

Minority Powerbrokers Q&A: Carlton Fields' Patterson- Strachan

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Shaunda Patterson-Strachan is a shareholder and co-chairwoman of the financial services and insurance litigation practice group at Carlton Fields in Washington, D.C. She represents life insurance companies in class and other high-impact litigation nationwide, at both the trial and appellate court levels. Such suits frequently involve challenges related to the design, sale and administration of fixed and variable life insurance, annuity and other financial products. She also assists insurers assess and mitigate potential litigation risks associated with such business activities. Her practice, thus, incorporates a focused understanding of the life insurance industry. Patterson-Strachan routinely serves on the faculty for bar and insurance industry-related legal conferences. She has also held leadership positions with a variety of national bar entities, including service as chairwoman of the ABA Tort Trial and Insurance Practice Section's Life Insurance Law Committee. With the ABA Judicial Division Lawyers Conference, she recently served both on its executive committee, and as a chairwoman of its Perceptions of Justice series of national town hall programs examining how race and ethnicity affect courtroom perceptions. Patterson-Strachan also regularly engages in philanthropic and civic efforts. Her board service includes that for Sasha Bruce Youthwork, a nonprofit serving D.C.'s at-risk and homeless youth. She was one of 25 party leader and elected official members of the credentials committee for the 2012 Democratic National Convention, nominated the party's chairwoman and elected by its executive committee. She also participates in voter engagement and education efforts, including initiatives aimed at protecting voting rights. As a participant in Law360's Minority Powerbrokers Q&A series, Patterson-Strachan shared her perspective on five questions: **Q: How did you break the glass ceiling in the legal industry?** A: I worked hard. That has always been my modus operandi, an attribute I inherited from my father, who put the "blue collar" in my home town of Philadelphia. However, I didn't work hard simply because it was innate, nor merely to meet billable hour requirements. My efforts were deliberate: I sought to gain and maintain the trust of my colleagues and clients in connection with the delivery of best-in-class legal services. But dedication aside, my success is fundamentally due to the fact that I had mentors along the way who fostered a firm culture that encouraged me, frankly, to "hang in there" so

that I could prove my stripes and ultimately be thought of when leadership opportunities arose. I've always been troubled by reports that when attorneys of color — and women too — exit law firms, oftentimes the culprit is a lack of support, whether real or perceived. That phenomenon was evident well before I commenced my career and has endured. It's unacceptable that many talented minority lawyers continue to lack a sense of support and end up moving on before their full potential can be realized. Luckily, I had it and knew it. Indeed, most every partner I worked with as an associate was a mentor. One, though, was particularly instrumental — a lawyer who, while we did so decades apart, grew up in the same neighborhood as did I. We hardly had anything else in common, but we had Philly — a source of shared understanding that forged a bond. And his unimpeachable reputation and stature at the firm were not lost on me. So as a very junior associate, when the opportunity arose, I asked him to be my formal mentor. His approach was not complicated: he simply made sure I knew that I could talk to him about anything, and promised he'd give it to me straight. It was empowering simply knowing he was there. In large part, it was that knowledge that fueled the desire to stay. That was immensely significant because, as everyone knows, you have to be in the game to ultimately win. In my case, being in the game meant I was able to be there to do the good work that garnered the trust of colleagues and clients and, ultimately, led to my promotion to partner and, more recently, co-chair of one of the firm's most vital practice groups.

Q: What are the challenges of being a lawyer of color at a senior level? A: One challenge is the need to be ever cognizant that, despite any urge to simply blend in, your presence precludes that. You are a leader; a representative. Among other things, that means you might have to be more vocal when your leadership is needed. At the same time, senior level minority lawyers have to understand the obvious: your stature and legal training (and, perhaps, reputation as a "fixer") notwithstanding, you — alone — are not able to fix every problem before you, particularly those that sometimes uniquely or disproportionately arise within our communities or families. I was reminded of this recently when a sibling experienced a rather blatant case of racial profiling while walking on a New Jersey beach. The uncalled-for encounter ended with him being physically assaulted by several police officers, an episode that, among other life-altering effects, left him with numerous serious physical injuries. My family turned to me. They assumed I could fix it. I wanted to, but could not. With no relevant legal experience, I was out of my depth. It was difficult, but I eventually realized that I had to leave the matter to the attorneys with the requisite experience retained to handle it.

Q: Describe a time you encountered discrimination in your career and tell us how you handled it. A: I can't say that I have encountered overt discrimination in my career. That does not mean, however, that it has been devoid of challenging experiences that were evidently owing to my being a lawyer of color. One of them, ironically, followed a very positive occurrence that featured an acknowledgment of my race. When I was a first-year associate, one of the firm's partners — one who would emerge as yet another mentor — surprised me one day with a book called "Rebels in the Law - Voices in History of Black Women Lawyers." I was taken aback by the thoughtfulness of the gift, particularly the implicit, but audacious recognition of who and what I am — an African-American woman lawyer. That was no secret, of course. But sometimes, as in this case, the acknowledgment of something obvious — e.g., the elephant in the room — can itself be transcendent. Importantly, the gift was in recognition of the recent news that I had passed not one,

but both of the bar exams I had sat for that summer. At the end of that very day, however, I found myself on the elevator with another lawyer. I did not know him well. Nevertheless, as I held the book with great pride, I decided to share the story behind the gift. His response: “Sounds like they must have lowered the bar.” One might choose to believe the comment was innocuous. To me, it was not. At the time, though, caught off-guard, I did not know what to say in response, so I said nothing; however, I did not forget. Those words stayed with me over the years, a reminder that for some, doing the necessary work would not be good enough. So while in that moment the words were deflating, in the end, they proved to be a profound source of motivation.

Q: What advice would you give to a lawyer of color? A: I recently participated in a firmwide diversity program and shared this: if you’re struggling with an issue, particularly if it’s something you perceive to be related to your status as a lawyer of color, don’t internalize it or assume you’re alone. Seek out your mentors or others you trust. Sounds simple, but it might require your stepping out in a way that is uncomfortable, perhaps even unfathomable. Nonetheless, I’d bet on it being worth it. I had an experience as a junior associate in which I felt unease about working on a matter that involved a decades ago-ceased, allegedly racially discriminatory practice. I waited longer than I should have to reach out to my mentor about it. When I did, though, he first confided that he’d too once felt conflicted about working on a matter because of issues related to his ethnicity. It was very much a different situation, but sufficiently similar to allow him to address me from a place of empathy. That validation of my concerns was personally significant, but he did not stop there. He knew the partners handling the matter needed to know how I felt and recommended we, together, talk with them. We had a frank and honest discussion. From that, they understood my position. They also respected and appreciated that I’d shared my concerns. By reaching out, in what felt like an instant, I went from feeling alone to heard. The discussion also later provided a framework for how staffing on a similar matter for a different client would be considered. We all benefited from it. It was a game-changer.

Q: What advice would you give to a law firm looking to increase diversity in its partner ranks? A: Don’t only consider senior-level laterals — commit first to increasing diversity in your associate ranks. For example, Carlton Fields has a diversity scholarship program providing a pipeline for talented lawyers of color. But bringing them in is not enough — they have to want to stay. Firms must foster an environment that actually reflects its commitment to diversity — they can’t be afraid of addressing it, leaving it only for discussion when it’s time to respond to an RFP for a company that expects its outside counsel to share its values. For such a culture to take hold and be authentic, there must be buy-in at the highest levels. Take Gary L. Sasso, president and CEO at Carlton Fields — he communicates the firm’s commitment to diversity routinely. He has said, “We’re doing it because we want to do it. We’re doing it because this is who we are.” Not surprisingly, the firm proactively seeks occasions to celebrate diversity. As a practice group leader charged with managing and growing the talent in my group, the message to me is clear: embrace, nurture and improve diversity and inclusion in the group; ensure that client managers and team leaders practice the “Rooney Rule,” giving due consideration to diverse candidates for clients, assignments and opportunities. And while I know from experience that mentors need not look like you to be effective, it matters that the firm formally and informally encourages and nurtures the relationships among its minority lawyers. Such support generates

benefits for the firm's entire community — its lawyers, its nonlegal personnel, and its clients alike.

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