

By Kara Mayer
Robinson

Small Law Firms, Big Ambitions

Two generations of lawyers at three small law firms discuss how they seized the opportunity to advance diversity—and, in doing so, led their firms to success.

The year 2008 has proven to be a notable one for Taylor Fields. His Kansas City law firm, Fields & Brown LLC, is celebrating its 20th anniversary, and as founding partner of the defense litigation firm, he is particularly proud of its status as the largest minority-owned

firm in Missouri. His daughter, Carla Fields, is also part of the celebration. A 12-year attorney and partner with the firm, she has witnessed a significant part of the firm's evolution.

But Carla wasn't privy to the ups and downs involved in starting the business during a vastly different social and political time. Back in the 1970s and 1980s, when her father ventured into uncharted territory, he helped blaze the trails toward a more inclusive profession.

Twenty-eight years old and fresh out of law school, Taylor Fields realized that the types of practice that were readily available to him and his African American cohorts were limited. "In Kansas City, the African American lawyers who were practicing law in private practice were limited to certain areas—some criminal defense work, traffic matters, probate work and workers compensation. There was very little work done on the defense side of the bar and the idea of a firm beyond two or three lawyers of color was a rare thing," Fields recalls. "Of course that changed in the late '70s and early '80s when large public institutions and some private institutions began to look at small minority-owned firms. The window of opportunity opened up in the '80s and '90s."



(Left to right, seated) Carla Fields, Taylor Fields; and (standing) Wesley Fields.

Seizing the Day

Fields was one of the first to seize on this opportunity. Rather than settle for work that didn't inspire him, he set his sights on defense and worked hard to open doors that had previously been closed to him and his African American colleagues. He became heavily involved in the National Bar Association, taking on the role of chairperson for its newly developed Commercial Law Section. Through this involvement he was able to take advantage of the growing trend among corporations to recognize the need to do business with people who mirrored their buyers, a group that included a growing number of minorities.

"There was a group of lawyers around the country that had the idea that if they could market themselves to large corporations, there was a window of opportunity and a valuable service they could provide in a cost-effective way," Fields explains. "By putting our heads together, it bore fruit."

Together this group of lawyers, including Fields, developed the National Bar Association Commercial Law Section's Corporate Counsel Conference, an event designed to increase the utilization of smaller minority-owned firms by larger corporations. Although it had humble beginnings, today—thirty years later—this conference is heavily supported



Carla Fields

and well-attended by corporations, large law firms, and small law firms alike, and has evolved into one of the most sought-out conferences sponsored by the National Bar Association. "It fills up quickly," Fields says. "It's one of the association's signature events each year."

Whereas the work open to African Americans was limited when her father founded Fields & Brown, by the time Carla Fields joined the firm in 1995 the tides had begun to turn. "At that point, our firm was doing a lot more defense work," Carla says. "A lot of our clients were public sector clients, like the Kansas City Area Transportation Authority and the Kansas City School District, and we were starting to do some insurance defense work." Indeed, the

work of her father and his cohorts had an indelible impact on the profession at large, which was—and still is—a work in progress. "In terms of more complex litigation for Fortune 500 companies," Carla adds, "that wasn't there when I started. I think that started to really evolve maybe seven years into my practice." Today the firm represents such Fortune 100 companies as Bank of America, General Motors Corporation, The Coca-Cola Company, ExxonMobil Corporation, Lowe's Home Centers, Inc, American Family Insurance Group, and The Travelers Companies, Inc.

Diversity from Day One

James Leader, founding partner of Leader & Berkon LLP, in New York, also embarked upon a foray into private practice in the late '80s. Along with litigation partners Frederick Berkon and Mary Faucher, Leader started up a small firm designed to serve individual and corporate clients. Because the firm was based in New York, a largely diverse city, Leader and his colleagues believed that developing a diverse staff of attorneys was a must. Right from the beginning and still today, the firm has employed a significant number of minority attorneys. "Whether it's pitching a client's cause to a jury or pitching our firm to a corporation,

having a diverse team has helped,” Leader says.

Leader’s son, Joshua Leader, also a partner at Leader & Berkon, adds that although the firm had been practicing inclusiveness right from the beginning, today’s marketplace makes diversity a non-negotiable. “Maybe we were somewhat ahead of the curve,” he says. “But for the most part today, clients are insisting that a law firm be diverse. In today’s legal market and in the world, if you don’t have diversity in your businessplace, you’re missing out on something.”

These changes in the corporate climate, plus the firm’s location in New York, have proven to be a fortuitous combination for the firm. “New York is certainly a magnet for top legal talent of all different kinds of backgrounds, so there’s a better pool from which to select better litigators,” says James Leader.

A byproduct of the advancement of diversity is increased competition. Carla Fields notes that today’s large law firms typically employ more minorities than they did in the past, which has a direct impact on a minority-owned firm’s niche. “There’s been a large push with the minority attorneys in major firms to capture some of the work that would’ve been carved out for smaller, minority-owned firms,” she says. “We’re seeing ourselves competing a lot more with those attorneys.”



James Leader

Current Challenges

Though Taylor Fields and James Leader have seen critical progress in terms of diversity and inclusiveness over the past three decades, there are still a host of challenges that prove difficult for smaller firms in a landscape dominated by large law firms. Leader explains that with the globalization of business, Leader and Berkon’s New York location no longer offers a competitive advantage. “The New York metropolitan area has become a much more competitive arena for litigation firms. Many firms that were good sources of referrals in the past now have New York offices, so instead of getting referral work, we’re getting conflict work.”

Joshua Leader agrees that large-firm competition presents the biggest challenge for smaller firms, and says that the bulk of major



Joshua Leader

corporate cases typically go directly to the country’s largest law firms. “The competition for that type of work for major corporate clients is very, very difficult. Convincing large companies to hire a litigation-only firm, especially one of our size, to handle these types of cases is something that we are constantly working at. It’s a marketing challenge in today’s environment to differentiate ourselves from the pack and demonstrate that we have the same experience and impact and, in some cases, are better equipped to handle certain cases.”

Convincing potential clients often proves difficult, but according to James Leader, establishing a strong network can be the key to continued growth. “Getting our foot in the door is the biggest problem with potential new clients,” he says, adding that once he and his

continued on page 22

continued from page 20

colleagues have the chance to prove themselves, the rest falls into place. This was particularly critical in the firm's initial years. "Right from the get-go, we had a large stable of interesting, challenging cases," he says, noting that a strong network with other law firms has been invaluable. "Many of the attorneys we've worked with in-house have risen within their legal departments and now can put in a good word for us with other corporations and businesses around the country," adds Joshua.

The current push toward cost reduction has provided smaller firms with somewhat of an edge. "We have more flexibility in terms of staffing and fee setting," Joshua explains, noting that in-house legal departments are feeling a financial squeeze from their boards of directors to scale back their legal budgets and enter into different types of fee arrangements. Alternative fee arrangements appear to be a critical asset that smaller firms can capitalize on.

Larry Abbott, founder of Abbott, Simses & Kuchler, agrees, but adds that competition remains fierce even in this changing climate. "It is indeed challenging to be a competitive law firm in today's climate, both legal and economic. The tendency of corporate America to cling to the use of extremely large law firms continues even as the cost effectiveness of that approach



Larry Abbott

has proven nearly non-existent," he says. But Abbott firmly believes that the quality of his small firm's work, the cost-effective manner in which it delivers legal services and the diversity of its talent makes all the difference.

Diversity Equals Success

Larry Abbott and son Charles Abbott, an attorney and shareholder at Abbott, Simses & Kuchler, are firmly committed to diversity within their practice. Their firm has a large number of formal programs to promote diversity, including a diversity scholarship program, participation in local and regional minority job fairs, active recruitment at law schools with diverse student bodies, and firm-wide luncheons to celebrate occasions such as National



Charles Abbott

Asian-American Heritage Month. The firm is also actively involved in and committed to the principles of the DuPont Women Lawyers' Network, an organization founded to promote the professional advancement of women lawyers. In 2008, Abbott, Simses & Kuchler was the recipient of the Thomas L. Sager Award, which is given to law firms by the Minority Corporate Counsel Association for their demonstrated and sustained commitment to improve the hiring, retention, and promotion of minority and women attorneys (see page 42).

The makeup of Abbot, Simses & Kuchler reflects this commitment. Its third-, fourth-, fifth-, and eighth-ranked partners and shareholders are women. Approximately 26 percent of their attorneys are minorities. "We feel this gives us a significant edge

continued on page 24

continued from page 22

over more traditional, non-diverse firms,” explains Charles Abbott. “Since we try so many of our cases in diverse jurisdictions throughout the United States, inclusiveness is extremely important to the success of our clients and our firm in diverse trial venues. As an example, in [a trial earlier this year],

contributions they made to continue the momentum undoubtedly changed the landscape that their children ultimately entered into, which is particularly evident through the vastly different experiences of Taylor Fields and Carla Fields.

Both served as president of the Jackson County Bar Association,

Without the foresight of forward-thinking lawyers like Taylor Fields, James Leader, and Larry Abbott, it’s hard to say what the landscape of smaller firms with a strong commitment to diversity would be today.

which ended successfully with a defense jury verdict after three weeks, two of our female partners worked with a local male attorney to comprise our trial team. The opposing counsel [consisted of] three males. Our jury consisted of 10 females and 2 males.”

Evolution is Evident

Over the past three decades, Larry Abbott, James Leader, and Taylor Fields have seen significant strides in diversity within the corporate arena and the legal profession. The contri-

Kansas City’s National Bar Association affiliate chapter, but during very different times. Perhaps most significant was the vastly different composition of members. During Taylor’s term, minority members were primarily lawyers in private practice or in government service or public defender’s office positions. “When I started, you could count all the African American judges on one hand,” notes Taylor. When Carla served as president, however, it had evolved to include many more minority lawyers in majority firms and in the judiciary.

Another notable difference is the improved service the bar association provides to its members, which leads to a greater impact on the promotion of diversity. “One of the major challenges then was that I didn’t have the breadth of influence that [Carla] had [during her term],” Taylor explains. “She had the opportunity to recommend people for commissions or committees that select attorneys for positions, and to co-sponsor programs by the Kansas City Bar Association. It brought more connection and more influence in shaping the overall legal community, and has led to having an input on issues.”

Without the foresight of forward-thinking lawyers like Taylor Fields, James Leader, and Larry Abbott, it’s hard to say what the landscape of smaller firms with a strong commitment to diversity would be today. What is certain is that they have inspired a new generation of attorneys that will likely continue their push toward a more diverse, inclusive, and successful business environment. **DB**

Kara Mayer Robinson is a freelance writer based in northern New Jersey.