

Diversity Makes A Difference In This Profession

BY KAREN L. BASHOR, ESQ.

While the diversity initiative spread through classroom and boardroom, the American Bar Association noted only two professions less diverse in the U.S. than the legal field: natural science and dentistry. While women hold a full third of law jobs, only a fifth of them do so as partners, general counsel or law school deans. Men are two- to five-times more likely to reach partner than their female colleagues. As of 2014, only 17 percent of equity partners were women. Minorities (Asian Americans, Latinos, Native Americans and African Americans) constitute a growing third of the population and a fifth of all law school graduates, but they comprise only 8.6 percent of law firm partners according to 2016 statistics.

Though the progress has been slow, in the past decade Fortune 500 companies have been especially aggressive at attempting to obtain diverse counsel on their panels. Why? The consensus is that the legal profession should reflect the *entire* population, to facilitate the goal of creating a system that is fair, just

and equal for all. It's also good for business.

The very nature of the practice of law highlights the importance of diverse backgrounds and experiences. Whether we're meeting with a client to gain their trust and confidence, negotiating a settlement with opposing counsel, or presenting our case to a judge or jury, we're dealing with people. Diversity makes a difference. It's not about optics: it's about results.

On a Personal Note

I was born in Manila, Philippines, as the oldest of four children and the only girl. My parents sacrificed their comfortable life in the Philippines to come to the United States. Upon arrival, my mother, a physician, could only find work as a receptionist. My father, an architect who designed the congressional building in the Philippines, had to drive a truck and deliver textiles to put food on the table. I saw discrimination firsthand in many places and in many ways. Each time I experienced it, I watched my mother tackle it head-on. We became naturalized citizens and pursued the American dream. With hard work and sacrifice, life improved, and my parents became very successful again.

Some studies show that for women to be successful in the workplace, they must find a way to be warm and caring while remaining strong and decisive. Competence and high-quality work are not enough to get ahead, women must also be likeable.

Fast-forward a couple of decades—I became a wife and mother, and the first woman partner and first minority partner at my prior law firm. I've represented clients from all walks of life in courtrooms across the country: physicians, truckers, indigent individuals facing life in prison, school boards, Fortune 500 companies and many more. I have been able to gain the trust and confidence of my clients,

because they know I "get it" and that I will work hard and fight passionately for them.

As lawyers, we are entrusted with the responsibility to advocate for others during times of conflict. We need to effectively communicate with people to solve their problems and develop a sincere understanding of their struggles, values, goals and motivations to obtain the best results.

The Nevada Bar

In April 2017, the president of the State Bar of Nevada noted a need to gather data on attorneys that went beyond gender, age and areas of practice to include race and ethnicity.

Our legal community in Nevada should assess a baseline to determine and strengthen the impact of diversity.

As of June 30, 2010, the date of the last published set of statistics, the State Bar of Nevada had 7,940 active members: 70 percent men and 30 percent women.

Numerous bar organizations have been founded on diversity. For example, the Southern Nevada Association of Women Attorneys (SNAWA) encourages the success and influence of women in the legal community. As a long-time member and a current board member, I can attest that the support and networking opportunities offered by SNAWA are invaluable.

Women at Law Firms

The way law firms are structured can present challenges to some women lawyers. The struggle is both external and internal. Externally, there is pressure to bill hours and stay competitive with men. The internal struggle is to find work-life balance. The billing requirement makes no exceptions.

Gender bias, conscious or unconscious, and politics also play a role. Some studies show that for women to be successful in the workplace, they must find a way to be warm and caring while remaining strong and decisive. Competence and high-quality work are not enough to get ahead, women must also be *likeable*.

Like many people, I had more than one dream. I dreamed of being a devoted wife, loving mother and successful partner at my firm. While I never thought my dreams were mutually exclusive, I never imagined how hard it would be to realize all of them.

In fall 2012, my husband and I were pleasantly surprised to learn that I was pregnant. However, that brought new challenges.

At work, I was in the middle of managing the defense of a large, complex litigation involving national corporations, government investigators, wrongful death and personal injury plaintiffs across the country and the world. With the trial less than two years away, I was working 24/7.

In my personal life, the challenges were many. My firm offered limited, unpaid maternity leave. Our son was born in June 2013, and there are no words to express our love for him. After his birth (by C-section), I was forced to do what I thought I had to do, given the financial pressures and concerns about my career. I worked from home for a month before returning to the office full-time.

My first week back, I drove to a court reporter's office at 6 a.m. to depose witnesses by video conference and cried all the way there. I wasn't ready to go back physically or emotionally. Crying became my new normal. On the outside, everything seemed fine, and people thought I was some kind of superwoman.

My decision to nurse my child posed a new set of challenges, given my hectic trial and travel schedules. The latter added another layer of emotional stress. At any given time I felt like a horrible lawyer and/or a horrible mother.

In December 2014, I made partner. While I was happy and proud, I often thought of what I had to do to get to that point. My story is just an example of the struggle that many women at law firms face to one degree or another, whether or not they become mothers. While the partnership was a milestone

for me and the firm, findings at that time showed that women of color had the highest attrition rates in the legal field, with 75 percent departing by their fifth year and 85 percent by their seventh.

Now, as of counsel at my new firm, a large national law firm, pressure remains. However, I am pleased to report that the firm is sensitive to the struggles of female attorneys. Over the years, the firm has dedicated resources through its national Diversity & Inclusion Committee and its more-recently-formed subgroup, *WAVE* (Women Attorneys Valued & Empowered), dedicated to advancing the personal and professional well-being of the firm's women attorneys. As a result, the firm has received numerous accolades. The firm also expanded the number of leadership positions filled by women, with three women on its Executive Committee, five women regional managing partners, and 11 women practice group chairs. Those numbers are growing. Knowing that I have a support system and opportunities to grow professionally and personally with the firm is important in such a demanding profession.

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Bashor, with her husband Ryan and son Angus, makes time to focus on her family.

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Women in the Courtroom

I have found that being a female litigator can pose challenges in the courtroom beyond the work. Gender bias can appear there as well, even today. When I walk into a courtroom, I have at times felt that I am not being judged solely on what I have to say. My appearance, actions and demeanor are scrutinized. What I wear could influence whether I will be trusted and taken seriously or ignored. The tone of my voice must be measured so as to avoid sounding emotional, unreasonable or weak, but it must also convey passion, logic and confidence. In speaking with my female colleagues, I have discovered that these feelings are not unique to me. I feel that most people want and expect a woman trial lawyer to be firm, but not to appear aggressive. There's a fine line, and we need to recognize all the stereotypes that precede us, while focusing on delivering our arguments effectively and persuasively. The fact is that a woman's voice and the voices of minorities bring a unique perspective to the courtroom and to life: all must be valued.

Diversity will make a difference in and out of the courtroom because, at the end of the day, it's about the dynamics of humanity, especially in our profession. **NL**

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KAREN L. BASHOR is of counsel in Wilson Elser's Las Vegas office. She has significant litigation and trial experience with complex litigation, large transportation claims and catastrophic injury defense. She also is a former public defender. Bashor serves as the Las Vegas office liaison to the firm's national committee WAVE (Women Attorneys Valued & Empowered), which is hosting an event at UNLV on November 3, 2017, entitled "Women in Power & the Power of Women: In the Courtroom, Boardroom & Beyond," featuring successful professional women from across numerous fields.

