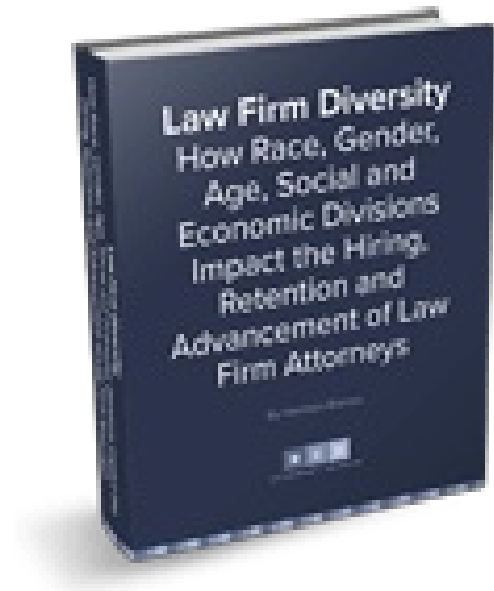


Chapter 7: Beginning Your Legal Career

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Part III: Serious Solutions

The average law firm seems to take diversity very seriously. Law firms devote entire sections of their websites to diversity, a topic often given equal prominence as the directory of attorneys. (See Figure III.1.) Front and center is a section that talks about the law firm's commitment to diversity. "The typical law firm website and brochure may include a diversity commitment statement and a list of accolades awarded for alleged strides in diversity, but is often silent regarding whether they actually have a diverse team of lawyers."^[1]

Figure III.1. Cravath's Diversity Statement

Almost every large law firm has a diversity committee. In 2005, DRI issued the *Law Firm Diversity Retention Manual* that included recommendations for developing a successful diversity program, one of which was establishing and managing a diversity committee. When developing a diversity committee, DRI recommends and firms typically consider the following:^[2]^[cmp1]

The size of the committee: Committees with between five and nine members typically are most successful. Larger committees require subcommittees that focus on specific aspects of the diversity program.

Diversity within the committee: The committee itself should be a blend of genders, racial backgrounds, sexual orientations, and, moreover, associates and partners.

Interaction within the firm: Staff and lawyers of the firm should have opportunities to interact with committee members. It is important for the committee to circulate articles and information relevant to external and internal diversity issues.

Development of a diversity plan: Committees are responsible for developing and implementing both short-term and long-term strategic diversity plans.

Involvement with law schools: Firms that support law school minority organizations as well as minority bar associations will largely have access to a greater recruiting pool.

For reference, firms such as Morrison & Foerster, a global law firm headquartered in San Francisco, have been praised for implementing multipronged approaches to creating diversity committees.[3]

In addition, a significant percentage of large law firms also have diversity managers. Often, they are hired from outside the firm to supplement the duties of diversity committees.[4] A survey of law firm diversity programs found that at least 90 percent of firms assigned the following duties to their diversity manager:[5]

- Develop and promote diversity goals and strategies

- Implement long-term and short-term strategies

- Monitor objectives and strategies

- Promote awareness of diversity issues in management, operations, and governance

- Develop programs that foster an environment of inclusiveness and support for all lawyers so as to encourage retention

- Ensure firm support of law school minority organizations and national minority bar associations

- Manage external outreach programs

- Collaborate with corporate clients regarding diversity initiatives

- Work with the recruiting committee

Law firms are spending a lot of money on diversity managers and diversity programs. The average annual salary for a diversity manager is more than \$200,000, with firms allocating more than \$500,000 to the diversity manager's office.[6] These expenditures are geared toward making sure that both women and ethnic minorities are hired by the firm and are well integrated after being hired. Scholars like Bill Henderson and Marc Galanter articulate that these expenditures are not made by large firms simply out of a moral obligation but rather for profit maximizing.[7]

Law firms tend to do what other law firms do, and because there is so much competition to be diverse, a law firm cannot afford not to be diverse. But despite this overt commitment to diversity, diverse candidates still have hoops to jump through to attain employment in a law firm.

Chapter 7: Beginning Your Legal Career

While I was growing up, Detroit was home to lots of families that were not well off financially--lower-middle-class and working-class neighborhoods made up the bulk of the city. But I lived with my mother in a small house on a quiet street in Grosse Pointe, the waterside town adjacent to Detroit. Grosse Pointe was nearly 100 percent white and Catholic and Protestant. There were no black people in Grosse Pointe that I knew of, and no Jewish people either. It was a very conservative area, where a lot of wealthy families lived.

We were not one of them. My mother was a single working woman with an alcohol problem. She kept a roof over our heads, but I felt alone and lost when she was drinking and I could not communicate with her. I felt isolated from our community because my mom was a single parent in a conservative neighborhood, and we didn't socialize with the other "regular" families. The kids on my street were not allowed to come over to my house to play. Because I was mostly unsupervised for much of my childhood, I got into more trouble than I should have. With what I was experiencing at home, I often felt depressed and hopeless.

In an attempt to provide a better environment for me, my parents decided to send me to a private school called the University of Liggett for eighth grade. My parents were divorced, and despite her issues, my mother elected not to take child support so that I could attend this prestigious school, which my father paid for.

Primarily, the children of successful businessmen, old Grosse Pointe families, and doctors and lawyers who practiced in Detroit attended the school. The student body was dominantly white, and the school's dress code required boys to wear a coat, tie, dress shirt, and dress pants and girls to wear skirts and blouses.

During the first several months at Liggett, I did not fit in at all. I had gone to public schools until then, and public school kids talked, dressed, and acted differently from how those private school kids did. I was the child of a single mother, never had dry-cleaned clothes before, and did not know how to behave in an environment that could be described as conservative and Republican. After some time, however, I learned what made me friends--being rebellious--and started acting out to gain the approval of my classmates. The other students found this quite humorous, and I quickly became popular.

I was living with my mother and experiencing her constant drama while I attended Liggett. I got surprisingly bad grades, even when I studied. I had done well enough in public school, but this private school was a whole different can of worms. The other students studied hard at night and were motivated to get good grades, whereas I was being raised in the lower-middle-class part of the city, and making the most of education was not part of our culture.

Instead of kicking me out, Liggett simply did not invite me to pick classes for the following year or to tour the high school. I wondered why, so I tracked down the headmaster, and when she finally met with me, she told me that I needed to do well on my final exams if I wanted to return, and she recommended that I study hard. This was upsetting news. My grades did not improve even when I made a supreme effort to study. I wanted very badly to advance to the high school and felt like I was not being allowed to because my distracting home life and lower-class background were not factored in to my situation. Instead of confronting the issues contributing to my poor performance, the school ignored them. I did not return to Liggett for ninth grade.

After I failed in that environment, my parents decided the next best thing was for me to live with my father on the other side of town in Bloomfield Hills. He had recently moved in with the woman he planned to marry. Lots of different kinds of people lived in Bloomfield Hills, and the private prep school I attended there, Cranbrook, emphasized diversity. I liked this a great deal and found the learning environment much more open.

Cranbrook had no particular dress code, and no major importance was placed on following the rules. The school was open to different ideas, encouraged debate, and seemed to treat everyone the same. Large numbers of not only white Christians but Jews, Indians, Asians, and others attended. The atmosphere was much more liberal than that of Liggett.

I thrived at Cranbrook. The quality of the education and teachers made a huge difference for me. Despite the school's emphasis on diversity, however, I noticed that the kids from different backgrounds associated mainly with other kids who were like them. The Jewish kids hung out with other Jewish kids, and the black students did the same.

Cranbrook was a place where I fit in and succeeded. However, my home life was a different story. My father's second marriage lasted only a few tumultuous years. While his relationship was disintegrating, my living environment was very divisive. For a time, my father lived in the basement of the house, and I stayed upstairs with his wife and her daughter. It was a strange experience. They cooked their meals separately, did not speak to me, and would not even let me use their cooking utensils. Making matters worse, my father often traveled overseas on business, and I would not see him for weeks at a time. I was isolated and grew to feel that I could rely only on myself.

But I was lucky. If I had stayed with my mother and never moved in with my father--which gave me the opportunity to absorb some of his values, such as an emphasis on education, middle-class work ethic, and prestige as a motivation--I likely would have attended a community college somewhere in Detroit, and my life would have turned out much different.

Following in my mother's footsteps would have led me down a whole other path. She had grown up in a

small town in Michigan, had attended public schools, and went to Michigan State for college. When I lived with her in Grosse Pointe, I was around her drama all the time. Her struggles simply to survive daily life left no room for her to teach me to prepare for the future or plan for a better life.

When I got to college, I was elated to be attending such an intellectually rigorous institution as the University of Chicago. I gravitated to classes dealing with human groups, such as sociology and anthropology, where we discussed race and ethnicity and how different groups fared in society. I found these subjects fascinating because their effects were playing out everywhere around me.

In my sophomore year of college, I dated and fell in love with a conservative Jewish girl from Texas. All of her friends were Jewish, and after our relationship became more serious, she came under increasing pressure from her family to end it with me and find someone Jewish to date. Her family believed Jewish people were preferred and superior in many ways to non-Jewish people. We eventually broke up because her family would not accept me.

As I studied other cultures, I became intrigued with all the different ways groups got along, or didn't. It surprised me each time my girlfriend moved to break up with me after she spoke with her family. I did not understand why Detroit was all black and the suburbs were all white. The economic differences around me did not make a lot of sense either.

All of this acted as the perfect storm and I got hooked on the concept of helping others who also felt marginalized by society. As someone who needed to support himself during college, I felt a great affinity toward the working people of Detroit. I wanted to demonstrate that, by applying themselves, they could better themselves no matter what their background.

The summer before my senior year at the University of Chicago, I worked seven days a week and just about every waking hour in an asphalt sealing business I had started during high school. The business was based in Detroit, and I lived on Jefferson Avenue in an apartment in a "dangerous" neighborhood. I hired most of my workers from a nearby drug rehabilitation center. All of my workers were black men. The guys tended not to have had much experience being employed, and I took great pride in giving them honest work to do to help them develop confidence and self-respect.

Detroit, at the time, was impoverished and as yet "undiscovered," with a high degree of poverty, rundown buildings, and other economic issues. My crew and I began each morning by driving our work trucks out to the much wealthier suburbs to seal asphalt. We did most of our work in Grosse Pointe. It was gritty, exhilarating, and rewarding. I loved the outdoors, the smell of tar, the heat, the bantering back and forth with my employees, and pretty much everything about the job.

A few nights a week, I got dressed up in a nice shirt and pants and went around door to door selling asphalt. I loved going out to sell because I would meet wealthy homeowners and see how they were living. I talked to them about their careers and learned about them and what it had taken for them to be successful.

When I was working a job, I was typically covered in tar, wore work boots and work pants, and was always sweaty. I was unrecognizable from the person I was when I was selling. I loved this contrast, too. Traveling around with my workers, we certainly looked far from respectable. People treated me a lot differently from how they treated me when I was all dressed up and selling. But I enjoyed being with the guys and never felt so alive as when we were toiling together.

Though I never really made much profit in this business, back then I convinced myself I was doing very well financially. What was really happening was that I had become absorbed in helping others and felt best each day when I picked up and dropped off my workers at the rehabilitation center. So, I rationalized the business

was a worthwhile endeavor by believing it was financially successful, as my more conservative values demanded a business be.

My interest in helping black men largely stemmed from my upbringing. My mother worked for the Michigan Department of Civil Rights, and I grew up a witness to how enthusiastic she was in her efforts to help primarily black people who had been discriminated against. Though she lost a lot of that enthusiasm later in her career, I saw her motivation when I was younger, and it moved us both.

I grew the asphalt business into a rather decent-sized business, and by the end of the summer, it was generating thousands of dollars in an average week. Many times, I worked alone overnight on commercial parking lots that needed to be ready for business by the next day. I smoked cigarettes, drank a lot of beer, went home covered from head to toe in tar, ordered take-out, and had a very unhealthy lifestyle in all respects.

When I returned to college the autumn of my senior year, I was so tired I did not have any energy. I dropped all of my classes except one and spent the better part of the fall semester sleeping in the fraternity house. Even though I was the president of the fraternity, I was so tired I didn't participate in many activities. I grew my hair long because I was too tired to get it cut. I had worked so hard over the summer in my asphalt sealing business that I thought I had simply exhausted myself. Later I found out I had mononucleosis.

I had not yet come up with a plan for my career but believed that the best idea was to go to law school, and I was excited about this possibility. Despite my lethargy, I was doing well in college and felt like I could get into a good law school if I did well on the LSAT. But being completely exhausted and unable to stay awake made studying for this test impossible, and I was unable to complete the exam the first two times I took it. Nevertheless, I managed to get into my first-choice law school--the University of Virginia. I had chosen this school largely because the smartest person my college girlfriend knew had gone there, and she had told me I would never get in because I was not smart enough. I was very happy when I did.

The atmosphere at Virginia was so different from the University of Chicago's. Chicago was sort of dark, somewhat depressing, and rather ethnic. In contrast, people at the University of Virginia were primarily white, looked healthy, seemed upbeat, and--for reasons that made little sense to me--pretended not to work that hard. They played lots of softball, kept busy at the gym, and then told everyone they were not studying very much. I found this humorous because I knew my fellow students stayed up late each night hitting the books hard.

The people in law school were very smart but were not necessarily all that intellectual. Both the professors and students seemed to cut through the nonsense and get to the truth of matters very quickly. This is what might be called "lawyering," but it was also cultural. Law school introduced me to the culture of the legal profession.

To succeed in the legal world, from a very young age aspiring attorneys need to have certain kinds of information conveyed to them, and certain values and priorities emphasized. In many cases, if an aspiring attorney does not obtain the right information at the right time and adopt the right values and priorities early on--before he or she even fully appreciates the significance of them--that attorney's opportunity to excel is diminished, sometimes irrecoverably.

Three factors make it possible for an aspiring attorney to get a position with a large, prestigious law firm, first as a summer associate and then later as a permanent employee: (1) the quality of the attorney's law school, (2) the attorney's grades, and (3) how well the aspiring attorney interviews. If an attorney does not compete well in these three areas, he or she will have issues getting a position with a major law firm.

The Right Schooling

When I went to the private school Cranbrook, I lived with my father, a businessman, in a diverse neighborhood. My father had also gone to Cranbrook, and he believed that a good education was vital to my future. Going to that school changed my life. Had I not attended, I probably never would have considered going to college someplace like the University of Chicago. From there, I might never have aspired to attend law school, let alone at the University of Virginia.

Many hurdles stand in an aspiring attorney's career path. How effectively the future attorney overcomes them determines that attorney's success in the practice of law. Unless aspiring attorneys are prepared for these challenges and understand the "rules of the game," their income and future in the legal field can be uncertain.^[8]

Here is what I wish I knew about becoming an attorney. I am not commenting on whether these barriers to entry are morally right or correct but simply observing the way the legal field operates right now.

Getting Top Grades in College

The first hurdle is getting top grades in college. To get into the best law schools, future attorneys need to know the importance of high grades early in their academic careers. In a mandatory meeting with my guidance counselor after my first semester of college at the University of Chicago, I mentioned I might be interested in [going to law school](#). I probably had a 3.3 grade point average--which was very good at the University of Chicago at the time.

"If you want to go to a top law school you need at least a 3.6 grade point average," she said.

I was shocked. A 3.6 would have put me in the top 5 percent of my class, not an easy achievement at Chicago. Yet, from that point on, I studied and worked as hard as I could. I made sure I did not take classes I couldn't excel in. I'm grateful I was given this information early in college so that I had the chance to focus on high grades practically from the start; otherwise, I wouldn't have made it to law school. This guidance was crucial to my success.

Unless students come from a background that values education and believes a good education is the key to future success--or they are pointed in the right direction academically early on--their odds of going to the best law schools are sorely diminished.

Chicago was an academically competitive environment, which brought out the best in me. I was surrounded by other students trying their hardest. They were concerned about their grades and future professional advancement. Most of my friends, primarily white kids, had attended top prep schools to facilitate their entry to the university. Their values of hard work and academic preparation wore off on me.

Getting in to a Top Law School

The second hurdle is getting into a top-quality law school. Law schools are extremely competitive. Most are one-dimensional in how they admit people: they consider students' grade point average, LSAT scores, quality of undergraduate school, and (for most of them) race and ethnicity (this is called "race-conscious admissions policies" as discussed earlier).

As a legal recruiter, I have noticed that when an attorney has attended a top-ten law school such as Harvard, Stanford, Michigan, or Virginia, his or her odds of securing a position with a large law firm are very good. [The odds of getting a job at a large law firm for attorneys who attended smaller or less-prestigious law schools](#)

decrease in proportion to the ranking of their law school. Typically, getting a position with a major law firm requires attorneys to have attended a top-ten or top-twenty law school, as tiered by *U.S. News & World Report*, which ranks law schools on the basis of a weighted average of twelve quality measures. Had I not gone to the University of Chicago, where I was surrounded by other high-achieving students, I never would have applied to the School of Law at University of Virginia. I would not have cared. Living in an academically competitive environment where the significance of education to future success was stressed led me to adopt these values and motivated me to high achievement.

Getting Top Grades in Law School

The third hurdle is getting top grades in the first year of law school. In my experience as a legal recruiter, I've noticed that for attorneys to get into the best law firms, they need to get high grades their first year of law school. Law firms, like law schools, vary in their level of prestige. The very best major law firms typically require attorneys to have achieved the best grades. The further down the list in law school ranking, the more important future attorneys' grades become. Attorneys who attended a local law school that is not very prestigious may need to be one of the top-five students in the class to even have a shot of working at a major law firm.

Attorneys with poor grades--even those who attended the very best law schools--may not get an offer to join a prestigious law firm as a summer associate. Subsequently, when summer associates do not get an offer to join a law firm at the end of the summer, their rsum is permanently tainted. The message this sends is the following: the attorney could not get a position with a prestigious law firm as a summer associate; therefore, the academic achievement that would enable the attorney to get a summer associate position with a prestigious law firm was not important to that student.

This predicament can be fatal to an attorney's career and can foreclose the possibility of that attorney ever working in a major law firm.

My first-semester grades in law school were less than stellar. During the second semester, however, I realized that my future was on the line, so I worked like crazy--probably the hardest I have ever worked--and received high marks. I did not want to fail. Getting good grades after my first semester seemed like a life-and-death prospect: if I failed, I would be failing at something major for the first time in my career. I was resilient, not afraid to work hard, and had every intention of succeeding. This sort of motivation came from inside me, and [no one needed to encourage me to do](#) well at that point. I was used to succeeding because of the solid study habits I had formed in college, and I had so much on the line; failure was not an option.

Even though I was up against so many competitive kids, I did not feel out-punched regarding intelligence or intellectual abilities. I was capable of competing, understanding the material, and getting good grades. I was not at a disadvantage.

But what if I had been at a disadvantage? What if I was incapable of getting good grades? What if I had somehow been accepted into a law school when I was unable to compete to the appropriate level with the rest of the students? I am 100 percent certain that I would not have gotten a position with a prestigious law firm my second summer, with all the collateral damage that ensues from there.

Grades are one way a student's intelligence and drive within the educational system are represented. Without the intelligence, achievement becomes extremely difficult. Without the drive, staying competitive becomes impossible. Getting good grades in law school is also a product of who you are competing with and their level of aptitude and intelligence.

Getting a Summer Associate Position with a Top Firm

The fourth hurdle is getting a prestigious position for the summer after the second year of law school. I have found that the quality of the law firm where a law student works as a summer associate sets the tone for the rest of that attorney's legal career. If the summer position is not at a prestigious firm, future potential employers perceive the aspiring attorney as flawed in some way--there must have been significant reasons the attorney did not get a position with a good firm. It cannot be overemphasized: if a law student does not get a summer position with a large, prestigious law firm, the odds are that the attorney may never get a position with a large, prestigious law firm.

Law firms typically hire law students as summer associates to work in the firm the summer after their second year of law school. Every law student covets a summer associate position, and for good reason. Back when I was a 1L (had the first year of law school under my belt), weekly pay for summer associates was about \$1,200; today these jobs pay several times that. In addition, the quality of the firm where a summer associate works can determine the trajectory of that attorney's career in law.

To fill these positions, firms interview students the autumn of their second year of law school--meaning future attorneys are screened after only one complete year of law school. Summer associates almost always receive offers to join the firm after graduation. If a law student does not get a summer position with a large law firm after his or her first or second year of law school, that student will have a very difficult time *ever* getting a position with a large law firm. Summer associate positions are that important.

Most law students do unpaid internships the summer after their first year of law school to "beef up" their resumes for when they start interviewing for the all-important summer associate jobs the autumn of their second year. During the summer after my first year of law school, I worked for the Environmental Defense branch of the Department of Justice in Washington, DC. The DOJ is made up of countless divisions, but this particular branch was unusual because it defended the government when the government was accused of spilling waste or otherwise damaging the environment. I quickly realized that working as a government attorney was not for me.

Each day on the way into work, I saw well-dressed, polished people hurrying on the sidewalks. I assumed they were attorneys who worked for private law firms. They appeared engaged, enthusiastic about their jobs and life in comparison to the bland people at the DOJ. On the basis of these observations, I decided to target working for a private firm during my second summer.

I received a summer position at Reid & Priest, an old, midsized law firm in New York. I had spent the autumn visiting numerous law firms in Chicago, New York, and Washington, D.C., that had called me back for interviews--but the firm I clicked with was Reid & Priest. I could tell the people at Reid & Priest liked me and that I would do well there. It was a serious firm, but the people were approachable and easy to speak with. I also clicked with the hiring partner, which compensated for my lack of interviewing skills.

Getting an Offer from a Top Firm

The fifth hurdle is getting an offer after the second-year summer job. To make working at a large, prestigious firm a realistic option for the future, law students must receive an offer of employment after their second-summer job. Otherwise, I have found that future employers believe there is something seriously wrong with an attorney.

The ten-week summer associate job is a testing ground for firms to see whether the future attorney has what it takes to fit in and perform. Absent serious economic issues at the firm, it is very rare for law firms not to offer promising summer associates employment--unless there is something wrong with the associates. Issues with summer associates include attitudes of entitlement, sloppy work product, negativity, inability to follow

directions, and other red flags. If a summer associate has these sorts of issues, most law firms will not be interested in hiring that person.

Reid & Priest was one of the oldest law firms in New York and represented power companies for its bread-and-butter work. I enjoyed my summer there and had a good experience. At the end of the summer, out of the twelve people in my class, the only student who received an offer was a black woman from my class at the University of Virginia. The firm stated that it was not in a position to make multiple offers because it was having financial issues. Luckily, I had already set myself up to do a clerkship after graduation; Reid & Priest told me to call about working at the firm in the future after my clerkship ended.

Though I did not realize it at the time, events in the larger economy were already affecting my career. Attorneys are dependent on the economy for their jobs. Firms merge with each other; firms go out of business. When I entered law school, I believed you could join a firm and stay there for the remainder of your career if you worked hard and did well. That was not the truth anymore. To compete, firms were transitioning into a new business model. (See "The Law Firm Business Model" earlier.)

The Right Grades

Consider that, beyond raw talent and fortitude, the ability of aspiring attorneys to acquire the skills that enable them get good grades, get into good colleges and prestigious law schools, and play the part of the worker bee and then the entrepreneur who gathers a book of business are rooted very deeply in their background and diversity: racial background, gender, and socioeconomics.

Education is a system that operates on certain premises: that grades and tests can measure students' intelligence, knowledge, and ability. Sometimes these premises coincide and sometimes they do not coincide with certain societal groups' values and beliefs, with which aspiring attorneys from those groups have been inculcated.

For example, some say grades are a measure of how good students are at getting good grades--they measure effort, not intelligence, knowledge, or how much students have learned.^[9] (Yes, willingness of an aspiring attorney to put forth effort is a good item for law firms to evaluate, but don't let that get mixed up with the idea that grades are measuring intelligence, another quality law firms sell.) The ability to get good grades may depend more on a student's motivation to get good grades for some intrinsic or extrinsic reward, and, depending on their background, children may or may not be made aware of the potential rewards of education. Like I said earlier, I was lucky to be exposed to my father's esteem for a good education, and this motivated me to excel in my opportunities at the prestigious schools I attended.

Similarly, the quality of the college and law school an aspiring attorney attends depends, for one, on SAT and LSAT scores. The SAT and LSAT are standardized tests; it is still debated whether standardized tests are biased and advantage certain groups over others.^[10]

It is common to measure the performance of children in school by achievement tests. Although achievement tests indirectly measure personality traits as an amalgam, our analysis indicates that personality and cognitive traits should be separated more clearly and controlled for in order to understand test score gaps. . . .

Understanding what constitutes the test scores and grades used to explain the Black-White achievement gap . . . the male-female wage gap . . . and the PISA score and No Child Left Behind test score gaps *by social class* directs attention to what factors give rise to the gaps and how they might be remediated. (emphasis added)^[11]

Depending on their background, children may or may not be taught the skills they need to win at the education game the way it is set up, which affects their future opportunities.

Resources Providing Early Support for Aspiring Attorneys

The following resources recruit diverse lawyers long before these students even enter law school. How is that done? They simply attract kids--yes, kids--who, as early as high school, have established an interest in law practice. They track their young people through college and law school and, upon graduation, place them in law firms throughout the country, if not the world.

With diversity in the legal sector tantamount to their cause, they work willingly with any law firm that contacts them regarding diversity. They also work with and represent any group member who has graduated successfully, in most cases passed the bar exam, and established an ability to practice at a high level within an area of interest. In other cases, they recruit young lawyers just out of law school with the hope of placing them in firms where they flourish and their talents are allowed to blossom.

Council on Legal Education Opportunity: Founded in 1968, the Council on Legal Education Opportunity (CLEO) is a national organization that has expanded the opportunity for more than ten thousand minority and low-income students to attend law school and join the legal profession.

Hispanic National Bar Association: The Hispanic National Bar Association (HNBA) is an organization representing Hispanics in the legal profession. Founded on March 20, 1972, as La Raza National Lawyers Association, HNBA's members include attorneys, judges, law professors, legal assistants and paralegals, and law students in the United States and its territories.

Institute for Inclusion in the Legal Profession: The Institute for Inclusion in the Legal Profession (IILP) retains a core philosophy that fewer walls lead to more open doors. IILP reaches out to high schools, colleges, and law schools, providing programs that supplement the students' education, while also preparing them for the competitive aspects and nature of the legal world.

Minority Corporate Counsel Association: The Minority Corporate Counsel Association (MCCA) is one of the premier sources of learning, knowledge and future-oriented research on diversity and inclusion within the legal profession. Established in 1997, the MCCA provides resources, education, ideas, and networking to enhance the power and performance of the legal community. MCCA members are committed to diversity and inclusion.

National Association of Women Lawyers: The National Association of Women Lawyers have sought to provide leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law since 1899.

National Bar Association: Established in 1925, the National Bar Association (NBA) is currently the nation's oldest and largest national network of predominantly African American attorneys and judges. First called the "Negro Bar Association," the NBA's formation was in direct response to black legal pioneers of the early twentieth century who were denied membership to the American Bar Association.

National LGBT Bar Association: The National LGBT Bar Association comprises a national collection of lawyers, judges, and other legal professionals who help promote justice in and through the legal profession for the LGBT community. The LGBT Bar offers national lecture series, corporate counsel institutes, and the annual Lavender Law Conference & Career Fair.

The Way to Interview

Students' ability to interview well depends on their personality and their determination to extend beyond any natural disinclinations (if, say, they are introverted) to connect with interviewers, which is facilitated by sharing a background in common. Aspiring attorneys' ability to connect with interviewers, who are essentially making subjective judgments about candidates (based on homophily and stereotyping), is influenced by [racial background, gender, and socioeconomic background](#).

As mentioned earlier, entry-level attorneys are unknown quantities--the only information law firms have to go on is their grades in law school and their interview ability. The people who hire attorneys must identify with the candidates on some level. They need to feel some commonality with the people they hire. They need to believe that the people they hire are like them in some way. People identify with others from similar backgrounds. As mentioned, homophily is the tendency for people to associate with other people who are like them.

Law firms are different from typical corporate settings in many respects, not the least of which is the sheer amount of time employees (attorneys) are required to spend in close quarters with each other. This requirement for close interaction can inadvertently impede diversity efforts because, to get the work done, law firms want to form teams that work effectively together.

Kellogg School of Management professor Lauren Rivera found that hiring managers want recruits who have the potential to be friends with each other. Rivera writes, "Hiring is more than just the process of skill sorting. . . It is also a process of cultural matching between candidates, evaluators, and firms. Employers sought candidates who were not only competent but culturally similar to themselves."^[12]

This does not necessarily mean that hiring is discriminatory--but often, subtly, it is. A law firm might be "diverse," for example, but often the diversity is only skin deep, as they say, and not based on class, culture, or background. Smooth-working law firms consist of people who may be different colors (though mainly white and male) who grew up in similar types of neighborhoods, who attended similar top schools, and who share the same values and lifestyle. People want to be around people like them.

In Rivera's paper, a law firm hiring partner said: "We have a weekend getaway for our new summer associates their first week here. When one of our summers got back the next week, he said to me, 'We're all so different in our different way, but you can tell we were all recruited to come to [FIRM] because we all have the same personalities. It's clear like we are all the same kind of people.'"^[13]

Given this, successful interviewing has a lot to do with the background of the attorney. An attorney from a family of attorneys has a lot more to talk about and has more experiences in common with his or her interviewer than does one from a lower-middle-class or working-class background. Interviewers also can identify more closely with attorneys who share their ethnicity or social class. These factors make a difference in the ability of law students to get summer positions and attorneys to get jobs.

When I was interviewing in law school, I'm sure the legal recruiters probably thought it was strange that I had a bunch of stuff on my rsum about my extensive experience in the asphalt industry--calling myself the president of my asphalt company and more. I loved it when law firms asked me about the asphalt work. I'd find myself talking enthusiastically about it. To this day, thinking about my asphalt business makes me yearn for that time in my life.

But talking about my pride and enthusiasm for doing dirty blue-collar work was probably not appropriate in law firm interviews. Also, it was probably not appropriate to discuss my interest in inner-city Detroit and class divisions. But I did discuss these things because I did not know not to. All of this perfectly positioned me as someone who probably should not have gotten an offer from any firm. I was coming at the whole legal world from the wrong perspective and with the wrong sort of values. I had the ability to do good work and get good grades, but I did not come from a background large law firms were accustomed to. I did not know how to act the part of a large law firm attorney yet. That certainly came across every time my calloused palms shook the soft hands of white-shoe attorneys. I felt that I did not belong, but that made me want it more.

In this respect, individuals from working-class backgrounds are often at a disadvantage in the competition for legal jobs through no fault of their own. They might not have worked in an office environment before, might

not know anyone who has worked in an office environment, and might lack the work habits needed to succeed in an office environment. People from middle-class environments are correspondingly advantaged in the long haul to become attorneys because they likely grew up watching one or both parents and other relatives go to work in a business environment, and thus they know what it takes to succeed.

Looking back, I understand how I skirted these issues that normally waved red flags in front of law firms: inadvertently, I had built rapport and established commonality with the people who interviewed me despite the differences of my background.

For example, during the autumn of my second year of law school, I interviewed with more than thirty law firms in short, twenty-minute sessions at a campus job fair. Then I went to a host of callback interviews. The mother of one of my high school friends taught at the University of Detroit, a Jesuit school, and one of the perks of her position was that my friend could attend various Jesuit schools tuition-free. He chose to go to Fordham.

An attorney named Robert Reger from Reid & Priest, an old, midsized New York firm, interviewed me at the campus job fair. In the course of conversation, he mentioned that he had gone to Fordham, and I said, "That's a great Jesuit school." He liked that comment a great deal. After our conversation, I knew I would be hired, and I was. In retrospect, I think that Reger probably thought I was Catholic (I am not). My intent during the interview was not to play on religion but simply to make conversation and create rapport, but I believe that common point of interest was why Reger warmed up to me and I got the job.

Later, during my second year of law school, one afternoon my friend and I noticed commotion in one of the lecture halls. We popped in to see what it was all about. The Law and Graduate Republicans had gathered, and they were very seriously giving speeches and voting for officers. At the time, I was not a member of any political party and had very little understanding of politics other than what I sensed was an overwhelming interest in Republican politics in Virginia and Democratic politics in Chicago and Detroit.

Sometime during the meeting, someone called out for nominations for secretary/treasurer and, as a joke, my friend nominated me. I decided to plow through with it, and got up and gave a short speech. To my great surprise, I ended up winning the position. As we walked out of the meeting, my friend joked: "Now we need to find a Democrat meeting and take you over there to run for something."

With my summer position at Reid & Price already arranged, I had begun to think about doing a clerkship with a judge after my last year of law school before going to work in a law firm. I had no idea what a clerkship was, but I was told that if I wanted to be a litigator, I should apply for a federal district court clerkship (trial court), and if I wanted to be an appellate attorney, I needed to apply for an appellate clerkship (appellate court). I imagined myself pounding tables and marching around to the beat of my own arguments inside courtrooms, so I applied for district court clerkships in my home state of Michigan.

Within a few days of sending out applications, I received a call from the secretary of a federal judge in Michigan. The judge wanted to meet with me. He was a Republican judge and he had attended my high school, Cranbrook. I met with him in Detroit a week or so later, and he offered me a position as a clerk.

I spent maybe thirty minutes with the judge. I am pretty sure that when he hired me he thought I was a Republican, another characteristic beside our high school that we had in common. I bet having the information on my rsum about my position as secretary/treasurer for the Law and Graduate Republicans had something to do with that. I don't think he would have interviewed me or hired me if I was not a Republican because I have since learned employers tend to hire employees they believe are like them and can help them.

A lot needs to come together for a law student to get a summer associate position with a major law firm--a lot

of pieces must fall into place correctly: if the student manages to get into a good law school, the student needs to get good grades. If the student gets good grades, he or she still needs to interview well.

Then, there are further hurdles to clear to get a permanent job in a large law firm. Again, aspiring attorneys, especially diverse attorneys, are challenged by factors out of their control, such as the business-based hiring practices of law firms and the preconceptions they harbor about certain types of people.

Click Here to Reach Chapter 6: [Hiring Practices Remain Tense with Diversity Efforts](#)

Click Here to Reach Chapter 8: [Diverse Attorneys Will Still Face Challenges](#)

Click Here to Reach [Introduction/Table of Contents](#)

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[12] Lauren A. Rivera, "Hiring as Cultural Matching," *American Sociological Review* 77 (2012): 999.

[13] Ibid., 1009.

[cmp1]The Gutterman article is locked, so I can't see it. Make sure that it is the correct reference citation for the information in this bullet list and in the following paragraph--the DRI *Law Firm Diversity Retention Manual* is cited in the Gutterman article? Morrison & Foerster are praised in the Gutterman article?