

¿Quién soy yo?—Staying True to Your Unique Voice

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How important is one's cultural identity to one's ability to find satisfaction in one's professional life? Do those who come from non-northern European cultures need to separate themselves from their cultural heritage in order to thrive within the American legal profession? How can one maintain an authentic identity while still achieving professional success?

I. Introduction

I started practicing law in 1986, at a time when the “glass ceiling” was a critical concern for women in the law and before diversity and inclusion was a strategic goal for major law firms. At the time, navy blue suits and linen shirts with bowtie equivalents were the garb of choice for successful women lawyers, alongside the occasional three-piece gray pinstripe. As a woman who grew up in the Latin American diplomatic environment (my dad is a retired Ecuadorian diplomat), my sense of style veered much more to vivid colors and softer lines. What I did not know at the time was how much of a differentiator that fashion choice represented; it reflected a style of expression in all facets—including communications—that was inextricably tied to my roots.

With twenty-seven years of law practice under my belt, I now know that those cultural and family identifiers—the genetic code in each of us—are essential to a career that brings fulfillment. Trying to emulate others who are inherently from a different background is unlikely to work; that just won't come naturally. But it would be naive to assume that a distinctively minority voice will be understood, accepted, and approved. Absent a focused, mutual effort of the minority representatives and the broader corps of leaders and peers in an organization, minority groups are likely to temper or even mask their originality.

Achieving this type of genuine inclusion of diverse voices requires us to appreciate four essential points. First, cultural background matters; it defines each individual's manner and perspective. Absent an appreciation of cultural differences, we will fail to elicit authentic communications, which ultimately can lead to challenges in retention of minorities. Second, peer pressure has an impact on everyone. Even with protocols and systems designed to foster diverging views, a pervasive majority view, particularly one tied to the legacy of the organization, can quell dissent and perpetuate old hierarchies. Third, until habits and routines are redirected, the traditional “code” of an organization will default to that legacy majority. Fourth, only with the inclusion of a critical mass of minorities and women in leadership is an organization likely to succeed in creating that redirected habit and routine.

With these four issues accepted and addressed, today's law firm or legal department may achieve an unparalleled success. It may foster a celebration of cultural heritage, elicit the strongest contribution from its diverse ranks, and refresh its strategy and vision to match the globalized economy that is our new reality today.



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II. Cultural Background Matters

The image we portray and the perception we derive is intimately related to our roots. Our culture and background can influence and even change the way we establish relationships. For example, Deborah Tannen, the Georgetown University professor whose book, *You Just Don't Understand: Women and Men In Conversation*, moved couples all over America to reevaluate the nuances of male and female conversation, has studied how interruptive speech affects different cultures. Dr. Tannen has noted that in many North American or Anglo cultures, interruption is a sign of disrespect, indicating to the interrupted speaker that the listener prefers to dominate the discussion or is simply not interested. The same patterns of interruption, however, are both acceptable and expected in many Latin American cultures, where the constant flow of speech demonstrates engagement and intimacy—i.e., interruption becomes a relationship builder.¹

Sensitizing ourselves to the nuances of cultural differences is essential in today's globalized business, especially when the impact of a cultural gaffe can be magnified in the faceless e-communications that dominate our business hours. It is equally important that individuals feel free to demonstrate their unique approach to communications and decision-making. If the minority voices hold back, the workplace will lose the huge benefit of diversified points of view, fresh ideas, and a broader base of analysis that is more likely to match our globally-dynamic client base.

III. Peer Pressure Has an Impact on Everyone

While multiple factors are cited in studies as to why the proportion of women in equity partner positions has remained largely static over the past eight years, one is the pressure of coming across the way the workplace expects rather than the way the lawyer is most naturally likely to be. In their bestselling book, *What Works for Women at Work*, Joan C. Williams (a longstanding consultant on women in the workplace) and her daughter, Rachel Dempsey, address the "tightrope" women have to walk to come across as feminine or masculine.² If a woman is nice, warm, and nurturing, she may be perceived as too soft for serious leadership. If she is confident, driven, and assertive, she may be perceived as unlikeable and a power grabber.

Inherent in the analysis is the thought that individuals have to refine their manner to match that of the legacy majority. From a talent management perspective, this has two adverse impacts. First, it dilutes the impact of new ideas, making the corporate dialogue overly homogeneous and

1. See DEBORAH TANNEN, *YOU JUST DON'T UNDERSTAND: WOMEN AND MEN IN CONVERSATION* 188–215 (1st ed. Ballantine Books 1991) (1990).

2. JOAN C. WILLIAMS & RACHEL DEMPSEY, *WHAT WORKS FOR WOMEN AT WORK* 60 (2014).

perpetuating traditional approaches that are not aligned with the changing demographics of the business world. Second, it creates retention risks. Minorities who feel constrained to camouflage their natural behavior will eventually not feel fully welcome, and thus may elect to move elsewhere.

A key example of the consequences is in the gender arena. This year's National Association of Women Lawyers survey found that women comprise only 17% of equity partners despite women being a significant majority (64%) of staff attorneys in the country's 200 largest firms.³

In the hugely successful *Lean In*, Sheryl Sandberg opines that the disparity stems at least in part from women themselves opting out of key positions.⁴ To what extent women interpret the cues of the organization based on traditional male stereotypes is hard to measure, but certainly one can envision that a more open embrace of feminine approaches to management, advancement, and schedule would make women more likely to "stay in."

IV. The Importance of Routine and Habit

Human behavior is largely based on our routine and our day-to-day habits. Repetitive behavior consumes much of our daily lives. We have a sleep cycle, meal times, workout regimens, and preferences for the types of tasks we undertake in our profession at certain times of day. We often think of how to train our children to sleep, wake up, eat, bathe, and brush their teeth based on predictable, repetitive routines.

The predictability factor is key. Human beings like to know what to expect. Divergent events and behaviors can be startling. For a workplace to celebrate different voices, it has to infuse viewpoints from different cultures, generations, personalities, genders, and orientation. And it has to infuse that dialogue regularly, as part of every communication outlet: meetings, emails, chat rooms, announcements, and so forth. The habit needs to be accepted: the organization welcomes the free flow of ideas, shared with respect but not with undue deference to uniformity.

The more the "habit" occurs, the more new voices will speak up. Getting the ball rolling requires some concerted planning. Management teams need to host meetings that invite debate, and leaders may need to start by tapping representatives of different groups to speak up in each meeting. The habit can then be augmented by tasking some of the more comfortable speakers with leadership responsibilities, such as forming a task force to develop a new business development or pro bono initiative. They, in turn, can develop membership corps that are cross-generational, cross-gender, cross-cultural, and so forth.

In parallel, the organization can make a habit of eliciting and celebrating ideas that challenge the status quo. An ethos of "let's try something new" and "every voice should be heard" can stimulate today's law firms and build a true esprit de corps. Not every idea will be adopted, but the habit will help surmount the fear of making the "wrong" point and create widespread empowerment and accountability.

V. Leadership Must Be Populated with Minorities and Women

A couple of years ago, I read an article that addressed the top ten signals that an enterprise is hitting middle age and becoming desensitized to the need to change. The article analogized to a human

3. Press Release, National Association of Women Lawyers, Report of the Eighth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms (2014), available at <http://www.nawl.org/p/bl/et/blogid=10&blogaid=56>.

4. SHERYL SANDBERG, *LEAN IN* 12–26 (1st ed., 32d prtg. 2013).



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lifespan, noting that businesses which have had successful histories can get set in their ways, assuming that historical formulas for success will be sustainable despite changing market conditions. The “top ten” included concepts like, “We’ve always done it this way,” “When you’ve been here longer, you’ll understand,” and “How dare you suggest the way we have been doing it is wrong?” All of these signals combat divergent views and make their proponents feel disruptive.

Until law firms and legal departments have a critical mass of minorities and women populating their ranks, the “we’ve always done it this way” mantra can become unyielding. The people who don’t wear the equivalent of today’s navy blue suit or gray pinstripe are likely to feel out of place. The habit of open dialogue and debate is likely to be encumbered by fear of seeming provocative. And the organization is likely to lose the stimulation of a vibrant, empowered workforce that encourages individuals to contribute their unique strengths and diverse capabilities.

The business success that stems from this type of empowerment is evident in a wealth of studies influencing the corporate world’s increasingly robust mandates for inclusion and diversity. Several examples in my own life reinforce the precept. A particular example that I’ve retained for years stems from one of the first major global pitches I had the opportunity to lead, one for a major company seeking a single, consolidated global immigration provider. In putting together my pitch team, I assembled a variety of people with different strengths and backgrounds, absolutely convinced that their combination of skills would epitomize the versatility of our capabilities. Our team included Asian American, African American, British, Canadian, LGBT, and female representatives at the associate and partner levels, as well as myself, a Latino female partner. The client’s team included a similarly richly diverse group. We finished our presentation, feeling that we had demonstrated the gusto of our cross-cultural, diversified backgrounds. As we left the pitch, we ran into the next contender’s pitch team—a group of four white male partners. I happened to know one of the other team’s members, who called me a month later to congratulate me on the selection of our team by the client. He said, “Liz, what were we thinking? We brought a singularly white male group to a global pitch. Well, congratulations, you brought it home.” Diversity is not just a term of art—it’s a way of doing business that our clients welcome.

I have had the great pleasure in my life of being invited to the leadership table to contribute in my own way. I have had to keep a sense of humor at times when I have perceived that my exuberant style of communication can take getting used to by some of my peers. Ultimately, I’ve savored the richness of different modes of thinking, analyzing, and vocalizing, and I’m so grateful that I’ve been able to learn from superbly talented lawyers of so many different backgrounds. ¿Quién soy yo?—who am I?—is a question answered distinctively by each individual, but the excitement in one’s workplace can stem from getting to know the many different varieties of “yo” with whom we have the privilege to work.