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DIVERSITY|IN ACTION

Standing Out

How will **gay** summer associates, and those **of color**, be evaluated?

BY KATHERINE FRINK-HAMLETT

My firm recently announced a social function that includes family members, and specifically mentioned that “spouses and partners” are welcome to attend. As a gay summer associate, I’m considering whether to bring my partner but I’m not sure that I will. How literally should the firm’s statement be interpreted?

Listen to what’s not being said. Take a look around: are there openly gay partners or senior associates, or are most gays and lesbians fairly closeted? Boris Thomas, a gay psychotherapist and consultant who practiced law with two major New York law firms, suggests that in addition to your own observations, you reach out to your law school’s placement office to conduct further due diligence about the firm’s reputation. Ideally, this type of investigation should occur prior to accepting a summer associate offer. Even in a tight market, where such offers tend to dwindle, you’ll want to find out as much as possible about any unspoken truths regarding the firm’s treatment of gays and lesbians on both a professional and personal level. Another resource that may be available is former gay associates of the firm. Your law school placement office may be able to help you identify those individuals.

In the end, you really have to weigh your short- and long-term career goals against your personal sense of integrity. Neither are static precepts so this becomes an ongoing evaluation.

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If you’re looking for a permanent offer (and who isn’t?), Mr. Thomas considers that even though your professional demeanor, likeability and, of course, your work product, will carry significantly more weight than your sexuality, you may wish to err on the side of caution and not bring your partner to this particular event. While this may provide a short-term solution, it doesn’t mean that your sexual orientation will go unnoticed or will not be a factor in terms of your long-term career goals. Admittedly not the ideal response but, perhaps, a strategic choice.

I am a summer associate of color at a major New York law firm. There are about 50 summer associates altogether, with approximately 23 percent representing people of color. Recently, a discussion arose concerning permanent offers, and whether there is a level playing field for summer associates of color, or whether different rules may apply. Are there distinct evaluation criteria for summer associates of color?

No. At the risk of oversimplifying, the evaluation criteria are essentially the same for all summer associates, irrespective of racial or ethnic backgrounds.

Keep in mind that law firms are interested in cultivating bright, talented attorneys and so the criteria really do need to be fairly equal across the board. However, although the same criteria apply to all, the failure to meet the criteria may be more noticeable for persons of color and the responses different.

Let’s face it: based on your race or ethnicity alone, you are going to stand out from the rest of your peers.

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Furthermore, some of the decisionmakers will have had limited contact with people of color and, for a significant majority of them, their information will be based primarily on what they read, see and hear in the media as well as their interactions with people of color they work with, from support staff to partners. And, I bet there are noticeably more support staff of color at your firm than there are partners of color—remember, the *Brown v. Board of Education* decision is but a mere 50 years old.

Unless there are some extenuating circumstances, in all probability, you will receive an offer for permanent employment. Law firms expend a great deal of energy recruiting solid candidates who they believe will be able to meet their expectations.

In the case of summer associates of color especially, most tend to be recruited from top-tier law schools, which significantly increases the probability of success. So, while I can certainly understand your concern about receiving an offer, your greater focus should encompass a longer-term goal: establishing professional credibility.

Rather than rely on my experiences over a decade ago as a summer associate at a major New York law firm, I turned to Anna Brown, Diversity Management Attorney at Shearman & Sterling, for some concrete suggestions on how to make the grade:

Be Prepared. Read the business newspapers on a regular basis: The New York Times, The Wall Street Journal, The Financial Times, etc. The business section is an essential tool that enables summer associates to become knowledgeable about a firm's clients, and acquainted with the unique terminology applicable to the corporate arena. Attorneys at large law firms are charged with keeping current on business events in order to fully understand their practice environment. Knowing who the players are and what is occurring on a day-to-day basis is a definite must.

Take Ownership of Your Work Product. Be completely accountable for all of your assignments. Make sure that you understand what is being asked of you and are clear about the deadlines.

If you have an important personal social engagement that coincides with an assignment deadline, either plan ahead to have the assignment completed before the social engagement,

or alert everyone involved ahead of time so that you can properly manage expectations. Offer to make yourself available via cell phone or e-mail in the event questions about the assignment arise in your absence. Undoubtedly, other attorneys on the assignment will be available to address any such issues; however, the point is to approach the situation in such a way that the firm knows that it can rely on you to be responsible for your specific role.

If you don't have an assignment, go to the assigning partner and request one. Make sure your work is picture perfect, both in terms of substance and format which includes accurately numbered headings, consistent use of defined terms, grammatical use of language and the absence of typos. Use a senior associate or an assigned mentor to review your work and please make use of the firm's knowledge management repositories—strive to demonstrate efficiency and effectiveness with each assignment.

Don't Abandon Your Common Sense. Not every situation is predictable and some unexpected twists and turns may arise during your summer tenure. Deal with the unforeseen through the exercise of prudent judgment, which usually requires simply going back to the basics.

Keep in mind that not all of your answers will be found in a hornbook or on-line. Think through situations and make rational decisions so that the firm is left with an indelible impression of your ability to think proactively.

Inspire Confidence Through Professionalism. Conduct yourself in a manner so that your colleagues have to respect you. From your work product to your overall demeanor, you should be viewed as a first-rate professional. Take your work seriously; be prompt in arrival and completion of assignments; ask questions where necessary; participate in law firm social functions; treat the support staff as your allies; and dress appropriately.

My own suggestion on attire: err on the side of conservatism. Style is fine but the emphasis is on professionalism: nothing tight, no low riders and don't even think about showing your belly button, even at a casual firm function. And for the men, careful with slacks that appear too baggy; they can quickly take you from John Q., Esq. to John Q., thug.

Have a great summer! •