

STATE BAR PRESIDENT'S ADDRESS  
HOLLY J. FUJIE  
Monterey, California  
September 27, 2008

Thank you, Mr. Chief Justice, and thank you to the distinguished members of the bench and bar, the Conference of Delegates and all of my friends and colleagues from the State Bar.

First of all, I would like to dispel the ugly rumor that I only ran for President so that people would be forced to learn how to pronounce my name. But on the other hand, Mr. Chief Justice – nice job!

I next have to thank Jeff Bleich for being both an outstanding State Bar President this year and the best mentor a President-Elect could imagine. Jeff is the consummate leader, and together with my wonderful fellow Vice Presidents, Danni Murphy, Carmen Ramirez, Jim Penrod and John McNicholas, he made a year full of controversial issues and stressful situations seem effortless.

But I do have to admit that I have a problem with Jeff – as President Elect, you often find yourself wandering around in the

president's wake, and that's pretty much what I've been doing here at the Annual meeting. But when you follow Jeff around, you end up hearing more superlatives than a person is truly comfortable with hearing about her predecessor. Just yesterday, in just one meeting, I heard him called "incredibly erudite", "unbelievably brilliant" and "an outstanding legal mind." Now come on, Jeff – give me a break! How can I possibly compare to that? As a matter of fact, though, I was forewarned - About a year ago I was at a lunch in LA and I happened to sit with one of Jeff's partners. And as always happens when any two people who know him meet, we of course started to talk about how wonderful Jeff is and what a great State Bar President he was going to be. At the end of the conversation, his partner turned to me and shook his head saying "I can't imagine why anyone would ever want to try to follow Jeff's act!" Jeff -- you will definitely be a hard act to follow, but I am grateful to have served on your Board and I thank you for your leadership and your friendship, and for my first act as President, I will ask you all to give a well-deserved round of applause to Jeff.

I am very lucky to have one of the most talented and dedicated Boards of Governors – or as we call it, the BoG –ever to take office. I asked them to vote for me if they wanted to work hard to improve the legal profession, and believe it or not, they did! They are already working hard on our goals of ensuring that legal malpractice insurance is available and affordable to all California lawyers, increasing participation of young lawyers in the bar and in pro bono, and helping solo and small firm lawyers to avoid discipline. Governors, I apologize in advance for the slave driving I will be doing this year, but hey, remember, you asked for it!

I also want to thank the members of my firm, Buchalter Nemer, for being here, and for the amazing support you have all given me over the years. Buchalter is a truly incredible firm- not only have my partners never hesitated when I have asked them again and again to sacrifice income and time so that I could take on yet another project or position with absolutely zero chance of attracting clients or business, but they also put their money where

their convictions are, always donating to causes to increase access to justice, and most recently making substantial donations in honor of my election as President to both the Justice Gap Fund and the California Bar Foundation, creating a Buchalter Nemer Diversity Scholarship to assist a deserving law student, because they knew these were causes dear to my heart. Thank you all - you are the best partners I can imagine.

Finally, I want to thank my family -- my husband of thirty years, Lee Cotugno, and our terrific children, Sabrina and Thomas. Lee is Exhibit "A" in answer to the question, "How does a woman have both a successful career and a great family life?" He is not only a father who understands that parenting is a team sport, but he also (and he hates when I say this in public) is the best lawyer I know. It doesn't hurt that he can cook, too!

Sabrina came up yesterday from the California Institute of the Arts, where she just entered the BFA program in character animation. She is an absolute joy -- the best daughter ever and an incredible artist -- so if anyone out there has contacts at Pixar and

can offer her an internship next summer, come see me! Thomas is the most fun any kid can be, although I am trying to forgive him for growing so much lately that I will soon be the shortest person in the family for the first time in 18 years. I personally think he is going to be a lawyer someday - we don't call him "doubting Thomas" for nothing! And to my terrific brother, Ron Fujie, who drove down with his wonderful girlfriend Ellen to be here for this event – thanks for always being there for me.

When I was running for President, one of the Governors asked me "Should we be electing another big firm lawyer President of the State Bar?" And I was surprised by the question and replied "I don't think when people look at me the first thing they think is 'Well, there goes a big firm lawyer!'" But that question did make me think about how uniquely my background qualifies me to talk honestly to all parts of the legal profession about diversity, as I'll be doing throughout this year.

Now, I know that as soon as you heard the word "diversity", you all started surreptitiously reaching into your jackets and purses

for your Blackberries so you could check your email while I deliver what I call the “Diversity is Good” speech. The Diversity is Good speech is full of statistics – which interestingly enough never change much from year to year – and calls on everyone to change their policies so that we will someday become a profession that reflects the diversity of our society.

I hope this speech is a little different, because -- well, let me first give a little of my rather unorthodox background. I am a Japanese American woman who was raised in a predominantly African American neighborhood and went to public schools where Caucasians were a very small minority. I had American citizen parents who were incarcerated by their own government solely because of their national origin. For that reason, my father graduated from Brigham Young University – a fact which always confuses new Mormon friends.

I attended a Japanese Norwegian Methodist church in Oakland, and for roughly a year in junior high I spoke with a distinct but probably wildly inaccurate British accent, cultivated as

the bizarre result of my obsession with English literature. I graduated from Berkeley and Boalt Hall, married my French/Italian Catholic moot court adviser, and started practice in LA as a litigator in 1978 as the only minority in what was then a large law firm of 70 lawyers, with no women partners. Since then I have always practiced in majority-owned medium and large law firms, although my husband practices law in a firm with only two other partners. I had two children while working fulltime, making partner once before my first was born and – when that firm broke up after I returned from maternity leave – again making partner after having my second child.

So, in summary, I am a Northern California born, Southern California practicing, Methodist minority woman partner in a majority large firm with a Catholic Caucasian husband in a small firm and two half-Asian kids, raised in a black neighborhood and living in a white one.

I have had the experience as a summer associate, of being taken up the “Ladies Elevator” to the “Ladies Dining Room” in a

club where women were not allowed to be members. I have had opposing counsel direct all comments only to my male associate at meetings, despite the fact that they knew that I was the partner on the case. I have had a deponent demand “What’s your first language, anyway?” I have had countless well-meaning colleagues tell me how much they love Japanese food. I recently learned that one of the partners in a firm I left over 25 years ago still calls every Asian woman attorney at the firm “Holly.” And thirty years after beginning practice, I can still identify myself to new opposing counsel before a first meeting at court by explaining “I’ll be easy to find – Just look for the Asian woman.” In other words, Just your normal, everyday, State Bar President!

So when I speak to young women and minority lawyers – as I spoke yesterday in meetings with the Minority bars and with the Women’s Bars, about what they need to do to make the profession more diverse, I speak from experience. But when I speak to large firm partners and corporations about what they need to do to make the profession more diverse, I also understand their point of view.

When I first was elected to the Board of Governors, a friend asked me why I had wanted to serve. After a lot of thought, my final answer was “Because when I started practice, I didn’t think it would still be this way by now.” And what I meant is that for those of us women and minorities who began practicing in the seventies, we truly believed – perhaps naively -- that it would just be a matter of time before sheer numbers would cause the profession and the bench to reflect the diversity of the population. Instead, thirty years later, I am still speaking on panels and serving on task forces on retaining and advancing women in the profession and increasing diversity on the bench. And it’s been a matter of increasing frustration and concern to me that decades after women started comprising at least half of law school classes – years after people of color started being admitted to the bar in more than token numbers, the number of women and minority lawyers in the profession, and especially in positions of power, remains small.

Now as I’ve said, my partners, my family and the Board of Governors have all stepped up - actually leaped up - to the tasks of

the year ahead. And now it's your turn! This year I will be out there asking each one of you, and in fact each member of the bar, to step up, and to take individual action, to help individual women and minority attorneys enter, remain and thrive in the law, because that is the only way that we can eventually make diversity in the profession a reality.

When you look at the diversity statistics, what you see is only a checkoff for Asian – or maybe just Other – woman, partner in law firm over 150 lawyers. That really doesn't explain how I got here today. I am here today for two reasons – one – opportunity and two – individual acts, both my own and those of the many people who influenced me to enter, remain and succeed in this profession.

Now I know personally how individual actions make all the difference as to whether you enter and succeed in the legal profession. I would not be a lawyer today if my mother, Sonoko Suzuki Fujie, had not said to me at 15 “Holly, maybe you should consider becoming a lawyer - because you talk so darn much!”

And my mother, who started as a secretary and then developed her own business as an incredibly proficient tax accountant, also taught me by example every day that a woman could be passionate about her work, passionate about her family and passionate about her community and do extremely well by all three. Her individual example made all the difference to me.

And I would not be standing here as your President if individuals from the Los Angeles Breakfast Club, which exists solely to promote excellent candidates for the Board of Governors, had not approached me and asked if I would run. The BoG and the Presidency was nowhere near my radar at the time, so again, individual action made a difference.

So what I want to do this year is to do my part to make you all take those individual steps that will ultimately result in a truly diverse profession. Now for those of you who are women and minorities, I know from personal experience that it still takes considerable courage to step into any place, whether it is a courtroom or a business meeting or a bar gathering where you are

the only woman or the only person of color -- or both -- there. I have been there, many times. And I know that it takes even more courage, effort, and thick skin for you to rise in the ranks of this profession, and certainly to become a partner, a general counsel, or a judge. Not only because of institutional barriers, but also because it is really hard to be the only one, or even one of few in the room who looks like you.

I know that you often feel alone and out of place, and you sometimes feel like it would be easier to quit than to practice under conditions of such scrutiny. But if there is ever to be diversity in this profession, if some day a person of your race or gender is to be viewed only as a person instead of as a curiosity, you, and you personally, must find the courage every day to stay in that room, to speak up, to make a contribution. You cannot think that quitting is a decision that is just about you or your individual circumstances, because your individual action still – because our numbers are so small – reflects on us all.

And yes, that is unfair, but until we get more power in the profession, which requires that our numbers in the profession and especially in its leadership, be proportionate to the population, that is and will remain the reality. Or, to put it more bluntly – “If you’re not at the table, you’re probably on the menu!” If you don’t stay and fight for equality in the profession, if you quit because it is too hard, or if you don’t go out and try to make a difference in the bar and on the bench, it will be much harder in the future for others, including your own children, to practice law or even to deal with the justice system. But if you can find the courage every day to stay and to thrive in the law, and then help others to do the same, know that you will by your example and by your encouragement, make it easier for more and more people who look like you to enter and thrive in the law. Each day you, individually, must make the decision to hang in there, and you must ultimately succeed - or the profession is doomed never to be truly diverse or fair to all.

But I am not asking that you do this without support. Because for those of us who are already in positions of power in the bar, especially women and minorities, I have an even greater task. You must reach out to inspire, to encourage, to teach and mentor women and minorities into and in the profession – not as an amorphous concept, but as individuals, one by one. You, each of you, must make the effort daily to make the profession welcoming to them so that they are more likely to remain and thrive, and you must help them to achieve and succeed in the law.

Now I know that all of you -- well, ok most of you -- are good people who want to do the right thing and who recognize the importance of the goal of a diverse profession. You know that a diverse legal profession gives credibility to the entire system of justice because it is an outward sign that all people are treated equally.

You should also know that diversity can be a practical advantage from a business point of view, too. How increasingly clients are asking for diversity information from law firms and how

you could lose a potential client if your diversity numbers are too low. If you try cases, having lawyers with the same cultural background as your potential jurors can help you better understand how the jury will react to your case. An Asian American transactional lawyer may someday alert you to the fact that your approach to a potential new Asian client could be offensive to him – even though it seems perfectly reasonable to you -- and advise you on how to proceed so that the client signs on. A Latina associate could be the one to tell you about a new scam being perpetrated on local Spanish-speaking businesses that results in your winning a big class action case. So you know these things – in theory.

So in order to reap these potential benefits, you set diversity goals in your firms or install diversity gurus in your offices or attend diversity seminars run by diversity professionals on how to reach this goal. This is a good start. But unless each one of you individually takes responsibility for reaching out to individuals to help them succeed in the profession, those initiatives may not

succeed, because those to whom you should reach out may leave, or not even enter the profession have not received the individual encouragement needed to succeed in an intimidating environment, and there will never be true diversity in the law.

Now you may be asking yourselves, silently, “Why do I need to provide extra help to a woman or minority attorney? Isn’t it enough to give him or her the same opportunity to succeed?”

Well, besides the almost unconscious way that humans tend to favor their own kind – to keep to those with whom they feel culturally comfortable – there is an aspect of being a minority that someone in the majority may not see. I often teach an MCLE class on Elimination of Bias. Now, I’m sure coincidentally, a lot of these classes are given in late January, and – by some previously unstudied scientific phenomenon, the attendees have an odd predilection to attend in groups in which all of them have last names that begin with letters in only about a seven letter spread. Very odd.

Well, anyway, again, I am sure by coincidence, almost all of the attendees are white male, many of them older. And so I like to start each class with an exercise that goes like this: Imagine that you, a white male, go into a courtroom for trial. And imagine that when you enter the courtroom, you see that the judge is a short Asian woman. And then you see that the jury is comprised entirely of short Asian women, and that the opposing counsel and her client are also short Asian women, as are everyone in the audience and the court reporter and clerk. And imagine that this happened every time that you entered a courtroom. How would you feel? Would you feel comfortable that you and your white male client would get a fair trial? And then I ask if anyone in the audience has ever been in a situation where he was the only person of his race and gender there. In almost all of these classes, no one raises his hand – although one time at a law school class on diversity, a guy did raise his hand to explain sheepishly that he was once arrested and kept in a holding tank and was the only white guy there. And I tell classes that this is how many minorities feel on a daily basis.

And finally, ask yourself – If I had grown up without ever seeing or even hearing about a lawyer who looked like me, would I be where I am today? If I had been told over and over again that I could not have a family as well as a successful career, would I be sitting in this room? If I had not had people to encourage me and tell me that I could and would succeed as a lawyer, would I be the successful lawyer I am today?

OK, so let's say you get it now. What can you, individually, do that will make the profession more diverse? One word - mentoring. By mentoring an individual woman or minority attorney, you can influence that one attorney to stay and succeed in what could otherwise seem to him or her to be a hostile profession. Work with those mentees to help them succeed. Ask how you can help them to grow in their abilities in their practice. Introduce them to your clients, help them to develop business and encourage them to take leadership positions in the bar and in your firm. Why, just in the last few days here at the Annual Meeting, two people, our new CYLA Governor, Micha Star Liberty and an Asian

American woman friend of mine, told me how they became involved in bar activities solely because one person – in Micha's case a partner in her firm and in my friend's case another minority lawyer, specifically encouraged them to do so. So it definitely works.

So you can mentor someone outside your firm as well as inside, and all mentoring doesn't have to be formal. If you are at a bar function, instead of just talking to your friends, look around for those minority lawyers hanging around the outskirts of groups and looking uncomfortable and just about to pack up and leave.

Introduce yourself and offer to introduce them to others. Invite them to more bar functions or suggest they work on a committee or bar project. I personally find that meeting for coffee and occasional emails can provide enough encouragement to give an overwhelmed minority associate the courage to hold on long enough to make partner. And you can help a young woman to stay in the legal profession by being there to tell her that you too went through tough times raising children while pushing for partnership

but that it is not only possible but also incredibly rewarding to succeed in the profession while raising a great family.

It may take a village to raise a child, but it only takes one person, you, to make a difference to one lawyer. And the woman lawyer that you introduce to bar leaders and encourage to apply for a State Bar Section committee could be the next Margaret Morrow, the next Ruth Bader Ginsberg. The minority lawyer that you help develop in his career and introduce to your clients could be the next Sam Williams or, to your great fiscal benefit, the next big rainmaker in your firm. And if each of you mentors and nurtures the career of just one such person, then true diversity, in numbers and in power, will finally become a reality in this profession.

So this year I will be asking all of the local, minority and specialty bars to work with the State Bar and CYLA, to create or expand mentoring programs for all young lawyers, and then to make those programs visible and available on the State bar website. I am also working with the Governors to create a network of successful women lawyers with children, who will speak at law

schools and offer themselves as mentors to encourage young women to remain and succeed in the legal profession after they have children, as well as a program to encourage minority leadership in the mainstream bars.

I am asking for this effort from the Governors, and from all of you - from the young minority woman just starting law school to the powerful partner at the big firm - in the hope that thirty years from now we will no longer need diversity committees or women's task forces because we will have brought about true diversity, one lawyer at a time, to this profession which we love, and which is, and should be, the face of justice to the public, and to us all.

Thank you.