

THE QUEST FOR DIVERSITY IN THE PLAINTIFFS' BAR: STATISTICS AND REFLECTIONS

Diversity is more than a buzz word and the promotion of diversity more than a “feel good” activity. We know it’s essential that the population of the bar better reflect the population of California. But why is that—and how can we do it?

This article draws on statistics and the reflections of lawyers across our state to equip readers with the knowledge and inspiration needed to progress further toward this goal.

NUMBERS AND TRENDS

California Residents

The majority (60%) of Californians are minorities. Along with Texas, Hawaii, and New Mexico, California has the distinction of being one of the four states with a “majority-minority” population. According to the 2010 Census, there are 37,253,956 Californians, of which

- 40.1% White (not including White Hispanic)
- 37.6% are Hispanic or Latino (of any race)
- 13.0% Asian
- 6.2% Black or African American
- 4.9% Multiracial
- 1.0% Native American
- 0.4% Native Hawaiian or Pacific Islander

The American Bar Association’s Take

In April 2010, the American Bar Association published “Diversity in the Legal Profession: The Next Steps”, a report after a nationwide effort to assess the extent of

diversity within the legal profession. To create this report, the ABA gathered information from regional hearings, qualitative surveys, roundtables, and a summit in June 2009 that included 200 legal community leaders. An important part of this report outlined four independent “rationales” for supporting the importance of diversity, summarized below:

1. **The Democracy Rationale:** In light of the unique responsibility to sustain a political system through citizen participation, a diverse bar and bench create greater trust in the mechanisms of government and the rule of law.
2. **The Business Rationale:** As business expands to the global level, with participants of different backgrounds and cultures, clients have grown to expect lawyers who are culturally and linguistically diverse.
3. **The Leadership Rationale:** Given that lawyers often possess the skills and networks to rise to leadership positions, both in and out of politics, law schools serve as the training ground for this leadership and therefore access to a legal education must be inclusive.
4. **The Demographic Rationale:** As the country grows more diverse in its culture, sexuality, gender, and physical ability levels, the need for lawyers with similar experiences only grows.

Personal Reflections from Attorneys Across California

We asked prominent California attorneys three questions regarding their personal feelings and experiences on this topic. Their responses were enlightening:

Why is it important to achieve diversity in the plaintiff's bar or in the bar generally?

As Consumer Attorneys of California President John Montevideo of DiMarco Araujo Montevideo explained, because our clients are diverse, the plaintiffs' bar needs to reflect that diversity.

Mr. Montevideo offered the Washington State Bar Association Diversity Committee's definition of diversity: "meaningful representation of and equal opportunities for

ranks enables us to do so."

Randy McMurray, Past-President of CAALA and member of The Cochran Firm, said diversity helps us "not to discriminate against people who are not the same color or religion or language or culture" because it helps us "understand" their background. And "[t]he only way to get that in real life is to be exposed to those who are different. That is diversity."

Shawn Khorrami of Khorrami Pollard & Abir believes diversity is

sian clients that can relate to me in different ways."

Arash Homampour of The Homampour Law Firm had this perspective: "Diversity is a fact of life that one should embrace and celebrate. In California, diversity is the fabric of our population. I am an Iranian American born in America who had two Iranian parents. I have an admittedly unusual first and last name. My wife is a Korean American with an American father and Korean mother. Our fellow attor-

Bay Area Law Students

Law School	Students			Teaching Faculty		
	Women	Minorities	Total	Women	Minorities	Total
Boalt	460 / 52%	309 / 35%	892	42 / 65%	7 / 11%	65
Golden Gate	360 / 57%	196 / 31%	637	14 / 44%	7 / 22%	32
Hastings	664 / 51%	421 / 32%	1299	27 / 42%	13 / 20%	65
Santa Clara	448 / 45%	431 / 43%	1001	20 / 49%	10 / 24%	41
Stanford	263 / 47%	199 / 36%	557	20 / 34%	9 / 16%	58
U. San Francisco	387 / 55%	248 / 35%	706	17 / 47%	14 / 39%	36
Bay Area	2582 / 51%	1804 / 35%	5092	140 / 47%	60 / 20%	297

Figure 1: American Bar Association data, all figures rounded to the nearest whole number.

individuals who self identify with those groups that are under-represented in the legal profession based upon, but not limited to, disability, gender, age, familial status, race, ethnicity, religion, economic class, sexual orientation, gender identity and gender expression." For Mr. Montevideo, diversity is necessary for the plaintiff's bar to survive: "If we don't care about it, if we don't understand how the demographics have changed, we are going to fade away."

Khaldoun Baghdadi of Walkup, Melodia, Kelly & Schoenberger agreed, "One of our goals as plaintiff attorneys is to help jurors understand and believe in the cause of our clients. Diversity among our

"extremely important." "Being an immigrant, I know firsthand what it means to be on the outside looking in. Without diversity, a lot of very capable people would not have equal opportunities for no justification. So, it's a question of fairness. But diversity isn't just about fairness - it actually benefits all of us. I'm confident that my firm benefits immensely from [] the diversity of our team" which "enables us to evaluate and address cases, issues, and problems far better."

Anna Dubrovsky's experience running her firm, Anna Dubrovsky Law Group, Inc., shows that diversity in the plaintiff's bar is critical to serving minority and ethnic communities: "I represent a lot of Rus-

neys, adjusters, mediators, judges, courtroom staff, and (most importantly) jurors are diverse. Finding the common thread amongst this diverse group of people that live in California is key. What is it? Humanity - the never ending quest we all have to live happier, safer and more fulfilling lives."

What has been your most positive experience in terms of diversity and why?

For Mr. Montevideo, whose partners are bilingual as well as bi-cultural, his most positive experience with diversity has been the firm's dedication to the representation of primarily Hispanic clients, and "seeing that community grow," to become "an incredible political

presence" in California.

To Mr. Homampour this was a "strange question" because "[t]he real question is what would I do without diversity? We would be bored, uninspired and sad."

Though not positive initially, Mr. Khorrami told of a powerful experience a few years ago when he received a letter from another lawyer saying that he "should not be too happy with any success" because he "was ultimately Persian" and "would never be accepted nor amount to anything in the field of law." But Mr. Khorrami simply passed out a copy of the letter to his staff, saying, "We seem to be doing something right."

Ms. Dubrovsky said, "I believe that this country is great because everyone is given a chance even if you are an immigrant and have an accent. I don't think it is possible in any other country in the world."

Mr. McMurray's most positive experience was "being able to change perceptions of what a black or African-American person is really like." After growing up in the diverse Crenshaw district of Los Angeles, Mr. McMurray moved to Hesperia, California and attended his senior year at Apply Valley High School. "It was a cultural shock, not just to me, but to the other students as well. Many of my classmates had never even spoken to a black person. Their perceptions were what they saw on TV. After some initial [] adjustments, I became very popular in the school. Many of those that became friends are still friends today. I even changed some of their parents' perceptions of what black people are really like." This experience instilled in Mr. McMurray the belief that when "people take the time and make the effort to reach out and get to know someone who on the outside looks and sounds different from yourself,

you may learn you share more of the same values than you have differences."

How do we overcome diversity challenges we still face today?

Mr. Montevideo's solution to the challenge of how to further increase diversity in the plaintiffs' bar is to "not ask them to come to us" but instead to "find out their needs and ask how we can help them, explain to them why we need them to be with us."

Mr. Homampour's answer: "Easy. Never tolerate those that attack, undermine, or punish diversity."

For minority attorneys or attorneys of other ethnicity, Ms. Dubrovsky had these motivating words: "I say don't complain about the fact that you are different—use it to your advantage." For Ms. Dubrovsky, who "always tries to be at the top of [her] game," preparation is "key" and "always gives you a lot of confidence and that helps especially in front of the jury..I actually like the fact that defense attorneys underestimate me" because "at this point in my career I don't need their approval [and] some of them get their behind kicked because of their prejudices."

Mr. McMurray said that education is the best way to "overcom[e] prejudice based upon race, creed, language and/or national origin." "Equality in access to education will bring equity to everyone."

And Mr. Khorrami turned the question on its head, saying "[w]e keep presenting the lack of diversity as a problem." But "we need to spend more time on the positives of diversity..presenting diversity as an asset and a solution." "[M]y approach to diversity" is to view it as a "solution[], not [a] problem[]."

Conclusion

It is indisputable that the plaintiffs' bar is more diverse now than ever before. However, large defense firms are often in a position, by virtue of their size, to implement diversity programs and goals. So our challenge as plaintiffs' attorneys is to not only welcome diversity but pursue it. Pursue it in our practice. Pursue it in our organizations, both in membership and leadership. And this challenge is simplified when we recognize that the pursuit of diversity is much more than just our responsibility—it's our secret weapon. ■

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