

## ‘With the times’

*The leaders at Post Polak didn’t set out to assemble a diverse law firm; they got there by recognizing talent*

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Ten years ago, Roseland law firm Post Polak looked like the typical firm, comprised of mostly middle-aged white men and a handful of women attorneys. Today, the 45-year-old firm is comprised of one-third attorneys of color and one-third women. Former and

current managing partners Fred Polak and Clyde Otis III, respectively, say that the diversity is not by design, but that they realized early on it was something special.

“It happened because they were good lawyers, and we wanted them at the firm,” Polak said. “But when the opportunity arose, we recognized that that was something we should strive for.”

After the firm recruited former

Newark First Assistant Corporation Counsel Otis, he brought on land use attorney Marsha Moore, who is Jamaican; and eventually recruited real estate development attorney Baye Adofo-Wilson. After time as of counsel, Polak decided he wanted to step down from his position as managing partner and selected Otis as his successor.

“They know I recognized their values. They know the Post Polak name means a lot to me, and they know I’ll guard it zealously. But it wasn’t until after we reached that decision that we sat back and thought there’s something else going on here we need to recognize! I’m not just Black, I’m Dominican, and to sit back and say, ‘wow, you guys just made a Black Dominican managing partner of a firm that’s been here for 45 years... it still moves me when I think about it.

“It’s not deliberate, but we haven’t gotten past the age when someone can say an individual who looks like me can’t sit in that seat. And these guys never looked at me like that,” Otis said.

Both Otis and Moore carry the experience of being the “only person”—for Moore, either the

only women, or the only woman of color; and for Otis, being the only Black man—in the room. At one of Otis’ prior firms, he was the only Black male attorney out of 425 lawyers. In law school, he was one of few. Moore said that in her first foray into private practice, she was the only person of color in the office other than the file clerk. In nine years at her next firm, she was the only female partner the whole time.

The American Bar Association’s 2021 legal profile reported that of 40,137 lawyers in New Jersey, the majority are neither women nor people of color.

Of 299 firm partners in North Jersey, 22.07% were women, 6.02% were people of color, and 2.34% were women of color. Of the 212 lawyers at the associate level, 47.17% were women, 18.4% were people of color, and 10.85% were women of color, according to numbers crunched by the National Association for Law Placement Inc.

Of 106 firm partners in South Jersey, 29.25% were women, 8.49% people of color, and 2.83% women of color. Of 89 associate level lawyers, 52.81% were wom-



Clyde Otis III.



Marsha Moore.



Fred Polak.

en, 24.72% were people of color, and 14.61% were women of color, NALP numbers showed.

Lack of diversity tracks up the legal chain all the way to the state Supreme Court, the ABA 2021 Legal Profile noted. While several demographics are represented on the Court—a Black woman, a Hispanic man who is also an immigrant, a white woman and a couple of white men—there are no Asian Americans, despite New Jersey having one of the largest Asian American populations in the country

Over time, however, partner and associate demographics have changed nationwide, with percentages of Asian American, Black, and Hispanic Polak partners increasing bit by bit each year. In 2009, 2.2% of partners nationwide were Asian American, compared to 1.08% in 2020; 1.71% were Black, compared to 2.1% in 2020; and 1.65% were Hispanic, compared to 2.8% in 2020. In 2009, 9.28% of associates were Asian American, compared to 12.1% in 2020; 4.66% were Black, compared to 5.1% in 2020; and 3.89% were Hispanic, compared to 5.64% in 2020.

The legal world is different than 40-some years ago “in two material respects,” Polak said: the presence of women and people of color.

“There were very few women who were lawyers when I started; and in my experience there was a great deal of discrimination against women, so it’s changed dramatically in that way. (At Post Polak), we now have two women partners of our eight partners. And it’s also changed because there are far more people of color who are now lawyers. Our firm has changed with those times. We’re certainly far more diverse, probably more than a lot of firms,” he said.

Post Polak doesn’t have a diversity committee like many firms do. They also don’t have a chief diversity officer, which in 2020 and 2021 was perhaps the most created position at firms in the state, inspired by highly publicized injustices including the death of George Floyd and the racial justice movement that followed thereafter.

Post Polak is small, but at larger firms, Otis thinks such measures are “the necessary push to cause any change.” In one of his first interviews after law school, Otis said the interviewer “never looked up at me. It lasted five minutes. He saw a Black man walk through the door and wasn’t going to let that happen.”

“I think diversity committees are necessary in some en-

vironments because you have a large number of personalities and that means large numbers of thoughts and prejudice and bias,” Ous said. “It’s human nature to want to be around people that are like you. It’s hard for us to get out of that box.”

Since 2015, Otis said he’s never received “anything but complete buy in” from firm leaders in the candidates he’s recruited. He isn’t “trying to make an African American firm out of Post Polak [but] trying to make one of the top skilled firms,” he said. Of the culture, Moore said it’s “more inclusive” than other firms she’s been a part of, though she said at her previous firm, she fit in. (“I held my own, and they appreciated my insight,” she said.)

“When I first started (at Post Polak) i was the only female partner. We’ve now brought in some other female partners, and Clyde came in a year before I did. I think the culture is ... we’re looking for diversity, but qualified diversity. It’s not just to bring in people of color or women, it’s bringing in qualified people, but with an emphasis on being inclusive.

“When we have meeting, it’s not just the old boys’ network. John (Post) and Fred value our opinions as far as what the future of the firm is,” Moore said.