

Why a Big Law Associate Chooses to Wear Muslim Hijab

By Leigh Jones

Fatema Merchant might not stand out in the crowd of the 1.6 billion Muslims worldwide, but amid the power jackets and pencil skirts worn by women inside Big Law, her wardrobe makes a statement.

The senior associate in Sheppard, Mullin, Richter & Hampton's Washington office is on a mission to dispel misconceptions about Muslim women, and she's doing so, in part, by wearing a traditional headscarf, top and skirt to work each day.

Her choice, she says, pays respect to her family's roots in a Shia Muslim sect in India called Dawoodi Bohra. But it also sends a powerful message about freedom in the United States, she said.

"This is one of the only countries where we can be who we are and still belong to American society," said Merchant, 37, whose practice focuses on government contracts, investigations and international trade.

Merchant's ensemble, called a "rida," is a floor-length skirt and a billowy top and headscarf, which exposes little more than her face.



Fatema Merchant

"My 'work' ridas are mostly blues and greys," she said.

The issue of Muslim apparel in the workplace is delicate, and one that ended up in the U.S. Supreme Court last year in a ruling that found Abercrombie & Fitch's failure to accommodate a job applicant who wore a hijab violated her civil rights.

It's also a focus of lawmakers worldwide. The Pew Research Center reported in April that 39 of nearly 198 countries included in a

study on religious restrictions had policies or regulations at some level of government that limited a woman's ability to wear religious attire in 2012 or 2013. Among those countries were the United Kingdom, Canada, Spain, France, Germany, Italy, Australia and India.

At the same time, 12 of the 198 countries at some government level required women to wear particular religious attire. Those countries included Iran, Iraq and Saudi Arabia.

Russia happened to be on both lists; the United States was on neither.

How many women at Am Law 100 firms wear a hijab is not clear, but Merchant, a mother of three, says she doesn't know any other women in Big Law who choose to.

"Sometimes you realize that no one will have the experience you've had," she said.

But that singular experience spurs her on, Merchant said, to share with others about her background and beliefs, especially now.

"Obviously, we're in a politically charged time," she said. "We have an American presidential candidate running on a platform of explicit bias, and there's a misconception about women who wear hijab. I want to help people be more culturally competent, to create a dialogue."

Born in Irving, Texas, Merchant said her parents emigrated from India with an "assimilation mentality." It was the 1970s, and she recalls photographs of her mother in bellbottoms. At 17, Merchant began wearing traditional Muslim garments as a "source of empowerment," she said.

"When I was a young woman, I struggled with the role of appearance and identity," she said. "When I started wearing hijab, it empowered me to focus on the things that mattered, intelligence, humor, passion. It forced people to accept me for who I am."

She wore a hijab while at American University Washington College of Law and as a summer associate at Fulbright & Jaworski, now Norton Rose Fulbright.

Even though her choice is an expression of strength, Merchant said, it's often not viewed that way.

"When people see a Muslim who covers herself, they assume she's conservative in her thinking, that it's not truly a choice. They wonder if she's timid," Merchant said. "I feel like I have to work harder to overcome those assumptions."

More than anything else, trust is what clients want to perceive from their lawyers, said Sylvie di Giusto, founder of Executive Image Consulting in New York. A lawyer who strays from the usual (and male) law firm uniform of a dark suit, white shirt and red tie needs to convey that message in a different way, she said.

"She has to make sure that the first impression, if not from her clothing, might be from her behavior, her communication, or how she presents herself on the internet—by her digital footprint," di Giusto said.

Luca Salvi, co-managing partner of Sheppard Mullin's Washington office, said Merchant's hijab has been a "nonissue" among clients, although he said much of her work is performed "electronically" so that clients never see her.

"I can honestly say it hasn't been something anyone has raised," Salvi said. He added that Merchant has strong people skills, which enable her to connect quickly with others.

"She's got a very magnetic personality, and she's very easy to talk with," he said.

Increased client interaction can create discomfort for lawyers who wear traditional Muslim clothing, said Zahra Cheema, a 2014 City University of New York School of Law graduate. She's now developing business for her immigration and family law office she recently opened in Brooklyn after having worked as an associate at a firm on Long Island. She wears hijab as an expression of her faith, she said, despite her concern about the preconceptions some may have.

"Being afraid is not a reason to stop doing something you believe in," Cheema said.

Merchant said she welcomes the feedback and questions she receives on the job as an opportunity to talk to people about Muslim culture. Still, it can be a heavy lift at times.

"I do feel the need to be the best version of a Muslim, and I need to be the best American," she said. "But if that's the burden, then I'll take that burden."

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