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INTRODUCTION TO THE ROUNDTABLE

Lauren Anderson

This Roundtable is part of a larger initiative by the National Confer-
ence of Black Lawyers to develop a data base on blacks in the legal profes-
sion. 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 Ca-
nada. 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 com-
peal 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 repre-

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 unfet-
tered access and full participation in the legal profession. The NCBL Task
Force on Legal Education remains active in the struggle to retard the re-
trenchment 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 demon-
strated 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 sur-
vey instrument is designed to elicit both objective data and subjective im-
pressions 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 in-
valuable 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 Commis-
sioner 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 po-
tential 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

2. Tollet, Black Lawyers, Their Education and the Black Community, 17 Howard L.J. 331.
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).
6. Id.
8. Houston, supra note 5 at 50.