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# WASHINGTON LAWYER

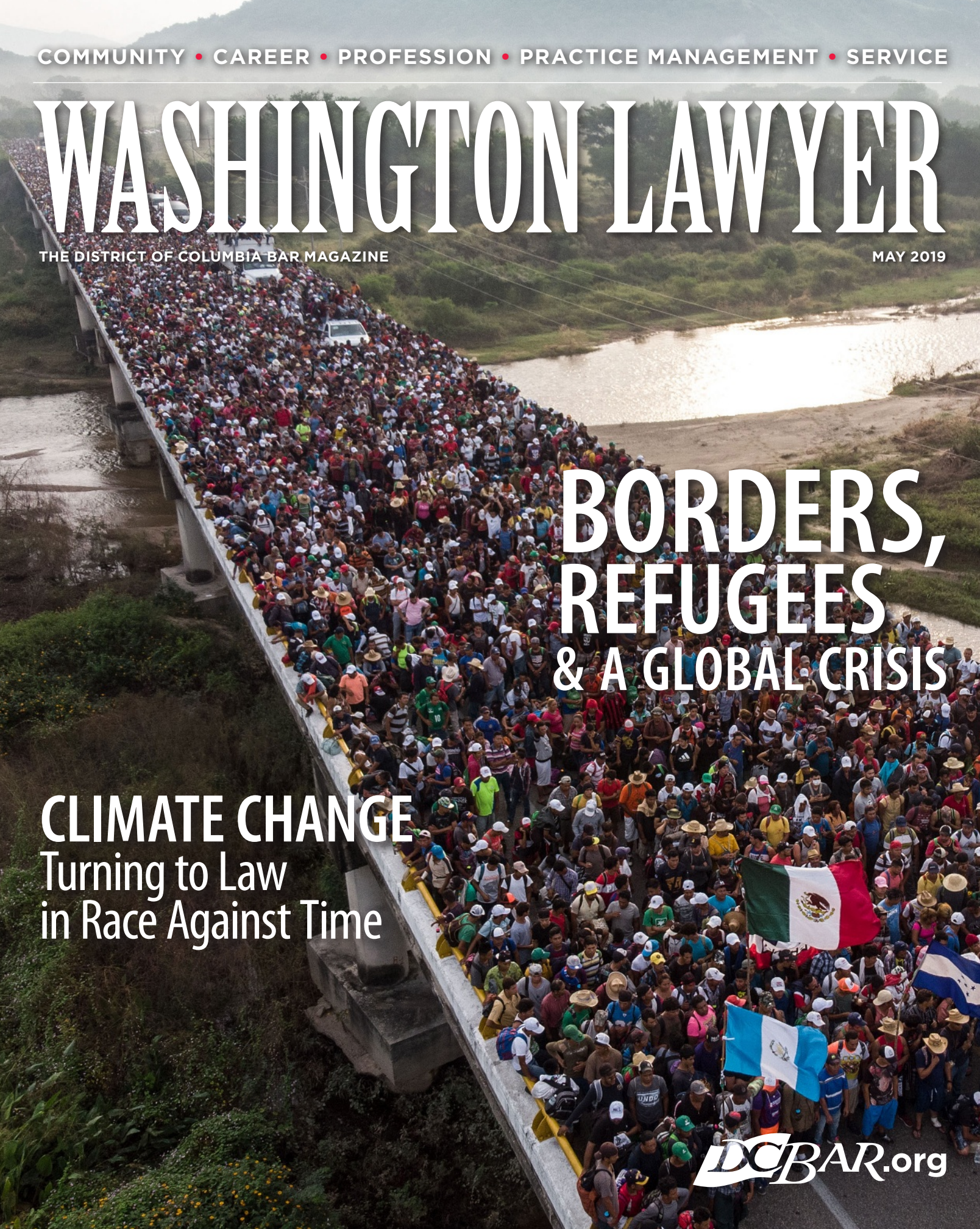
THE DISTRICT OF COLUMBIA BAR MAGAZINE

MAY 2019

## BORDERS, REFUGEES & A GLOBAL CRISIS

**CLIMATE CHANGE**  
Turning to Law  
in Race Against Time

**DCBAR.org**



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Cover: Caravan of Honduran migrants crossing the Guatemala–Mexico international border bridge, October 2018. Guillermo Arias/AFP/Getty Images

This page clockwise from top: cybersecurity image, iStock; hourglass, iStock; Fatema Merchant, courtesy of Sheppard Mullin

# FATEMA MERCHANT

## BREAKING BARRIERS FOR MUSLIM WOMEN IN THE LAW

*Interview by John Murph*

In mid-March, Sheppard, Mullin, Richter & Hampton LLP announced that Fatema Merchant, an acclaimed international trade and white-collar crime attorney, had made partner. It was a serendipitous broadcast, considering that March is Women's History Month. Merchant earned her rightful place in history by becoming the first hijab-wearing woman to make partner at a Washington, D.C., Am Law 100 firm.

"I do think for Washington, D.C., I've made history. [But] there is a lawyer at Littler Mendelson P.C. in Dallas, Syeeda S. Amin, who wears a hijab and made partner this year," Merchant says. "When I updated my profile on LinkedIn and reached out to colleagues to share the news, I got so many messages from young women lawyers and South Asian lawyers all saying that it was an inspiration. So, that was very heartening. If am I the first [in the District], hopefully I'm not the last."

Merchant spoke with the D.C. Bar about her historic professional milestone as well as why it's important to challenge long-held notions regarding Muslim women. A Texas native and avid champion of diversity and inclusion in the legal workplace, she discussed not only some of the challenges she has faced, but also how inviting tough conversations helped open doors for her in the legal field.

### **Take us back to your childhood and how the spark to become a lawyer ignited inside of you.**

I was born and raised in Irving, Texas, which is right outside of Dallas. My parents immigrated to the United States in the early '70s. My dad actually [earned] an LLB [in] Karachi, Pakistan, but he never practiced law. I think that I was always drawn to the law from a young age. When I was in the third grade, I was part of a mock trial in which I was the plaintiff's lawyer in a case about a little girl who wanted to play soccer but there was no girls' soccer team at the time at her school, so she was bringing a lawsuit to play on the boys' soccer team. I still remember that vividly.

I studied Arabic and Islamic studies in college. I entered law school with an interest in international women's rights and international law. For me, as an international trade and white-collar crime lawyer who focuses on laws that impact international business, my practice is really at the intersection of law, foreign policy, and business; I find all of those issues very interesting, challenging, and complex. My practice focuses on anti-corruption, export and import laws, economic sanctions, anti-money laundering, and foreign investment. I'm also involved in pro bono matters. I've spearheaded a lot of pro bono projects, including the firm's partnership with a women's rights organization to do an amicus brief on the travel ban case in the Supreme Court.

### **What were the first reactions when you learned that you had become partner at Sheppard Mullin?**

So, I have three young kids. I went home the day I was elected partner and said, "Mommy made partner!" And the kids were like, "Can we have ice cream?" [Laughs] My family and my friends were all very happy and proud because it's an accomplishment. It's a big deal for me and my community. My oldest daughter, who is seven, asked me, "Mommy, why is that important?" And I thought, "Uh, that's an existential question to answer and explain to a young child." [Laughs]



Courtesy of Sheppard Mullin

Honestly, I believe the title of partner in the legal profession — what it says to the outside world — is that you've achieved a degree of excellence in the industry, and it gives you credibility and legitimacy. And especially for women and lawyers of color, that stamp of approval is really important.

**Studies have shown that many talented women and people of color do not become partners in Big Law. Briefly describe your professional strategy to accomplish that goal.**

I went to law school with a background and interest in international women's rights and international law. At the time, I don't think I ever thought that I would be in Big Law for so many years. I summered at Norton Rose Fulbright, which was Fulbright & Jaworski at the time, then started my legal career there and worked on big Foreign Corrupt Practices Act investigations and really loved it. Early on, I realized that I could make an impact in private practice through my work on diversity and inclusion issues, pro bono efforts, and involvement with the Capital Area Muslim Bar Association.

This is a relationship-driven industry. Ultimately, how you're supported is going to make a big difference in your career. Especially for diverse lawyers, you might look around and [see] there's no one like you at the top. A lot of young, diverse lawyers would ask themselves, "Do I even have a path here?"

But I realized, especially from my own experience, it might not necessarily be a bias against me but a preference for someone who looks like them. It's unlikely that an older male partner who's in his 60s will look at me and say, "Oh, you really remind me of myself when I was your age." But I realized that the more open I was to conversation, to mentoring, and to learning and growing, it created an environment for me to develop relationships that were really important.

My biggest mentor at the firm is this six-foot-two white male who is a self-proclaimed atheist. [Laughs] I'm a petite Muslim woman. We really had to work hard at our relationship, at having tough conversations — that's something that has to happen on your journey to partnership.

You hear it all the time, "Just find a mentor, find a champion, find a sponsor." But that doesn't just magically happen. It takes a lot of work. But I think [that being] more open to building those strong, meaningful relationships with people who are like you — if you find those people, that's great — but also with people who are not like you on paper [is] the key.

**There are so many scary stories within the professional world about women — particularly women of color — being scrutinized and sometimes denied promotions or fired because of their hair choices. As a Muslim woman, explain why you choose to wear a hijab in your professional setting, especially when one could argue that your professional trajectory may have been easier if you didn't.**

It's a challenge. My garb and my hijab are so much a part of my cultural and religious identity — they keep me connected to my community. I always thought, "If this is who I am, then why wouldn't I bring that to the workplace?"

I do think that for a lot of underrepresented groups, the message we receive is that in order to succeed in the corporate environment, [you have to] be a version of yourself that is palatable to the majority culture. So, for a lot of young lawyers, it means sort of walking through life with two versions of yourself. I had this conversation earlier when I was a junior lawyer in a jury trial. I was really concerned that my hijab was going to be distracting for the jury and impact the case in some way. I asked a more senior lawyer for advice. He said, "If you are completely comfortable with who you are, then the jury is going to be completely comfortable with who you are." That advice really rings true for me today.



Courtesy of Faema Merchant

*"Wearing a hijab ... grounds me and allows me to focus on things that matter."*

For me, wearing a hijab — even though it's a challenge — has been a source of empowerment because it grounds me and allows me to focus on things that matter. Ultimately, being a lawyer is about power and confidence. So, this is a part of how I assert who I am.

I realize that there are a lot of assumptions associated with a woman who wears a hijab. People may wonder if it's truly a choice. Some people wonder if we're timid and conservative. But for me, at my firm at least I can start the conversation and help people test those assumptions.

**Touch upon some of the challenges you have faced being a Muslim woman in the legal field and how you overcame them.**

I'm a good lawyer. I'm practical and smart. Clients trust me. But I also understand that people might have strong opinions about what their lawyer should look like. When I walk into a room, most people aren't going to look at me and say, "That must be a Big Law partner." I also think that for a lot of American Muslims, particularly if you're visibly identifiable as Muslim, people see you as being Muslim first and whatever else second. I'm an international trade and white-collar crime lawyer who happens to be Muslim and a woman who wears a hijab. I think as a society we're just not there yet. I understand that it takes a little bit more work in those initial interactions to overcome whatever innate assumptions people might have.

Part of the way that I have overcome some of the challenges, as I've said before, is to be really open and to invite tough conversations. Scott, the partner who is one of my mentors and whom I worked with very closely, once went to a client meeting with me. Our client was also a white man and of similar age to Scott. Our client really only directed his answers to Scott. It's a not a huge thing, but I noticed it at the time. On our way back to Washington, D.C., I brought it up and just talked about it openly with Scott. He said, "Oh my God, I didn't even realize that was happening." After that, whenever we started meetings, he would make a point to talk about how senior I was and how I was the brains of the operation — whatever it was to make sure that people understood my role.