

IPO DEI COMMITTEE MEMBER SPOTLIGHT: BRIAN BROOKEY

[Tucker Ellis](#), Partner

Previous Experience:

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Education:

[UCLA](#) J.D. | [Pepperdine University](#): B.A. English



Throughout the year, the IPO DEI Committee will spotlight members to acknowledge their contributions to DEI by having them answer specific questions.

Question: Please explain why you are passionate about DEI within the IP legal community?

I am passionate about DEI generally. As someone who came out later in life, I spent many years presenting as a straight, white, cis, Christian, able-bodied professional male. To look at me you'd see "privilege" (despite my lower-middle-class upbringing in a small farm town, and the fact that I put myself through college and law school via scholarships, student loans, and hard work). So I have been privy to the types of things that are said about "others" when they think everyone in the room is the same. As I have matured and become more comfortable with myself, I have a passion for those who I know have been excluded. Excluded from opportunities. Excluded from conversations. Excluded from being "in the room where it happens." It needs to stop. Inclusion – our focus as a committee this year – benefits everyone. We are better lawyers, we are better people, when we surround ourselves with people from a variety of backgrounds and life experiences, with diverse ideas and perspectives.

I have seen IP lawyers roll their eyes at the concept of DEI. They claim that there's nothing they can do, because, for example, engineers are overwhelmingly male. While, thankfully, the "pipeline" is changing, this was never an excuse. There are quality lawyers of all types, and there always have been. We just need to actively look for them. And then we must support attorneys from underrepresented groups once we do hire them. The time for excuses is over. The time for action is now. Let's improve the profession, let's improve the IP community, by casting as wide a net as possible and embracing talent regardless of race, gender, sexuality, gender identity, religion, nationality, or disability. We owe it to the profession, to our firms, to our clients, and to those who will follow in our footsteps.

Question: Describe how you see that firm or company approaches towards forming inclusive environments changed during your legal career? (Please indicate in your answer how long you've been practicing)

I have been practicing law for nearly 34 years, and as you can imagine, I have seen firms drastically change their efforts towards creating inclusive environments. When I was a young lawyer, the "old boys' network" was still important. Job interviews centered on sports talk. Partners were members of male-only private clubs. Women were expected to be secretaries or maybe paralegals, not lawyers, often subjected to predatory behavior. I know of an IP boutique that didn't hire its first female associate until the late 1990s, and then, when she and her husband announced in 2000 that they were expecting a child, realized that they didn't have a maternity leave policy. One partner suggested that instead of adopting one, they simply fire that associate.

Things slowly changed, as more women and people of color entered the workforce, and more lawyers came out as LGBTQ+. But progress remained slow. Terms like DEI and ERG did not exist until recently. At some point, the mentality shifted, and firms began actively recruiting and seeking to support diverse attorneys. And those that did eventually saw that they could do well by doing good: clients and prospective clients also began valuing DEI. Firms began seeing that there was a business upside to creating a more diverse environment. At the same time, many dropped the ball on “inclusion.” Diverse attorneys know when they are being used to make a firm look good in an RFP response or pitch meeting, or when their names appear on a pleading of a case in which they have no involvement. The next step is for firms – and companies – to embrace the inclusion element of DEI. And they need to do it because it is the right thing to do, regardless of any economic implications. Sometimes we need to do good just for the sake of doing good.