

Diversity's Impact, Future in the Law

By Jeff Lyons

HAVING DISCUSSIONS ABOUT DIVERSITY is the first step to improving diversity in the legal profession, a panel of attorneys and judges told a diversity expert at the opening luncheon of the Association's Bench-Bar and Annual Conference.

"First and foremost, it's about having the discussion. And my hat's off to our Chancellor. Mike Pratt has made it his mission to have the discussion. And that discussion has driven other discussions," said panelist Bernard W. Smalley, a shareholder at Anapol Schwartz.

"We now have a diversity effort in both the Philadelphia Trial Lawyers Association and the Pennsylvania Trial Lawyers Association. If you can represent folks of color, then hire folks of color. And if not, why not. So that discussion continues," he said.

The session was led by diversity consultant Verna Myers. Panelists offered their thoughts on a series of video vignettes featuring individuals from different minority groups. The videos featured a woman in a wheelchair, a little person, a lesbian and a young African American man who all explained what it's like for them to exist in a society where they don't feel like they're part of the mainstream.

"Diversity has become a generational issue. The younger generation views diversity in a very different way than I do. I had a very interesting conversation with a young man and it struck me that for him, diversity meant not so much an opportunity to represent those who are coming behind him or to uphold those who came before him. But for him it was just something for him to have a chance," said panelist Larry L. Turner, a partner with Morgan, Lewis & Bockius LLP.

"There are a lot of preconceived notions," said Municipal Court Judge Lydia Kirkland. "When my African-American sons go out, no one knows that they're a judge's kids and that shouldn't matter. And no one knows they're college kids because you can't look at a kid and know they're in college. You can't look at a kid and say 'he's an OK African American kid.' You have to actually converse with the kid to see whether or not he fits your mold. But why should kids have to fit a mold? What is a mold? But you have to teach your kids that there is a mold. It's unfortunate but there is a mold. If you don't fit the mold, you're not going to fit. That's just how it is," she said.



Panelists for the program on diversity included (from left) Judge Nitza I. Quinones Alejandro, Judge Lydia Y. Kirkland, Bernard W. Smalley, City Solicitor Shelley R. Smith, Stacey Sobel, Verna Myers and Larry Turner. Myers (below) has been advising law firms about recruitment and retention of attorneys of color since 1992.



Photos by Jeff Lyons

Each panelist said they could relate with the people shown in the video who described their exhaustion when it comes to 'fitting in' in the world.

"For a lot of LGBT people, the exhaustion isn't about making other people comfortable. The exhaustion results from not letting other people know. You never want to worry about their comfort. You never want to be put in that place. And I live that way," said panelist Stacey Sobel.

"There is no federal law protecting people in the workplace based on their sexual orientation or their gender identity. There is no state law in Pennsylvania prohibiting that. Eighty percent of the people in Pennsylvania live in a place where it's perfectly legal to fire them just because they're gay, lesbian, bisexual or transgender. So if that woman [in the video] lets anyone at work know she has a partner, she may be putting her very livelihood at stake. And that's one of the difficult things about being LGBT – it's not always obvious."

City Solicitor Shelley R. Smith said people spend a lot of time trying to make

other people feel comfortable so they themselves don't feel uncomfortable. She said she's been fortunate and hasn't felt the need to make others feel comfortable about being around her.

Smith recalled a case in federal court that she was trying with a white colleague. She had appeared before the judge in the past yet the judge directed all questions to Smith's male colleague. During a break, the judge complimented the plaintiff's attorney and Smith's colleague on the job they had done. "And then the judge gave me the sartorial splendor award. And I said 'I'm glad you noticed something I've done in this room for the past six days.' But that's what you do. You have to drive home the point that you're capable and competent and prepared," she said.

Court of Common Pleas Judge Nitza I. Quinones-Alejandro said she has a hard time with the word diversity because of her upbringing. "I grew up in a military upbringing. In a military upbringing, you're in a diverse community. Your next-door neighbor could be Asian. Downstairs could be an Italian American.

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I didn't grow up with those concepts. It wasn't until I came here that it became very real. A friend of mine and I went to a restaurant. She's Latina, but she's a white Latina, as opposed to a dark-skinned Latina. We went to a restaurant that was primarily serviced by African Americans. But as we walked in, the lady said to me 'how many?' I said two and she led us to a table. She proceeded to hand me the menu and walk away. And I said 'excuse me, we need one more menu.' She came back with a menu and a few minutes later she came to take our order. I gave her my order and she walked away. And I said 'excuse me, there's one more person here.' And my friend's reaction to me was 'I've never felt so ignored.'"

"I think the fact that we have these programs forces people who wouldn't ordinarily talk about diversity to talk about it. And what does it mean to have more diversity in your profession, in your firm and in your company. The fact that there are these programs and goals forces people to talk about diversity," Smith said.

"Sometimes a sense of inclusion is as simple as who you speak to in the morning," said Myers. She said people need to make a conscious effort to expand their circle and talk to everyone in their organizations, not just people who are like them.