

## Minority Powerbrokers Q&A: Justice Candace Cooper

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The Honorable Candace Cooper (Ret.) has nearly three decades of judicial experience and currently specializes in alternative dispute resolution with JAMS. She served for nine years on the California Court of Appeal, Second District, most recently as Presiding Justice of Division Eight from 2001-2008, and as a Superior and Municipal Court judge prior to that. Justice Cooper has also served on the Los Angeles Superior Court for 12 years, handling a variety of assignments, ranging from court management, civil master calendar and civil trials to felony criminal and death penalty trials to juvenile dependency and delinquency.

Justice Cooper served as president of the California Judges Association from 1988-1989. She was the second African-American, as well as the second woman, to head the nearly 2,000-member voluntary professional association representing all judicial officers throughout the state from the California Supreme Court to the remaining Justice Courts. Justice Cooper also served as a faculty member for the Continuing Judicial Studies Program, the Judicial College and the New Judges Orientation, teaching courses in evidence, jury selection, fairness and elimination of bias.

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

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

A: My success in the legal industry was due to a combination of factors, including: readiness, timing and/or opportunity, and support. Readiness — For my part, I had to develop the skills and proficiency required to perform at a high level and be ready to take on increasingly difficult challenges. Support — I had family members and mentors that assisted, counseled and supported me throughout my career. Justice Vaino Spencer and Justice Joan Dempsey Klein were particularly helpful in providing much needed guidance and direction as they each helped me to select the right career path and then helped smooth the way forward. Timing and opportunity — These are related factors of particular importance to a person of color. A large part of my success is directly related to the fact that there were decision-makers who believed in the importance of diversity and were willing, at the moment I was ready, to give



Hon. Candace Cooper (Ret.)

me the opportunity to perform in a new position.

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

A: In my opinion, the majority of the challenges confronting a person of color in the legal field exist in the pipeline as you move toward the senior status. Avoiding or overcoming those barriers to advancement requires both skill and luck. Once you are at the senior level, you are required to maintain high standards of excellence — a standard that should exist for all lawyers. However, a special challenge for senior lawyers of color is to help identify, encourage and assist younger minority lawyers to succeed in their efforts. We should continue to help break down the remaining barriers to success for all lawyers of color.

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

A: One of the benefits of having a judicial position is that you rarely encounter any overt “in-your-face” discrimination in the work place. However, one persistent situation that I routinely encountered earlier in my career was a “presumption of incompetence.” By this I mean, that in almost every new situation where I was not previously known, either by reputation or otherwise, there would be an obvious and evident presumption that I was a low-knowledge player with little to add to any discussion. Both my presence and my comments would be disregarded or ignored. The way I chose to handle this was simply to perform my function with the highest degree of competence possible. Gradually, the fact that I had something significant to contribute would be recognized. This technique works but requires great patience, which is not always easy to maintain.

A variation on this theme would occur when people learning that I was a judge or justice would automatically assume that I was handling traffic tickets and serving on the lowest possible ranking court in our legal system. My method of handling this variation would be to simply correct their misunderstanding and hope that they would recognize the biases that went into their automatic assumptions.

I never felt it was useful in either of these two circumstances to lecture about implicit bias and how it is manifested. However, when I encounter active or overt bias in operation, whether directed toward myself or another person, I deal with it directly and head on.

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

A: My advice to lawyers of color is to always recognize and value your own worth and contribution. Believe in yourself and remain confident in your abilities. Lack of confidence or faith can cause you to fail in an otherwise favorable situation. It is also obviously essential that you always strive to deliver excellent work, both in terms of quality and quantity.

There are still serious problems on bias in our legal system, which require the diligent effort of all lawyers, especially lawyers of color, to eliminate or reduce. I further advise lawyers of color to make activism, directed toward the elimination of such bias, a fundamental part of your commitment to justice for all.

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

A: A law firm looking to increase diversity in its partner ranks needs to first do an audit within the firm to

confirm that this goal is, in fact, generally accepted within the organization. If the firm does not have sincere commitment to diversity, then the ability to attract and retain quality lawyers of color is seriously compromised. Any firm where the only proponents of diversity are those lawyers serving on the “diversity committee” cannot provide an environment where it is possible for minority lawyers to thrive professionally and personally, much less last long enough to make partner.

My other recommendation is that firms recognize that mentorships are very important in the firm environment and do whatever is possible to facilitate the development of mentorships. Each law firm has its’ own unique characteristics, history and lore. There are also “do’s and don’ts” that are known only to the firm insiders. A mentor can be critical in assisting a lawyer of color to function successfully. I don’t know how to implement this recommendation because a true mentor/mentee relationship has to arise organically. A new associate cannot simply be assigned a mentor. However, I think it is important to highlight the fact that the lack of mentors is a problem. Over time, the correction of this problem would help increase the diversity of the partners.

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