

## Minority Powerbrokers Q&A: Crowell & Moring's Elliott Laws

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Elliott P. Laws is a partner in the Washington, D.C., office of Crowell & Moring LLP and practices in the firm's government affairs and environment & natural resources groups. He provides strategic counseling and legal, policy and crisis management advice on environmental and energy policy issues, regulation and litigation, addressing Superfund and hazardous wastes, brownfields redevelopment, environmental remediation, chemical regulation, clean air and clean water.

In 2011, Laws was appointed by the U.S. Bankruptcy Court to serve as administrative trustee overseeing the approximately \$800 million trust established by the U.S. government to clean up and repurpose for redevelopment the former properties of "Old" General Motors Corp.



Elliott Laws

Laws formerly served as president of safety, health and environment for Texaco Inc., as well as assistant administrator for solid waste and emergency response at the U.S. Environmental Protection Agency. He also previously served as a U.S. Justice Department and EPA attorney and a Manhattan Assistant District Attorney.

As a participant in Law360's Minority Powerbrokers Q&A series, Laws shared his perspective on five questions:

### **Q: How did you break the glass ceiling in the legal industry?**

A: I used the opportunity to work and succeed in government as a springboard that allowed me to take advantage of the expansion of the environmental law bar that was occurring in Washington, DC in the late 1980s. This ultimately led to some of the success I have experienced in the private sector. Unlike many others, it was neither a planned nor conscious effort on my part. At the time, I believed that I was simply taking advantage of amazing opportunities that were being presented to a young lawyer. Looking back, I realize that I was half right.

There were others that I worked with and for, who recognized abilities that I myself had seen in myself, and who were pushing me towards the so-called glass ceiling. For instance, a U.S. Justice Department

attorney that I worked with on a case while at EPA was instrumental in my being offered a job in the Lands (now Environment) and Natural Resources Division. Similarly, my co-chair of the Environment Committee for the Bar Association of the District of Columbia was responsible for introducing my name for consideration for an EPA political appointment during the Clinton administration.

I suppose I reached the ceiling at my first law firm where I was elected partner in 1990. I would say that my “breaking” of the ceiling occurred neither at the firm, nor indeed within the strict context of the practice of law, but through my appointment as an assistant administrator of a nonlegal office at EPA in the Clinton Administration. That position served to place me at the head of a major policy office at EPA and established my credentials in the environmental legal and regulatory community.

**Q: What are the challenges of being a lawyer of color at a senior level?**

A: I’d say the one of the biggest challenges is trying to be informed to the extent that you can be relevant. You are often not part of the leadership social circle, which is not a problem in and of itself, but which simply means you have a greater burden to obtain the information necessary to participate fully in the organization. To be successful, you not only have to master the substance, but you also have to stay informed about the business, politics and players at your organization. It’s these kinds of relationship-based unwritten rules and information that lawyers of color tend not to fully comprehend and that tend to create the most significant challenges at the senior level, where subject matter expertise and overall competency aren’t really at issue.

I think many lawyers of color recognize the need to serve as resources and/or mentors/sponsors for younger attorneys entering the organization. I know the senior lawyers of color at my firm are discussing ways to accomplish this important task as a group right now. The success of any organization depends upon the success of its individual members. Here, we recognize that we have not, as a group, accomplished all that is needed to ensure that lawyers of color are a continuing part of the success of the firm. I think that’s necessary, not only for the newer attorneys, but for mid- and senior-level ones as well. This is in no way intended as a replacement for firm or organization sponsored mentor or partnership programs, but rather a more informal relationship based on similar backgrounds and experiences.

**Q: Describe a time you encountered discrimination in your career and tell us how you handled it.**

A: In all honesty, I don’t remember a time in my professional career when I knowingly encountered discrimination ... or if I did, I have blocked it from my memory. For many years, seeing other minorities in the environmental arena was extremely rare. There were meetings at EPA too numerous to count that were integrated only because I was receiving the briefing. I joked at one of our first political appointee meetings that while President Clinton vowed to have a “cabinet that looked like America,” he created an EPA that looked like Vermont.

I do recall an incident when I was in the government where two senior career employees of the agency seemed to think that they could present me with a reorganization plan that simply changed function titles, but did not address the underlying overlapping of responsibilities between the two offices, which was the initial driver for reorganization. After the meeting, I became angry over how these two thought they could pull one over on me with nothing more than some flashy slogans and different words. Was it because I was the “new guy” or the “black guy” never really entered my thinking. What came across to me was that they thought I was the “stupid guy.”

At that point in my career, managing confrontation was not one of my strong points, so I had my deputy inform them that their presentation was unacceptable; that they had given me only a shuffling of the deck chairs and not the substantive reorganization I had requested; and that contrary to their apparent thinking, I was not stupid. It worked with one, who went on to get a promotion as one of my strongest employees. Let's just say the other had a less successful tenure.

**Q: What advice would you give to a lawyer of color?**

A: First, I think lawyers of color need to strike a balance between the twin myths of full and equal opportunity and a culture of institutional bias. As with most things, the truth lies somewhere in between and will vary from organization to organization. Do attorneys of color sometimes face setting of the bar higher, either intentionally or subconsciously by more senior attorneys — undoubtedly “yes.” Is every attorney of color marked for failure before they even start a job — clearly “no.” The best advice is clearly to do the best you can, work as hard as you can and understand the environment in which you are working so you can determine where on the continuum your organization falls.

Included in the “work hard” component is also the need to “work smart.” So many junior attorneys equate “work as hard as you can” with billing hours without focusing on the nature of the assignments and building relationships with those they work with and the clients for whom they are working. Try to identify a more senior attorney to help guide you — whether minority or not, connecting with someone who “knows the ropes” in your organization is crucial. But it is important to recognize that there are “intangibles” out there — higher expectations; the wrong school or social circle or gym membership. While these intangibles may not always be limited to lawyers of color, they could turn into unwritten barriers of which every diverse attorney needs to be cognizant, even if no one explicitly says anything about them.

Ask questions. I believe there is a general hesitance on the part of many attorneys of color to ask questions ... maybe inside they feel it's an answer they should know already. I am, however, a strong proponent of Albert Einstein's the “only stupid question is the one unasked” school of thought.

Lastly, I think selecting an area of specialization is very important for lawyers of color. After 3 ½ years in the Manhattan District Attorney's Office, I knew for certain that a career in criminal law was not for me. So I started applying for jobs in Washington, D.C. The first offer I received was from the Water Enforcement Division at EPA --- I said “yes.” Based on that decision, I found environmental law. At the time, I didn't know much about the area, but I was willing to make a career move from my home town and give it a shot — with admittedly little forethought. I often tell law students and younger lawyers to give that career decision significantly more consideration than I did.

Environmental law turned out to be an area that was dealing with relatively new laws and regulations and was expanding rapidly. I was able to meet and work with the first wave of environmental lawyers who were regulating and litigating and counseling on issues of first impression. It was new, exciting and challenging. That is the type of area attorneys of color should look for as a base for their practice. Check the trends — an area of law that seems hot today could be on a down slope. If you choose wrongly, one of those intangibles could end up working against you. But once you choose it — work as hard as you can to succeed.

**Q: What advice would you give to a law firm looking to increase diversity in its partner ranks?**

A: The pipeline of associates and counsel of color eligible for promotion to partner is usually too small.

Firms must work harder to retain minority attorneys in the earlier years so that they can reach consideration for partnership. This continuing brain-drain of diverse talent leaving firms is reason enough for firms to increase their diversity. But there's a dollar reason too. I think the difference that we see in terms of the greater success rate corporations have achieved in diversity hiring is that they look at the demographics of their respective customer bases and see that those bases are completely diverse and becoming more so with every passing generation. It's smart business for a company to look like the customers they serve. Similarly, in areas where the client base isn't necessarily diverse. I believe the argument is the same for nonconsumer facing companies — and by extension law firms — constantly losing diverse talent can be detrimental in the long run to the fabric and business of the institution. I think many law firms have yet to make that basic "business" determination and far too many firms do not look like America.

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