

Inclusion and Retention

in the Workplace

What it's like to be a diverse woman in the Delaware bar.

Almost 90 percent of law firms have employed strategies to target recruitment of underrepresented minorities. While 46 percent of associates are women, only 19 percent of equity partners are women. Looking deeper, women of color represent 16 percent of associates, but only 3 percent of equity partners. These statistics are not from 20 years ago. In fact, they were included in an October 2017 report from McKinsey & Company, entitled “Women in Law Firms.”

What is it like to be a diverse woman in the Delaware Bar? The Honorable Natalie Haskins, Deputy Insurance Commissioner Tanisha Merced, Patricia Winston from Morris James, as well as Rebecca Song and Sonia Augusthy of the Delaware Attorney General's Office offer their insight.

QUESTION: Do we need to keep talking about diversity as lawyers, here in Delaware? Are we able to attract diversity in the Delaware bar?

PW: We have to keep talking about it because, statistically for women of color, you don't see that it is rising. You don't see the increase. If you look at women in general, you might see that, but when you look at women of color, you don't see them. In some areas, we are losing ground. We do have to keep talking

about it to make sure that women of color are included.

NH: When I was at Morris Nichols, I believe there were no people of color, besides me, definitely not any women. Same with the DOJ; at one point, I was the only African American attorney — and I was part time. When you are in that situation, you may look at your supervisors and think, can I get there? I think it's an issue of retention.

TM: In 2003 at the AG's office, I was one of the only minority attorneys. That was a few years before Natalie started and she had that same issue. I don't know many minorities at the AG's office. I may work with a lot of women, but they are not in positions of authority. When I left the AG's office, I worked in the local office of a firm. The Wilmington office

was all women, but above me were two men. When I left that office and went to work for the County, the entire top has always been men — through four administrations.

SA: At the end of 2008, when I came to the AG's office, the Chief County Prosecutor was a woman; she was taking her maternity leave and it was not an issue. I felt like this was a place where I could fit in. Having that visibility, that role model to look to — but if you don't have that, you're like, where do I fit in?

PW: There are women of color out there, but I don't think it's about diversity. I think it's about inclusion. Sometimes you're not going to walk through a door, when you know you're not going to be included once you get in. If there was a sense of, yes, we're going to welcome you when you come in, you would see more diverse women, all over the place. I do think there is diversity. I just think it's not inclusive enough.

TM: I think that might be the general perception of our field. It's not just where you are going to work, it's the entire practice itself. It's how you are treated by other members of the bar. If I take the

same tack as my male counterparts, how is that perceived?

When you come in and sit down at the table, do they realize you are the attorney? Or, do they think you are the client? Or, the paralegal? Or, the social worker?

There has to be an overall culture change. You can have an inclusive work environment, a place where you are celebrated and supported and pushed forward, but if every time you walk into an adversarial setting — because that's what we do — you are treated poorly by your opponent and at times the bench, it becomes taxing.

You might decide, is there something different I can do with this degree, where I'm not going to be put in that situation?

NH: I can say there are litigants that are surprised to see me on the bench. I think it's really important to have hearing officers that represent us as a society. I feel like we need more Latina judges and Asian judges. There are whole groups of people in our society that are not represented on the bench. However, I feel like the judiciary is definitely making progress. I feel that Family Court is actually doing well right now with the number of female hearing officers on the bench.

However, you have to wonder, why are there so many females only in Family Court? Why aren't we adequately represented on the Superior Court or Supreme Court? Chancery Court has recently increased its diversity with several new female appointments, which is moving the judiciary forward.

TM: I think you could do that in every court and state agency. If you look, you're going to see a male-dominated field.

SA: You do think about who is on the bench. When school is calling and you think, “is judge so-and-so going to understand that I might have to leave?”

TM: I have to say, when I practiced in Family Court, all of the male judges were very understanding and respectful. It's just the dynamic when you are in the courtroom with a male judge, male counterparts, and you are representing a female. The client walks in and they go, “is anyone really going to understand my side of the case, other than my lawyer?” It's really hard to come in front of a judge, and you've never had this experience, and no one looks like you. It makes our jobs harder to ensure that our clients know they are getting fair treatment.

SA: I feel like when I walk into the courthouse, and I see other Indian people, I can feel them looking at me. Especially when there is a language issue, there just is this sense of relief. That microcosm of an interaction and the sense of relief that comes over them speaks exactly to that point, when there is someone in the building that looks like you.

QUESTION: What advice would you give to a minority female attorney starting in Delaware?

TM: I would tell them to be active. Attend every networking event and group where they can go in and make themselves present and known. Because Delaware is really about networks; it is so small, it sometimes boils down to who you know.

NH: I would say, don't wait for invitations; make your own seat at the table. Be as assertive as you can. If there is a networking opportunity, go there. Make

friends with people outside of your firm and outside of your field. I did that a lot. I volunteered for non-profit boards and made lots of connections that I think helped me to get on the bench earlier, because I was well-known. It's about visibility. Find your group. Be confident.

Sometimes, I felt like I had imposter syndrome, like I should just be happy with whatever I was given or allowed to take. I would say don't think like that. Be confident in your skills. People are willing to help you if you put yourself out there.

TM: It helps you to be known, but it also helps for other people to see you and realize, "I like you and I can work with you." People don't realize their own biases. Sometimes groups tend to stick with people they are comfortable with, but if they see you out and about and you are going to different



with Natalie — you have to include yourself. In the firm, you have to go into somebody's office. Because if you are a woman of color, they may not have contact with persons like you in their everyday life. It might be surprising, but it's true. On a professional level, you have to make them comfortable with you. We have to take those steps.

Also, look for an environment that is not sink or swim. Law firms are very sink or swim. If you are not good at finding mentors and sponsors, in addition to all the other work you have to do, you are going to sink. And if you're sinking, you shouldn't feel like you have to stay and fight. At

the end of the day, look for environments where there is a culture of inclusivity or someone that you trust.

For me, it was a diverse male partner that I knew I could count on. He was

committees and organizations, they have an opportunity to get to know you.

PW: We talk about inclusion, but in the end, we can't make that change; the majority has to make that change. I agree



opening doors for me and helping me traverse this world. If he wasn't there, I don't know if I would have survived. You can be as friendly and hard-working as you want to be, but if you don't know what's going on behind closed doors, and what you should be doing, it's difficult.

RS: As a prosecutor, your reputation is so important. It takes a really long time to build and maintain, and it takes a second to tear down. Just be respectful when talking to people.

TM: Be bold. Every woman at this table has been successful because they have been bold, they've gone out and done something and stuck to it. Made their way. I don't think anyone here has been given anything.

NH: Once you are mid-level, reach out. If you have an opportunity to help someone along, that's where we have an obligation to reach out. It's really good



many times, when you are the only one, you do wonder if other people are having this experience, "did so-and-so say this to you?" Because you feel embarrassed that this happened. Connecting with others makes you feel like you can keep going.

SA: As much as work is professional, it is emotional. When you feel like you're not being given the same opportunities, whether based on your own insecurities or based in actual fact, it's nice to have people you can go to and trust and feel like you can be candid about whatever it is you are experiencing and not have it be held against you later.

For me, I don't feel like I have a lot of role models that fit both my gender and ethnicity. But, I've been fortunate. I've had a lot of folks at the DOJ, that despite our differences, have really helped me figure it out.

to network with each other, to build each other up. At the end of the day, we're just a bunch of human beings just trying to do our best. It can be exhausting.

PW: Talk to people, find people. So



RS: A group of women in my unit have formed a group chat. We'll text each other all the time about issues that come up, as women in the profession. That support system is so important. For more junior deputies, I say, just come and talk to me.

QUESTION: Are there female first-chairs in Delaware?

RS: The DOJ is unique. If the case is assigned to a Deputy, it belongs to the Deputy as first-chair. We have a lot of women trying cases as the lead attorney.

PW: When I talk about diversity, I like to make sure we are careful. When we just say women, it discounts us – women of color. For me, I try very hard to emphasize diversity and women. I think there are white first-chairs that are female. When I try to think of diverse ones, I am having a very hard time.

TM: Going back to when I first started working at the County, I was one of two



versity. The Office of Law went from one minority female attorney to three in two years. That's saying something when for years and years there was just me.

QUESTION: Can you point to an example, where someone helped you?

RS: When I had just been hired and was fulfilling the bar checklist, I really didn't know many people. This is before Sarita passed; we were just chatting. I needed to see a jury selection and she knew someone who was picking a jury. She was just so helpful. She didn't have to do that. Little things like that, she was so welcoming, it was without a thought or hesitation — "I'm just going to help this person." I think about that a lot and try to do the same.

NH: I just try to bring people along. Exposure is important, even with my daughter, who is 13. I just try to bring

diverse lawyers. When the other minority lawyer left, it was just me for quite some time. There were other women attorneys, but they were Caucasian. The last administration made strides in di-

people along. Being accessible and approachable. I found an unlikely mentor in a blond-haired, blue-eyed white male at my firm. He would look out for me. If he had a board meeting or client event, he would invite me. I picked up his spirit of mentorship and I try to do the same thing.

TM: For me, it started before I passed the bar, I was taking the Minority Supplemental Bar Review Course. One of the members came up to me, out of nowhere, and said, "you need to figure this out." He was tough and supportive. He did not know me, but was very much willing to say, "here's what you need to do." It was a minority man. He was very much about reaching back and helping people. I've tried to do that throughout the years. When you've made it to where you want to be, you should reach back and bring people with you. That's how you make a positive change.

PW: I interviewed here since I was a second-year. There was a diverse male that kept bringing me back. I didn't understand it at the time, but he was put-

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ting my face out there. He was the one who showed me the ropes when I got here. He was tough. He had such high expectations. It wasn't in a bad way. He wanted me to be successful; that's what

it was about. Seeing how he functioned within the firm, how he handled certain issues, his priorities — one of which was diversity — he worked very hard to make this a diverse place. One of the ways was recruiting, going to the job fairs for diverse applicants and making sure to bring them in — I was one of them. And when it came to assignments, he would ask me, "do you have stuff to work on?"

There was also a white male partner; to this day, he always makes sure I am included. It's wonderful to have that and I don't think I would have lasted here had I not had those two people at my firm. I don't think that would have been possible. You take that help and in turn, help others.

Now, we have the most women in our group that we have ever had. So, part of it is just making sure we are all connected and figure out ways to help each other. Also, in the community, talking to other women and saying, "we have to help each other, because if we don't, how are we going to succeed?" Make sure you give back. ♦

