

Q&A

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Minority Powerbrokers Q&A: Hunton & Williams' Frank Emory

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Frank E. Emory Jr. is a partner in Hunton & Williams LLP's Charlotte, North Carolina, and Washington, DC, offices. He is co-head of the firm's litigation, intellectual property, competition and labor groups. His practice focuses on complex commercial litigation. During his nearly three decades in practice, he has tried more than 60 cases in state and federal courts and before arbitration panels and administrative agencies.

Emory has experience in the financial services industry, having handled numerous cases involving structured finance products and related intellectual property issues. In addition to clients in the financial services industry, he has represented many publicly traded and privately held companies, domestic and foreign, including major manufacturers in the automotive field and large health care organizations. The cases he has handled cover a broad range as well, from products liability and theft of trade secrets to contract and shareholder disputes, securities and consumer fraud, insurance coverage and medical negligence.

As a participant in Law360's Minority Powerbrokers Q&A series, Emory shared his perspective on five questions:

Q: How did you break the glass ceiling in the legal industry?

A: The first steps were realizing that the glass ceiling exists and understanding its cause. Only then could I work to overcome the glass ceiling. In this context, the glass ceiling is, for the most part, sustained by relationships. Compared to attorneys of color, majority attorneys appear to have more natural relationships and connections that foster their professional growth. The foundation of legal relationships is often rooted in college connections, families, area neighborhoods, country clubs, churches, etc. Since I did not have those natural relationships, I simply had to find other ways to advance.

As a lawyer of color, I built relationships by performing civic service in my community and in my region. This allowed me to meet contacts and develop professional relationships with decision makers and referral sources. Attorneys of color must balance bridging social gaps with those in the majority on their own terms, whether it be in civic organizations, country clubs, charitable organizations, etc., while simultaneously maintaining a prominent place in the minority community and serving as a role model for other attorneys of color.

I am fortunate to have around me very high quality people in many aspects of my life. Making sure, one way or another, to associate with high quality people is extremely helpful in breaking the glass ceiling in this industry.

Q: What are the challenges of being a lawyer of color at a senior level?

A: I view every challenge in my life as a unique opportunity. Winston Churchill said, "A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty." These are words to live by. We've all heard the adage that minority lawyers have to be twice as good. While I cannot vouch for that math, the reality is that I have to "do more" and perform at a high level every single day. Lawyers of color have to overcome skepticism from co-workers, clients, opposing counsel and sometimes judges to prove they can consistently play "on the big stage."

One byproduct of the "twice as good" theory is that once a lawyer of color proves him or herself, then the opportunity floodgates open. More respect in the workplace, better assignments, more client contact and leadership positions all result from consistent high performance. There is no "arrival sensation" however; one must bring others along and avoid the ego trap of contentment due to being "the first" or "the only."

Another challenge for lawyers of color is being able to maneuver comfortably all the worlds in which they live. One must excel at social and professional obligations in the larger community and in one's home space. It can be challenging to traverse the divides between majority-focused activities on one hand, and things like the neighborhood barber shop on the other.

Q: Describe a time you encountered discrimination in your career and tell us how you handled it.

A: While I've never encountered discrimination in my firm, there have been times when I've knowingly faced — what I discern as — racial bias in the courtroom. Whether it came from a judge or a clerk, my natural response was to try to out-think them and prove them incorrect. I still have to get that job done for my client. For example, years

ago, I handled a case in a rural North Carolina county. During a prep session at a local fast food restaurant, my key witness — who happened to be a white woman — warned me not to be in town “after sunset” because she was afraid of what might happen to me simply because of the color of my skin. Instead of packing my bags, leaving and having another member of the firm handle the matter, I instead drove two hours home every night and then woke up every morning before sunrise to drive back during the case. In retrospect, I really had no choice. That assignment was mine to complete.

Equally daunting sometimes is trying to persuade some people of color that it was acceptable to have me as their lawyer, as opposed to someone who is not. Sometimes I persuade them, and sometimes I do not. I am still not sure which outcome constitutes a win.

Q: What advice would you give to a lawyer of color?

A: First, understand that being a lawyer is not a job but a way of life. You have to know your craft. There is no substitute for knowing your craft and having probity, sobriety and discipline in all things. Second, understand the language and culture of your organization. It has its own rhythm and language — unspoken cues of what’s good, what’s not. Lastly, recognize that you can’t be successful on your own. Having a mentor at a senior level who can look out for you and speak up for you is vital. Find mentors and nurture those relationships.

Q: What advice would you give to a law firm looking to increase diversity in its partner ranks?

A: Simply put, embrace diversity or become extinct. The coin of the realm in law firms is client care and growth. In this paradigm, steady and expanding client relationships are priceless. Law firms should be intentional about broadening and diversifying their internal networks where important client relationships get formed and, eventually, handed off to aspiring younger partners. The country is becoming more and more diverse every day. Consumers of, and decision makers about, our services are very diverse. Our clients who rely on consumers are adapting accordingly. The same is true for law firms. Our clients demand diversity, and it is good business for us to make our clients happy.

If lawyers of color are never blessed with the opportunities to lead large institutional relationships, they cannot rise to the top level of the firm. Internal referrals, external introductions and relationship inheritance all have to be intentionally broad-based. When “lions of the firm” retire, the firm should be thoughtful about to whom and how their client relationships are distributed. Ideally firm leadership should consider diverse

lawyers in the allocation matrix. Be intentional and deliberate about control of the “keys to the kingdom” and passing them along. Without that, younger partners end up stuck in a revolving door — and never getting all the way to the firm’s top levels. Someone has to be sure the path to the top is at least open to all.