From Law School to Workplace: Immediate Strategies for Minority Lawyers
BY DIANE C. YU

Making the transition from law school to the legal workplace can be either great fun or extremely traumatic for many minority law graduates. The difference—based on my observations as one who has been heavily involved in the law school accreditation process and at the forefront of many initiatives to aid and support minority students—turns on three main things: 1) preparation, 2) openness and versatility, and 3) self-assessment.

First, preparation. By this, I refer to how effectively and efficiently law students of color have leveraged the opportunities available during their law school years to gain important knowledge and understanding about the practice of law and how lawyers actually work and behave. While each law school is different, all provide career information and seminars; courses with clinical instruction or legal skills components; moot court; law journals; student organization leadership experiences; chances for interactions with faculty, judges, and alumni; and other programs and activities that can help prepare students for the world of the law. You may have been aware of these offerings but not taken advantage of them while you had the chance. Perhaps no one advised you to do so, which is not uncommon among minority students.

In that case, there is still plenty of time to take charge of your life and create some of these opportunities now. Being passive is a losing strategy. I strongly urge you to consider, for example, becoming active in bar association or civic groups once you become a lawyer. These activities are extremely helpful because they are congenial and safe places to enhance your skills in leadership, communication, and collaboration. Bar groups are always on the lookout for fresh volunteer talent—so offer to teach a CLE class, chair a committee, or help plan a conference. You will learn a great deal, and you will also have the genuine pleasure one feels in collective activity that helps others. In fact, you might find bar work so satisfying that you will be asked to join a host of them—local, state, national, minority, women’s, specialty, etc. Choose wisely, as your time will be limited.

I know men and women who have made invaluable friends and contacts (including clients) through bar or community work, as well as developed confidence, poise, presentation skills, and the ability to run a meeting and take responsibility. Because you establish a track record, bar-based networks have

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Taking It to the Next Level
BY ANNA D. TORRES

As a minority associate, I was always under the impression that I had to be smarter and work harder to impress my supervisors. I know that, despite the huge strides we have made in this profession, this feeling remains for most minority associates. And most attorneys would agree that, unfortunately, this impression is still justified by the day-to-day reality of our profession. Law school teaches us only half of what we need to know. We learn how to research, analyze, and write. But, sadly, many of the tools and much of the information we need to develop as successful and fulfilled professionals are not taught in law school. We are left to stumble upon valuable information by chance, or, if we are lucky enough, we will find ourselves under the wing of a caring mentor who can fill in the missing pieces.

My unscientific survey indicates that, after about three or four years of practice, most of us begin to wonder how to take our careers to the next level. At about that time, we have begun to feel fairly confident in our technical skills. We know discovery. We know how to write briefs or brief writing. We know motion practice. We may have tried cases. What we don’t know is what more we must do to stand out, to impress those who will make decisions that will affect our professional paths, and to advance our careers. Success in our profession is still primarily defined by partnership in a firm. “Standing out,” therefore, means getting noticed and impressing those individuals who choose and develop the firm’s future partners. In order to get to the next

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Thoughts on Immigration Reform

BY EDWARD B. ADAMS JR., MANOTTI L. JENKINS, AND PAUL L. MCDONALD
COCHAIRS OF THE MINORITY TRIAL LAWYER COMMITTEE

One of the most controversial issues confronting America today is immigration reform. Much of the discussion among politicians and the general public is focused on the rights (or lack thereof) of “undocumented” Mexican workers. However, the reports of hundreds of thousands of people, mostly our Latino brothers and sisters whose heritages extend throughout the Americas, protesting in the streets of this country against recent legislation evidence that this issue reaches substantially further than the U.S.-Mexico border. Among other things, current legislation would make being in this country “illegally” a felony, and it would make it a crime for anyone to help “illegal” immigrants. Despite its nuances, to the “naturally-born” and otherwise “documented” Latinos in this country—many of whom are members of the Minority Trial Lawyers Committee and who are important contributors to our profession—this issue is fraught with garden-variety racism and bigotry, with an added tinge of xenophobia. There is no question that legitimate public policy concerns are raised by the immigration reform issue. Any country must be able to control who enters its borders and how. Likewise, there is concern of the lack of health care for many “undocumented” immigrants, which endangers the lives of these members of our human family, while also placing a greater strain on the emergency medical system. There is also the valid concern over the failure to tax the wages of “undocumented” immigrants, which denies much-needed revenue to the public financial pool.

Even a cursory view of the immigration debate, however, reveals far more than policy concerns bubbling beneath the surface of this controversial issue. There are some Americans—probably significantly more than would readily admit it—who are more concerned about (and afraid of) the “brown- ing of America,” to quote many books, articles and television shows that discuss the growing numbers and influence of Latinos in this country. Indeed, the reported comments of many of the counterprotesters who have appeared at the protest marches throughout the country reflect that very view.

And it is not just the rank and file among the American citizenry who convey (albeit sometimes subtly) this overtly race-conscious perspective. Let’s not forget the comments made (presumably without malicious intent) by former president George H. W. Bush, referring to his grandchildren from his son Jeb and Jeb’s Mexican-born wife, Columba, as the “little brown ones.” Indeed, the Los Angeles Times has reported that Jeb Bush, the Republican governor of Florida, recently scolded members of his state’s legislature over a bill that would make being an “illegal” immigrant a felony, calling it “just plain wrong.” Governor Bush also upbraided the legislators who advocated denying the children of “illegal” immigrants citizenship although this provision was not included in the legislation. As Governor Bush commented: “My wife came here legally, but it hurts her just as it hurts me when people give the perception that all immigrants are bad.” Many democrats have been little better, advocating questionable policies at the state and federal level.

Several points seem to emerge from the debate. First, there is a bit of irony to this
“illegal” and “undocumented” nomenclature. Mexicans and many other Latinos can trace some portion of their ethnic lineages back to the Native Americans who inhabited this land prior to the arrival of the Pilgrims, and/or to the ancient African explorers who some writers and historians have documented also inhabited this land prior to its “founding” by Columbus. Furthermore, as many of the Latino protesters have proclaimed on placards and in chants, “America is a country of immigrants.” Second, it would be difficult to sustain an argument against the recognition that many Latinos, whether they were “naturally-born” or immigrants to this country, have made tremendous contributions to the intellectual, cultural and material well-being of America. Finally, as trial lawyers of color, we must not let the conventional wrangling taking place in political and journalistic circles about the surface immigration issues cloud our judgment about the more overriding implications of the immigration debate—that being, the repugnant attitude of racism and bigotry which often masquerades as a legitimate public policy concern. In line with that final point, this edition of the Minority Trial Lawyer newsletter has articles relating to the intersection of race and the practice of trial law. Our newsletter advisor and Section of Litigation director of periodicals, Monica Buckley, contributes a very timely and informative piece, entitled, “Pitching in to Expand the Pipeline,” in which she discusses the problem of the disproportionately low numbers of persons of color in the legal profession. Ms. Buckley proceeds to present and discuss avenues for increasing those numbers. Diane C. Yu, the Immediate Past Chair of the ABA Commission on Women in the Profession, contributes an important article entitled, “From Law School to Workplace: Immediate Strategies for Minority Lawyers.” In this piece, Ms. Yu outlines three major challenges she believes confront law school graduates of color: preparation; openness and versatility; and self-assessment. She addresses and provides helpful insights with respect to each of these issues.

We also include in this issue an excellent commentary by University of Hofstra associate law professor, Bennett Capers, entitled, “Going Back to Callie: Callie House and the Reparations Movement.” In this piece, Mr. Capers discusses the recent book, My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations, authored by renowned civil rights attorney and University of Pennsylvania history professor, Mary Frances Berry. Mr. Capers comments that, in her book, Ms. Berry “does more than merely explore the early years of the reparations movement. . . . She explores the life and work of one of the movement’s founders, Callie House.” This edition also features an informative article, entitled “Taking It to the Next Level,” by Anna D. Torres, of Powers, McNalis, Torres & Teebagy. Ms. Torres discusses in the article strategies that should be employed by associates of color to distinguish themselves in law firms, beyond simply displaying stellar legal skills, that will enhance their chances of becoming partners.

We present a Book Review by Ana P. Bierman, assistant director of the University of Miami Career Planning Center. Ms. Bierman’s review is entitled, “Appealing to the Creative: A Prescription for an Ailing Profession.” Ms. Bierman discusses that the authors attempt to discern the causes of apparent widespread professional disaffection by lawyers. The authors attribute much of this apparent unhappiness to “current norms in legal education.” We hope you enjoy this issue of Minority Trial Lawyer.

**Calling All Writers!**

Would you like to contribute an article to *Minority Trial Lawyer*? We are always looking for articles that cover the many areas of interest to our readers, including trends that affect lawyers of color; cases and case law affecting the minority community; challenges faced by lawyers of color in the practice; and stories of opportunities and inspiration.

Send your article or query to buckleym@staff.abanet.org, or call Monica Buckley with your idea at 312/988-6097.
In recent years, there has been a spate of interest in reparations. Rep. John Conyers (D-Michigan) has proposed bills in Congress recommending reparations. Civil suits—some against corporations, others against state and local governments—have been filed in Illinois, Texas, New York, New Jersey, Louisiana, California, and Oklahoma. Several insurance companies have been compelled to disclose the role they played in insuring slave owners against the loss of their slave “property.” And in 2003, Ruth Simmons, the great-granddaughter of slaves and the first African-American president of Brown University, appointed a Steering Committee on Slavery and Justice to investigate the university’s historic ties to slavery and whether the university should make reparations.

Given these developments, it would be easy to view the reparations movement as new. In fact, the movement can be traced back to at least 1890, just 25 years after General Sherman’s now famous promise, “to make good their former losses.” The notion was not far-fetched. After all, the government had granted pensions to Union soldiers, including slaves who joined the Union forces. Moreover, legislation had been proposed in Congress to grant reparations to former slaves. And the movement had support. According to the federal government’s own estimates, by the early 1900s, the association’s members numbered about 300,000.

However, as Berry details, the movement had its naysayers and detractors, including some within the middle-class black community. The views of the few African-American representatives in Congress after Reconstruction were typical: The demand for reparations was futile; a better focus was securing access to educational opportunities and voting rights. Black newspapers either ignored the movement entirely or, worse, derided it. Despite black middle-class and government opposition, the association continued to press for remuneration for former slaves. Moreover, inspired by Homer Plessy’s challenge to a Louisiana law that segregated transportation—the test case orchestrated by African-American lawyer Louis Martinet and other African-American graduates of Straight University Law School that would eventually become the famous Plessy v. Ferguson Supreme Court decision—Callie House “instigated and paid for” a reparations lawsuit.

To file the lawsuit, House hired Cornelius Jones, another African-American lawyer, and arguably one of the most successful litigators of the time. The class action suit, Jackson v. McAdoo, claimed that former slaves were entitled to the unspent $68,073,388.99 collected in cotton taxes between 1862 and 1868, taxes directly traceable to their forced labor. The case eventually made its way to the Supreme Court. However, the government successfully defeated the association’s claim by invoking sovereign immunity.

Worse yet, on the heels of the association’s defeat in the courts, the U.S. Department of Justice initiated a criminal action against Callie House, charging her with using the mail to obtain money “by means of false and fraudulent pretences” in her solicitation of members for the association. As Berry makes clear, the prosecution was a stretch at best. For example, the prosecution cited the association’s official badge as misleading because it contained the words “of the U.S.A.” The prosecution’s theory: “bent and enfeebled ‘Uncles’ and old black ‘mammies’” might wrongly interpret the badge as indicating an official government body.

While the white press belittled her and ridiculed her appearance—the Tennessee American described her as “a dusky woman of ample avoidupois” and the Tennessean called her “Aunt Callie”—House was tried before an all-white, all-male jury and quickly found guilty. In October 1917, U.S. District Judge Edward T. Sanford—later a Justice on the Supreme Court—sentenced House to one year in prison. She was 52 years old.

Berry’s excellent book does have one limitation, though the fault is not hers. Because black newspapers paid so little attention to House and the National Ex-Slave Mutual Relief, Bounty, and Pension Association, Berry had to fill in many gaps, often speculating what House’s life must have been like.

That criticism aside, My Face Is Black Is True remains a fascinating book and should be required reading for anyone interested in the reparations debate and the efforts of African-American litigators to secure reparations. As Berry’s book makes wonderfully clear, that movement has a much longer history than many of us would have thought.
BOOK REVIEW

Appealing to the Creative:
A Prescription for an Ailing Profession

BY ANA P. BIERMAN

How Lawyers Lose Their Way:
A Profession Fails Its Creative Minds
By Jean Stefancic and Richard Delgado

It is no secret that lawyers are often perceived as being unhappy. We are all familiar with stories of those who got away—left the law to pursue more satisfying, or at least less dehumanizing, career endeavors. The caricature of the unstable, overworked, substance-dependent counselor teetering on the verge of career or literal suicide (think Paul Newman in The Verdict) may not be realistic for most in the profession. However, one need only view any of the web chat rooms dedicated to the commodification of underappreciated law professionals to see that the crisis is real for many who doubt the wisdom of their decision to labor in pursuit of justice.

Jean Stefancic and Richard Delgado, two University of Pittsburgh School of Law professors, have attempted to discern the causes of this professional dissatisfaction by considering history and performing critical analysis of various aspects of legal education and professional culture. In How Lawyers Lose Their Way, Stefancic and Delgado reach beyond the commonly held belief that a legal career that emphasizes billable hours, lack of autonomy, and backstabbing competition from adversary and colleague alike is the primary cause of the burnout, clinical depression, and family discord plaguing so many legal professionals.

The authors posit that the cause of the professional malaise runs deeper, and that it can be traced to current norms in legal education. Law schools, they claim, are paralyzed by the dogmatic devotion to legal formalism, which prizes precedent, rationality, and consistency and devalues humanism, ambiguity, emotion, and context. This elevation of a Platonic form of reason (with a capital R) over more personal concerns has set the stage for an unsatisfying career.

The authors consider the odd and remarkable 40-year correspondence between the troubled genius poet Ezra Pound and the distinguished lawyer-author Archibald MacLeish to illustrate several points in their critical analysis of current legal education and practice. MacLeish, born into a well-to-do Midwestern family, studied law at Harvard and occupied high posts in the New Deal administration.

Deep dissatisfaction with the narrowness and lack of creativity in the profession led him to abandon a lucrative partnership with a Boston law firm and move to Europe, where he devoted himself to writing, eventually winning a Pulitzer Prize. MacLeish became aware of Pound’s commitment and returned to the law in an effort to free his friend. MacLeish’s labors paid off when Pound received a new hearing and was ordered released.

Stefancic and Delgado draw several pertinent conclusions from these events about career satisfaction for lawyers. By working to free Pound, MacLeish was able to reconnect with his broader sense of justice and purpose—elements sorely lacking in his commercial practice. By contrast, today’s typical law firm associate is more likely to obsess over how he or she will be viewed by superiors in terms of productivity and how this will affect partnership aspirations. And partnership is hardly a panacea. The lack of autonomy in accepting and handling matters for clients at many firms takes its toll on even senior-level attorneys.

The book goes on to present an unsettling picture of the depth of discontent in the legal profession. Scores of attorneys leave the law each year. The authors estimate the number at about 40,000. The public is derisive about lawyers’ morality and usefulness, and many lawyers seem to agree with this perception. Paralegals, clerks, and other nonlawyers who work in law are more likely to be happy with their jobs.

However, in the authors’ view, the distraction that results from professional demands is only a symptom of a deeper malady—the way law students are taught to think and reason. Law school transforms formerly creative minds into unimaginative, legal-think automatons. Like MacLeish, some will find themselves trapped in a life filled with material comforts, power, and respectability, but sadly lacking in personal or professional fulfillment. The authors prescribe a cure for this: public interest work in furtherance of the common good and a humanistic approach to legal education.

Ana P. Bierman is assistant director of the University of Miami Career Planning Center.

The book presents an unsettling picture of the depth of discontent in the legal profession.

Pound lived in Italy during World War II. He famously broadcast 125 vitriolic speeches attacking American foreign policy and perpetuating ugly anti-Semitic canards. He was indicted by U.S. authorities in absentia for treason. He was eventually arrested and returned to the United States, where he was determined to be mentally unsound and committed to a psychiatric hospital. Supportive doctors there provided a peaceful environment conducive to writing, and Pound continued to expand his oeuvre of published work and accrue literary prizes.
Self-Assessment Is Crucial to Development
A Sample List of Questions

• What are your strengths?
• What are your weaknesses?
• How do you compensate for your deficiencies?
• What would your supervisors, mentors, peers, and subordinates say about you?
• What are the measures of success where you work?
• Do you respect the people you work for?
• Whom do you admire at your workplace—and why?
• What, if anything, would you change about your work environment?
• What characteristics do individuals who succeed in your workplace possess that you don’t?
• Do you think you are appropriately recognized and rewarded for your contributions?
• What are you really passionate about?
• Are you anxious about your work performance and skills?
• Are you proud of what you are doing and how you are doing it?
• Based on your productivity, attitude, behavior, and potential, would you recommend yourself for a coveted position, promotion, or appointment?
• How can you obtain additional or necessary training, expertise, or experience that will provide the justification for you to get what you are seeking?
• What values are important to you?
• What values, if any, would you sacrifice to get what you want?
• What are your priorities in life?
• How would you describe how you treat people?
• Are you a risk-taker?
• Do you tend to blame people other than yourself when things go wrong?
• Is it hard for you to say you are sorry?
• Do you praise or thank people easily?
• How do you develop relationships with those you work with and serve?
• Who are your mentors?
• Do you give back to your mentors, or only take from them?
• What is the latest thing you have learned about yourself that is positive?
• Do you have balance in your life?
• Do you take good care of your health and welfare?
• Do you spend adequate time with family and friends?
• Do you have any spiritual outlets?
• What would have to change in order for you to have a more balanced life?
• What are you thinking about in terms of your long-term career—or at least the next stage of your career?
• Do you spend time helping others less fortunate than yourself?
• If you had two minutes to explain your goals and aspirations to a stranger (an “elevator speech”), what would you say?
• What do you want your ultimate legacy to be?

From Law School to Workplace
Continued from page 1

other unintended consequences as well: Three of my own jobs have come from the relationships I built through bar association channels many years earlier, even though the last thing on my mind at the time was that I might some day work for that person.

The values and skills that are always in demand and worth attending to—no matter where your career path goes—include:

• Interpersonal skills—to aid you in getting along with and understanding a variety of people
• Technical knowledge and critical thinking—to demonstrate your value
• Strong work ethic—to show your commitment and ability to get things done
• Communication skills—to speak, write, and persuade with effectiveness
• Teamwork—to put aside your ego for the good of the group to tackle problems and find solutions
• Leadership—to engender confidence in your ability to develop a vision and strategies to accomplish goals with and for others
• Continuous learning—to keep abreast of constant changes and the competition
• Sense of humor—to keep things in perspective and enjoy life
• Time management—to reduce stress and increase productivity
• Health, energy, and balance—to allow you to perform at your best
• Integrity and honesty—to earn trust and credibility

Second, the degree to which law graduates are open and adaptable may have an enormous impact on their successful transition to law practice. To some extent, law school is a cocoon—a safe harbor—where everyone is similarly situated, there is a communal spirit, and faculty and administrators are there to teach and serve the students. While there is, of course, competition in law school, there are numerous mechanisms available to ease the pressure. Women and minorities often feel a kinship in law school and may mistakenly believe that law practice will be much the same.

Once in the real world, however, that
familiar circle of common interest collapses and new relationships must be created. Believe me—everywhere, there are hierarchies, politics, and unwritten processes and rules of the road that may take years to perceive and master. Due to demographics (lack of critical mass), lingering stereotypes, subtle discrimination, and other obstacles, being a practicing lawyer can sometimes be isolating and harsh for many young lawyers of color. Women of color face a double-barreled set of challenges—racism and sexism—and it can be daunting.

One way to tackle this potentially unfriendly picture is to have an open mind and receptive attitude to the major changes you are bound to experience, and to be proactive. (My immigrant mother’s advice was always, “First, change your attitude if you don’t like something.” I have to admit that she is right.) Be nimble and adaptable. Keep your eyes and ears open. Learn which battles to fight and how to gather allies. Be strategic.

Of keen importance is to search out mentors from among the more experienced lawyers you will meet. This is a high priority: Few of us can break through the persistent and pervasive racial, ethnic, and gender barriers in our profession and in society at large without help and guidance from others who are wiser and take an interest in our well-being. Mentors I was lucky enough to find during my first years in practice were men and women of different backgrounds. They had a powerful and positive influence on my life and career. I try to keep in touch with all of them, as often as I can, because I always pick up some nugget of advice and thoroughly enjoy their company. I try to give back to them my enthusiasm, energy, friendship, and unique perspective on life—which they say invigorates them. It’s the least I can do.

Don’t neglect to develop positive relationships with staffers and office administrators because they can often be the key to good opportunities. You never know who is noting and commenting on your character, your accomplishments, and your conduct toward others.

Finally, I urge minority law grads to learn how to engage in regular self-assessment. Self-evaluation is not something we are necessarily trained to do and may not be prized in your particular culture, but it’s worth trying. For most enlightening results, be brutally candid. You should develop your own list of questions to probe your hopes, fears, priorities, and options, but on page 6 are some examples of what you can ask yourself from time to time. The answers will also help you navigate through tough times and understand better what needs to be done.

These are just some of the strategies I can recommend to minority lawyers. They have served me exceedingly well, and I hope they will be useful to you as you embark on what promises to be a very exciting career.

Diane C. Yu is Immediate Past Chair, ABA Commission on Women in the Profession. She has been in private practice and served as General Counsel for the State Bar of California, Associate General Counsel and Managing Counsel at Monsanto Company. She is now Chief of Staff and Deputy to the President of New York University.

Diversity Development Database

Are you looking for ways to become involved—not only with the Minority Trial Lawyer Committee but also with the Section of Litigation as a whole? Fill out our online form, www.abanet.org/litigation/committee/minority/home.html
level, an ambitious associate needs to offer more than mere technical proficiency and more than the proven ability to consistently meet billable or other revenue goals. Both of these are the minimum expected from you. In order to stand out and to impress, more is required.

Most attorneys reading this article will immediately think that I am referring to rainmaking, bringing in the next profitable client. Let’s face it, not everyone has the innate ability to be or become a star rainmaker. That is why these individuals are highly valued and admired. So, how do we stand out, how do we take it to the next level, if we are not likely to become a star rainmaker? A partnership offer represents something more than an offer to share in the firm’s revenue. It represents recognition that you are seen as an individual who believes in the firm’s values, who shares the partner’s vision, who is committed to the firm’s success, and who is dedicated to the firm’s success.

Matching Values, Goals, and Vision
We have often heard of individuals who have been offered partnership in a firm only to reject the offer because, after all is said and done, they did not share the values, goals, and vision of the firm despite having worked there for years. I therefore suggest that when creating your personal plan for success, you first evaluate the firm’s values, goals, and vision. Although you may not yet be privy to certain information, these attributes of the firm will become apparent with some reflection. If you have decided that you indeed share in them, you are ready to move to the next level. If you decide that your firm’s values, goals, and vision are not consistent with your own, then moving to the next level requires that you find a firm where you can grow and develop in a manner consistent with your personal needs.

Assuming you are in the right place for you, begin to shine by demonstrating your commitment to the firm. Follow the firm’s policies, practice by example, put the firm’s interests first, and develop positive relationships within the firm with your colleagues. If you have decided that you indeed share in the firm’s values, goals, and vision, then moving to the next level requires that you find a firm where you can grow and develop in a manner consistent with your personal needs.

Tips to Help Get You There

• **Coach and build skills in others.** A huge part of a firm’s success is its ability to develop new talent. Contribute to your firm’s success by coaching and mentoring less experienced attorneys. Share your knowledge and technical expertise. Even if you have only been there one week longer than the next person, you have one more week of knowledge to share. Be generous with the time and energy you devote to teaching others. You will stand out as someone who is committed to developing the firm’s most important resource—its people.

• **Focus on profitability.** As an associate, your profitability is measured by your billable or revenue goals. But you can also exceed your personal profitability goals by leveraging and managing work such that you generate enough work to delegate to more junior associates and paralegals. In other words, help others meet and exceed their profitability goals, thereby increasing the firm’s overall revenue.

• **Become a problem solver.** In every firm, there are problems and challenges. Average employees complain about the problems, but take no steps to correct them. Do not wait for someone else to do something about it. Stand out by taking responsibility for a problem area. Approach the partners with a logical evaluation and a plan for correcting the problem. Your plan should include the steps you propose, a timeline for completion, and an explanation of the resources that you will need. Once approved, follow through with the plan. Remember: It is not necessary that you solve a huge problem, only that you show initiative. By becoming a problem solver, you demonstrate your leadership and your desire to make the firm a better place. You also show your ability to search out and accept responsibility and to suitably utilize valuable firm resources for the greater good of the firm.

• **Represent.** Contribute to the firm’s positive image by visibly participating in extracurricular activities. If you like to write, contribute articles to industry or professional publications. If you excel at public speaking, speaking opportunities abound. If you like to participate in community activities, use these opportunities to promote the firm’s image in the community. While the sole purpose of participating in community activities should not be professional promotion, to the extent that you are passionate about a cause, and that cause is consistent with the firm’s interests, why not take advantage of the opportunity? Discuss your desire to write, speak, or participate in community activities with the partners. Individuals who have the ability and desire to increase the firm’s visibility in the profession or industry are a rare and valuable asset.

• **And what about business development?** If you are not that individual with the innate skill to hustle up new clients, remember that business development is much more than bringing in new clients. The greater part of new business arises from nurturing and expanding existing client relationships. Providing quality service to existing and new clients is critical. If you are not the “hunter,” become the individual who stands out for possessing the ability to cultivate and grow those existing relationships. Someone has to successfully service the new clients after the rainmaker has brought them into the firm. The individual who can be trusted to always provide superior service to the client is a valuable asset. Show your commitment to providing outstanding service to the firm’s clients.
leagues and staff. A change in perspective will be necessary. As associates, we tend to view the firm as “us” (associates and staff) and “them” (partners and management). In order to succeed, it is imperative that you begin to see the firm as one entity and yourself as an integral part of that entity. No more “us” and “them,” only “us.” Once you have managed this change in point of view, you can begin to consider how you will contribute to the firm’s success. Remember: the firm’s success is your success and your success is the firm’s success. Taking it to the next level requires that you put in time and effort beyond your minimum billable or revenue goals. If you have made a conscious decision to follow this path, then consider this time and energy an investment in your future success, not an intrusion imposed upon you by “them.”

In short, taking it to the next level requires that you demonstrate leadership. Act “as if.” “As if” you are already a partner in the firm and “as if” you are already invested in the firm’s success and profitability. Your valuable contributions will get you noticed and pave the way for a successful and fulfilling career.

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Pitching in to Expand the Pipeline

BY MONICA BUCKLEY

Unlike professions such as medicine and accounting, which have become more reflective of national racial and ethnic ratios in recent decades, the legal profession in the United States remains overwhelmingly white. Minorities make up about 30 percent of the U.S. population, yet less than 10 percent of practicing lawyers are lawyers of color. African-Americans, at 13.4 percent of the general population, comprise just 3.9 percent of practicing lawyers, and Hispanics, at 14 percent of the population, just 3.3 percent. Asian Americans, at 4.4 percent of the population, make up 2.3 percent of lawyers.1

Despite efforts on the part of bar associations, law firms, and other organizations to boost these numbers, progress in the profession has been slow. Furthermore, recent trends point to continuing disparity: African-American enrollment in law schools is down from 7.4 percent of all law students in 1994 to 6.6 percent in 2005, and Hispanic enrollment is down a fraction of a percent to 5.7 percent. Only Asian enrollment has increased slightly during that time period.2

For law firms striving to excel in an increasingly global business environment and working to comply with corporate requirements for legal teams that include minority lawyers in lead roles, the difficult questions of responsibility for providing justice and equal opportunity need not even be pondered. Diversity is simply a business imperative and, for firms already struggling to find, hire, and retain lawyers of color, the numbers indicating a shrinking candidate pool are cause for alarm.

A Pipeline Issue

Understanding where the problem originates and developing efforts to address those origins is the primary work of the ABA’s Presidential Advisory Council on Diversity. The Council’s staff director, Cie Armstead, explains that from kindergarten through college, the academic pipeline to the profession loses proportionately more minority students at each stage than it does white students. Solutions, she says, must be developed to address each stage of the continuum.

James O’Neal, cofounder and executive director of Legal Outreach in New York City, agrees. “We can no longer fool ourselves into thinking that an isolated program is sufficient to increase the number of underrepresented minorities within the legal profession,” he says. A 24-year veteran of working in communities to encourage and support interest in legal careers, he is adamant: “Intervention is necessary, skill development is essential, and support must be provided every step of the way—through secondary school, college, law school, and even into the profession itself. Failure to do so will result in seepage that will leave us addressing this issue far into the future.”

One of the first interventions required is for lawyers, especially minority lawyers, to get together with young minority students and let them see that people from all races can be lawyers. ABA Section of Litigation Chair-Elect Kim Askew, who will be the first person of color to serve as chair of the Section, says she was lucky as a child to have known a number of lawyers and to have had the chance to see what they do. She always knew she could do it, too, she says, but she concedes that, for many minority students, the possibility just isn’t visible. “Minority students often have no exposure to lawyers as they grow up. They do not have the role models. No one tells them that a career in the law is an option.”

Askew frequently participates in Law Day and Take Your Daughters and Sons to Work programs. She has brought minority Girl Scouts to visit her office. “We take them to courthouses and sit in those large conference rooms where depositions are taken to talk about how they can be lawyers. These children get to see lawyers. It is empowering for them to see that a minority woman who looks like some of them is a lawyer.”

Bringing the Law Home

O’Neal’s experience has taught him a few basic principles about capturing students’ attention and making them want to learn more. After graduating from Harvard as its first Public Interest Law Fellowship recipient in 1982, he discovered that young students in the New York inner-city schools became excited and engaged by being given the chance to talk to lawyers about issues they faced in their lives: domestic violence, aggressive police behavior, child abuse, and neglect.

Felix Gavi Luna found the same principle at work in his own interactions with students. A litigator at Heller Ehrman in Seattle, Luna participates in the King County Bar Foundation’s Future of the Law Institute (FLI), which provides underserved high school students with substantive legal workshops, career counseling, mock trials, courthouse tours, and lawyer mentors. Luna grew up in the projects in Boston and was fascinated by the power of law enforcement to take away people’s freedom. He recalls always wanting to know
more about the system behind the fate of so many men in his community. So, when he speaks to students, he lets them bring him where the law meets their lives. “Some have immigration problems; some have experience with victims or perpetrators; or they get interested because of the mock trial program at school; some watch TV and say, hey, being a lawyer is cool.”

Luna uses that engagement to help students see how they might influence the lives of those around them through the law and to pull students into envisioning themselves in the lawyer role. Just as important, the interest the students take in his subject opens the door to thinking about how to get there, about what has to be done, and about the importance of staying in school and working hard at it.

**Anatomy of a Successful Program**

There is an array of programs across the country for lawyers to participate in, and, where there are no such programs, lawyers can encourage their local bar association to model after those in existence. The Dallas Bar Association (DBA) is especially active in its community and conducts many programs, including sending lawyers to the public schools to speak every spring and fall, as well as conducting essay contests, mock trials, photo contests, and a mock voir dire in the courthouse.

The ruby in the crown of DBA community work is its summer internship program, in place since 1992. Low-income minority high school students are recommended by their teachers and interviewed by lawyers. About 35 students are selected, and each is given a lawyer mentor from a law firm or corporate legal department and is paid a nominal salary. The DBA conducts an orientation during which a student from the prior year shares experiences. Students receive a course on business etiquette, and the orientation ends with an ice cream social where the students meet their mentors. Once students report to work, they are given tasks such as filing and answering phones. Many go to court and depositions with their lawyers.

The DBA holds three educational events, which have included a program at a minority-owned law firm, a tour of the jail, and a tour of Southern Methodist University Dedman School of Law. The DBA conducts a final program at which students are recognized with certificates and one student makes an address to the class.

Dallas Bar Association Executive Director Cathy Maher knows the program works because she is able to follow some of the students. Some are hired on after their internships. And even when she isn’t able to follow them, sometimes she just knows. “One year,” she explains, “one of our interns was a high school student who was living in an apartment taking care of his brother. His parents were both dead. He did all the cooking and ironing. He could have gotten a job at a Wal-Mart paying more than what our firms paid, he could have dropped out of school, but he chose to be in the program, to have an opportunity to meet lawyers and be mentored by lawyers. He was an exceptional person. I think about him every year when we have a new class of students who come in, and I am sure that he has become a successful young man.”

**Describing the Path**

The idea that the path to the law office is seven years long after high school—possibly longer for some who must work full-time—can be hard for any student to imagine getting through, but especially for those who may never have known anyone involved in a rigorous academic pursuit. In coaching the students, Luna says, “I try to let them see how fast the time will go by. I ask them, ‘How long has high school been for you?’ Don’t think about seven years. Think about what you’ll accomplish in your first year. Set goals that are reachable, like, this quarter, I’m going to do this.’ I try to help them understand it’s really not that long a time if they take it a year at a time.”

Luna talks about specific classes to take that help students learn how to think like a lawyer. “I tell them to prepare, think of law school and getting there as a marathon. I tell them, ‘Get in shape; focus on courses that help you think analytically. Math, deductive reasoning, philosophy, logic.’”

Legal Outreach takes the college preparatory aspect of its work very seriously, collaborating with lawyers in all five New York City boroughs to provide 2,600 students from the city’s public high schools with its Law-Related Education programs, and, from these students, 40 each year are selected to participate in the four-year College Bound program. College Bound is an intensive mentoring program that includes tutoring, skills workshops, summer internships, SAT prep classes, and college selection help. O’Neal reports that all 176 participants who have completed the program since its inception in 1993 have gone on to college.

Elizabeth Canela, a graduate of College Bound on her way to Duke University, says her name is Elizabeth “No Excuses” Canela. She explains that every student in the program accepts the same middle name. It was tough, she says, having to learn English and do all the work required of both school and the program. She stuck it out, though, and won the program’s Urban Heroes Award. She has been provided with a mentality of never giving up, she says. “In my Dominican culture, the usual response to ‘Como estas?’ [How are you?] would be ‘En la lucha . . . In the fight.’ Legal Outreach has made a fighter out of me.”

Luna and O’Neal both agree that lawyers modeling the career they love is a critical part of helping minority kids succeed. Both see the college track as the main track, and the law and lawyers as a conduit to keeping kids on that track.

“The goal,” says Luna about his volunteer work, “isn’t to get them through law school. I want them to get jazzed about going to college and to understand that higher education will change their lives. If they still keep the drive and go to law school, hey, that’s great, too.”

**Endnotes**

2. Percentages of minority lawyers from “Miles to Go: Progress of Minorities in the Legal Profession,” report by the ABA Commission on Racial and Ethnic Diversity, 2004; general population numbers are from the U.S. Census.

**The American Bar Association and the Law School Admission Council have created the Pipeline Diversity Directory, a database of diversity pipeline programs across the country, at:**

www.abanet.org/op/pipeln/dir/home.html.
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