

How I Made Partner: 'My Ability to Take Initiative and the Quality of My Work,' Says Vivian Cheng of Fish & Richardson

Take initiative and find a way to make yourself indispensable to your team.

By Tasha Norman

Vivian Cheng, 33, Fish & Richardson, New York.

Practice area: Trademark and copyright.

Law school and year of graduation: Emory University School of Law, 2014.

How long have you been at the firm? 6.5 years.

How long were you an associate at the firm? 6 years. I made partner in 2022.

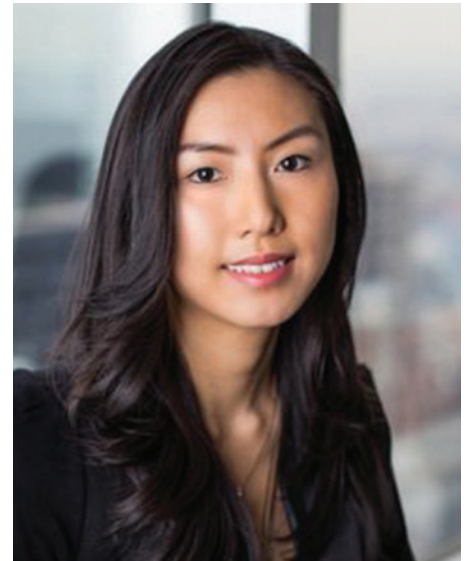
Were you an associate at another firm before joining your present firm? Before joining Fish as a trademark and copyright associate, I was an associate at Kenyon & Kenyon in New York, where I worked on patent litigation for about a year and a half.

What criteria did you use when deciding to join your current firm? When I was looking to move firms, I had also just expanded my practice to trademark and copyright law. I knew I wanted to be at a firm that was busy and strong in this area and committed to training their associates. I was attracted to Fish for its collaborative culture and the ability to learn from experts in all areas of trademark and copyright law, including litigation, prosecution and counseling.

What's the biggest surprise you experienced in becoming partner? I was a little surprised at how seemingly uneventful the transition was in terms of my day-to-day work and responsibilities.

As an associate, there is a bit of mystery about what it means to be a partner and what it takes to reach that significant goal. However, it makes sense that the change in role doesn't happen overnight, as new partners are elevated because they have developed the skills needed to succeed, and our firm's culture isn't one that expects you to bring in business on day one. That's not to say that I haven't felt some shift. While not much of a surprise, one of the differences I noticed is the higher expectations that others, including colleagues, clients and prospective clients, will place on you.

What do you think was the deciding point for the firm in making you partner? I'm a self-starter and think my ability to take initiative stood out in addition to the quality of my work. Given how busy my team often was, it was important to make sure that no balls were dropped. I worked not only to keep our team on track but also anticipate what we might need to look into or do next. I've also gone above and beyond to help our clients in the past and think the positive feedback they passed onto the partners on my matters went a long way. I think the firm also recognized my nonbillable contributions, such as informal training of junior associates and participating in recruiting and diversity, equity and inclusion efforts like our Asian Affinity Group's mentorship program.



Vivian Cheng
Courtesy Photo

What's the key to successful business development in your opinion and how do you grow professionally while everyone is navigating a hybrid work system (remote/in-person)? Figuring out the best use of your time and sticking with what works for you. Business development is something I will continue to work on throughout my career, and I know my time will only become scarcer as I take on more responsibilities as a partner. Especially with the new challenges that the pandemic brought on, I found it important to carve out blocks of time to focus on business and professional development activities. I also think it is important to network within your own firm or organization and find opportunities to cross-sell between practice groups.

Who had the greatest influence in your career that helped propel you to partner? Two principals I've worked closely with at Fish come to mind. Nearly every case I've worked on at Fish has been with Kristen McCallion, principal and chair of the Copyright Group. From my first day, she immediately integrated me into the group and gave me the opportunities I needed to develop as a trademark and copyright attorney, as well as a litigator. As a lateral associate, I greatly appreciated how open she was to answering my questions about firm practices and how she trusted me to work directly with clients early on. Like Kristen, Michael Autuoro, managing principal of Fish's New York office, always involved me in case strategy discussions and valued my input even as a junior associate. This gave me a better understanding of the tasks I was given and a greater sense of ownership of my work. Michael also encouraged me to participate in firm activities, such as being a mentor and work coordinator in the summer associate program. I also owe a lot to my parents, who have always encouraged me and supported me but also taught me to be ambitious and self-sufficient.

What advice you could give an associate who wants to make partner? Take initiative and find a way to make yourself indispensable to your team. I think partners and clients especially value associates who not only do excellent work but have a problem-solver mentality and can look at an issue and make suggestions on how to proceed rather than waiting for specific instructions. Since the elevation decision considers much more than good lawyering, I'd encourage associates to invest time contributing to nonbillable firm-building activities.

Regarding career planning and navigating inside a law firm, in your opinion,

what's the most common mistake you see other attorneys making? I think it's easy to be too task-oriented and simply do what you're asked without taking the next step of following up and seeing how your work fits into a case strategy. This can lead to lost opportunities for getting more challenging or involved tasks. Another common mistake is not making an effort to get to know partners outside of your practice group.

What challenges, if any, did you face or had to overcome in your career path and what was the lesson learned? How did it affect or influence your career? About a year into working as a patent litigation associate, I started dabbling in trademark matters and was more excited about working on those one-off trademark matters than the big patent litigation I was staffed on, so I debated whether I should change practice groups. Since I studied biology in college and went to law school with the goal of practicing patent law, I was concerned that switching my focus now would somehow be "wasting" my prior studies (even though I wasn't even using my biology degree). I had made a plan and reached my goal and making a change now just didn't sit right with me. It also crossed my mind that switching groups may be viewed as a sign that I couldn't handle the technical aspects of patent litigation as well as my colleagues who had advanced science degrees. My firm mentor at the time encouraged me to pick the area of law that most interested me and to spend my energy becoming an expert in that area rather than trying to straddle both. I chose to switch to trademark and copyright law because I simply enjoyed the day-to-day work more and the relatability of the subject matter of our cases to everyday life. I quickly realized that it was the right move for me and didn't feel like I missed a beat. Being on smaller

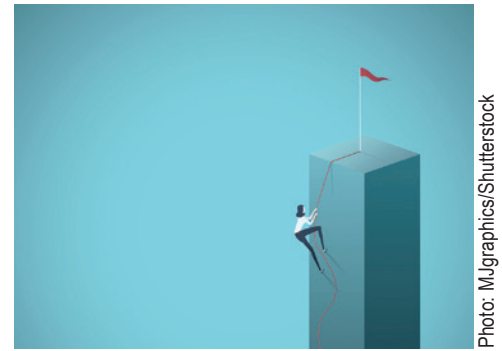


Photo: McGraphics/Shutterstock

trademark and copyright matters gave me the chance to take on bigger responsibilities as a junior associate than others who were staffed on huge patent litigation matters. The lesson I learned was to be flexible and go with my gut rather than doing what I thought was expected of me.

Knowing what you know now about your career path, what advice would you give to your younger self? To ask for help when you need it rather than trying to do everything yourself. I am someone who likes to be busy and I have a hard time saying no when I'm asked to help out with a new matter.

What impact would you like to have on the legal industry as a whole? While firms like Fish are doing a great deal to increase diversity in the law firm pipeline, I know we are still lacking in Asian and female representation at the top levels of the legal industry. I hope I can help keep the momentum going, especially with the retention of diverse talent.

What lessons, if any, did you learn in 2020/2021 (the COVID years)? During 2020/2021, stays, delays and overall uncertainty in my cases were common and I learned to be more flexible with my schedule and not to worry so much about things that are beyond my control.

What three key elements you would like to focus on for 2022. Reconnection, balance and growth.