

MINORITY LAWYERS ON WHY THEY LEFT BIGLAW

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Law360 (June 17, 2018, 10:02 PM EDT) -- The ascent to BigLaw partnership is a slog for any young attorney, but for those who are racial minorities, the path, if there is one at all, can be distinctly nonlinear.

[Katten Muchin Rosenman LLP](#) white collar partner Nadira Clarke is the rare female minority attorney to lead its litigation practice in D.C. and also sit on its board of directors and executive committee. But it took years of building experience at the Justice Department and some early false starts at firms before she cemented her place in corporate law.

“One of the things that helped me be where I am at the firm, is that I didn’t start at a law firm,” she said in an interview. “At many periods of my career, I worked in government.”

After graduating from the University of California, Berkeley, in 1992, Clarke moved to D.C. through the Attorney General’s Honors Program, in which the [U.S. Department of Justice](#) hires recent law grads.

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After several years at the DOJ, transitioning to a law firm still proved challenging, she said — and the move didn’t take. She soon returned to government for another seven years, first at Main Justice in D.C. and then as a line prosecutor at the U.S. attorney’s office in Maryland, before joining another big firm in 2006.

She eventually joined Katten as an equity partner in 2014.

One of the biggest challenges early in her career was finding the right mentor, a common refrain among minority attorneys.

“I think I felt unprepared, and there wasn’t an immediate sort of path for me,” she said of her time as a young attorney in BigLaw. “It was hard to find your way within a big firm.”

Despite the proliferation of diversity committees and inclusion initiatives, corporate law firms remain overwhelmingly white and male, especially at leadership levels.

Law360’s survey of more than 300 firms found that their percentage of equity partners who are racial minorities has hovered around a low 7 to 8 percent over the last four years. This is despite the fact that many of these firms have diversity committees and diversity professionals on staff.

Why aren't things changing? Some former BigLaw attorneys who left for in-house counsel roles or smaller firms describe an enduring culture of alienation, perpetuated by old-fashioned expectations by historically white male partners for associates to interact and respond to cues a certain way.

"One of the main things that still holds minority attorneys back is the lack of opportunity to develop a book of business," said Jean Lee, the president and CEO of the Minority Corporate Counsel Association, which surveys racial bias in the legal industry.

"To do that, you'll need an ally, a larger equity partnership member to take you under their wing," she said. "That's not happening because minority associates don't have those relationships with senior attorneys."

Facing Tokenism

Minority attorneys generally describe experiencing subtle ways of being shut out of the firm's establishment, rather than necessarily any overt displays of racism.

One Asian-American attorney, who spoke on condition of anonymity to freely discuss a former BigLaw employer, said she found herself marginalized within her project finance group by simply receiving fewer assignments than others.

“I asked her why she was leaving, and she told me she was tired of being the token black woman without enough work to do.”

Her proactive efforts to try to pick up more work were in vain, she said. Her practice group leader simply barred it and continued to dole out cases to white peers.

She only realized she wasn't alone when one of her colleagues, a black woman, decided to quit under similar circumstances. That attorney told her she was being taken along to pitch meetings, only to not receive any actual work with the client later.

“I asked her why she was leaving,” the Asian-American attorney told Law360, “and she told me she was tired of being the token black woman without enough work to do.”

The attorney who spoke with Law360 added that she had experienced similar treatment at another large firm before deciding to move in-house. She now works in-house at an energy company.

[Reed Smith LLP's Chief Diversity Officer John Lino](#), an Asian-American attorney, attested to experiencing a similar sense of tokenization early in his career at another firm. He said Reed Smith attempts to consciously target these kinds of lapses by making sure minority attorneys are recognized for bringing in business.

“I remember as a young minority attorney more than 20 years ago, and seeing other young minority attorneys — they get put in the pitchbook, but they ultimately don't get the work or

the credit,” he said. “Not only should we be making sure these minority attorneys are getting the opportunity to meet clients, and being on client proposals, but that they are also getting the work and the financial credit for it.”

Law firms are seldom transparent regarding work assignments, pay, and promotions to partnership or elite roles. But what can make a difference to minority attorneys is when a firm has a chief diversity officer who works with firm’s leadership on those decisions and can authoritatively advocate for racial inclusion, according to Clarke, the Katten Muchin partner.

“When a chief diversity officer works in conjunction with a firm’s managing partner, they’re let into those decisions,” she said. “One thing that was meaningful to me when I came to Katten was that they had a CDO who reports directly to the chair of the firm and the CEO. Then I knew, that’s someone who has the ability to make a real impact.”

Doing the Grunt Work

Other former BigLaw attorneys described feeling like perpetual outsiders in their firms, an experience that, besides exacting a personal toll, also meant lacking advocates to help them grow in the firm.

One Hispanic attorney said that when she joined a California branch office of a large international firm in the mid-2000s, she was dismayed to find it lacked a formal mentorship program. Nor did she encounter any Hispanic partners, even when she traveled to other offices within the firm. The attorney requested anonymity to speak frankly about a former employer.

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Much of her work as an associate years into her legal career was simply to conduct document reviews and interrogatories. That kind of grunt work was borne more generally by other female peers as well, she said. Opportunities to write briefs were so rare that some of her female peers even had trouble trying to apply to other firms because they lacked writing samples.

“At BigLaw, it was a little bit of an old boys’ network, and a group that I felt like I wasn’t a part of,” the attorney said. “Like I didn’t have anyone that I could relate to or who cared much about my overall career development.”

The dim prospects led her to decide to leave BigLaw for a smaller firm, and she found it made all the difference. She found advocates within the firm who would recognize her work, give her better assignments and help her pitch herself to clients by encouraging her to publish articles and speak at panels, she said. She is currently a partner at a small firm in California.

“When you’re trying to make it in a firm, you need to have someone to really push for you and advocate for you,” she said. “At a smaller firm, I had someone really caring about what I wanted at the firm, and digging into what my career goals were.”

In the meantime, government and in-house counsel work provides a much-needed training ground for young minority attorneys trying to build trial skills and subject expertise, especially before they enter or re-enter corporate law firms.

One black environmental attorney, who requested anonymity to speak freely about her former law firm, described strategically seeking out a government job because she knew she'd be given much bigger cases, much sooner.

The attorney now works in-house at an energy company after working at corporate law firms. She recalled working on her first trial within months of starting at an environmental agency in her state, soon after graduating law school.

"I did the opening and examined one witness," she said, "which is quite good for only having practiced two months."

--Editing by Jocelyn Allison, Jeremy Barker and Aaron Pelc.

Methodology: Law360 surveyed over 300 U.S. firms, or vereins with a U.S. component, about their overall and minority headcount numbers as of Dec. 31, 2017. Only U.S.-based attorneys were included in the survey, and firms had to have at least 20 U.S.-based attorneys to participate. Some attorneys declined to self-identify.