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**HEADLINE:** ASIAN-AMERICANS FORGE AHEAD IN LAW SCHOOLS AND IN THE PROFESSION

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**BODY:**

Sandra Otaka's grandmother had just opened a flower shop in Seattle when President Franklin Roosevelt signed the executive order that soon led to the forced evacuation of 100,000 Japanese-Americans from their homes. It was the winter of 1942, and the family -- Otaka's mother, her mother's two sisters, and their parents -- had less than a week to close the shop, gather their belongings and move to a makeshift camp at the fairgrounds. There, stripped of all possessions except what they could carry, the family stuffed their own mattresses with straw in the horse stall that was their new "home."

Two generations later, Otaka, the first Asian-American circuit judge elected to the bench in Cook County, notes the strides that Asian-Americans like herself have made in the legal profession -- the same profession whose highest tribunal upheld the wartime detentions in *U.S. v. Korematsu* (1944).

Times have changed considerably, Otaka and other Asian-American lawyers say. But many also feel strongly that there is still much to be done among the partnership ranks at law firms and within the judiciary.

"Twenty years ago, there were not that many Asians going into law. There were barriers both systemic and internal within our own communities," Otaka said recently. But now, "I think Asian-Americans have tremendous opportunities in Illinois. The legal community is awakening to the existence of Asian-American lawyers -- but it's been a slow awakening."

The numbers bear out Otaka's observations. In 1980, only 419 of the 34,590 law degrees awarded that year went to Asian-Americans, according to statistics kept by the American Bar Association. By 2004, that number had spiked to 2,608 out of 38,874. According to Chicago Lawyer's 2006 Diversity Survey, roughly 9.4 percent of all law students in Illinois are Asian-American -- and comprise the largest minority groups at all of the state's law schools but one. Asian-American students are also the largest ethnic minority group at all of the Ivy League law schools, according to U.S. News and World Report's latest rankings.

Theories abound to explain the steady growth of Asian-Americans in law. Many Asian-American lawyers speculate that the trend reflects the increased acceptance of a legal career among

their communities. Others say the steady growth tracks with the increased flow of immigrants from Asian countries since 1965, when immigration reforms took effect. And most agree that as more Asian-Americans gain a foothold in various practice settings, those numbers will continue to increase even more.

"I think more Asian-Americans see the legal profession as a place where they can be successful," said Sandra Yamate, executive director of the ABA's Commission on Racial and Ethnic Diversity. "They're starting to see more visible role models, and are starting to better appreciate the role lawyers can play in society."

Yet there are some practice settings -- the judiciary and large law firms, for example -- that Asian-American lawyers have been slow to penetrate.

Of the nation's 814 active federal judges, only six are Asian-American (none in the 7th Circuit), according to the Administrative Office of the U.S. Courts. (Asian-Americans comprise 4.2 percent of the country's total population, according to 2004 Census data.) In Illinois, only seven of the state's 921 judges are of Asian descent -- five of whom are in Cook County. Until 1991, when Cook County Associate Judge Lynne Kawamoto was appointed, there were none.

The gap in the number of Asian-Americans on the state and federal bench has repercussions for future generations of lawyers, said Michael P. Chu, a partner at Brinks, Hofer, Gilson & Lione who is the immediate past president of the National Asian Pacific American Bar Association.

"It leads to all sorts of problems -- how the justice system is perceived, and how legal careers and the viability of legal careers are perceived," Chu said. "It may be very subtle, but it makes a huge difference down the line."

### **Shaking the stereotypes**

Maria Kuriakos Ciesil left India to come to the United States with her family when she was 11. After graduating in 1990 from Chicago-Kent College of Law as one of a handful of Asian-American students, she spent 12 years as a prosecutor in Cook County, and is now an assistant attorney general for the state of Illinois.

"I don't think I can truly say that my being of Asian heritage has hindered my role as a prosecutor or trial lawyer," said Kuriakos Ciesil, the new president of the Asian American Bar Association of the Greater Chicago Area. But, she added, perceptions of how an Asian woman "should" act occasionally surface in the workplace. Kuriakos Ciesil, who has a warm smile and a reflex of clasping the hands of those she speaks with, says she can turn into "a tigress" while arguing a case. For some people, it comes as a surprise, she said.

"The perception of an Asian woman, at least 10 or 15 years ago, was more of a demure woman," Kuriakos Ciesil said. On one occasion, after seeing Kuriakos Ciesil "arguing my case the way it should be argued," as she put it, a colleague commented to her, "You hide it pretty well," she recalled.

"I took it as a compliment," she said.

Christina M. Tchen, a partner at Skadden Arps Slate Meagher & Flom, has had similar experiences. "People have in their heads a certain vision of what an Asian-American woman is, and being a lawyer isn't part of it. It can be an interesting first encounter," Tchen said. A litigation attorney at

Skadden since 1984, Tchen noted that as a young woman in the late 1970s, men who had served in the military in east Asia occasionally stopped her on the street because she reminded them of a girlfriend they had left behind.

Usually, the surprise comes from those outside the law firm, she said. "I've had jurors, when we've interviewed them afterward, say, 'Jeez, we're really surprised you could speak English so well.' I cannot even speak Chinese," added Tchen, whose parents immigrated from China.

Even for those Asian-American lawyers whose families have lived in the United States for generations, there are certain questions that still have the power to rankle.

"One of the obstacles Asian-Americans face is this 'perpetual foreigner' syndrome," said Benjamin E. Lumicao Jr., an attorney for Allstate Insurance Co. in Northbrook. "It gets embodied in seemingly innocuous questions like, 'Where are you from?' It's the idea that somehow [Asian-American lawyers] don't belong."

The perception that Asian-Americans have an affinity for the sciences -- "We're all brilliant mathematicians who play the violin," as Otaka put it -- is another potentially restrictive stereotype that is finally being challenged, several Asian-American attorneys said.

"Being raised as an Indian woman, my parents always encouraged me to go into the sciences. My dad would have loved to see me be a doctor," Kuriakos Ciesil said. "But I knew science was not with me when I took biology," she added.

The notion that Asian-Americans naturally gravitate toward the sciences and technology has been hard to shake, said Arin N. Reeves, a diversity consultant who holds a law degree and a Ph.D. in sociology and has conducted extensive research on minorities in the legal profession.

Reeves said some Asian-American associates and law students tell her they feel discouraged from pursuing corporate, trial, or securities law and instead receive implicit -- and sometimes explicit -- encouragement from partners to work in intellectual property or technology law instead.

"The fact that they're Asian is used to track their careers rather than what they're genuinely interested in," she said.

Reeves also described what she refers to as a companion theory to the proverbial "glass ceiling." She defined the "sticky floor syndrome" as: "You do so well at things on the bottom level that people want to keep you there because you overperform at things that make your supervisors' lives easier."

For Asian-American associates laboring under the what many refer to as the "model minority" stereotype -- hardworking, able to take instruction, adept at writing and research -- the "sticky floor" can prevent advancement within the firm, Reeves said.

Otaka agreed. "There are some stereotypes that Asian-Americans are not good managers or leaders. They're good worker bees, but not good CEO or executive management personalities, or they're too reserved and don't have that poise and presence that partnership demands," she said.

The model minority label carries its own limitations precisely because it is a stereotype, Otaka added. "Some people might say it's a positive stereotype, but that doesn't mean it doesn't have a negative impact."

There are at least 52 Asian-American equity partners -- 34 male, 18 female -- practicing in Illinois law firms, according to the 85 firms that participated in Chicago Lawyer's Diversity Survey. The survey data also showed 31 Asian-American income partners, 298 Asian-American associates, and 70 Asian-American summer associates expected for 2006. Please see charts starting on page 10.

Tchen and Chu -- both partners at major law firms -- said they have not felt hindered by stereotypes. "The fact that I feel completely comfortable at my law firm, and that I see other Asian-American attorneys who presumably feel comfortable as well, says the profession has come a long way," Chu said. "But I know I am not everyone."

Tchen said the lack of a "Skadden mold" was what attracted her to the firm. "I take a broad view of what diversity means," she said. "It was certainly not the case that when I joined the firm in '84 that there were a lot of Asian lawyers. But what I saw was a lot of women, a lot of other ethnic minorities, and a lot of very different personalities." And it is that expression of diversity, she said, that has kept her there.

### **Forging a path**

Where there are mentors, young lawyers are sure to follow.

This is the pattern that emerges from several Asian-American attorneys' speculations as to why some practice settings have diversified more quickly than others.

Cook County Associate Judge Israel A. Desierto, who became Illinois' first Filipino-American (and sixth Asian-American) judge when he was appointed in June 2005, spent his entire legal career in the Cook County State's Attorney's Office.

Desierto and others said one reason Asian-American lawyers seek opportunities in the State's Attorney's Office, Public Defender's Office, or Attorney General's Office is that they see others like them already working there.

"It depends on where your support system is," Chu said.

One area in which Asian-American lawyers -- like other minority groups -- have made significant inroads is in government law offices.

In the Cook County State's Attorney's Office, for example, 37 of the office's 949 lawyers -- nearly 4 percent -- are Asian-American, according to 2006 survey data. In the Cook County Public Defender's Office, 15 of 503 lawyers (3 percent) are Asian-American; in the Attorney General's Office, 16 of 330 attorneys (4.8 percent) are Asian American; and in the U.S. Attorney's Office for the Northern District of Illinois, five of the 140 attorneys there are Asian-American (3.6 percent).

Judges like Kawamoto and Cook County Associate Judge Rena Marie Van Tine, who were both prosecutors before they went on the bench, are examples for young Asian-American attorneys, Desierto said. "They expanded the opportunities," he said. "It was easier for a young assistant to follow in their footsteps."

For Kuriakos Ciesil, the allure of a government position came from messages she absorbed from members of the Indian-American community.

"From my experience -- and this applies to a lot of Asian communities -- government positions, in the countries we've come from, are usually seen as stable positions and less discriminatory, per-

haps, than a private company would be," she said. "My mom...always told me, 'If you can go into government, you're not only giving service to society, you're also going into a place that may be less biased in how they view you.' So it was like maybe the government is more trustworthy."

Some in-house corporate legal departments have achieved similar success with attracting minority lawyers, including Asian-Americans. In 1999, the chief legal officers of about 500 major corporations agreed to diversify their own ranks of attorneys -- and also said they would begin evaluating the outside law firms they hired based in large part on those firms' diversity. Please see cover story, page 8.

Lumicao, a 1991 graduate of Duke University School of Law who has been at Allstate for more than 11 years, said, "One of the reasons I stayed at Allstate is I'm in an area that clearly shows it values diversity -- not only by the makeup of our law department, but I can see it in terms of the tenure of folks here and the career paths they take."

But beyond his own experiences at Allstate's law department, Lumicao said he is worried about those practice areas that elude Asian-Americans' reach.

"One thing I'm really concerned about is the retention, promotion and advancement of Asian-American lawyers, particularly in large law firms," Lumicao said. "Folks ought to be asking what can we do to improve the number of diverse candidates both in the pipeline and in the entry ranks of the legal profession, and what's happening to promote them."

### **A niche for the future**

As Asian-American lawyers' presence in the legal profession comes into even sharper focus each year, observers say they expect -- and hope -- that the trend will continue.

"The challenge, though, is to make sure there's broad representation throughout the communities," said the ABA's Yamate. "It's wonderful if you've got fourth- or fifth- or sixth-generation Japanese- and Chinese-Americans entering the profession, but we need to make sure we don't overlook newer communities like the Cambodians and the Hmong."

Making parents and community leaders aware of the opportunities the law offers -- especially among refugee families unfamiliar with the American legal system -- will be the next challenge, Yamate said.

"Are we fully representative, in the profession, of our population in Illinois?" Kuriakos Ciesil asked. "I don't think so. We're still catching up."