

Law360

Minority Powerbrokers Q&A: Ballard Spahr's Peter Haviland

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By Peter L. Haviland

Peter L. Haviland is a partner in Ballard Spahr LLP's Los Angeles office. With a national and international practice, he has tried cases in state, federal and bankruptcy courts, and arbitral forums throughout the country, and has argued a wide range of appeals. Haviland's current docket includes matters for E.I. du Pont de Nemours and Company and ExxonMobil Corp. He has also prosecuted criminal actions on a pro bono basis for the Los Angeles City Attorney's office.

Haviland has served on the boards of directors of a number of professional and service organizations, including the Black Entertainment and Sports Lawyers Association and the Constitutional Rights Foundation. He previously served as outside general counsel for recorded music companies.

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

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

A: The question of how one individual achieves some measure of personal success is far less interesting than the question of why so many others — whose stories and achievements are no less compelling — remain excluded from rewarding careers in large law firms. After 25 years of diversity trainings the answers to the latter question are pretty well known. The issue remains what anyone is really prepared to do about it. For African-American men, the obstacle is not so much a glass ceiling as a steel cage — the cage of prison that disproportionately incarcerates too many young men who should be the next generation of lawyers. That's one reason I'm gratified by my firm's involvement in the Justice Department's Clemency Project to pardon and release persons from prison who have served unjust drug possession sentences.

Over the last 60 years, the two most striking achievements in American jurisprudence have been the overturning of de jure racial segregation and the more recent application of equal protection to the LGBT community. The first was achieved by a cadre of African-American lawyers, including, of course, Thurgood Marshall. The second was achieved with the support, albeit delayed, of an African-American president and attorney general. These examples show that monumental change can be achieved through concerted effort by a dedicated group of lawyers with an agenda. We need such a group now with an agenda to change the complexion and culture of large firms.

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

A: Many of the lawyers of color who have achieved “senior” status at a large firm have professional patterns that look not much different from their white counterparts: college and law degrees from prestigious schools, spouses and kids, traditional dress, lots of billable hours, and mainstream pro bono activities. A significant challenge is to acknowledge that if we want the culture of the law firms to change, we have to embrace people who are coming up differently than we did, and who want to approach the practice of law differently than we have.

A senior lawyer by definition has responsibility for the environment in which she or he practices. It is not enough to do a good job, win cases or close deals, and practice at a high level. If we are going to be more than what the French colonials called *évolués*, we must be advocates for talent even if that talent does not remind us of us, and embrace young people of color who can be better ambassadors to the global community of diverse companies and governments.

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

A: At a former law firm (not Ballard Spahr) — I was in a room with a group of my white partners interviewing a lateral partner recruit. Given my skin color, the lateral clearly didn’t recognize that I was black and made disparaging, in my view, racist comments about a black partner at his firm, someone who was a friend of mine. I asked the lateral to explain the comments and then told him I was African-American. Interestingly, after the meeting, the then-managing partner of the office, and a few of his followers, still wanted to hire the guy. I made an issue of it and blocked the hire.

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

A: Develop relationships with business people you care about — whether in startups or who are in-house corporate counsel in global corporations whose diverse markets require them to have diverse, culturally competent outside counsel, and become a trusted adviser/lawyer for those people and companies. Work with people you like and respect. Build community within and outside of your firm; be someone that others feel they can turn to. Never give up on integrating, in a real way, the profession. The existence of a few people of color here and there, or 19 percent women partners when we have had graduating classes of 50 percent women for 25 years, is not integration.

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

A: Say out loud that you lack a critical mass of persons of color, or LGBT, or women in your firm, and then announce that you’re going to fix it. Interface with the black and Latino law student associations at the junior level. Tell your recruiters you want diverse candidates in the pool you look at when making any lateral hire. Law firms have tremendous resources and talent. If they really want to change their demographics, they can do so: it is really not so difficult to find people of color to do this job who are equally competent as the white people currently doing it. Set real, achievable and measurable goals on diversity; just as you set goals for billable hours and collections. Make contributions to diversity a factor in compensation decisions. Identify and seek out diverse talent in each market you enter. Value, stand by, and support the “minority” partners you already have.

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