

## Minority Powerbrokers Q&A: Jones Day's Carter DeLorme

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M. Carter DeLorme defends companies, in both bench and jury trials, against equal employment opportunity, wage-and-hour, trade secret and restrictive covenant claims in federal and state courts across the country. He also serves as the lead practitioner for a number of Major League Baseball teams in player salary arbitration hearings.

DeLorme has represented a variety of national and local employers in various matters, including Bloomberg, Computer Sciences Corporation, IBM, JPMorgan Chase, MedStar Health and Verizon. He recently served as co-lead counsel in the 2011 Presidential Emergency Board hearings representing the National Railway Labor Conference. He also represents the Boston Red Sox and Texas Rangers in player salary arbitration cases.

DeLorme is the immediate past chairman of Jones Day's firmwide diversity, inclusion and advancement task force, and he is a member of the Washington office's recruiting committee. He also serves as chairman of the Make-A-Wish Foundation of the Mid-Atlantic's board of directors, and he sits on the Diversity & Flexibility Alliance and St. Albans School Alumni Association boards. In 2012, he traveled with Lawyers Without Borders to Nairobi, Kenya, to teach trial advocacy to more than 50 Kenyan prosecutors, defense attorneys and magistrate judges.

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

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

A: Did I? On the one hand, there have been partners of color in large law firms since at least the early 80s (including our own Owen Heggs in 1982), so to have made partner in 2003 at another large firm prior to being admitted to the Jones Day partnership in 2008 does not feel that momentous. On the other hand, I'm well aware that there are very few Black partners at the country's largest firms. Therefore, I would have to concede that I am, unfortunately, somewhat unique.

That said, the best answer I can give is that I have been provided with multiple opportunities to



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demonstrate my worth, and I suppose that, on balance, I made the most of those chances. I certainly did not bat 1.000, but I also never shied away from the opportunities I received in the past or at Jones Day.

Also, behaving as if you belong, whether others believe you do or not, makes a big difference. By way of example, the late Dan Grove, a mentor at my previous firms, and I were about to start a trial one morning. We had rehearsed who would examine which witness and gone over the evidence. When I asked him minutes before entering the courtroom, “What about opening?” He replied, “Keep it short.” Rather than keel over at the prospect of delivering the opening statement in my first trial, I pulled myself together and made it through, apparently without throwing up all over myself. That moment helped me to be confident in my preparation, and showed me that I could adapt to situations quickly, even when — especially when — the circumstances tested me.

Opportunities come in unexpected and challenging forms. The trick is following the advice provided by a number of renowned football coaches as their young players score their first touchdowns: “Act like you’ve been there.”

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

A: The same as the challenges of being any lawyer at a senior level: being organized, prioritizing the most important matters over the tidal wave of distractions, actively developing the next generation of talent, and finding opportunities for others to step up to new challenges. Sure there are, at times, traditional notions to overcome for some in selecting senior lawyers for important matters, but there are an ever-increasing number of in house counsel who see the benefit of assigning matters to diverse lawyers.

The real challenge comes upon lawyers of color, particularly Black lawyers, as they become mid-level associates. I, like many lawyers, went through a “mid-associate’s life crisis.” I had earned a level of competence as a lawyer, but was unsure how to distinguish myself from the enormous talent around me, and equally unsure of which practice I wanted to make my future. I was fortunate to find my footing when one of my mentors, Joan Fife, another mentor from my last firm, asked me to join the firm’s labor and employment practice. I was immediately invigorated with newfound energy because I loved the subject matter as much as the engaging trial practice found in labor and employment law.

Finding a match combining what you love to do and who you love to do it with plays a significant role in any career. However, I believe that principle to be critical in the law, particularly for lawyers of color, because “finding your place” in a large law firm can be unnatural to some, but it is instrumental for diverse lawyers to maintain a healthy, productive relationship with their firms.

I am active in our new lawyers group. This practice gives new lawyers up to a year to find the area of law in which they most want to practice and it is a tremendous benefit to both the new associates and the firm. A program like this certainly would have helped me find my love for labor and employment work much earlier in my career, and I believe it is a great enabler to help all of our young lawyers, but our diverse young lawyers specifically, find that intersection I referenced earlier over a more thoughtful period of time.

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

A: The thing about late 20th and early 21st century discrimination is that you rarely see as it happens. You may wonder why you are not provided with certain opportunities, but you never know for sure the reason. I have been told of some fairly sobering incidents well in my past that shocked me, but I don’t

have enough evidence to prove any of it to be true.

A rather funny story involved a case I worked on in rural Kansas. I was talking to my local counsel, whom I had not met in person, and I told him that I went to law school at Georgetown. He was a big Kansas Jayhawk basketball fan, and he asked me about Georgetown's iconic then-head basketball coach John Thompson Jr. He implied that Thompson's team wasn't exactly diverse, given that the squad was mostly Black, in a manner where he expected me to share his viewpoint that it was an example of reverse racism. This was pre-Internet, so my local counsel had no idea I was Black. When I went to argue a summary judgment motion, I planned to meet him at the motel in Belleville, Kan., the night before. He was joking with the crowd in the lobby when I arrived, and asked if anyone had seen a lawyer from D.C. check in. When I yelled, "Here I am!" the shock in his face was obvious. To say he was taken aback would be a severe understatement.

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

A: As our managing partner Steve Brogan frequently says, "Keep after it." The biggest challenge to lawyers of color is to contextualize a 40-plus year career. Impatience, perceived slights, external voices and a lack of clear lines of communication derail more careers for diverse lawyers in private practice than actual desires of firms to hold those lawyers back.

I would also note that being in private practice is not for everyone, and I encourage all lawyers to pursue career goals that they are passionate about. Whereas, private practice used to be the only place for diverse lawyers to flourish, there are more opportunities for lawyers of color today than ever before: in-house and significant government opportunities are viable career paths. Lawyers of color also have many nonlegal outlets to use their legal training. If however, private practice is the path you want to pursue, many of the tenets of Sheryl Sandberg's book, *Lean In*, are certainly applicable to how diverse lawyers should interact with their law firms.

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

A: As the immediate past chair of Jones Day's diversity, inclusion and advancement task force, this is a question I struggle with regularly. It is a multifaceted problem that begins with too few qualified diverse candidates coming out of the top law schools and ends with a multitude of off ramps for those lawyers of color who start in private practice to take after receiving excellent training in large law firms. In between those two ends, there are a variety of potholes along the way that need to be patched.

The first step is for firms to value the talent they have. Here at Jones Day we have, on average, promoted 40 associates to partner in the last seven years, 36 of them per year in the U.S. alone. Twelve percent of those (in the U.S.) have been racially and/or ethnically diverse. Those numbers are encouraging and we hope to increase them in coming years.

Another valuable step is to seek out lawyers of color when hiring lateral partners. If you are looking for a medical devices lawyer, find the Jose Isasi's of the world, like we did in Chicago. If you are looking to hire a top notch trial lawyer and former AUSA to bolster your litigation practice in Atlanta, recruit diverse lawyers like Jack Williams, whom we recently hired. When I came to Jones Day, I was moving from a place where I was the only Black partner in the Washington office. At Jones Day, I was one of three, which quickly became one of six! I did not think something like that would matter to me, but once I got here I found it made a profound difference in my experience and improved the experience of our diverse associates.

Finally, I would suggest firms identify their culture and stick to their core tenets. Too often firms try to redefine themselves in the quest for more profits per partner, and the result is a shifting landscape that tends to relegate diversity to forgotten website fodder. Jones Day is about its clients and its lawyers. Identifying the right woman or man for the job — regardless of geography, practice group or race — is a fundamental philosophy of Jones Day. When (often false) assumptions about abilities are eliminated and genuine efforts are made to assess the strengths and weaknesses of each of the firms' lawyers, the clients benefit by having the best team possible serving its interests. The opportunity to practice in that type of environment is all any lawyer, particularly a diverse lawyer, can ask for from a firm.

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