

# MinorityLawJournal

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## THE 2008 DIVERSITY SCORECARD

Our annual survey  
of minority hiring at the  
nation's biggest firms.

# Diversity 2.0

Wilson Sonsini  
reflects the colors  
of Silicon Valley—and  
its entrepreneurial  
culture. For the firm's  
minority lawyers, that's a  
formula for success.

NEW WILSON SON SINI  
PARTNERS (FROM  
LEFT): KRISTEN  
GARCIA DUMONT, JOHN  
RANDALL LEWIS, AND  
ANIE ROCHE

# Diversity 2.0

Wilson Sonsini never tried very hard to attract minority lawyers. They came anyway—and thrived.

By D.M. Osborne

What's most striking about Wilson Sonsini Goodrich & Rosati's diversity record is what the firm *hasn't* done. Its approach to diversity has been decidedly laissez-faire. In the 19 years since The Bar Association of San Francisco first drafted goals and timetables for increasing diversity, for example, Palo Alto-based Wilson Sonsini has steadfastly refused to join the list of more than 100 law firms and corporate legal departments that signed on—even when partner Fred Alvarez was the bar group's president. For three years running, Wilson Sonsini has been a no-show at an annual Bay Area Diversity Career Fair that in 2007 attracted 58 firms. Only as recently as 2006 did the firm take the formal step of creating a Diversity Council—but the group serves mainly as a bully pulpit, judging from inter-

views with 18 partners, associates, and staff members interviewed.

The mere suggestion that Wilson Sonsini would set diversity timetables or woo minority candidates from a booth makes name partner Larry Sonsini cringe. "Never in all the years I've run this place have we ever had a diversity goal," Sonsini says. "As chairman of this firm, I never think about it."

While partners insist that Wilson Sonsini has no diversity policies to speak of, in the next breath they invariably state that diversity has always been a core value of their firm. And the numbers bear them out.

Ever since *Minority Law Journal* published the first Diversity Scorecard in 2001, Wilson Sonsini has ranked among the nation's most diverse firms. This year it holds the number two spot, with 17 percent minority partners and 25.3 percent minority nonpartners as of September 2007. Of Wilson Sonsini's 649 U.S. attorneys, 17.6 percent were Asian American, 3.9 percent were Hispanic, and 2.8

percent were African American. (The firm is also home to 12 openly gay or lesbian lawyers not counted in the Scorecard rankings.)

What's Wilson Sonsini's secret? Being based in Northern California's Bay Area unquestionably gives the firm a huge advantage in recruiting. Law firm offices in Menlo Park, Palo Alto, and San Francisco regularly report the highest proportion nationally of attorneys of color, according to NALP, formerly The National Association for Law Placement. Asian Americans account for 30.5 percent of the population of Santa Clara County, where Palo Alto is located. From a diversity perspective, Wilson Sonsini has also benefited from its relative youth and recent growth: Founded in 1961, it had fewer than 100 lawyers until the late 1980s. "The advantage that we have is that we're not hampered by, or tethered to, any old molds or old bad habits we have to break," says Alvarez, one of Wilson Sonsini's ten Hispanic partners.

More importantly, Wilson Sonsini's diversity is an organic by-product of the innovative and inclusive business culture of Silicon Valley, where old-school status markers have no value. Indeed, an increasing number of the firm's technology company clients are run by people of color, especially people of Asian backgrounds, which gives the firm another advantage in minority recruiting. Senior associate Vijaya Gadde, who was born in India and now works out of Wilson Sonsini's San Francisco office, says she was drawn to the firm "because the clients are so diverse."

"From its genesis, the Valley was a place where [people] just cared about talent," says securities litigation partner Boris Feldman, who came to the firm in 1986 and now chairs Wilson Sonsini's policy committee. "[And] we have very self-consciously modeled ourselves after our clients."

At a time when some critics of affirmative action assert that at many law firms "diversity" and "meritocracy" are antonyms ["Mind the Gap," Summer 2007], Wilson Sonsini seems to have figured out a way to combine



## Harry Bremond's relationship with the firm began informally, but he ended up becoming Wilson Sonsini's first black partner.

both qualities. "In this environment, minorities are judged based upon what they can do, always with a lot of respect for creativity and entrepreneurialism," says Carmen Chang, a homegrown Asian American partner who opened the firm's Shanghai office last October after spending a few years at Shearman & Sterling. "It's a culture in which minorities thrive."

**FOUNDED AS MCCLOSKEY WILSON & MOSHER** in 1961, and regrouped under its current banner in 1978, Wilson Sonsini is the only firm in today's Am Law 100 to have started out in Silicon Valley. San Francisco was the fashionable locale at the time. But with technology businesses sprouting up around a budding industrial park in the flats of the Santa Clara Valley, cofounder John Wilson opted to set up shop in Palo Alto, aligning his firm's interests with tech clients like LSI Logic Corporation, Coherent Laser, and Tymshare Inc.

In 1967, six years after the firm's founding, it brought in its first African American lawyer, Harry Bremond, on an informal basis. Firm lore has it that back then Bremond was one of only three African Ameri-

can lawyers in practice in San Jose, and Bremond, now 73, remembers that his deal with McCloskey began as barter: Bremond worked for the McCloskey group about one day a month, he says, and the office he sublet from them was free. After about a year, Bremond says, he was working (and getting paid for) more regular hours. By the time the firm reorganized as Wilson Sonsini in 1978—McCloskey had left earlier to serve in Congress, and Roger Mosher moved on to start his own firm—Bremond says he was a full partner. He remained the firm's sole minority lawyer until 1984, when the firm hired its first Asian American associate, Richard Char.

Throughout the 1980s—as the firm grew from 30 to 125 lawyers—Wilson Sonsini diversified mostly by gender. Judith O'Brien, whom Sonsini describes as having been his "right arm" at the time, became the firm's first woman partner in 1986. Still, Wilson Sonsini "was a tough place to be, as a woman," recalls Denise Amantea, the firm's fourth woman partner. "When you are first in any category, you really have to make a concentrated effort to prove your worth." (She left in 2001 to join the San Francisco-based

insurance and risk management consulting firm Woodruff-Sawyer & Company.) But she and other women laid the foundation for Wilson Sonsini's ensuing buildup in racial diversity, by finding opportunities in the firm's hard-driving culture.

"It's the epitome of entrepreneurialism," Amantea says of Wilson Sonsini. "If you have the right temperament and you have a real knack for being nimble and aggressive and ambitious, the sky's the limit."

By 1990, the firm included six women partners, one African American partner (Bremond), 12 Asian American associates, and two African American associates. A year later, in 1991, associates Char and Peter Chen became the firm's first two Asian American partners. (Char left the firm in 1997; Chen in 2000.)

Four years after that, in 1995, when our sibling publication *The American Lawyer* ranked Wilson Sonsini the most profitable in Northern California, name partner Sonsini was hauling in almost more work than the firm could handle, including venture-backed financings and a dizzying rush of initial public offerings. Race and gender issues weren't on the firm radar. "I don't remember it being a focus," recalls former partner and executive committee member Francis Currie, who left the firm in 1999 to start up the Menlo Park office of New York's Davis Polk & Wardwell. But minorities were among the lawyers Wilson Sonsini brought in for help. In 1997—fed up with turning away employment work for its corporate clients—Wilson Sonsini recruited labor specialist Alvarez, a Hispanic attorney, as a lateral partner from Pillsbury Madison & Sutro, and charged him with building a new department. The next year, Alvarez recruited another high-profile Hispanic em-

ployment lawyer, Ulrico Rosales, who had been managing partner in the Palo Alto office of what was then McCutchen, Doyle, Brown & Enersen.

The year 1998 also marked the promotion of Wilson Sonsini's second African American partner, David Drummond, who had been recruited by Bremond and who grew up at the firm under the stewardship of Sonsini and other corporate partners. Just as Wilson Sonsini had earlier advised groundbreaking Valley companies such as Apple Computer,

Inc., and Netscape Communications Corporation, Drummond latched on to Stanford University students Sergey Brin and Larry Page and guided them through the formation and financing for Google Inc. After leaving Wilson Sonsini, Drummond joined Google in 2002, before the company's \$2.7 billion IPO, and is now senior vice president, corporate development, and chief legal officer. (Efforts to reach Drummond through a Google spokesperson were unsuccessful.)

Today Wilson Sonsini is second only to



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FRED ALVAREZ IS ONE OF A HANDFUL OF MINORITY PARTNERS AT WILSON SON SINI TO HAVE JOINED THE FIRM AS A LATERAL PARTNER.

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KRISTEN GARCIA DUMONT IS THE FIRST MINORITY WOMAN TO MAKE PARTNER AT WILSON SONSINI ON A PART-TIME TRACK.

Curtis, Mallet-Prevost, Colt & Mosle in its percentage of minority partners—17 percent, almost triple the national average for large firms, according to the Diversity Scorecard. The firm has almost five times as many Asian American partners as most large firms—nearly 10 percent of the total partnership—and three times as many Hispanic partners. Impressively, only seven of the 31 minority partners now at the firm were brought in as laterals, while the remaining 24 were promoted from within. A key factor has been the firm’s entrepreneurial culture: At Wilson Sonsini, there is a clear expectation that even the most junior lawyers will assume primary responsibility for building their own practice.

“We try to make associates aware that they have to be advocates for themselves,” notes Donna Petkanics, who served as Wilson Sonsini’s managing director of operations, or managing partner, from 2000 to 2006. “We give them a lot of tools, but they have to take charge of their careers.”

In return, young minority lawyers say they feel comfortable asking for the support they need—from partners of any color—to realize their goals. Last year, for example, when third-year corporate associate Stephanie Kim was invited to accompany antitrust partner Chul Pak on a client pitch in her home country of Korea, she took the initiative to expand the trip to include a week of meetings with Korean law firms that she hopes will send her referrals. “If you know what you want to do and put it out there, very few people will be against it,” says Kim. “You have to take it upon yourself.”

As a senior associate, African American John Randall “Randy” Lewis took it upon himself to schedule a one-on-one meeting with firm CEO John Roos to let him know how Lewis’s practice in the nascent clean



energy tech arena was developing. “It’s important that people know the direction you’re heading,” says Lewis, who made partner in February. “I think that’s important in any business.”

Lewis’s path to partnership also illustrates an informal revolving door that has benefited minority lawyers at Wilson Sonsini. Ironically, the firm has managed to retain some attorneys of color by seeing them go to clients or other companies—and then come back. As an associate, Lewis left the firm’s Palo Alto office in 1999 to work inhouse at two companies, including client Carsdirect.com,

Inc., then returned to the firm in 2001. At least seven other minority partners followed similar routes to partnership. “Since Wilson Sonsini has a practice that really bonds with the entrepreneur, the firm places a high value on the skill set and experience that lawyers get [inside a company],” says Lewis.

**WOMEN AND MINORITIES** began to assume influential positions in the firm’s power centers beginning in 2000, when Petkanics became managing partner. In 2004 the firm put partner Katharine Martin in charge of organizing and running a newly formed busi-

ness law department—which now includes more than half the lawyers in the firm. Latino partner Rosales, meanwhile, was tapped to cochair the new member nominating committee, and African American partner Issac

firm that it should begin to pay closer attention to diversity trends in the broader market and to monitor its own track record with minorities. The result: Wilson Sonsini's Diversity Council, composed of CEO Roos, partners

from all offices, and the firm's recruitment and marketing chiefs, as well as interested minority partners and associates. The group held its first meeting in mid-2006. The firm also now produces an in-house diversity newsletter.

**When he was still an associate, Randy Lewis scheduled time to update the firm's CEO on his practice.**

**"It's important that people know the direction you're heading," Lewis says.**

Vaughn was charged with running the associate career development group. (Vaughn left the firm last year to join a start-up.) "There's a whole benefit to having a diverse group of lawyers out front with multiple perspectives," notes Petkanics.

It was also during Petkanics's tenure as managing partner that Wilson Sonsini began to take some steps toward institutionalizing the diversity-friendly culture that had developed naturally. In 2003 the firm launched the Women's Initiative Network (WIN). In addition to tackling some tough policy issues, like formalizing a part-time track for associates and partners, WIN functions as a support structure for women attorneys, sponsoring seminars on cultivating new business and an annual luncheon at which Wilson Sonsini's women lawyers mingle with some of Silicon Valley's female elite. WIN is also part of a firmwide effort "to be more proactive in addressing a changing attitude" among associates, says Petkanics: "We have to be more realistic about the issues they do care about, and we need to be up-front about addressing those issues."

Some of the same concerns led Petkanics and others at Wilson Sonsini to start thinking about forming a different group to focus on minority issues for the firm. Although minority partners such as Alvarez and Bremond have had success in recruiting Hispanic and African American lawyers, respectively, there was a growing consensus within the

Whereas WIN gatherings tend to be warm and fuzzy, the Diversity Council has already had some awkward moments, according to three people who have attended some of the quarterly meetings. One sensitive subject that was quickly resolved was



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ANIE ROCHE, A PH.D. WITH A LIFE SCIENCES PRACTICE, MADE PARTNER THREE DAYS AFTER DELIVERING HER SECOND CHILD.

whether women should be included in the firm's definition of minorities. They are. But what really set people on edge was one minority lawyer's suggestion that Wilson Sonsini's hallowed self-image as a pure meritocracy might be a turn-off for minority lawyers.

The response, according to one lawyer in the meeting: "Dead silence."

The Diversity Council has agreed on some things. "Everybody seems to be on board that we're not going to have a [hiring] quota," says Carol Timm, director of attorney recruitment and retention. In the main office, Timm says, there's also agreement on the need for "finding more people who aren't represented in the Palo Alto community"—notably, more African Americans and Hispanics. The firm's offices in Austin, Washington, D.C., New York, San Diego, and Seattle would like more minority associates generally. Firmwide, a big batch of acceptance letters from the 2007 summer class could help. Twenty-eight of 72 summer clerks last year were members of a minority group: nine black, six Hispanic, and 13 Asian American.

Another area for the Diversity Council to work on is Wilson Sonsini's failure so far to find or promote a female African American partner. Harry Bremond has had a hand in recruiting most of Wilson Sonsini's African American lawyers, and says he's frustrated these days that more black lawyers "aren't in the pipeline." (In 2005 NALP reported that African American law school applicants represented just 3.3 percent of the whole.)



As he tallies the number of African Americans who have made partner at Wilson Sonsini, Bremond hits a total of seven, and is visibly discouraged. There have never been more than four black partners at one time, he concludes.

"That is not good," Bremond says. "Unless you're dreaming, that is not good."

While partners insist that it wasn't by design, the new partner class of 2008—13 new partners in total—includes lawyers representing all three racial minority groups: Lewis, who's African American; Kristen Garcia Dumont, who's Hispanic; and Anie Roche, who's South Asian and a Ph.D. who

advises companies in the life sciences arena. Garcia Dumont, the mother of three small children and an employment litigator, is also the first minority woman to make partner on the firm's four-year-old part-time partnership track. Her schedule calls for her to work four days a week—although she's often on her phone or BlackBerry all seven days. But Dumont isn't complaining. She wants to show minority and women associates that they "can have it all and still make partner."

"I am not at all a traditional person, and this is not a traditional firm," she says. "[At Wilson Sonsini] there is no one path to success." ■



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