

A DISCUSSION WITH PAULETTE BROWN; HER LIFE AND HER PERSPECTIVES

Robert Skrinayaz

When Paulette Brown spoke at the Diversity & Social Justice Forum's Fall 2016 Symposium, she was the Immediate Past President of the American Bar Association. Ms. Brown honored our organization with her Keynote Address and inspired our students during lunches and walks around the university campus. One of those students was Robert Skrinayaz, who formulated the questions for this discussion with the help of Board Member and then The Forum Editor, Sumangala Bhattacharya.

Q: What set you on the path to becoming a lawyer? What other vocations did you eliminate along the way?

A: I originally went to college with the intent of becoming a social worker because I thought I could save the world. After getting to college, I ended up having, two young ladies who wanted to go to law school and become attorneys as roommates. I was persuaded by them, along with some professors who were lawyers, that I could help more people with a law degree.

Q: Did you receive unexpected support for your decision to go into law that really surprised and energized you?

A: I do not recall any unexpected support.

Q: Did you receive friction or resistance that surprised you?

A: I received resistance that I thought to be extremely odd. For example, at my going away party, one of my co-workers said to me: "don't feel bad (ly) when you flunk out your first

year. Fifty percent of law students do."

Q: You received your undergraduate degree from at Howard University, a historically black university in the political heart of the nation—how do you think your experience there influenced your career trajectory? How do you think the University's role and relevance have stayed the same since you graduated, or how have they changed?

A: Attending Howard taught me many things. It taught me a degree of confidence and that as an African American that it is okay to be confident and not have a fear of expressing it. Additionally, without expressly stating, Howard had and continues to have an expectation that its graduates would and will obtain advanced degrees. Howard taught me that while my self-expectations were high, they needed to be higher. Living in DC, I had the extraordinary opportunity during my senior year in college to work in the office of the Secretary (Frank Carlucci) of the then Department of

Health Education & Welfare, now Health and Human Services. I am reasonably certain I would not have had this opportunity, but for the fact that I was a student at Howard University. At the time, and to be quite honest, I was not considering a "career trajectory;" but clearly, the impact is there.

Q: In a recent panel discussion of diverse women lawyers at Chapman University Dale E. Fowler School of Law each speaker independently brought up two specific challenges: (1) establishing their authority, whether with partners or clients, and (2) the importance of living their "authentic selves" while still adapting to and negotiating the "boys' club" of many law firms. As this is still an issue today, how did you approach these challenges when you started?

A: I did not work for a law firm when I first graduated from law school. I did not work for a large firm until January 2000, at which point, I had been out of law school 24 years. I began my legal career with a steel

company. There were more gender issues than anything else. I was able to make inroads into certain areas where women had not gone, but there were some areas where, until the day I left, I was unable to crack the code. I was never allowed to participate in face to face union negotiations. I find that it's okay to question, and we should. Not in a way that may be embarrassing to the other person such that it appears to be a challenge, but in a manner in which both parties can learn.

Q: You have extensive experience in labor and employment law, often defending major corporations against claims brought under the Equal Employment Opportunity Commission (EEOC). How do you personally balance respect for the high-level aims of that body in promoting non-discriminatory workplaces, while vigorously advocating for your client's interests? Is there room for all parties to improve?

A: Many of the claims I handle do not go through the EEOC. I am fortunate to have clients who really try to do the right thing. Occasionally, mistakes are made, and it's my duty to counsel them. I have to also say, some employees knowingly bring cases that have absolutely no merit. They are looking for a quick settlement with the hopes that the client would rather get rid

of a case early than spend the money to litigate.

Q: Diversity and inclusion were hallmarks of your goals as ABA president, described in the executive summary of the Diversity and Inclusion 360 Commission. Part of that initiative outlined how firms can better support diverse attorneys: how can new and soon-to-be attorneys contribute to creating and supporting more diverse and inclusive workplaces?

A: New and soon-to-be-attorneys can do what I recommend most people do—engage in a critical self-analysis. First, determine whether they possess any implicit biases. One tool that can be used to make this determination is to take some of the implicit association test at www.implicit.harvard.edu. Second, new and soon-to-be-attorneys can also participate with groups and in activities that are outside of their natural affinity groups. Third, when in a situation wherein a slight or discriminatory practice is observed, if it is safe to do so, speak up. Inclusiveness may also extend to the consumers of legal services—the advent of the “app” and web-based solutions make legal forms, fill-in-the-blank contracts, and other legal or quasi-legal services more available to consumers reluctant or unable to pay for traditional representation.

Q: What can the legal community do to promote access for those who may not need frequent legal representation, as an alternative? Is there a way to leverage the technology to lower costs, but not sacrifice high standards of client advocacy?

A: There are several young lawyers who are already thinking about this and developing means by which they can provide affordable legal services and still be able to sustain themselves financially. Additionally, there are a few law schools who are developing incubators within their schools to prepare students to provide legal services to the underserved. It is my belief that some consumers are faced with no other options than the online services, but as with anything, an extreme amount of caution is required and to the extent possible, “live” people are better than machines—for now.

Q: So you established a career, and started garnering accomplishments and achievements: when did your ABA involvement mature into the desire to pursue a leadership position? The travel, speaking engagements, and general life disruption are significant demands— where do you feel that your appearances have made the most impact and made the sacrifices most worthwhile?

A: During my term as President of the ABA, I had an opportunity to visit more than 40 Boys & Girls Clubs around the country—talking to those boys and girls, knowing so many of them, like me never had an opportunity to know any lawyers, letting them know they have options. Young lawyers and/or law students always accompanied me on these visits. I observed that in most instances, these young lawyers and law students achieved as much of a benefit as did the boys and girls. Many of them continue to have a relationship with the clubs. Sometimes, one does not know what one can be until they see it. I learned from my extensive travels (I visited all 50 states at least once) that almost all lawyers have a common goal—to help people. Lawyers do so much pro bono work without receiving recognition. We are in a profession that requires service to others. I don't think I ever thought about being tired. It was one of the best experiences of my career.

Q: When you spoke at the Symposium last autumn, you detailed how many big law firms miss out on talent from middle-tier schools. What can students at these institutions do to assert this talent and make themselves known?

A: To be perfectly honest, it may be somewhat difficult to make yourselves known. You need help. Most of the push comes from within the firms.

On your end, it is important for you to let your law school career counselor know you want the envelope pushed. Also, try to connect with alums. One thing I have learned is that there are some alums who have not gone to “top tier” schools, but when they are recruiting, want students from only top tier schools. I think there is a way to question that. I would wonder whether these recruiters think their degrees are worth less now than when the recruiters the new law graduates obtained their degree. I am not speaking spherically to Chapman graduates, but in general. I would also point out the number of GC's and leaders in corporations who have not gone to “top tier” schools. Keep in mind: I am not downplaying the value of any school that provides a quality education and provides its students with the necessary tools to succeed. My primary point is: many good and great lawyers graduated from schools that are not in the “top tier”.

Q: If you could leave your past-self one post-it note of advice, encouragement, or warning, (1) what would you say, and (2) when would you say it?

A: Pay close attention to and follow the advice I give others to be successful. I would have told myself be more strategic and search outside of my comfort zone.

Q: What do you hope for your legacy? If you could be remembered for one thing, above all: what would that be? Is that answer different for your personal and professional lives?

A: That I was able to make a difference in a positive way with respect to how people think and talk about diversity and inclusion, particularly in the legal profession, with the understanding that law affects everything we do.

Q: What part of your unique and valuable journey should be shared, but does not directly answer any of the previous questions?

A: What I like to do if I have “spare” time. I love to walk, cook, and read (books that do not require a lot of thought).