

## Minority Powerbrokers Q&A: Crowell & Moring's John Gibson

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John S. Gibson has been a trial lawyer for 25 years. He is a partner in Crowell & Moring LLP's antitrust group in Irvine, California, where he focuses on litigation involving competition, technology, patents, standard-setting and health care as well as other complex litigation. He is listed as one of The Best Lawyers in America (2013 and 2014 editions), is a fellow in The Litigation Counsel of America honorary society for trial lawyers, and is rated AV Preeminent 5.0 out of 5.0 by Martindale-Hubbell, reflecting practice "at the highest level of professional excellence."

Gibson's litigation victories range from winning antitrust cases for Fortune 500 companies to obtaining the first federal court order in the U.S. requiring a school district to accommodate the service dog of a student with autism. This summer, he served as lead trial counsel for the Los Angeles Clippers Basketball Team in successful litigation against NBA-banned owner Donald Sterling, including in the trial that forced a sale of the team to former Microsoft CEO Steve Ballmer. In doing so, Gibson, a former player himself, pursued two of his greatest passions — law and basketball.



John S. Gibson

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

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

A: Barrier after barrier continues to fall — in the U.S. and all around the world. In my high school government class, I was taught that as an African-American, I shouldn't dare aspire to be attorney general or president someday; it just wasn't realistic. But that barrier has fallen. It has fallen as the result of years of sacrifice and struggles and a movement that changed hearts and minds forever. It has fallen as the result of more and more schoolchildren being taught about the Civil Rights Movement and the value of looking beyond our superficial differences to see that, in our essence, we are all the same. It has fallen as the result of more and more people refusing to be divided by differences and choosing instead to be united as brothers and sisters in the human family. So why shouldn't the glass ceiling in the legal profession also fall?

I had too much help for the glass ceiling to keep me down. First, because hearts and minds are changing,

the unseen “Good Ole’ Boys’ Club” is losing its sting. In fact, the best sponsor I have ever had in my legal career is a white man who has used his contacts, power and sage advice to make sure the ceiling wouldn’t hold me. Second, the club is diversifying. Several of my best client relationships are with powerful women and minorities who want to make sure I have the chance to succeed the way they have. They also know that empowering me as a relationship partner allows me to promote diversity and inclusion in my law firm and throughout the profession more effectively. Third, I am blessed to practice with law partners who treat each other, our other colleagues and staff, and our clients like family. And families knock down glass ceilings together. Fourth, I was skilled, experienced and prepared to seize opportunities as they became available. Finally, it’s my lifelong goal to be a strong leader by being an excellent servant to others. Helping clients win and achieve their goals through excellent service furthers my personal mission and is a powerful tool in demolishing the glass ceiling.

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

A: Every person needs confidants who know from experience what you are going through in life. Lawyers of color still experience a unique set of obstacles and issues. The main challenge is that there just aren’t many of us at senior levels to help each other — especially at AmLaw 100 law firms.

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

A: Many years ago, I experienced a form of discrimination when I was elected as one of two persons to represent my state in a national delegation to meet the president at the White House. The other person voted to go was also African-American. The organizers explained that two African-American delegates could not truly represent the state, so they had decided to send the third-place finisher (who was white) in my place. I analogized the situation to refusing to seat one of the state’s two elected senators based solely on race; few would approve of that. But the organizers did approve of that. This negative experience made me a stronger person and a more passionate advocate. I vowed then to help change that kind of thinking, to always strive to be number one, and to meet with a sitting American president in the White House — which I have done.

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

A: Seek out the company and advice of others similarly situated, both in your place of work and elsewhere. You might be surprised how helpful it can be to forge relationships with attorneys who do not work with you but who have common experiences. For example, I belong to a group of partners of color at major firms. We meet as a group four times a year. And we support each other tremendously — through discussion, relationship building, and even referrals.

Also, find several sponsors. Not just mentors; I mean true sponsors. True sponsors have two main characteristics. First, they enjoy aspects of “success” from your point of view. In other words, you want to emulate something about them. Get to know them. Find out what makes them special and successful and incorporate aspects that can work for you. Second, true sponsors are real. They say what they mean and mean what they say. More importantly, their actions speak louder than words — that is, they walk the talk. They tell you honestly when you are doing all the right things, and they tell you when you are not. They make their time, contacts and resources available to you so that you can have every opportunity to succeed — even if you might never be able to return the favor. Every attorney who has smashed through the glass ceiling had at least one true sponsor who supplied the hammer, or at least provided critical encouragement, for breaking it.

In addition, be a sponsor yourself. Reach out to those who need your help. Don't wait until you think you are at the pinnacle of your career; those protégés need you now. Hear them. Advise them. Give them access to your power and relationships. Follow their careers. Don't expect a thing in return — as your ancestors, your family members, and all those involved in the Civil Rights Movement didn't when they made sacrifices that have benefitted you.

Finally, boldly break through that glass ceiling, even if you have to split an infinitive to do it. It's both your right and your obligation. Your family and ancestors sacrificed too much for you to leave the glass ceiling in place. Your colleagues who are not of color want to see you break through it. Now, go for it!

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

A: There are three primary strategies for increasing diversity among a law firm's partnership. First, make sure that your firm's culture is truly about diversity and inclusion. I believe that diversity is about more than just an individual's appearance. Diversity is also about ensuring the kinds of differences in perspective and approach that lead to a more robust discussion, unique bonds with clients, and superior thought leadership and legal services. Does your firm view diversity the same way? Get an honest assessment from a consultant, a survey and/or partners of color who left or did not join the firm. Then, take appropriate measures to effect meaningful change. At Crowell & Moring, we have an in-house diversity counsel. She is an attorney of color who practiced "Big Law" for 12 years. Now, she works closely with our firm management to enhance the recruitment, retention and promotion of attorneys from groups who are traditionally underrepresented in the legal profession.

Second, heavily recruit the top partners of color, whether laterally or up from the ranks. We are very highly sought after; recruiters for other firms call us every week. Involve some of your partners of color in the recruiting effort. The usual recruiting effort is often not enough to land top partners of color, and it is imperative to be in tune with the partners of color among your ranks so that you can do what is right and necessary to retain them.

Third, we have to increase the pipeline. It starts in eighth grade. This is real! We need to interest more extraordinary students of color in exploring law school and a legal career early on in their lives. If we don't start early, many of them will head toward software engineering, business and medicine without even knowing what lawyers really do or that a legal career is something they can strive for and attain. At Crowell & Moring, we are engaged with programs that provide opportunities for high school students to work at the firm during the summer and to interact with our lawyers and professional staff. Some get a chance to observe court hearings and closings to learn what practicing lawyers really do. Firms and individual attorneys can also reach out to young people by participating in organizations, such as the Constitutional Rights Foundation. That organization conducts a large-scale moot court program for high school and middle school students, among other things.

Let's help the next generation dream big, be bold, and achieve a legal profession without glass ceilings.

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