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INTRODUCTION TO THE ROUNDTABLE

Lauren Anderson

This Roundtable is part of a larger initiative by the National Conference of Black Lawyers to develop a data base on blacks in the legal profession. And that initiative is itself only a part of the multi-faceted approach that NCBL has undertaken to address in a meaningful way the problems of blacks and other oppressed peoples in American Society and throughout the world.

The National Conference of Black Lawyers (NCBL) is an incorporated associated of black lawyers and law students in the United States and Canada. NCBL was established to provide an organized unit to serve as an effective advocate of the rights of minorities and the poor. In furtherance of its stated purpose NCBL has: conducted a systematic program of federal

and state litigation designed to provide adequate protection of the rights of the politically unpopular criminal defendant; initiated civil actions to compel equal distribution of community services; monitored the work of state and federal legislatures, administrative agencies, courts and the executive to insure that the interests of the poor and racial minorities are properly represented.

The members of NCBL are acutely aware that whether their efforts are ultimately effective depends upon whether their ranks will be replenished and expanded by a new generation of black law graduates. Consequently, NCBL has devoted a considerable amount of its resources to assuring unfettered access and full participation in the legal profession. The NCBL Task Force on Legal Education remains active in the struggle to retard the retrenchment to traditional exclusionary admissions practices. The NCBL Law School Admissions Investigation Project recently concluded a study funded by the National Institute of Education, which illustrated clearly the deleterious reliance impact on the admission prospects of blacks by an over-reliance on the Law School Admissions Test. The NCBL Commission of Inquiry continues to investigate allegations of discriminatory practices at law schools across the country. And the National Office has continued to monitor the disparate passage rate of blacks and other minorities on the bar examinations of several states.

The Career Patterns Project is a logical outgrowth of NCBL's demonstrated concern for the entire sequence leading to admission to the bar. The Project seeks to ascertain what impact, if any, the affirmative action/special admissions programs of the past decade have had on the legal profession. The Project will be implemented in two phases. This Roundtable is first. The second phase will consist of in-depth interviews with black attorneys affiliated with major law firms and selected government agencies. The survey instrument is designed to elicit both objective data and subjective impressions regarding the real and perceived opportunities for career advancement and mobility of those blacks in what is considered by many, the most "elite" sector of the profession.

By helping us all to develop a better understanding of the problems and prospects of black law graduates in general, this Roundtable will prove invaluable as we proceed to the more narrowly focused aspects of the Project's agenda. Moreover, the Roundtable can stand in its own right as being a significant contribution to quests for social justice. The remarks of Commissioner J. Clay Smith and Professor Ralph R. Smith afford important insight into the historical development of the black lawyer and suggest concrete suggestions for the future. Even more important than the recounting of the impressive accomplishment of the Earl Warren and CLEO Programs, is the fact that Messrs. Butler, Henderson and Wade demonstrate enormous potential of such programs seriously undertaken and properly funded. The reports of Deans Quinn, Rappaport and Thomas illustrate how similar are the problems and patterns of minority law students and graduates even among schools vastly different in terms of location, size and composition. Professors Bernstine and Munneke, like Professor Smith, address the need and the potential for undertaking research to develop a data base that will allow us to frame realistic responses.

When combined, the presentations present a most cogent and compelling argument for action. NCBL intends to respond.

CAREER PATTERNS OF BLACK LAWYERS IN THE 1980'S

J. Clay Smith

I. INTRODUCTION

Historically, the number of minority law students and lawyers in this country has always been out of proportion to the needs of many communities and the nation as a whole.¹ Until recently, just about all blacks who graduated from law schools in this nation graduated from black law colleges, e.g., Howard University School of Law in Washington, D.C.² Although black people make up well over eleven percent of the overall population of the United States,³ there are fewer than 11,000 black lawyers at the bar in the nation comprising less than two percent of the collective bar,⁴ and maybe fewer.

In a study prepared in 1934 by the late Dr. Charles Hamilton Houston, former Dean of the Howard University School of Law, and the first counsel to the NAACP, he established that there was a need for Negro lawyers.⁵ Houston's study shows that in 1934 blacks comprised ten percent of the population, but that Negro lawyers comprised .007 percent of the total lawyer population in the United States.⁶ Nearly a half century has passed since Dr. Houston's valuable study and there have been no significant changes in the percentage rate of black lawyers in the United States.⁷ It is significant to note, however, that in 1934 there were, according to Dr. Houston, 159,735 white lawyers in the nation.⁸ The number of white lawyers in the nation has more than doubled in the past forty years—so much so that a news article states that the social indicators show no need for additional lawyers for the next ten years.⁹

1. Smith, *In Memorial—Professor Frank D. Reeves—Toward a Houstonian School of Jurisprudence and the Study of Pure Legal Existence*, 18 HOWARD L.J. 1 (1974).

2. Tollet, *Black Lawyers, Their Education and the Black Community*, 17 HOWARD L.J. 331.

3. U.S. BUREAU OF THE CENSUS, CENSUS OF THE POPULATION (1970).

4. According to the Bureau of Statistics of the United States Department of Labor, there were 478,000 lawyers in the United States in 1979. Of this number only 2.5% were non-white. See U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, EMPLOYMENT AND EARNINGS 174 (1980).

5. Houston, *The Need for Negro Lawyers*, 4 J. NEGRO ED. 49 (1935). See also Styles, *THE NEGRO AND THE LAW*, 232 (1937).

6. *Id.*

7. Shuman, *A Black Lawyer's Study*, 16 HOWARD L.J. 225 (1971).

8. Houston, *supra* note 5 at 50.

9. *Prospects are Bleak for Many Law Grads*, The Washington Star, November 16, 1975, § D at 8.