

# Model Minority & Associates

(With Professor Peter Huang)

Section 1: A Historical Look at Legal Discrimination against Asians American law has a history of explicit bias against Asians. The influx of Chinese immigrants in the 1860s gave way to early stereotypes of Asians in the workforce that evolved into biases that continue to constrain the professional mobility of Asian Americans, particularly in the legal profession. Despite being the most significant minority group amongst high-ranking law firms, they are severely underrepresented in positions of power and leadership in the profession.

- Chinese Exclusion Act (1882). The first and only major law explicitly restricting immigration based on nationality. The legislation, which prohibited the immigration of “both skilled and unskilled” Chinese laborers, was repealed in 1943.
- *Korematsu v. United States* (1944). The court held that the internment of Japanese American citizens during wartime was constitutional. The landmark decision highlights the legal system’s role in explicit bias by declaring that removing the constitutional rights of a single racial group was of “pressing public necessity” in light of World War II.

## Section 2: The Model Minority Myth

Definition and Origins. The Model Minority Myth refers to the stereotyping of Asian Americans as studious, hardworking and obedient. The term was coined by sociologist William Petersen in a 1966 article for *The New York Times Magazine*. The myth pitted Asian Americans against other racial groups, such as Black Americans, by comparing the productivity and success of the two groups.

Impact on the Legal Profession. The Model Minority Myth sets an expectation for Asian Americans in the legal profession to be submissive and industrious. This in turn causes them to be often overlooked for roles of leadership or management,

### Scholarship on the Topic

- William Petersen, “Successful Story: Japanese American Style” (1966)
- Peter H Huang, “Realizing Diversity, Sustainability, and Stakeholder Capitalism”, 9(1) *Emory Corporate Governance and Accountability Review* 28-55 (2022)

- Peter H Huang, “Anti-Asian Racism, Anti-Asian American Racism, COVID-19, Humor, and DEI”, 16(3) Florida International University Law Review 669-743 (2022)
- Peter H Huang, “Resistance is Not Futile: Challenging AAPI Hate”, 28(2) William & Mary Journal of Race, Gender, and Social Justice 261-327 (2022)
- Peter H Huang, “Put Even More Women and Minorities in Charge”, 17(2) South Carolina Journal of International Law and Business 46-69 (2021)
- Peter H Huang, “Put More Women in Charge and Other Leadership Lessons from COVID-19”, 15(2) Florida International University Law Review 353-421 (2021)
- Geoffrey L. Cohen, Noah Micheal Levine, et al. “Belonging: The science of Creating Connection and Bridging Divides” (2022)
- Lani Guinier, Gerald Torres, “The Miner’s Canary: Enlisting Race, resisting Power, Transforming Democracy” (2003)

### Section 3: The Perpetual Foreigner Syndrome

- Definition and Explanation. The Perpetual Foreigner Syndrome is a stereotype that portrays Asian Americans and Pacific Islanders as outsiders and foreigners irrespective of their nationality, citizenship or how long they have resided in the United States.
- How can it be Alienating? This stereotype, which depicts members of minority groups such as Asian Americans as not “true Americans”, creates a sense of perpetual exclusion amongst members of these groups from other Americans and challenges their own understanding of their identity.
- Impact on Professional Relationships and Advancement. The Perpetual Foreigner Syndrome establishes a feeling of not belonging amongst members of minority groups that is negatively correlated with professional performance. In other words, the stereotype of minorities as outsiders inhibits the growth and development of these minorities in their given careers.

### Section 4: Strategies for Re Examining Bias in the Law

- Education and Awareness. We can begin reexamining our beliefs and biases within the legal profession at an individual level. Practicing open-mindedness in conversation as well as in the people we choose to surround ourselves with in the workplace can highlight the value of differing

strengths, methodologies and viewpoints. Prof. Huang also recommends a sense of humor.

- **Engagement for Inclusion.** Humor and positive organizational cultures and social norms can serve as a strategy to disrupt racism. Additionally, finding common ground in other socio-political phenomenon such as climate change, that promote unity and bridge the separation amongst racial groups can help foster inclusivity.
- **Diversity as Strength.** Self-interest can be a motivator for structural change within law firms as Professor Huang discusses how having strong diversity can benefit the firm financially as well.
- **Teach Leadership.** Another organizational change that can be implemented is to shift from the traditional educational practice in law schools to begin to incorporate leadership training (similar to business schools). If Asian Americans are overlooked for leadership positions in the legal profession because they seemingly lack in certain “leadership” skills, then law schools and law firms should consider offering formal leadership training.