



# Profile: Vincent Tong

## Workers' rights advocate learned fast how to utilize the plaintiff's law community

By **STEPHEN ELLISON**

For someone who came to the United States at age eight, knowing only one word of English, and for whom law wasn't even on the career radar, employment attorney Vincent Tong has come a long way in a relatively short time.

The sole practitioner out of Oakland may have chosen law as a means for achieving social justice and helping people, but he certainly did not choose a conventional or easy route to success in those endeavors. And he will be the first to admit that success did not come without the support of fellow plaintiffs' lawyers, specifically citing organizations such as the California Employment Lawyers Association.

"I feel fortunate to have met some incredible people who believed in me," said Tong, who went out on his own less than a year after he passed the bar. "A lot of the plaintiff industry is word of mouth. I remember when I first joined CELA, one of the more senior members out of the blue called me and said, 'Hey, we haven't met, but I saw that you are a new lawyer, and I saw that you recently signed up to be a member of CELA. I just want to welcome you to our community. Let me know if there's anything that I can help you with.'

"It was so moving to me because I've never had that happen before," Tong continued. "If you think about it, as a brand-new (solo) lawyer, I did not have the institutional support that came with being at a firm. To have this network of really supportive mentors and friends ... was absolutely critical to my development as a lawyer and my longevity within the plaintiffs' bar."



Tong

Since then, Tong has made it part of his career mission to be involved with such support organizations. He is now on the board for CELA, serves as president of the Alameda County Bar Association and holds smaller but still leading roles with the American Bar Association.

Similar support for how to operate a law firm wasn't quite as accessible for Tong when he started more than a decade ago. It was a skill he developed through the years. Indeed, running a business was an entirely separate task from his practice, and Tong said the first challenge was figuring out there's a difference between the practice of law and the business of the practice of law.

"That's something that a decade ago when I was going through law school that law students are not adequately prepared for," he said. "I think there are programs now, like Golden

Gate (University) or even Santa Clara (University) now has better focus on these types of fields, providing resources to their students if that's the route they want to take. I don't know if you've heard of the Bay Area Legal Incubator. It's a series of legal incubators throughout the state of California; there's one in L.A. and then one down in San Diego. BALI is a program through the Alameda County Bar Association, and the goal of it is to provide an incubator space for lawyers who want to start their own practice."

With a support system such as BALI, which did not exist back when Tong was starting out, lawyers who participate get business coaching, a sponsorship from legal tech companies and access to management services such as billing and bookkeeping.

Another business challenge Tong faced was the contingency fee aspect of the plaintiffs' practice. Young lawyers who want to start a plaintiffs' firm but don't have the bankroll and are strapped with six-figure law school debt have the extra duty of figuring out how to keep the lights on.

"You really have to be mindful of how do you pay the bills," Tong said. "So, I did that by doing a lot of contract work, by expanding my practice. I do business litigation, but I also do a fair amount of business incorporation. That's what helped me, especially early on; the hourly, flat-fee cases, so that I could pay the bills while I'm litigating the employment cases."

Yet another challenge is learning how to be a lawyer, Tong said. There's no instruction manual for sole practitioners, and the support from professional organizations, while extremely helpful, only goes so far. Being "extremely



APRIL 2021

paranoid all the time” was his way of doing his due diligence. He would quadruple check his work and constantly try to figure out what he didn’t know.

Am I doing this right? That’s the question he would ask himself over and over. The support network helped only if the young, green lawyer wasn’t afraid to use it.

“Little by little, you start gaining experience, you start gaining a bit more confidence,” he explained. “And you ask questions; always ask questions and figure out what questions you’re not asking. Oftentimes, if you are a young lawyer out on your own, you need to figure out what you don’t know and ask the right questions to be able to get to where you need to go. That’s especially true for younger lawyers or newer lawyers who want to start their own shop.”

Finally, how do you market, how do you get your name out there? And how do you get the trust of potential clients when the market is super-saturated with plenty of capable lawyers? The sole practitioner’s challenge becomes setting himself apart so potential clients notice.

“You have to have that personality of entrepreneurship in a lot of ways,” Tong said.

### ‘Orange’ and onward

Tong was born in China and moved with his family to Atlanta when he was eight. On the plane trip over to the states, the flight attendants did not speak Chinese, he said, but they were amused with young Tong because he kept repeating the word “orange.” It was the only English word he had learned to that point.

After he graduated from high school, he went to Oberlin College in Ohio for his undergraduate studies, and he froze his butt off for four years before graduating at the top of his class. Three days later, Tong headed for the warm, sunny skies of the Golden State.

Having been raised in a working class, immigrant family in the American

### REDIRECT

- **Getaway Spot:** Beach, preferably in Hawaii
- **Go-To Music or Artist:** Any playlist on Tidal
- **Recommended Reading:** Octavia E. Butler
- **Dream Job:** Independently wealthy
- **Words to Live By:** Do what you love.

South, Tong was keenly aware of the struggles such citizens were experiencing, especially when it came to labor and employment practices. He began working with nonprofits and community organizations that focused on workers’ rights, and he found himself wanting to take his efforts further.

“It’s one of those things where you kind of feel like you want to do something more to be able to continue to grow,” he said. “I started meeting people who were either in the legal profession or about to start in the legal profession, and I just kind of took that as a sign. And in fact, a friend of mine was studying for the LSAT, and she was like, ‘Hey, check out this LSAT question.’ She told me to take a look, and I did, and I picked the right answer. She said, ‘Maybe you should think about going to law school.’ That made me think maybe I should explore that ... and here we are.”

Tong attended law school at Santa Clara University, where he was awarded Best Oral Advocate, the Thurgood Marshall Civil Rights Scholarship and an externship with the Superior Court of San Francisco. During law school, he applied to and was accepted for a summer fellowship program with the San Francisco Trial Lawyers Association, where he was exposed to three “really incredible plaintiffs’ firms” in San Francisco, he said. He couldn’t recall how he found out about the program – whether it was his boss or career counseling or an email blast – but he happened to see it, and it was a light switch.

“I thought to myself, ‘This sounds exactly like what I want to be doing.’ That’s how I was introduced to the plaintiffs’ bar,” he said.

### Finding a niche

Tong was not aiming for a job with “big law” or with a defense firm, but before he ventured into employment law, he discovered consumer law. During the first summer of law school, he worked for Consumer Reports, the same organization that puts out the popular magazine. He enjoyed practicing that area of law, and it remains part of his practice to this day. But plaintiffs’ employment law is his main focus, and that came about when he reached out to what was then the Employment Law Center and is now Legal Aid at Work to volunteer.

“They brought me in, and I was able to use my language skills,” Tong said. “I speak Mandarin Chinese. I was able to utilize my language skills to counsel and do a lot of intake and represent their Mandarin-speaking clients. That’s how I kind of got my foot in the door in the plaintiffs’ employment law world.”

Today, Tong focuses on his first passion: workers’ rights. He represents clients who have suffered workplace discrimination based on age, sex, race, medical condition, national origin, sexual orientation or gender expression; workplace harassment; minimum wage and overtime wage violations; retaliation and wrongful termination; and more.

Tong, like most other plaintiffs’ lawyers prepares every case as if it’s going to trial, even though it’s been a few years since one of his cases made it that far. Organization and rehearsal are key, he said.

“Having had trial experience, you fully understand why you need to do the things that we do in discovery, and to the quality of scale that you need to do it,” he explained. “You need to have everything on record, whether it be through written



APRIL 2021

discovery or through deposition. So, it's just about being organized and having everything that you need teed up and ready to go, and I think that will lead to success.

"And then practice. Practice is a huge part. There's a reason why CELA, for example, has a trial college; to help prepare, to put you into the space of being able to practice, give practice arguments or practice cross examination. All of these things come from practice. It's not just, 'OK, I'm going to trial.' It's everything prior to trial that really sets the tone."

### **Serious fun**

When he's not working, Tong enjoys working out, with and without his two beloved dogs, and he loves spending time and traveling with his wife. "Just the

normal stuff," he said. He and his wife love eating out everywhere they go.

And like many of his contemporaries, even when he's not scheduled to be working, he enjoys working anyway.

"I work a lot, but it doesn't feel like work because I love what I do," he said. "And that's true for the work that I do for clients, that's true for the work that I do for the organizations. I know that sounds kind of cheesy, but it's true."

When it came to offering advice, Tong hesitated ever so slightly with a precursor that he took a more unconventional route to the place where he sits today. But then he pointed to exactly that uncertainty as somewhat of a hall pass on the way to success.

"I would say, if you don't yet have a focus, it's OK to take a little time to try to figure out what you want to do," he

explained. "It's not about the destination, it's the process. It's OK to be open to new experiences because even if it does not directly relate to the destination that you're trying to get to, all the experiences and the things that we come across, they're all building our toolset. I think it's very important to build a strong toolset, in terms of quantity but also certainly in terms of quality.

"And stay patient with yourself because it will get you to where you think you want to go. Set goals for yourself, both long- and short-term goals, and check in. I think that's what I've done, and I've come to realize that I do really enjoy this process."

*Stephen Ellison is a freelance writer based in San Jose. Contact him at [ssjellison@aol.com](mailto:ssjellison@aol.com).*



APRIL 2021