one can face today are real. You will be networking with people who look like you and those who do not. And more than likely, those who do not look like you will outnumber those who do. There is plenty of empirical data that demonstrates people are more comfortable with
people who look like them. Thus, White lawyers, who make up a majority of the partners at most law firms, especially large ones, are likely to enjoy a level of comfort with other White people that they do not have with members of other racial/ethnic groups. Because the majority of prospective clients are also White, the level of comfort in talking with an attorney of color, especially a female attorney of color, can negatively impact marketing efforts.

What can happen then is that attorneys of color are asked to be part of the face of the firm when pitching to a new client, but they may not be asked to help service the client when the work comes in. The reason often given is that the attorney of color lacks the requisite “skill set or experience.” They did have the requisite skin color to participate in the beauty contest, but they are not offered the opportunity to gain that skill set by working on the case/transaction.

Some of the differences between Whites and Blacks in rainmaking is articulated by Phillip Harris, a partner at Jenner & Block LLP, who wrote an article for the Chicago Lawyer on Confronting Race (July 2007). Harris opines that White rainmakers who are well known and often get “bet-the-company” cases reach that status because of their reputation in their practice area; in contrast, Blacks who reach a high level of equity status do so because of their portable business relationships.

Black rainmakers are often asked to “sell” the skills of their White partners rather than their own skills as principal lead attorneys. And, according to Harris, Black attorneys often get price-sensitive work from clients rather than cases or transactions where the clients are willing to pay high hourly rates. Black partners get work that is often done by smaller, lower-priced firms. This may be one reason why these attorneys of color tend to leave large firms to open up their own shops where they can have some control over the rates being charged and the profits being made.

**Successful Rainmaking**

Kendal Tyre, an African American partner at Nixon Peabody LLP was interviewed on how he built his book of business and whether he experienced discomfort in rainmaking. He said that at times he did feel some discomfort, but he knew it was what had to be done, and that sometimes you have to do things you do not like. His philosophy was finding what works for the individual by honestly identifying one’s talents and focusing on them. Tyre’s talents include developing relationships with people, anticipating their needs, and delivering a solid work product himself or pooling available firm resources to deliver what is needed (Felice Wagner, “Rainmaking Secrets: An Interview with Nixon Peabody’s Kendal Tyre,” The Sugarcrest Report, Vol.1, Issue 20, March 1, 2003, [http://www.imakenews.com/sugarcrestreport/e_article000135572.efm](http://www.imakenews.com/sugarcrestreport/e_article000135572.efm)).
What it takes to be a successful rainmaker is a combination of knowledge of self, marketing skills, and consciously developed opportunities to market. All of these can be learned; they are not immutable character traits or only done by happenstance. Self-knowledge includes understanding your true self and your attitudes and values about life and people; it also includes creative thinking and knowing what you like to do best. Do you prefer bar affinity groups, golf or speaking at CLE programs? How do you react when you are outside your comfort zone? What will keep you in balance when you experience rejection from a prospective client? (You will not be retained by every prospective client!) How do you support yourself in tough economic times when business may slow down? To gain mastery will you focus as much on marketing as you do on other aspects of your professional and/or personal life?

The goal in a marketing conversation is to get to know potential clients (as well as current ones). Consider the following elements in developing your marketing skills:

- **Cultivate an in-depth knowledge** of your firm’s vision, products and services, so that you can communicate them easily and understandably.

- **Develop a written concrete marketing plan** with short-term (6-12 month) goals as well as long-range ones.

- **Learn to ask questions and listen**, rather than engaging in self-promotion. Be more interested in the prospective client than in yourself. As Steven Covey says, seek first to understand before being understood.

- **Understand the prospective client’s business.** What do they like about their business? Ask them what is going on: do they have new products and/or services coming out? Find out where they are making their money. Probe for business issues they are facing and problems that need to be solved.

- **Draw them out first instead of telling them what you have to offer.** Wait until there’s an opportunity in the conversation to share your talents and skills and what you can do for them. Authentically and honestly caring about their issues is a skill to be developed, not a technique to be bandied about.

- **In an economic downturn, expand – your geographic scope, your scope of practice, your networks – and dig deeper, broader, further.**

In short, marketing involves caring about people. The beauty in rainmaking is
learning more about yourself so you can be yourself more while caring even more for people’s needs.

Aasia Mustakeem, a female attorney of color and practice group leader at Atlanta-based Power Goldstein LLP, says that rainmaking is about building relationships. Rarely do you get business from a one-time conversation or a one-time sales pitch. Rather, business comes from sustained relationships nurtured over time. Business comes from anywhere, everywhere, all the time and anytime. Her advice is to build relationships with college and law school classmates; network with the lawyers in your firm; attend conferences and seminars outside your home base; and become active in professional and volunteer organizations (Aasia Mustakeem, How Young, Female Minority Attorneys Can Be Rainmakers, Fulton County Daily Report, March 24, 2006).

Mustakeem further says the perception that business development takes place only between men and only at exclusive golf courses is not necessarily true. You can create your own rainmaking opportunities that are compatible with you and your potential clients’ styles and personalities. Target women-owned businesses, which now employ more people than the Fortune 500, and which succeed at a rate of 80%, while most small businesses fail at the rate of over 50%. Schedule meetings for breakfast or lunch rather than dinner. Take female general counsel to a spa, yoga class, or the art museum. Target minority-owned businesses or pro bono work in your community, all of which can open doors to new, billable work. Be creative! Consciously create marketing opportunities.

What can a law firm do to assist attorneys of color in growing their rainmaking and building their client base? Here are several suggestions adapted for attorneys of color from Larry Bodine’s article, Rainmaking is a Tool for Breaking the Glass Ceiling (New Jersey Law Journal, October 2, 2007):

- **Create opportunities** for attorneys of color to cross-market by sponsoring retreats for attorneys from diverse backgrounds.

- **financially support them to attend national ethnic bar association conventions.** There they will meet other successful attorneys from their own ethnic background; they will be inspired by the numbers and know that it is possible for them to succeed as well.

- **Within the firm’s mentoring program, assign a business development mentor** and/or identify business development as an aspect of the mentoring program.

- **Substantively include an attorney of color on a new business call or in**
a response to an RFP. Give her/him a significant part in the pitch. Make sure he/she gets the work when it comes in.

- **Introduce attorneys of color to major clients;** help develop their practice skills; help build their substantive legal reputations.

- **Provide marketing training for all attorneys, and make sure that any such training addresses cross-cultural aspects of marketing,** including intersectionality issues (race + gender or other dimensions of diversity that intersect, such as sexual orientation, immigrant status, and/or age).

Yes, We Can!

Amidst the paradoxes of diversity each of us has the potential to be a great rainmaker. Marketing need not be difficult, painful or sleazy. It can be your full, authentic expression. As attorneys of color we can learn the steps to successful marketing. We can be more interested in other people’s needs while still articulating our abilities. We can build relationships. Remember, there is no single “right” approach; there are many different paths to follow as well as trails to blaze. The path that works for you – in your deepest and fullest expression – in any given situation – is the right one. Attorneys of color may even have a leg up via their race and gender to become great rainmakers. Why? Your caring, your courage, your passion, and your persistence will carry you forward and mete great success. In the words of Cesar Chavez, ¡Sí, se puede! Yes, we can! Those same words have been echoed by Barack Obama… yes we can… Yes you can!! Get a coach; get to know yourself… know that the journey inward is the first step. Dive in!
Navigating Your Own Career
By Peggy A. Nagae

Diversity in the legal profession is increasing, but some would say at glacial speed. In 1999 attorneys of color represented 3.25 percent of all partners and 12.06 percent of all associates at law firms nationwide. Four years later, in 2003, they made up just 4 percent of partners and 15 percent of associates nationally. (See ABA Commission on Racial and Ethnic Diversity in the Profession, Miles to Go 2000 and 2004: Progress of Minorities in the Legal Profession.)

Why has progress occurred so slowly? Opinions differ. Some say the pool of “qualified” minority applicants is small, sought after, and unattainable; minorities have so many options, they do not want to stay in law firms. Others say that law firm culture perpetuates homogeneity and not diversity. Nevertheless, with many more career opportunities for attorneys of color than ever before, the practice of law can be a most exciting, challenging, and rewarding career path. And you can make it so!

Firms committed to diversifying must not only recruit and hire, but even more importantly, must retain attorneys from diverse backgrounds. Diversity within the legal profession often focuses solely on race/ethnicity, gender, and sexual orientation. It should also include position, socio-economic status, religion, and other differences. Diversity at a law firm could be the status of being a first year associate in combination with racial/ethnic diversity; or it could be a racial minority, female and lesbian on the verge of partnership. Thus, career navigation efforts must be multi-faceted and multi-focused. Although issues of diversity cover many kinds of difference, as mentioned above, this article is specifically focused on racial and ethnic differences, on attorneys of color.

A recognition that both the firm and attorneys of color have a stake in supporting diversity, is a key element. Participation in the goal, commitment, and rewards is a “two-way street.” First, let us look at navigating “the street” for attorneys of color.

A. Developing Informal Mentors

Too often attorneys of color do not feel they can reach out and ask for assistance. Why? They often feel that there is a presumption of incompetence, and others may assume they are not up to the work. This belief stops them from seeking assistance, and they are left to struggle in isolation.

Being a woman of color may add an extra gloss to the situation. According to Glazer and Slater (1987), women tend to believe that merit is its own reward, i.e., the harder you work, the more recognition you will receive. They have overbought the ideology of merit and may undervalue the networks that bind men together. They tend to see individual achievement, rather than group political effort and structured changes, as the key to equality.
How, then, does one change this thinking? Realize that informal mentoring could be a key component to your success. See informal mentors as vital members of your coaching team. Informal mentors can be in your same office or in another office. Consider the following possibilities:

- A mentor of color from your office or another office;
- A mentor from your practice group in another office;
- Someone you meet at a retreat;
- Someone in your practice group who does different work than you do;
  or
- Someone who is younger/newer/lateral, whom you do not know well but who might be facing issues similar to you (e.g., children, geographic relocation, building a practice).

If your organization has a diversity committee, seek out the chair and ask him/her for advice on informal mentors.

Identify informal mentors and then invite them to have lunch or coffee, to attend an after work event, or to talk by phone. The focus on many mentoring programs, both formal and informal, is usually on substantive legal needs. Mentors, however, are a rich source for understanding the “emotional intelligence” part of becoming a successful lawyer; so ask them questions about their careers and their journeys that have brought them to where they are. Discuss other issues, such as the following:

- How is professionalism is defined in your firm?
- What are effective ways to build relationships with clients?
- What are the bounds of advocacy within the legal culture?
- What is considered a reasonable work/personal life balance at the firm?
- How did they design their careers? How is it different now?
- What is considered civility?
- How do you develop relationships with influential partners in the firm?

**B. Professional Development through Affinity**

Developing your career path will largely be up to you. Call it the “free market system” or “sink or swim”; either way, you must be your own advocate. How do you do that? Here are several suggestions:

1. **Create your ideal outcome.** What would you like to see happen in your career? Where would you like to be a year from now? What skills and competencies would you want to have learned? What training would you like to undertake? What would you like to read on your evaluation? How would you like the differences you bring to the firm to be recognized? Answering these questions
will help shape your career development plan and assist you in reaching your ideal outcome.

2. **Ask for assistance.** After answering those questions, look around to identify who might assist you with your career development? If the firm’s management roster includes a professional development director, that person may be the one who can assist you in charting your path. If you have a mentor, she/he is another resource.

3. **Look to partners of color to assist you.** Firms have encouraged attorneys of color to meet together and discuss topics such as professional development, promotions, self-evaluations, marketing, and public speaking. These meetings can fulfill several objectives: (a) learning from other more senior attorneys of color about how to navigate your career; (b) increasing morale among attorneys of color by bonding as a group; (c) breaking a sense of isolation or the feeling that you are the only one with the issue; (d) developing skills to enhance your professional development; and (e) creating a “safe zone” where candid advice can be given on sensitive and significant topics.

If your firm does not have a professional development director, if you have no mentor, and if the attorneys of color do not meet, then take a partner of color to lunch and suggest that she/he organize a meeting of attorneys of color to discuss professional development issues.

When attorneys of color meet, it is likely that they will want to meet again. The experience of getting to know one another better, of talking about issues that affect each member of the group, and of supporting one another is a positive and powerful experience. The group interaction builds camaraderie and generates teamwork. The meetings are energizing and can expand the value of diversity. (See Jayanne Hino’s article on *Additional Tips for Retaining Associates*, 2003.)

C. **Utilizing Bar and Local Community Resources**

More than most, attorneys of color are active in bar associations. For example, where there once was only an Asian Bar Association of Washington, other Asian ethnic bars have now been organized: Korean American Bar, Vietnamese Bar, South Asian Bar. All these affiliations are important for a lawyer’s career. Participation can be fun, rewarding, and nurturing. It is also an opportunity to “give back” to others through bar-sponsored mentoring programs for law students, legal clinics for the community, and other pro bono opportunities.

By building relationships with other bar members, who are most likely attorneys from other firms, you can cross-reference matters, receive cross-mentoring, recruit potential hiring candidates for your firm, and expand your network of contacts. The bar associations’ annual dinners, membership meetings, and
holiday parties are times to garner support for yourself and to make lasting friendships with others who may have much in common with you.

Going from local bar associations to national ethnic bar activities is also a key to navigating your career. The Hispanic National Bar Association, the National Bar Association, the Native American Bar Association, and the National Asian Pacific American Bar Association all have annual conventions where you can meet lawyers from across the country. With in-house counsel attending these events and job fairs, you can also get business, recruit potential candidates to your firm, get referrals for business and join in the fun! It is another avenue to ensure that you have a thriving practice and that you stay aware of national trends that could assist your career.

In addition, the ABA Commission on Racial and Ethnic Diversity in the Profession sponsors an annual Minority Lawyers Conference, as well as other events in which attorneys of color gain valuable skills and develop valuable relationships. Along with Minority Corporate Counsel Programs and state Minority Counsel Programs, there is a host of ways to make contacts locally, within the region, and at the national level.

Take the time to get involved! You will reap the rewards!

D. Giving and Receiving Assignments and Getting Constructive Feedback

Every assignment is a career development opportunity, if you are willing to look at it in that light. Each is an opportunity for you to learn from someone who has more experience; it is also an opportunity to market to an “internal client.”

How? Consider the partner/senior associate as a client, your client. Do this, by:

• Going beyond the assignment and “taking ownership” for the project;
• Asking pertinent questions so that you provide excellent client service (how long, by when, what resources, the form of the final product);
• Seeking feedback by looking at the final product that went to the client and commenting on the changes made; and
• Asking what three things worked and what could have worked even better.

There are many more ways to use every opportunity for navigating your career if you put yourself in that frame of mind! Keep going! Keep moving and keep creating! You are the best navigator for your career!

Now that we have discussed how to navigate your career, let us look at the other side of the “two-way street.” It is also important to consider why law firm progress has been slower than most would like. Several reasons come readily to mind:
1. **The recruitment focus is too narrow.** The diversity recruitment focus has largely been on summer and first year associates. While this is important, diversity efforts cannot end with new attorneys. If law firms approached lateral recruitment in similar ways to that of the first year hiring process, they could reap huge benefits.

2. **Retention efforts fall short.** In order to thrive, attorneys of color – like all associates – need access to influential partner mentors, quality work assignments, introductions to top clients, honest constructive criticism, and encouragement to develop their legal skills. In addition, some may lack experience and seasoning on how to conduct themselves at meetings, social interactions with clients/partners, and other interpersonal skills. Retention efforts often do not address these specific areas and/or fail to be implemented with any consistency over time.

3. **Rewards are small for partners who mentor well and support diversity.** It is understood there are personal incentives for partners to help associates develop their legal talent: partners could receive a better work product, could have an additional person shoulder the load, have fewer write-offs, maintain more responsiveness to client needs, and provide even higher quality client service. Nonetheless, there are still many disincentives as well. Furthermore, there is the potential discomfort of working closely with someone who is “different from you” in seemingly fundamental ways. Partners are rarely rewarded for championing an attorney of color. There are no consequences for not supporting associates and/or attorneys of color. Partners need more incentives to mentor or consequences if they do not.

4. **There is little or no discussion about diversity-related topics.** The discomfort that can come from cross-cultural mentoring is rarely discussed, much less addressed. Issues of race, gender, and sexual orientation seem to be a taboo topic within many organizations, except in backroom conversations, off handed comments, humor, or subtle put-downs. Attorneys of color have been told (sometimes by other attorneys of color) not to mention race or call attention to their differences. The silence on these topics is deafening.

5. **Authentic commitment from top leadership is lacking.** While firm leaders may espouse that diversity is beneficial for the firm’s bottom line, or that clients are demanding such diversity, there is little authentic conversation about what benefits diversity brings to the firm or to them personally, or what personal challenges make diversity difficult for them or the firm. Leaders’ lack of genuine support can be reflected in various ways: lack of participation at
diversity-related events, minority job fairs, practice group retreats; absence of verbal support of mentoring; or the failure to include diversity as an integral part of the firm’s strategic business plan, core values, or practice group plans. All of these send the not-so-subtle message that diversity may be a nice thing to talk about, but it is not essential to the overall health, strategic direction, and/or financial well being of the organization.

6. **Diversity’s relevance to the actual practice of law is often ignored.** Few firms articulate why diversity could enhance the actual work that lawyers do. Today there is more talk about clients committed to diversity but little understanding about how leveraging differences can provide more creative solutions to client problems, more effective ways to frame and address legal issues, or even more substance in writing a brief. When some have noted these benefits of diversity, they are dismissed or ignored. There is a lack of understanding of the connection between diversity and the tangible results it can bring to the firm.

7. **Structural changes are needed.** Until attorneys of color reach a “critical mass,” each one is “at risk” of leaving and/or not thriving. Firms need to put systems in place that monitor/track associate progress. Close attention is needed to such things as the following:

- Assignments they receive;
- The level of feedback they are given;
- Any patterns or trends from their formal evaluations that indicate cultural issues;
- The types, levels and significance of business development pitches in which they participate, and what work assignments they receive from those pitches; and
- The level and type of formal training they are offered.

Although such a system would require a huge structural shift, involving time and other resources, it is a process that would be beneficial for all associates.

These are some of the institutional, interpersonal and individual challenges law firms face regarding diversity. They provide a context for why legal organizations may not have as strong a foothold on diversity as they would like and why diversity initiatives may falter. The Bar Association of San Francisco 2005 Report, *Goals and Timetables for Minority Hiring and Advancement*, sums up this issue well:

Successful programs treat diversity efforts as a joint effort of the employer’s management, its minority attorneys, and the entire firm in which the articulated commitment of top leadership has created
a climate conducive to attracting, retaining, and advancing minority lawyers. An entity’s success in retraining and advancing minority lawyers affects the credibility of the firm’s commitment to diversity and success in recruiting associates. Minority partners and managers who participate fully in the life of the organization and who serve as role models demonstrate that ‘the firm means business’ in diversity (p. 17).

For success to occur, change is required as well as the ability to adapt to changing norms and expectations. In order for attorneys of color to reach their full potential, there must be a firm commitment to creating an environment in which all associates will reach their full potential.

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