

ATTORNEYS AROUND THE COUNTRY

Roland E. Person

Some years after the fires of revolution had died in the Black ghettos of America and the hopes which had been raised by the "War on Poverty" and the Office of Economic Opportunity were dying, the idea took hold that Blacks would never have equal opportunity in America unless and until they had a strong political and economic base from which to operate. Soon, the terms "Black Power" and "Black Capitalism" were coined. A plethora of governmental agencies sprang into being which were designed to aid small businesses in general and minority businesses in particular. Unfortunately they have not been successful in helping to fulfill the hopes of "Black capitalism" because they, for the most part, have had little power, ambiguously defined goals, and inadequate funding. They were also, more often than not, staffed by persons who were insensitive to the particular needs of their Black clients.

Thus, for the Black businessman and for the Black community, a void existed and still exists between the goal of economic self-determination and the means of obtaining it. Some Black lawyers are attempting to fill this void by lending to the Black businessman their legal expertise and the benefit of the experience they have garnered in their work with white business enterprises. They are aware of the problems facing the aspiring Black businessman and are attempting to find solutions for some of those problems as well as aiding to steer the Black businessman clear of the myriad webs and entanglements presented by overlapping federal and state security, tax and corporate statutes, rules and regulations.

In this section of the *Journal*, a group of Black lawyers from around the country are presented because of their extensive involvement with and expertise in the business and tax law fields. We congratulate them in their effort to aid Black business endeavors with the hope that other Black lawyers and Black law students will soon follow their lead.

Reginald F. Lewis is a practicing attorney on Wall Street. He graduated from Virginia State College and received his J.D. degree from Harvard University Law School in 1968. He was formerly associated with the corporate department of the New York City firm Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison.

In his law practice, Mr. Lewis primarily provides counsel to corporations, including Small Business Investment Corporations (SBICS) and Minority Enterprises Small Business Investment Corporations (MESBICS) in the area of private finance and real estate. He is responsible for various corporate matters for All-Pro Enterprises, Inc. which is located in Pittsburgh, Pa. Mr. Lewis also serves as special counsel for the FNCB Capital Corporation of New York, where he is responsible for financial documentation relating to financing transactions, including stock purchase agreements, loan agreements, note agreements. Mr. Lewis also handles the North Street Capital Corporation, a subsidiary of General Foods Corporation. There he is also responsible for preparing the documentation for various financial transactions.

He is active with the Business Law Section of the American Bar Association, the Committee on Legal Employment Opportunity (CLEO), the National Conference of Black Lawyers, the Harvard Law School Fund Raising Committee and the Association of the Bar of the City of New York.

Putting his skills as a speaker, writer and lecturer to work, he has been a frequent participant in seminars across the country. He has served as a volunteer lecturer at Management Seminars for the New York Interracial Council for Business Opportunity, and has published several articles in *Black Enterprise*, including, "Venture Capital Financing", "The Corporate Acquisition", and "Going Public."



There is a lot to be said for a Black law firm whose fundamental purposes are first, to build and maintain an excellent law practice, the quality and standards of which are unsurpassed, and second, to create a professional environment of mutual respect and assistance in which each lawyer may lead his or her own professional and personal life.

The Black law firm, Lewis, White, Lee, Clay & Graves of Detroit, Michigan has been building towards this goal since its organization in November, 1972. The firm serves as counsel for several minority and black-owned businesses across the country and also serves as legal counsel to organizations which sponsor housing development projects, including; Jefferson Chalmers Non-Profit Housing Corporation, Delray United Action Council, Woodward East, Virginia Park Non-Profit Housing Corporation and St. Patrick's Cooperative Housing Association. These housing development projects are usually financed through the Michigan State Housing Development Authority or the Department of Housing and Urban Development. The firm is also active in the entertainment area as counsel to a Detroit-based organization, Liberation Productions, Inc., which has produced a successful television show and is now in the process of organizing the production

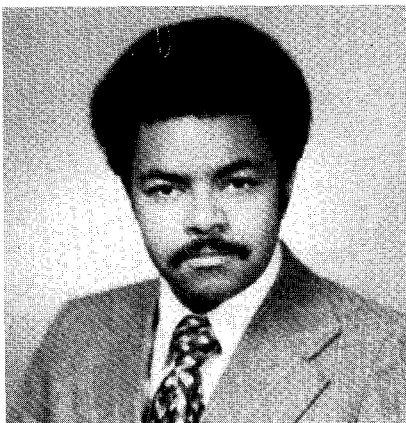
of a motion picture. The City of Detroit has recently involved the firm in the area of municipal finance, an area of the law from which Blacks have heretofore been excluded. The firm has also done work for Manufacturers Bank and Michigan Consolidated Gas Company.

Mr. Lewis, the firm's senior partner received his B.A. degree in 1965 from Oakland University in Rochester, Michigan. He completed his M.B.A. in 1967 at the University of Chicago Graduate School of Business. In 1970, he was awarded the J.D. degree from the University of Michigan. Upon graduation he served as a law clerk to the Honorable Theodore Levin, U.S. District Court, Detroit, Michigan. Mr. Lewis is a member on the boards of trustees of Oakland University, Franklin Wright Settlements, Inc. and the Detroit Science Center, Inc. He is also an Assistant Professor of law at the Detroit College of Law.

Other members of the firm include; Richard T. White, B.A., Morehouse, 1967, J.D. Harvard University 1970; Louis R. Lee, B.A. 1967, University of Michigan, J.D., Michigan, 1970; Eric L. Clay, B.A., University of North Carolina, J.D., Yale University, 1972; Ray R. Graves, B.A. Trinity College 1967, J.D. Yale University, 1972. All have had extensive experience in the area of business law and are involved in community organizations.

Mr. Lewis sees the needs of minority businesses as the same as those of majority enterprises. "They must be interested in profitability and economic viability. They must offer quality goods and services and they must diversify into those areas that they have heretofore been denied entrance."

The primary problem facing Black businesses as Mr. Lewis sees it, is and has been racial discrimination which has resulted in a limitation of market and in acquisition of competent managerial personnel. "Now, however," he says, "educational barriers are breaking down, and many new people are enjoying professional careers as I am now enjoying the arena and crucible of minority business." He recognizes the responsibility of Black business, not only to provide jobs for Blacks but also to serve as a positive image for Black youth.



Norbert A. Simmons is a practicing attorney presently located in New Orleans, Louisiana. Prior to establishing his law practice in New Orleans, he worked in two major New York and Atlanta law firms.

Before receiving his law degree, he was employed with the United States Department of State as a Foreign Service Staff Officer primarily concerned with economic development projects in underdeveloped countries. He was stationed in Paris, France and New Delhi, India.

Since 1971, Mr. Simmons has served as advisor and legal counsel to Gulf South Venture Corporation, a small business investment company recently cited by Undersecretary of Commerce, John K. Tabor, as one of the most successful firms of its kind in the country. He has also assisted in the development of, and is now counsel to, Republic

National Bank of Louisiana, the first minority controlled bank in the State of Louisiana.

This dynamic brother and his law associates have participated in the acquisition and development of numerous Black-owned businesses, including a supermarket chain, a shopping center, a Pontiac dealership, a chemicals packaging company, a publishing corporation, a radio station, and several hotels. Mr. Simmons is also general counsel to a minority owned communications corporation, an international shipping company, and a New Orleans university.

He has also had extensive litigation experience in several non-commercial areas of law, such as his involvement as a member of the Angela Davis defense team and as an associate counsel with the NAACP Legal Defense and Educational Fund, Inc.

Mr. Simmons was educated at Tulane, Oxford, George Washington and Boston Universities. He holds the degrees of Bachelor of Arts, Master of Public Affairs, and Juris Doctor, which was received from Boston University School of Law.

Mr. Simmons describes Black businesses and the sources of their problems as follows: "As an attorney who has engaged in assisting Black businesses, I have found that the major problem is that Black businesses are not run by businessmen. The average Black business is generally a new business that started as an idea or long-felt dream. The business is begun with inadequate capital which causes an unusually heavy cash out-flow and lessens cash resources for further development. As a result of insufficient managerial experiences the business is caught in a downward spiral from the outset. However, much of the cause for business failures can be attributed to a lack of opportunity due to racism."

As consultant to Black businessmen Mr. Simmons attempts to insure three things: 1) that there is adequate capital, resulting from several financial structures, 2) that there is a competent managerial structure and 3) that there is an ongoing analysis of the business so that remedies may be found as soon as possible for problems which arise.

Mr. Simmons adds that Black businesses must be especially sensitive to current market conditions. "After all," he notes, "business is neither Black nor white, but 'business' and a part of the American mainstream."



Ira J. K. Wells, Jr. is a Philadelphia attorney in the general practice of law in partnership with Attorneys J. A. Norris and H. J. Hutton. Mr. Wells specializes in real estate, corporate and securities law. He is a 1965 graduate of Temple University Law School, where he received his J.D. degree, and the University of Pennsylvania Law School, where he received his LL.M. degree.

Mr. Wells represents numerous minority businesses, the most visible of which is the "Zion Family" which was founded by the Reverend Leon H. Sullivan, who

was also the founder of the Opportunity Industrialization Center. These organizations include Zion Investment Associates, Inc. (ZIA), a profit-making company which owns and operates Progress Plaza Shopping Center, the first minority owned and operated shopping center of its size in the United States. ZIA also owns all of the stock of several business subsidiaries, including Progress Aerospace Enterprises, Inc., an aerospace manufacturing company which employs more than 200 persons and Progress Products Company, Inc., a commercial electronics manufacturing company. Mr. Wells is President of Progress Venture Capital Corporation, a minority small business investment company, which provides equity and loan capital to minority entrepreneurs.

Mr. Wells represents other minority businesses, including nursing homes, gasoline stations, group homes for the mentally retarded, and various retail stores. He also handles the legal affairs for the office of a national fraternity, Kappa Alpha Psi.

His most recent award was the OIC Key given for ten years of service to Opportunities Industrialization Centers, Inc.

His extra-curricula activities are numerous. He works with fund raising organizations and counsels young men of junior and high school age in career development. He plays golf, swims, and is an active leader with his church. Two of Mr. Wells' law notes on bankruptcy and admiralty were published in the Temple Law Quarterly in 1964.

Mr. Wells believes that the key word of a successful business enterprise is sacrifice. "This means that the Black businessman must put his business first, before himself, before his neighbors, before his church." Once Blacks have established themselves in a "green" not a "Black" business, their responsibility to the community begins, as Mr. Wells sees it. They serve as a catalyst for other minority people, they can contribute to the campaigns of political candidates as well as providing money for scholarships for minority youths, for neighborhood fairs and for housing. They can form "career development assistance programs," bringing young people into their business periodically, if for no more than a day, to "expose them to the real business world."

Mr. Wells asserts that the ten year period in 1970-1980 is the most crucial to the development of Black people. "The 1960's was the decade for protest and for opening the doors of opportunity. The 1970's is the decade for development and for walking through those doors." The lawyers role is to see to it that progress continues. "We must see to it that we advise our business clients properly on the viability of potential businesses and their growth potential and on the financing plans that are available to them."

To Mr. Wells, "unity" is all important, "with all of us working together in this continuing struggle, there is no reason on God's earth why we cannot succeed."



"A successful practice takes not genius but hard work and time." This is the admonition given to Black businessmen by Julian B. Wilkins, and he is a counselor who has given heed to his own counsel.

Mr. Wilkins is a partner in the Chicago law firm of Jenner and Block, one of the largest and most prestigious law firms in the country. Mr. Wilkins received his B.A. degree from the University of Wisconsin and his LL.B. degree from Harvard University Law School.

With Jenner and Block, Mr. Wilkins is involved with general corporate matters as well as the representation of minority businesses. He is organizer of, and Director and General Counsel for Seaway National Bank of Chicago, which is owned and operated by Blacks. He is also Director and General Counsel for Cedco Capital Corporation, a minority enterprise small business investment corporation. One area of work of which Mr. Wilkins is especially proud is the general corporate legal work that he does for several minority small business concerns.

Although he is one of the few Black partners in a large, white law firm, Mr. Wilkins is very active in the Black community. His civic involvements remain varied and widespread. From 1969 to 1971, he served as Chairman on the Health and Hospital Governing Commission of Cook County and is presently a member on the Board of Directors of Children's Memorial Hospital. From 1967 to 1968 Mr. Wilkins was Vice President and on the Board of Trustees of the Field Museum in Chicago and also served on the Board of Managers of the Chicago Bar Association.

Publications by Mr. Wilkins include, *Problems of Raising Capital*, which was published in *The Business Lawyer* in September 1969.

Mr. Wilkins has this advice for aspiring Black businessmen, 1) know your business, 2) keep detailed records of all transactions, 3) know and seek advice about finance, accounting and the possible government input for your business.



Joseph Stanley Sanders is a partner in the Los Angeles law firm of Sanders, Tisdale, English, Tooks & Williams, founded in 1971 by Mr. Sanders. The firm specializes in corporate law, entertainment law and litigation.

Mr. Sanders exemplifies the highest order of both athletic and mental ability which combine to make him a natural leader. He completed his undergraduate work at Whittier College, graduating in 1963. There he was a national football and track star; he was a first team NAIA All American football player in 1961,

and NAIA Discus Champion in 1963. In addition to his sports activities, he was President of the Associated Students and President of the Political Science Honor Society. Upon graduation from Whittier, Mr. Sanders received a Rhodes Scholarship and studied at Magdalen College, Oxford University from which he received his MA degree in 1965.

After his tenure as a Rhodes Scholar, Mr. Sanders attended Yale Law School, graduating in 1968. After Yale he returned to Los Angeles, his hometown, where he was admitted to the California Bar. For a brief period, he was Staff Attorney for the Western Center on Law and Poverty, and also served as Director of the Lawyers' Committee for Civil Rights Under Law in Los Angeles. Before founding his present firm, he was a partner in the law firm of Rosenfeld, Lederer, Jacobs & Sanders of Beverly Hills, California, and was previously associated with the prestigious Beverly Hills firm of Wyman, Bautzer, Finell, Rothman & Kuckle.

Mr. Sanders and his partners serve as general counsel for a variety of business enterprises, including manufacturing and distributing companies and fast-food franchising operations. His firm also does work in the area of prepaid health plans and housing development.

Mr. Sanders is involved in numerous civic activities. He is a member of the Los Angeles County Bar Association's Committee on Human Relations, the Los Angeles World Affairs Council, and the Committee on Foreign Affairs. He is a trustee at the Center for Law in the Public Interest in Los Angeles.

Mr. Sanders has published two articles: (1) "Rhodes Scholar Looks At South Africa", *EBONY MAGAZINE*, 1970; and (2) "I'll Never Escape The Ghetto", *EBONY MAGAZINE*, 1967 (republished in *BLACK VOICES*.)



Thomas H. Countee, Jr. is a strong, Black brother who has overcome what for lesser people would have been insurmountable odds. In 1958, he was the victim of a diving accident which left him paralyzed and confined to a wheelchair. Treating this as a temporary setback, Mr. Countee went on to complete his undergraduate studies at American University in 1963. He received his J.D. degree in 1965 from Georgetown University Law Center and his M.B.A. degree in 1971 from Harvard University Graduate School of Business Administration.

Since completing his education, the indomitable Mr. Countee has excelled in both the legal and business world. After law school he was an Advisor for Finance in the Securities and Exchange Commission, Washington, D.C., where he was involved with the market surveillance of national

stock exchanges. He has also been an attorney with the Polaroid Corporation. He is presently President of Mededco Investment Company of Washington, D.C. and is also President of Model Cities Economic Development Corporation, a minority venture capital fund. He manages a million dollar investment portfolio consisting of interest in minority businesses. He is also involved in commercial real estate transactions and joint venture financings.

In 1973, Mr. Countee served as Associate Professor and Editor of the Howard Business Journal and taught Management of Small Business and Business Law at Howard University. Also in that year, he was Associate Professor in the Department of Planning at Federal City College, Washington, D.C. In that capacity, he organized and taught a course called "Planning for Economic Development," which involved aspects of planning and minority economic and business development.

Mr. Countee describes the 1960's as a period when white inner-city entrepreneurs abandoned their shops and businesses as large numbers of Black people began to populate the country's urban centers. This flight, he says, left these communities without many goods and services and led to the wholesale deterioration of commercial structures. Since Blacks were forced to travel outside their neighborhoods for goods and services, disposable income spent by Blacks was going outside the community to enrich white businessmen in the suburbs. He feels that the emerging Black business community aided by agencies such as MODEDCO has begun to bring the Black community back to life by developing burned out or abandoned residential and commercial units into viable housing and business units. Countee sees that this process serves several functions. First, it has allowed many Blacks to become self-employed and to provide jobs for other Blacks. Second, the money spent by those patronizing these businesses is recycled back into Black communities in the form of profits for the businesses and income for community residents. Third, some Black businesses have created profit-sharing mechanisms with their employees thereby implementing the concept of broad based community ownership. Finally, he sees the Black businessman as playing a positive role in Black youth development providing Black youth with inspiration and confidence that Black people can establish and operate *legitimate* businesses profitably.

The forecast for Black businesses as Mr. Countee sees it? "Serious perhaps irremediable, problems remain. However, given at least a healthier national economy in which all business has a better chance to prosper, the benefits of a close relationship between Black businesses and the community can be substantial. Black ownership and operation of business enterprises is clearly one vehicle toward self-help and self-reliance."



Joyce A. Hughes, 34, is an Associate Professor of Law at the University of Minnesota Law School and has served in that capacity since September of 1971. She graduated from Carleton College in 1961, and received her J.D. degree, *cum laude*, in 1965 from the University of Minnesota. Throughout college and law school, she achieved varied and distinguished honors, including Phi Beta Kappa, Fulbright Scholar, and John Hay Whitney Fellow. She was also on the Law Review of the University of Minnesota. Upon graduation from law school

she served as law clerk to The Honorable Earl R. Larson a U.S. District Court Judge in Minneapolis. After her clerkship, she was associated with the Minneapolis law firm of LeFevre, Lefler, Hamilton & Pearson, in Minneapolis. There she assisted in the general representation of local governmental units and was the prosecutor for a suburban Minneapolis village.

In 1971 she left the practice of law to join the faculty at the University of Minnesota where she teaches Evidence, Trial Practice, and Modern Real Estate Transactions. Her students find her teaching methods both exciting and innovative. She is also heavily active in counseling Third World law students. Although her teaching duties require an enormous amount of preparation, she finds the time for several outside activities, including the representation of several Black business clients, including the Plymouth Avenue Development Corporation which is presently engaged in the development of a mini-shopping center and the Community Electronics Corporation, a manufacturing company. She is on the board of directors of Community Electronics Corporation and the First Plymouth National Bank, Minneapolis.

Professor Hughes has been a consultant for the Ford Foundation, where she analyzed, evaluated and monitored proposals and funded projects.

Professor Hughes has added to her many credits a long list of community service affiliations. She is presently a member of the boards of trustees of the National Urban League, Carleton College and Girl Scouts, U.S.A. In addition, she is on the Harvard University Overseers' Visiting Committee Administrative Department.

Presently, Professor Hughes is Visiting Professor at Northwestern University School of Law, Chicago, Illinois.

Professor Hughes characterizes the relationship between Black lawyers and Black businesses as symbiotic. She describes the future development of Black lawyers as professionals and Black business as viable economic entities as being inextricably linked. "Each must propel the other. Never, in the future should Black business have to justify using white lawyers and law firms on the ground that there are no Black lawyers with the expertise needed by the business. Never in the future should Black lawyers have to excuse the failure to represent Black businesses on the grounds that they are unsophisticated clients who do not recognize and reward the valuable advise and counsel of Black lawyers."