

D&B

DIVERSITY & THE BAR MAGAZINE

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Disability:

The Last Frontier?

Those with disabilities are often missed in the world of Diversity and Inclusion.
How can we make sure lawyers with disabilities are supported?

FINNEGAN IS A GLOBAL LAW FIRM FOCUSED ON INTELLECTUAL PROPERTY. DESPITE ITS GROWTH OVER RECENT YEARS, THE FIRM PRIDES ITSELF ON ITS COLLEGIAL AND COLLABORATIVE CULTURE. LAWYERS AT THE FIRM THINK THIS CULTURE HAS BEEN A FUNDAMENTAL FACTOR IN ITS ABILITY TO BE INCLUSIVE. WE SPEAK TO NEW MANAGING PARTNER ANAND SHARMA, THE FIRM'S FIRST MANAGING PARTNER OF COLOR, ABOUT HOW FINNEGAN HAS ORGANICALLY FOSTERED DIVERSITY AND INCLUSION.

CULTURE AND COLLABORATION

While many firms speak of fostering a collegial atmosphere, more often than not - in the reality of working together - competitive firm dynamics and infrastructure can still make this a challenge. Does Finnegan have the "secret sauce" to achieve more collaboration? New Managing Partner Anand Sharma believes it does and that the key lies in the firm's founding principles.

"We're celebrating our 55th anniversary next year," Anand explains. "In law firm terms we're neither very old nor very new, but we're new enough so that some of the lawyers still working here worked with our founding partners. Two of the key founding principles were collaboration and respect. And that's respect for everyone - no matter one's title - as we all have something meaningful to contribute to the work of the team and in service to our clients.

It's this culture of respect, Anand believes, which has helped sow the seeds for a collaborative culture. The founding business model of the firm was to be at the top of the intellectual property space and bring together some of the premier thought leaders in IP. As that mission has developed, collaboration is at its heart, as

Anand explains. "It's a fundamental belief that we are better placed by proactively providing our clients access to the full talents of the firm. By balancing and leveraging the different aspects of our talent, we are able to offer a better work product. If you take two Finnegan attorneys, it's not just "one plus one" but the exponential gain of all their shared knowledge and experience." Finnegan is obviously proud of the uniqueness of its culture, and culture is fundamental to inclusion. But a strong culture does not always mean a inclusive culture. Indeed, there are examples of organizations using the rather loose notion of "cultural fit" to mask biases or laziness in diverse hiring. I asked Anand how the firm balances keeping what's great about the culture but also allowing itself to organically grow via diversity of thought and experience. Anand answered that he feels there's no tension between culture and diversity at the firm. "One measure of proof is they selected a forty-eight-year-old South Asian to lead the firm," he notes. "And even beyond me, our management and compensation committees are comprised of 66% diverse partners who have been at the firm for decades. Having that type of tone at the top,

our diverse pipeline comes from this environment infused with respect and collaboration.”

A MANTRA OF RESPECT

We discussed the importance of respect in the firm’s culture. That’s partly the influence of Douglas Henderson, one of the founding partners of Finnegan, who constantly underscored the need for the firm having a mantra of respect. I wondered how this is still lived in the firm today?

It’s a respect of everyone who works at this firm, Anand explains. “There’s only one team - it’s the Finnegan team. For example, I still maintain aspects of my practice as a litigator; when we prepare for a trial, as part of that the entire team gathers together and goes through our strategies for the case. Then after each day of the trial, we do a debrief on how it went. We bring everyone together: lawyers, paralegals and secretaries who each speak and give their opinions on how the day unfolded. That speaks to our respect and our ethos of one team.”

I would suggest that some of this institutional respect comes down to being able to bring your whole self to work. But a significant part of being able to do that is psychological safety. Part of what destroys psychological safety is fear of failure and that’s a significant problem for the whole legal profession, which can lead to mental health issues. I asked how Finnegan’s culture helps to create psychological safety and the ability to fail, and Anand said he feels it lies in a structural acknowledgment

that failure happens, and when it does, not to call these “failures” but “mistakes”. One of the pillars of the firm is a second attorney review policy, which means that nothing goes out from the firm without a second review; no attorney is alone. “We want to make sure we all learn from our mistakes and don’t repeat them, but from a cultural standpoint we have a built-in understanding that in life, mistakes happen, and our second review will catch them.

Another key to diminishing the fear of failure is Finnegan’s commitment to offering our attorneys support on their path to advancement through mentoring, training, internal and external development opportunities, affinity groups, etc.,” Anand comments.

Psychological safety is important to Anand, but he questions the utility of bringing one’s whole self to work. “I want people to feel comfortable bringing their whole selves, but I don’t think every aspect of a person has to be for public consumption. The idea that we can hold something for ourselves is an important aspect of being a whole human being. There’s no pressure to be performative with our diverse selves at Finnegan. At home with my West Indian background, I eat chicken curry with roti and eat it with my hands. I also speak Guyanese slang with my family, which I use at work only when someone at the firm is from Guyana and we’ve established a certain level of comfort.” It is important, Anand feels, for corporate environments to recognize the diversity of cultural backgrounds that comprise their own organi-

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zations. Therefore, visibly celebrating different cultures throughout the year is fundamental, as Finnegan has celebrated Hispanic Heritage, Black History, National Women's History, Asian Pacific American Heritage, and Pride Month events. "It's really important that firms celebrate those who contribute to our workforce. But unfortunately, not all law firms have grown in these ways." That's something about the profession Anand feels needs to change.

A WINDING PATH

What about Anand's own story? It is one that doesn't necessarily follow a straight line to becoming managing partner of one of the most significant specialty law firms. In common with many of the lawyers at Finnegan, Anand has a

technical background, having initially worked as a software engineer for NASA after graduation. Given that sounds quite exciting, to put it mildly, I wondered what first attracted him to the practice of law?

"The path that got me here is definitely not a straight line," Anand laughs. "My family goes back several generations in Guyana, in the West Indies. I myself was born in Guyana and were it not for Howard University, I would likely still be there today. Many in my family went to Howard and obtained degrees in engineering and computer science, so for me, that was a natural path: a degree in mechanical engineering." His undergraduate degree in engineering from University of Maryland led him to a job at NASA. "I was incredibly lucky to work at NASA,"



Anand explains, "But I soon felt it was not for me. The science was there but I felt there were other aspects that were missing." To seek out these missing aspects his original plan was to go to business school. While in the midst of preparing to take the GRE (Graduate Record Examinations), a conversation with his uncle who worked as a chief inventor at Xerox, changed everything. "My uncle suggested I speak to some of the patent lawyers he worked with at Xerox. This was my first exposure to both law and patent law. I suddenly realized that this was perfect for me, as I love science and am an advocate by nature. Patent law was a great fit."

It's a familiar path for patent lawyers to have completed an undergraduate degree in engineering or science. How much though does

that mean this area of law faces additional challenges given the oft publicized lack of diversity in STEM industries?

This is a challenge, Anand acknowledges, but it can also be seen as an opportunity. "The traditional path to patent law is a STEM degree plus law school; historically, that pool of diverse candidates was a limited pool. Today, you have a number of law firms competing to attract talent from the same pool. We have tried to approach it as an opportunity to do things differently, such as trying to effect changes in the pipeline for those who have the combined science and law degrees."

Via one of Anand's uncle's connections at Howard University, Finnegan created a curriculum for undergraduate engineering degree

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students in patent law, and Anand says, proudly, that through that class there are a number of patent lawyers who are practicing today.

The firm also continues to fund its own diversity scholarship and, through the selection process, this allows them to meet a range of diverse talent. The open application process also means the firm's potential pool of talent is not confined to just top law schools - an opportunity missed by many law firms who confine their search to just a few top tier law schools. That narrow approach is a mistake, Anand feels. "We extend offers to join us as summer associates beyond the few scholarship participants. I can personally confirm that there is a lot of diverse talent beyond the top tier institutions. I didn't, myself, attend a traditional, top tier law school, so I'm a testament to that."

The firm has also cemented partnerships with many of the diverse bar associations, particularly where it marries well with their practice area. The Hispanic National Bar Association (HNBA) runs an IP institute every year in DC and the firm partners with the association, not just by offering courses but by making its lawyers available in any way, such as mentoring and supporting the organization in introducing its scholars to the firm. It has produced results: "Several scholars from that program have come to work at the firm," Anand tells me.

I wondered if he has faced any particular challenges as a diverse lawyer and what would be his top tips on how to navigate these?

Anand shares that, like all diverse lawyers, there have certainly been instances, but he has not had overt examples of challenges. "Rather, I have had what I would call micro-aggressions; just as those appear in everyday life, they appear in corporate settings. There have been assumptions that I am still an associate or not the lead lawyer or opposing counsel might give me a visibly different level of respect. For me, I respond in one of two ways: when there are opportunities to educate people, I will take advantage of this and when the opportunities aren't ripe, I just show them who I am through my work," he says.

So what does being the very first Managing Partner of color at Finnegan mean to Anand? "It means I need to do well in this position; not just for the firm, not just for me personally, but for those diverse attorneys that follow at this firm and at law firms, in general. But equally as important, doing well means keeping Finnegan at the top, and continuing in our legacy as an IP powerhouse"