

## Minority Powerbrokers Q&A: Epstein Becker's Clifford Barnes

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Clifford E. Barnes is a member of Epstein Becker Green PC in the health care and life sciences practice in the firm's Washington, D.C., and New York offices, and has been employed with EBG for more than 30 years.

Barnes is a transactional attorney and represents managed care organizations specializing in representing Medicaid managed care companies; nonprofit associations, including Medicaid Health Plans of America; and providers, including hospitals, hospital systems and ancillary service companies. Barnes is the co-founder of Medical Health Plans of America. He counsels clients on mergers, acquisitions, joint ventures, contracting, regulatory and insurance issues, and compliance program effectiveness. Most recently, Barnes has worked on integrated issues regarding physical and mental health. Prior to law school, Barnes worked for several years in health administration.



Clifford E. Barnes

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

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

A: It takes a great deal of patience and persistence, and a huge amount of confidence to succeed in the legal industry. Patience is needed to work on leads, to follow up on meetings, and to allow opportunities to unfold. Persistence is needed to appropriately connect with and develop opportunities over time. Confidence is needed to overcome all obstacles and find opportunity in all circumstances. The confidence of which I speak is different from ego. My confidence is spiritually based and it enables me to look past the slights and unconscious behaviors of individuals that still see color as a predetermining factor in evaluating one's ability and talent.

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

A: I have been in the practice of law for more than 33 years and have been a partner for more than 25, yet I still find that market opportunities are significantly less for attorneys of color. Understanding that connecting with potential clients is a function of both your competence and their receptiveness in relying on an attorney of color is fundamental to taking control of your career. In other words, attorneys of color

have to actively find people who are comfortable with relying on their advice. Sometimes that discomfort comes from other minority attorneys, and sometimes it comes from non-minorities. In either instance, the lawyer of color must continue the search to identify people who are comfortable with them and not uncomfortable with the color of their skin.

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

A: Personally speaking, I encounter some form of discrimination every day. I have several stories, but there is one story that I will share.

Thinking back, I can remember a time when pictures were not included as part of your resume or biographical sketch. A partner and I sent a proposal to a potential client for a large transaction. After the potential client reviewed our proposal and chose us as a finalist we were invited to attend an in-person meeting. When I walked in the door and introduced myself, the interviewer opened his eyes wide with a look of surprise. He stuck out his hand to greet me and his whole body moved backwards while he stood in his place. I instantaneously sensed that this interview was not going to go well, and I was, unfortunately, right.

All parties involved were cordial and we proceeded with the interview. However, there was a coldness and discontent in the room, so much so that my colleague subsequently commented about it. Being a partner with a nationally recognized law firm like Epstein Becker & Green made no difference because the interviewer was biased to the color of my skin. It was clear to us both that despite my educational background and wealth of knowledge related to health systems, the firm would no longer be a contender for the project. The potential client simply did not want a black attorney as part of their legal team.

Thankfully, while discrimination still exists, I have not had that same type of experience in a very long time. I am fortunate to have spent my career at a law firm that celebrates diversity and works to advance diversity within the profession. And I find it refreshing that many corporations recognize the value of diverse opinions, backgrounds and experiences, and are seeking to assemble diverse teams to handle their legal matters.

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

A: One of the key factors in developing a practice in which you are an entrepreneur is developing key relationships. But it is not enough for you to know key people — those key people have to know you. To do so, you have to chart a course that gets you in the circles you seek so you can meet and develop relationships, oftentimes in nonwork settings. It is important to understand the value of relationships and how to effectively use your time to become involved in activities in which the people you want to know are also involved. Becoming a member of certain boards, engaging in profile-raising opportunities like speaking and writing, devoting time to strategic pro bono activities and becoming actively involved in your community can lead you to people who may ultimately have a profound impact on your career.

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

A: Diversity is like compliance. If it is not woven into the fabric of the firm; it will not be effective. To be woven into the fabric of a firm requires advocates in leadership positions and tangible ongoing programs that promote diversity. Those programs should be constantly evaluated for effectiveness. All too often, law firms claim they want diversity, but they do not invest the critical resources to create a diverse environment.

Firms looking to increase diversity in its partner ranks need to understand the importance of developing a diverse attorney culture. It is essential that firm leadership support a diverse workforce and adopt policies that clearly encompass the firm's vision for diversity. Firm leadership should be working to develop initiatives that improve diverse attorney recruitment and retention, and support fairness and equal project opportunities. One such tangible program is a structured sponsorship program in which talented senior diverse associates choose a sponsor that advocates within the firm for projects and opportunities, and advises associate on practice-building processes. In addition, firms need to continuously review policies regarding recruiting, retaining and developing diverse attorneys, and then assess measurable benchmarks. These benchmarks are essential to understanding what the firm is doing right or where the firm needs to improve. Yes, these initiatives take dedicated time and effort, but it's worth it — both for the firm and the attorneys.

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