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“SHARING THE WEALTH”: WHAT MINORITIES CAN DO TO HELP THEMSELVES†

HONORABLE FRANK TORRES*

I thank you for the honor and privilege of speaking with you on the important topic of what we, as minorities, can do to help ourselves in securing a representative presence in the legal profession as a means of sharing the wealth.

I am a judge presiding in the very busy courts of the State of New York. These courts are overloaded with heavy calendars every day. Judges carry anywhere from 100 to 1,000 cases at any given time. An overwhelming number of the cases that have come before me have involved minority parties. However, in more than ninety percent of these cases, the parties were not represented by minority lawyers. I quickly became aware that not enough minority lawyers were available to meet the needs of the court system and that we as a society were not producing enough minority lawyers. I realized that I had to get involved and that I had to give of my time and energies to help solve the problem. This realization led to my involvement in the struggle that is the subject of this conference. My involvement has led to my working with students, schools, colleges, law schools, programs and agencies, and other law professionals, all similarly devoted and committed to the goal of producing more minority lawyers.

Through my involvement, I have developed some insight into the problem. I came here ready to share some ideas, but this conference has functioned as a think tank experience and has already revealed a variety

† Based upon a speech before the American Bar Association National Conference to Promote Minority Involvement in the Legal Profession, delivered on May 21, 1988.

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of constructive ideas and effective, existing programs for dealing with the problem. As I venture to address my topic, "What Can Minorities Do To Help Themselves?," I find that this conference has served to answer that question by demonstrating that minority lawyers throughout our country, driven by a sense of duty and obligation, are involved in every state of this nation in a variety of efforts. Minority attorneys are seeking to produce more minority lawyers; to place more minority lawyers into law firms, public interest organizations, and the judiciary; and to have minorities more equitably "share the wealth" through greater representation in the legal profession.

By bringing us together, the greatest assemblage of minority lawyers ever gathered in our history, the American Bar Association has acknowledged and focused on a national problem that must be dealt with by all Americans. The conference has served to illustrate the nature of the problem and to set forth ideas to address the issues. The American Bar Association has served to point to the importance of a national effort for a national problem and has served notice of its own commitment to participate in the solution.

President-elect Robert Raven today announced his intention to establish a multi-bar liaison committee to bring together state majority and minority bar associations. By so doing he has committed the influence and leadership of the American Bar Association. He has offered to crystallize a partnership effort with the American Bar Association as the principal instrument for change. It is an invitation, I am sure, that the minority members of the profession will gladly accept.

Nearly 200 years ago this country's immigrant forefathers founded our system of government which contained as one of its fundamental concepts the idea of "We the People," which is to say that this would be a government participated in by the people, a government of the people and for the people. Ours was to be a society ruled by law, and consistent with the concept of "We the People," ours would be a government that would establish a legal system of justice that would provide legal equality and equality of opportunity for all Americans. We all know too well that it has required a civil war, the civil and human rights struggles of this century, and countless other struggles over the past 200 years for this concept and the concomitant rights under the Constitution to be truly extended, *de jure* as well as *de facto*, to all of us and not just to those of a particular skin complexion, ethnic origin, sex, or economic class. This gathering, in that context, is historically significant. It is a positive step in the realization of the original dream.

Today, "We the People," assembled here in Dallas, many of us descendants of a people who were here 200 years ago but who were completely disenfranchised, and some of us descendants of more recently arrived immigrants, are gathered together to discuss how we may secure for

ourselves, as individuals, and for our respective peoples, the equality of opportunity which is our heritage and right as Americans. The single largest assembly of minority lawyers from all over the United States, an assembly representative of many different minorities, is gathered to address the nature of our presence or, more accurately, our *absence* from participation in the legal profession. We have shared answers, shared experiences, and exchanged information regarding initiatives undertaken in different parts of our country by different schools, law organizations, and bar associations, all working towards the goal of increasing the presence of minorities in the legal profession.

We have noted that our country's minority population is between forty-five and fifty million people, or around twenty percent of the 240 million people in our nation today. We have noted that as a society we endure, allow to exist, and perpetuate an almost total minority absence from our profession. While we are twenty percent of the population, we make up only five percent of the country's attorneys. It has been clearly pointed out that we represent an even smaller percentage of the judges, prosecutors, defense attorneys, and law school faculty members. At this conference, important representatives of different minority groups, minority bar associations, and the American Bar Association have described the consciousness and awareness that exists of the problem. We have also heard of the efforts that have been undertaken to solve the problem and we have become aware of the potential for success through our combined efforts.

We have described the numerous reasons for the problem, among which the most important are the historical and current legacy of racism, as well as various economic and social factors. We have heard how the current state of exclusion and underrepresentation is a direct result of attitudes, practices, and laws that for much too long in our country's history excluded entire sectors of our population from participation because of the color of their skin or their ethnicity. We have heard how in this day and age, notwithstanding the passage of laws and implementation of many programs, social attitudes that are the heritage of our not too distant past still influence and prevail in the highest circles of our profession and contribute to our exclusion.

But we have also heard of unrelenting efforts by majority and minority members of the profession who are involved and moving to the forefront of this conflict. They are assuming a dynamic responsibility and role to eliminate the imbalance. We have heard and noted the realistic identification of the hurdles to be encountered, such as the skyrocketing costs of college and law school and its devastating impact upon the aspirations of many a minority person who seeks to become an attorney. The increased cost has particularly severe consequences for us because we have the lowest incomes and the least resources available. We have set forth

that an attempt to increase our numbers in our profession must include an improvement in current financial assistance programs.

We have heard how we must not only confront prevailing negative social attitudes towards minorities but that we must also deal with crippling and disabling attitudes among ourselves, especially in those of us who have suffered poverty and deprivation. Many of us are affected by a lack of hope, a lack of ambition, and have internalized a perception of inferiority and inability to achieve. Not only must we confront negative attitudes and practices towards our people but we must deal with our own negative self-perceptions.

I believe that the most significant aspect of the answer we have heard at this conference to the question, "What Can Minorities Do To Help Themselves?," is expressed in the actions revealed and already undertaken evidencing a consciousness of the problem and a demonstrated minority bar commitment to a vital role in its solution. The minority bar actions reflect acceptance of a challenge and a decision to participate in the variety of efforts, programs, and activities that need to be undertaken to change the situation. I do not doubt that the minority bar is prepared to accept the offer of President-elect Robert Raven.

We have learned at this conference of the variety of programs and strategies that have been initiated to confront the many practices that exclude us. These programs and strategies address the need for education of minority lawyers as well as the need to maximize their professional success once they are admitted. We have learned that the minority bar has accepted its social and moral responsibility to exercise leadership in this effort by raising the level of consciousness of both the minority and majority bar with respect to the problem, and committing itself to working in a coordinated effort with other bar groups. The minority bar is serving as the conscience of the American bar through an active, assertive leadership role.

We have heard emphasis placed on the fact that to achieve greater representation we must see to it that a larger number of minority students are admitted into and graduate from our nation's law schools. Without an increase in successful students our intentions cannot be realized. Given this prerequisite, two key issues have surfaced; namely, the role of the LSAT in the admissions process, and financial assistance. The LSAT and its significance deserves extensive consideration well beyond the scope of these remarks. I will, however, make a limited comment with respect to this traditionally-perceived indispensable tool of the admissions process.

At an overwhelming majority of our nation's law schools the results of the LSAT exam are utilized as a fundamental tool for analyzing the applicant's ability to do the schoolwork and for comparing the applicant with the rest of the applicant pool. Studies clearly indicate that minority

students regularly score lower on the LSAT, especially when they come from lower income backgrounds. A law school admissions program truly committed to affirmative action and to participating in rectifying the current underrepresentation must be willing to de-emphasize the importance of the LSAT. Law schools must become more sophisticated in their appreciation of those abilities and strengths of minority students which are not necessarily reflected in the LSAT scores. In this regard, minority personnel and input from minority attorneys in the assessment process is suggested as indispensable. Without a de-emphasis of the LSAT, our efforts will be in vain.

Minority lawyers, as members of their school alumni associations and as members of minority alumni associations, are expressing their views on and concern about this topic. As a result, law schools are allowing greater admissions of minority students, and where necessary are supplementing their admission decisions with minority bar member participation in program roles that strengthen and support a student once admitted. An active, involved minority alumni in a law school can contribute towards the solution of the problem.

We should be prepared as minority law professionals and as members of our law school alumni to intercede on behalf of minority applicants and advocate that our law schools adopt affirmative steps to help us deal with our problem by de-emphasizing the LSAT. We should be willing to take on an assertive role that can increase the number of students studying law.

Are we prepared, in addition to influencing our law school admission process as active members of the alumni, to also participate in the mentoring of minority students who are attending law school? Ours is a high attrition rate. We cannot afford a single student who has reached law school to be lost. Minority alumni can address the myriad of problems, often not academic, that affect our students. We can play the role of big brother or big sister, provide counseling, give or obtain minimal emergency financial assistance, and give placement and career advice. As involved alumni we can help arrange internship placement or jobs. We can participate in the design and development of particular programs addressed to particular needs. In sum, we can help them survive. We can play a vital role in the retention of the student, and where the law school does not have such a program we can help establish one. It has not been so long nor have we come so far that we cannot remember the struggle to survive the legal education experience.

We have learned how minority law students in a national law school, in cooperation with the minority alumni association of that law school, have designed and implemented a program whereby the minority law students intern in large law firms and are mentored by a minority associate

of those firms.¹ The minority law students benefit from the experience and exposure to the work of the large firm. The program has been expanded to include minority law students of several law schools. It is co-sponsored by several minority bar associations and a minority judges' association. It serves to introduce minorities to large law firms, develop their skills, and allow the law firms to assess them and ultimately consider them for employment as associates.

As of the end of March 1988, thirty-two of fifty-two Black, Latino, and Asian minority law students involved in the program had been offered jobs by the law firms. Thus, it appears that this program not only furnishes an enhanced legal education, but also provides for increased career opportunities, with the ultimate result being a "sharing of the wealth." Minority students, lawyers, bar associations, and organizations created the program. It is an example of what minorities can do towards the ultimate expansion of opportunities in employment of minorities. Are we prepared to duplicate this program in other schools?

I am going to add emphasis to a point previously noted. A 1986 ABA Task Force on Minorities survey indicated that fifty percent of all law firms in the country had no minority associates and seventy-eight percent of these firms had no minority partners. Yet we readily observe every day in the states and communities where these firms are located that court calendars are clogged with proceedings involving minority persons.

The topic of this conference is "Sharing the Wealth, the Opportunities, and the Rewards of the Profession." There is no question that there is much that we can and must do for ourselves in order to ultimately share the wealth. However, we must also realize we will truly share the wealth only when the country's largest law firms decide to integrate and allow minorities to participate as Americans entitled to equal opportunity. They must bring to an end the unspoken, unadmitted, and publicly uncondemned segregation which so characteristically describes the largest firms in this nation.

A recent survey of the twenty largest law firms in New York indicated that the average entry-level salary of a first-year associate was \$71,700 annually. By the fourth year the associates were averaging \$101,900 annually (\$16,000 more than a New York State Supreme Court justice, and more than the salary of the Mayor of New York City, a city

¹ New York University School of Law has adopted this program. The Practicing Attorneys for the Law Students Program (PALS) is a program for minority law students matching advisors and students in a relationship meant to last throughout law school. Mentoring assistance is provided minority students by minority lawyers in large law firms and law departments. It was started in 1985 in response to a need expressed by minority N.Y.U. students having problems getting jobs. Supported by the law firm of Milbank, Tweed, Hadley & McCloy, it has been expanded to include Columbia Law School students.

of over seven million people). The smallest of these firms employs almost 300 attorneys. It is in these and other similarly large firms throughout the country that the true wealth of the profession is concentrated. In order for us to be able to "share the wealth," we must have access to and participation in the practice of these large firms. Anything we do on our own and for ourselves will pale by comparison. Our efforts will be meaningless if our students do not get hired. We can prepare ourselves for participation but the doors must be opened to us.

At present, the statistics tell a story of exclusion if not outright segregation, and I do not believe segregation is an inaccurate description given the experience related by many young minority attorneys seeking employment in these firms, as well as by some of the few who have been allowed inside. A late 1987 survey of the fifty-two New York law firms which ranked among the nation's 250 largest law firms provided the following statistics:

Forty percent of these firms reported no minority partners; seventy percent of these firms reported no Blacks; seventy percent of these firms reported no Asians; and eighty percent of these firms reported no Hispanics.

The smallest of the fifty-two firms has approximately 110 attorneys and almost forty have over 150 attorneys. The largest firms reported employing over 800 attorneys. Of the 13,226 attorneys employed by these fifty-two law firms, only 1.5% are Asian or American Indian, 1.38% are Black, and less than 1% are Hispanic.

These figures are in sharp contrast to the fact that forty-seven (ninety percent) of these law firms are located in a minority-majority city, and these firms are located in the hub of a metropolitan area with a very high percentage of minorities. Their clients do business with third-world countries and their interaction with Asia, Africa, and South America is on the increase. Statistics for the rest of the firms throughout the nation indicate a level of representation only slightly higher. A nationwide 1985 ABA survey indicated that even among smaller law firms, those with one to twenty-five attorneys, almost ninety percent reported employing not a single minority attorney.

Any serious, thoughtful, and well-developed effort undertaken and participated in by us to increase the number of minority lawyers and to ensure that minorities "share the wealth" must contain as one fundamental component an agreed-upon strategy to integrate these law firms at all levels.

We are encouraged that the majority bar associations are facing this problem of minority exclusion by urging that law firms adopt affirmative hiring procedures and criteria that will allow minority associates to achieve promotions to positions of greater responsibility and partnerships. Minority membership in local, statewide, and national bar associa-

tions can help to instigate necessary efforts to bring about a change in the composition of these remaining bastions of racial exclusivity.

We have also learned how law schools throughout the country are obtaining federal grants so that they may honor their commitment to affirmative action and minority recruitment. We have learned that private grant funds are being awarded to law schools to be used for tuition and stipend assistance to allow minority students to dedicate their full time to the study of law.

Minority organizations are becoming more involved in fund-raising activities so that they may provide full or partial scholarships, emergency loans, bar-review stipends, LSAT stipends, and application stipends. In many instances the involvement of minority alumni and students is evident as the catalytic agent. What is being done, however, is simply not enough. As a law professional who is deeply immersed in activities of students, with their organizations, and law schools, pushing to get students admitted and striving to help them survive once they are in, I am too often depressed by pleas from students for financial assistance, sometimes for nominal amounts but often for amounts essential to their continued legal education. We have to sensitize and involve more sources with funds. We can be encouraged by the fact that as minorities succeed in different areas they are reflecting a greater measure of conscience. The magnitude of the problem, however, is such that we must appeal to resources beyond our own to solve the financial aspect of our problem.

We have learned that there are many program activities already being implemented that can benefit from expansion and greater minority participation. We do not have to reinvent the wheel in order to find vehicles for meaningful contributions to dealing with our problem. We have learned that almost every city with minority concentrations has school programs calculated to encourage and stimulate youths to pursue their education and consider law as a career. Where programs do not exist we can create them. Such school programs allow us to visit and address students in elementary schools, junior high schools, high schools, and colleges. Our presence and personal participation presents the students with living proof of what can be achieved. By meeting positive role models they see that they too can become advocates or judges.

It has been pointed out that special emphasis should be paid to high school students, the level where we suffer the highest dropout rate. Involvement with young people at this point is crucial. Involvement in career day programs, in the development of part-time internships, and involvement in mentoring relationships with promising students can make the difference and contribute to saving a minority student. The minority bar and the minority professional has a particular advantage and responsibility. If we don't do it, who will? Who can do it better?

It has been pointed out that we can join in developing a program for

focusing attention on high school students who indicate an interest in the law and related professional occupations. Cities in this country are giving law courses and information about opportunities for legal careers as part of high school curriculums. By participating in such programs we can give students important exposure to minorities involved in the profession.

We have learned that some cities have what are known as magnet schools. These high schools provide a concentration of courses over the high school years. These magnet schools have connections with colleges, law schools, police departments, and other law enforcement agencies. Students are given the opportunity to learn about the many occupations in the law field, to engage in mock trials, to visit courthouses, to see trials, and to perform chores that introduce them to the work of the profession. The students intern in law offices and law enforcement agencies. The magnet school gives the student a well-rounded exposure and preparation. Examples of such schools include Houston's High School for Law Enforcement and Criminal Justice; the Center for Management, Law and Public Policy, the St. Louis Public Magnet School; the law-related curriculum in the Los Angeles Unified School District, known as Adopt a School; and the Martin Luther King, Jr. High School Institute of Law and Justice, which will commence operations this fall in New York City.

We are informed that the presence of minority professionals significantly contributes to minority students. We have learned that a minority lawyer in the role of a mentor, whether on a one-to-one basis, or in a relationship with a class or mock trial team, can have a positive, encouraging result. A minority attorney by the very nature of his identity and heritage brings to the mentoring experience a special understanding and value. The presence and participation of minority law professionals in these programs gives them a form and substance that benefits minority students. Where there is no such program or the nature of the program requires change, the minority professional can influence the creation or modification that will help and contribute towards the solution of the problem we seek to address. We have learned from the materials how a city college in one of our cities has set up an urban legal studies program focusing on minority students' needs and problems.² It is coordinated with a local law school and the program provides for transfer to the law school after successful completion of the third year of undergraduate

² The City College of the City University of New York implemented this program. Information on the program is available through:

Urban Legal Studies Program
Center for Legal Education and Urban Policy
Shephard Hall — 25
Convent Avenue at 139th Street
New York, New York 10031

work. The ultimate result is a law degree. The program provides for mentors, internships, and trips to courts. There is a rich participation of minorities as members of the faculty, mentors, and intern assignments.

We have minority lawyers attending this conference who are graduates of this program. These graduates are performing as prosecutors, defense attorneys, assistant corporation counsels, and are functioning as bar association leaders. This is another program enriched by minority participation, proving itself and contributing to solving the problem we face. It encourages and supports students studying law and by so doing contributes to the development of new minority lawyers. Can we duplicate this program in other cities?

A participant to this program described how she chaired a regional recruitment conference in 1987, a "Job Fair" which brought together 600 minority students from twenty-eight law schools and 175 legal employers. The job fair activity was aimed at providing minorities with opportunities for jobs with law firms. Participating law firms were encouraged to consider the minorities who attended. The fair connected students with potential employers. Minorities arranged for employment interviews. It was organized with the cooperation and participation of minority law student organizations of the law schools. Such an activity can help deal with the problem of the absence of minorities from large law firms. Can we have more such job fairs?

We have learned that a national law school in the northeast developed a joint program with the United Negro College Fund for recruitment of Black students and that the joint degree program is open to all United Negro College Fund students who have successfully completed three years of undergraduate education.³ The students selected are provided full three-year tuition and book scholarships to attend law school. Supplemental grants cover living expenses. Can we get more law schools throughout the country to participate and develop such arrangements? Can we get more minority alumni organizations to ask their respective law schools to engage in such affirmative actions? Can our partnership with the American Bar Association result in an endorsement of such a program and its recommendation to law schools throughout the nation?

In addition to encouraging affirmative-action efforts to increase the number of minority students studying law, the minority bar also has the responsibility of respect for its members once they are admitted into the profession, including the judiciary. Honor and respect are among the intangible benefits of being a member of the judiciary. This year the minor-

³ Information on this program can be obtained through:

St. John's University School of Law
Fromkes Hall
Jamaica, New York 11439.

ity bar in New York City strenuously objected to racist overtones in newspaper articles about the judge presiding over the notorious Chambers sex murder trial. The presiding judge was black.

“What Can Minorities Do To Help Themselves?” The answer has been spelled out in the presentations we have heard. We have to acknowledge the gravity of the situation and the importance of our role as minority lawyers. It is a situation that calls for minority lawyers to commit themselves as law professionals to help their own. It is clear that we must get involved in programs and other efforts that already exist and that we must expand them and make them more responsive and meaningful to minorities. We must serve as a bridge between our minority youth and law students and the available educational resources. We must involve ourselves in stimulating hope, confidence, and expectations in potential law students. We must get involved in majority bar efforts to minimize barriers to employment. We must recruit more of our minority lawyers and involve them in these efforts. We must organize ourselves in minority bar organizations for specific purposes and goals, and we must coordinate and cooperate with other minority bar efforts. We must join with the majority bar in its effort as invited by President-elect Raven.

“What Can Minorities Do To Help Themselves?” It is clear that the minority bar by its actions has answered this question in many ways. The minority bar is involved in providing opportunities for others. By their actions, minority lawyers are demonstrating commitment to helping minorities increase in numbers and to increasingly “share the wealth” of the profession. By its presence here and its actions at home, the minority bar is identifying itself as the People of the moment, working to realize the original dream. Thank you.