

Minority Powerbrokers Q&A: Snell & Wilmer's Rick McNeil

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Richard J. McNeil is a partner in Snell & Wilmer LLP's Orange County and Los Angeles offices. He has over 30 years of experience representing businesses in the defense, aerospace, chemical, energy, waste disposal, manufacturing, food processing, printing, dry cleaning, real estate development and other industries against environmental claims.

McNeil has litigated environmental cost recovery, including Comprehensive Environmental Response, Compensation and Liability Act, California Environmental Quality Act, Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act and state common law actions, as well as toxic tort cases, environmental insurance actions and environmental criminal matters. He has defended parties in cases involving federal Superfund sites, groundwater contamination, product liability and Proposition 65. He also counsels clients in air quality, energy, climate change, water quality and hazardous waste compliance.

McNeil is a member of the American Law Institute, the Litigation and Environment, Energy and Resources Sections of the American Bar Association, the Litigation and Environmental Law Sections of the California State Bar and the Environmental Law Section of the Orange County Bar Association. He is also the chairman-elect of the Orange County Environmental Law Section and a member of the board of directors of the Orange County Bar Association. He formerly served as a member of the executive committee of the California State Bar Environmental Law Section.

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

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

A: While I have certainly experienced my share of bias during my career (especially earlier in my career), I also have experienced tremendous support from many fine lawyers, law professors and judges. As I was coming up the ranks towards law firm partnership, I had the support of a few close mentors who believed not only that I had potential but also that elevating someone who had an innate passion for giving back to the

underrepresented or the underprivileged was good for the law firm and good for society.

I am grateful to these lawyers and honor their support of me by committing myself to advancing diversity in the profession and equal access to justice. I spend significant time training and mentoring younger lawyers and law students (some of color, some not) and a significant amount of time contributing my resources to environmental causes that also benefit the underrepresented or the underprivileged in our society (again, often, although not always, those of color). I consider these activities a responsibility and a privilege.

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

A: At a senior level — at least at a law firm — you are principally measured by your ability to attract and retain paying work and by your other contributions to the law firm (training, mentoring, committee work, service to the bar and to the community, etc.).

This in turn is a function of your expertise, experience, skill, judgment, reputation, personality and integrity.

These qualities, ideally, should be color-blind. To a significant degree they already are as it would be unusual for a client to engage an attorney — even if for altruistic reasons — if that attorney was not believed to be capable of providing the services needed to maximize the chances of delivering the results desired.

At the same time, there is much room for the legal profession to help develop these qualities in younger lawyers of color (as well as other lawyers who may face obstacles for other reasons, such as gender, sexual preference, etc.) so that they, too, can function and excel in the legal marketplace and, in turn, be an example to others.

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

A: Perhaps because I am multiracial and somewhat lighter-skinned (my mother was African-American and Cherokee

Indian and my father is Hispanic and Caucasian), I have had the unenviable distinction of having experienced prejudice from not just one segment of society. In the United States, for many decades someone who was partly African-American was treated as entirely African-American and certainly I have experienced that type of bias. However, there have been some occasions (fortunately, these have been relatively infrequent) where I have been the subject of discrimination by those with whom I share racial bonds. What I have learned from this is that racial bias is itself only skin-deep — lurking below the veneer of skin color you will invariably find ignorance or fear.

In my opinion, the best way to handle this type of attitude is to look for opportunities to show your ability and worth, tempered, however, with compassion and understanding. In the early 1980s, an opposing counsel called me a racial slur in open court and the judge issued an OSC re sanctions. My law firm was supportive of briefing and pursuing the sanctions issue but I felt the opposing counsel should instead make a modest donation to a charity serving inner city youth in South-Central Los Angeles, which was offered to him. However, he refused to do so and a sanctions order was issued. I don't think that was necessarily the wrong outcome but I don't think it was the best outcome because I don't think paying the sanctions was a successful way to make that lawyer think about, and perhaps change, his perception of minorities, despite the fact that the sanctions order had the weight of a major law firm and the Los Angeles Superior Court behind it.

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

A: I think that the best course of action for a lawyer of color (and a lawyer of any other group that may suffer bias — whether gender, sexual preference or anything else) is simply to accept that the attitudes and perceptions of some people about you may be influenced by something as arbitrary as the color of your skin.

In my case, I accepted this fact early on and focused instead on trying to excel in ways that were more objective (and thus less subject to debate), such as developing a substantive expertise or by demonstrating legal reasoning and writing skills that were on par with those of my colleagues.

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

A: For many years, law firm managers were advised to increase diversity because it was the “right thing to do.” While law firms probably are in fact at the vanguard of promoting diversity vis-à-vis other for-profit enterprises, law firms at the end of the day are still businesses.

Fortunately, law firm managers in the last decade or so have begun to understand that their clients increasingly are demanding diversity in their legal representation. In some cases, the level of sophistication on the part of these clients is quite high — for example, some clients want to know not only that a lawyer within a certain class is handling their matter but also, perhaps, how billing credit for that matter is assigned within the law firm. Therefore, today, there is a greater appreciation of the fact that promoting diversity is not only the right thing to do, it is also good business.

The continuing challenge is to recruit and train younger lawyers of different genders, races, sexual orientation, etc. so that they can excel at the practice of law, become partners in their law firms and become leaders in their legal communities. The more this happens the more the false preconceived notions of “skin-deep” differences that supposedly separate us will dissolve away.

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