

How Lawyers Of Color Say They Climbed The Career Ladder

By **Xiumei Dong**

Law360 (August 6, 2020, 6:57 PM EDT) -- Law firms have touted improvements in terms of diversity and inclusion, but when you move the magnifying glass to the top of the pyramid, minority lawyers continue to hold a small fraction of leadership positions. Those who have successfully climbed up the ladder said the journey hasn't been easy.

According to the most recent data from the Vault/Minority Corporate Counsel Association Law Firm Diversity Survey, which surveyed 238 law firms in the U.S., nearly 90% of law firm partners are white. Among those in the partnership class, close to 4% are Asian American, 3% are Hispanic and 2% are Black.

Lawyers of color said they faced many challenges such as implicit bias and exclusion when seeking to rise to the top. The strategies they have developed to confront those difficulties include finding sponsors and mentors that support their growth, going on "unconventional" career paths, and taking on additional responsibilities to demonstrate their leadership ability.

"I, fortunately — and I do believe that this is what you need to be successful at a law firm — I had white male partners who invested in me, who wanted me to be successful," said Grace Speights, who leads the labor and employment practice at Morgan Lewis & Bockius LLP.



Grace Speights

Speights said she was the only Black female lawyer at Morgan Lewis when she started practicing law 36 years ago.

"I was just thrown into a huge law firm being the only Black woman associate ... so that in and of itself can feel very intimidating," Speights said.

She said a common perception at the time was that lawyers of color were hired by firms because of affirmative action, not that they were just as capable as others. Speights said people would often mistake her for being a paralegal or assistant staff.

Therefore, she had to do "excellent and quality work" to prove her ability. But that still wasn't enough, Speights said: What helped her the most was that she had sponsors or partners at the firm who believed

in her.

"The only way that Black lawyers are going to be successful in firms, and lawyers of color, is that there have to be people in power, partners in power in the firm, who are willing to put their neck out for you and to invest in you," Speights said. "That's how I made it."

That also helped Kirkland & Ellis LLP partner Ellisen Turner move his way up the ladder.

Before joining Kirkland in October, Turner served for a year as the managing partner at Irell & Manella LLP. During his 16 years practicing at Irell, Turner said his firm provided him with opportunities to lead various committees, which eventually led to his managing partner role.

"The firm gave me opportunities to grow into leadership roles rather than waiting until a long time after I'd already demonstrated the ability to be a leader," Turner said.

He added that one of the advantages of starting his career at a smaller firm was that he had chances to engage in leadership development and build a professional reputation early on.

Regardless of the size of a law firm, Turner said, "the more important thing is whether the firm and the people within the firm are good at mentoring and sponsoring across differences."

Hailyn Chen, an Asian American lawyer who serves as co-managing partner and litigation partner at Munger Tolles & Olson LLP, said she too worked on numerous firm committees to demonstrate her leadership capabilities.

"Just simply being a lawyer requires you to be a leader," Chen told Law360.

However, as an immigrant, woman and person of color, Chen said people would often tell her that she did not belong and was "not entitled to take up space" while growing up. That, in particular, has created a challenge for her and many others because lawyers are expected to take the lead and advocate for clients, she said.

"I mean those stereotypes that Asian women are neat and quiet and docile. Those are adjectives that are exactly opposite of what you expect in a successful lawyer," Chen said.

How does she combat the stereotypes? "It's just simply through demonstrating that people's preconceived notions about you are wrong," Chen said.

"Through my work on these various committees, I developed knowledge about how the firm works and was able to demonstrate leadership and demonstrate that I had good ideas and show that I could implement them," she said.



Ellisen Turner



Hailyn Chen

As one of the few Black lawyers in BigLaw when he started his career, Donald Prophete, a name partner at Constangy Brooks Smith & Prophete LLP, said he also had to deal with the assumption that he was less competent than his white colleagues because of his skin color.

"There was always the belief that you got there not by pulling yourself up by your bootstraps, but really being bootstrapped through affirmative action or some other method," Prophete said. "That effectively meant that you were less qualified, and you were kind of on a special scholarship."

Therefore, he took "a nontraditional way of getting into the partnership realm," Prophete said, moving in-house after spending a few years as an associate at a BigLaw firm.

Prophete spent several years with Sprint Corp., ultimately rising up the chain to serve as director of labor and employment law before making the return to law firm life.

"I was also able to go into the marketplace and hire the so-called best law firms and best lawyers in the country and then to evaluate just how much better, if at all, they were to me," Prophete said. "It gave me more confidence that I was just as qualified if not more so than those lawyers."

Echoing Prophete, Jorge Mestre, managing partner of Florida-based litigation boutique Rivero Mestre LLP, said "there are many different paths to success that don't preclude any particular path. No one path is better than another."

As a Cuban American, Mestre said he did not feel "isolated" practicing at law firms in Miami because of the large Hispanic population there. But, when he had to deal with attorneys or courts outside the state, he did feel what he called the "otherness" as an attorney.

"When you come into a courtroom, and your name is Jorge Mestre, some people do have implicit biases, and I have felt those in my career," Mestre said.

How he countered those biases was to build a firm of his own, Mestre said. After working at two large firms in Miami for several years, Mestre decided to join four other Hispanic lawyers to launch a litigation boutique.

Mestre was an associate when they launched the firm. However, because there was less bureaucracy, Mestre said he was able to quickly move from associate to partner, and now managing partner at the firm.

"I think what diverse lawyers should be thinking about is in whatever area, you want to be the best that you absolutely can be," Mestre said. "And if it means you blazed the trail for somebody else, then do that."

Unlike Mestre, Jose Olivieri, managing partner of Michael Best & Friedrich LLP'S Milwaukee office, said he was the first Hispanic lawyer in his firm



Donald Prophete



Jorge Mestre



Jose Olivieri

when he started his legal career in the Midwest nearly 40 years ago.

"One of the challenges I faced was the fact that there were so few Hispanic attorneys in Milwaukee," Olivieri said. However, at the same time, it allowed him to work on more matters and to serve as a lawyer for Hispanic people in the community.

Through his involvement with the community, Olivieri said he demonstrated his leadership skills, therefore giving Michael Best the confidence to promote him to leadership roles.

"It does take quite a bit of time, but as you move up in your career, a lot of the work that you do is really in terms of managing relationships, what's involved for the firm?" Olivieri said. "And that ties into leadership roles like a managing partner of the office. Part of the role is to make sure that the firm's position in the community is a solid one."

--Editing by Aaron Pelc.