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Paul McGrath

At a panel discussion Tuesday evening at Jenner & Block LLP on minority women in the law, Skadden, Arps, Slate, Meagher & Flom LLP partner Christina M. Tchen urged minority women lawyers to get out in the community and meet business leaders, while panelist Vincent A.F. Sergi, national managing partner of Katten Muchin Rosenman LLP, said his firm has started a leadership academy for minority women.

Panel examines obstacles facing minority women at firms

By Stephanie Potter
Law Bulletin staff writer

When Christina M. Tchen was an associate at Skadden, Arps, Slate, Meagher & Flom LLP, she argued and won a case before the U.S. Supreme Court.

Tchen, who is of Chinese descent, has since become a partner. She credits mentor Susan Getzendanner, the onetime federal judge who headed the team handling the case, with giving her that opportunity.

But while Tchen has achieved great success in a law firm, many other minority women struggle, according to an American Bar Association study released in August.

Tchen spoke Tuesday evening as part of a panel addressing that study, "Visible Invisibility: Women of Color in Law Firms." The discussion was held at Jenner & Block LLP, 330 N. Wabash Ave. More than 100 lawyers attended the event, which was

sponsored by Jenner & Block along with a number of other law firms and bar groups.

In part because of the study, Tchen was recently asked to chair Skadden's diversity committee.

"There's no silver bullet here at all because otherwise we would all be doing it," Tchen said. "It's something one has to keep working at."

Among the findings of "Visible Invisibility," according to panelist Mary L. Smith, senior litigation counsel at Tyco International (US) Inc.:

- Nearly half of minority women surveyed reported having experienced harassment or demeaning comments at law firms.
- Nearly two-thirds said they were excluded from networking opportunities.
- Nearly one-third said they had received an unfair perfor-

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mance evaluation.

Those problems were rarely experienced by white men in law firms and less often experienced by minority men and white women, according to the report. The “double whammy” of race and sex discrimination, the study said, led to a significantly lower retention rate for minority women compared to other groups.

“I guess some people won’t be surprised [by the results], but when you see them in black and white, they are surprising,” said Smith, a Native American who participated in the study.

Other panelists were: Jenner & Block partner Charlotte L. Wager, Susan R. Lichtenstein, corporate vice president and general counsel of Baxter International Inc., and Vincent A.F. Sergi, national managing partner of Katten Muchin Rosenman LLP. The discussion was moderated by Pamela J. Roberts, chair of the ABA’s Commission on Women in the Profession, which commissioned the study.

Wager said addressing the issues raised by the study is “a dynamic process.”

“Nobody can really stand up here and say they’ve got it right,” said Wager, Jenner’s director of professional development.

She said Jenner has had a strong commitment to diversity for many years, but until this report had not focused on the particular challenges facing women of color. In light of the study’s findings, she urged managing partners to assess how assignments and mentoring are handled within their firms.

Sergi said firms can use their compensation system as a tool to reward partners who are committed to diversity efforts. Sergi said in an environment where law firms are committed to profitability, improving retention of minority lawyers is essential.

Lichtenstein said her “pet peeve” is mentoring programs that match young minority attorneys with mentors of the same race and gender.

“This is mysterious to me,” Lichtenstein said. “Why the heck wouldn’t you assign a young woman of color to a successful white male who is going to be held accountable?”

“Your most successful white male partners should take on the people who are not like them, and help to teach them and

bring them along,” she added.

Sergi said most law firms tend to think mentoring is something attorneys do naturally, but in reality partners need training to become better mentors.

Tchen said her personal view is there’s only so much a mentor can do. She agreed with Wager that more attention needs to be paid to ensuring that minority women lawyers receive quality work assignments.

“The real issue — the starting point issue for women of color — has got to be about the work,” she said.

She said Skadden is beginning a process where the diversity committee looks at work assignments given to the firm’s associates.

If there is a pattern of a lack of quality work for minority attorneys, the committee will intervene, she said.

Lichtenstein cautioned that market forces can work against a law firm’s best efforts to ensure better work for minority lawyers.

“Where the rubber will meet the road is where a very successful rainmaker partner says, ‘I don’t care; I want to use brilliant star white male associate again, like I did on my last two cases,’ and whether the firm is going to say to him, ‘No you can’t, you need to use somebody else,’ ” Lichtenstein said.

Client pressure for firms to be more diverse can be effective, panelists said, as can efforts to raise the visibility of minority attorneys in the community.

Sergi said Katten has started a leadership academy for minority women to make sure they have the support within the firm to succeed.

Tchen urged minority women lawyers to get out in the community as a way to meet business leaders and mentors.

“Some of my best friends in the law, and who have been a great to support to me in my career, are not at Skadden,” she said.

After the presentation, Roberts said the ABA plans to craft “best practices” to help law firms retain minority women lawyers. Lawyers in Chicago plan to spread the word about the study as well. Jenner partner E. Lynn Grayson said The Chicago Bar Association’s Alliance for Women has been discussing how to promote the study’s findings.

“This is just the first step,” Grayson said.

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