

## Why I Went From Litigator To Law Firm Diversity Officer

By **Narges Kakalia** (August 17, 2021, 10:02 AM EDT)

Until recently, my professional identity was tied to my role as a litigation partner at Mintz Levin Cohn Ferris Glovsky and Popeo PC. I was one of a handful of women of color to have that title, and perhaps the only immigrant woman of color to do so.

I enjoyed developing creative solutions to clients' legal and business problems. In fact, the problem-solving aspect of litigation had always been the greatest draw for me.

As any litigator will attest, the job of a BigLaw attorney is challenging, even grueling, but the challenges are compounded for people from historically marginalized backgrounds because they are subjected to daily microaggressions and paternalistic prescriptions for how to overcome their own alleged shortcomings.

I was often assumed to be the court reporter when I walked into conference rooms to take or defend depositions. Adversaries, and sometimes even co-counsel, thought nothing of trying to speak over me during negotiations and attempting to cut me off during oral arguments.

One adversary persisted in negotiating trial stipulations with my junior associate, who happened to be a younger, white man, despite being told I was the only person authorized to agree to anything.

And while I was fortunate to appear before some excellent and fair judges, I have had colleagues tell me horror stories about bias from the bench.

Against the backdrop of these microaggressions, I was also frequently bombarded with messages about how a female litigator should conduct herself — from well-meaning but inept court personnel, coaches, guest speakers and even clients.

This included lessons about how I should dress (wear a skirt suit, but make sure the skirt is exactly knee-length, no shorter or longer); how I should sound (make sure you modulate the way you speak so you don't sound shrill); how conciliatory, or not, I should appear (women, after all, are penalized for appearing aggressive, so always be nice — but not too nice, because then you'll seem like a pushover and the client will lose confidence); and how to always pretend things are fine, even if you're mid-struggle.



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The messages could not have been more clear — to succeed, you cannot be yourself.

While I was tempted to ignore all the advice most of the time, there were definitely extended periods of time when I found myself walking a tightrope, trying to balance who I was with who I was expected to be.

I mentored and advocated for other younger women and people of color, and helped them navigate the same minefields I had, encouraging them to be themselves, cut out the noise, and focus on their own goals of professional and personal fulfillment.

I helped educate my straight, white, male colleagues about the additional burdens historically marginalized populations carry in an industry largely dominated by white men, some of which I describe above.

And I encouraged Mintz, as an institution, to view the successes and failures of its employees through a new, inverted lens.

Instead of asking attorneys what they could do better in order to succeed, I encouraged the firm to ask what management could do better to help an attorney succeed, placing the onus of each employee's success on the collective, rather than the individual.

As Patricia Lee Refo, former president of the American Bar Association, said last month in an ABA Journal op-ed,<sup>[1]</sup> the problems don't lie with women (or with people of color), so let's stop fixing them. The problems lie instead with the industry — let the remediation begin there!

Nevertheless, after 18 years of BigLaw life, it had become clear to me that while I loved practicing law, the stress of operating in an adversarial system, which was often hostile to women and people of color, was taking a toll. I was anxious to try something new.

Like many others, I had aspired to be a lawyer so I could be part of a movement for social change. I began to aim to do something more mission-based.

And then 2020 hit me — and the rest of the world — like a ton of bricks.

The twin pandemics of COVID-19 and systemic racism devastated our societies and economies, and I became more and more involved in trying to help my firm navigate and address the issues raised by both pandemics.

It became clear to me that I found greater professional satisfaction and fulfillment in doing that than in my day job.

I also found myself spending a lot of time educating myself about culture change and addressing systemic bias. And that's how I found myself applying to be my firm's first director of diversity, equity and inclusion.

To be clear, I had been working on diversity, equity and inclusion long before those became buzzwords in the legal industry.

My very first full-time job after graduating from college was as co-manager of my alma mater's multicultural resource center, where I provided support and mentoring to students of color.

I have formally and informally worked on issues of race, gender and sexual orientation in some capacity ever since, including through my work with affinity groups at my firm.

On a personal note, my own heritage and family life significantly have impacted my desire to serve my firm in this role. Born and raised in racially homogenous Pakistan, I was exposed to sexism and gender issues, but had little awareness of being a racial minority or "other" until I arrived in the cornfields of Ohio as an undergraduate.

And while I don't carry the burdens of having been subjected to systemic racism as a young person, I now confront those harsh realities as a mother, as I help my American-born children navigate how they are treated, questioned or discredited because of their multifaith and multiracial Black and Asian American heritage, or because of their appearance, cultural practices, and perspectives on American history and culture.

As you can imagine, this work is extremely personal to me, and it is ever-present within me.

### **The Legal Industry Needs More of Us**

To be a DEI director is to be part strategist, part professor, part coach, part systems engineer and part leadership-whisperer.

It involves creating infrastructure, setting policies and also helping individual employees on their own professional development journey.

There is no way for one DEI professional, or even a team, to do the work of diversifying a firm on their own. And even if such a thing were possible, it would be counterproductive.

Rather, the goal of a DEI director is to train the trainers who can then help every single employee of the firm understand the value in difference, embrace it and hold themselves accountable for implementing change.

It involves building trust across every single administrative team to embed a DEI lens within it, so that diversity and inclusion aren't things we occasionally do, but rather the way we do everything.

One example that precedes my tenure as DEI director, but which I helped implement several years ago at the firm, illustrates this point.

Mintz's five-partner women's initiative steering committee met regularly with the marketing team to review quarterly pitch activity, and to question why some pitches included no or very few women.

With each subsequent quarter, we noticed that more women were engaging in pitch activity, simply because the marketing team had become sensitized to the gender statistics of our pitch teams and were encouraging pitch leaders to add more women to their pitches.

It takes a village to do DEI work, and an effective DEI leader can help educate, engage and activate that village.

While there is no single playbook on how to become a DEI leader, there are a few steps practicing attorneys can take to prepare themselves for this work.

First, there are academic courses available to help build a pedagogical foundation in diversity, equity and inclusion principles, as well as in culture change, inclusive leadership, and many other relevant topics.

Because of the pandemic, most of those courses are now offered virtually online, and some will remain virtual in the future, so they are easily accessible, regardless of geography.

Second, there is tremendous value in being part of a supportive network of similarly situated people.

The Association of Law Firm Diversity Professionals is a great resource for both new and seasoned DEI professionals. And in my experience, other law firm DEI professionals are very generous with their time, knowledge and experience, and are very willing to share resources and strategies.

Finally, there is no substitute for a deep understanding of law firm systems, culture and economics. A practicing attorney who wants to join the ranks of DEI professionals should familiarize themselves with law firm administration.

During my first month as a DEI professional, I spent a lot of time mapping all the administrative functions of the firm and discussing job roles with administrative personnel to understand who already performed a DEI function, and what functions needed more urgent support. I also spent a lot of time understanding which firm resources I could leverage in support of DEI work.

I hope more practicing attorneys will consider giving up their billable hours to tackle DEI work at law firms.

BigLaw alumni have the unique advantage of having worked at and understood the legal industry and culture. We understand the pressures of client-service work, and the challenges that associates and partners face in their practices and in the industry.

We have witnessed the myriad reasons historically marginalized populations drop out of the legal industry, and we bring a unique combination of understanding, empathy and creativity to help address and overcome some of those reasons.

We know where to push for quick changes and where to sow the seeds of slower-growing, sustainable policies and initiatives.

Most importantly, attorneys are strategists and problem-solvers by definition, and we know how to approach a multiheaded hydra from multiple angles and vantage points, to resolve multifaceted, challenging problems.

And what greater challenge than one that has gone unresolved for a few decades now, which is to create a more diverse, inclusive and equitable legal industry?

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[1] <https://www.abajournal.com/news/article/womens-success-in-legal-careers-lack-of-advancement-is-not-a-woman-problem-its-a-profession-problem>.