



From left, BASF President Arturo González, Task Force Cochair Nicole Harris, BASF President-Elect Priya Sanger, Task Force Cochair Jennifer Shoda

A SPRINGBOARD TO SUCCESS THE BOTTOM LINE PARTNERSHIP TASK FORCE

Leslie A. Gordon

There are some commonalities among the surprisingly small population of minority law firm partners in San Francisco. For instance, partners of color are often not the first choice for key assignments and are not awarded first- or second-chair positions on big cases for important clients. Minority partners must work harder to achieve the same credibility and opportunities as their majority counterparts. Partners of color have been told they don't know their place. Others

have been called in for client pitches but were not later included in the actual work.

These are just a few of the nuggets gleaned from the work of the Bottom Line Partnership Task Force, an in-depth examination of the careers of law firm partners of color. The brainchild of The Bar Association of San Francisco's 2010 president, Arturo González, the task force was formed after he reviewed reports and data on diversity in the profession.

“One of the things I found startling,” says González, a Morrison & Foerster partner, “is that the number of African American partners stayed exactly the same over more than fifteen years of effort” to diversify. “Latino partners increased by a very small amount. Asian partners increased 300 percent. By no means am I suggesting that Asians have it made, but clearly they’re doing better than African Americans and Latinos.”

Upon taking the helm of BASF, González decided that no more formal data intake or measurement was necessary. “Instead, I wanted to focus on existing minority partners and how they are doing in particular. How’d they get there? How have they been able to survive?”

González pulled together a group of volunteers who interviewed partners of color at firms of fifty lawyers or larger to see how they’ve climbed the proverbial ladder. The task force will release its findings in November. The first-of-its-kind study promises to be “an absolutely fascinating product,” González says.

BASF has long sought to promote the hiring and advancement of racial and ethnic minorities, according to Daniel Burkhardt, BASF’s executive director. “But this is a fresh approach to an ongoing challenge in the community.”

Cochaired by Jennifer Shoda of Snyder Miller & Orton, Angela Padilla of VMware, and Nicole Harris of PG&E Corporation, with assistance from James Mink of Filice, Brown, Eassa & McLeod; Avin Sharma of Vasquez Benisek & Lindgren LLP; and Sharron Gelobter of the Yurumein Law Firm, the Bottom Line Partnership Task Force comprised more than sixty-five attorneys who volunteered their time to interview sixty-two minority partners at twenty-nine different law firms, twelve managing partners, and ten in-house lawyers.

Importantly, the task force report does not belabor the scarcity of minorities in the profession or what hasn’t happened. “Instead, we wanted to focus on what firms and companies have done to encourage and promote minorities in their ranks. What has been successful?” explains Shoda, the task force’s primary workhorse. “San Francisco is an incredibly multicultural community, but the legal industry doesn’t reflect that. People talk about improving diversity, but this effort will produce real teaching points.”

Yolanda Jackson, BASF’s deputy executive director and diversity director, notes that there are already theories about why there’s such a dearth of minority law firm partners. “We’ve read reports and data, heard from managing partners and consultants. But we liked this new approach: we went to people directly and heard from them en masse.”

Priya Sanger, senior counsel at Wells Fargo Bank and BASF’s president-elect, found this initiative especially exciting because minority attorneys don’t often receive generation-to-generation mentoring.

“There is something to what a Tony Robbins personality does: analyzing what successful people do and asking, ‘Can I copy some of these techniques?’ Professional coaches make you do this. So the report is a compilation of thoughts” for other minority lawyers to study, she explains. “We wanted to find out, despite all obstacles, how do successful minority lawyers think, what were their tactics for being successful? What was their mindset? What were the setbacks? Did they use mentors and, if so, how’d they get them? If they didn’t have a mentor, how’d they become successful?”

Similarly, in-house lawyers were asked about the practices

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and procedures regarding diversity in their law departments and how they encourage outside counsel to diversify. And law firm managing partners were questioned about the role of firm diversity committees or directors, as well as mentorship and other programs designed to support minority attorneys.

Seeking common themes and trends, a seven-person subset of the task force combed through more than 150 pages of notes from the interviews. From that, the task force will release teaching points in three categories: what lawyers of color can do to help themselves succeed in a law firm environment, what law firms can do to increase their diversity efforts and to help lawyers of color succeed, and what clients can do to help advance lawyers of color.

Though not every minority partner in San Francisco agreed to be interviewed, González said he was pleased with what he called “significant participation” by the minority bar. Most interviews took place in-person and lasted between thirty to sixty minutes.

Every discussion was strictly confidential. “We needed the interviewees to be as candid as possible,” Shoda explains. “Nothing said can be traced back to a particular person or firm. I was highly encouraged at how enthusiastic every single partner was about this project, whether they were relaying positive or negative experiences.”

For Shoda, the hard work of the task force resulted in the personal benefit of connecting with other minority attorneys. “It was awesome to meet them and hear their experiences because there are not that many opportunities for minority attorneys to meet and network.”

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For his part, González was struck by two main themes from the interviews. First, he says, is the importance of internal cross-selling to lawyers of color. “Most successful partners are not themselves rainmakers but have partners who feed them work internally,” he explains. “All law firm partners should introduce minority colleagues to clients and give them an opportunity to sustain themselves. But partners of color are somehow not top of mind. It’s troubling and surprising that more emphasis is not placed on this. And minority partners have a strong feeling that their own partners don’t really care whether they succeed.”

González characterizes internal cross-selling as “low-hanging fruit” for law firms. “It’s such an easy thing for law firms to fix. Pick any substantive area: partners don’t consider minority partners very often, even if those lawyers do that exact work. If a firm is lucky enough to have a minority partner, it’s foolish not to feed that person. It’s not good for the firm if the

only African American partner leaves.”

Another notable lesson from the report is, according to González, alternative avenues to partnership. “It used to be that government work and law firm work were mutually exclusive. But now law students have just as good an opportunity to become a law firm partner—maybe better—if they work for the government first or if they start at a law firm, go into government in a growing area, and then come back to the firm as a partner when the law firm has a significant need in that area. People who make partner often come from government, especially today when there is more emphasis on lateral hiring.”

In reading through the interview notes, Sanger similarly determined that there's no one formula for success but learned that it's essential for minority lawyers to know what they want from their careers. "Look at people who have it and then objectively look at your skills and get training where you need it. Then, be vocal about asking what you want," she says. "An enormous component of success rests in the hands of the person who wants to get ahead. Promotions are about timing and luck, but some people create their own luck. For example, you can ask to have a position created for you."

BASF's Jackson, who conducted several interviews, was struck by another commonality. "Whether the person was a partner for fifteen years or six months, whether the

team? Editor of a law journal? Do they demonstrate good presentation skills and good judgment? Being second in the class is not necessarily the sign of a successful lawyer, a good internal team leader, or a rainmaker."

Similarly, law firm management and corporate counsel can more actively promote change, according to the task force findings. For example, management can reward partners who make minority retention a priority. "Firms need to point out to rainmakers that, even if they are not currently seeing the financial impact of not having diverse teams, clients are caring more and more about diversity in their outside counsel. As decision makers in companies begin to push harder on this issue, the more it will have an impact on the rainmakers," one managing partner stated in a

BOTTOM LINE PARTNERSHIP 2010 TASK FORCE

partner went to school on the east coast or west coast, the stories and experiences are very similar: it typically took a white male to go to bat for the minority lawyer. It was eye-opening for someone like me who does [diversity work] every day."

Yet formal mentorship programs at law firms typically don't work, Jackson adds. "I'm not saying they need to go away, but they should be supplemented. Minority lawyers should seek out organic relationships with people who don't necessarily look like them but who jive with them. Young lawyers think the partner has to reach out to them first, but young associates should reach out, not sit back and wait."

Jackson plans to publicize the task force's report to bar associations around the country who look to San Francisco's legal community as a leader on progressive issues.

"The interviews produced good, creative ideas" that can be applied anywhere, Jackson says. "For example, one managing partner suggested that firms not focus on class and school rankings when recruiting, but instead think about leadership experience. Was the candidate head of the track

task force interview. Similarly, general counsels can effect change by offering incentives to outside lawyers who prioritize diversity—for example, allowing a law firm to raise its fees if it forms an ethnically diverse legal team.

According to Sanger, the Bottom Line Partnership Task Force report will serve as a springboard for BASF to renew goals and timetables on minority hiring, retention, and advancement. During her tenure as president next year, she plans to assemble a group of advisors to analyze the task force report and how BASF can further assist its minority population. "We'll work to determine how you can create a legacy of success. Diversifying the bar is not just a one-time fix. You have an obligation to others who come after you."

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