

## Minority Powerbrokers Q&A: Proskauer's Safraz Ishmael

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Safraz W. Ishmael is a senior counsel in Proskauer Rose LLP's litigation department, and a member of the firm's patent law group. He focuses his practice on litigating technology-related disputes, with a particular emphasis on complex patent, trade secret, copyright and trademark litigation. Ishmael holds a graduate degree in physics, and undergraduate degrees in physics and computer science.

In 2014, Ishmael was named a Massachusetts "Rising Star" by Super Lawyers Magazine. He is a member of the American Bar Association and the Boston Intellectual Property American Inn of Court. He is active in Boston's legal community, formerly serving as a judge for Harvard Law School's Ames Moot Court competition, and on the Board of Directors of the South Asian Bar Association of Greater Boston. Ishmael also serves as a mentor at NeuroLaunch, an accelerator program for neuroscience related startup companies. Prior to attending law school, he was a graduate research assistant at the NASA Goddard Space Flight Center in Greenbelt, Maryland.



Safraz W. Ishmael

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

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

A: With luck and great persistence. In my experience, I have seen very little overt discrimination, as is oftentimes the caricature of the "glass ceiling" in corporate America. Rather, the challenge of the "glass ceiling" for racial and ethnic minorities arises from the negative prejudices that some people have against the unfamiliar, acting in combination with the positive prejudices they have towards the familiar.

In other words, people in positions of power tend to subconsciously staff their projects with people with whom they are most comfortable. The problem is that, too often, the people with whom we are often most comfortable come from ethnic backgrounds familiar to us.

For example, starting at one of my first law-related jobs, and being of South Asian heritage, I found at first to have little in common with the senior associates and partners for whom I worked. I enjoyed watching cricket and listening to Indian music, while those I worked for preferred football or golf, and

anything but Indian music! So on the face of things — it appeared that it was hard to form a natural bond and to create a comfort level in a working relationship that is so critical to career advancement.

But the key is to realize, as many have, that there is much more to a person than their ethnic background and race, and that there are commonalities that we all share. One such thing I focus on is my love for my work as a patent litigator. Working in law practice — in an era where many lawyers seem to hate their job — I tended to bond with those senior lawyers who love their jobs as much as I do. We shared war stories from depositions and trials, and regardless of ethnic and cultural background, it is how I formed the important bonds and friendships that helped me succeed along the way. It is no surprise that those senior lawyers who love their job tended to be the successful ones, and so it was a natural way to forge relationships and rise through the law firm ranks.

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

A: The lack of minority role models at the power centers of law firms is a big challenge. For a lawyer of color, there is oftentimes no one in the leadership of the law firm that looks like you, and so no obvious person you can look up to. That said, I personally have been very lucky in my career to have found nonminority role models who guide and support me, and who I look up to as models for my career growth. This has been simply my own good luck that I found such wonderful people with whom to work. The lack of more minority role models at the highest levels of the law firm, however, is certainly a major challenge for senior lawyers of color.

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

A: It speaks to the great progress that our society has made over the years that I can honestly say that in my legal career I have experienced no overt discrimination based on my ethnic background. That is not to say that it doesn't exist. However, a more prevalent problem in the legal workplace is so-called covert discrimination. I remember one particular instance very early in my career where, even though my science background in physics was a perfect fit for a meeting with a client, I was passed over in favor of another junior lawyer (whose background did not appear to fit as well) with whom the senior lawyer was more comfortable and with whom he often socialized. At the time I didn't think much of it, but in hindsight I can't help but think that ethnic background played a major part in the difference in comfort level that the senior lawyer felt in distinguishing me from the other junior lawyer.

The way I handled it wasn't to blame the other junior lawyer or the senior lawyer, but rather to try to find ways to connect with the senior lawyer on a social level. I didn't see myself as a victim or the senior lawyer as the perpetrator of discrimination. Instead, I realized that this type of discrimination is just a natural result of people connecting easier with others who are more like themselves. Race, sex, ethnicity and cultural backgrounds are oftentimes the first things we notice about people, and so in the world of the law firm where comfort levels and relationships are paramount, one big challenge for minority lawyers is to find ways to connect with senior lawyers and forge relationships based on other types of commonalities.

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

A: No matter what happens, do not succumb to viewing yourself as a victim. Being a lawyer is a challenging job faced with many pitfalls and setbacks, and being a lawyer of color at a large corporate law firm even more so. My advice is to view setbacks in your career path as challenges to be overcome — as a mountain to be climbed on the long path to career success.

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

A: Get the political support from within the partnership ranks for diversity initiatives. The process must begin by first convincing the leadership that diversity in the partnership ranks is a compelling business interest for the firm.

The case can be made by pointing out that the business world is changing rapidly, and diversity is increasing at a much faster pace in the leadership ranks of our clients and potential clients than it is in the leadership of corporate law firms. In an already highly competitive environment for law firms, those with diversity in their partnership and leadership ranks will be able to leverage it by simply taking advantage of the commonalities in cultural and racial backgrounds of their diverse partners with the growing diverse leadership in the client base. In an industry where friendships and relationships are key to business development, leveraging diversity is one thing every law firm must be thinking about in the globalized 21st century.

If a law firm can be convinced that diversity in its partnership ranks is in its business interest, then everything will flow from that as resources will be marshalled towards a goal of recruiting and retaining talented lawyers of color.

Proskauer is a great example of a law firm that realizes that diversity initiatives are good for everyone. Our firm's diversity efforts include building and supporting lawyer affinity groups that are focused on particular race and ethnic backgrounds, thereby creating networking opportunities for diverse lawyers within the firm. This attracts even more diverse lawyers to the firm, and the affinity groups, in turn, network outside the firm with clients and potential clients in the national affinity bar associations.

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