

Female Powerbrokers Q&A: Bingham's Debra Fischer

Law360, New York (February 24, 2014, 2:44 PM ET) -- Debra Fischer is chairwoman of Bingham McCutchen LLP's labor and employment practice group, firm administrative partner and a member of the firm's management committee. As an employment lawyer for more than 20 years, she has successfully tried cases in both California state and federal courts.

She has experience in arbitrations, state and federal courts of appeal, and briefing in the U.S. Supreme Court. She has defended clients in every type of employment matter, including all aspects of discrimination, harassment, and wrongful termination claims, as well as assault, battery, invasion of privacy, defamation, fraud and false imprisonment allegations. Fischer regularly advises and litigates trade secret and unfair competition issues that arise when employees change employment. She handles wage-and-hour class actions and defends against unfair competition claims.

She has also provided pro bono assistance to parents of children seeking more comprehensive health education in public school and currently serves on the executive board of the Forgotten International and Legal Aid Foundation of Los Angeles.

Q: How did you break into what many consider to be an old boys' network?

A: Because people feel most comfortable with people like them, men who control the work are still more likely to give work and opportunities to men. So, I didn't wait for the call; I volunteered for things I wanted to do — whether it was going to New York for three months to do depositions or taking a perceived “soft” management job and making the most of it. I did not ask for permission and instead filled the “holes” that others were ignoring and then tried to distinguish myself by doing work that no one wanted to do or thought of doing. While it helps to understand the politics of any situation and learning how to make friends, there is no substitute for really hard work.

Finally, I had to develop the confidence to hold my own in a room full of people who were not like me. One of the best pieces of advice I ever got was from a partner when I was a second-year associate and about to take my first deposition. In describing how to handle opposing counsel's objections (five men twice my age), he said, “If in doubt, just assume you're right and they're wrong.” His advice has served me well to this day.

Q: What are the challenges of being a woman at a senior level within a law firm?

A: I am the shortest person in our management meetings. Seriously, once I got over that and deciding whether I should be wearing skirts or pants, I found that the greatest challenge was the distraction of the glass ceiling, in other words, getting over thinking of myself as a woman and therefore at a disadvantage. It can be just the opposite. Because you already stand out, you can use your unique position to effectively speak up on issues that are important to you. However, as you gain power and influence, people care less about what you are wearing and start challenging you more directly. Do not be offended; you've earned their respect.

Another challenge is that people think you are speaking as a representative when you have an opinion or that you are the authority on other women. While raising women's issues is critical, it is also important to be seen as an individual contributor on a variety of nongender-related issues. However, because of this distorted view, a woman in a senior level position has incredible power to help or harm other women coming up through the ranks. Thus, it is important to use that influence to promote other women whenever possible.

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

A: I was just back from maternity leave and was trying to break into firm management at a predecessor firm. The managing partner at the time called me and offered me a role that he described as one that would be easy for me to do with a “new little one at home” with little travel, etc. I was offended and could easily have turned it down to make a point. Instead, I decided to accept the position and do the

most I could with it.

As it happens, because it was a new role at the firm, there were no rules about what I was or was not allowed to do. By all accounts I was successful in that role and ended up winning a national award for my work. It put me on the radar for future roles that were not viewed as “soft.” The lesson here was that I could have refused based on principle and let the job go to a man; instead I took the opportunity, surprised everyone and had a blast doing it.

Q: What advice would you give to an aspiring female attorney?

A: Three things:

- 1) Have a plan — to succeed you must be organized and have a plan. Figure out what it is that you want which may change over time. Then break that down into short term goals and then monthly, weekly and daily tasks. It sounds boring but having a plan is the difference between letting life happen and controlling your own destiny. If you have a plan, then you can regularly check in and see where you are in relationship to where you want to be and change things up. As Yogi Berra once said, “If you don’t know where you are going, you will wind up somewhere else.”
- 2) Find mentors — If you look around at successful people you know, most of them have had other people help them over the course of their career. There is no substitute for having people around you who believe in you and who can help you. A mentor can be someone who opens doors and introduces you to opportunities or just someone who is a sounding board when you need advice. I do not think you can force a mentor relationship. But you should keep your eyes open for opportunities to seek out people who have power and influence and who also have shown an interest in you and your success.
- 3) Save time for yourself and your family — As you are focusing on your career, it is easy to put your family second and to completely forget about taking care of yourself. Your family should get an equal spot on your calendar — you should plan for the school play or dinner with your spouse/partner just as you do for a deposition or court appearance. And don’t apologize for these appointments — do you think your male colleague is even admitting he left work yesterday at 3 p.m. to watch his kid’s basketball game?

Also, we tend to put ourselves last or we’re not even on the list. There is no rule that says women lawyers need to be sleep-deprived, out of shape and miserable. Why do you think the airline tells you to use the oxygen mask first before you put one on your child? Getting enough sleep, being healthy and fit and having an outside interest will all help you be happier and more successful. I chose Taekwondo. It has the added benefit of allowing me to hit people (legally) after a long day of work.

Q: What advice would you give to a law firm looking to increase the number of women in its partner ranks?

A: Making women partners is just the beginning. You must invest in their future success. This means that they must be introduced to potential mentors who can help them and to clients and opportunities that can provide them with work. Almost no one can succeed on their own in a law firm. Indeed, if you take a look at the careers of rainmakers and lawyers who run law firms, you will find that each of them was given an opportunity somewhere along the line. Then it was up to them to take that opportunity or introduction and run with it. All we ask is that you open the door. We know what to do once we’re inside.

Q: Outside your firm, name an attorney you admire and tell us why.

A: I admire Hillary Clinton.

She had a strategy: She used her traditional role as first lady as a springboard to going into politics herself and eventually becoming a U.S. senator and then secretary of state.

She is driven: She ran for president and is being talked about as a serious contender in the next election.

She found a great mentor: She is smart enough to get advice from one of the most powerful men in history (this could have gone a totally different way). She is confident and is not distracted by irrelevant criticism.

Finally, she has joined the ranks of famous women leaders in history who, when you think of them, you think first about their power and influence, not their gender. Not a bad goal to have.

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