

Minority Powerbrokers Q&A: Baker Donelson's McMullen

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Bruce A. McMullen, a shareholder in the Memphis, Tennessee, office of Baker Donelson Bearman Caldwell & Berkowitz PC, concentrates his practice in health care litigation, municipal law, tort liability, commercial litigation and class action defense. He has experience in the areas of insurance coverage and bad faith actions, medical malpractice defense, and breach of contract cases. He has defended hospitals and health care facilities, utility companies, hotels, municipalities and national insurance carriers in class actions and multi plaintiff claims. He has tried over 25 jury trials and argued appeals in state and federal courts.

McMullen was appointed to the Tennessee Commission on Continuing Legal Education and Specialization (2012 – 2015), and has served on the Diversity Task Force of the Tennessee Bar Association and as a Hearing Officer for the Board of Professional Responsibility. He has been recognized in Best Lawyers in America and Mid-South Super Lawyers, and is AV Preeminent Peer Review Rated by Martindale-Hubbell.



Bruce A. McMullen

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

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

A: By being focused, persistent and learning from my mistakes. First, I was blessed with opportunities. However, recognizing the opportunities and investing the required effort each time to learn and develop was key. Early in my career, I was fortunate to work closely with a rainmaker. He allowed me to go on some marketing pitches and gave me a number of lessons on client development. He taught me that rainmaking is not just getting the client, but keeping them. I learned a lot about servicing the client's needs, which sometimes are unarticulated concerns that may go beyond what is in the engagement letter.

When he left that firm, he left some smaller clients behind. I got the opportunity to put my client skills to work in trying to retain those clients. The experience was invaluable. I made mistakes but also did some very good things, learning every step of the way. I have continued to build on those key lessons ever since.

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

A: Managing the expectations of others. Often others don't realize that, even at this level, there are limitations on how much I can do to enable others to advance their careers. I can give guidance, knowledge and sometimes access, but there are often many other factors that influence their career success.

Also, getting clients comfortable with me as the strategic decision maker as opposed to a team participant has sometimes presented challenges. This is particularly difficult when the situation is not routine and it requires a creative/complex solution. I've experienced situations where it appeared that the client attempted to look past me to get confirmation from one of my majority partners.

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

A: The thing about discrimination is that you know it's there, you know it affects you, but it is very difficult to ascertain to what extent it influenced negative outcomes. Therefore, I try not to focus on it unless it

would change my tactics or approach.

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

A: Three things. Find your constitution and stick to it. The practice of law will challenge your character and principles, but hold firm to them, don't be situational. Second, don't forget how life is or was for those upon whose shoulders you stand. Don't let their sacrifices go to waste by being complacent. Finally, stay focused and develop a strong skill set. Work hard to be exceptionally good at or good in something. Try and distinguish yourself in the law. However, remember that just being the minority lawyer is not a skill set.

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

A: Include diverse associates in high-profile engagements with institutional clients. Include diverse associates at all levels of the engagement, from the client strategy meetings to actual court involvement. Too often diverse associates don't get this exposure and that impedes their ability to develop into a partner. The practice of law is an apprenticeship occupation. To elevate to a successful partner, an associate must be developed, trained and exposed.

Also, focus some of your recruitment efforts on lateral diverse partners. These partners have proven themselves as partners at their current firms and may benefit from something unique your firm may offer such as a different or larger geographical footprint or platform.

Finally, make sure you have a clear definition of diversity. Too often firms evaluate diverse candidates on how well they "fit" in. Often the definition of "fit" is too narrow. Sometimes too much emphasis is put on how consistent the candidate's background, likes, exposures and thoughts are with the majority members. Maybe they should broaden the definition to include diverse background, exposure, etc. That can result in the type of diversity that brings real value to strategy development, problem resolution, and client acquisition.

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