

Minority Powerbrokers Q&A: Wilson Sonsini's Vera Elson

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For over 20 years, Vera M. Elson has litigated and tried numerous high-stakes intellectual property cases in district courts across the country, as well as the International Trade Commission. She is a partner based out of Wilson Sonsini Goodrich & Rosati's Palo Alto office. Her practice is focused primarily on patent and trade secret litigation, as well as strategic counseling for the firm's high-tech clients.

Prior to entering the legal profession, Elson worked as an electrical engineer designing high-speed circuits for Hughes Aircraft's Advanced Circuit Technology Labs. She holds an M.S. in engineering from UCLA and a J.D. from USC. She interned for the late Chief Judge Helen W. Nies of the Court of Appeals for the Federal Circuit, and is a registered patent attorney.



Vera M. Elson

Elson and her husband of 27 years are the proud parents of two college-age young men, and are both long-time residents of Silicon Valley. Elson is a second-generation Nicaraguan, whose grandparents immigrated to the U.S. from Central America in 1945.

As a participant in Law360's Minority Powerbrokers Q&A series, Elson shared her perspective on five questions:

Q: How did you break the glass ceiling in the legal industry?

A: By never thinking that one really existed. I am reminded of the quote from "The Matrix" where the young candidate states: "There is no spoon." Perception is the only ceiling. As an associate, I worked very hard, first to encourage more senior attorneys to be candid and open about any perceived issue or area where I might improve, and then to take it upon myself to address the issue. Be genuinely grateful to the more senior attorneys for sharing their views on perceived areas of improvement. Once you're on the other side of the fence and delivering evaluation results to more junior attorneys, you'll come to appreciate that it can be as difficult to deliver a criticism as it is to receive it.

Evaluate any feedback with detachment to assess whether there is any course correction you need to make. This early approach has served me well in that, as a matter of course, I encourage clients early in

our relationship to be as frank as possible about any hot-button issues or concerns. Often, their issues stem from some negative experience they encountered with prior counsel. By inviting clients to be open about their concerns early and often, you can avoid making those same mistakes. You also stand a far better chance of heading off any looming strategy, staffing or budget issue before it becomes a problem.

Lastly, keep your eye on the ball and don't be distracted by minor inequalities along the way. If, for example, your goal is to become the best trial lawyer you can be, don't just rely on what tasks may be handed to you. Take it upon yourself (and on your own time, if necessary) to go watch local jury trials. Offer to handle depositions, study the Federal Rules of Evidence, and (I cannot stress enough) take every opportunity to speak publicly or otherwise hone your oratorical skills. Presentations and public speaking are an art form that must be constantly refined. It won't be long before you look back and find that you've already blown past what others regard as a ceiling.

Q: What are the challenges of being a lawyer of color at a senior level?

A: Honestly, I have never cared for the "person of color" tag. While the moniker may be politically correct, I personally have no use for it. I prefer to see each person as a unique collection of attributes and experiences — some visible and some not immediately apparent. Certainly if you are the more diverse attorney in an otherwise relatively homogeneous firm culture, it may seem at first that others have the advantage and "blend" more easily. So one challenge you may face is that you have to work a bit harder to find the common ground you share with a colleague who, on the surface, appears to have a very different and non-overlapping set of attributes and experiences. The common ground might be sports or travel, or that you are both history buffs — but whatever it may be, it is there. You may just have to make the extra effort to tease it out. Is it fair that you have to make this extra effort? Perhaps not, but those "how to connect with people" skills tend to come in very handy when selecting and talking to a jury.

The challenges you face can also be socio-economic. Obviously someone from a well-connected and affluent family with an Ivy League education and a parent who is a Supreme Court Justice is going to have a bit of a leg up. This is life (remember the kid who never studied but always seemed to ace the final). But in my experience, a strong work ethic goes a long way toward leveling out any disparities that may have existed at the starting gate. As they say in show business, it takes 20 years to make an overnight success. If you enjoy the intellectual challenge your area of the law offers (in my case, intellectual property law), stay the course!

Lastly, hard work and the proverbial "nose to the grindstone" are necessary but not sufficient. You will need to develop a book of business. Think of yourself as a startup. When you start at a firm you need to have a product (your work product). But you also need to market that product to your customer base (initially partners and senior associates). Your goal is to keep them coming back to you for assistance (repeat business). It is critical that they know they can rely on you. Those who come to know you as a talented and responsive lawyer will remember you if and when they leave the firm. Many will go on to careers in-house. Eventually, as talented lawyers themselves, they too will rise in their respective organizations. Make the effort to stay in touch, and voilà, good things will happen.

Q: Describe a time you encountered discrimination in your career and tell us how you handled it.

A: Once, as a junior associate, I had a rather gruff male senior partner at a former firm confide that he liked working with me because I was the only woman he had not made cry. While certainly an eyebrow-raising, chauvinistic comment, I gave him the benefit of the doubt and took it for the genuine (albeit

backhanded) compliment that it was intended to be. In his own awkward way, he was telling me that that I was tough, and over time I came to respect that he was a strong advocate on behalf of his clients. He ended up being a good mentor from whom I learned important litigation skills. And as a bonus, relating his comment made for a good war story at gender diversity events for years thereafter. The legal profession — and particularly litigation — is very exciting and rewarding, but definitely a rough-and-tumble business. Retain your sense of humor. It is a powerful weapon in the battle to keep things in perspective and stay focused on mastering your craft.

Q: What advice would you give to a lawyer of color?

A: Think of your particular set of characteristics and diverse heritage as an advantage — not a disadvantage. Embrace your differences. They allow you to stand out, which if you work hard and develop marketable skills, will ultimately prove beneficial. Presume that the firm would not have hired you, or spent years investing in you, unless there were partners in management that thought you were capable of succeeding. Hunt them out. Offer to work for partners that take the time to explain their reasoning and incisively question yours. A good mentor will pick apart your arguments and will force you to demonstrate a firm grasp of your evidence as well as persuasively justify your conclusions. Don't get defensive! Instead, prepare for any such encounters and be grateful that they are offering you the opportunity to demonstrate your analytical skills. This is the best possible training ground, since it won't be long before the partner is replaced by a judge who will not hesitate to publicly grill you in open court (a highly energizing experience). And don't presume that your best mentors will look or sound anything like you, or that they should be warm, fuzzy personalities. Gravitate to people who are acknowledged as excellent and demanding lawyers, and who can offer you new and/or challenging tasks that take you out of your comfort zone. These are the experiences that will serve you best, and eventually put you in the most favorable position to become your clients' "go-to" adviser ... the rest will follow.

Q: What advice would you give to a law firm looking to increase diversity in its partner ranks?

A: If the discussion is along the lines of "we need one of those," then the firm is on the wrong track altogether. The ultimate goal is to grow and nurture a meritocracy. This is relatively easy in Silicon Valley where the population is already diverse and clients generally don't care if you are green and a Martian, so long as you can secure the win and/or get the deal done. But every firm has its own distinct culture. Partners at all firms need to be vigilant about not falling into a pattern of recruiting, hiring or only working with the same "type" of person, or someone who "reminds me of myself." Perhaps go farther afield in law school recruiting to search for that highly motivated individual who does not fit the mold. Talented associates should be encouraged to work for a variety of partners, to network, to engage in public speaking, and participate in business development efforts to "learn the ropes," since ultimately, partnership will likely depend at least in part on the partners' perception of the associate as a future rainmaker.

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