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**DIVERSITY** | IN ACTION

## Can This Be?

Uncovering a dirty little **secret** and ‘minority’ **switch-hitters**.

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**I** am a Puerto Rican first-year associate at an international law firm with New York headquarters. The male support staff approach me in a way that is just a little too familiar; the female support staff avoid doing my work and can be downright rude. To make matters worse, the main culprits are people of color: mostly Latinos and African-Americans.

*Their behavior is extremely annoying and I fear that it will impact me negatively on a professional level. How do I get support staff to treat me with the same regard as other associates?*

Shut them down. Then, kill them with kindness. Recognize that your experience is not rare: it is not unusual for attorneys of color to get treated poorly by other people of color, especially support staff. It’s a dirty little secret—but, unfortunately, it is absolutely true. Indeed, virtually every attorney of color, particularly those who practice at

law firms, has a horror story about support staff, and sometimes the offender is a person of color.

There is a tendency for support staff of color to be overly presumptive with black and Latino attorneys so they readily disregard typical protocols. In some cases, it’s unintentional; in other cases, it’s mean-spirited.

Listen to the crabs in the barrel because they are alive and well. However, you also should be aware that some of your fiercest supporters will be support staff of color, particularly older women who have long tenures at the firm. Trust me, they will watch your back: they’ll make sure your work gets done, they will share the inside scoop and basically give you the lay of the land. Have faith—there are two sides to the coin.

The men should be less challenging to deal with because kindness from a woman is usually enough to keep them at bay. Fair warning, though: my advice is stereotypical on many levels. While



I am a strong advocate of women’s rights, the “I-am-woman-hear-me-roar” approach simply does not work in every situation. Sometimes, a firm “purr” generates better results than a mighty roar, so try the sweet tiger method first.

Be proactive—don’t wait until the next episode. Take one of the offenders to the side. Try to pick someone who you think has some common sense and let him know that his comments are causing problems at work and you’d like for him to chill.

Try to “sandwich” the discussion: start with a different topic, mention your main concern, and conclude with your first subject. Emphasize that your concerns are not personal and express your gratitude for helping out with the situation. (Men are particularly receptive when positioned as “helping” a woman—use it to your advantage.)

Since birds of a feather tend to flock together, you may ask him to share your message with his colleagues. But use

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your judgment with this approach since the message may get miscommunicated—a lot depends on the person.

Smile, say “thank you” and walk away. Period. Next time you see him or any of the other guys, maintain your distance. Say “hello” and leave it at that. If you need to interact for business reasons then restrict the conversation to business only—say “thank you” and move on. During the holidays, you might even want to give them movie tickets as gifts or even pretend that you have some extra movie tickets you can’t use and pass them along.

While it is imperative that you send a clear message that you are a professional and expect to be respected as such, you also want to avoid making enemies of support staff at this early stage in your career. If, after employing this approach, you encounter some fool who persists, then address the situation directly with his supervisor. Law firms frown upon inappropriate behavior that could be construed as sexual harassment and will take the necessary steps to eradicate this conduct.

Females tend to be significantly more complex because their behavior is often-times subtle and fueled by unidentifiable factors. For example, the younger support staff may be jealous and resentful because you represent who they would like to be: a young and successful professional. Your presence may be a constant reminder of lost opportunities.

There is nothing you can do about that and it’s not worth your time to try. However, you can be friendly without being friends. People just want to be liked—a kind comment about an outfit,

a hairstyle or a cute kid can make someone’s day. Again, don’t get chatty and get into details. Make the comment (especially so others can hear it) and move on. If your work is still suffering, you may need to request the intervention of a supervisor, senior associate or partner assigned to your matter.

Older female support staff may view you as a snotty first-year associate, plain and simple. As previously mentioned, many of these women are treasures and will become your greatest allies. Assess how much power the woman wields.

For example, if you’ve been assigned a secretary who has been working with a partner for several years, let her be—you are not going to win because you are the low (wo)man on the totem pole. Talk to her about her experiences at the firm; if you’re going to the cafeteria or out to lunch, ask her if she needs anything. Basically, you want to respect her dimensions beyond her role as a secretary. She may come around (or, may not). In any event, just look at the bright side: your typing skills will improve tremendously!

**M**y colleagues and I are extremely frustrated by what appears to be a disturbing trend. Each of us is involved in diversity initiatives at various New York law firms ranging from on-campus recruitment to firm-sponsored programs. We have noticed that some law students/associates, particularly South American Latinos, pick and choose when they want to claim “minority” status.

For example, a Latino from Argentina

may claim “minority” status for law school entrance purposes but will identify as white in other instances. Some of them never associate with their Latin culture and quite a few can’t even speak Spanish. How should we handle this situation?

Apparently, passing is not limited to black folk. Unless you are prepared to completely bureaucratize the identification process, there really isn’t much that can be done. Proof of ethnicity and race is tedious, time-consuming and controversial. For now, the honor system should serve as the basis for racial and ethnic identification at law firms.

The fact that someone of color looks white and is perceived to be white is not the issue: DNA is DNA. Furthermore, identifying oneself as white and Argentinean is equally acceptable since one can be both white and Argentinean. The problem is the disingenuous switch-hitting. At grave risk is the integrity of diversity initiatives that have been implemented to address perceived societal imbalances resulting from race, gender and ethnic discrimination.

It is improbable that law students or attorneys who make attempts to conceal or otherwise falsify their ethnicity are legitimate diversity candidates. Unfortunately, a few of these folks will slip through the cracks. •

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