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Breaking Out of the ‘Model Minority’ Rut

The Struggle Is Real for Asian-Americans in Law

BY KATHLEEN J. WU

Recent studies show that Asian-Americans—the so-called “model minority”—aren’t thriving in the legal profession to the extent that our “model-ness” might warrant. Our accomplishments and competence remind me of another group that has struggled to break through in our profession.

Just like women, Asian-Americans enter the law in high numbers. They are, in fact, the largest ethnic minority in the legal profession. In 2016, Asian-Americans made up more than 11 percent of all associates in major U.S. law firms, the National Association of Law Placement (NALP) told *The American Lawyer*, even though they only make up

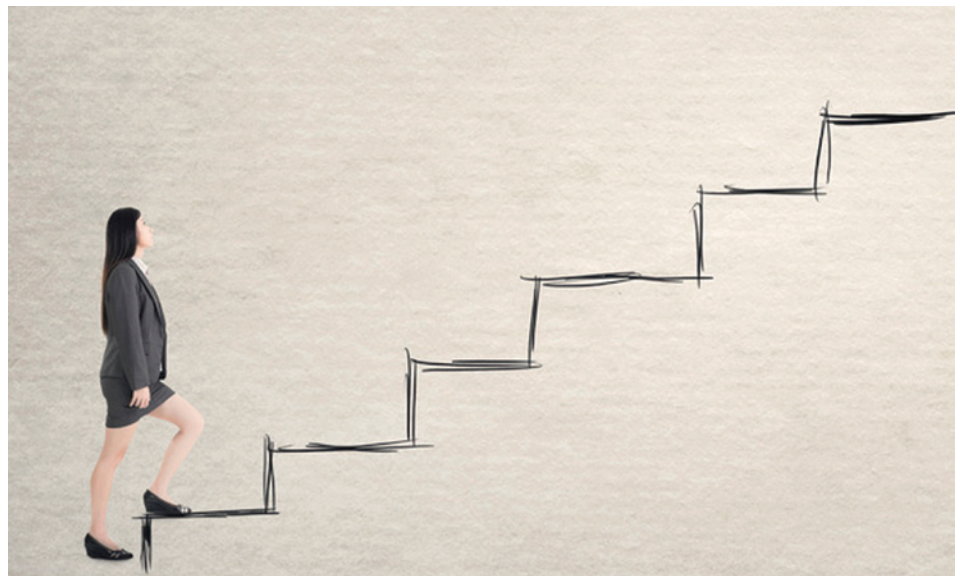


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6 percent of the U.S. population. Hispanics and blacks, who make up a much larger portion of the population, only made up 4.4 and 4.1 percent of major firm associates, respectively.

But, just like women, Asian-Americans struggle to reach leadership levels in the legal profession. In fact, the Minority

Corporate Counsel Association says they are leaving big firms in greater numbers than other minority groups, and the NALP reported that Asian-Americans represent just 3.13 percent of major law firm partners.

As an Asian-American woman, I identify with both groups. And after spending

30-plus years as a lawyer, I admit that I'm not at all shocked to learn that Asian-Americans are having as hard a time breaking through as women.

Both groups suffer from the effects of bias and we have to confront the cognitive dissonance that occurs when we don't live up to the preconceived notions others have about us.

Asian-Americans are perceived as smart and hard-working, which fortunately makes others predisposed to hiring us for "worker bee" jobs (such as law firm associates). But we're also perceived as being more technician than artist and more follower than leader, so when employers are on the hunt for their next visionary leader—or law firms are considering whom to admit into the hallowed ranks of equity partnership—Asian-Americans run headlong into the bamboo ceiling.

And just as women are penalized for exhibiting traits

that are tolerated and even rewarded in men, Asian-Americans can experience the same kind of blowback when we step outside our expected behavioral bounds.

So what's the answer? As with gender bias, half the battle is raising awareness. I know for a fact that men are far more likely to question their gender-based assumptions in 2017 than they were when I became a lawyer in 1985. We haven't reached peak awareness by any stretch, but I believe the steady drumbeat of discussion and pushback by women who just can't take it anymore has begun to affect law firm culture and lawyers' willingness to tolerate sexist behavior.

Fortunately for women, there are enough of us in the legal profession for our voices to be heard. Not always heeded, perhaps, but heard. The same cannot be said, however, of Asian-Americans. Even if we were represented in the profession at twice our share

of the overall population, that would still make us a distinct minority.

This makes each of our voices all the more important. There are too few of us to expect others to carry our water, so Asian-American lawyers must take it upon ourselves to advocate on our own behalf and on the behalf similarly situated lawyers.

The justice system and the legal profession both operate best when they reflect the makeup of our society. This is why it is so important that we hold on to the growing number of Asian-Americans, women, African-Americans and others who have been abandoning the law to do something else. Marginalizing these talented lawyers based on their numbers or time-worn stereotypes is a disservice to them and everyone else.

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