

Alexis Robertsonn:

Welcome to, The Path and The Practice, a podcast dedicated to sharing the professional origin stories of the attorneys at Foley and Lardner LLP, a full service law firm with over 1000 lawyers across the US and abroad. I'm your host, Alexis Robertson, Director of Diversity and Inclusion at Foley. In each episode of this podcast you'll hear me in conversation with a different Foley attorney. You'll learn about each guest's unique background, path to law school and path for Foley and Lardner. Essentially, you'll hear the stories you won't find on their professional bios and of course, you'll learn a bit about their practice. Now, let's get to the episode.

Alexis Robertsonn:

Today I'm speaking with, Phil Phillips. Phil is the managing partner of Foley's Detroit office where he's also a longtime member of the firm's labor and employment practice. As usual for The Path and The Practice, this is a wide ranging conversation. We start off with Phil sharing about growing up the youngest of nine kids and growing up in the projects of Saginaw, Michigan. Phil tells us how he always knew he wanted to go to law school, but that there were some twists and turns along the way which included him being an inpatient psychiatric counselor, a juvenile probation officer and a prosecutor all before joining Foley.

Alexis Robertsonn:

Phil also shares a lot about his practice. He talks about the wide variety of labor and employment matters that he works on and how he assists clients as a trusted advisor and counselor. Additionally, Phil reflects on being a Black equity partner in big law and shares about how being a law firm partner does not at all insulate him from the experiences of being a Black man in America. We conclude our conversation with Phil providing some wonderful advice about mentoring and sponsoring attorneys of color as well as providing some great insight for law students contemplating a legal career. I hope you enjoy our conversation. Hi, Phil, welcome to the show.

Phil Phillips:

Hi, thank you. Thanks for having me.

Alexis Robertsonn:

As I do with everyone, I need you to start by giving your professional introduction.

Phil Phillips:

Okay, name is, Phil Phillips. I am a partner Foley and Lardner's Detroit office. I practice labor and employment law, and I have been with Foley almost 20 years.

Alexis Robertsonn:

Well, as you know, but I'll just say to that listener, I'm very excited. I'm always excited for every discussion that I have, but with you I feel like I've picked up tidbits of your life before legal and I can not wait to hear the full story. But we will have to start at the very beginning, which is where are you from? Where did you grow up?

Phil Phillips:

Yeah, interesting background. I'm born and raised in Saginaw, Michigan. I'm the youngest of nine. I have five brothers, three sisters. My family's originally from Atlanta, migrated to Michigan in the 50s and I was born in the 60s, so, of the nine half were born in Atlanta and the other half were born in Saginaw, Michigan. And I still have a lot of family, my oldest brother is a retired school administrator in Atlanta.

Alexis Robertsonn:

So the only reason that I have some concept for Saginaw is because my husband's from Flint, Michigan.

Phil Phillips:

Okay, down the street.

Alexis Robertsonn:

That's right. So I do know... His parents have since moved, but that was only about four years ago, so I do have some appreciation for that part of Michigan. And also that shared Black folks migrating from the south north. So my family's all from South Carolina.

Phil Phillips:

Oh, understood.

Alexis Robertsonn:

Yes, that dicot. So I grew up in the north, so I was the weird one in my family. But, okay. So, Saginaw, Michigan, one of nine. Give me a peak, what is that like? What's it like growing up?

Phil Phillips:

Well, Saginaw as kind of interesting. I tell my kids, I have 13-year-old twins, a boy and a girl, and I tell them and family that they're growing up in a world that I didn't know exists, because they're growing up in a nice, we'll say, a nice plush environment because their father's a lawyer, their mother's a doctor and life is good. So, in that respect. I grew up the youngest of nine in the

projects of Saginaw, so. But one thing it taught me, even though I jokingly say I was raised on peanut butter and jelly sandwiches, it's really true, I was.

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
But, one thing it taught me was the importance of was family, right, that even though we... We didn't actually even realize how poor we were, frankly, because it was just every-... So was the folks next door and across the street, and around the corner. I really didn't get a real sense of what was going on in the real world outside of Saginaw or even Flint until I actually went away to college, to Emory University in Atlanta, Georgia. So then I really got a sense. Because like Flint, Saginaw was really a heavy automotive town and so if you were able to land a job in the plant, one of the automotive plants, Ford, GM or Chrysler and if you were able to become a foreman or a supervisor, you struck gold.

Alexis Robertsonn:  
You were set. You were set.

Phil Phillips:  
You were set for life, right. So that really was the goal because... And which was fine, those are very nice careers to have. But it's all you saw. You never really saw anything outside of that level of success. So if you had the nice job in the plant and nice home, nice car, you were pretty much set. And those were jobs that back then paid very, very well. Not so much now. And you could really have... I mean, the auto industry basically created the middle class, right, for African Americans, particularly in Michigan. And so that was really the goal until I was able to see some different things, so.

Alexis Robertsonn:  
Oh, I have a couple followup questions. I don't know which way to go on that.

Phil Phillips:  
Sure.

Alexis Robertsonn:  
Just let me go back to the one of nine.

Phil Phillips:

Right.

Alexis Robertsonn:

And you said in the projects of Saginaw. So it's not like you had some eight bedroom house. So, just-

Phil Phillips:

I can tell you. I can tell you.

Alexis Robertsonn:

Tell me, go on.

Phil Phillips:

One day I was in Saginaw with my kids and I wanted them to see, because they live in a nice house now, so I wanted them to kind of see the house I grew up in or one of the houses we grew... When you're poor you grow up in a lot of houses, right, and apartments and things like that. And I'll talk about that a little bit more. But, I drove them past our house that we grew up in, like I say, youngest of nine. It was three bedrooms, one bathroom. My kids have no concept of that. They have their own bathrooms, right. One bathroom and the house, it would be a stretch if I said the house was 800 square feet. But again, you just didn't realize the size of the house, but now when I drive past it you could tell they just look like, one bathroom, how is that possible?

Alexis Robertsonn:

So there's a boy's bedroom and a girl's bedroom, right, if it's three bedrooms? Is that the split?

Phil Phillips:

Exactly. And by the time I was old enough to kind of realize what was going on and where we lived two of my brothers, my oldest brothers, were both drafted into Vietnam. One was actually in Vietnam fighting and one was actually stationed in Germany, so he didn't actually fight. But my oldest brother, the retired school administrator, actually fought in Vietnam. So when those two were gone there were four of us left, right, four boys. And of course in this tight little room we had bunk beds.

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

So there was two sets of bunk beds actually, so was two brothers over here and two brothers over there. And then the three sisters were in a separate room as well.

Alexis Robertsonn:

I will move on from just asking about your siblings, but first I am curious, what's the age spread between the nine?

Phil Phillips:

The age spread is, I'm the youngest. My oldest brother is, I think he's 19 years older than me, right, which is why when I told one of my colleagues, "Yeah, my oldest brother fought in Vietnam." He said, "But you don't seem old enough to have a brother who fought in Vietnam." I was like, "Well, yeah, when there's a 18, 19 year age spread he certainly is old enough to have been drafted, so."

Alexis Robertsonn:

That's also sort of why I asked though, but what tremendous perspective that brings for you.

Phil Phillips:

Right.

Alexis Robertsonn:

All right. You mention you go to Emory, how did that... Did most of your siblings go out of state to college? Give me a sense of that dynamic and then how did that happen for you?

Phil Phillips:

How it happens is, the connection was Atlanta, right. And one of my brothers who... I'll share this piece. The family, when I was probably in the fifth grad going to the sixth, the family got split up where I had an older brother... my oldest brother in Atlanta and my oldest sister in Saginaw. Half the siblings stayed with him and the other half, three of my brothers... Two of my brothers and one sister went to stay with my oldest brother in Atlanta. It's because we had the Georgia connection and that's where the family's from. So one of my brothers ended up going to Emory undergrad, and this is while I was still in high school. So he went to Emory and met his wife at Emory. Did incredibly well, I mean, let's put it this way, I've met a lot of successful people in my career, in my life, lawyers, doctors. I've never seen a resume... And I didn't even think I was going to mention this, but now you brought it to memory. I've never seen a resume like this guy.

Phil Phillips:

And he was four years... And we didn't overlap at Emory. When I started at Emory he had graduated like the year before. But he went to Emory. He went to high school in Atlanta, I think it was maybe Douglass High School in Atlanta. He went to Emory. In four years at Emory he graduated with a bachelor's degree in theology, a bachelor's degree in chemistry and a master's in organic chemistry.

Alexis Robertsonn:  
In four years?

Phil Phillips:  
In four years, right.

Alexis Robertsonn:  
And you said this was a brother's-

Phil Phillips:  
This is my [inaudible 00:08:59] brother, he's four years older than me.

Alexis Robertsonn:  
Oh, my gosh. Oh, my gosh. Okay.

Phil Phillips:  
So, my oldest brother actually went to Morehouse College in Atlanta. But this brother, who after he graduated, he went to Emory. So in four years he got three degrees, including a masters which is insane, right. So, when I got to Emory and they said, "You're Preston Phillips' brother." I said, "I'm here for one degree. I am not Preston." I think he studied more in high school than I probably did in law school. I mean, he was just off the charts. So after he finished at Emory... This is why I say his resume is off the charts. And I've actually mentioned this to Jay Rothman and a few others. He got accepted to Harvard Medical School, graduated with honors from Harvard Medical School. He left Harvard, went to Yale and did a four year residency in orthopedic surgery. And then went back to Harvard and did a one year fellowship in spinal surgery. And so this is this poor guy from Saginaw who used to push carts at K-Mart during the summer. So talk about motivation, right, as to what you can accomplish for somebody growing up in the projects.

Phil Phillips:  
So that's kind of his story, which is why when I went to Emory I said, "I'm just plain old Phil."

Alexis Robertsonn:

You're like, I'm just me. Yeah, no, that's my brother.

Phil Phillips:

I'm here for one degree, that's for sure, so.

Alexis Robertsonn:

I'm really fascinated by that though-

Phil Phillips:

Yeah.

Alexis Robertsonn:

... because there's a couple things. One, I'm an only child. So saying that you're one of nine, that's a whole different thing for me. But also, it's interesting to me when you start really hide sheeping individual in families who make others who are also doing very well and also hide sheepers just look like they're... So for you, you're like, I just got one degree at Emory.

Phil Phillips:

Ah, yeah, exactly. Hey, I'm just a lawyer if only I learned it, right. It's so funny, right.

Alexis Robertsonn:

But, so as you said that being back in Atlanta sounds like a big catalyst for that. Because I will say there is a bit of a gap between nine kids-

Phil Phillips:

Right.

Alexis Robertsonn:

... as you said, in the projects in Saginaw to attending Emory, sibling attending Morehouse, attending Harvard, attending Yale. That's pretty incredible, but got close for at least a number of your siblings. That's something.

Phil Phillips:

Right, it definitely was not, let's say, foreseen growing up. No one would ever guess... Even when I mentioned to friends or school counselors that I want to be a lawyer, I mean, the negative response was incredibly disappointing, and I'll put it that way. But I was one of the fortunate ones that had enough role models, obviously, in the family as well as outside the

family to kind of make me realize that you just have to ignore certain people when it comes to them kind of stepping on your dreams or whatever. And my oldest brother, if he had his way we all would have been doctors so he could retire. I mean, he basically wanted us... And I was premed for a semester, but that changed very quickly.

Alexis Robertsonn:

I appreciate you sharing that because it's of course an incredible story, but is worth pausing to say, it doesn't mean it was easy.

Phil Phillips:

Oh, not at all.

Alexis Robertsonn:

Just because all this was achieved doesn't mean it was simple.

Phil Phillips:

Not at all. Yeah, it was definitely difficult but you just saw what was possible because you had people right in your family who were just... Even though, if you compare yourself to that one brother, I mean, you're going to probably fall short. So you really can't compare yourself to him because he was actually the first person, Black or White, or any race in Emory's history to have done that.

Alexis Robertsonn:

Wow.

Phil Phillips:

Yeah, so you can't measure your success by him.

Alexis Robertsonn:

Well, I'll change gears from talking about your brother. Who, I don't want to call him the overachieving brother.

Phil Phillips:

Right.

Alexis Robertsonn:

But I guess the overachieving brother to the-



Phil Phillips:  
Right, right, right.

Alexis Robertsonn:  
... regular achieving, but still achieving, I guess.

Phil Phillips:  
Right, right.

Alexis Robertsonn:  
Not to say that just merely going to law school to go on to be a part of the law firm is no big deal. But when was that seed planted for you with... What did you think you were going to do when you went to Emory? What was the goal? What was the degree you were focused on?

Phil Phillips:  
From high school it was always the law. It's just something I was interested in. I like debating. Even as a young kid I appreciated how lawyers can actually argue two sides of the same issue and be equally persuasive. So, but my actual goal if you had talked to me right before... And I could talk about my interesting path to Foley, because it definitely was not your traditional undergrad to law school-

Alexis Robertsonn:  
Yes, we're going to do all of that. I want all of that.

Phil Phillips:  
Right, right. It wasn't your typical undergrad to law school to big law firm. But it was just an interesting path where I actually wanted to be a politician. Knock on wood, thank God I-

Alexis Robertsonn:  
I did not think you were going to say that, but go on.

Phil Phillips:  
Yeah, it was interesting because when I was a prosecutor, right. Now we can talk about that later too. When I was a prosecutor and I was interacting with a lot of judges and politicians, and I knew the mayor of Saginaw, and I was like, okay, this is kind of what I want to do. I want to come back to the community and make a difference. And actually, so when I went to law school at Syracuse, in addition to pursuing my law degree I also pursued my master's in public administration thinking, okay, that will give me some skillset-

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
... once I go back into the public sector as a prosecutor, then maybe work for a judge or a senator, or state senator or something like that. But the more and more I learned about politics the more I was like, it just wasn't for me.

Alexis Robertsonn:  
Okay, allow me to recap. You went to Emory knowing that law was what you wanted to focus on.

Phil Phillips:  
Right.

Alexis Robertsonn:  
You go to Syracuse for law school, also go ahead and get your master's in, I think you said, public administration.

Phil Phillips:  
Public administration, yes.

Alexis Robertsonn:  
And then out of law school what was the first role out of law school?

Phil Phillips:  
The first role out of law school was a prosecutor. I was an assistant prosecutor in Saginaw for approximately two years.

Alexis Robertsonn:  
Okay.

Phil Phillips:  
And that was kind of almost piggybacking off what I did before law school because before law school, between undergraduate at Emory and Syracuse Law school I took off four years because I just was not ready to go directly to-

Alexis Robertsonn:

Got it. Thank you for clarifying that.

Phil Phillips:

... to law school.

Alexis Robertsonn:

Tell me, and what did you do in those four years?

Phil Phillips:

So after I finished from Emory, I majored in psychology, I actually went back to Saginaw and my first job, real job other than dropping fries or something like that, was I actually worked as a counselor at an inpatient psychiatric unit. And being a guy they often put me in the ICU, so I was actually a mental health counselor-

Alexis Robertsonn:

Wow.

Phil Phillips:

... for several months before I became a juvenile probation officer. And when I became a juvenile probation officer I also kept the job on the weekends as a counselor at a mental health inpatient facility in Saginaw as well. So I was doing both.

Alexis Robertsonn:

That is a lot. And-

Phil Phillips:

Right.

Alexis Robertsonn:

I always say this, because when we record these podcasts we can see each other and of course, there's not video for the listeners, but my face, because I knew a little bit, I think I maybe knew the prosecutor part. I think I maybe knew the correctional officer side. I did not know the mental health counselor.

Phil Phillips:

Yes. Yes.

Alexis Robertsonn:

And so I'm just learning more and more about Phil. You were working a lot though if you're doing the, did you say juvenile corrections officer and also the mental health?

Phil Phillips:

Yeah, I was a... I started off full-time as a mental health counselor in the psych unit and then I got the job as a juvenile probation officer, and that was a full-time job. So, but I kept doing the mental health counselor, but just on the weekends. I basically was kind of on-call on Saturdays and Sundays to actually go back to the hospital and work on the psych unit, so.

Alexis Robertsonn:

Now we will move forward to learn more about your path to Foley, but can you just tell me a little bit about what that was like because I think that experience is one that most people don't have.

Phil Phillips:

Right.

Alexis Robertsonn:

And I can only sort of imagine the sort of things and issues you were exposed to. So if you could say a few words about that.

Phil Phillips:

Sure, sure. First, just tying it into me going to law school, even though I took off the four years I knew I wanted to go to law school. But working as a juvenile probation officer you're constantly working with lawyers, with the judges. It was remarkable how much the judge I worked for as well as some of the lawyers who were handling juvenile cases heard that I wanted to go to law school or heard me say it and just motivated me to no end. They was like, "You got to do it." And then one thing that kind of really tipped the balance for me, well actually two things. One was, one of the juvenile probation officers said, "Yeah, I remember 20 years ago I wanted to go to law school." And I was like, I don't want to be telling that same story to another probation officer 20 years from now. So I was like, I got to go. I was single, no kids, I mean, I can survive on beans and bread.

Alexis Robertsonn:

Well, and we have the peanut butter and jelly established, so you've got that.

Phil Phillips:

Exactly. Hey, I'll just survive on peanut butter and jelly. It was just me, no responsibilities. I was like, if I don't do it now I probably won't do it, so I had to get out of there. So there was definitely that motivation from people I was working around as well as, sometimes you just have to step out there, right?

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
Because one thing I learned from even talking to friends who have gone back to school or want to go back to school is, there's never a perfect time to do it.

Alexis Robertsonn:  
That's right.

Phil Phillips:  
If you say that, "Well, I got to wait until I pay these bills. I got to wait until this goes right. I got to wait until my kids reach a certain..." There's never a perfect time. You just have to jump in and do it.

Alexis Robertsonn:  
So that's what you did after four years-

Phil Phillips:  
Exactly.

Alexis Robertsonn:  
... jumped into law school.

Phil Phillips:  
I jumped in. I left my apartment. I got a U-Haul and drove to Syracuse, New York.

Alexis Robertsonn:  
I know this was a while ago, but how is that? Syracuse, it's not going to New York City, it's going to Syracuse and you'd been in Michigan the entire time-

Phil Phillips:  
Right.

Alexis Robertsonn:

... before that. Well, no, you've been to Atlanta too though, sorry, apologies, for Emory.

Phil Phillips:

Yeah, well I tell people that Syracuse is not New York.

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

Matter of fact, Syracuse is four hours from New York City. It's like the distance between Detroit and Chicago. It is not New York City. It's Upstate New York, and I thought I saw a lot of snow when I was in Michigan, yeah, you haven't seen anything until you see the snowbelt of Upstate New York. My first winter there, in three days we got 31 inches of snow.

Alexis Robertsonn:

Wow, I did not expect you to say that.

Phil Phillips:

Yeah, which is not that shocking for Syracuse. The Syracuse, Rochester, Buffalo area, all those places, it's only a few hours apart, it's pretty amazing how much snow they get up there, so. So it was definitely an experience going. It was an experience too because... But I was so laser focused it was unbelievable, because I left my job, left my apartment, left job security and everything to kind of pursue this dream, so I was just so focused it was unbelievable.

Alexis Robertsonn:

That makes a lot of sense. And as you said, at that point though a political path was already on your mind, it sounds like-

Phil Phillips:

Right.

Alexis Robertsonn:

... by the time you hit law school. So, law school to, I think you said prosecutor.

Phil Phillips:

Yes.

Alexis Robertsonn:

Assistant prosecutor for a couple years. And then what happened?

Phil Phillips:

Then I left the prosecutor's office and joined a big firm in Detroit, Miller Canfield, where I knew some of the lawyers there. And what motivated me or drew me there is that at the time the practice group leader was a guy named, Len Givens, who was African American who was just phenomenal, just a great mentor. And I kind of kept in touch with him and every now and then I'd raise my hand and say, "Hey, I'm here in Saginaw waiting on you to get me out of this city." And one day he called and said, "We actually have a spot," right. Because they had a spot for me before, but based on someone moving over to the firm and I would support them, and then that fell through. So we kind of kept in touch and brought me aboard and I was at Miller Canfield practicing labor and employment law, all employer side like I do now, and was there for three years to the day. And I actually worked with one of our other Foley partners, Daljit Doogal, who was also at Miller Canfield.

Alexis Robertsonn:

Oh.

Phil Phillips:

And we actually left Miller Canfield the same day and started at Foley the same day, but didn't know the other was coming until we were here in Detroit, and that was about four months after Foley opened the Detroit office.

Alexis Robertsonn:

You didn't know you'd see each other, you're like, hey, we could have coordinated.

Phil Phillips:

Exactly.

Alexis Robertsonn:

How does labor employment... Why labor employment?

Phil Phillips:

Well, a couple reasons. One is, and it gets into the... One of my motivations for going to law school is, I always wanted to understand the law and I also wanted to know my rights. I mean, that was just important to me to just be able to understand the law and not have anyone pull

anything over on me. And I also liked the thought of being advocates for others, because sometimes when friends have issues, sometime all it takes is a call from a lawyer, no one wants to deal with lawyers.

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
So, but labor and employment was frankly the only area of law that actually I thought would be interesting. You're dealing with people. After being a prosecutor it seems like everything's boring, right?

Alexis Robertsonn:  
That's really funny.

Phil Phillips:  
With all due respect to my corporate and other colleagues, this is all I can do. I mean, because you're dealing with people. You're dealing with real issues. You're helping a company try to resolve these issues. And frankly, even though some friends will call me and say, "You know what, I'm looking for a lawyer." I'd say, "Well, I only represent corporations." And then they'll make a couple cracks about that. But what we try to do is, we don't just defend the companies, right, we try to ensure that companies do the right thing-

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
... by their employees, right. So we basically try to help them, guide them and advise them to make sure they're compliant with the law, not just in a defense mode in defending, let's say, behavior or conduct that wouldn't otherwise be acceptable.

Alexis Robertsonn:  
Absolutely. Well, and I try hard not to make these podcasts too much about me, but just to make this a little bit about me.

Phil Phillips:  
Right. Sure, sure.



Alexis Robertsonn:

What you just said really resonated with me, because when I was practicing initially I was attracted to litigation because I just didn't understand corporate work. I was like, "Nah, I don't understand." And I thought, even in law school, that labor and employment was what I really wanted to do. Of course I spent-

Phil Phillips:

Mm-hmm (affirmative).

Alexis Robertsonn:

... a good six years being very general commercial with a touch of labor and employment, but I had a similar view which was, it's about people. At least I know what's going on. And then ultimately-

Phil Phillips:

Right.

Alexis Robertsonn:

... for given the work that I now do, it's sort of no surprise because I continue now to just be about the people minus the actual law side of things. But I really appreciated your description because I shared that. And I also think in this podcast I have to try very hard to have an equal representation of litigators and-

Phil Phillips:

Right, right.

Alexis Robertsonn:

... corporate folks or people will start to see my bias a little bit, because I'm a little litigator heavy.

Phil Phillips:

Right, right.

Alexis Robertsonn:

I'm a little employment heavy.

Phil Phillips:

Right.

Alexis Robertsonn:

But, no, that makes a lot of sense. So you started as a prosecutor and then when you joined Miller Canfield though, were you automatically slotted to join L and E or did you have to do some work to get into that group?

Phil Phillips:

No, I was hired specifically in the labor and employment department.

Alexis Robertsonn:

Okay.

Phil Phillips:

And it was a... Because it was such interesting work it was an easy transition and I knew... It was also kind of a humbling transition because... And we have some colleagues here who being former prosecutors and then join as associates, I say it's humbling because you go from trying cases... I tried every kind of case you can think of with the exception of murder, but I was just about to handle a murder case. To going to a firm where you're a very young associate where you have to humble yourself because you don't know the subject matter. You know the courtroom, you know the judges, you know how to talk to a jury and things like that, but you really have to develop the expertise in the area. So it was a little, as far as the litigation experience and how you were running cases on your own, you had to be willing to take a step back, learn your trade.

Phil Phillips:

But right away it was interesting because they knew I had been a prosecutor. They were very comfortable sending me to court right away, unlike other associates who had only been out a couple years because they know I... Living in a courtroom... Because as a prosecutor you're probably spending about 75% of your time in a courtroom.

Alexis Robertsonn:

Absolutely. Well, I'm going to fast forward a bit because I'd like to hear about your current practice, so I want to go into a bit about that. But then also because you have been at Foley, I think, over 20 years now-

Phil Phillips:

Almost 20 years.

Alexis Robertsonn:

Yeah, 20 years. To get some of your reflections on legal practice. I'd be remiss to not talk a bit about being a Black man in big law because there's so few Black equity partners. But first, can we talk about your practice today, the ins and outs, what type of matters do you typically handle?

Phil Phillips:

Right. Yeah, as I mentioned, I do strictly labor and employment. I would say my practice is divided up between counseling and advising clients on day-to-day issues, that's probably 60% of my practice. And 40% is just litigation. It's all types of litigation. It could be FMLA, ADA claims. It could be discrimination claims, disability claims, you name it. The whole host of labor and employment matters. But then, separate from the litigation is just... I also do some union negotiations, some labor arbitrations, but most of my time is spent day-to-day just advising clients on different labor and employment issues. This morning I probably spent half the morning advising a client on how to handle some Family Medical Leave Act issues for an employee who they believe may be abusing FMLA, so we're kind of investigating that and determining which absences we believe are legitimate versus not, whether the employee can be properly disciplined. So just basically helping companies kind of stay out of trouble. In other words, they call you to sort through these issues.

Phil Phillips:

And one thing that I have seen change, at least in my over 20 years of doing this, is that companies are much more willing to be proactive and reach out for advice earlier than later. In other words, seek your council before they get sued or before they make the wrong decision even if they're not sued. So that's why a lot of my time is spent with training, counseling, just advising on day-to-day employment issues.

Alexis Robertson:

I think that's a really unique part of a labor and employment practice. I do think you can get it in other practices, particularly in corporate. But, I know when I was still a law student and even when I was practicing, but before I became a labor and employment attorney, I would hear the word counseling, and I understood conceptually that it meant a client was calling to ask for assistance, but it wasn't until I was really in the practice that I appreciated the full scope of what that can mean. And I, as I've mentioned, I think some law students are starting to listen. So I think that's really helpful what you just described. But that being their first call when something's come up.

Phil Phillips:

Yeah. And that's what kind of motivates me, daily frankly, is the fact that clients call you as their, you hear term trusted advisor, but it's real. They call you with real issues, because we're talking about a person's livelihood, right? Before you terminate an employee you should get it right, right?

Alexis Robertsonn:  
Absolutely.

Phil Phillips:  
Before you lay someone off or you're doing a reduction in force, you should get it right. I mean, I'm honored by the fact that there are clients who trust you to be their problem solver or to help them through these particular issues, because these are really important decisions that are affecting lives. Unfortunately, and let's say, even in this day and age companies have to make these hard decisions. But the fact that they'll reach out to you to help with with them just means a lot and it really kind of motivates me to make sure we do the best job possible for them.

Alexis Robertsonn:  
Well, and especially right now, you said in this day and age but I know the employment group has been very busy because there's so many-

Phil Phillips:  
Exactly.

Alexis Robertsonn:  
... employment law ramifications of what's going on with the pandemic and the racial justice movement as well. I've actually had more touch points with the group because of that intersection, that overlap between labor and employment, and diversity and inclusion.

Phil Phillips:  
Yes, yes. And the whole racial justice movement has actually caused me to interact with colleagues in Foley who I have not interact with before, on the positive side. The number of allies who have stepped up to support the movement has been frankly surprising, but very rewarding as well. And it also, I think, in my opinion... I was talking to one of our African American colleagues the other day. It has actually brought our Black Attorney Affinity Group closer together.

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:

Yeah, I mean, we have collaborated, we've talked, we video conference much more within the last few months than we have in the last few years, frankly.

Alexis Robertsonn:

And I should mention that you are the Chair of the firm's Black Attorney Affinity Group.

Phil Phillips:

Yes.

Alexis Robertsonn:

So, you've actually been kind of leading the charge and organizing that, and creating that additional cohesiveness in this time. But before we even talk a little bit more about that... And it's funny, I've been reflecting on this because of course the purpose of this podcast is truly to learn about everybody's individual path to law school, to Foley, about their practice. But when I talk to individuals who are diverse, often there's a reason to talk about how being diverse-

Phil Phillips:

Right.

Alexis Robertsonn:

... how being a woman, how being gay, how being Black has affect that path. And I haven't had that many podcasts. Had the opportunity to say, "Well, how did Whiteness affect your experience of..." Right, because it doesn't come up.

Phil Phillips:

Right.

Alexis Robertsonn:

Although I'm deciding whether or not that's something I should ask because that's an interesting discussion point. But with you, Phil, we know the stats with Black partners in large law firms. I don't know if you have any thoughts or reflections on your path and how it was easier or harder being a Black man in big law.

Phil Phillips:

Yeah, well, it was very hard. And I've shared this story too. There was a time when I was a senior associate where I had one foot out the Foley door, so to speak. And because I had just...

And not necessarily because it was a racial issue, but just because of the dynamics at the time as to the folks who are working for. I just didn't feel the support. I just didn't feel the mentoring. So, as I said, I had one foot out the Foley door and there was one partner who actually helped me pull that leg back in. His name is, Tom Pence. He's a retired partner now, but he was in the Milwaukee office. So I give him credit because what he did for me...

Phil Phillips:

I mean, here is this conservative, Indiana University graduate, Milwaukee partner, White male who gave me a lot of responsibility for two of his major clients who had major operations here in the Detroit market. And both were automotive suppliers. And just the opportunities, and I probably was a fifth, sixth year associate at the time. And he basically just handed me these cases, introduced me to these relationships, and just trusted me. Because often time we talked about mentors versus advisors versus champions. He was a champion and I call a champion is someone who can actually support you but also put work on your plate. I can mentor you and encourage you, and help you, but that only goes so far. The key is, I think, is finding at least champion, but frankly more, as many as you can get who's actually going to take some ownership in your development. Who's actually going to make a concerted effort, not by happenstance, to actually introduce you to those client relationships, give you those level responsibilities and give you opportunity. To me that's all it's about, being given the equal opportunity to show that you can handle this.

Phil Phillips:

And I was just fortunate enough to have someone like that who, you know? But at the same time, of course, I had to do right by him. He's trusting some very, very Solaris clients to me and relationships and I'm handling some major matters here in Detroit including his class actions, so I had to step up to the plate, of course, which wasn't an issue. Like I said, just give me the opportunity. So I think one of the problems is a lot of folks have not or feel they have not given those similar opportunities, and that is key. That is key because we're corporation, right?

Alexis Robertson:

Mm-hmm (affirmative).

Phil Phillips:

This is corporate America and we're a for profit corporation, right. So it's really about the relationship with the client, so I think it's key, particularly for our young Black lawyers or even folks who are partners now is, you have to have those champions and there has to be client relationships that you have made yourself indispensable to where the client asks for you. They stopped calling and asking for their partner-

Alexis Robertsonn:  
Mm-hmm (affirmative).

Phil Phillips:  
... say, "Hey, can Phil handle this case?" Or they just call you directly and send it to you directly. And of course you keep relationship partner up to speed and make them aware of what's going on. But you need to be given that opportunity, right. So if you're not given that opportunity it's going to be very difficult. Like I said, I had one foot out the door and he helped me pull it back in.

Alexis Robertsonn:  
Had to help you pull it back in.

Phil Phillips:  
He really did, so.

Alexis Robertsonn:  
Of course what you described is always top of mind for me given Director of Diversity and Inclusion, but it's even more top of mind given where we are right now I will frequently have people reach out to me, whether they be at Foley or even outside of the firm, and a White partner or a White lawyer saying, "Alexis, I am really impacted by what's happening regarding racial justice, various shootings. I have listened to the discussions that I now Black people, I know the Black people at my firm are not okay. Should I be reaching out? Should I be offering condolences? What can I be doing?" And what I find I do is direct them to do the things you just said.

Phil Phillips:  
Right.

Alexis Robertsonn:  
That I know there is this initial stuff that's like, oh, well, let me call the Black associate and say, hey, I'm so sorry this happened today. But I'm like, your intention is good by wanting to show that you know that this is bad and shouldn't be happening, but what's even more useful is to channel that energy longer-term to the mentorship, to the sponsorship. And not just once, not that I'm for now, because it's the pandemic, I'm doing one Zoom call. But know that you're going to check in on them in three months, in six months-

Phil Phillips:

Right.

Alexis Robertsonn:

... and build a relationship of trust.

Phil Phillips:

Exactly. Yeah, right, because the reaching out, the showing support is important. It makes a difference, right, because half this is a mental struggle that as a Black lawyer you can't think about it every single day, otherwise it's overwhelming, right. And you have to practice, you have to function. But you're right, you have to be a consistent prolonged champion and mentor. And the example I always use is, sometimes people sympathize with the cause, with the movement, but that only goes so far, right. You really have to take the next step and reach out and invite someone to lunch or well, with COVID you have to make sure you're six feet apart, I guess. But you can have lunch outside. I had lunch last Friday with a client and we were outside at a restaurant and socially distanced, and hadn't seen her in seven months, so.

Alexis Robertsonn:

Well, right, that lunch or that Zoom meeting. And this is sort of, I don't know, Alexis Robertson's theory, but I do think what you may find with people of color in large law firms is it may take you longer build that organizational trust with them. And so, sometimes when you have that mentorship dynamic, that junior lawyer senior lawyer dynamic I think the more senior lawyer thinks, hey, I've extended my hand, Alexis knows she can call me if she needs something. But until that person really trusts and believes that you're genuinely interested in their career, it can actually feel a bit like a job interview to them.

Phil Phillips:

Right.

Alexis Robertsonn:

Right, that you call me, I tell you how great things are. And so for me to truly open up and say, hey, actually I'm a little concerned that I'm not getting traction here, what would be your advice on getting more of X sort of work or working with this partner? That may take more than that first coffee meeting. And I think that's true with all humans, not just when you're trying to reach out to diverse associates, but it is something to keep in mind. Like you said, that longterm willingness to really engage in the relationship.

Phil Phillips:



Yeah, I mean, it takes time to build the relationships. It takes time no matter who you are, no matter what the race or gender you are to build that trust. I used the example of Tom Pence and the trust he put in me. I mean, initially I handled some small matters for him, right. I mean I had to earn that trust, he didn't just come to Detroit one day and throw 10 cases on my desk, right, and start introducing me to his clients. It started with doing work for his client, getting some accolades from his clients with them sending these nice complimentary emails and things like that, and then all of a sudden the flood gates opened, which was great.

Alexis Robertson:

Well, and switching gears a bit, something that we've been able to share in our Black Attorney Group meetings or Black Attorney Affinity Group meetings as well as some of Foley's broader meetings really is the personal experience of Black attorneys at the firm. And for whatever reason maybe not everybody there at Foley or who's listened to this podcast may have heard those before, so Phil, I'm wondering if you'd be willing to share because I think often we look at someone like you, Phil, you've made it. You are an equity partner at Foley and Lardner. Whatever is going on in the world with race relations most certainly does not affect you because you have made it. And I'm curious if you'd be willing to share just a couple of examples of how the fact that you're a partner and a lawyer does not insulate you from being a Black man in America, basically.

Phil Phillips:

Right. And I'm glad you asked that because I'll give some examples. One thing that I've discussed since the movement started with several colleagues is, don't assume because I'm here that I'm an equity partner. I've held different positions in the firm. I'm the managing partner of the Detroit office. Don't assume it was easy getting here and don't assume that I haven't experienced and continue to experience the same things that you see African Americans and Blacks on TV in our communities experiencing, same thing. Like I said, sometimes the things are so overwhelming you just can't think about them every day. I mean, I can give you example from being denied a rental apartment. I can give you example of me and my wife, a realtor refusing to show us a house because they didn't want to sell the house to a Black family. I can give you examples of, let's say, walking into a training session for a client in the hills of Virginia and they looking at me like I was from Mars.

Phil Phillips:

I mean, so, what I say is, "It's not that I have succeeded because there's a lack of racism or discrimination, I've succeeded in spite of these type of challenges." And I was talking to one of my colleagues here in Detroit the other day and we were talking about the movement. And I tried to really kind of make him realize that the George Floyds, that's me, that's my brothers and

sisters. And I told him I said, "When you son..." He lives in a very nice... He's White and he lives in a very nice neighborhood and he has a young son. I have a 13-year-old son. I said, "When your son says, for example, I want to go running around the neighborhood. I'm going to go jogging or whatever. Do you have any concerns?" He was like, "No, not at all."

Phil Phillips:

I said, "Well..." I said, "The other day my son told me and my wife that he wanted to run track. I said, "Great, you want to run cross country track." So, we live in a White neighborhood, when he told me he wanted to go running around the neighborhood, right or wrong, my first response was fear."

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

And that's what I shared with, Michael. I said, " My first response was fear because I know from working in law enforcement for six years myself, four as a probation officer, two as a prosecutor, I know what's going on. And a lot of this stuff just doesn't hit the paper." I said, "But I genuinely had fear because there are certain things I've seen, even in our community, that make me uncomfortable, right." And I said, "Those are the kind of things that you don't have to think about if you're not Black." That and just a Black lawyer. And then when it comes to people who hold certain views of Blacks, it doesn't change because you're a Black lawyer or a Black doctor, right?

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

I mean, I've been followed in my car. I mean, you name it. I mean, it just basically happened from, like I said, trying to rent a house or apartment, or buy a house, or driving down the street, or walking in a store, or walking in a car dealership and no one greets you. But, yeah, I mean, so basically you have to, again, go back. You got to have a champion. You have to have someone who's going to encourage you that in spite of all these things that are going on it's going to be tougher. I would be lying if I said it's not going to be more difficult, but it is. I consider these things as speed bumps, not road blocks. I mean, and you just have to just roll over them, right. It's not going to be easier and it's not going to be fair, but it is what it is. Until things change, which it probably won't change any time soon, you just have to just brace yourself and just continue to move forward.

Phil Phillips:

And I think the sky is the limit, but on the flip side, I think being a Black attorney in a firm like Foley presents opportunities as well that you have to really take advantage of. I mean, it definitely presents opportunities and it presents opportunities to better the firm, to bring a diverse view.

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

It presents opportunities to also assist the firm in bringing in business because there are some general counsel in corporations that if you don't bring a diverse team to the table you're not going to get their work, right?

Alexis Robertsonn:

Yes. We're seeing more and more of that.

Phil Phillips:

Oh, exactly, exactly. Because me and one of my partners here, John Gills, joke about is that even in a pandemic a lot of the work that's helping keep us busy come in from diverse and female general counsel.

Alexis Robertsonn:

Mm-hmm (affirmative). Well that's really powerful, everything you just said, especially these are speed bumps not road blocks. That's powerful. That's a quote right there in a Phil Phillips meme and have that quoted.

Phil Phillips:

Right. Right, right.

Alexis Robertsonn:

But something that also strikes me is that things can be both.

Phil Phillips:

Right.

Alexis Robertsonn:

So things can be both incredibly hard, frustrating, like we're talking about. Yeah, Black folks and a lot of people, but let's talk about Black folks. They're having a hard time right now. But at the same time, and even though organizations need to do a lot of work, you can still really enjoy your organization. There can be a lot of really great things about it. One of the things that attracted me to Foley was I felt like the foundation, the bedrock of the firm was where it needed to be in order to continue building upon it.

Phil Phillips:

No question. No question.

Alexis Robertsonn:

And the fact that once again, there's no firm who's like an Am Law 50 that can really brag about the number of Black partners it has. But my experience way back in 2006 as a summer was when Foley did have a number of Black partners. Once again, should still be. We want more now than we had then, but indicated to me that was before we were all talking it as much.

Phil Phillips:

Right. And speaking of Foley, in particular, right, for any law students who may be listening. Particularly any Black law students who may be listening. If Foley didn't have the type of foundation that you referred to and the culture, and the commitment I see from our leadership, J. Rothman and the management committee, there's no way I would have hung around for, January second will be 20 years that I've been here. I never thought I would be anywhere for 20 years, so if it didn't have that foundation. If I did not feel supported and valued I would have left a long time ago. Like I said, there was a period of time for different reasons I had one leg out the door, but separate from that, that was over 10 years ago. That was over 10 years ago. But if the firm did not have that commitment, yeah, I mean I frankly have, as you can probably imagine, particularly before COVID hit, a lot of firms are trying to diversify their partner ranks and their-

Alexis Robertsonn:

Mm-hmm (affirmative).

Phil Phillips:

So it is frequent that we get calls from headhunters, frequently.

Alexis Robertsonn:

I have no doubt.

Phil Phillips:

I don't even respond, right, because I look at it this way, why, why? Why would I leave Foley? There's absolutely no reason why I would leave Foley because of the foundation that we're actually talking about, so.

Alexis Robertsonn:

That's also really powerful. I appreciate you for sharing that. So as we're wrapping up here I'm going to jump to your advice to law students or someone looking at potentially navigating a legal career. But before I do, is there anything else that you'd want to add before we go to sort of your words of advice?

Phil Phillips:

No, only that my career has definitely been challenging, but the rewards have more than outweighed that. It has given me... Both the firm and my practice and our clients has given me opportunities that I never imagined before. It has allowed me to provide a life for my kids that I didn't even dream about when I... Like I said, I didn't know a certain world or life existed. I have kids, they're in very good schools and they're doing very well. And maybe I'm a little harder on them than is should, because they have no excuses not to succeed.

Alexis Robertsonn:

When things are looking too easy for them you like, no, no, you need to know the real thing.

Phil Phillips:

Right, right. Yeah, and I joke with them sometime when they say, "I'm hungry." I was like, "Oh, you don't know hunger. I can tell you about hunger." They just roll their eyes and walk in another room.

Alexis Robertsonn:

I want you to email me when you just remove all the food from the house and there's only peanut butter and jelly-

Phil Phillips:

Exactly.

Alexis Robertsonn:

... or maybe just peanut butter.

Phil Phillips:

Exactly, exactly. Right, they'll probably go on Amazon and order some food or something.

Alexis Robertsonn:

That's right. That's right, they'll just order it online.

Phil Phillips:

Grubhub or something.

Alexis Robertsonn:

Okay, but that's so... Yeah, your parting advice to that... I often situate it as that law student who's listening and is just wondering, how do I navigate a legal career, what's your advice for me, Phil. Or anybody else who you'd like to speak to. But this is your moment.

Phil Phillips:

Yeah. I would say, and particularly just going back to starting off your career, right? Particularly if you're a law student is, find something that you love because if you love your job or what you're doing, whatever, whether you're a corporate lawyer or a litigator, or IP lawyer, find an area of practice that you love and really motivates you. First of all, that makes life a lot easier. It makes you want to get up every day and serve your clients. But it's also important that... Some people decide to bill a ton of hours or work for a firm that basically consumes your life and that's not Foley, frankly. Find the right balance, right, because one thing that I've... Obviously we work a lot of hours and it can be very demanding. And my wife also works a lot of hours, she's a physician, she works a lot of hours. But it's important to find the right balance, right, because I just don't see the value in having a successful career if you don't have time for family. I just don't see the value.

Phil Phillips:

I mean, for example, I'm raised in a big family, us getting together during the holidays is remarkable. It's not like it was back in the day where we're fighting for the food on the table. But find the right balance between your work and your personal life, because if all you do is work I think there's a lot you're going to be giving away. So find the right balance. Find a firm and a practice that really drives you and just work hard. Its hard work but it's definitely, definitely rewarding.

Alexis Robertsonn:

Well, and I think it's safe to say that the more you like your practice that you're passionate for it, and that you like your firm the easier it will be to find that balance. So I think that's fantastic advice.

Phil Phillips:  
Exactly.

Alexis Robertsonn:  
And then, Phil, if people have questions for you can they feel free to find your info on Foley's website and reach out?

Phil Phillips:  
Absolutely. Absolutely.

Alexis Robertsonn:  
All right. And with that I just have to say, thank you so much for joining me today, Phil. It's been great to have you on the podcast.

Phil Phillips:  
Thank you. Thanks for having me.

Alexis Robertsonn:  
Thank you for listening to, The Path and The Practice. I hope you enjoyed the conversation and join us again next time. And if you did enjoy it please share it, subscribe and leave us a review because your feedback on the podcast is important to us. Also, please note that this podcast may be considered attorney advertising and is made available by Foley and Lardner LLP for informational purposes only. This podcast does not create attorney client relationship. Any opinions expressed herein do not necessarily reflect the views of Foley and Lardner LLP, it's partners or it's clients. Additionally, this podcast is not meant to convey the firm's legal position on behalf of any client or is it intended to convey specific legal advice.