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Barriers to the Bar for minorities



[Mary Moore](#)

Reporter- Boston Business Journal

[Email](#) | [Twitter](#)

As a black attorney in Boston who has been a partner at one of the nation's largest law firms and is now an in-house lawyer at a major pharmaceutical company, [Damian Wilmot](#) considers himself fortunate.

He realizes that his path to success could have been a lot more isolating, the way it is for many aspiring black attorneys.

One key turning point in his career occurred when [James Dittmar](#), a partner at **Goodwin Procter** who is white, included Wilmot, then an associate, on a complex case. They won the case, Dittmar enjoyed working with Wilmot, and he then advised other partners at the firm to work with him, too. When it came time to consider Wilmot as a partner, Dittmar fought for him to be chosen.

"He really understood how important it was to be an advocate for me," Wilmot said. "Once he put his stamp (of approval) on me, then other partners I hadn't worked with yet asked me to be on their case. It grew from there."

Wilmot was one of the lucky few. He left his position at Goodwin Procter a couple months ago to take a job at Sunovian Pharmaceuticals. But relatively few minority lawyers in Boston ever make it to the partner level, a discrepancy that has worsened over the past five years as minority lawyers have seen bigger gains in other cities.

In 2008, only 3.4 percent of law firm partners in Boston were minorities, compared to 5.9 percent nationwide, according to the National Association for Law Placement. The NALP figures show progress by 2013 nationally, but not really in Boston: Last year, only 3.8 percent of Boston partners were minorities, versus an average of 7.1 percent across the country. Blacks in Boston, in particular, fell behind: 0.9 percent of law firm partners were African-American last year, compared to 1 percent in 2008.

This lack of diversity hurts Boston's legal industry, as our law firms compete for the best and brightest talent coming out of law schools today, and hustle to land global companies as their clients. But the ripple effects could be more pronounced, echoing outside of the legal world. Boston is striving to enhance its status as an international business hub, but those efforts could be hampered as long as its leaders in a key white-collar sector aren't fully reflective of the broader population.

The fact that Boston lags the nation doesn't surprise many of Boston's prominent minority lawyers. They have a hard time pinpointing the precise cause for this discrepancy, although many cite Boston's struggles to shake its reputation as a place that's unwelcoming to minority professionals. Success begets success in other cities, where aspiring lawyers see role models with similar backgrounds. But it's harder to get established here, with fewer minorities on the legal sector's upper rungs.

"You need the critical mass to provide a supportive situation for (minorities) in the law profession to thrive and develop," said [Brion Bickerton](#), a Boston-based law firm recruiter.

The percentage of minority associates did see stronger growth in Boston, with minorities representing 16 percent of law firm associates last year compared to 21 percent nationwide. In 2008, 14 percent of Boston's associates were minorities, versus 19 percent nationwide.

Figures compiled by American Lawyer show there's a wide range within the ranks of Boston's biggest law firms. For example, 11 percent of partners at **Ropes & Gray** were minorities in 2013. But only 1 percent of the partners at [Brown Rudnick](#) and at Goulston & Storrs were minorities.

Dreary statistics often are a topic of conversation among the members of the Massachusetts Black Lawyers Association. Their concerns include a lack of advocacy for minority attorneys within law firms in Boston and the fact that they are given less challenging work than their non-minority peers, said [Doreen Rachal](#), president of the organization and a federal prosecutor. "There are a lot of members in the MBLA who have a similar journey as me, who have aspirations of becoming partner, but they're not getting signals that they are definitely partner material," Rachal said.

Rachal joined the U.S. Attorney's office after six years as an associate at **Bingham McCutchen**. While she was at Bingham, she wanted to make it to the partner level, Rachal said, but she just wasn't sure whether she would. "I don't know if I was on that path or not," Rachal said.

She said most of the minority members of her summer class at Bingham have left the firm after not becoming partners. They didn't receive enough training, she said, for developing a book of business or pitching a client. (Bingham officials say they offer plenty of training to associates.)

[Diane Patrick](#), a partner at Ropes & Gray, said the recruiting problems the city faces and she sees firsthand as the leader of her firm's diversity committee can be traced back to the reputation Boston received during the busing crisis of the 1970s. The ripple effects linger to this day. "It hasn't been seen as a place that's particularly hospitable to professionals of color," said Patrick, who is married to Gov. Deval Patrick. "Certainly it's not uncommon for (law school students) to say 'I'm not sure Boston is where I want to be.' When I tease it out, they say, 'I'm not sure it's where I'm going to find my greatest opportunity for success.'"

She said she had the same concern when she moved to the Boston area at her husband's urging

about 20 years ago: "(But) I haven't turned back since."

[Kevin O'Flaherty](#), a partner who heads Goulston & Storrs' diversity committee, says he believes Boston's reputation has improved slightly among the law school students that he meets. O'Flaherty, who is white, said he doesn't think the reputation that Boston is inhospitable to minority professionals holds true, at least not anymore. "(But) history has a hangover for longer than it should," he said.

Lizette Perez-Deisboeck, a lawyer at private equity firm **Battery Ventures**, said Latino lawyers in Boston face similar barriers as black lawyers. She became partner at Goodwin Procter, at a time when she said she could count on one hand the Latino partners in Boston. "People make assumptions based on appearance, color and last names," she said.

She said she saw one upside, though: Being a minority lawyer "lowered expectations, so inevitably I was going to exceed them."

Minority lawyers see hope for change on a couple of fronts, however. The first is the progress they're seeing with in-house corporate jobs. Law firms in Boston often lose many minority lawyers after five to seven years when they choose to go into the corporate world.

Once in-house, they said, minority attorneys are inclined to send work the way of their counterparts who are still working at law firms. [Steven Wright](#), the executive partner overseeing the Boston office of **Holland & Knight**, pointed to local institutions such as **Northeastern University**, **Partners HealthCare** and **Genzyme** whose top lawyers are black.

"It would be fundamental for those companies that a law firm would have to bring a diverse team to the table to be considered (for these companies' legal work)," Wright said. "Excellence in legal services is paramount. But having diversity is a reflection of a law firm's ability to partner with them in a way that reflects their values and judgments."

There are also efforts within the major law firms to change Boston's diversity statistics. At Ropes & Gray, which had the highest percentage of minority partners among all big Boston law firms, Patrick said her firm's leaders go out of their way to include minority lawyers on challenging cases and to address any issues that may be causing them to struggle.

At [Nixon Peabody](#), CEO [Andrew Glincher](#) launched a diversity challenge in 2010 to increase the amount of time his firm spends on recruiting and retaining minority talent. The results seem to be paying off: American Lawyer's statistics show the percentage of minority partners at [Nixon Peabody](#) rose to 8 percent in 2013 from 4 percent in 2008, and the portion of all lawyers who are minorities climbed to nearly 15 percent from 12 percent. "When I first did it, I wondered if we should do it. Should I set hours for people to spend on diversity-related activity?" Glincher said. "I didn't like the way it sounded, but I liked what it could do."

Young lawyers do have some success stories they can follow. For example, when lawyers in town talk about prominent colleagues, [Wayne Budd](#) inevitably comes up. In 1979, at a time of racial tension in Boston, he started a law firm that had four black partners and two white ones.

Budd networked, he hustled and he did well. He's now a partner at Goodwin Procter. He concedes that minorities face an uneven playing field when starting a career here. But being black in Boston turned out to be an advantage, by allowing him to stand out among competitors. "I would honestly

tell you that opportunities I've had in this community, I wouldn't have had in the Detroit or Atlantas or Chicagos of the world," Budd said. "I don't think I would have gotten that exposure that quickly."

Like Budd, Walter Prince found his path to success by starting his own law firm. Prince, who is black, joined with several white partners in 1988 to launch what is now Prince Lobel & Tye. At the time, he was general counsel at the MBTA and also had experience as a federal prosecutor. "I had opportunities to go to some larger firms, but I didn't think that's where my success would lie," said Prince, adding that he believed he would be able to build a practice area quicker in a smaller firm.

Prince said he's skeptical that the talk about improving Boston's diversity is having much of an effect at the bigger firms. "(Diversity) may be discussed but I don't see a significant change in the numbers, so then I don't know how sincere that discussion is," Prince said.

But it's a discussion that needs to be continued, and it needs to be sincere. There's a lot at stake here, including Boston's standing as a global business hub. "It's a fairly simple business proposition in that Boston is noted as a world-class city," said Wright, of Holland & Knight. "And for any business that wants to pursue excellence, diversity must be one of their imperatives in this global economy that we're competing in."

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