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DIVERSITY | IN ACTION

How to React?

The **'n' word** is used pejoratively, and a **Latina** doesn't make partner.

BY KATHERINE FRINK-HAMLETT

I am a white, male associate at the New York branch of a multi-office firm with national and international locations. Recently, our branch office held a holiday celebration at a venue outside of the office. As with most holiday gatherings, alcoholic beverages were served and everyone was relaxed and fairly uninhibited.

At one point, one of our major partners became involved in a conversation with some associates and a couple of partners in which he began addressing issues involving African-Americans. Much to the shock of everyone in his presence, he referred to African-Americans as niggers.

I was visibly stunned and didn't know what to say so I said absolutely nothing. Since the event, the firm has never addressed the issue and to my knowledge none of the partners who heard this reference has done a thing. Even though none of our associates of color heard the statement, I still feel as if something should be done. What is the

appropriate follow up? What should I do?

Not much. While I can appreciate your angst and commend you for being concerned, I don't think that you are in any position to make a significant difference in this situation.

Could you go to the firm's diversity committee to report the incident? Of course. Could you share your feelings with a trusted partner? Most definitely. In the end, however, the stark reality is that the probability for meaningful change is extremely low. My sense is that this is a battle that is simply not worth fighting because any so-called victory will be elusive and, at best, insincere.

Keep in mind, the partner is a rainmaker and no matter how you slice it, his presence, racial slurs notwithstanding, is vitally important to the firm's bottom line. If the choice is between retaining a racist partner and significantly diminishing the firm's revenue, the former option



clearly prevails.

Let's say the partner was confronted and made to issue an apology. So what? This partner has probably been referring to black people as niggers for years, and will most likely do so until the day he drops dead. The

apology may change some of his outward behavior in the presence of some, but it will never change his underlying sentiments as it relates to others, namely, black associates and law students whose lives will be adversely impacted by his views. When the partner does on-campus recruiting, black law students will still be seen as niggers. When he reviews the work of black associates, those briefs will still be written by niggers. So while ironically, none of the associates of color at the firm heard his comment, they will be the most affected by his views.

Meaningful behavioral changes occur primarily as a result of significant consequences. So, for example, if the firm's clients withdrew

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business or if law schools barred the firm from on-campus recruiting, then I suspect that this partner's conduct would change drastically and in a much more meaningful way since the partner's and the firm's interests would be on the line.

If your sense of integrity compels you to make this a firm issue, then do so. My guess is that you'll get the ubiquitous apology along with a hurried effort to bury the dirty secret. Alternatively, you may just want to step back, breathe deeply and take this as a learning lesson: the quest for racial equality is real but not every offense is worth the fight. Wage your battle on higher ground.

I've just been passed up for partner and I am deeply hurt and extremely confused. I am a Latina female at a major New York law firm that has consistently ranked among the top 25 firms for the past several years. I graduated cum laude from a top five law school and was on a journal.

I have been at my firm for 10 years and started there as a first-year associate. My reviews have been excellent since day one—I have never received an unfavorable review—never. I am highly respected by clients, partners and associates. Partners have consistently relied on me to handle major assignments. I've even received accolades from judges and opposing counsel for my work performance. I have worked my fingers to the bone and dedicated a significant chunk of my life to the firm, from canceling vacations to not even taking vacations in order to meet client demands.

Hands down, I am one of the best associates in my department. How

could it be that a firm that touts its commitment to diversity would decline to make me partner? I came up the firm's ranks, graduated from one of the best law schools in the world and produced an excellent work product. My colleagues are equally shocked that I did not make partner and have begun expressing condolences. I am literally seething in anger, and bitterness is starting to set in. What did I do wrong?

Nothing. You've excelled in every conceivable manner so don't blame yourself for the firm's failure to recognize your contributions. You've worked hard, you've dedicated yourself, and you've produced excellent work.

Two thoughts: maybe the firm is not genuinely interested in a diverse partnership, and maybe you needed a mentor. Specifically, you could have benefited from a partner at the firm who was watching out for your interests and grooming you along the way.

Attaining partnership is an inexact science. Working extremely hard, long hours is a foregone conclusion. Timing is a huge factor. Marketplace dynamics are equally influential. The ability to excel is a must. And based on my discussions with recent partners (of color and otherwise), sometimes it's just the luck of the draw. But even if all of the stars are properly aligned, any associate striving for partnership must have an influential partner grooming her along the way.

It is critical and, indeed, deterministic, since no associate, absolutely no one, reaches partnership without having at least one such

guardian angel in her corner. The challenge for associates of color is obtaining opportunities to be groomed by senior partners who wield such influence.

Despite some recent improvements, New York law firm partners tend to be mostly white and male, and many of them tend to socialize with associates who are also white and male. So while some associates are having lunch with powerful partners, others are not. And while some associates are involved in sports activities with partners, others are not. It is in the subtleties of these social interactions that the seeds for partnership are cultivated.

Clearly your achievements are worthy, yet somewhere along your journey the mentoring process did not take hold. Perhaps, as you reflect over your tenure at the firm, you may recall moments when you were working extremely hard to prove your worth while other associates were working hard but were also exposed to what I refer to as essential interactive opportunities.

Even with the mentoring process in place, there are still no guarantees. Just remember, the multi-talented Paul Robeson graduated from Columbia Law School and literally struggled to be accepted as a legal practitioner. While many more legal opportunities exist today for women and people of color, the struggle surely continues. •

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