

Minority Powerbrokers Q&A: Judge David Coar

Law360, New York (December 03, 2014, 3:43 PM ET) --

Honorable David H. Coar (Ret.) served as U.S. District Judge for the Northern District of Illinois for 16 years and as a U.S. Bankruptcy Judge for eight years. From 1979 to 1982, he served as the first U.S. Bankruptcy Trustee in the Northern District of Illinois. As associate professor of law at DePaul University College of Law, Judge Coar taught courses on ethics, corporations, corporate finance, constitutional law, labor law and professional responsibility. As a practicing lawyer, Judge Coar represented private plaintiffs in the case that determined how Title VII impacted the merger of previously segregated lines of progression in the steel industry.

Judge Coar has consulted around the world on judicial and economic issues, and has participated in educational programs for foreign judges in the U.S. and overseas. He has participated in programs in China, Russia, Nigeria and Cameroon sponsored by law schools, the National Center for State Courts, the U.S. Department of State, and the U.S. Department of Commerce. The Bar has praised Judge Coar for his legal ability, handling of complex cases, integrity and independence.



Honorable David H. Coar (Ret.)

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

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

A: A glass ceiling is just an invisible barrier that restricts members of a group from achieving what he/she could have achieved but for membership in the particular group. Because it is invisible, you are never sure where it is or whether it actually exists and the fear of bumping your head tends to limit how high you are willing to jump. For that reason, my approach has been to ignore it, to proceed as if there are no special barriers that impede advancement. Failing to try means that you will never be successful. If you try and don't succeed, the worst that can happen is that you may learn something about an institution (or about yourself) that will aid in achieving success the next time. I was also fortunate to have had colleagues and mentors who provided good advice in navigating my career path.

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

A: The biggest challenge is in leveraging your senior position to correct racism within the organization. This includes shedding light on institutional (unintentional) barriers to equality. Most people and institutions have reasons for their actions. Many times those reasons are based on erroneous (sometimes unacknowledged) assumptions or ignorance about women and minorities. As a senior person of color, one of my roles has been to challenge these false assumptions and to identify their impacts on the goals of the institution. Ignorance does not survive well in bright light.

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

A: Near the end of my third (final) year in law school, I interviewed with a major law firm for a position. During a visit to the firm offices, I was “hosted” by a partner who was a member of a religious minority. After completing my meetings with members of the organization, my host took me back to his office and told me that while he thought that I was a great candidate for the firm, if he recommended that I be hired, it would likely cost him his position and he was convinced that a certain senior member of the firm would block any such recommendation. I thanked him and left. It was unclear to me if my host was being brutally candid, he was a bigot, or whether he was simply reluctant to jeopardize his own tenuous standing (as a religious minority) by avoiding having to make a recommendation that he knew would be unpopular. He might also have been seeking to avoid a personal ethical dilemma by recommending against me so as not to offend other members of the firm. Finally, I considered whether he believed that I was simply not firm material and had awkwardly chosen a more humane way of saying, “You don’t have what it takes to succeed at this firm.” This was all heavy stuff for someone on the threshold of his legal career. In the end, I decided that publicly charging my host and/or the firm with discrimination would have serious consequences for them and for me as a (soon to be) newly minted lawyer. I reported the events to the law school placement office and requested that no action be taken against the firm other than monitoring the experiences of future applicants.

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

A: It is crucial that all young lawyers understand the nature of the relationship with the firm, company or agency they serve. You are hired because you have talent and potential that the institution needs to succeed and sustain itself. You chose the institution because you believed that it could help you succeed by providing valuable training and experience. All young lawyers should soak up all that the legal organization can teach them. Quality experience is finite and you are in a competition with your fellow young lawyers for the opportunity to work with the best lawyers on the best cases. Lawyers of color will soon realize that, like many institutions in this country, legal organizations are frequently infected with institutional racism. For example, studies have shown that in blind tests, written work reviewed by senior lawyers is more likely judged deficient when the reviewer is told that the work is by a minority associate. Unfortunately, the issue is not whether you will encounter institutional racism, but what you will do about it. There is no simple answer. For some, the learning experience is everything, so they abide the environment until they have learned what they came for (or the environment exceeds their tolerance for pain). Others take the experience as a challenge and seek constructive ways to change the organizational culture. Finally there are the warriors for whom every perceived slight provides an opportunity to confront and protest injustice. The unfortunate truth is that the world is unfair and lawyers of color must learn to succeed in a profession that has many of the biases found in the rest of society. It would be presumptuous of me to judge the approaches taken by others to navigate these shoals or to recommend a single solution applicable to all situations. Suffice it to say, that each young lawyer of color should develop and understand what her survival strategy will be and proceed accordingly.

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

A: If a law firm is really interested in diversity at the top levels, the solution is not that difficult. First the firm should take a look at its numbers and ask if something is amiss. Every business, including law firms, uses metrics. If there is underrepresentation of minorities in the associate ranks, the firm should ask why. That includes not accepting the BS answers usually given: poor writing; poor schools; poor social skills; etc, etc. Minority associates come from the same educational backgrounds as their majority colleagues. They attended the same schools, took the same exams, scored the same and survived the same interview process. To conclude that all of those experiences are altered once they join the firm is ridiculous. If young lawyers in the firm are assigned mentors, incentivize the mentors to have a stake in the success of their mentees. If your mentees “fail” at the firm in numbers higher than the norm, that should be an important factor in your evaluation and compensation. If your charges are “successful” in achieving partnership, then that should be acknowledged and rewarded. One of the excuses used to criticize senior associates of color is “lack of business development.” The ability to develop business relationships is directly related to access to the firm clients. Leaders of the firm should ensure that minority associates are provided equal opportunities to meet with and present to clients. Partners who keep minority lawyers in the closet or the library should be “encouraged to provide greater exposure.”

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