

## Clerkship Podcast

### **Introduction – Peter Harvey**

**HARVEY** Thanks for listening to the Patterson Belknap podcast on judicial clerkships, perspectives on value, experience, and diversity. I'm Peter Harvey.

We are in excess of 200 lawyers, and more than half of our lawyers are litigators, but we are a full-service firm. We have the largest art law practice in the City, representing artists and galleries. We have the largest not-for-profit practice. So, if you think of a major foundation or library or museum in New York, chances are we represent them. We also handle a great deal of estate planning, tax work, but our mainstay is litigation. That's what we do. We fight in state and federal court and in arbitration tribunals, and we fight all over the country and all over the world, and we do it all from Sixth Avenue and 44<sup>th</sup> Street in Manhattan.

Patterson Belknap is not new to our focus on diversity, our commitment to diversity, and living a diverse life. What do we mean by that? Well, while diversity may be new to a lot of organizations, it's not for us. Over 20 years ago Patterson elected a woman as its managing partner. In addition to having a woman managing partner over 20 years ago, Patterson was probably the only firm in New York City to have an African-American managing partner, Dick Parsons. You may recognize that name because he went on to be Chairman and CEO of Time Warner. Also, currently if you look at the C suite of executive staff, we have four women and one African-American man who run the staff of our organization, so it shows what our commitment to diversity is. Yesterday and today.

Our practice of law is enriched by clerking and by law clerks, and we give special emphasis to recruiting people who are coming out of federal and state law clerkships. Now why do we do that?

Here's why. Clerking gives you an experience that you won't get in law school, and you won't get as a first or second year associate in law firms. You just won't. When you sit in a judge's chambers - whether it's state supreme court, whether it's U.S. district court, the Court of Appeals, and of course the U.S. Supreme Court, you are seeing a broad array of cases, you are listening to arguments made by counsel, you are helping the judge research case, write opinions about cases, but most importantly, you're learning how judges think about cases. What arguments appeal to judges, what arguments don't appeal to judges.

Now how do I know this? It isn't through talking to our many associates who come to us from clerkships. It's because I was a law clerk myself, for Dickinson Debevoise in the District of New Jersey, and in that clerkship we got a chance to not only look at civil trial and criminal trials in the district court, but my judge also sat by designation on the Third Circuit Court of appeals, and so we handled cases that were going to be argued in the Third Circuit, and I went with him, along with my co-clerk to the Third Circuit in Philadelphia to listen to those arguments. So you get a vast array of experiences while

clerk. The training that I got as a law clerk helped me for years, and it still helps me today. For example, when I was an Assistant U.S. Attorney, a federal prosecutor, in Newark handling everything from cargo theft to bank robbery to organized crime cases to narcotics cases, I drew upon my clerkship experience. For example, I knew what would have some appeal to judges in making arguments on motions and arguments at trial. I knew what to do and what not to do. I also knew when to shut up and sit down, which some lawyers never learn, and I learned that from being a law clerk.

It also helped me when I was Attorney General for the State of New Jersey. It helped me both with respect to the recruiting of younger lawyers to represent the state of New Jersey, and we had a lot of them. We had over 600 lawyers in the civil and criminal units of the Attorney General's office of New Jersey. But it also helped me to read briefs, arguments, and to think about the policy that we were advancing as representatives of the State of New Jersey. It's not just winning the case. Sometimes it's fashioning the policy that you are trying to either encourage or discourage.

So now what about diversity.

Well I told you about Patterson having been committed to it some time ago, certainly in its promotion of women and having women in leadership positions in the firm, but it's broader than that. We know diversity means that very smart lawyers are going to come to work with us. Lawyers with different backgrounds, different experiences.

Backgrounds and experiences that give different perspectives that you need in a case. Look, when cases are tried these days and we go to trial, these cases are tried in urban and rural environments, but mostly urban environments. If you think you're going to have a monolithic jury pool, you're sadly mistaken. You're going to have people from all walks of life, all ages, all races, all ethnicities, all religions sitting in that jury box and if you have a plain vanilla, monolithic trial team the symbolism of that says something to the jury right away. It also says something to the judge, and you are not putting your client in the best position to win.

The best and the brightest means having a diverse staff of lawyers and professionals. Either you conclude that God gave brains to only race of people or one gender or you don't. If you conclude that God didn't do that, then you'd better go get some talented people who don't look like you, and you need plenty of the - and stop using the excuse because we don't here - that you can't find them. You can. You aren't looking hard enough. Look harder. Go talk to your colleagues who were judges, some of whom may have come out of your own firm. Find them. Ask them to encourage their clerks to come and work with you. We do that, and as a result we are having tremendous success recruiting a diverse workforce, and group of colleagues who are fantastic lawyers. And no, you're not going to trade down on quality, and by the way, please please please do not use the word qualified minorities, because you don't say qualified white people. Let's just say talented people. That's what we're looking for. Talented people. You can find them. They're there. A lot of them are down the hall from you. Ask them what their experiences have been. Ask them to help you, and for those of you who are law students, make sure that you try to find a clerkship that's meaningful. Find a judge who is doing very interesting work. What you will find is that she will be a

lifetime mentor for you. She will help do some of the downfield blocking in your career. She'll introduce you to people whom you need to know. People you've never heard of, but some of whom will be quite instrumental in your lives.

So across the industry, the legal industry, women, people of color, and other under-represented minorities are starting to grow in the profession and that's a good thing. It's producing a higher quality of practice, a higher quality of work product. It's producing creative arguments, and most importantly, it's very pleasing to clients. So as you think about your future career, think about going to clerk for a state court judge or federal court judge, and think about after you do that what your next move is going to be. Find those firms that celebrate diversity, don't look at it with a side eye. Find the firms that celebrate it, that embrace it, that are excited by it, not the firms that are skeptical of diversity. Not the firms that seem to be reticent about it. You need to be in a place where you can grow professionally and personally and you have the flexibility and the freedom to be you, whoever you are. We know we are working very hard to create and maintain that environment at Paterson. If you don't make it here, I hope you find it someplace else, but if you do make it here were happy to have you.