

Legal Practice: Coping with Diversity and Change

So what is diversity really, other than a catchphrase that firms and companies employ to make themselves marketable? Why is this necessary and why is it necessary that we talk so much about it? And what is the thing about it that makes lawyers feel that they need to 'cope' with it, when everyone knows lawyers are more than able to cope with anything? I pondered the title of the 2009 IPBA Annual conference and directed myself to evaluate the ways in which diversity affected my work and my attitude towards it.

And I concluded the following:

Diversity in the practice of law is an overarching feature. Lawyers today have clients with diverse interests, from diverse nationalities and with diverse notions as to how to achieve their goals. Faster and more dependable access to the internet, cellular phones and blackberries facilitate this diversity by facilitating dialogue with clients through time zones and complicated legal issues. I have often joked that my most permanent address is the one with @gmail.com appended to it and the necessity for actual shelter comes in second to my need to be able to check my email.

Lawyers have to 'cope' in the wake of diversity because a lawyer's job is essentially to ensure compliance with the law. Legal institutions can generally be viewed as the antithesis to diversity because they promote conformity. In a world without laws and regulators we would be free to be as 'diverse' as we like, but we would also be out of jobs (I should remember this the next time I confront an unsympathetic Sri Lankan regulator!). A lawyer is often caught between The Law and serving his or her client and this is why they feel the need to cope.

This task as intermediary has become more challenging as the reach of The Law has widened. In the commercial world the expansion of The Law may be exemplified in the 2008 Siemens AG case and the reach of U.S. Foreign Corrupt Practices Act on the German based industrial and engineering giant. (The company agreed to pay \$1.4 billion as settlement to charges of corruption by US and German authorities, on account of

transactions that occurred outside of these two countries). This has impacted the monitoring of compliance with US anti-corruption standards by international companies under the purview of the US Securities and Exchange Commission. As the reach of The Law continues to stretch in the immediate aftermath of the judgment, the topic of discussion at the IPBA Annual Conference was not only timely but also necessary.

About the conference: The Annual IPBA conference for 2009 was held in Manila and over 300 members from the Asia Pacific Region attended, arguably, in spite of the global recession. I was fortunate enough to be one of five scholars that attended. My fellow recipients were a diverse lot, who with the exception of high achievement and the practice of law, had very little in common but individually were fascinating, each in their own right. Together we represented Cambodia, Myanmar, the Philippines and Sri Lanka and all things considered, embodied the diversity that was being discussed.

I had no idea what to expect at the Conference. I somehow fancied that I would be able to obtain answers to my questions on the various topics of discussion, and given my relative inexperience, would not really have to provide any answers myself. That was my biggest misconception, because while I gained understanding on number of different topics, I also learnt the one characteristic that bound everyone at the conference was the interest they had in their international colleagues and their enthusiasm towards understanding their differences and similarities. And they did this by asking questions.

Admittedly, I did not have all the answers to the questions I was asked but I did gain great insight to my own questions and made some headway in conceptualizing the topic of discussion.

Here is what I learnt:

There is a paradox in notion of diversity and how it works in practice. The thing with it, whether at work or in the content of ones work, or even at a meeting or conference is that it automatically forces one to seek commonalities- with people, ideas and/or practices.

The conference epitomized this paradox because although we had travelled far and wide to discuss the problems of engaging in legal work in an interconnected global environment, we actually came out thinking we had more in common with lawyers from other jurisdictions than we realized, and these commonalities extended beyond a shared interest in food and merriment to the actual problems faced by lawyers in their profession.

On the flipside... at the Intellectual Property Department of the law firm of Angara Abello Concepcion Regala & Cruz (ACCRA) we were able to see the counterfeits of brands that had been seized during raids. It struck me how uniquely positioned the practice of intellectual property law is in the Philippines, as the present environment supports both the production of counterfeits and an active machine to police such activity. In the culture of change- with globalization and development, no two situations will mirror each other exactly. Hence, in conceptualizing how we should cope with diversity, in addition to seeking common ground one should also identify the areas that are intrinsic to time and/or place. So while we should aim to emulate the best practices of our colleagues, we should do so with caution and consideration to that 'intrinsic factors'.

The scholars were taken to the Regional Trial Courts at Makati (the financial capital of the Philippines, situated in the greater metropolitan area of Manila). We had the unique experience of being given a tour of the courts by Judge Selma Alvarez, who completely personified diversity in the legal profession in the way she approached her work. A scholar and jurist, Judge Alvarez appeared to also be involved hands on in the administration and management of her court room. In addition to hearing cases, she also maintained the records of the cases she heard, and at the time we made our visit was in the process of computerizing this information. Her perspective was progressive and centered on making courtroom procedures more efficient, the importance of communication between all participants at courtroom proceedings and the importance of educating involved persons as to how the proceedings actually happen. She in turn educated us on a vast range of topics ranging from Family Law in the Philippines to the basic requirements of writing a journal article. The diversity of what she knew and her

ability to provide succinct analysis to a wide audience showed us how a jurist (and a judicial system) could actually thrive in the wake of diversity.

So how should the legal community cope with diversity? I would say we should embrace it and seek common ground, identify the areas in which we are different, learn from shared experiences and emulate, or attempt to emulate, the best practices of our international colleagues. And if anything, we should always remember that as much as we are compelled to cope with it, the legal profession today is also its product.

A Note to the Organizers:

A big 'thank you' to Ms. Varya Simpson and Ms. Noura Meurling from the scholarship committee for affording me the experience of the conference; Ms. Hirano Midoro and Ms. Yuko Haba from the IPBA Secretariat for coordinating our stay; the Members of the Host Committee from JG Law, ACCRA and SyCip for looking after us in Manila. I specially wish to thank LA (Lori-Anne), Pia, Ille, Rosario and Claude from JG law for making time from their busy schedules to show us around Manila. Thank you.