

# A TRIBUTE TO MAX GUTIERREZ, SAN FRANCISCO'S FIRST LATINO PARTNER

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It is a classic example of the American dream. He was born in El Salvador and came to San Francisco when he was five months old. As a young boy, he worked at a women's clothing manufacturing plant called Elva of California. It was located on Minna Street, south of Market. He worked at that humble plant as a "cutter" throughout high school and during college. From these modest beginnings he would rise to graduate first in his law school class and become the first Latino partner in a large San Francisco law firm.

## SAN FRANCISCO PUBLIC SCHOOLS

Max Gutierrez was educated in San Francisco public schools. He attended Marina Junior High School and was student body president at George Washington High



Photo by Jim Block

Arturo González and Max Gutierrez

School, where he graduated in 1948. His initial interests were in medicine. He majored in psychology, within the premed program, at the University of California at Berkeley, but became interested in law after auditing certain courses that involved the law.

Law school was a far cry from his days as a cutter. His parents, Max Sr. and Elva, owned and operated Elva of California. Max and his younger sister, Stella,

worked at the plant to help make ends meet. Max enjoyed the work. He enjoyed interacting with the other employees, no doubt displaying some of the humble interpersonal skills that would assist him later in life.

After college, Max spent two years in the army and then enrolled at the University of San Francisco School of Law (USF), where he excelled, graduating number one in his

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class in 1959. In contemplating what type of law to practice, Max decided to focus on estate planning, in large part because it would involve working with people and helping them plan their lives. He did not want to spend his career in the library.

Although he was number one in his law school class, Max felt that he needed to boost his credentials further because big law firms did not then hire graduates from USF. In the fall of 1959, Max travelled east and enrolled at the Georgetown Law Center, where he obtained his LL.M. A veteran of the Korean War, Max paid for his studies, in part, with a Georgetown fellowship and GI stipend of \$650, tax-free, per month.

When Max moved east, he was not alone. Between his first and second years of law school, Max married Mary Juanita O'Hearn, who gave birth to the first two of their six children during law school. (Two of his children are also lawyers.)

While balancing family and education, Max fulfilled his goal of enhancing his credentials, graduating number one from Georgetown. More importantly, in a very early form of networking, Max had frequent lunches at Georgetown with Paul Dean (dean of the law school and head of the estate department) and Paul Francis ("Frank") Duggan (dean of the Graduate School of Law and head of the labor department). These deans made arrangements for Max to interview with Brobeck, Phleger and Harrison and Pillsbury, Madison & Sutro (which was then three times the size of Brobeck).

Incredibly for a Latino law student at that time, Max received offers from both Brobeck and Pillsbury. He chose Brobeck because it was a smaller firm and because he was told that he would be given opportunities to litigate. He had asked Jack Sutro whether he would be able to litigate at Pillsbury while in the Probate and Trust group. "He said, 'Oh, no. We have lots of litigators who can take care of that,'" Max recalls. "At Brobeck, I was told that I would be able to litigate my own cases if I could do the job."

He began working at Brobeck in 1960. There were approximately forty-five lawyers at the firm—all white men. His starting salary was \$450 a month, taxable income, but he received a \$100 per month bonus for his LL.M. He smiles as he recalls that he made a lot less money as a first-year lawyer than he earned from the fellowship and GI bill while he was a student and says, "I graduated number one in my class and got a pay cut."

Max was initially assigned to work with Ted Meyer, head of the Corporate Department and Tax Department at Brobeck. Max recalls receiving large stacks of estate planning files and being asked to comment on them. He used his discretion to point out the most important points in the files. A couple of years into his career, Max persuaded the head of the Probate and Trust Department to hire the first "paralegal" to be hired by the firm to help him with some of the more administrative tasks he was working on. This freed him up to do other things that he thought were more important to his advancement.

### ACTIVE IN BAR ASSOCIATION ACTIVITIES

Max realized at an early stage of his career that networking was important. He became very active in local and state bar organizations. In 1965, Max was president of the new attorney Barristers Club of The Bar Association of San Francisco. He was also active on the Family Law Committee of the California State Bar. He later became chair of that committee.

In 1967, when many law schools still had not admitted Latino law students, Max became Brobeck's first Latino partner. To my knowledge, he was the first Latino partner at any large (or midsize) law firm in San Francisco.

After obtaining partnership, Max continued to be active in bar association activities. He was very attracted to former Governor Edmund G. "Pat" Brown's commission on family law and, in 1970, became very involved with members of that state commission and actively assisted then-Senator Donald Grunsky with Herma Hill Kaye and

Isabella Grant in spearheading the implementation of a new law involving “no fault” divorce in California. When the bill passed, Max had numerous clients lined up waiting for help.

In 1976, the Transfer Tax Act changed federal estate tax and gift tax laws. Max and a colleague from another firm divided up the topic and produced a CEB treatise that was widely used. This led to the establishment of a national reputation as he spoke at institutes and law schools throughout the country. He became active in the American Bar Association, chairing the ABA's Real Property Trust and Probate Law Committee from 1994 to 1995. Max was one of twelve lawyers who established the International Academy of Trust and Estate Law. All of this work led to Max being listed by the editors of *The Best Lawyers in America* as the only partner in the country identified as a Best Lawyer for two different practice areas: family law and trusts and estates.

### CROSS-SELLING HELPS HIM ADVANCE

Through his bar association and speaking activities, Max developed his own client base. However, he also benefited from internal cross-selling at Brobeck. Clients who needed help with estate planning (or, after 1970, with divorce) were referred to Max by other Brobeck partners. Similarly, many of Max's clients had legal needs that were serviced by other Brobeck partners. It was a win-win situation.

### NOT ALWAYS ROSY

Although Max has achieved enormous success, there were a few bumps in his legal career. With a name like Gutierrez, Max has seen some bias during his career. He reluctantly recalls incidents at cocktail parties where he would be introduced to people who, appearing offended at having been introduced to a Latino, would immediately turn to speak to someone else. Max would brush aside such rudeness because he did not feel he needed their approval. At times, Max would be speaking to an influential person

who would introduce Max to the same person who had previously ignored him. That person would then converse with Max.

Later in his career, Max's firm would encounter financial difficulties and, after nearly a hundred years of existence, cease operations. Max and some of his colleagues remained in the same offices and joined Morgan, Lewis & Bockius LLP, where Max still maintains an active practice. Today, the managing partner of Morgan Lewis's San Francisco office is Rollin B. Chippey II, an African American attorney whom Max recruited to Brobeck from Harvard Law School in 1980.

### ADVICE TO YOUNG LAWYERS AND LAW FIRMS

Max's advice to young lawyers is simple: work hard and do quality work. “Hard work is the cornerstone to success,” says Gutierrez. He encourages young lawyers to develop close working relationships with junior lawyers in the clients' legal departments. “Those junior lawyers will someday be in a position to direct work to you,” he says. He also advises young lawyers to expand their practice to make themselves more valuable to their firms. And importantly, he emphasizes treating others with respect. “Attorneys should treat people the way you would want to be treated.”

With respect to law firms, Max stresses the importance of client development training. He also believes it is important to send diverse teams to law schools to interview students. “Firms should send attorneys of color out during the hiring period, folks who can relate and understand the apprehensions the recruits may have.”

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