

# BICULTURAL EXPERIENCE IN THE LEGAL PROFESSION: A DEVELOPMENTAL NETWORK APPROACH

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## INTRODUCTION

The use of “up or out” employment contracts, rank order promotions, and the limited availability of partnership positions have helped the tournament metaphor become established as a framework to describe the hypercompetitive work culture found in large law firms.<sup>1</sup> At the heart of this framework is an exchange of capital: junior associates provide their labor in exchange for human capital development from the partners.<sup>2</sup> The role of relational capital in the career tournament makes it difficult to understate the importance of developmental relationships; in particular, mentoring has been cited as the “royal jelly” of law firms because it acts as a conduit for capital development.<sup>3</sup> As a consequence, the individual

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1. See generally MARC GALANTER & THOMAS PALAY, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM* (1991); David Wilkins & Mitu Gulati, *Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 *VA. L. REV.* 1581, 1581 (1998).

2. See Wilkins & Gulati, *supra* note 1, at 1589. In this Article, I draw particular attention to two forms of human capital development: *human capital*, which according to Wilkins and Gulati consists of knowledge, skills, and technical abilities that are valuable to becoming a good lawyer, *id.* at 1589; and *relational capital*, which Kevin Woodson refers to as the social capital that is embedded in relationships with colleagues within one’s workplace. See Kevin Woodson, *Race and Rapport: Homophily and Racial Disadvantage in Large Law Firms*, 83 *FORDHAM L. REV.* 2557, 2566 (2015).

3. See Monique R. Payne-Pikus et al., *Experiencing Discrimination: Race and Retention in America’s Largest Law Firms*, 44 *L. & SOC’Y REV.* 553, 560 (2010) (identifying mentoring as the “royal jelly”); David B. Wilkins & G. Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis*, 84 *CAL. L. REV.* 493, 496, 568 (1996); *infra* note 4 and accompanying text (discussing training work); see also HILARY SOMMERLAD ET AL., *DIVERSITY IN THE LEGAL PROFESSION IN ENGLAND AND WALES: A QUALITATIVE STUDY OF BARRIERS AND INDIVIDUAL CHOICES 3* (2010) (funded by the London Legal Services Board); David B. Wilkins, *On Being Good and Black*, 112 *HARV. L. REV.* 1924, 1974 (1999) [hereinafter Wilkins, *On Being Good and Black*]; David B. Wilkins,

preference of partners with power, influence, and control has been shown to be important because as mentors, they can protect associates from routine “paperwork” and sponsor individuals for challenging “training work” and advocate on their behalf.<sup>4</sup>

Studies have shown that black lawyers find it difficult to benefit from developmental relationships and so experience greater difficulty in their attempts to succeed in large law firms compared to their white counterparts.<sup>5</sup> The literature exploring racial experiences in the workplace tends to be based on comparative studies between minority racial individuals and their nonminority counterparts.<sup>6</sup> These contributions often draw attention to differences in the workplace experiences of different racial groups, typically characterizing racial minorities as inherently disadvantaged.<sup>7</sup> Moreover, little is known about potential differences that exist within racial minority groups because researchers often approach them as a homogenous group.<sup>8</sup> This Article addresses this issue by exploring the heterogeneous experiences within a single racial minority group. The study examines how the bicultural experience of managing professional and racial identities can influence the developmental relationships of group members.<sup>9</sup>

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*Partners Without Power? A Preliminary Look at Black Partners in Corporate Law Firms*, 2 J. INST. FOR STUDY LEGAL ETHICS 15, 26–27, 30 (1999) [hereinafter Wilkins, *Partners Without Power*]. These articles highlight the importance of developmental relationships and the difficulties that black lawyers experience in this context.

4. See Wilkins & Gulati, *supra* note 1, at 1609. “Training” work allows an associate to develop firm specific and general human capital such as report writing or conducting a strategy session with a client; this type of partner contact allows associates to develop a positive reputation and relational capital. *Id.* “Paperwork” involves routine tasks like proof reading that also develop firm specific and general human capital but not higher order skills and judgment or relational capital. See *id.* at 1609–10. The importance of partner preferences is discussed in the context of them acting in their own interests as well as the firm’s interest. See generally Jennifer Tomlinson et al., *Structure, Agency and Career Strategies of White Women and Black and Minority Ethnic Individuals in the Legal Profession*, 66 HUM. REL. 245 (2013) (also highlighting the importance of partner preferences for women and racial minorities in law firms).

5. See Wilkins & Gulati, *supra* note 3, at 568; *supra* note 4 and accompanying text; see also J. Cunyon Gordon, *Painting by Numbers: “And, Um, Let’s Have a Black Lawyer Sit at Our Table,”* 71 FORDHAM L. REV. 1257, 1273–75 (2003); Hilary Sommerlad, *Minorities, Merit, and Misrecognition in the Globalized Profession*, 80 FORDHAM L. REV. 2481, 2505–06 (2012).

6. For a general review, see Stacey Blake-Beard et al., *Unfinished Business: The Impact of Race on Understanding Mentoring Relationships*, in THE HANDBOOK OF MENTORING AT WORK: THEORY RESEARCH AND PRACTICE 223–47 (2007). See Stacy D. Blake-Beard, *The Costs of Living As an Outsider Within: An Analysis of the Mentoring Relationships and Career Success of Black and White Women in the Corporate Sector*, 26 J. CAREER DEV. 21, 35 (1999).

7. See Lakshmi Ramarajan & David Thomas, *A Positive Approach to Studying Diversity in Organizations* 1, 3 (Harvard Bus. Sch., Working Paper No. 11-024, 2010).

8. See *supra* note 6 and accompanying text.

9. See Ella Louise Bell, *The Bicultural Life Experience of Career-Oriented Black Women*, 11 J. ORG. BEHAV. 459, 460 (1990). The study was concerned with how a sample of black women negotiated the professional and personal spheres of their lives. *Id.* at 459. The author acknowledged the restrictive nature of biculturalism as a concept, suggesting that an understanding of the dichotomous construct would be required before addressing multidimensional experiences. *Id.* at 464.

Given the importance of developmental relationships and relational capital and the difficulty that black lawyers have in cultivating both, understanding how variations in the bicultural experience of individuals may affect the nature of their developmental relationships may reveal more about how racial minority lawyers enhance their careers in the face of disadvantage.

This Article posits that a developmental network is a novel construct for exploring these issues. A developmental network refers to the egocentric network of individuals who take an active interest in and concerted actions toward advancing a protégé's career.<sup>10</sup> In Part I of this Article, I draw upon the literature to outline the lived experiences of black lawyers, highlighting the need for them to manage their working identity. In Part II, I further develop bicultural experience as a construct for exploring racial minority experience in a professional<sup>11</sup> context with recent developments from the acculturation literature. In Part III, I introduce the developmental network as a vehicle for understanding developmental relationships. Part IV summarizes the methodology for my pilot study and then discusses the preliminary results.

### I. BLACK EXPERIENCE IN THE LEGAL PROFESSION

One of the greatest barriers confronting black associates is the absence of the informal sponsorship from which their white, male, middle-class colleagues are likely to benefit.<sup>12</sup> The work experience of black lawyers in large law firms can be characterized by an overrepresentation in junior roles and extensive "paperwork" with little or no hope of promotion to senior level.<sup>13</sup> Despite these disadvantages, the increasing numbers of racial minorities entering large law firms suggest that discriminatory issues are less likely to take the form of outright exclusion; however, the benign

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10. Monica Higgins, *A Contingency Perspective on Developmental Networks*, in *EXPLORING POSITIVE RELATIONSHIPS AT WORK: BUILDING A THEORETICAL AND RESEARCH FOUNDATION* 207–24 (Jane Dutton & Belle Ragins eds., 2007). The use of "egocentric" is to refer to the network as being from the perspective of the protégé. This highlights the subjective nature of the network in that it only includes individuals that the protégé is aware of. The word protégé is used in line with the literature in preference to mentee, which implies the existence of a mentor. The use of the word protégé here is intended to indicate a person under the care of someone interested in his career or welfare and not someone who has a mentor. *See id.*

11. For the purposes of this study, a profession will be defined as a body of experts with esoteric knowledge of a particular field, characterized by elaborate systems of training, entry examinations, and an enforced code of ethics. Examples include law, accounting, and medicine. *See generally* ANDREW ABBOTT, *THE SYSTEM OF PROFESSIONS: AN ESSAY ON THE DIVISION OF EXPERT LABOR* (1988).

12. *See* Sommerlad, *supra* note 5, at 2489; Wilkins & Gulati, *supra* note 1, at 1677. These findings are consistent in similar professions. *See, e.g.,* Crawley et al., *Mentoring African American Expatriates: Providing the Bridge to Success Abroad*, 4 J. DIVERSITY MGMT. 1 (2009) (examining mentoring experiences and opportunities of African American expatriates); R.E. Viator, *An Examination of African Americans' Access to Public Accounting Mentors: Perceived Barriers and Intentions to Leave*, 26 ACCT., ORG. & SOC'Y 541 (2001) (finding that blacks working in public accounting are less likely to have informal mentors).

13. *See* Wilkins & Gulati, *supra* note 3.

neglect experienced by those who successfully enter the profession leads to high levels of attrition, and evidently there are fewer individuals available who can become black partners.<sup>14</sup> The difficulty for black associates is not hitting the glass ceiling but trying to remove themselves from the sticky floor.<sup>15</sup> Jone Pearce and Qiumei Xu use social dominance theory to suggest that status contests among employees may contribute to demographic disparities observed in fields like law and accounting because of social dominance theory.<sup>16</sup> Social dominance orientation (SDO) is a construct that measures an individual's preference for hierarchy and motivation to dominate and exclude members of low status groups.<sup>17</sup> Law firms may provide a suitable environment that encourages a high SDO status contest; these are behaviors that could disadvantage a black lawyer. In practice, the importance of developing relational capital could mean that white colleagues with a high SDO would be motivated to disassociate from black colleagues and prefer to associate with other white colleagues. Superficially, this behavior may resemble homophily.<sup>18</sup> Under such circumstances, if this was true one may expect to see blacks motivated to engage with other black colleagues because of the potential for similar lived experiences.

However in a high SDO environment set up to encourage employees to demonstrate their worth and build relationships with high value individuals,<sup>19</sup> blacks may recognize other blacks as having low status and would therefore actively avoid associating with them.<sup>20</sup> Given the hypercompetitive nature of law firms, the opaque progression processes,

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14. See Wilkins, *On Being Good and Black*, *supra* note 3, at 1951. These difficulties lead to high levels of attrition, "because black associates are more visible due to their rarity in these environments . . . their exodus is often remarked upon." Gordon, *supra* note 5, at 1262.

15. See Gordon, *supra* note 5, at 1267–68. The author refers to an anecdote that suggests the "glass ceiling" that white women lament would be a boon to many black professionals who never get close enough to the ceiling to experience it. *Id.*

16. See Jone L. Pearce & Qiumei Jane Xu, *Rating Performance or Contesting Status: Evidence Against the Homophily Explanation for Supervisor Demographic Skew in Performance Ratings*, 23 *ORG. SCI.* 373, 375 (2012); see also Elizabeth E. Umphress et al., *When Birds of a Feather Flock Together and When They Do Not: Status Composition, Social Dominance Orientation, and Organizational Attractiveness*, 92 *J. APPLIED PSYCH.* 396, 398 (2007). Social dominance theory hypothesizes that society is organized into group-based hierarchies with social value assigned to the status of each group. Umphress et al., *supra*, at 397. High status groups having disproportionately high levels of social value. *Id.*

17. Umphress et al., *supra* note 16, at 397. Therefore, individuals with high SDO would be motivated to privilege high status group members, and this may disadvantage low status group members. *Id.*

18. Homophily is an organizing principle that suggests individuals are motivated to interact with others similar to themselves; this affects relationship ties of every type. See Miller McPherson et al., *Birds of a Feather: Homophily in Social Networks*, 27 *ANN. REV. SOC.* 415, 416 (2001).

19. See Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 *CORNELL L. REV.* 1259, 1262–72 (2000).

20. See Wilkins, *On Being Good and Black*, *supra* note 3, at 1965. A well-documented example of this is Lawrence Mungin, the subject of *On Being Good and Black*, who described how he distanced himself from anything that "made him black" including black colleagues. See *id.*

and the inherent importance of hierarchy, such behavior illustrates the negotiation and performance of identity by blacks in order to project a workplace identity that signals to their employers that they have the attributes required to succeed in a law firm.<sup>21</sup> This phenomenon is not exclusive to racial minorities; however, the motivation to project a workplace identity may be greater for members of groups that are likely to perceive themselves as subject to negative stereotypes.<sup>22</sup> Devon Carbado and Mitu Gulati describe this as identity work: a strategy for individuals who fear that they will be discriminated against if they do not manage their workplace identity in this way.<sup>23</sup> The nature of this process is not simple or direct; it requires a great deal of persistence, self-awareness and analysis of the puzzles that lie ahead.<sup>24</sup> The ability to perform identity work implies a double consciousness because these individuals are required to view themselves through the eyes of the majority population and adjust their behavior accordingly.<sup>25</sup> Ella Bell recognized this duality and argued that black Americans are by necessity bicultural, managing a broad sociocultural repertoire as they move back and forth between racialized environments.<sup>26</sup> These bicultural experiences could lead an individual to a position of marginality characterized by living on the boundaries of two distinct cultures. The issue here is that one culture dominates the other, which can create conflict within the individual.<sup>27</sup> It cannot be precisely predicted how someone will perform his or her identity—black lawyers are not a homogeneous group.<sup>28</sup> Understanding differences within racial groups can encourage research that explores how individuals use their agency in the context of group-based disadvantage in the legal profession. Identity work

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21. See Carbado & Gulati, *supra* note 19, at 1268.

22. See *id.* at 1262.

23. See *id.*

24. See Madeleine Wyatt & Jo Silvester, *Reflections on the Labyrinth: Investigating Black and Minority Ethnic Leaders' Career Experiences*, HUM. REL. (forthcoming 2015).

25. See generally W.E.B. DU BOIS, *THE SOULS OF BLACK FOLKS* (W. W. Norton & Co. 1999) (1903). In his seminal work, Du Bois coins the term “double consciousness” to describe the challenges of reconciling two potentially conflicting cultural influences. *Id.* at 11 (“It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity.”).

26. See *supra* note 9 and accompanying text.

27. See *supra* note 9 and accompanying text.

28. See, e.g., Carbado & Gulati, *supra* note 19, at 1294. The term “black” itself draws little attention to different experiences within the black community. The use of the term black conceals heterogeneity that supersedes a dichotomy of “good blacks” that are non-stereotypical and “bad blacks” that appear to match negative stereotypes. See DEVON W. CARBADO & MITU GULATI, *ACTING WHITE: RETHINKING RACE IN POST-RACIAL AMERICA* 97–100 (2013). Institutions may prefer blacks that engage in “racial comforting” or “talking white.” Racial comforting occurs when outsiders make efforts to allow insiders to feel comfortable with the outsider’s difference. *Id.* at 27. Talking white is anything a person says that has the potential to minimize the extent to which others perceive them to be black. *Id.* at 46–48. It has less to do with the vocal inflection of an individual than the content of what is said. *Id.* at 48. For an example of this preference, law schools were targeting first generation Africans or Caribbeans in the hope of employing some “good blacks” who are model minorities. *Id.* at 50–52.

as a consequence of bicultural experience shows the attempts an individual can make to manage how others view their association to their racial group by others. There is much to learn about how the different individual preferences influence this process. The differences in how black lawyers are shaped by their bicultural experiences or their personal preferences may reveal how they choose to perform their identity and manage their careers.

## II. BICULTURAL EXPERIENCE

Biculturals are identified as individuals that have both experienced and internalized more than one culture; in this context, bicultural experience refers to the way these individuals manage the meaning systems associated with each of those cultural identities.<sup>29</sup> The developments in bicultural experience research over the past ten years have come from the growing body of literature on acculturation.<sup>30</sup> These studies recognize that biculturals may differ in their subjective perception of the tension between the mainstream cultural identity and their racial identity.<sup>31</sup> Verónica Benet-Martínez and Jana Haritatos proposed Bicultural Identity Integration (BII) as a construct for investigating individual differences in bicultural experience.<sup>32</sup> BII is concerned with the extent to which an individual sees his or her cultural identities as being compatible and integrated, or oppositional and difficult to reconcile.<sup>33</sup> This frames the construct in a negative context reflecting the bicultural stress experienced implied in the literature.<sup>34</sup> A later version (BIIS-2R) was revised to conceptually

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29. See Veronica Benet-Martínez et al., *Negotiating Biculturalism: Cultural Frame Switching in Biculturals with Oppositional Versus Compatible Cultural Identities*, 33 J. CROSS-CULTURAL PSYCHOL. 492, 493 (2002); Veronica Benet-Martínez & Jana Haritatos, *Bicultural Identity Integration (BII): Components and Psychosocial Antecedents*, 23 J. PERSONALITY 1015, 1018–19 (2005); Mary Yoko Brannen & David C. Thomas, *Bicultural Individuals in Organizations: Implications and Opportunity*, 10 INT'L J. CROSS CULTURAL MGMT. 5, 6 (2010); Chi-Yina Cheng et al., *Assimilation and Contrast Effects in Cultural Frame Switching: Bicultural Identity Integration and Valence of Cultural Cues*, 37 J. CROSS-CULTURAL PSYCHOL. 742, 742–43 (2006). In these contexts, bicultural experience has been used to measure differences in the experience of cultures within the same category: racial identity (e.g., American versus Asian). In this study, the intention is to use it to measure differences across different categories, i.e., racial and professional.

30. See Schwartz et al., *Rethinking the Concept of Acculturation: Implications for Theory and Research*, 65 AM. PSYCH. 237, 237–38 (2010). The author proposed that “acculturation is a multidimensional process consisting of the confluence among heritage-cultural and receiving-cultural practices, values, and identifications.” See *id.* at 237; see also Jim Berry, *Contexts of Acculturation*, in THE CAMBRIDGE HANDBOOK OF ACCULTURATION PSYCHOLOGY (David L. Sam & John W. Berry eds., 2006); Jim Berry, *Psychology of Acculturation*, in THE CULTURE AND PSYCHOLOGY READER 457 (Nancy Goldberger & Jody Bennett Veroff eds., 1995).

31. See Benet-Martínez & Haritatos, *supra* note 29, at 1018–19. Some experience feelings of pride, uniqueness, and a rich sense of community, while others encounter identity confusion, multiple expectations, and value clashes, which reflects a heterogeneous experience. See *id.*

32. See *id.* at 1019. An early version of a BII scale (BIIS-P) involved two distinct psychological constructs: cultural conflict and cultural distance. *Id.* at 1038.

33. See *id.* at 1019.

34. See *id.* at 1021 (discussing Bicultural Identity Integration Scale—Preliminary (BIIS-P)). This vignette measure was used in both Benet-Martínez’s 2002 study and Benet-

accommodate both generative and potentially harmful facets of bicultural experience.<sup>35</sup> Instead of cultural distance and cultural conflict, cultural blendedness measures the overlap or distance perceived between two cultural identities.<sup>36</sup> This is also the “performance-related component of BII.”<sup>37</sup> Lower cultural blendedness has been linked to performance-related challenges such as lower openness to new experiences and communication barriers.<sup>38</sup> Cultural harmony is the degree of compatibility or tension perceived between the two cultural identities and is the affective component of BII.<sup>39</sup> Studies have shown that lower cultural harmony stems from interpersonal strains and leads to greater perceived discrimination and more strained intercultural relationships.<sup>40</sup> In this form, BII captures a larger range of generative and potentially positive experiences that may be useful in legal scholarship and yet do not undermine the consistent findings that draw attention to the difficulties of bicultural stress.<sup>41</sup> BII has not yet been used to explore racial and professional identities in this manner and has much to offer in understanding the lived experiences of black professionals in law firms.<sup>42</sup> However, it provides an opportunity to acknowledge that the bicultural experiences of black lawyers can differ. BII as a construct provides a complementary framework to understand the extent that these differences may influence racial negotiations.<sup>43</sup> This Article suggests that differences in bicultural experience may be observed through differences in

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Martínez and Haritatos’ 2005 study. Cultural conflict is a product of perceived contextual pressures, intercultural relations, and discrimination domains that may challenge an individual’s ability to maintain consistent self-image and group affiliations. *Id.* at 1040. Cultural distance refers to the extent that cultures are non-overlapping or disassociated. *Id.* Biculturals with higher levels of BII identify with both racial and mainstream cultures, see them as compatible and complementary, and see themselves as part of a combined, blended culture that encompasses elements of both. *Id.* at 1019.

35. See Que-Lam Huynh, *Variations in Biculturalism: Measurement, Validity, Mental and Physical Health Correlates, and Group Differences* (Dec. 2009) (unpublished Ph.D. dissertation, Univ. of Cal., Riverside), available at <https://escholarship.org/uc/item/0369z2bh>; see also Que-Lam Huynh & Verónica Benet-Martínez, *Bicultural Identity Integration Scale-Version 2: Development and Validation* (unpublished manuscript) (on file with author).

36. See Huynh, *supra* note 35, at 4.

37. See *id.*

38. See *id.*

39. See *id.* at 5.

40. See, e.g., *id.*

41. See Bell, *supra* note 9.

42. See Brannen & Thomas, *supra* note 29, at 5–16.

43. Carbado and Gulati discuss the four “points” of racial negotiation in the workplace. Carbado & Gulati, *supra* note 19, at 1266. Point 1 suggests individuals have a sense of self that allows them to distinguish between identity-affirming and identity-negating conduct. *Id.* Point 2 is where employees form an opinion of the institutional values of their organization and how individuals signal their congruence. *Id.* Point 3 is where individuals realize that a conflict exists between their sense of self and the institutional criteria for behavior. *Id.* Point 4 is where individuals have to decide to resolve the conflict through negotiation of their identity. Thus, differences in bicultural experience may exist in Stage 1 where individuals who observed similar values in Stage 2 may still have different outcomes in Stage 3 and Stage 4.

the nature of the developmental relationships of these individuals, which may not reflect different racial negotiations.

### III. DEVELOPMENTAL RELATIONSHIPS

The benefits of mentoring are well established as a key to human capital development for associates in large law firms.<sup>44</sup> In her seminal work, scholar Kathy Kram challenged the notion that mentoring was always a positive experience that was freely available for those who wanted it.<sup>45</sup> The study also identified the primary functions of developmental relationships: career development and psychosocial support.<sup>46</sup> Identifying developmental relationships that provide both career development and psychosocial support are known as mentor-protégé relationships.<sup>47</sup> Developmental relationships that lack psychosocial support and address only career functions are known as sponsor-protégé relationships; these are common for black professionals because they have been found to encounter difficulties securing both career development and psychosocial support from the same individual.<sup>48</sup> The mentoring literature has developed models based on the experiences of white males; however, the outcomes associated with these models may not transfer to other demographic groups.<sup>49</sup> Evidently, the use of such models is limited when considering race in developmental relationships. Racial differences between a potential mentor and protégé have been shown to be a potential barrier that prevents black protégés from enjoying the benefits of a mentor-protégé relationship.<sup>50</sup> The small number of black partners in law firms means that most potential mentors are likely to be white males who are motivated to select a protégé they perceive to be similar to themselves.<sup>51</sup> As a consequence of poor mentorship opportunities minority racial individuals seek developmental relationships outside of traditional organizational boundaries and areas of specialization;<sup>52</sup> this requires additional effort and could be considered to be a consequence of identity work. This has been shown to influence the structure of the social

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44. See *supra* note 4 and accompanying text.

45. See KATHY E. KRAM, *MENTORING AT WORK: DEVELOPMENTAL RELATIONSHIPS IN ORGANIZATIONAL LIFE* (Univ. Press of Am. ed. 1988).

46. See *id.* Career development includes sponsorship, such as a partner advocating for an associate with other partners, coaching, which may include “training work” that develops skills critical for career progression and protection from routine, and low visibility “paperwork.” See Wilkins & Gulati, *supra* note 1, at 1609–10. Psychosocial support is concerned with informal relationships like counseling and friendship. See KRAM, *supra* note 45, at 32–38.

47. KRAM, *supra* note 45.

48. See David A. Thomas & Clayton P. Alderfer, *The Influence of Race on Career Dynamics: Theory and Research on Minority Career Experiences*, in *HANDBOOK OF CAREER THEORY* (Michael B. Arthur, Douglas T. Hall & Barbara S. Lawrence eds., 1989).

49. See Belle Rose Ragins, *Diversified Mentoring Relationships in Organizations: A Power Perspective*, 22 *ACAD. MGMT. REV.* 482 (1997).

50. See David A. Thomas, *The Impact of Race on Managers' Experiences of Developmental Relationships (Mentoring and Sponsorship): An Intra-Organizational Study*, 11 *J. ORG. BEHAV.* 479–92 (1990).

51. See *supra* notes 14, 19 and accompanying text.

52. See *supra* notes 14, 19 and accompanying text.

networks of minority groups compared to their nonminority counterparts.<sup>53</sup> This does not mean that cross-racial developmental relationships are ineffective. Under particular circumstances, attitudes to diversity can be more important than the racial identity of a mentor or a protégé. David Thomas found that regardless of the race of the mentor or protégé, only when both parties in the relationship had similar preferences about how to address racial diversity and both adopted the same strategy in discussing these issues did the more supportive mentor-protégé relationship develop.<sup>54</sup> This is because each party was engaged in a relationship that addresses racial diversity in a manner consistent with his or her preference.<sup>55</sup> Monica Higgins and Kram integrated the mentorship literature with social network theories to reconceptualize the traditional mentor-protégée dyad as part of a network of developmental relationships.<sup>56</sup> This novel construct has four fundamental attributes.<sup>57</sup> The first is that developers must take an active interest and action to benefit the career of the protégé.<sup>58</sup> A developmental network is an ego network, it is from the perspective of the individual, and this makes it highly subjective but reveals the relationships that the individual sees as important.<sup>59</sup> Second is the potential for multiple developmental relationships; this defining characteristic moves beyond the traditional dyad to a constellation of developmental relationships.<sup>60</sup> Third is the potential inclusion of broad social spheres.<sup>61</sup> Finally, developmental networks include relationships that provide varying amounts and types of support; it is not presumed that the support from each individual will be

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53. See Herminia Ibarra, *Personal Networks of Women and Minorities in Management: A Conceptual Framework*, 18 ACAD. MGMT. REV. 56 (1993); Herminia Ibarra, *Race, Opportunity, and Diversity of Social Circles in Managerial Networks*, 38 ACAD. MGMT. J. 673 (1995).

54. See David A. Thomas, *Racial Dynamics in Cross-Race Developmental Relationships*, 38 ADMIN. SCI. Q. 169 (1993). David Thomas identified two strategies for addressing issues concerned with race in the workplace. *Id.* at 174–75. Direct engagement was used to describe an individual that is willing and able to discuss race and who may acknowledge and value differences. *Id.* They may have a commitment to work against inequalities in the workplace in order to do the best for themselves and their organization. *Id.* Alternatively, there was denial and suppression. *Id.* This alternative approach described individuals who wish to avoid discussions about race. *Id.* This may be an explicit decision or it may be the result of a fear that discussions of this nature may harm workplace relationships. *Id.* There may be a belief that others may not be comfortable talking about it or capable of understanding it. *Id.*

55. *Id.* at 177.

56. See generally Monica C. Higgins & Kathy E. Kram, *Reconceptualizing Mentoring at Work: A Developmental Network Perspective*, 26 ACAD. MGMT. REV. 264 (2001).

57. See *id.* For an overview of the developmental network research from 2001 to 2010, see Shoshana R. Dobrow & Monica C. Higgins, *Developmental Networks and Professional Identity: A Longitudinal Study*, 10 CAREER DEV. INT'L 567 (2005).

58. See Higgins & Kram, *supra* note 56, at 268.

59. See *id.*

60. See Shoshana R. Dobrow et al., *A Review of Developmental Networks: Incorporating a Mutuality Perspective*, 38 J. MGMT. 210, 214 (2012).

61. *Id.* Mentors are often confined to senior colleagues with advanced experience, e.g., a partner in a law firm. This narrow range of people ignores friends and family who can play important psychosocially supportive roles.

identical.<sup>62</sup> The features used to measure a developmental network borrow from social network theories: network density and network range and refer to the extent that the protégé has access to information and the quality of the information available.<sup>63</sup> These dimensions act as a proxy for identifying the extent to which the protégé has access to information and the type of information available.<sup>64</sup> Early research on developmental networks was based in the legal profession. Higgins and Thomas located their studies in large New York corporate law firms in order to understand the relationship between work satisfaction and developmental relationships.<sup>65</sup> The legal profession was chosen as an appropriate location for the study because the highly stressful, competitive environment required developmental relationships, and the organizational structures were similar to other professions where up-or-out systems dominate such as accounting, management consultancy, and academia.<sup>66</sup>

Higgins found that both the number of developmental relationships and the amount of career and psychosocial support received early in an individual's career were positively associated with work satisfaction. Race was found to be negatively associated with job satisfaction, supporting previous findings about the difficulties experienced by racial minorities in law firms. However, having more than one developer and receiving high levels of psychosocial support from relations had a positive affect on work satisfaction. Higgins and Thomas' longitudinal study found that having a primary developer within an organization was associated with short-term career success; however, the composition of the developmental network itself accounts for longer term career advancement.<sup>67</sup> In particular, the higher status of the members of the network improved the promotion prospects of the individual.<sup>68</sup> Shoshanna Dobrow and Monica Higgins explored how the mutual trust, interdependence, and reciprocity that characterized relationships in developmental networks offered a medium for

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62. *See id.* The content and structure of a developmental network are informed by the mentorship and social network literatures respectively. *Id.* at 225. Content refers to the type of developmental support being provided, career development, psychosocial support, or both. *Id.*

63. *See id.* at 223. Network range refers to the different spheres of people to whom the network provides access, e.g. work, school, and family. *See id.* A diverse range suggests that the network encompasses several spheres of people, and this may lead to more valuable, less redundant information. *See id.* Density is measured by the extent to which an individual's developers know or are connected to each other. *See id.* From the perspective of the protégé, high density suggests potentially high levels of redundant information, but it may also reflect members of a closed community, team, or organization. *See id.*

64. *See id.*

65. *See* Monica C. Higgins & David A. Thomas, *Constellations and Careers: Toward Understanding the Effects of Multiple Developmental Relationships*, 22 J. ORG. BEHAV. 223, 229 (2001); *see also* Monica C. Higgins, *The More, The Merrier? Multiple Developmental Relationships and Work Satisfaction*, 19 J. MGMT. DEV. 277, 279 (2000).

66. *See supra* note 11 and accompanying text. The use of the word profession here is used loosely compared to Abbot's definition.

67. *See* Higgins & Thomas, *supra* note 65, at 240–41.

68. *See id.* at 226–27.

shaping the professional identity of the protégé.<sup>69</sup> They found that the variety of a developmental network, measured by its density, was negatively correlated with clarity of professional identity.<sup>70</sup> This suggests that greater access to important, non-redundant resources and information associated with less density in a network can reduce the confusion experienced by employees trying to form their professional identity. Managing their workplace identity was also shown to be a fundamental concern for black female professionals in a study exploring the developmental networks of black female professionals.<sup>71</sup> Brian Easley found that black female professionals valued relationships that offered high levels of psychosocial support.<sup>72</sup> The participants in the study sought to establish friendships based on trust in preferences to a paired developer assigned by an organization.<sup>73</sup> They also solicited advice about how they should behave in the workplace, and half of their developmental relationships were found in the workplace.<sup>74</sup> This implies both awareness and a requirement for identity work. Perhaps counterintuitively, the women in the study expected developers to encourage and support them in expressing their black identity, which suggests they were looking for greater harmony and blendedness between their working and racial identities as part of their racial negotiations.<sup>75</sup> This evidence of agency acknowledges that black lawyers are not passive in the face of disadvantage. The active engagement with a developmental network may increase work satisfaction, provide clarity regarding individual professional identity and inform the ongoing racial negotiations of black lawyers.

#### IV. RESEARCH METHODS

##### A. Sample and Procedure

The study is exploratory and this is reflected in the small sample size; however, this is also indicative of the small and difficult to reach population. Ten black solicitors participated in the study (8 male and 2 female), aged between 21 and 45 who were living and working in the United Kingdom.<sup>76</sup> I used a strategy of purposive and snowball sampling to

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69. See Dobrow & Higgins, *supra* note 57, at 569.

70. See *id.* at 580. As developmental network density increased (meaning relationships were found in a smaller number of social spheres), the lower the clarity of an individual's professional identity became. *Id.*

71. See *id.*

72. Brian Gerard Easley, *Developmental Networks, Black Feminist Thought, and Black Women Federal Senior Executives: A Case Study Approach* (Apr. 29, 2011) (unpublished Ph.D. dissertation, Va. Polytechnic Inst. and State Univ.), available at [http://scholar.lib.vt.edu/theses/available/etd-05112011-211149/unrestricted/Easley\\_BG\\_D\\_2011.doc.pdf](http://scholar.lib.vt.edu/theses/available/etd-05112011-211149/unrestricted/Easley_BG_D_2011.doc.pdf).

73. See *id.*

74. See *id.* at 117.

75. See *supra* note 40 and accompanying text.

76. See Julie Ashdown, *Shaping Diversity and Inclusion with Research*, 83 FORDHAM L. REV. 2249 (2015). There are 127,676 solicitors in England and Wales. *Id.* at 2250. About 13 percent of this figure are from black, Asian and minority ethnic (BAME) groups. *Id.* at 2253.

recruit participants. Recent studies have used this to engage with hard to reach subpopulations.<sup>77</sup>

A combination of qualitative and quantitative methods were used to collect data. Participants were invited to a mutually agreed location where they were interviewed and completed a survey. Interviews lasted between forty-five minutes and one hour and were conducted following an identical semi-structured format. Every individual interview was recorded with participant consent, fully transcribed, and anonymized. After the interview, participants completed a survey.

### *B. Bicultural Experience and Developmental Network Measures*

Bicultural experience was measured using the BIIS-2R which employs a five-point scale: 1 = Strongly Disagree; 5 = Strongly Agree.<sup>78</sup>

An augmented version of the developmental network questionnaire (DNQ) was used. Participants were asked to identify the individuals who over the past year “have taken an active interest in and concerted action to help you to advance in your career by providing professional and/or personal guidance.”<sup>79</sup> For each of these individuals the participants were required to provide data on the race and gender of the individual, as well as the type of career and psychosocial support that they provided. This was rated on a seven-point scale, where 1 represents never or not at all, and 7 represents “to the maximum extent.” They were also asked to identify if any of the developers knew each other.

### *C. Qualitative and Quantitative Analyses*

The data was analyzed qualitatively and quantitatively.

Thematic analysis was selected to interpret the interview transcripts because of its ability to identify, analyze, and report patterns within the data.<sup>80</sup> Alternatives analytical methods like narrative or conversational analysis were not chosen because the study is more concerned about the

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Black solicitors are underrepresented in the legal profession; over a third of them work in firms with two to four partners and a disproportionately high number of them are found in sole partner practices. *Id.* at 2254. The tendency of black solicitors to be found in smaller firms reflects the difficulty they experience in their attempts to succeed in large law firms. *Id.* at 2260. This information is taken from Julie Ashdown’s thorough analysis of the U.K. legal profession, focused specifically on solicitors in England and Wales. *See generally id.*

77. My role as a black professional helped to build rapport with respondents quickly and develop social bonds that may result in responses that may not have been received by researchers unfamiliar with the schemas of the field. This makes my role as a researcher uniquely valuable and well-informed, and I perceive my role in the research process is an opportunity rather than an intrusion. *See* YVONNA S. LINCOLN & EGON G. GUBA, NATURALISTIC INQUIRY (1985).

78. *See supra* note 35 and accompanying text.

79. MONICA HIGGINS, HARV. BUS. SCH., DEVELOPMENTAL NETWORK QUESTIONNAIRE (2004), available at <https://hbr.org/product/developmental-network-questionnaire/404105-PDF-ENG>.

80. *See supra* note 32 and accompanying text. A similar grounded theory approach was used here. *See* Virginia Braun & Victoria Clarke, *Using Thematic Analysis in Psychology*, 3 QUALITATIVE RES. PSYCHOL. 77, 80–81 (2006) (discussing the grounded theory approach).

underlying themes and concepts of the data than the actual words used or the syntax. Codes were based on the interview questions as well as trends emerging from the data such as professional experience, cultural identity, and the influences of their cultural identity on their professional lives.

Given the exploratory nature of the study and the small sample used, statistical generalization was not sought;<sup>81</sup> however, in line with “analytical generalization,” my analytical categories are likely to be relevant to other organizational contexts and jurisdictions.<sup>82</sup>

The BIIS-2R scale was used and analyzed as instructed: BII is a composite construct.<sup>83</sup> The harmony and blendedness subscales were treated as independent components.<sup>84</sup> The authors explicitly instructed researchers not to calculate a total BII score by combining scores from these two subscales.<sup>85</sup> High and low BII was determined by the median value of the sample, and this approach and the median values calculated were consistent with previous studies.<sup>86</sup>

Density was calculated based on the number of developers that knew each other, divided by the number of possible pairs in the entire developmental network. Depending on the amounts of career development and psychosocial support, each developer was placed in a relationship type.

## V. RESULTS

Table 1 shows the results of the BII survey. There was no recognizable pattern of BII incidence among the respondents and nothing to suggest that BII was influenced by gender or any other observable demographic data among the sample. The majority of the respondents were male and Table 1 shows that their individual results were likely to be consistent across both harmony and blendedness. This means that males who scored high on harmony were more likely to score high on blendedness.<sup>87</sup>

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81. See *supra* note 32 and accompanying text.

82. Other studies in U.K. professional services have used small samples to explore minority racial groups. See Roger Johnston & Orthodoxia Kyriacou, *Accounting for (In)visibilities: Resistance, Gender and Control*, 5 ACC’Y BUS. & PUB. INTEREST 54 (2006); see also Anton Lewis, *A Study of the Black Accounting Experience in the UK* (2011) (unpublished doctoral dissertation, Leeds Metropolitan University).

83. See *supra* notes 35–41 and accompanying text (describing BIIS-2R).

84. See *supra* notes 35–41 and accompanying text.

85. See *supra* note 35 and accompanying text.

86. See *supra* note 35 and accompanying text.

87. This also meant that men who scored low on harmony were more likely to score low on blendedness. See *supra* notes 35–40 and accompanying text (discussing harmony and blendedness measures).

<b>Table 1: BII Survey Results</b>					
	<b>Gender</b>	<b>BII Harmony</b>	<b>BII Blended</b>	<b>Harmony</b>	<b>Blendedness</b>
<b>Respondent 1</b>	Female	4.2	3.25	High	Low
<b>Respondent 2</b>	Female	3.3	3.13	Low	Low
<b>Respondent 3</b>	Male	2.2	3.75	Low	High
<b>Respondent 4</b>	Male	4.2	4.5	High	High
<b>Respondent 5</b>	Male	2.5	2.75	Low	Low
<b>Respondent 6</b>	Male	4.1	3.5	High	High
<b>Respondent 7</b>	Male	4	3.25	High	Low
<b>Respondent 8</b>	Male	5	3.5	High	High
<b>Respondent 9</b>	Male	3	2.88	Low	Low
<b>Respondent 10</b>	Male	3.4	3.38	Low	High

In contrast there were some observable gender differences between the respondents' developmental networks shown in Table 2.

<b>Table 2: Developmental Network Survey Results</b>		
	<b>Female</b>	<b>Male</b>
<b>Range</b>	6.00	4.00
<b>Density</b>	23%	33%
<b>Relationship Type</b>	4.00	1.38
<b>Ethnicity</b>	33%	36%
<b>Gender</b>	50%	68%
<b>Social Arenas</b>	3.50	2.83

Female respondents had a greater range of developers, an average of six compared to four for men. On average, their developmental networks had a lower density than their male counterparts. This meant that a small percentage of their developers were known to one another. Furthermore, female respondents were less likely to have developers from the same race or gender.

The larger range of female networks contributed to the distinct content of the network. Female respondents had more variety in their networks than their male counterparts, which meant that they received different types of

developmental support from a broader range of social spheres. This complements the low density of the networks. In interviews, female respondents were notably able to articulate the members of their developmental network and describe the type of support they received. In particular, psychosocial support was apparent and valued. Respondent 4 said:

He was so excellent at what he did and still very relatable that it made sense when he would say, “You know, you’ve got to do well in your academics,” and you know he pushed me. And I have a cousin as well who is a banker, but he pushed me as well, and he would always dangle the carrot in front of me and talk about how—he would talk to me about my future like he could see it, and you know it looked beautiful and you could do well . . . he would just make it seem wonderful to me.

<b>Table 3: BII &amp; Developmental Network Results</b>				
	<b>High Harmony</b>	<b>Low Harmony</b>	<b>High Blendedness</b>	<b>Low Blendedness</b>
<b>Range</b>	4.00	4.80	4.20	4.60
<b>Density</b>	29%	33%	24%	31%
<b>Relationship Types</b>	1.60	2.20	1.40	2.40
<b>Ethnicity</b>	33%	38%	40%	24%
<b>Gender</b>	67%	61%	71%	57%
<b>Social Arenas</b>	3.00	3.00	2.80	3.33

Table 3 shows that individuals with high blendedness and high harmony on average had developmental networks with a lower range and lower density than those with low blendedness and low harmony. The types of relationship were also lower for high harmony and high blendedness individuals. There was no difference in the number of social arenas for the harmony scale; however, individuals who scored high on blendedness drew their networks from a smaller number of social arenas.

*A. Discussion*

The results suggest that differences in bicultural experiences may lead to differences in the developmental networks of black lawyers. Having high BII is associated with blending and harmony between the professional and racial identities of the respondents and may be expected to result in lower bicultural stress. The respondents were not asked this directly, but were asked if they had experienced any challenges in their careers as a result of their background. The proactive and resilient nature of these individuals meant that they often described examples related to performance or treatment by others without referring to their race, for example:

Yeah. I did experience some challenge because I wasn't a fee earner. . . . Well, I wasn't just like an admin staff without any idea about the law either. So some of the admin staff were not comfortable that I was as aware as I was, and yet the fee earners—I was not a fee earner, so I was not like completely comfortable with fee earners either. So there were times when I got flack from both because some of the fee earners you know like felt that they needed to put me in my place . . . . And then some of the admin staff . . . . would report me to the principal, and then principal would tell me this is what they are saying and just stuff like that. So I was just like between and betwixt. It was confusing spot to be in, so that was challenging.

This rich description is an interesting metaphor for bicultural experience—being caught between two groups and potentially facing rejection by both sides. Female respondents were comfortable discussing their networks and the benefits that they received. These findings are in line with previous research on developmental networks and black female professionals.<sup>88</sup>

The low density suggested by the participants is consistent with the large range and broad social spheres required for those actively seeking developmental support from extra organizational sources.

In contrast, males had smaller ranges of developers with fewer types of support and higher density. Perhaps the men found it easier to get support from within their organizations or were less vocal about needing additional help. Individuals with high BII had smaller networks than those with low BII. Low BII suggests difficulty reconciling a professional and racial identity. In the context of a law firm, such individuals are likely to seek help from outside the firm. Individuals with high harmony and blendedness relied on a mentor or friend for developmental support. The racial negotiation of highly blended and harmonized individuals may allow them to attract a mentor. Those with low BII received more psychosocial support than their high BII counterparts. This meant that they had sponsors and allies in their networks, as well as mentors and friends, because career development support was not available to them. These results clearly suggest bicultural experience is not homogenous and black lawyers do not experience their professional and racial identities in the same way. The results imply that a homogenous approach to career enhancement for black lawyers or minority racial groups may not be appropriate. However there are several limitations to the study, the first being the size of the sample. This is an exploratory study and the results are intended to encourage further discourse and research in this field. However, the small sample means that the results here may not be generalizable to the U.K. legal profession. Furthermore, other jurisdictions like the United States may have different outcomes regarding blendedness and harmony, particularly because of their established legacy of black lawyering.<sup>89</sup>

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88. See *supra* note 73 and accompanying text.

89. Carla D. Pratt, *Way to Represent: The Role of Black Lawyers in Contemporary American Democracy*, 77 FORDHAM L. REV. 1409 (2008).

## CONCLUSION

Developmental relationships are crucial for developing the relational capital required to succeed in law firms. In this paper, I explored how black lawyers manage these relationships in the face of potential disadvantage. This research has emancipatory potential because of its emphasis on cultivating relationships, proactive behavior, and career enhancement. This is particularly important because the bicultural experience of black professionals is often characterized as being problematic, stressful, and conflicted. The ongoing damage caused by these experiences must not be understated; however, this Article draws attention to the heterogeneity of bicultural experience among black lawyers suggesting that these differences can influence the content and structure of their developmental relationships. In itself, this highlights the complexity of developmental relationships, questioning traditional conceptualizations of the mentor relationship by moving beyond hierarchical dyads to explore how individuals are engaged in an ongoing process of cultivating a network of developmental relationships. To some extent, this research better reflects the lived experience of black lawyers in the absence of a formal mentor, and it presents new avenues that may motivate fruitful research in the future by acknowledging the barriers that racial minorities face while attempting to explain how they overcome them.