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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Minority Powerbrokers Q&A: Sanford Heisler's Felicia Medina

Law360, New York (December 05, 2014, 11:36 AM ET) -- Felicia M. Medina is the managing partner of the San Francisco office of Sanford Heisler LLP, a national civil rights law firm with offices in Washington, D.C., New York and California. Medina has managed all aspects of litigation, including presuit settlement, discovery, summary judgment, and trial in a variety of discrimination and wage and hour matters. She is currently lead counsel in *Wellens v. Daiichi Sankyo Inc.*, a national gender discrimination class action filed on behalf of pharmaceutical sales representatives and district managers and *McCarthy v. Valero Energy Corp.*, a national wage and hour class action filed on behalf of gas station workers. She has negotiated and secured monetary awards and changes in corporate practices for clients with discrimination, harassment and retaliation claims in the biotechnology and public relations industries.



Felicia M. Medina

Medina is a board member of the Bay Area Lawyers for Individual Freedom, Legal Aid Society Employment Law Center and Foundation for Advocacy, Inclusion and Resources, a nonprofit designed to increase diversity in the plaintiffs' employment bar and to raise public consciousness about workers' rights. In conjunction with FAIR, and the Legal Aid Society-Employment Law Center, Medina launched the Sanford Heisler Public Interest Diversity Fellowship.

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

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

A: An attorney of color needs to confront the very real barriers in the legal industry that women, people of color, and members of the LGBT community face. They need to plan from the beginning what steps he or she can take to overcome those barriers. Ignoring those challenges or pretending they don't exist is a recipe for frustration and, ultimately, failure.

I carefully selected a firm to begin my career where there were multiple, visibly celebrated minority attorneys in positions of power and leadership. It is important that a firm not only pushes these individuals to the front of their recruiting efforts but that they also entrust them with significant decision-making authority. An attorney of color needs to identify and select a firm that won't penalize its more senior individuals who want to support the

development and advancement of minority attorneys.

Once practicing, I quickly identified senior attorneys who would act as sponsors in my career, going beyond simple mentoring to ensure that I actually received substantive opportunities early on. I also paid attention to signs that it was time for me to make a necessary move to protect opportunities for advancement, and I was willing to make the move even if it was a bit scary at the time. Finally, somewhat later in my career, I worked hard to cultivate advocates in my area of expertise outside of my workplace who could attest to my value while also driving business opportunities my way.

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

A: Conscious and unconscious bias within the profession is always present, so even the most senior attorneys of color must remain mindful of those stereotypes and negative expectations. While assumptions are made that white colleagues are promoted based on performance, attorneys of color combat assumptions that they've been promoted because they check certain demographic boxes. This means that there are negative presumptions an attorney of color must disprove time and time again, often as the only person of color in the room.

As a result, I'm very conscious of how I present myself to others and always strive to show respect for the profession. At present, I feel fortunate to be at a firm that has a demonstrated commitment to diversity where the leadership and rank and file more closely mirror the population at large. It is as close to a true meritocracy as one could find. This has real and positive effects on even seemingly minor details like how I choose to dress or wear my hair. For example, in my current firm I can wear my hair natural and big but when I'm interacting with the external world, I feel I have to literally tamp that down so I won't be perceived through harmful stereotypes about "fiery" Latina women who put passion over substance.

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

A: Many attorneys of color, including myself have encountered various forms of discrimination, whether flat out racist and ignorant comments, precluding the attorney from taking a lead role in a matter, heightened scrutiny, or lack of support for minority bar activities. Early in my career, I found myself in circumstances where derogatory comments were made about Latinos and immigrants. To the extent that it was colleagues making these kinds of comments, I felt more comfortable pushing back in the same moment, but when it was individuals in positions of supervisory control, the situations were more difficult. In those circumstances, I paid attention to what I could say, when and to whom. I picked my battles, focusing on which inappropriate comments revealed most directly how these supervisors might be consciously or unconsciously viewing and considering me. I also had honest and careful conversations with friends and mentors about how we could accomplish positive change within the environment that would benefit everyone.

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

A: First, always provide superb work product and advocacy. While it is not necessarily fair or equitable, keep in mind that you do have to be better, faster and smarter. At the same time, however, attorneys of color should not underestimate the value of relationships. Excellent work alone will not be enough.

Attorneys of color need allies and sponsors across race and gender lines. It can be a painstaking process to develop relationships with people who will never understand what it is like to confront historical and ongoing systems of oppression; however, it is a necessary undertaking in order to climb the ranks. At the same time, it is invaluable to cultivate

relationships with those people who not only understand, but who have succeeded despite facing the same challenges themselves. Their insight and expertise is strategically necessary and is essential to maintaining a healthy emotional outlook.

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

A: I am skeptical of any firm that says it wants to increase diversity in its partner ranks but hasn't. Recent law school graduating classes are 25 percent attorneys of color and more than 47 percent women, and diversity in the profession has long outpaced representation in the partnership ranks. There isn't a pipeline problem; there is a leadership problem. My firm shows that an honest and meaningful commitment to diversity will result in a truly diverse partnership without any diminution of quality or experience. At our firm, two-thirds of our partners are women and or people of color and more than 75 percent graduated from top-10 law schools.

Increasing diversity is simply a matter of taking affirmative steps. First, seek out diverse talent from the earliest moments and develop diversity in even the paralegal and summer associate ranks. Second, be accountable for the diversity of incoming associate ranks and, if you're failing to reach a diverse pool of candidates, then change what you're doing. Third, make mentors and sponsors specifically responsible for the cultivation of great diverse talent and pay close attention to the development of that talent. Finally, pay attention to great diverse talent that might be available for lateral hires. Many law firms lose diverse talent because of a lack of commitment to diversity, and their loss can be your gain.

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