

HARVARD LAW SCHOOL

Report on the
State of Black Alumni II

2000 - 2016



HARVARD LAW SCHOOL

Center on the Legal Profession

HARVARD LAW SCHOOL REPORT ON THE STATE OF BLACK ALUMNI II 2000-2016

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On January 10, 2017, President Barack Obama delivered his formal farewell address to the country in Chicago, the city that had given him his political start. In reflecting on the achievements and challenges of his two terms in office, the president paid special attention to an issue that he knew would, for better and for worse, define his presidency: Race. In the simple, yet elegant, language that even his harshest critics have come to respect, the president said this about the state of race relations after eight years of the Age of Obama:

After my election, there was talk about a post-racial America. Such a vision, no matter how well-intended, was never realistic. For race remains a potent and often divisive force in our society. I've lived long enough to know that race relations are better than they were 10, 20, 30 years ago — you can see it not just in the statistics, but in the attitudes of young Americans across the political spectrum. But we are not where we need to be. All of us have more work to do.

In this Report, we offer a preliminary assessment of how much progress had been made — and how much work remains to be done — in a part of the American economy President Obama knows well: the legal profession. We do so by examining the careers of the black graduates of President Obama's law school alma matter in the 16 years since the beginning of the new millennium.

Harvard Law School provides an important lens through which to study these issues. One hundred and fifty years ago this year, the Law School enrolled George Lewis Ruffin, who would go on to be the first black person to graduate from any law school in the United States. In the intervening years, Harvard has graduated more black lawyers — over 2,700 — than any law school in the country with the exception of the great Howard University School of Law. Among their ranks are some of the most powerful and influential lawyers in the world, including the 44th President of the United States and the country's former First Lady, Michelle Obama '88.

In 2000, the Harvard Law School Center on the Legal Profession released a *Report on the State of Black Alumni: 1869-2000* chronicling the achievements and continuing challenges of this remarkable group of lawyers on the basis of a comprehensive survey of the careers of over 650 of the school's African American alumni. In this new Report, based on a second survey of the school's black alumni, including those that graduated in the new millennium and matured during the Age of Obama, we both bring that history up to date and offer new perspectives for this new era.

Collectively, we hope that these two reports will provide the “common baseline of facts” that President Obama identified in his farewell address as key to a civil dialogue in a functioning democracy, for a profession that will always have a central role in guaranteeing the freedom and equality that are the cornerstones of our democracy.

Sincerely,

David B. Wilkins
Lester Kissel Professor of Law
Vice Dean, Global Initiatives on the Legal Profession
Faculty Director, Center on the Legal Profession

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REDEFINING THE PROBLEM OF THE COLOR LINE

*Harvard Law School's Black Graduates in the
First Years of the 21st Century*



A NEW BEGINNING AND AN AGE-OLD QUESTION

In 1903, shortly after his graduation from Harvard University in 1895 as the first black person ever to receive a PhD, the scholar, activist, and leader W. E. B. Du Bois declared: “The problem of the twentieth century is the problem of the color line.” As nearly 600 black graduates from Harvard Law School (HLS) gathered for the school’s first Celebration of Black Alumni (CBA I) in September 2000, many wondered whether Du Bois’s prophetic words would be as true about the new century as they were about the one that had just closed.

There was certainly reason for those in attendance to be optimistic that the prospects for black lawyers, and for race relations generally, would be better in the 21st century. Compared to when Du Bois wrote, the black bar had exploded in size from a few hundred in 1900 to close to 33,000 in 2000.¹ Moreover, the overwhelming majority of these attorneys were graduates of historically white law schools, including HLS. Indeed, many of these graduates had gone to integrated schools all of their lives. And, while the doors of opportunity within the profession and society continued to creek open slowly, by the dawn of the new millennium, black lawyers could be found in virtually all of the halls of power and prestige within the profession.

If anything, the situation for HLS’s black students and alumni was even brighter than these national trends. In early September 2000, 53 black 1Ls — 17 men and 36 women — arrived in Cambridge to take their place alongside the more than 1,400 black men and women who had graduated from HLS in the 131 years since George Lewis Ruffin became the school’s — and the nation’s — first black law school graduate. By every indication, these budding lawyers had every right to expect that they would

go on to lead satisfying and successful careers in the law, and that their talents and education would take them anywhere they wanted to go. Indeed, as we documented in the first Report on the State of Black Alumni (available for download on the HLS Center on the Legal Profession’s website), by 2000, black HLS graduates had achieved remarkable success in virtually every sector of the profession, and could be found as CEOs and general counsel of major companies, important partners in law firms, tenured professors and deans of leading law schools, heads of impactful public interest organizations, respected members of the judiciary, and as elected and appointed representatives at all levels of government. The 53 black members of the HLS class of 2003 had every reason to believe that their careers would be as impressive, if not more so.

And yet, no one who attended that first celebration was under any illusion that the problem of the color line that Du Bois identified would be eradicated as easily as the world’s computer programmers had manage to eradicate the dreaded Y2K bug before the clocks struck midnight on December 31, 1999. To the contrary, as the 2000 Report documented, notwithstanding all their success, HLS’s black graduates continued to face obstacles, both large and small. Moreover, there were ominous signs on the horizon that things might get worse before they got better. The Fifth Circuit’s decision in *Hopwood v. Texas* (1996) banning affirmative action in the state’s colleges and universities, and the similar result dictated by California voters through Proposition 209, had already begun to have a negative impact on the number of black students attending law school. While these decisions did not directly apply to HLS, the 53 black students who entered in 2000 represented a decline of more than 25% from the 73 black students who enrolled in 1989. Given the tone of the national debate about race, particularly in the context of the ongoing presidential election,

few doubted that there would be more attacks in the courts — and in the court of public opinion — on affirmative action and other programs perceived as advancing the interests of African Americans.

So it was with mixed emotions that HLS’s black alumni convened for the first Celebration of Black Alumni in September 2000. The event celebrated past accomplishments and heroes, including bestowing the inaugural Charles Hamilton Houston Medal of Freedom on all of the living members of the *Brown v. Board of Education* litigation team and Mrs. Thurgood Marshall. But it also emphasized the need to prepare for an uncertain future with plenary panels on the role of black lawyers in serving the continuing needs of the black community and an intergenerational discussion on the meaning of leadership in the 21st century.

As we look back on that historic gathering from the perspective of the last 17 years, and three subsequent Celebrations of Black Alumni (2005, 2011 and, 2016), both the optimism and the caution described in our initial Report were justified. Black lawyers in general — and black Harvard Law School graduates in particular — reached unimaginable heights during this period, including witnessing one of the speakers at the first Celebration, who was then in his first term as a state senator from Illinois, go on to serve two terms as the president of the United States. But, the first 16 years of the millennium have also brought their share of heartache and pain for black lawyers and black America more generally. The election of

this nation’s first black president has not erased the color line in American society, though the line has shifted and evolved in the Age of Obama.

As has the legal profession, and the global economic, political, and social systems in which lawyers live and work. While the Global Financial Crisis (GFC) that began with the fall of Lehman Brothers in 2008 and spread like a cancer to virtually every corner of the globe did not bring about the “Death of Big Law” or, even more apocalyptically, “The End of Lawyers” as some predicted, it certainly altered the terrain in which lawyers practice in fundamental, long-lasting ways. And, all of these changes have been pushed along by a second phase of the Information Revolution that is transforming everything around us at warp speed, including the practice of law and the lawyers engaged in it.

In this section, we describe these changes in the world, the legal profession, and at Harvard Law School, chronicling their effect on the state of the black bar. This history serves as the backdrop for the empirical evidence on the state of the school’s black alumni that we present in the next section. Together, this Report both builds on and extends the 2000 version, capturing some of the important issues that have framed the careers of the Law School’s black graduates in the first years of the new millennium.

TIMELINE

2000-2017

2000



George W. Bush
elected president of
the United States

53 black students,
17 men and 36
women, enroll
at HLS



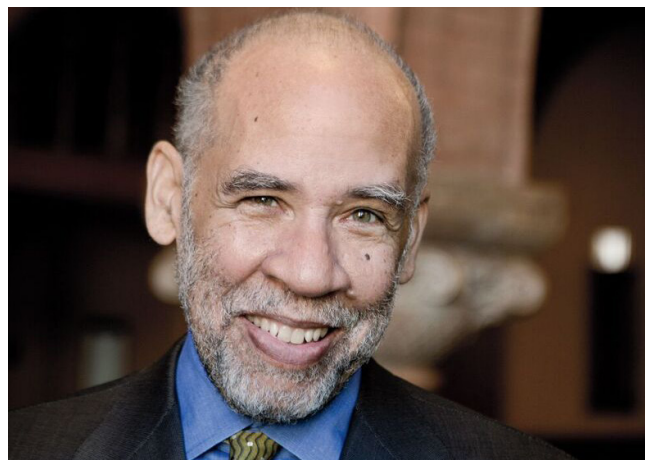
Celebration of
Black Alumni I

BUST AND BOOM, 2000-2004

Two months after CBA I, the worst political fears of many of those in attendance appeared to be realized. After eight years of the Clinton administration, George W. Bush, a self-described “compassionate conservative” but with well-known views opposing affirmative action (he was governor of Texas during the *Hopwood* litigation), was elected president of the United States. Reflecting the “compassionate” side of his conservatism, Bush began his presidency by appointing two black Americans — Colin Powell as Secretary of State and Condoleezza Rice as National Security Advisor — to his top group of foreign policy advisors. But, in a nod to traditional conservatives, the Bush administration also argued against the University of Michigan’s efforts to promote diversity and inclusion in *Gratz v. Bollinger* (challenging the university’s undergraduate admissions policy that automatically added 20 points to applications from members of historically disadvantaged groups) and *Grutter v. Bollinger* (challenging Michigan Law School’s policy of treating race as “one factor” in a multifactor analysis designed to produce a diverse class of students).

Although the Bush administration’s position in *Gratz* and *Grutter* underscored just how much the country was still struggling with the problem of the color line in 2003, the identity of the lawyers representing the parties in this historic pair of cases highlights how the boundaries of this debate had shifted in the nearly half-century since the Supreme Court heard

arguments in *Brown v. Board of Education* (1954). Representing the two white women who claimed that the university’s undergraduate and law school admissions policies discriminated against them based on their race was the Center for Individual Rights, one of a growing number of conservative public interest organizations expressly modeled on the NAACP Legal Defense and Education Fund that represented the black school children in *Brown*. On the side of the university was a lawyer whose Harvard Law School pedigree, Ninth Circuit clerkship, distinguished record of public service, and senior partnership in a prestigious corporate law firm marked him as a worthy successor to the Wall Street lawyer and former vice presidential candidate John W. Davis, who had opposed Thurgood Marshall in *Brown*. Only this time, that lawyer — John Payton ’77 — was black and the university policies he defended had played a critical role in helping to achieve the important, although still far



JOHN PAYTON '77



Colin Powell
appointed as first black
secretary of state



Conrad K. Harper '65
named as a fellow of the
Harvard Corporation



Kenneth I. Chenault '76
appointed CEO and chairman
of American Express

2001

from sufficient, progress the country had made in achieving *Brown's* promise of equality in American society.²

Nor was John Payton the lone representative of the corporate bar, or of the corporate clients that these lawyers typically represent, weighing in on the side of affirmative action. Literally dozens of prominent law firms wrote amicus briefs, many on a pro bono basis, urging the Court not to overturn its precedent in *Regents of the University of California v. Bakke* (1978), which had upheld Harvard's use of race as one of many factors in admissions for the purpose of achieving a diverse student body. And, in arguably the most important sign of corporate America's shifting views on race in the 50 years since *Brown*, the Court received two amicus briefs in support of the university's policies signed by a veritable who's who of the country's largest and most profitable corporations. Not a single corporation weighed in on the other side, a far cry from *Bakke* when the Chamber of Commerce of the United States, the largest business lobbying organization in the country, filed a brief *opposing* affirmative action. The two corporate briefs argued that maintaining diversity in higher education was essential to America's competitiveness in an increasingly diverse global economy. These captains of industry were joined by a coterie of retired generals who filed their own amicus brief making a similar argument about the importance of diversity to the continued excellence of this nation's armed forces.

The Court's split decision in *Gratz* and *Grutter* reflected the country's Janus-faced views about diversity in the first few years of the new millennium. Characterizing the system of automatically awarding 20 points to minority applicants as a "quota," the Court struck down the University of Michigan's undergraduate policy in *Gratz*. However, in *Grutter*, the Court reaffirmed *Bakke*, and by implication overturned the Fifth Circuit's decision in *Hopwood*, thereby upholding the Michigan Law School's use of race as one factor among many in achieving the school's compelling interest in creating a diverse learning environment for the benefit of all students. In reaching this result, Justice Sandra Day O'Connor's majority opinion prominently cited the two corporate briefs and the one submitted by the retired generals as underscoring the critical importance of diversity in higher education and for the future of the American workforce. In so doing, the Court's decision has helped to accelerate an important shift in emphasis and tone by those advocating for greater diversity, particularly in the workplace, from moral arguments that diversity is "the right thing to do" to economic arguments premised on the claim that "diversity is good for business." Spurred on in part by Justice O'Connor's further warning that in 25 years "the use of racial preferences will no longer be necessary," the shift has only become more pronounced in the 14 years since the Supreme Court's decisions in *Gratz* and *Grutter*.

Ruth Simmons becomes President of Brown University, making her the first black president of an Ivy League university



Dot-com bubble busts, leading to law firm failures and layoffs

Attacks of September 11 forever change America's sense of security

It is not surprising that by the time *Gratz* and *Grutter* were decided, diversity advocates were already beginning to place increased emphasis on the “business case” for diversity, particularly in the legal profession. Beginning with the terrorist attacks of September 11, 2001 and accelerating through the bursting of the dot-com bubble and the accounting scandals in 2002, the U.S. economy went into steep decline, dragging the market for legal services down with it. This was particularly true in the corporate legal sector. Because of this downturn, law firms and other legal employers dramatically cut back on their hiring of new law school graduates, with many openly laying off associates (and with some quietly laying off partners). Anything or anyone not making a direct contribution to the bottom line risked ending up on the cutting room floor. And while the downturn turned out to be brief — by the second quarter of 2003, the U.S. economy was off to what would turn out to be a five-year period of incredible growth — the focus on the bottom line was not so short-lived. Indeed, as the legal market moved into high gear in 2004, with many law firms setting records for growth and profitability, the obsession with the bottom line only increased as law firms began competing even more aggressively for clients and talent. Given this environment, arguments that tied increasing diversity to a law firm or company’s bottom line were particularly appealing.

Demographic and generational changes in the country’s economic, political, and social structures,

and the increasing integration of the United States into the broader world economy provided further fodder for this line of thinking. Along with Colin Powell and Condoleezza Rice, blacks moved into a growing number of leadership positions in the public and private sectors. In 2001, Ruth Simmons assumed the presidency of Brown University, making her the first African American to lead an Ivy League University. That same year, Robert Johnson sold his stake in Black Entertainment Television (BET) to Viacom, making him the country’s first black American billionaire. Johnson ultimately turned over the reins at BET to his protégé and Harvard Law School graduate Debra L. Lee ’80 who became the network’s President and CEO in 2005. And, in 2003, Oprah Winfrey joined Johnson in the black billionaire club, becoming the first — and to this date only — woman to do so.

In the corporate world, the elite club of black CEOs quadrupled, as Richard Parsons (Time Warner, 2002), Stanley O’Neal (Merrill Lynch, 2003), and Alwyn Lewis (K-Mart, 2004) joined Kenneth I. Chenault ’76 as CEOs of Fortune 500 companies. HLS graduates Deval Patrick ’82 and Deirdre Stanley ’89 joined a growing list of black lawyers occupying the general counsel seat in major U. S. companies when they became the chief legal officers at Coca-Cola and Thomson Corporation (now Thomson Reuters) respectively in 2001 and 2002.

In the political arena, Shirley Franklin became the first black American woman to serve as mayor of

Deirdre Stanley ’89
named general counsel
and senior vice president
of Thomson Reuters



2002

Richard Parsons
named CEO
Time Warner



Dennis W. Archer elected
president of the American
Bar Association

a major southern city, assuming the mayorship of Atlanta in 2002. That same year, Artur Davis '91 was elected to Congress from the 7th District of Alabama at the age of 35.

And, in a powerful metaphor for just how far the legal profession had come, Dennis W. Archer became the first black president of the American Bar Association (ABA) in 2002. Archer was succeeded by Robert Grey, whose term in 2003 as the second African American to lead the country's most important lawyer organization provided a fitting coda for an organization that did not admit black members until 1943.

The demographic and generational winds of change were blowing at Harvard Law School as well. In 2003, Elena Kagan '86 became the first female dean in the history of the school. At the university level, in 2000, Conrad K. Harper, the sole black member of the class of 1965, the first black partner at a major Wall Street law firm, and the first black president of the Association of the Bar of the City of New York, became the first African American to serve as a member of the President and Fellows of Harvard College, the seven-member body that governs Harvard University. The number of black students enrolled at HLS also continued to climb, with 57 black students (23 men and 34 women) entering the school in 2004. Harvard's increase was in-line with national trends, where a half-century after *Brown* there were over 29,000 black students enrolled in ABA accredited law schools throughout the United States, the largest number in history.



CONRAD K. HARPER '65

Yet, notwithstanding these changes, the number of black lawyers at major law firms continued to grow at a glacial pace, particularly at the partnership level, where in 2004 black lawyers constituted just 1.4 percent of all of the partners in the nation's largest law firms. In response to this dismal state of affairs, in 2004 Sara Lee's African American general counsel, Richard Palmore, issued a "Call to Action" asking his fellow chief legal officers to sign a pledge stating: "[W]e will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms."³ Eventually, more than 100 companies signed onto Palmore's pledge.

Arguably the most important call to action, however, was issued by a young state senator from Illinois from the stage of the Democratic National Convention in Boston, Massachusetts on July 27, 2004. Delivering the party's keynote address to an audience of millions watching around the country and the world, Barack

2003

Robert Grey elected as the second black president of the ABA



Grutter v. Bollinger and *Gratz v. Bollinger* decided



Elena Kagan named the first female dean of HLS

Obama, a member of the HLS class of 1991 and the first black president of the *Harvard Law Review*, called on Americans to remember: “[T]here is not a black America and a white America and a Latino America and an Asian America; there’s the United States of America.” Three months later Americans went to the polls in Illinois and elected Obama to the United States Senate, where he began his term in January 2005. Nine months later, in September 2005, Obama was the keynote speaker at the Celebration of Black Alumni II, where he was also awarded the Harvard Law School Association Award to the wild applause of the hundreds of black graduates who returned to Cambridge for the special weekend. By this time, Obama was already on a

collision course with President Bush, who in 2004 was reelected to a second term. The initial focus of this confrontation would be a natural disaster that had particularly devastating consequences for black Americans.

OUT OF A STORM, HOPE EMERGES, 2005-2008

Although few would have called George W. Bush a strong advocate for civil rights during his first term, his appointment of Colin Powell and Condoleezza Rice, combined with his relatively mild rhetoric on race (notwithstanding his initial opposition, President Bush praised the Supreme Court in *Grutter* for “recognizing the value of diversity in our Nation’s campuses”) had led many blacks to view him as more moderate on race relations than other conservatives.⁴

Celebration of Black Alumni II

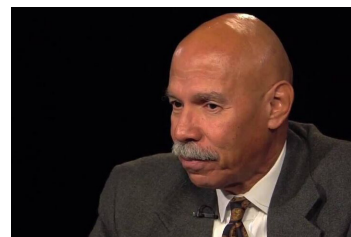
PROMISES TO KEEP: CHALLENGES AND OPPORTUNITIES FOR THE 21ST CENTURY SEPTEMBER 2005

Charles Hamilton Houston Medal of Freedom:

Randall M. Robinson ’70
Social Justice Advocate and Author

HLSA Award Recipient:

Hon. Barack H. Obama ’91
United States Senator for Illinois



RANDALL M. ROBINSON



BARACK H. OBAMA

2004

Barack Obama delivers the keynote at Democratic National Convention in Boston in July, and is elected to the U.S. Senate in November

President George W. Bush signs legislation to create the National Museum of African American History and Culture in Washington D.C.



Rick Warren issues a “Call to Action”

Indeed, in 2003 President Bush took an action that African Americans had fought for since the Civil War. Responding to the recommendation of a presidential commission that included Robert L. Wilkins '89, now a Judge on the United States Court of Appeals for the District of Columbia Circuit, and other pioneer black leaders like Representative John Lewis of Georgia, President Bush signed legislation authorizing the National Museum of African American History and Culture to be built on the National Mall. When President Bush nominated Condoleezza Rice to succeed Colin Powell as secretary of state at the start of his second term in office his reputation as a moderate Republican on race issues seemed secure.

This benign perception, however, changed forever on August 25, 2005 when Hurricane Katrina made landfall along the Gulf Coast wreaking havoc, breaching levies, and ultimately submerging much of the city of New Orleans and other coastal areas in Louisiana, Mississippi, and Alabama under a torrent of water. The death and destruction in the storm's wake was unprecedented, particularly in the low-lying and predominately black communities in New Orleans' upper and lower 9th Wards. In the eyes of many black Americans, however, the Bush administration's slow and seemingly callous response to the crisis was even more devastating than the storm itself. As the world witnessed Katrina's many black victims stranded on rooftops or crammed into unsanitary conditions in the Super Dome and the convention center, the problem of the color line

appeared to be every bit as salient in the opening decade of the 21st century as it had been when Du Bois wrote one hundred and two years before.



BARACK OBAMA '91

For then-Senator Obama, the Bush administration's response to Katrina underscored how the problem of the color line was less about blatant Jim Crow racism and more about a continuing indifference to those who bear the disproportionate share of the burden of this country's racist past. As he stated in his CBA II keynote: "I do not prescribe to the White House any actual malice. I don't think that they were plotting and saying, you know, these are black people don't rescue them." Instead, he went on with characteristic eloquence and force,

"[W]hat was revealed was a passive indifference that is common to our culture, common to our society. A sense that, of course, once the evacuation order was issued, you will hop in your SUV, and fill it up with

Christopher F. Edley, Jr.
'68 assumes deanship of the
UC Berkeley School of Law



Condoleezza Rice
becomes secretary of state,
the first black women to
hold the position



2005

68 black students, 33
men and 35 women,
enroll at HLS



\$100 worth of gasoline, and load up your trunk with some sparkling water, and take your credit card and check into the nearest hotel until the storm passes. And the fact that folks couldn't do that simply did not register in the minds of the folks in charge. And it is not surprising that it didn't register, because it hasn't registered for the past six, seven, eight, 20, 50, 75, 100 years. The incompetence was color-blind. But what was important to understand was the fact that the people we saw in front of the Superdome and in front of the convention center, they'd been abandoned before the hurricane. They had been abandoned to dilapidated housing, and inadequate schools, and the mayhem and violence and chaos that exists in inner cities all around the country."

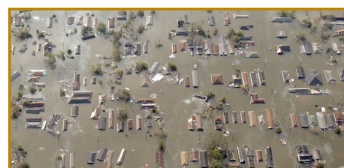
It is this indifference, Senator Obama insisted, that is the true problem of the color in the 21st century. As the assembled crowd leapt to its feet in applause, there were still few who dared to dream that one day it would be Barack Obama who would have the awesome responsibility of determining how the government of the United States addressed those in need.

The remaining years of the Bush administration further exacerbated America's racial and economic divide. For those at the top, the economy was booming. That included corporate lawyers, particularly those located in the country's large law firms, who experienced an unprecedented growth in the demand for their services between 2004-2008. By one estimate, the average profit per partner at

the country's top law firms increased by \$438,000 between 2003 and 2008, reaching an average of \$1.3 million by the end of this period (with 19 firms reporting average profits of \$2 million or more). Not all partners shared in these riches, however. The spread between the highest and lowest paid partners in many firms climbed from 3 to 1 to 10 to 1 or more. The rapid increase in the number of law firms creating a second tier of "non-equity" partners (paid a salary, as opposed to a share of the profits) further exacerbated the gap among "partners" at the top and bottom of the compensation system.⁵

Not surprisingly, for these and other reasons black lawyers have often found themselves on the short end of the compensation stick. As a preliminary matter, while the rising tide of the go-go legal market between 2004 to 2008 lifted all boats, those piloted by black lawyers rose more slowly than others. Thus, even though the number of minority lawyers constituted 13.4% of all of the lawyers in large law firms in 2008 — an all-time high — just over 6.2% of the partners in these organizations were minorities, with blacks constituting just 1.7% of the total. Although given the growth in the total number of partners, this represented an important increase in the absolute number of black partners in large law firms, the fact that the percentage growth from 2000 to 2008 was little more than .5% (and that many of those with the title "partner" were so in name only) underscored that the "concrete ceiling" that many black lawyers continued to believe blocked their progress in corporate law firms was still firmly in place.⁶

Conrad K. Harper '65 resigns his position on the Harvard Corporation and is replaced by Patricia King '69



Hurricane Katrina strikes the Gulf Coast

Celebration of Black Alumni II



Yet even in this sector, important progress continued to be made. In 2007, John W. Daniels '74 was elected chair of Quarles & Brady, becoming the first African American to lead a major U.S. law firm – an accomplishment made even more remarkable by the fact that when he joined the firm after graduating from Harvard Law School in 1974 Daniels was the first black lawyer the Milwaukee based firm had ever hired. The next year, Daniels was joined in the exclusive club of those who lead major law firms by fellow black Harvard alum Benjamin F. Wilson, Jr. '76, who in 2008 was elected Managing Principle of Beveridge & Diamond. Both men have gone on to become important leaders in the profession, playing a critical role in promoting diversity and inclusion in their own firms and in the corporate bar as a whole.

Although the appointment of Daniels and Wilson represented an important breakthrough, the overall state of the black corporate bar remained bleak, particularly for black women. Although blacks constituted less than 2% of all partners in these organizations, the percentage of black women partners was barely over half of one percent (.56%). Yet, by 2008 the majority of black law students — and in many schools, the overwhelming majority — had been female for almost two decades. This certainly has been true at HLS, where black women have outnumbered black men in every year but two since 1992, sometimes by more than 50%. Yet, black women have every problem in advancing to partnership in large law firms that affects women as a whole, whose percentage among partners continues to hover around 17%, plus all the disadvantages

suffered by black men and other minority lawyers in these institutions.⁷

The situation was arguably even bleaker for the majority of black lawyers not working in large law firms. As the legal scholar William Henderson has documented, the rapid escalation in starting salaries in large law firms, which reached \$165,000 by 2008, created a “bimodal distribution” in the compensation paid to law school graduates. Those entering corporate jobs were making almost \$100,000 more than lawyers entering other sectors of legal practice, whose average starting salary in 2007 was just over \$35,000.⁸ Not surprising, the majority of black lawyers clustered around the lower end of this distribution.

Once again, life for HLS’s black graduates mirrored this complex reality. Reflecting the positive features of the good economy and the more favorable climate for diversity and inclusion in higher education, HLS steadily increased the number of black enrollees from 2004-2008, consistently reaching the mid to upper 60s during the period, close to the high of 73 blacks who entered in 1989. (For a complete breakdown of black enrollment at HLS between 2000 and 2016, see Table 1 and Figure 1.)

Moreover, after a long hiatus, the number of black faculty began to increase during this period as well, although not without the loss of Christopher F. Edley, Jr. '78, who left his tenured position at HLS in 2004 to become the 12th Dean of the University of California, Berkeley School of Law.

Charles Hamilton Houston
Institute for Race and Justice
established under the leadership
of Charles Ogletree, Jr. '78

Deval Patrick '82 elected as
governor of the Commonwealth
of Massachusetts



2006

Voting Rights Act
extension passed



In 2005, Kenneth Mack '91 was promoted to full professorship, making him the tenth black faculty member in HLS's history. In 2007, HLS welcomed Brian K. Price as a clinical professor of law and the director of the transactional law clinics and Ronald S. Sullivan '94 as a clinical professor of law and director of the Criminal Justice Institute. In 2009, Professor Sullivan and his wife Stephanie Robinson '94, who also serves as a lecturer on law, were appointed co-Masters of Winthrop House, one of Harvard's undergraduate houses, becoming the first blacks to hold such a position in the history of the university.

But, the problem of the color line remained complex at Harvard too. After just two years of service on the Harvard Corporation, Conrad K. Harper resigned his position concluding that he could no longer support Harvard University's president, Lawrence Summers, arguing in a prior letter that the president's words and actions towards minorities and women provided sufficient grounds for his resignation.⁹ Four months later, Harvard appointed Patricia King, the Carmack Professor of Law, Medicine, Ethics, and Public Policy at Georgetown University Law Center and one of 30 black students in the HLS class of 1969, to succeed Mr. Harper on the Corporation. Mr. Harper's resignation nevertheless proved consequential. Less than a year later after receiving an historic vote of no confidence from the Faculty of Arts and Sciences, President Summers resigned the Harvard presidency. Summers was replaced by former Harvard president and HLS dean Derek Bok, who served as interim president until the appointment of Drew Gilpin

Faust, who became the university's first female president on July 1, 2007.

As Harvard continued to grapple with issues of race and inclusion within the university, the Law School continued to play an important role in fostering research and dialogue on these issues in the country as a whole. Following CBA II in 2005, HLS established the Charles Hamilton Houston Institute for Race and Justice (CHHIRJ) with Professor Charles J. Ogletree '78 as its founding director. Over the next three years, CHHIRJ had much to study. In 2007, the Supreme Court once again entered the arena of race and education in the case of *Parents Involved in Community Schools v. Seattle School District No. 1* (2007). Mirroring the nation's continuing division on the problem of the color line, a divided Court reaffirmed that seeking diversity and avoiding racial isolation was a compelling state interest, but nevertheless struck down the means through which the Seattle school districts in question were attempting to achieve these goals. The political arena was equally divided, although like *Parents Involved* the results were better than many might have expected. In 2006, after a long and bitter fight, Congress voted to extend the Voting Rights Act of 1965 for another 25 years. That same year, Deval Patrick was elected the first black governor of the Commonwealth of Massachusetts, becoming only the second African American since Reconstruction to hold such office anywhere in the country.



First HLS Latino Alumni Reunion held



2007

Drew Gilpin Faust named president of Harvard University



John W. Daniels '74 elected chair of Quarles & Brady, becoming the first African American to lead a major U.S. law firm



DEVAL PATRICK '82

But the most momentous political event was yet to come. On February 11, 2007, on the steps of the Old State Capital in Springfield, Illinois where Abraham Lincoln began his political career, Barack Obama declared his candidacy for the presidency of the United States. The campaign was hard fought, and there were many attempts to disqualify Senator Obama on the basis of his race and heritage. In response to a barrage of criticism involving his former pastor Jeremiah Wright, Senator Obama confronted the issues of race swirling around his campaign head on in a major televised address in Philadelphia, Pennsylvania. Acknowledging that “in no other country on earth” would his story have even been possible, Senator Obama urged Americans to look beyond the anger and resentments that had built up on both sides of the color line and to work to form “a more perfect union” to solve the issues of education, health care, and jobs that for too long had fed the fire of America’s racial divide. Not surprisingly, America’s

reaction to the speech was as divided as the problems it sought to address. Yet, on November 4, 2008, nearly 70 million Americans of every race, creed, and color voted to elect Barack Hussein Obama the 44th President of the United States, ushering in an era that few black Americans ever expected to see in their lifetimes.

To say that most black Americans did not expect to see a black president during their lifetime did not mean that many African Americans did not work hard to achieve this result. To the contrary, after an initial period of skepticism, blacks turned out in overwhelming numbers to support Obama’s candidacy. Especially important was the support of the new generation of black lawyers who, like Obama, came of age in the years following the Supreme Court’s historic decision in *Brown*. Obama’s support was particularly strong among the members of the black corporate bar. As an article in the *New York Sun* from August 2008 noted, although Obama was winning over 90 percent of the black vote at the time, “his backing among a tiny subset of that minority — black partners at major law firms — may be even higher.”¹⁰ The fact that the article also pointed out that a few prominent black lawyers were supporting John McCain only added to the importance of the emerging black corporate bar’s role in American society and politics.

When President Obama took the oath of office in January 2009 — administered by another HLS

2008

John Payton '77 is appointed the 6th director-counsel and president of the NAACP Legal Defense and Educational Fund



Lehman Brothers fails, marking the beginning of the Global Financial Crisis

Barack Obama '91 elected president of the United States



graduate, Chief Justice John Roberts '79 — and moved into the White House with his wife Michelle Robinson Obama '88, a brilliant Harvard-trained lawyer in her own right, and their daughters Sasha and Malia, there could be no doubt that the color line in America had shifted dramatically. While few blacks believed that Obama's election would permanently erase the line altogether, the overwhelming majority of Americans of all races who cast their votes for Obama, and even many who did not, hoped that President Obama's election would at least, to paraphrase a quote from Martin Luther King, Jr., bend the color line toward justice. It would prove a Herculean task.



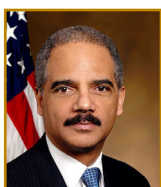
ELECTION NIGHT 2008

THE AGE OF OBAMA, 2009-2012

When the Obama administration took office in January 2009, the United States and the entire global

economy was in the midst of the worst economic crisis since the Great Depression. The collapse of the housing market and the fall of Lehman Brothers touched off a Global Financial Crisis (GFC) that threatened to collapse the entire banking system and plunge every major economy into deep recession and even depression.

Not surprisingly, the GFC also had a devastating effect on the legal profession, particularly in the corporate sector. Demand for the kind of M&A and securitization work that had fueled so much of the growth of the global corporate legal services market declined significantly. Law firms that relied heavily on these transactions were especially hard hit, with several collapsing completely. Moreover, unlike previous downturns in the legal market, such as those in 1991 and 2001, this decline in transactional work was not counterbalanced by an increase in the demand for litigation as companies sought out less expensive ways to resolve disputes. The net result was that, by the end of 2009, many large U.S. law firms laid off significant numbers of associates and support personnel, with several also de-equitizing and even laying off partners. By 2010, law firms in the U.K. and Western Europe were following suit. While the BRICS and other emerging markets initially fared better than the United States and other developed economies, growth in these countries eventually also slowed considerably as the foreign investment from the West that had fueled so much of the corporate legal growth in these jurisdictions



2009

Eric Holder becomes the first black person to hold the position of attorney general of the United States

Michael Steele became the first black person elected to chair the Republican National Committee



Elena Kagan resigns HLS deanship to become solicitor general of the United States and is replaced by Martha Minow as dean

dried up. Economic growth slowly rebounded in the United States and most major economies throughout President Obama’s first term, due in no small measure to his decision to push through two massive stimulus packages and to bail out the automobile industry. The legal market, however, grew more slowly, with hiring (particularly at the entry level), growth, and profitability remaining significantly below pre-recession levels.¹¹

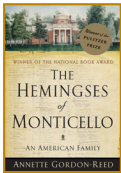
The effect of these changes on black and other minority lawyers was particularly devastating. The percentage of black associates in large law firms declined from an all-time high of 4.8% in 2008 to 4.1% in 2013. And notwithstanding some notable success, including Maurice Watson’s ’84 election as chair of Husch Blackwell in 2012, making him the third black lawyer to lead a major law firm, the percentage of black partners at these institutions remained essentially flat at 1.7 %.¹² Moreover, structural changes in the way that law firms operated after the GFC underscored that the adverse effects on blacks in large law firms were worse than even these dreary statistics suggest. By shifting the bulk of their hiring from entry-level recruits to laterals, many of whom were hired for their existing client bases or specialized skills, law firms effectively removed many of the procedural protections that helped to promote diversity in the recruiting process. At the same time, the fact that firms continued to turn up the pressure on those associates that were hired, for example by instituting “competency” models that

required lawyers to demonstrate their economic value to the firm within the first six to 12 months, and on “underperforming” partners who failed to generate sufficient business or billable hours to justify their compensation, further exacerbated a bottom line ethos that disproportionately disadvantaged black lawyers.

Empirical research confirms these effects demonstrating that the emphasis on the “war for talent” falsely implies that there is a “scarcity” of qualified individuals that privileges a certain “ideal type,” thereby impeding diversity.¹³ Women and minorities are much less likely to “inherit” important client relationships, which makes them much more vulnerable to economic shifts affecting the client relationships that they can build on their own.¹⁴ Minorities and women are also the least likely to have the kind of relationships that protect them from institutional failure.¹⁵ And, notwithstanding the Call to Action and similar efforts, corporate counsel report that diversity is still a “second order” consideration when hiring outside lawyers — even for companies with an expressed commitment to the issue.¹⁶

As with the situation before the GFC, black lawyers not a part of the corporate sector were even harder hit. While the graduates of Harvard and other top law schools may have had fewer good jobs to choose from after 2009, those graduating from lower ranked schools often found that they had no jobs to

Ronald S. Sullivan Jr. ’94 and his wife Stephanie Robinson ’94 become first black house masters of Winthrop House



2010

57 black students, 26 men and 31 women, enroll at HLS



Annette Gordon-Reed ’84 becomes the first black person to win the Pulitzer Prize for history for *The Hemingses of Monticello: An American Family*

choose from at all — and certainly none that would produce sufficient income to pay off the high levels of debt that they had acquired while obtaining their undergraduate and law degrees. In 2010, National Association of Law Placement statistics revealed that only 87.6% of all law graduates reported obtaining full-time employment within 9 months after graduation, down from percentages in the mid to high 90s prior to the GFC. Moreover, according to the same source, only 68.4% of graduates that year reported obtaining jobs for which a J.D. was required.¹⁷ By 2012, these percentages had fallen further to 85.5% and 64.4% respectively. Not surprisingly, graduates from lower ranked law schools, where the majority of black students matriculate, were especially hard hit.¹⁸ As a result, applications to law school began to plummet, falling 45% from a high of more than 100,000 in 2003 to fewer than 60,000 in 2014.¹⁹ In the broadest terms, 2010 census data revealed that the black percentage of the entire bar was just 5% — just a one point increase from 2000.

Harvard Law School was not immune from this trend, also suffering a significant drop in the overall number of applications. Although overall enrollment remained the same as HLS has many more applicants than spaces in the entering first-year class, the adverse effect of the GFC on the student body was nevertheless significant. In 2011, for example, the percentage of black students in the 1L class fell below 10% for the first time since 2003. Interestingly, in 2012, the number of male black 1Ls surpassed that

of female black 1Ls by seven, the only time that had occurred since 1992. While the overall numbers rebounded slightly by 2013, as we will see below, this dip, albeit temporary, heralded a dangerous trend (see Table 1 and Figure 1).

Nationally, the percentage of black applicants admitted to law school rose in the years following the GFC. Whether this increase reflected greater optimism about the legal profession among black applicants (perhaps for the reasons outlined below), fewer alternatives for those potentially applying to law school, or was due to efforts by lower tier schools to keep their overall numbers up is unclear. Given the continued decline in the number of graduates obtaining good jobs after graduation, particularly from lower tier schools, and the evidence from the corporate world that the old adage “last hired/first fired” continued to apply to even those black lawyers who managed to gain entry into the country’s large law firms and other similar employers, it is reasonable to fear that the overall prospects for black lawyers graduating from less prestigious institutions remained (and remains) daunting at best.

And yet, thanks to President Obama and First Lady Michelle Obama, the public profile of black lawyers had never been higher. On February 9, 2009, the Senate confirmed Eric Holder as the 82nd Attorney General of the United States, the first black American to serve as the nation’s top law enforcement officer. Nor was Attorney General Holder alone. Although

Kamala Harris elected attorney general of California



President Obama signs the Affordable Care Act into law



2011

Kenneth Frazier '78 named CEO and Chairman of Merck

some criticized President Obama for not appointing even more blacks and other minorities to high level positions, an empirical study by Anne Joseph O’Connell of the University of California, Berkeley School of Law demonstrates that between 2009 and 2015, President Obama literally changed the face of the federal government, appointing women and minorities (including gays and lesbians) to over 40 of the 80 most important positions requiring Senate confirmation (for an overall minority percentage of 53.5%, a number far higher than any previous president).²⁰ Not to be outdone, the Republican Party appointed Michael Steele, the former lieutenant governor of Maryland who received his law degree from Georgetown University Law Center’s night division the same year as President Obama graduated from Harvard Law School, as its first African American party chair.

Along with appointing blacks and other minorities to high-level positions in the executive branch,

President Obama also changed the face of the federal judiciary. According to a recent study, President Obama elevated a significant number of African Americans and other lawyers of color to the federal courts, making the 300 judges confirmed under his tenure as president the most diverse group in the country’s history.²¹ This number includes nine black American circuit court judges and 53 appointments of African Americans to the United States district courts. Twenty-six of these judges were female, giving President Obama the distinction of appointing more African American women to the federal bench than any other president in history. Eight of President Obama’s black federal judicial appointments were Harvard Law School graduates.

Nor was the Obama effect on blacks in the public sector confined to the federal executive and judicial branches. Between 2008 and 2012, several black elected officials emerged as important voices at the federal, state, and local levels. This group included

Federal Judicial Appointments of Black HLS Alumni by President Obama

- Victor A. Bolden ’89, U.S. District Judge
- Vernon S. Broderick ’88, U.S. District Judge
- Denise J. Casper ’94, U.S. District Judge
- George C. Hanks, Jr. ’89, U.S. District Judge

- Ketanji Brown Jackson ’96, U.S. District Judge
- William Francis Kuntz ’77, U.S. District Judge
- Robert Leon Wilkins ’89, U.S. Circuit Judge
- Wilhelmina Wright ’89, U.S. District Judge

Celebration of Black Alumni III

Terri Sewell ’92 elected to the U.S. House of Representatives, succeeding fellow HLS graduate Artur Davis ’91



Deval Patrick ’82 reelected as governor of Massachusetts

Kamala Harris, who in 2010 became the first black woman and first Indian American to be elected attorney general of California, Terrycina Andrea “Terri” Sewell ’92, who became the first black woman to serve Alabama in Congress when she was elected to the seat once held by Artur Davis, and Karen Freeman-Wilson ’85 who in 2012 was elected mayor of Gary, Indiana, making her the first woman and the first African American elected as a mayor in Indiana’s history. In addition, in 2010, Deval Patrick, Anthony Brown, and Cory Booker were all reelected to their respective positions as governor of Massachusetts, lieutenant governor of Maryland, and mayor of Newark, giving each an important platform in the national debate.

Despite so much progress, there was little doubt that the color line continued to extend through the Age of Obama. Although many more black candidates were inspired to run for elected office, the number of black elected officials in Congress and the nation’s governorships remained virtually the same during President Obama’s first term as it was when he entered office.²² All of these officials faced a constant barrage of criticism designed to delegitimize them personally and to impugn their eligibility and fitness for office. Throughout his first term — and indeed his presidency — President Obama was caught in a vice-grip of contradictory expectations between some black American leaders who criticized him for not doing enough to directly confront racial issues and many whites prepared to pounce on anything

that they could characterize as special treatment for African Americans. Moreover, President Obama had to navigate these pressures all while fighting off blatantly false and overtly racist allegations that he was a “Muslim born in Kenya” or that he “lied” during his first State of the Union Address.

The incident involving the arrest of prominent African American scholar and the head of Harvard’s W. E. B. Du Bois Research Institute, Professor Henry Louis Gates Jr., for breaking into his own home in 2009 underscored how treacherous this grip could be. In an off-hand remark at the end of a long news conference, President Obama ventured that the police officer “acted stupidly” in arresting Professor Gates once it was clear that he was in his own home, and that what happened to him was part of a “long history in this country of African Americans and Latinos being stopped by law enforcement disproportionately.”²³ The comments set off a fire-storm of criticism, with pundits from Fox News to the Fraternal Order of Police condemning President Obama, with some branding him as a “racist” for “gratuitously” injecting race into the national conversation.²⁴ The fact that this incident occurred when the administration was trying to pass its signature healthcare legislation underscored that President Obama and other black politicians who dared to even come close to the color line risked far more than the ravings of right-wing pundits or the humiliation ritual that was the “Beer Summit.”²⁵

Trayvon Martin killed by George Zimmerman, igniting the Black Lives Matter movement



2012

Karen Freeman-Wilson ’85 elected mayor of Gary, Indiana



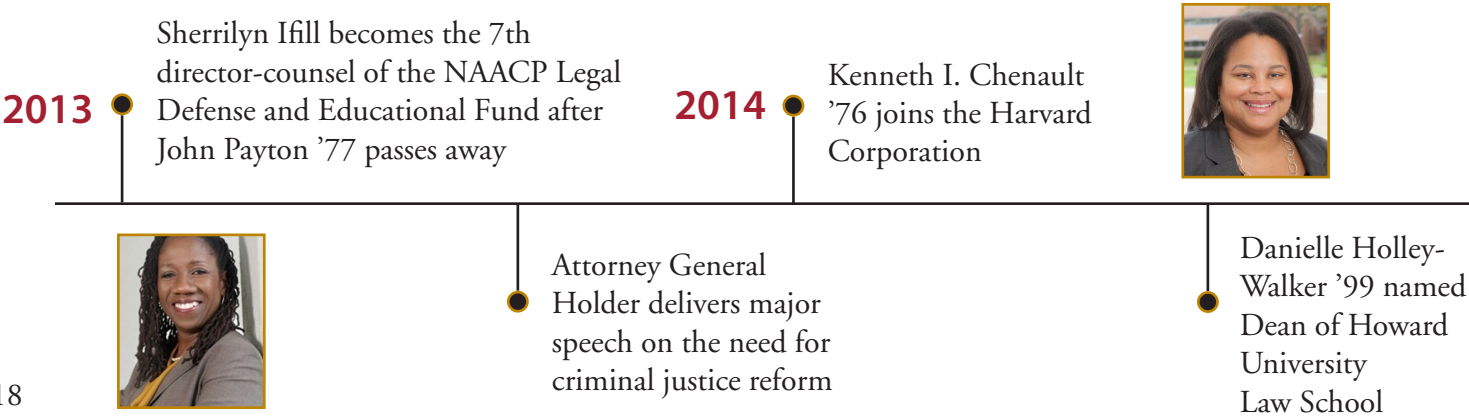
President Obama re-elected

Notwithstanding these challenges, there were many important victories during President Obama's first term. On March 23, 2010, President Obama signed the Affordable Care Act into law, accomplishing something that every president since Franklin D. Roosevelt had attempted, but failed to do. In the courts, Attorney General Holder, with the assistance of John Payton who had left his position as a senior partner at WilmerHale to become the 6th Director-Counsel of the NAACP Legal Defense and Education Fund, successfully defended key provisions of the Voting Rights Act in *Northwest Austin Utility District No. 1 v. Holder* (2009). The next year Payton successfully argued *Lewis v. City of Chicago* 12 (2010), vindicating the rights of over 6,000 blacks who had sought to become firefighters in the city of Chicago and establishing that employers can be sued when they rely on tests that rule out disproportionate numbers of women and minorities. And, in 2011, President Obama dedicated a monument to Dr. Martin Luther King, Jr., the first memorial dedicated to a black American on the National Mall and one of the few monuments there dedicated to a private citizen.

There were also victories at Harvard Law School. In 2009, Dean Elena Kagan '86 left her post to become the first female solicitor general of the United States. The next year, following the resignation of Justice John Paul Stevens, President Obama nominated Dean Kagan to be an Associate Justice of the United States Supreme Court. The Senate

confirmed Kagan's nomination on August 5, 2010 and two days later she assumed her position on the Court, where in 1987 she had served as a law clerk to Justice Thurgood Marshall. Justice Kagan was replaced as dean by Martha Minow. In 2010, Annette Gordon-Reed '85, the first black person to win the Pulitzer Prize in history and whose books on Sally Hemmings and Thomas Jefferson changed the entire narrative surrounding one of this country's most important founding fathers, joined the Harvard faculty with a joint appointment in the Law School and history department. Over the next seven years, four additional black faculty member were appointed to HLS: Tomiko Brown-Nagin (professor of law, 2012), Intisar Rabb (professor of law and co-director of the Islamic Legal Studies Program, 2014), Dehlia Umunna (clinical professor of law and deputy director of the Criminal Justice Institute, 2015), and Ruth Okediji (professor of law and co-director of the Berkman Klein Center, 2017).

In 2011, approximately 700 black graduates returned to Cambridge to celebrate the progress that had been made at Harvard Law School and around the country in the Age of Obama and to discuss "Struggle and Leadership in the 21st Century." Kenneth C. Frazier '78, who recently had become the CEO and Chairman of Merck, the first African American to lead a major pharmaceutical company, opened the event with a rousing defense of President Obama's first term in office. It was a fitting beginning to the bruising re-election campaign that would begin in



*Harvard Law School's Black Professors, 2000-present**

Kenneth W. Mack '91 - 2000

Brian K. Price - 2007

Ronald Sullivan Jr. '94 - 2007

Annette Gordon-Reed '84 - 2010

Tomiko Brown-Nagin - 2012

Intisar A. Rabb - 2014

Dehlia Umunna - 2015

Ruth Okediji - 2017

* year of initial appointment to HLS faculty

earnest the following January. This time, President Obama would be opposed by another HLS graduate, Mitt Romney, who graduated from the Law and Business schools in 1975.

Arguably, President Obama's biggest opponent, however, remained the same as it had been for Du Bois over a century before: the problem of the color line. And when a neighborhood security guard named George Zimmerman shot and killed an unarmed black teen named Trayvon Martin as he walked home from buying candy from the grocery store, the problem of the color line that had been simmering throughout much of President Obama's first term ignited a national fury that would eventually reach into the ivy-covered walls of Harvard Law School.

THE END OF AN ERA, 2013-2017

After a bruising campaign, President Obama won re-election to a second term as president, defeating Mitt Romney by more than 100 electoral votes. The



KENNETH C. FRAZIER '78

problem of the color line, however, would not be so easily vanquished. Following the death of Trayvon Martin, between 2014 and 2015, Dontre Hamilton, Eric Garner, Michael Brown, Ezell Ford, Dante Parker, Tanisha Anderson, Akai Gurley, Tamir Rice, Romain Brisbon, Jerame Reed, Tony Robinson, Phillip White, Eric Harris, Walter Scott, and Freddy Gray all died at the hands or in the custody of the police. Each death stoked anger and resentment in

50 black students, 18 men and 32 women, enroll at HLS



The Center on the Legal Professions publishes *The Women and Men of Harvard Law School: Results from the HLS Career Study*



2015



Loretta E. Lynch '84 succeeds Eric Holder as attorney general of the United States, the first black woman to hold the office

Celebration of Black Alumni III

STRUGGLE AND PROGRESS: LEADERSHIP IN THE 21ST CENTURY SEPTEMBER 2011

Charles Hamilton Houston Medal of Freedom:

Derek Bok '54

Former Dean, Harvard Law School

Former President, Harvard University



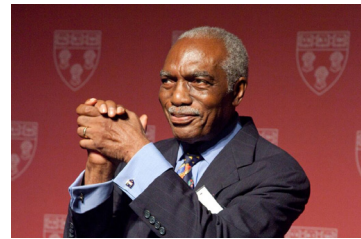
DEREK BOK

Charles Hamilton Houston Medal of Freedom:

Walter Leonard

*Former Assistant Dean and Former Assistant Director
of Admissions, Harvard Law School;*

Former President, Fisk University



WALTER LEONARD

HLSA Award Recipient:

Annette Gordon-Reed '84

Professor of Law, Harvard Law School



ANNETTE GORDON-REED

the black community, feelings that coalesced under the banner “Black Lives Matter.” The water crisis in Flint, Michigan and the callous disregard that state officials appeared to show for the health of that city’s black residents, particularly children, further deepened the feeling among many in the black community that black lives still did not matter to the same extent as white lives in the eyes of many Americans. And when an avowed white supremacist massacred nine black churchgoers at a prayer

service in Charleston, South Carolina, the country was forced to face the hard realization of just how entrenched the problem of the color line remained 52 years after four beautiful black girls were killed in the bombing of the 16th Street Baptist Church in Birmingham, Alabama.

And yet as thousands of people of all races and religions stood in peaceful solidarity to protest the Charleston massacre, it was also clear that the color

Student protests begin around the Royall Crest and the taping of black professor portraits; students respond with colorful messages

Paulette Brown becomes first black women to lead the ABA



50th Anniversary of the March on Selma and the 1965 Voting Rights Act



line had shifted dramatically in the intervening half-century. When President Obama appointed Loretta Lynch '84 to replace Eric Holder as Attorney General, making her the first African American woman — and only the second woman in history — to hold the nation's top law enforcement position, he further underscored that America had come a long way from the days in which the four members of the Ku Klux Klan responsible for the Birmingham bombing escaped prosecution until 1977, despite the fact that the FBI had overwhelming evidence of their guilt shortly after the crime was committed.

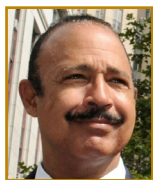
But the fact that the nation now had its second black attorney general did not change the fact that a disproportionate percentage of the nation's exploding prison population was black. Building on a prescient 2010 book by Michele Alexander entitled "The New Jim Crow," a growing chorus of voices from across

the political spectrum began to call for an end to the policies of "mass incarceration" that had devastated so many black communities. (Michele Alexander is the wife of Carter Stewart '97, who was then serving as the United States Attorney for the Southern District of Ohio.) By President Obama's second term, addressing this issue had become a priority for the administration. In 2013, Attorney General Holder delivered a major address at a conference in Medellin, Columbia arguing that America "will never prosecute or incarcerate our way to becoming a safer nation" and highlighting the Obama administration's efforts to scale back the mandatory minimum sentencing policies that had helped to swell the ranks of the country's prison population.²⁶ Attorney General Lynch continued to focus attention on these issues and, in a 2015 interview with the late Gwen Ifill, argued the country had arrived at a "unique moment" in which there was bipartisan support for eliminating policies that have failed to improve safety and that have "had the collateral consequences of removing young men, particularly young men of color, from their communities at a time when ... their communities need them the most."²⁷



LORETTA LYNCH '84

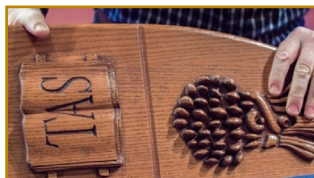
At HLS, issues of police violence and mass incarceration also garnered increased attention. In 2015, the Law School Launched the Fair Punishment Project, a joint venture between CHHIRJ and the Criminal Justice Institute, to focus attention on "excessive punishments and the systematic problems that create them."²⁸ That same year a new student



A committee chaired by Professor Bruce Mann recommends the removal of the Royall Crest, which is accepted by Harvard

2016

Theodore V. Wells '76 joins the Harvard Corporation



President Obama opens the National Museum of African American History and Culture on the National Mall

group entitled Students for Inclusion hosted a conference entitled “Law School Matters: Reassessing Legal Education Post Ferguson,” featuring keynote addresses by Kimberlé Crenshaw ’84, a professor at UCLA Law School and Columbia Law School and one of the founders of the academic movement known as Critical Race Theory, and Gary Peller ’80, a professor at Georgetown University Law Center who writes extensively about race and the law.

By the fall of 2015, a new student group emerged that would have an even greater impact on campus. Named “Royall Must Fall,” the group sought to force the Law School to stop using Sir Isaac Royall’s family crest as part of the school’s official seal on the ground, first revealed in Professor Daniel R. Coquillette’s opening presentation at the inaugural Celebration of Black Alumni in 2000, that Royall’s founding gift for the school had been paid for in part from the proceeds of the sale of his slaves in Antiqua.

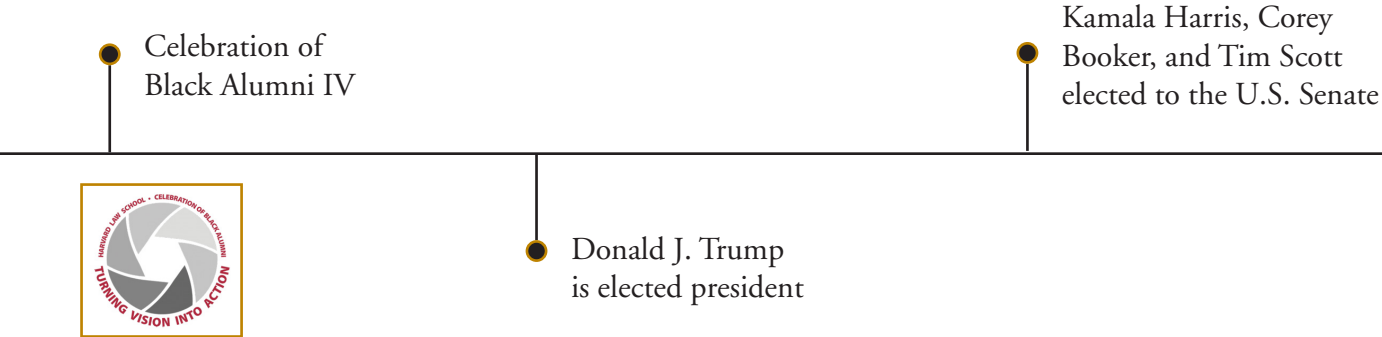
On November 18, 2015, Royall Must Fall published an open letter to the community demanding the shield’s removal. The next day, black tape was found on the portraits of the majority of the black members of the Harvard Law School faculty that hang in the corridors of Wasserstein Hall.²⁹ Dean Minow and many leaders of the community forcefully denounced the taping incident and scheduled a series of meetings with student leaders and with the community as a whole to discuss how to address the specific issues raised by the shield and the taping and the Law School’s racial climate generally.

As a result of these discussions, and in the face of mounting student protest, Dean Minow took a number of actions, including appointing a committee chaired by Professor Bruce H. Mann to look into the question of whether the Royall Crest should be retired. After several months of deliberation, and extensive consultation with students, faculty, administrators, and alumni, the committee, with one dissenting opinion, concluded that the shield should be retired. In justifying this conclusion, the majority report states:

“It is undeniable that the law school of the present is very different from the law school of 1937 for which the family crest of a slaveowner could be chosen as its official symbol without anyone seeing the association with slavery. We cannot un-see what we now know nor should we. The Law School would not today honor Isaac Royall and his bequest by taking his crest as its official symbol.”³⁰

The lone dissenter was Professor Annette Gordon-Reed, who argued powerfully for retaining the shield as a way of being “*unrelentingly frank and open with the whole world, now and in the future, about an important thing that went into the making of this institution*” (emphasis in the original). Professor Gordon-Reed went on to state:

“Maintaining the current shield, and tying it to an historically sound interpretive narrative about it, would be the most honest and forthright way to ensure that the true story about our origins, and



connection to the people whom we should see as our progenitors (the enslaved people at Royall's plantations, not Sir Isaac Royall), is not lost."

On March 14, 2016, President Faust and the Harvard Corporation's senior fellow, William F. Lee, wrote a letter accepting the Law School's proposal to remove the shield, thereby ending a very visible symbol of the school's ties to slavery. In so doing, the Law School joined a growing number of educational institutions trying to find ways to reconcile their values of freedom and inclusion with their historic connections to slavery. One month after the Law School's actions, President Faust, joined by civil rights icon Congressman John Lewis, affixed a plaque near Wadsworth Gate in Harvard Yard commemorating Titus, Venus, Bilhah, and Juba, four slaves who lived and worked in Wadsworth House and were owned by Harvard Presidents Benjamin Wadsworth and Edward Holyoke during the 1700s. In a related action, Harvard also decided to do away with the title "House Master," which Harvard College had traditionally used to denote those faculty members, such as Professor Ronald Sullivan and his wife Stephanie Robinson, who preside over undergraduate houses, renaming them "residential administrators" to avoid any linkages with slavery. Brown, Princeton, Yale, and virtually every other Ivy League institution has or is facing similar questions.

In addition to dealing with the legacy of past injustices, the Law School and the University have also taken important steps to ensure a more just future for Harvard. At the law school level, in 2016, Dean Minow hired the school's first director of community engagement and equity. Dean Minow also established a standing Task Force on Academic Community and Student Engagement. At the university level, President Faust broadened Harvard's governing structure, expanding the Harvard Corporation to 13 members, including two new African American members: Kenneth I. Chennault, who joined in 2014 (replacing Patricia King who resigned in 2013), and Theodore V. Wells, Jr. '76, the co-head of litigation at the law firm of Paul, Weiss, who joined in 2016.

It was against this background that over 800 black graduates and their guests — the largest number yet — returned to Cambridge for Celebration of Black Alumni IV in September 2016. The theme of the Celebration was "Turning Vision into Action," and, in addition to reconnecting with old friends and seeing the campus, participants were anxious to discuss how to continue to build on the momentum of the Obama years, while also addressing the devastating effects that the color line continued to have on many parts of the black community.



The Center on the Legal Profession hosts "A Celebration of Black Lawyers" at the National Museum of African American History and Culture



2017

Imelme Umana '18
elected first black
woman president of the
Harvard Law Review



Tomiko Brown-Nagin
appointed faculty director
of the Charles Hamilton
Houston Institute for
Race and Justice



KENNETH I. CHENAULT '76 , ROGER W. FERGUSON, JR. '79,
DEBRA LEE '80, AND KENNETH C. FRAZIER '78

The keynote speakers who addressed the gathering all reflected this dual focus. On the one hand, Bryan Stevenson '85, founder and executive director of the Equal Justice Institute, Former Attorney General Loretta Lynch '84, Theodore V. Wells '76, and Professor David B. Wilkins '80 all highlighted the tremendous gains that had been made since CBA I in 2000. But each also underscored the tremendous work still to be done, calling on those present to make their voices heard by turning vision into action. Echoing the words recounted by Bryan Stevenson in his brilliant book *Just Mercy* of an elderly black woman in Alabama who refused to be intimidated from exercising her legal right to come to court to witness a hearing for a man wrongly convicted of murder, each speaker asked participants to stand up and declare “I’m here!” To be “here” to stand up for all those who cannot stand up for themselves. To be “here” to do their part to fight injustice, including

the low expectations that continue to plague African Americans at every level of society. And to be “here” to remind Harvard Law School of all of the incredible black lawyers who



BRYAN STEVENSON '85

have passed through its doors since George Lewis Ruffin’s graduation in 1869 — and of its obligation to ensure that the doors of opportunity remain open for future generations of black lawyers.

As Professor Wilkins made clear in closing the Celebration at the gala dinner on Saturday night, this future can never be taken for granted. Specifically, Professor Wilkins revealed that the number of black students enrolled in the Law School had fallen every year since 2013, reaching a low of 33 in 2016 (just 6 percent of the student body), the same number of black students who enrolled in HLS in 1968. To reverse this trend, Professor Wilkins called on all in attendance to stand up and be “here” for the

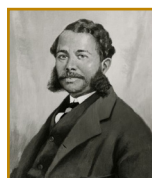


150th anniversary of
George Lewis Ruffin’s
enrollment at HLS

TIMELINE

2000-2017

200th anniversary of
Harvard Law School



Celebration of Black Alumni IV

TURNING VISION INTO ACTION

SEPTEMBER 2016

Charles Hamilton Houston Medal of Freedom:

Theodore V. Wells, Jr. JD-MBA '76

*Partner & Co-Chair of Litigation,
Paul, Weiss, Rifkind, Wharton & Garrison*

HLSA Award Recipient:

David B. Wilkins '80

*Lester Kissel Professor of Law
Vice Dean for Global Initiatives on the Legal Profession
and Faculty Director, Center on the Legal Profession*

Celebration of Black Alumni Award:

Professor Charles J. Ogletree '78



THEODORE V. WELLS, JR.



DAVID B. WILKINS



CHARLES J. OGLETREE

school in helping to attract and admit qualified black students, and to continue to encourage every HLS student to remember their obligation to be “here” to do their part to ensure that the color line in this country continues to bend toward justice.

As the celebrants said their goodbyes that evening, and over the traditional gospel brunch the next morning, few realized just how important being “here” to stand up for the value of “Equal Justice Under Law,” so brilliantly resurrected from the hypocrisy of Jim Crow by Charles Hamilton Houston, would be in the coming years. Indeed, many of those in attendance were preparing to witness President Obama inaugurate the final —and arguably the most enduring — manifestation of the promise he made in his speech at the Democratic National Convention 12 years before to create

a “United States of America” that included the history of all of its people by officially opening the Smithsonian National Museum of African American History & Culture on the National Mall on September 23rd.

Yet, less than two months after witnessing President Obama dedicate the new museum calling it “a dream come true,” the country woke up to the fact that it would soon be witnessing the inauguration of Donald J. Trump as the 45th president of the United States. And, while no one could predict the course of a Trump presidency, many worried that the dream of bending the color line which the Age of Obama had begun eight years before could end up as a nightmare for the cause of racial justice over the next four years.

THE THIRD CENTURY, AND THE SECOND 150 YEARS

In 2017, Harvard Law School celebrates the 200th anniversary of its founding. It also marks the 150th anniversary of the year George Lewis Ruffin entered Harvard Law School. In the intervening years, both the Law School and the more than 2,700 black HLS students and graduates who followed Ruffin, have had a profound effect on the law, the legal profession, the country, and the world. And the best is undoubtedly yet to come.

In just the first few months of this bicentennial and sesquicentennial year, Professor Tomiko Brown-Nagin became the second faculty director of the Charles Hamilton Houston Institute for Race and Justice, taking up the work that, as Dean Minow gratefully acknowledged, Professor Charles Ogletree “began and led so superbly at the Institute within and beyond Harvard Law School.” Also, Imelme Umana ’18 was elected president of the *Harvard Law Review*, becoming the first African American woman and the second person of African heritage to hold this prestigious position. Meanwhile, the first person of African descent to hold the Law Review presidency, and his wife, Michelle Robinson Obama ’88, stepped down from their role as America’s First Family and are already taking on some of the most pressing issues facing our country and the world through the newly established Obama Foundation. And while the Obamas continue their most important duty as a family by remaining in Washington, D.C. while their younger daughter Sasha completes high school, Malia Obama is preparing to continue the family’s connection to Harvard when she enrolls as a freshman in the College in September 2017.

It was against the backdrop of this impending transition from the Age of Obama to the next phase of America’s engagement with the problem of the color line that the Center on the Legal Profession



Smithsonian
National Museum of African American
History and Culture



HARVARD LAW SCHOOL
Center on the Legal Profession

A Celebration of the History of Black Lawyers

Dinner, Presentation & Awards

Award for Global Leadership: **Vernon Jordan**, Akin Gump
Award for Professional Excellence: **Kenneth Chenault**, American Express
Sherrilyn Ifill, NAACP Legal Defense Fund
Hon. Robert L. Wilkins, U.S. Court of Appeals

Bank of America
Merrill Lynch

Signature research sponsor, History of Black Lawyers project

Cocktails & Museum Viewing from 6:30pm
Dinner to follow
By complimentary invite only
questions? – ddavis@law.harvard.edu

CENTER ON THE LEGAL PROFESSION AWARDS DINNER, JUNE 2017

decided to conduct a second survey of Harvard Law School’s black graduates. The survey was launched in connection with CBA IV and concluded in the Spring of 2017. The following section presents some of what we learned from the 687 black graduates who participated in this project.

On June 5, 2017, the Center released this Report at its Annual Awards Dinner. The dinner, which was dedicated to “A Celebration of the History of Black Lawyers” and which honored the historic achievements of Vernon E. Jordan, Jr. (Senior Counsel, Akin Gump and Senior Managing Director, Lazard Frères), Kenneth I. Chenault (CEO and Chair, American Express); Sherrilyn Ifill (Director-

Counsel, NAACP Legal Defense and Education Fund), and Judge Robert Wilkins (Judge, U.S. Court of Appeals for the District of Columbia), was held at the Smithsonian National Museum of African American History & Culture on the National Mall in Washington, D.C. It was a fitting venue. When combined with the findings in the first Report on the State of Black Alumni issued in 2000, the data contained in this Report constitutes the most complete and accurate portrait of the achievements — and continuing challenges — of the black graduates of any law school in the United States. Given the role that Harvard's African American

students and alumni have played in shaping this nation's history and culture, their experience can tell us a great deal about how far this country has come in addressing the problem of the color line that W.E.B. Du Bois identified 114 years ago, and how stubbornly present that line remains even in the lives of those who have had the benefit of being educated at one of the best educational institutions in the country. We hope that our findings will help all Americans to do their part to ensure that we make even more progress in addressing the problem of the color line in the next decades of the 21st century than we were able to accomplish in the last 16 years.



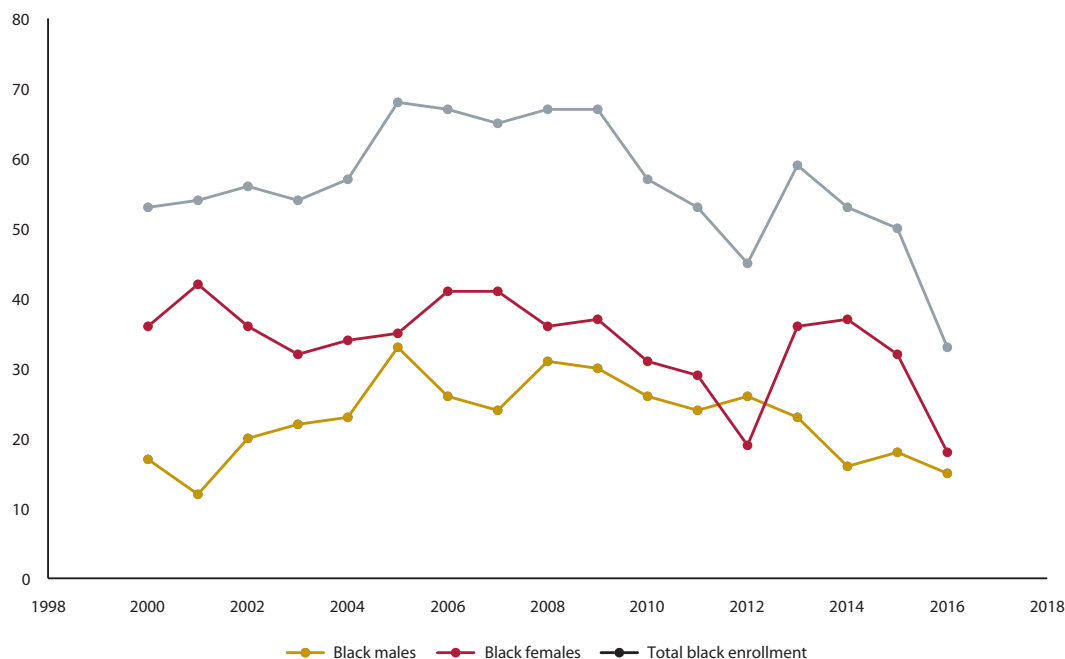
IMELME UMANA '18



*Black 1L Enrollment at Harvard Law School: 2000-2016****TABLE 1**

Year	Black males	Black females	Total black enrollment	Percent black women	Overall HLS enrollment	Percent black
2000	17	36	53	67.9%	556	9.5%
2001	12	42	54	77.8%	558	9.7%
2002	20	36	56	64.3%	557	10.1%
2003	22	32	54	59.3%	557	9.7%
2004	23	34	57	59.6%	558	10.2%
2005	33	35	68	51.5%	559	12.2%
2006	26	41	67	61.2%	557	12.0%
2007	24	41	65	63.1%	559	11.6%
2008	31	36	67	53.7%	566	11.8%
2009	30	37	67	55.2%	565	11.9%
2010	26	31	57	54.4%	560	10.2%
2011	24	29	53	54.7%	564	9.4%
2012	26	19	45	42.2%	559	8.1%
2013	23	36	59	61.0%	569	10.4%
2014	16	37	53	69.8%	563	9.4%
2015	18	32	50	64.0%	562	8.9%
2016	15	18	33	54.5%	563	5.9%

*Due to changes in ABA data collection methods, race/ethnicity data collected after 2009 are not directly comparable to prior data. More specifically, beginning in 2010 racial/ethnic data incorporate maximum reporting, which means that candidates may select multiple races/ethnicities. Selections are counted in each racial/ethnic group.

*Black 1L Enrollment at Harvard Law School: 2000-2016****FIGURE 1**

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THE CAREERS OF BLACK HARVARD LAW SCHOOL GRADUATES

Results of the 2016 HLS Black Alumni Career Study



THE HLS BLACK ALUMNI SURVEY

To document the achievements of Harvard Law School's black graduates, and to investigate the significance of race in the careers of black lawyers, the Center on the Legal Profession (CLP) surveyed virtually all living black HLS alumni about their careers since graduating from law school.³¹ The survey, which was officially launched in the fall of 2016 in conjunction with CBA IV, covers a wide range of issues, including law school experiences, first jobs post-HLS, current jobs, career trajectories and transitions, levels of satisfaction, and attitudes on the state of race relations. More information on the survey, response rates, and sample characteristics is found below. Together, the results of this survey provide a wealth of information about the career paths, obstacles, and successes of HLS's black graduates from across more than six decades.

The 2016 black alumni survey was designed to be comparable to a series of other career study projects. First, and most notably, the 2016 survey is highly comparable to the 2000 HLS black alumni survey, in most cases utilizing identical questions. (As noted earlier in this Report, the full results of the 2000 survey are available on CLP's website in the Report we published after CBA I entitled: *Report on the State of Black Alumni: 1869-2000*). As we return to below, because the survey questionnaires are largely identical, we can compare the responses of the more recent black HLS graduates to those of their predecessors. The 2016 survey also allows us to capture the critical changes that have occurred since 2000 including the election of the first black president, himself an HLS graduate and lawyer. In that respect, the 2016 survey includes a set of questions not present in the 2000 version, most notably the impact the Obama presidency has had on the legal profession.

Second, the 2016 (and 2000) black alumni questionnaire shares many similar characteristics to the Harvard Law School Career Study (HLSCS), which surveyed four HLS classes: the classes of 1975, 1985, 1995, and 2000. Conducted in 2010 by CLP, the HLSCS focused primarily on how gender impacted the professional and personal choices of HLS graduates, the full results of which were published in 2013 in the *Women and Men of Harvard Law School: Preliminary Results from the HLS Career Study*. (The report is available on the CLP website.) It is important to note that due to data limitations, specifically the relatively low response rate of minority students from the target classes, the HLSCS did not systematically address race-based issues. However, given the high comparability of the questionnaire with the 2000 and 2016 black alumni surveys, in the sections below we can compare the experiences of black HLS graduates to the school's alumni more generally.

Finally, the results of the 2016 survey are comparable to what is known about black lawyers' careers nationally, including results from the *After the JD* (AJD) study.³² AJD is a longitudinal study that tracks the professional lives of more than 4,000 lawyers who entered the bar in or around the year 2000. The first wave of the study, AJD 1, was conducted in 2002-2003 and provides information about the personal and professional lives of AJD respondents two to three years after passing the bar. The second wave of the study, AJD 2, was conducted in 2007-2008 and provides data about the same respondents seven to eight years into their careers. The third and final wave, AJD 3, was conducted in 2011-2012 and provides data on these same respondents ten to twelve years into their careers. AJD findings, along with other sources of publically available data, allow us to draw comparisons between the experiences of black HLS graduates and a more national population of black lawyers.

Focus and variables. The data collected provides insight into a broad range of issues relating to the careers of black HLS graduates across six decades. In this Report, we examine the data in three major ways. First, we examine aggregate data across the entire sample. This allows us to provide an overall snapshot of the professional and personal experiences of black HLS graduates across time. Second, we examine the data by decade-based cohorts. For example, those graduating between 1990 and 1999 would constitute the “1990s cohort” and those graduating between 2000 and 2009 would constitute the “2000s cohort.” Third, we created “pre-2000” and “post-2000” era-based groups, allowing us to examine black graduates on each side of the new millennium. These era-based groups also allowed us to isolate the entire post-2000 sample — alumni who had not graduated at the time of the original 2000 report. In using decade-based cohorts and era-based groups, we examine graduates both *within* each grouping, providing insights into the similarities and differences in career patterns of graduates within each decade and/or era, as well as *between* the groupings, thereby allowing us to examine how graduates have built careers at different periods of time.

In many cases a gender variable is also included in these analyses. As Kimberlé Crenshaw’s ’84 pioneering research on intersectionality makes clear, otherwise distinct social characteristics such as race and gender can combine and intersect in ways that produce a new category of classification with its own systems of discrimination and disadvantage.³³ Indeed, separate discussions about either minorities or women ignore the important reality that the majority of minority law students are women. Minority women lawyers experience many of the same issues that face white women lawyers and minority male lawyers — plus a complex set of challenges that flow from the intersection of these two forms of identity. If the legal profession and

society is going to make progress on either gender or racial diversity in the workplaces of the 21st century, everyone will have to pay closer attention to the importance of intersectionality in the lives of minority women lawyers.

Having said all this, the amount of data that we have greatly exceeds what can be conveyed in a single report. Therefore, we plan on returning to many issues that we touch on in future work, as well as new issues where more research needs to be done. Continuingly updated information about these projects can be found on the Center’s website (CLP.law.harvard.edu) or in issues of its digital magazine, *The Practice* (thepractice.law.harvard.edu).

Implications. By focusing on black HLS graduates specifically, the study examines a group who are high-achieving and who enter the legal marketplace with largely similar — and, given HLS’s rankings, undeniably impressive — qualifications. By studying black graduates of a single prestigious law school, divergences in career paths are more easily associable to things other than qualifications, which is particularly relevant given the legal profession’s traditional reliance on “qualifications” as a measure of quality. As Robin Ely, Pamela Stone, and Colleen Ammerman note in arguing why focusing on the career dynamics of Harvard Business School graduates provides a useful case study, “Attending a top-tier business school is a reasonable indication of high levels of achievement, talent, ambition, and promise, and by looking at men and women who graduate from the same school, we had a level playing field for gender comparisons.”³⁴ We believe the same to be true about those attending HLS with respect to race-based comparisons.

Second, while law schools are often very good at knowing where their graduates end up one, two, or three years after graduation, they are much less

equipped to know where they are 10, 15, 20, or more years post-law school. Because the survey includes respondents from as far back at the 1960s all the way up to graduates from the class of 2016, we can study alumni who are deep into their careers as well as those just entering the legal profession. We can therefore begin to understand how race comes into play in different ways for graduates from different generations. The data also provides a holistic picture, asking questions about law school experiences all the way through to a respondent's satisfaction with his or her overall career.

Finally, we believe that our findings are relevant to all of those who care about the role of law in society. As the previous section in this Report made clear, lawyers and those with legal training play critical roles across all segments of American society, whether in the judicial system itself or in government, business, non-governmental organizations, or other important institutions. Therefore, if black law graduates, whether from HLS or any other law school, encounter more challenges and have fewer opportunities than their non-black colleagues, that has a profound impact on American society.

Response Rate and Sample Characteristics.

The total number of black students enrolled at HLS from 1963 to 2013 (the class of 2016) was 2,643.³⁵ Alumni Affairs provided emails for 2,211 black alumni, or around 84% of the total historical population.

Our survey sample includes 687 black HLS graduates representing 31% of those surveyed. For the purposes of this analysis, we focused exclusively on graduates with a J.D. (including joint-degrees). This is due primarily to the low response rates from LL.M and S.J.D. students as well as the likely difference between the careers of this group and those with J.D.s. As an additional check on the representativeness of

our data, we conducted an analysis of respondents and non-respondents using information from HLS records on black enrollment by cohorts and gender. A difference in proportion test determined that HLS black female graduates were slightly more likely, albeit statistically insignificantly, to be in the survey than the overall HLS black population ($p=0.1860$). While 55% of the total population of HLS black graduates post-1983 were female, 58% of survey respondents were female. Although overall differences are not statistically significantly different from the population, they are different when we compare by cohort, with more female black respondents compared to male respondents. Based on this analysis, and in order account for these differences, survey data was weighted for each cohort by gender. This weighting allows us to reach conclusions from our sample that are broadly representative of the population as a whole.

When combined with the results of the original survey published in the first Report on the State of Black Alumni, we are confident we have the most comprehensive examination of the careers of the black graduates of any school ever assembled.

DEMOGRAPHIC, FAMILY, AND PRE-LAW BACKGROUNDS

Gender (Table 2). The ratio of black women to black men at the school has increased significantly since gender and race numbers were first tracked beginning in the 1980s. According to HLS/ABA records, for the 1980s cohort, over half (54.8%) of enrollees were black men at HLS. By the 2000s cohort, that number had dropped to 40.2%. By comparison, the percentage of black women at HLS was just under half (45%) for the 1980s cohort, but by the 2000s cohort had ballooned to 60%. This trend continues and appears to be accelerating for the yet-unfished 2010s cohort, where the percentage of women has increased to 64%.

Understanding the Tables and Figures

The majority of tables in this section contain the following structure:

1. An **overall** column (shaded grey), which signifies all respondents in the sample;
2. **Male and female columns**, which signify the responses from male and female respondents respectively from across the entire sample; and
3. **Pre- and Post-2000 era columns**, which signify the responses from those who graduated from HLS on each side of the new millennium. Those who graduated in 2000 are included in the post-2000 era.

It is important to note that, despite containing graduates from similar years, the “pre-2000 era” is distinct from the sample contained in the 2000 CBA Report, which surveyed black HLS graduates through 1999. While we refer to the original CBA Report below, the individuals contained in the 2000 survey are not necessarily the same individuals contained in the pre-2000 era grouping of the 2016 survey. In addition, those pre-2000 graduates who participated in both surveys were at a different stage in their career when they filled out the 2016 survey. Both of these factors help to explain why some of the findings contained in this Report for those in the pre-2000 era may differ from what was reported in 2000.

For purposes of length, we do not display decade-based cohort breakdowns as tables or figures. These breakdowns were, however, produced and we do refer to them within the text when they contain important findings.

We also performed statistical significance testing on many tables. An indication of “ $p < .05$ ” — denoted by * — means that we can be 95% confident that the observed difference between the variables in question reflects a true difference in the underlying population and not simple a sampling error. An indication of “ $p < .01$ ” — denoted by ** means that we can be 99% confident that the observed difference between variables reflects such a true difference. The standard minimum confidence level for statistical significance for research of this kind is 95%.

Significance testing was run to determine whether there were statistically significant differences between men and women, between decade-based cohorts, or between eras. For example, do men present differently from women or does the pre-2000 era differ from the post-2000 era. We have not yet conducted significant testing or other forms of regression analyses to determine whether there are interaction effects between these various groups — for example, differences between pre-2000 men and post-2000 women. We anticipate conducting this more complex analysis in the coming months.

Finally, sums may not tally exactly to 100% due to rounding. There were also 7 respondents who did not identify their gender, and who therefore have been excluded from comparisons between men and women, but whose answers have otherwise been counted in the response totals for all other purposes.

*Distribution of Gender by Cohorts (HLS/ABA Data)[^]***TABLE 2**

	Male	N - Male	Female	N - Female	Overall	N
1980s	54.8%	187	45.2%	154	100.0%	341
1990s	43.2%	272	56.8%	357	100.0%	629
2000s	40.2%	220	59.9%	328	100.0%	548
2010s	36.0%	49	64.0%	87	100.0%	136
Overall	44.0%	728	56.0%	926	100.0%	1654

*p<.05 **p<.01

[^] Prior to 1981, neither HLS nor the ABA kept records on the gender breakdown of minority students. Moreover, due to changes in ABA data collection methods, race/ethnicity data collected after 2009 are not directly comparable to prior data. More specifically, beginning in 2010 racial/ethnic data incorporate maximum reporting, which means that candidates may select multiple races/ethnicities. Selections are counted in each racial/ethnic group.

It should also be noted that the overall percentage of female students has increased dramatically since HLS first admitted women in 1963 — indeed, women in the class of 2019 outnumber men. However, we know from national data that black women are typically represented within law schools at much higher percentages than black men. According to 2009-2013 ABA data on full-time J.D. enrollment across all approved law schools, black women constitute, on average, 61% of all black law students and black men 39%. (Black students constitute just 7.4% of all law students.) Therefore, black women represent nearly two-thirds of all black law students. Indeed, as noted previously, apart from 1992 and 2012, black women have outnumbered black men in every individual HLS class since gender records have been kept (see Table 1 and Figure 1).

Racial identification (Tables 3-4; Figure 2).

In order to better understand how HLS's black alumni view their racial identity — and whether these identities vary by gender, cohort, and/or era — respondents were asked to select their primary racial identity, which included the options: African American/Black, Caribbean, African (e.g. Nigerian), Hispanic/Latino, Multi-racial, and other.

Respondents were asked to choose the one option that best characterized how they viewed their own identity. Not surprisingly, the overwhelming majority of respondents — 82.1% — reported their primary racial identity as “African American/Black.” Male respondents were more likely to select that option — 84.8% — than female respondents — 79.3%, a difference that was found to be just below the 95% level, suggesting that women are more likely to view themselves as Caribbean, African, or Multi-racial than men.

However, some of this result is driven by cohort effects. Respondents from the older cohorts, largely the 1970s and 1980s, were more likely to identify as African American/Black — 94.4% and 91.1% respectively — than those from the 1990s, 2000s or 2010s cohorts — 77.7%, 73.9%, and 75.9% respectively. And, as indicated above, the majority of blacks in these earlier classes were men, although overall there was little gender variation within the cohorts. Nevertheless, the trend line is clear that over time the “black” student population at HLS is increasingly comprised of students with a broader range of self-identities. This is particularly true in the post-2000 era, where the black students in our

Racial Identity

TABLE 3

	Male	Female	Overall	Pre-2000	Post-2000	N
African American/Black	84.8%	79.3%	82.1%	87.1% **	74.8%	431
Other	15.2%	20.7%	17.9%	12.9%	25.2% **	94
Total	100.0%	100.0%	100.0%	100.0%	100.0%	525

*p<.05 **p<.01

Racial Identity (Non-African American/Black)

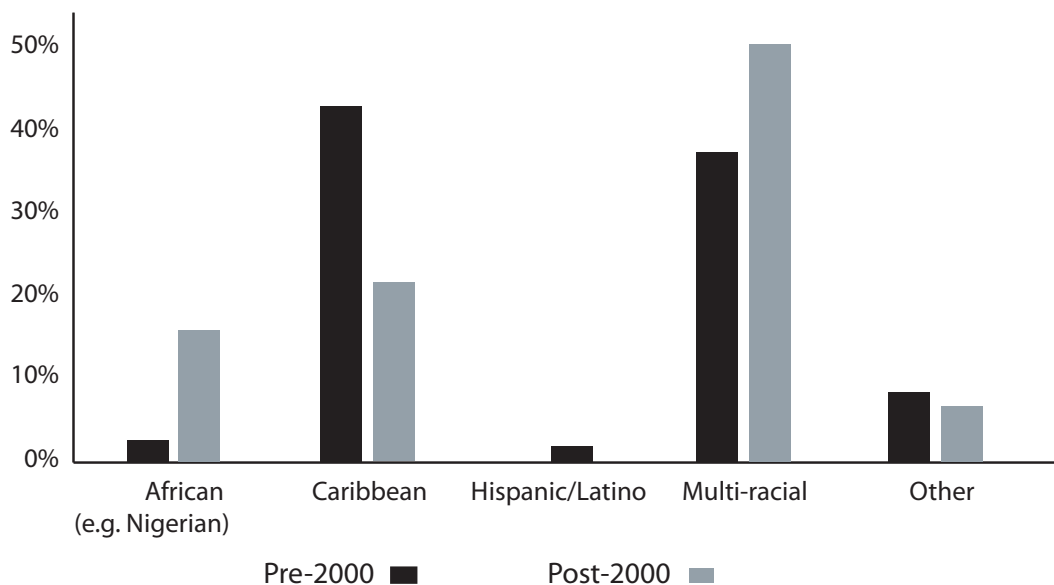
TABLE 4

	Male	Female	Overall	Pre-2000	Post-2000	N
African (e.g. Nigerian)	5.7%	14.1%	10.5%	2.5%	16.4%*	10
Caribbean	26.9%	35.8%	31.9%	47.3%	20.4% **	30
Hispanic/Latino	0.0%	1.5%	0.9%	2.0%	0.00%	1
Multi-racial	54.6%	43.8%	48.5%	38.8%	55.8%	46
Other	12.8%	4.7%	8.20%	9.5%	7.3%	8
Total	100.0%	100.0%	100.0%	100.0%	100.0%	95

*p<.05 **p<.01

Racial Identity (Non-African American/Black by Era)

FIGURE 2



sample were significantly more likely than those in the pre-2000 era to identify themselves as something other than African American/Black (25.2% to 12.9%). This trend at HLS is part of a broader movement across higher education, and indeed in society as a whole, towards a more complex set of identities for students who also identify as black. It will be interesting to see what, if any, implications this trend holds for the experience of black students on campus, and for issues of racial integration more generally.

Of the respondents that did not primarily identify as African American/Black — 17.9% of all respondents — the top 3 other categories selected were: Multi-racial (48.5%), Caribbean (31.9%), and African (10.5%). Male respondents were more likely to select Multi-racial (54.6%) than women (43.8%), however women were more likely to identify as Caribbean (35.8%) than men (26.9%). Women were also more likely to identify as African (14.1%) than their male colleagues (5.7%). Once again, it remains to be seen whether these differences will end up affecting either the student experience at HLS or the subsequent careers or interests of those who primarily identify in one of these other categories.

Socioeconomic background (Tables 5-6).

The socioeconomic backgrounds of the respondents largely track what we know about HLS graduates more generally, with a substantial majority of students coming from professional/white collar family backgrounds. Across all the respondents, 72.4% reported their fathers' profession as professional/white collar. Interestingly, a slightly higher percentage — 81.3% — reported their mothers' occupation as professional/white collar. These findings held across all decades, and between the pre- and post-2000 eras.

When broken down by gender, women respondents were slightly more likely to come from a professional/white collar background (77.5% for fathers; 84.7% for mothers) than their male colleagues (65.8% for fathers; 78.1% for mothers). While there was no statistically significant difference in the backgrounds of either mothers or fathers when broken down by cohort or era, male respondents from the post-2000 era did report higher percentages of both mothers and fathers with professional backgrounds than those for the pre-2000 cohort (73.6% to 87.2% for mothers; 62.6% to 73.0% for fathers). This provides some evidence that more recent HLS black students are coming from professional households than past graduates.

The comparison of these percentages with those reported in our 2000 Report confirm this general trend. In that Report, less than 60% of all respondents (57% men; 56% women) reported coming from professional/white collar backgrounds, although as we noted the percentage from such backgrounds had increased over time, with just over 50% of black students in the 1970s cohort reporting either parent as coming from a professional/white collar background as compared to almost 70% for those from the 1990s. The fact that this trend has accelerated in the post-2000 era, has important — and paradoxical — implications for Harvard Law School and the future of the black bar as a whole. On the one hand, the fact that black students increasingly come from professional families is a sign that African Americans are managing to retain, and perhaps even build on, the gains that were made during the first wave of integration in the 1960s and 1970s. At the same time, the fact that blacks from working class backgrounds are increasingly less likely to attend HLS is yet another sign of the growing economic segmentation within black America. While this segmentation does not necessarily mean that the Law School and the country should move to a

Father's Occupation

TABLE 5

	Male	Female	Overall	Pre-2000	Post-2000	N
Professional/White collar	65.8%	77.7%	71.8%	70.0%	74.6%	338
Vocational/Blue collar	34.2%	22.3%	28.2%	30.0%	25.4%	133
Total	100.0%	100.0%	100.0%	100.0%	100.0%	471

*p<.05 **p<.01

Mother's Occupation

TABLE 6

	Male	Female	Overall	Pre-2000	Post-2000	N
Professional/White collar	78.1%	84.7%**	81.5%	79.6%	74.6%	328
Vocational/Blue collar	21.9%**	15.3%	18.5%	20.4%	15.9%	75
Total	100.0%	100.0%	100.0%	100.0%	100.0%	403

*p<.05 **p<.01

policy of “class not race” as some have suggested, it does mean that it is imperative that the Law School’s admissions policy focus on the importance of class *within* racial groups in order to ensure that the doors of opportunity to this critical institution remain open for talented black women and men who do not come from professional backgrounds.

Undergraduate background (Table 7). A majority of respondents (65.9%), both male and female and across all cohorts and eras, reported attending a private undergraduate institution (excluding historically black colleges and universities, which we refer to hereinafter as HBCUs). This percentage is comparable to what we found in 2000. Interestingly, however, the percentage attending private institutions dropped from 70.3% for those graduating in the pre-2000 era to 59.3% for those graduating post-2000, a statistically significant difference. This change was driven by an increased percentage of students coming to HLS from HBCUs (an increase from 11.1% for pre-2000 graduates to 15.9% for those graduating post-2000) and from public colleges (where the

percentage increased from 18.6% for pre-2000 graduates to 24.7% for those graduating post-2000). This increase in the number of black students coming from HBCUs constitutes an important reversal of the trend we observed in our 2000 Report, where the percentage of HBCU graduates fell from 27% for the 1970s cohort to 11% for those graduating from HLS in the 1990s.

Adding gender clarifies the picture even further. Although as indicated above fewer black students in the post-2000 era obtained their undergraduate degrees from private institutions, this decrease is due almost entirely to the fact that fewer men are entering HLS from this background. Thus, while the percentage of women coming from private institutions is relatively stable (69.9% for the pre-2000 era versus 65.1% for the post-2000 era), there has been a significant drop in the number of male respondents going to private colleges in the pre- and post-2000 period (70.5% to 50.1% respectively). Specifically, there has been a substantial increase in the number of men coming from both HBCUs

*Undergraduate Education***TABLE 7**

	Male	Female	Overall	Pre-2000	Post-2000	N
Historically black (HBCU)	14.9%	11.2%	13.0%	11.1%	15.9%	68
Private	64.2%	67.6%	65.9%	70.3%*	59.3%	345
Public	20.9%	21.3%	21.1%	18.6%	24.7%	110
Total	100.0%	100.0%	100.0%	100.0%	100.0%	523

*p<.05 **p<.01

(from 12.7% pre-2000 to 19.5% post-2000) as well as from public colleges and universities (16.9% to 29.3%) in the post-2000 period. Although our data does not allow us to determine the reason for this gender difference, it is consistent with the general trend of black women being more likely than black men to attend the kind of prestigious private colleges and universities from which Harvard Law School typically recruits.

LAW SCHOOL EXPERIENCE

Career intentions (Table 8; Figure 3). We asked our respondents to reflect on their career intentions upon entering law school. Not surprisingly, nearly a quarter of those responding (24.4%) reported that they were “undecided” about what they wanted to do with their legal careers at the time they entered law school. The percentage of undecideds is significantly greater for pre-2000 era graduates than those in the post-2000 era (27.9% to 19.1%), perhaps resulting from the fact that those entering law school in the latter period were likely to have far more access to career information than those in the earlier period. Moreover, after Martha Minow became dean in 2009, an increasing percentage of HLS students had worked for one or more years, arguably giving them even more information about the legal job market and — perhaps even more importantly — their own career aspirations.

Notwithstanding this understandable uncertainty, the overwhelming majority of our respondents in every cohort and era recalled that they had formed a preference about the kind of law they wanted to practice upon entering law school. Private practice was the most common intended destination, with almost 40% of our respondents stating that this is where they intended to go after graduation. Public interest was the next most common intended career goal (18.8%), with government (7.4%) and business (4.6%) lagging far behind.

These percentages are similar to what we found in 2000, where 39% of respondents intended to enter private practice when they entered law school, and with the HLSCS, where the percentage was 31%. This last comparison underscores that the career aspirations of black HLS graduates are broadly similar to the careers of HLS graduates as a whole — although throughout this report we will see important differences as well. Finally, these percentages also have stayed relatively stable across cohorts, although the percentage of respondents recalling that they intended to go into private practice decreased in the 1990s and 2000s cohorts (34% and 37% respectively) as compared to the prior and following decades where intentions to enter private practice were both near 45% (45% for the 1980s cohort and 45.2% for the partial cohort beginning in 2010). The fact that were important downturns in the market for legal services in both

Career Intentions

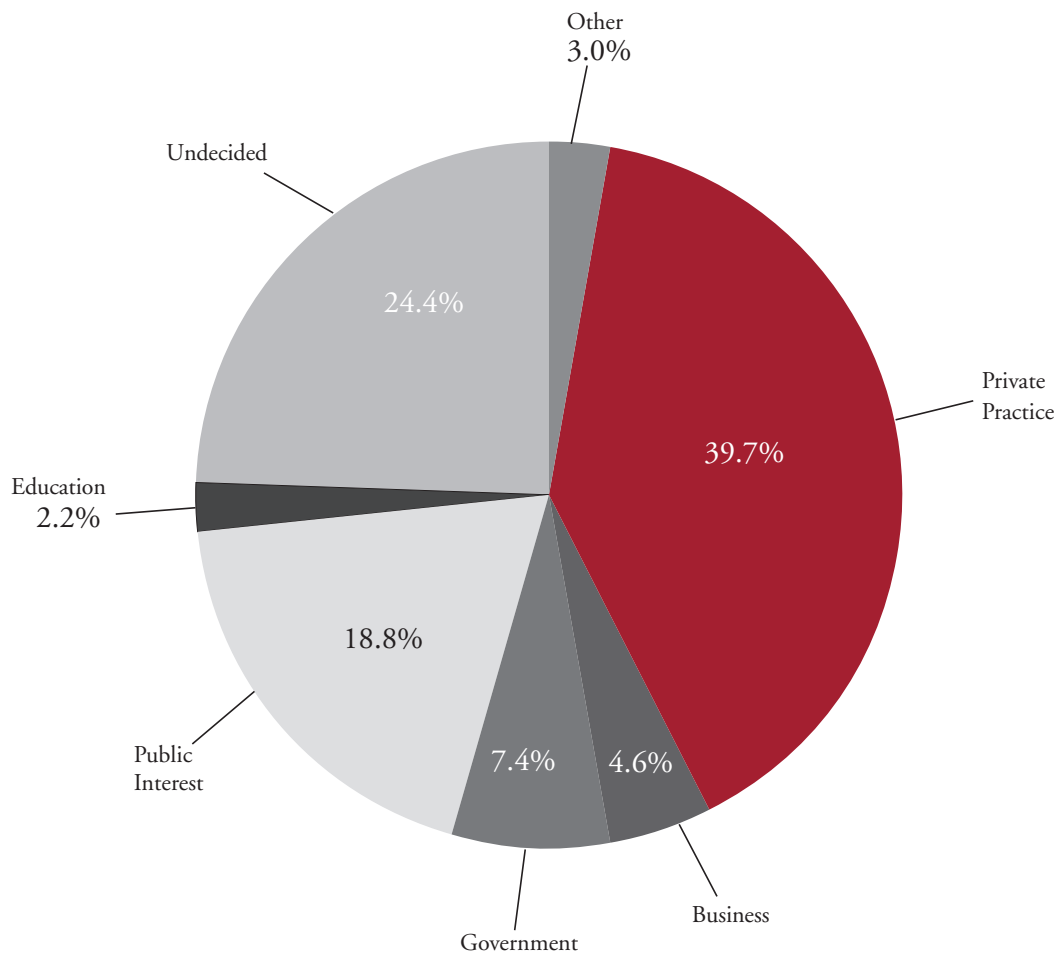
TABLE 8

	Male	Female	Overall	Pre-2000	Post-2000	N
Private Practice	47.0%**	31.8%	39.7%	38.9%	40.1%	207
Business	5.8%	3.4%	4.6%	4.6%	4.6%	24
Government	7.8%	7.1%	7.4%	6.4%	9.0%	39
Public Interest	10.4%	27.6%**	18.8%	17.4%	20.8%	98
Education	1.4%	3.0%	2.2%	1.6%	3.0%	11
Undecided	25.1%	23.6%	24.4%	27.9%*	19.1%	127
Other	2.4%	3.5%	3.0%	3.2%	2.7%	16
Total	100.0%	100.0%	100.0%	100.0%	100.0%	522

*p<.05 **p<.01

Career Intentions - Overall

FIGURE 3



the 1990s and the 2000s — recessions that hit the private law sector particularly hard — may help to explain this temporary decrease in black HLS graduates' interest in entering this sector.

Although private practice was the top career option across all of the variables we examined for this Report (even accounting for the dip in interest for this sector in the 1990s and 2000s described above), there were important differences in the career intentions of women and men with respect to this sector. For example, in the sample overall, men were significantly more likely than women (47% to 31.8%) to intend to go into private practice when they came to law school. Although the margin differed across cohorts (not always reaching statistical significance), men were more likely than women to intend to begin their careers in private practice across all of the six time periods we studied, and between pre- and post-2000 graduates generally.

By contrast, women have been consistently and significantly more likely than men to intend to use their law degree to go into public interest positions (27.6% to 10.4% respectively). Once again, these results generally hold across all cohorts and for both the pre- and post-2000 eras, with the percentage of women intending to go into public interest holding at almost exactly at 27% — a result that differs significantly from the intentions of their male peers in both eras. Once again, this is consistent with what we found in both the 2000 Report and in HLSCS, where in each instance men were more likely than women to want to go into private practice and women were more likely than men to intend to enter public interest positions or other forms of public service.

Black clients/Interests (Table 9). In addition to asking about their general career intentions, we also asked respondents whether when they entered law school they intended to work in a substantive area

serving black clients or interests (e.g. community development). On an aggregate level, just over one-third — 36.6% — of our respondents reported that working on behalf of black clients/interest was a goal upon entering law school. This finding holds across all cohorts and across the pre- and post-2000 eras.

Women, however, are far more likely than men to want to use their legal education to serve the black community. Thus, while over 40% of the women in our sample reported that they had this commitment, just over 30% of men reported a similar intention. This percentage shrinks to below 30% for black men in the post-2000 cohort, while women in this group are even more likely (53.7%) to report that they intended to serve black clients or interests when they entered law school.

Overall, these percentages provide some support for those who believe that black students come to law school with an interest in using their legal skills to improve the plight of black Americans generally. Given the significant contribution that black Harvard Law School graduates have made to this struggle throughout history — a history chronicled in the proceeding section of this Report as well as in the history section of the 2000 Report — it is not surprising that many black students come to Harvard wanting to be a part of this rich tradition of service. Perhaps as a result of the continuing and visible challenges faced by women of color both in the legal profession and in the country as a whole, this intention appears to be especially strong among black women. The fact that interest in finding ways to be a “social engineer for justice” remains strong in the new millennium — particularly among black women — is an indication of how much more the current generation of black lawyers believe needs to be done to achieve racial justice notwithstanding the fact that many in this group entered law school after the dawning of the Age of Obama as represented by his 2004 speech at the Democratic National

TABLE 9

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	30.6%	42.9%	36.6%	34.7%	39.4%	191
No	69.4%	57.1%	63.4%	65.3%	60.6%	330
Total	100.0%	100.0%	100.0%	100.0%	100.0%	521

*p<.05 **p<.01

Convention. We will return to other evidence from our survey that points to the continuing significance of race below.

Connections to HLS (Table 10). In addition to celebrating the accomplishments of its black graduates — and highlighting their continuing challenges — one of the primary goals of CBA I was to deepen the connections between African American alumni and the school. Table 10 indicates that the four CBAs have succeeded in achieving this goal, while underscoring that there is still significant room to increase black graduates' continuing participation in the life of the school. Thus, more than half of all respondents — 56.5% overall (55.9% of women; 58.2% of men) — indicated that they have attended at least one of the four Celebration of Black Alumni events. By contrast, less than one-third (31.2%) of respondents said that they have attended a general class reunion, with just 21.4% of those in the post-

2000 era indicating that they had done so. Although these results are undoubtedly skewed by the fact that we were asking the question in the context of a survey that was sent out in connection with CBA IV, they nevertheless offer some support for the importance of affinity group alumni events such as CBA as a way of connecting graduates who may not be inclined to attend the school's general reunions. These gatherings may also help to increase black participation in other forms of alumni engagement, such as events outside of HLS or making financial contributions to the school, both of which hover around 40% for our entire sample. Indeed, those graduating in the post-2000 era were significantly less likely to have donated to the school — 21.5% as compared to 54.0% for those from the pre-2000 era. Needless to say, the fact that those in the post-2000 era were still relatively junior in their careers accounts for some of this gap in financial contributions. It should nevertheless be worrying for those charged

Connections to HLS

TABLE 10

	Male	Female	Overall	Pre-2000	Post-2000
Attend class reunions	34.6%	28.2%	31.2%	38.2%**	21.4%
Attend Celebration of Black Alumni series	58.2%	55.9%	56.5%	64.1%**	45.8%
Participate in alumni activities away from HLS	35.1%	48.7%**	41.1%	36.2%	48.2%**
Donate/provide financial support to HLS	47.2%**	34.5%	40.5%	54.0%**	21.5%
Engage in recruiting activities at HLS on behalf of employer	28.7%	28.7%	27.9%	22.0%	36.2%**
Attend continuing education courses at HLS after graduation	1.9%	1.8%	1.8%	2.7%	0.7%
Faculty contacts	25.1%	26.3%	25.6%	24.1%	27.6%
Other	11.4%	14.2%	12.6%	15.4%	28.5%

*p<.05 **p<.01

^Percent reporting "yes"

Overall N (yes and no)=533

with maintaining the school's financial health. On the other hand, the fact that 48.2% of those from the post-2000 era reported participating in HLS events held away from Cambridge, a higher rate than the pre-2000 era (36.2%), and which may reflect the influence of CBAs I-III, may suggest additional ways for HLS to connect with its younger alums. As we indicate below, such connections are likely to benefit African American alumni as much as they benefit the school.

Clerkships (Tables 11-12). Overall, 23.6% of respondents reported having a clerkship at either the state or federal level. This number is virtually identical to the average number of all HLS graduates going to clerkships — 26.9% — over the last 16 years (2000-2016). Clerkship rates for black students were the lowest in the 1970s cohort (10%), peaked in the 1980s and 1990s at 33.1% and 31.4% respectively, and dropped to the modern-day HLS average of the low 20s in the 2000s and 2010s. There was very little difference in rates across the pre-2000 (24.8%) and post-2000 (21.7%) eras.

Adding in gender, a significantly higher percentage of women reported obtaining clerkships (27.4%) than men (20%). Part of this overall difference appears to be driven by the pre-2000 era, in which female respondents reported obtaining clerkships to a statistically significant extent more than their male colleagues (31.5% women; 20.0% men). By the post-2000 era this difference had largely vanished (22.9% women; 20.1% men).

For the students that obtained clerkships, more than half — 57.5% — reported clerking for a black judge. Men were less likely to do so — 48.8% — than their female colleagues — 64%. The overall percentage of black HLS graduates who obtained their clerkships from black judges fell slightly to under 40% for those graduating in the post-2000 era. Although our data does not allow us to determine whether those who clerked for African American judges turned down opportunities to clerk for judges who are not black, the dynamics of the clerkship process in which students are typically required to accept the first clerkship they are offered suggests that race still plays a very significant role in providing opportunities for

Clerkships

TABLE 11

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	20.0%	27.4%**	23.6%	24.8%	21.7%	121
No	80.0%**	72.6%	76.4%	75.2%	78.3%	393
Total	100.0%	100.0%	100.0%	100.0%	100.0%	514

*p<.05 **p<.01

Clerked for Black Judge

TABLE 12

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	48.8%	64.0%	57.5%	44.3%	39.8%	66
No	51.2%	36.0%	42.5%	55.7%	60.2%	49
Total	100.0%	100.0%	100.0%	100.0%	100.0%	115

*p<.05 **p<.01

Harvard Law School's black graduates to obtain the benefit of this important professional development opportunity.

FIRST JOBS POST-HLS

Employment sector (Table 13; Figure 4).

As Figure 4 illustrates, the overwhelming majority of black HLS graduates entered private practice as their first job post-HLS — 71.9%.³⁶ This trend holds when broken out via eras, with 72.2% of pre-2000 graduates entering private practice as their first job post-HLS and 71.5% from the post-2000 era. These percentages are slightly higher than the 68% of black graduates who reported beginning their career in this sector in our 2000 Report. It is also marginally greater than the percentage of all HLS alumni reported in HLSCS, which found that, across all cohorts in the sample, 61% went to a private firm as their first job post-HLS. Finally, the percentage of black HLS graduates beginning their careers in private practice as reported here is substantially higher than the percentage reported in AJD 1, where only 57.3% of black lawyers were working in private law firms of any size two to three years into their careers.

The percentage of black graduates in our sample who began their career in private practice is also overwhelmingly higher than 40% of respondents who reported that they intended to start their career in this sector when they entered law school. This too is consistent with the findings in our 2000 Report, where the percentage of those beginning their careers in private practice was also significantly greater than those who thought that they would do so when they entered law school. Thus, it appears that black HLS students — like their white counterparts both at Harvard and elsewhere — frequently shift their career goals during law school.

Outside private practice, around 7% of all respondents went into government, with a slightly higher percentage doing so in the pre-2000 era (8.7%) than the post-2000 era (5%). After private practice and government, the third most common first job post-HLS was business (not practicing law) with 6% of respondents answering that they began their careers in this sector. There does appear to be an era effect here with almost twice as many respondents from the post-2000 era going into business (not practicing law) (8.1%) than in the pre-2000 era (4.7%). Public interest, where more than 15% of respondents reported that they intended to work when they entered law school, accounts for only 4.7% of total first jobs, although if one adds the percentage of black graduates beginning their careers in legal services and government, the total percentage of respondents in the public sector broadly understood is slightly higher (16.8%) than the percentage of those who initially expressed a desire to work in public interest jobs.

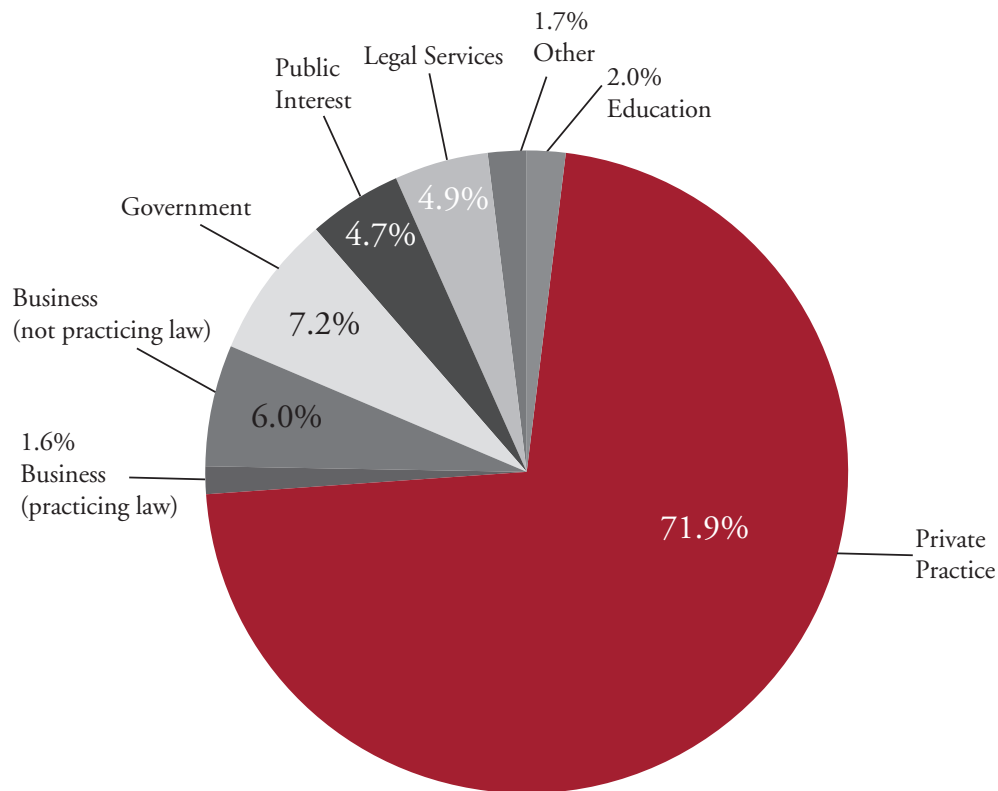
Once again, these results parallel what we found in 2000, where far more respondents reported that they intended to go into public interest than actually did so. Government, however, was a more common entry point into the legal profession for respondents in 2000 than in our current sample. Although some of this difference is undoubtedly due to the fact that our samples contain different people, even for the pre-2000 era, the fact that the percentage of respondents in our current survey working in government as their first job declined from 8.7% pre-2000 to 5.0% post-2000 suggests that the decrease in the overall percentage of our sample starting in government (7.2%) is indicative of where the trend line is heading.

When a gender variable is added, the picture becomes more complicated. Overall, male and female respondents reported entering the private sector at

*First Jobs Post-HLS***TABLE 13**

	Male	Female	Overall	Pre-2000	Post-2000	N
Private Practice	71.2%	72.8%	71.9%	72.2%	71.5%	369
Business (practicing law)	2.4%	0.8%	1.6%	2.7%*	0.0%	8
Business (not practicing law)	8.6%**	3.0%	6.0%	4.7%	8.1%	31
Government	7.8%	6.7%	7.2%	8.7%	5.0%	37
Public Interest	3.0%	6.4%	4.7%	4.0%	5.7%	24
Legal Services	2.7%	7.2%*	4.9%	4.9%	4.8%	25
Education	2.0%	2.0%	2.0%	0.3%	4.5%**	10
Other	2.3%	1.1%	1.7%	2.5%	0.4%	9
Total	100.0%	100.0%	100.0%	100.0%	100.0%	513

*p<.05 **p<.01

*First Jobs Post-HLS - Overall***FIGURE 4**

largely the same rate (71.2% of men and 72.8% of women). However, this overall similarity masks some interesting cohort and era differences. Thus, in the 1970s, the percentage of men entering private practice (69.6%) was higher than the corresponding percentage of women (40%). By the 1980s, however, these percentages had flipped with 72.2% of men entering private practice as compared to 85.7% of women in this cohort. These percentages held stable for the 1990s with 73.7% of men and 85.6% of women entering private practice, before arriving at virtual parity for the 2000s cohort (71.9% men, 70.9% women), and then switching back to the pattern of the 1970s where men outnumber women in private practice (this time by 82.1% to 63.5%) in the partial 2010 cohort.

The fact that the percentage of women entering private practice as their first job out of law school exceeds the comparable percentage for men is consistent with what we found in the first black alumni survey in 2000. As we reported, 72% of the women in our sample began their career in private practice as compared to only 64% of men — a gap that was even larger (81% to 64%) for the 1990s cohort. Viewed from this perspective the results for the post-2000 era in our current survey constitute a significant development.

Although our data does not allow us fully to explain these shifting patterns, the fact that the percentage of women who started their careers in government in the 1970s was more than three times greater than the percentage of men who did so (25.0% to 7.2%), while the percentage of men entering this sector is greater than the percentage of women for every other cohort except for 2010 (where no men went directly into government service) undoubtedly plays a role. At the same time, the percentage of men who began their careers in business where they are not practicing law is almost three times that for women whose

first job is in this sector, although the percentage of women who start their careers this way has increased nearly 10-fold (from 0.6% to 5.6%) between the pre- and post-2000 eras.

With respect to those entering the public interest and legal services sectors as their first job out of law school, the picture looks similar to what we found in 2000. In the 2000 Report, we found that approximately 9% of our sample was initially employed across these two sectors. This is almost identical to the 8.6% of respondents whose initial job was public interest or legal services in our current sample. Moreover, there is virtually no difference between the pre- and post-2000 eras on this point, with 8.9% of pre-2000 era respondents and 9.5% of post-2000 respondents initially joining this sector. Given all of the changes in the world over the six decades covered by this study—including changes in the cost of Harvard Law School and the introduction of programs specifically designed to boost the percentage of students going into public interest and legal services — the constancy of these percentages — percentages that are also in-line with what we found in HLSCS — suggests that there are other factors influencing whether graduates begin their careers in these fields besides student debt and law school programs. Having said this, women continue to be more likely to start their careers in these kinds of jobs than men — a difference that unlike what we found in 2000, where the difference between women and men starting in these areas had largely disappeared by the 1990s cohort, does not appear to be going away. This is particularly true with respect to public interest where shockingly none of the men in the post-2000 era who responded to our survey began their career in this sector.

Firm size (Table 14). For those black graduates who began their career in private practice, the overwhelming majority did so by joining a large law

*Firm Size (First Job-Post HLS)***TABLE 14**

	Male	Female	Overall	Pre-2000	Post-2000	N
Solo	0.0%	1.0%	0.5%	0.4%	0.5%	2
2-50	9.7%	5.5%	7.6%	10.1%*	7.6%	28
51-100	13.6%**	6.2%	10.0%	14.8%*	10.0%	37
101-250	23.4%	17.3%	20.3%	26.5%	10.7%	75
250+	53.3%	70.0%**	61.7%	48.1%	82.6%*	228
Total	100.0%	100.0%	100.0%	100.0%	100.0%	370

*p<.05 **p<.01

firm. As Table 14 demonstrates, just over 60% of the black lawyers in our sample started their career at a private law firms with 251 or more lawyers, with another 20% joining firms with between 100 and 250 attorneys. Even these high percentages, however, understate the degree to which HLS black graduates join the largest firms, since beginning in 1990 the percentage of blacks entering firms with 251 or more lawyers for every cohort is 74% or higher. Indeed, for the post-2000 era, fully 93% of all black lawyers entering private practice joined law firms with more than 100 lawyers. These results parallel what we found in 2000 as well as the results reported in HLSCS, both of which demonstrated that of those who begin their career in private practice, the overwhelming majority enter “large” law firms.

As we found in 2000, women in our current sample are significantly more likely than men to begin their careers in the largest law firms (70% women; 53.3%, men). Unlike in 2000, however, this does not appear to be the result of the fact that women are more highly represented in later cohorts. Thus, when we looked at the 1990s cohort in the 2000 Report – the most recent cohort for which we had data – roughly equal percentages of women and men (67%, women, 65% men) began their careers in law firms of 251 or larger. The percentages for the 1990’s cohort in our current study, although slightly higher, remain roughly equivalent for women and men (76.7%

women, 71.4% men). But, when we look at our most recent cohorts for this study — 2000s and 2010s — the percentage of women beginning their careers in the largest law firms has exceeded the percentage of men doing the same by even greater margins (85.7% in the 2000s and 90% in the 2010s for women and 78.3% in the 2000s and 73.9% in the 2010s for men). As a result, in the post-2000 era the percentage of women joining firms of 251 or larger exceeded the equivalent percentage of men by over 13% (87.5% to 73.2%).

CURRENT JOBS***Employment status (Table 15).***

As of 2016, the vast majority of black HLS graduates in our sample were still in the full-time workforce — 84.9%. Unsurprisingly, those from older cohorts reported not being in the paid workforce at significantly higher rates than those in more recent cohorts. For example, only 61.4% of the 1970s cohort reported being in the paid workforce compared to 93.1% of the 2010s cohort. This difference is picked up in the eras as well, with just 70.9% of the pre-2000 era working full-time compared with 94% of the post-2000 working full-time, a statistically significant difference.

Employment sector (Table 16; Figure 5). One of the major findings of both the HLSCS and AJD was

the migration of lawyers out of private practice into other employment sectors. Our current data confirms those trends. Whereas 71.9% of respondents went into private practice as their first job post-HLS, when asked to report on their current position, only 26.6% reported being in private practice. Respondents from the post-2000 era were more likely to still be in private practice — 32.2% — compared to those in the pre-2000 era — 22.5%, a difference that is significant at the 99% level. Much of the post-2000 private practice percentage is driven by the huge numbers in the 2010s cohort, where 47.4% reported still being in private practice compared to 19.4% in the 2000s cohort. Similarly, the 1990s cohort showed merely 18.5% in private practice. Percentages were slightly higher for the 1970s and 1980s cohorts at 28.6% and 22.4% respectively.

While this confirms what we know about lawyers’ careers over time, and the migration out of private practice specifically, it is worth stressing that black HLS graduates migrate out of private practice at much higher rates than both white and black lawyers nationally. More specifically, our data shows a whopping 63.0% decrease in the number of black HLS graduates in private practice compared to their first job post-HLS. By comparison, AJD found that 38% of black lawyers in private practice in AJD1 had left the sector by AJD3 — 10% more than the 28% of white lawyers who did so, but a full 22% below our finding here.

This, of course, raises the question of where black HLS graduates are migrating to after they leave private practice. Again, our data confirms what we know about HLS and national legal careers more generally. The largest movement was towards business (practicing law) — from 1.6% initially to 14.9% for current jobs. There was also significant migration into government (7.2% to 17.5%), education (2% to 12.1%), public interest (4.7% to 6.9%), and business (not practicing law) (6.9% to 10%). Legal services (2.4% to 2.2%) remained relatively stable.

Adding in the gender variable, male respondents were statistically significantly more likely to still be in private practice — 33.8% — and business (not practicing law) — 12.9% — as compared to female respondents (19.6% and 7.3% respectively). These trends remained true across the pre- and post-2000 eras. Thus, while both men and women migrate out of practice over time, women do so at greater rates than their male colleagues. Men are also more likely to be in business (not practicing law) than women. Both findings are supported by HLSCS and AJD. At the same time, both in the aggregate and across the pre- and post-2000 eras, female respondents were more likely to currently be in public interest (10.4%) and legal services (4.4%) than their male colleagues (3.4% and less than 1% respectively). Women were also represented at higher rates — 14.3% — than men — 9.9% — in education.

Current Employment Status

TABLE 15

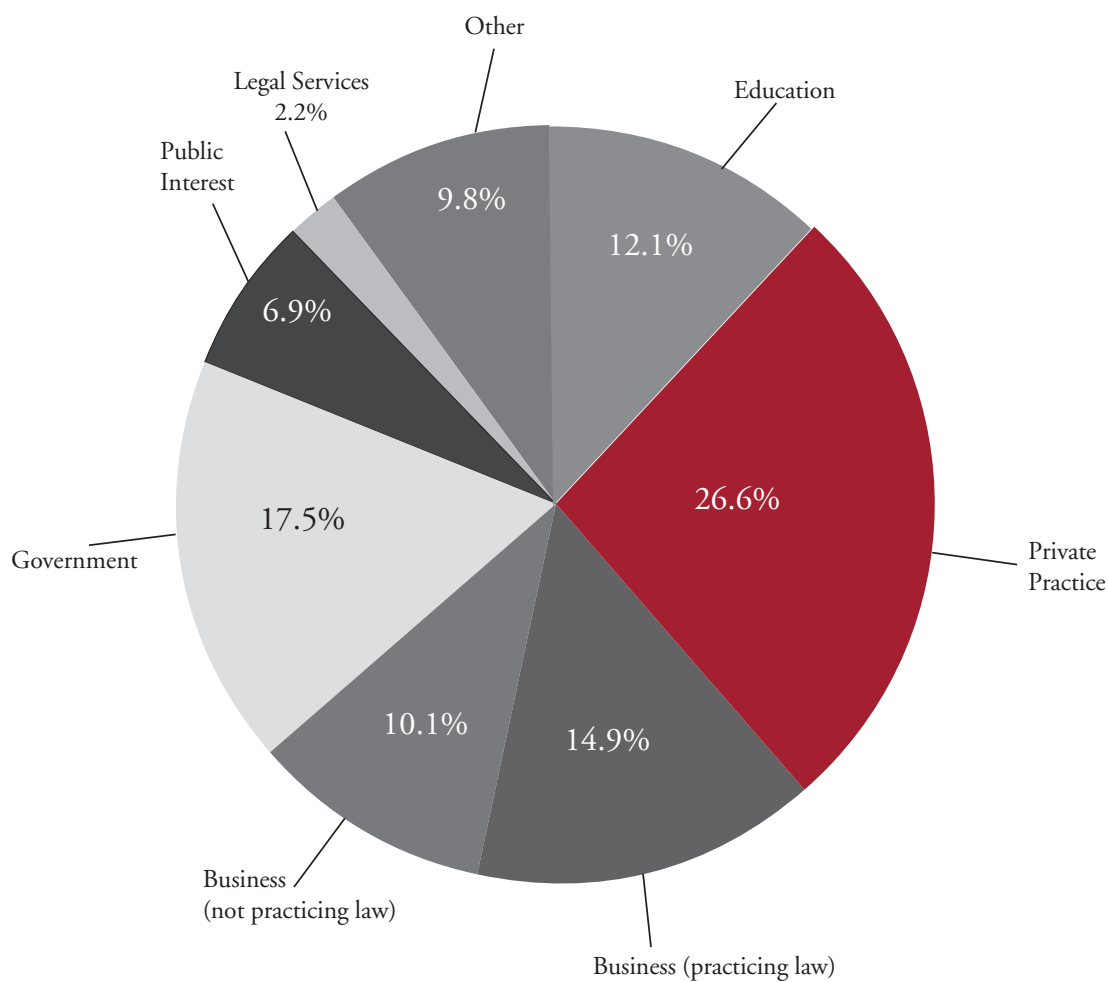
	Male	Female	Overall	Pre-2000	Post-2000	N
Full time	82.4%	87.8%*	84.9%	70.9%	94.0%**	426
Part time	5.6%	6.6%	6.0%	7.6%*	3.5%	30
Not in the paid workforce	12.1%**	5.7%	9.1%	13.4%**	2.5%	46
Total	100.0%	100.0%	100.0%	100.0%	100.0%	502

*p<.05 **p<.01

*Current Job***TABLE 16**

	Male	Female	Overall	Pre-2000	Post-2000	N
Private Practice	33.8%**	19.6%	26.6%	22.5%	32.2%**	120
Business (practicing law)	15.7%	14.2%	14.9%	16.1%	13.2%	67
Business (not practicing law)	12.9%*	7.3%	10.1%	11.1%	8.7%	45
Government	15.5%	19.6%	17.5%	16.0%	19.6%	79
Public Interest	3.4%	10.4%**	6.9%	7.4%	6.2%	31
Legal Services	0.0%	4.4%**	2.2%	0.9%	4%*	10
Education	9.9%	14.3%	12.1%	11.9%	12.4%	55
Other	8.8%	10.3%	9.8%	14.0%**	3.8%	44
Total	100.0%	100.0%	100.0%	100.0%	100.0%	451

*p<.05 **p<.01

*Current Job - Overall***FIGURE 5**

Firm size (Table 17). With respect to the firm size of respondents who reported being in private practice for their current job, there is a distinct shift from the size of firms reported for first jobs post-HLS. The majority of both male and female respondents who went into private practice right out of law school joined firms of over 251 lawyers, with only 7.6% going into firms with 2-50 lawyers and less than 1% into solo practice. By contrast, the firm size of respondents who reported currently being in private practice was bimodal. On the one hand, 49.4% reported working at firms over 251 lawyers. On the other hand, almost an equal percentage — 41.3% — reported that they were either in solo practice (13%) or a firm of 2-50 lawyers (28.3%).

This pattern is largely the result of age, with a higher percentage of respondents from older cohorts reporting that they were in solo practice or small firms and those from more recent cohorts reporting being in the large law firms where they typically began their careers. Thus, respondents from the 1970s were heavily skewed toward solo practice and smaller firms (27.8% in solo practice and 50% in firms with 2-50 lawyers). The 2010s cohort, by contrast, reported 73.4% in firms of 251+ lawyers, although the 23.2% in firms of 2-50 is still greater than the percentage of this cohort who started out in firms that size. The 1980s, 1990s, and 2000s cohorts

generally follow this pattern, which is clear from the era-based differences.

Respondents from the pre-2000 era reported being in solo practice 24.9% of the time and firms with between 2-50 lawyers 33.9% of the time — for a combined percentage of 58.8%. By contrast, 69.8% of respondents in the post-2000 era reported being in firms of 251+ lawyers. All of these differences are highly statistically significant.

Partnership rates (Tables 18-20).

As indicated in the history section of this Report, black lawyers continue to be underrepresented in large law firms, particularly among the partners in these institutions. Available data from the National Association of Law Placement (NALP) underscores the extent of the problem. Thus, the average black partnership rate between 2005 and 2016 is just 1.7%, with a peak of 1.81% in 2016 and a low of 1.55% in 2005. As dreary as these percentages are, the ones for black female partners in these institutions are even worse. In 2016, for example, African American women constituted just 0.64% of all of the partners in the NALP sample, up only slightly from the .59% black female partners reported in 2006.³⁷ One of the goals of this survey project is to see whether black Harvard Law School graduates are doing better than these bleak statistics.

Firm Size (Current Job)

TABLE 17

	Male	Female	Overall	Pre-2000	Post-2000	N
Solo	13.9%	11.5%	13.0%	24.9%**	1.4%	15
2-50	35.9%**	15.3%	28.3%	33.9%	22.8%	32
51-100	4.9%	0.0%	3.1%	6.2%	0.0%	3
101-250	6.7%	5.6%	6.3%	6.6%	6.0%	7
250+	38.6%	67.6%**	49.4%	28.3%	69.8%**	56
Total	100.0%	100.0%	100.0%	100.0%	100.0%	113

*p<.05 **p<.01

*Partnership (Current Job)***TABLE 18**

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	47.3%*	28.6%	40.4%	72.8%	8.9%	67
No	52.7%	71.4%*	59.6%	27.2%	91.0%	46
Total	100.0%	100.0%	100.0%	100.0%	100.0%	113

*p<.05 **p<.01

There are reasons to believe that black HLS graduates may indeed be more likely to become partners in law firms than these averages suggest. As indicated above, more black HLS graduates begin their careers in large law firms than data from the AJD suggests is true for black graduates nationally. Moreover, a study of all of the black partners listed in the 1992-1993 edition of the American Bar Association's Directory of Partners at Majority/Corporate Law Firms indicated that nearly half (47%) of all of the partners listed obtained their law degrees from either Harvard or Yale, with over three quarters (77%) having attended one of the country's 12 most prestigious law schools as ranked by U.S. News and World Report.³⁸ Anecdotal reports from interviews of black lawyers underscore that attending HLS or another similarly elite school dramatically improves a black lawyer's chances of succeeding in a large law firm — or any other sector of the legal profession.³⁹ We return to the overall importance of HLS's reputation to the careers of black graduates below.

Data from our 2000 survey provided additional support for the hypothesis that black HLS graduates are making partner in larger numbers than the overall statistics cited above would suggest. In that study, we found that among those who were in private practice at the time of the survey, 42% were partners, with 37% reporting being equity partners. That study also revealed, however, that in one important respect the careers of HLS black graduates appeared to mirror national trends: controlling for cohort, black men

were far more likely than black women to report being partners. For example, among those in the 1980s cohort who were still in private practice, 74% of men reported being equity partners as compared with only 48% of women — although this latter percentage is still large compared to the negligible percentage of all equity partners who are African American women nationally.

Our current survey echoes these prior findings. Of respondents still in private practice at the time of the survey, 40.4% reported being either equity or non-equity partners in law firms. Not surprisingly, there is a significant era impact, with only 8.9% of respondents in the post-2000 era reporting being partners, compared to a stunning 72.8% of those in the pre-2000 era.

In assessing these findings, however, it is important to remember that while many in the pre-2000 era may be partners, a significant percentage of these lawyers are likely to be partners in small or medium size firms. As we indicate below, a large number of the black graduates who begin their careers at the largest law firms end up leaving well before they become eligible for partnership. This impacts the above finding in two important respects.

First, although the percentage of respondents who reported being partners from the pre-2000 era is quite high (including considerably higher than the 42% who reported being partners in our

Partnership (Current Job, Equity or Not)

TABLE 19

	Male	Female	Overall	Pre-2000	Post-2000	N
Equity	21.1%	40.1%	73.9%	70.6%	0.0%	33
Non-Equity	78.9%	59.9%	26.1%	29.4%	100.0%	12
Total	100.0%	100.0%	100.0%	100.0%	100.0%	45

*p<.05 **p<.01

Equity Partnership (Anytime in Career)

TABLE 20

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	33.0%*	9.0%	21.5%	28.8%	7.2%	75
No	67.0%	91.0%	78.5%	71.2%	94.9%	272
Total	100.0%	100.0%	100.0%	100.0%	100.0%	113

*p<.05 **p<.01

2000 survey), the actual number of lawyers in this category is relatively small since, as we also indicate below, many of the lawyers who have left the private sector now work in jobs in the public sector or have left the workforce entirely. Of the 369 lawyers in our sample who started their careers in private practice, fewer than one-third (120) were still in private practice at the time that we asked them about their current jobs.

Second, of those who were still in private practice at the time of our survey, many had migrated to small and medium size firms where they have become partners, often equity partners. As Table 17 indicates, of those currently in private practice, 44.4% are in law firms with fewer than 100 lawyers, with 41.3% in firms of 50 lawyers or less. As a result, the high partnership percentages indicated in Table 19 do not necessarily tell the whole story about whether even black HLS graduates are making partner in large law firms in significantly greater numbers than the black graduates from other law schools. There is also a strong gender effect, with male respondents being

more than 1.5 times as likely to be a partner (47.3%) than female respondents (28.6%), suggesting that whatever the firm size, black women continue to be especially disadvantaged by the partnership process.

Overall “partnership” levels also mask important differences in the power, prestige, and pay garnered by partners who have “equity” in the firm and those who do not. To test whether black partners were disproportionately represented in the non-equity category, we asked those who reported that they were partners, whether they had equity in their law firm. Nearly three-quarters — 73.9% — answered yes, describing themselves as equity partners in their firms. Although obviously high, this percentage is still nearly 10 points below the 82% of HLS graduates as a whole who reported being equity partners in the HLSCS.

Finally, we also wanted to capture the segment of respondents who may have been a partner at some point in their career, but who had moved on to other positions by the time we asked them to report their

“current job.” To do so, we asked all respondents who had ever worked in private practice whether they had ever been an equity partner. 21.5% responded that they had been an equity partner at some point in their careers. As one would expect, many of these respondents were in the older cohorts. Male respondents were also almost four times more likely than female respondents to report having ever been an equity partner in a law firm — 33% to 9% respectively — at some point in their career.

Firm management (Tables and Figures not reported).

As we reported in the HLSCS, research on the legal profession makes clear that in today’s law firms, making partner is just the beginning of a new competition to become a “partner with power” within the organization. To that end, we asked respondents who indicated that they had been an equity partner in a law firm at any point in their career whether they had been actively involved in the management of their firm (e.g. served on a firm committee or in a leadership role, such as department chair or office head), and if so, on which committees and in which roles (e.g., member of the compensation committee, chair of the diversity committee, office managing partner, etc.) As indicated above, the number of respondents eligible to respond to these questions — those who had ever been equity partners — is relatively small, most of whom are from the pre-2000 era. Nevertheless, even with these caveats the results are instructive. Overall, nearly 80% of respondents indicated that they were involved in firm management at some point in their careers.

A similarly large percentage of respondents reported serving on one of the eight common law firm committees — management, compensation, recruiting, associate evaluation, work assignment, diversity, ethics/conflicts, and pro bono — that we identified in the survey. Although the highest

percentage of respondents reported serving on the recruiting committee (81%), which is not considered to be an especially powerful committee in most law firms, a significant percentage reported serving on committees that are widely considered among the most important in law firms, including the management committee (71.6%) and the compensation committee (62.1%). Indeed, a far greater percentage of respondents reported serving on these important committees than on committees such as diversity (58.5%), ethics/conflicts (32%), and pro bono (25.4%) which, though undoubtedly important, are not thought to produce important career advantages. Moreover, of those who served on the most important committees, a very high percentage reported that they had at one time been the committee’s chair. Thus, 62.1% of those who served on the management committee, and 47.2% of those who had ever served on a compensation committee reported that at some point they served as the committee’s chair. When one adds the fact that nearly two-thirds of respondents (64%) reported serving as either a department chair or the firm’s managing partner, it appears that HLS black graduates have managed to break through the “concrete ceiling” that so many black lawyers have found in large law firms. Significantly, these results appear contrary to what we found in the HLSCS, where women graduates were dramatically underrepresented in leadership positions in law firms.

But just as was true with the partnership rates discussed above, these percentages are likely to mask important differences. As indicated above, many of those in our sample who have become equity partners have done so in small and medium size firms. Although we will have to conduct further analysis of the rich data contained in our surveys to know for certain, it is likely that many black HLS graduates have held their leadership positions in this setting.

Moreover, regardless of firm size, the overall percentage of black lawyers in leadership positions obscures very significant differences between the opportunities and experiences of men and women on this important issue. In virtually every leadership category we investigated, there are significant differences between the experience reported by men and women. Thus, 92% of all black HLS graduates to ever serve as managing partner or as a department head have been men. Similarly, 79.1% of those reporting that they have been on the management committee and 89.3% of those reporting having served on the compensation committee are male. Indeed, these percentages hold for every committee we identified — and become even more skewed towards men with respect to leadership on committees. For example 87.5% of all those reporting that they have chaired the management committee were men. Clearly, the disadvantages faced by black women attempting to move into leadership positions in law firms apply even to women who have obtained a prestigious law degree from Harvard.

CAREER TRANSITIONS AND TRAJECTORIES
Job changes (Table 21).

Comparing first jobs post-HLS to current positions only provides a snapshot of a respondent’s overall career path. We know from other studies, including HLSCS and AJD, that there is often considerable variability and complexity in lawyer career paths between those two bookends. For instance, AJD found that many lawyers in the study sample of

4,000 lawyers who entered the legal profession in 2000 had as many as 4 different jobs in the first 12 years of their careers. To gain a better sense of the full scope of black graduate careers, we asked respondents to note the total number of positions (excluding clerkships) they have held since graduation from Harvard. Per the survey instructions, moving from law firm A to company B back to law firm A would constitute 2 changes. Moving from law firm A to company A to company B to company C would constitute 3 changes.

While the average number of changes across all respondents was 3.7, as we would expect there was a significant cohort effect. More recent cohorts reported fewer job changes, as we would expect given their relatively shorter time in the work force, with the 2000s cohort averaging 2.6 shifts and the 2010s cohort 1.2. For the older cohorts from the 1970s, 1980s, and 1990s, average job switches totaled more than 4.5 job changes for each cohort. By comparison, this average appears significantly higher than what we found in HLSCS for all HLS graduates, where the comparable averages for the class of 1975, 1985, and 1995 (which form the core of that cohort study) was 3.4, 3.6, and 3.3 job changes respectively. Further investigation will be required to determine why black HLS graduates appear to change jobs more frequently than their white counterparts in similar cohorts. Is it a sign that the former group has been offered greater opportunities that induce them to leave a given employer — the positive side of mobility, and a reason frequently cited by employers

Average Number of Job Changes

TABLE 21

	Male	Female	Overall	Pre-2000	Post-2000
Overall	3.9**	3.5	3.7	4.7**	2.0

*p<.05 **p<.01

as the reason that they cannot retain talented black lawyers who they claim are always in great demand. Or is it evidence that black HLS graduates face greater obstacles to succeeding in the workplace and must therefore constantly be looking for new jobs where they might be given a fair chance to succeed — what many black lawyers complain is the negative reality that causes them to change jobs. Or is it some combination of these positive and negative factors intermixing that has produced this result. At this point, all that can be said is that the increasing lawyer mobility that is reshaping the market for legal services generally is likely to have an even greater effect on the market for black HLS graduates.

Employment sector shifts (Tables 22-23; Figures 6-7). In addition to looking at mobility generally, the survey also attempts to track whether HLS black graduates are changing *sectors* as well as jobs. To investigate this question, we looked at the current jobs of all of the lawyers who started their careers in private practice (consisting of solo practice and law firms of all sizes) and “public service” (including government, public interest, and legal services).

As Table 22 and Figure 6 demonstrate, only 28.5% of all of the black HLS graduates who started their careers in private practice were still working in that sector at the time of the survey. This is down dramatically from the 71.9% of our sample who began their career in this sector. Not surprisingly, there is a large era effect, with 40.7% of post-2000 graduates remaining in private practice as compared to only 20.8% of those who graduated in the pre-2000 era, a difference that is statistically significant at the 99% confidence level. Interestingly, this latter figure is also much lower than the 39% of graduates who started their careers in private practice that were still in this sector as of the time of our first survey in 2000, suggesting that older cohorts have continued to move out of private practice in the 16 years since we conducted that initial investigation.

For the more than two-thirds of respondents no longer in private practice, the most common destination for their current employment was business (practicing law), which typically means in-house legal departments, with 17.7% of respondents currently working in this sector. This result, which holds relatively constant across both eras and cohorts (with the exception of the partial 2010 cohort where, not surprisingly, relatively few have moved into in-house legal departments) reflects the general trend found both in AJD and HLSCS of lawyers moving from private practice to positions in corporate legal departments. It is also consistent with what we found in 2000 where 18% had moved from private practice into in-house legal departments. The patterns of movement from private practice to other areas (e.g., public interest, education, business) remain remarkably stable between the 2000 and 2016 surveys, with the exception of business not practicing law (which encompasses everything from investment banking to selling insurance — although black HLS graduates are more likely to be doing the former than the latter), which actually declined as a destination of those starting out in private practice from 14% in 2000 to 8.6% in 2016.

There are, however, important gender differences in our 2016 data — differences that underscore the difficulties women in general and black women in particular face in private practice. Thus, men are much more likely than women to still be working in private practice at the time of the survey (36% to 20.9%), a difference that is highly statistically significant. The fact that barely 20 percent of all of the black HLS women who started out in private practice remain in this sector as their current job will certainly come as bad news for those who seek to increase the diversity of large law firms. Conversely, black women who started work in private practice are significantly more likely than their black male counterparts to be currently working in the public interest sector (8.6% to 2.8%), providing further

Current Job, Initially Private Practice

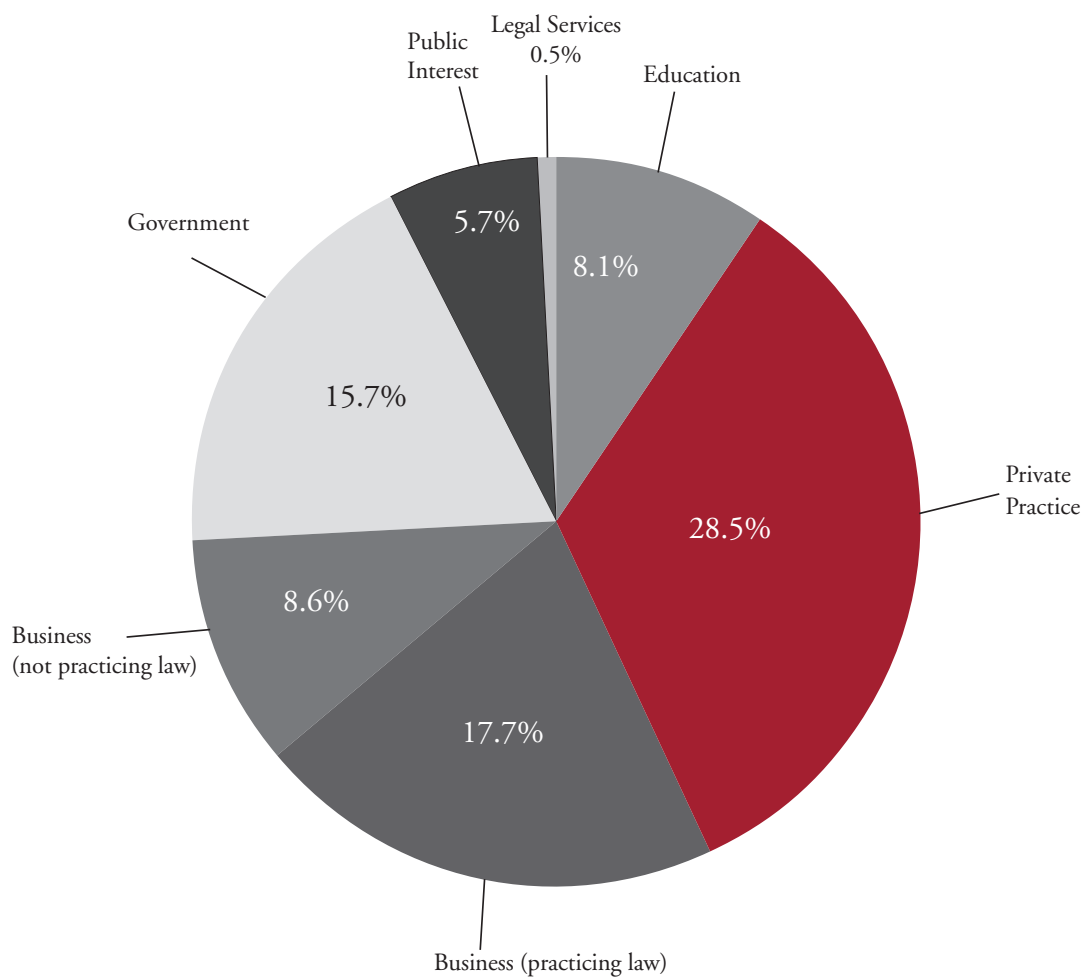
TABLE 22

	Male	Female	Overall	Pre-2000	Post-2000	N
Private Practice	36.0%**	20.9%	28.5%	20.8%	40.7%**	101
Business (practicing law)	17.4%	18.0%	17.7%	17.3%	18.3%	63
Business (not practicing law)	9.2%	8.0%	8.6%	9.8%	6.6%	30
Government	12.8%	18.7%	15.7%	13.0%	20.0%	56
Public Interest	2.8%	8.6%*	5.7%	6.9%	3.7%	20
Legal Services	0.0%	1.0%	0.5%	0.0%	1.2%	2
Education	6.5%	9.9%	8.1%	9.6%	5.8%	29
Other	5.5%	10.4%	7.9%	11.7%**	1.8%	28
Not in the paid workforce	9.7%**	4.5%	7.4%	10.8%**	2.0%	26
Total	100.0%	100.0%	100.0%	100.0%	100.0%	355

*p<.05 **p<.01

Current Job, Initially Private Practice - Overall

FIGURE 6



support for the view that women are more likely than men to be involved in various kinds of public service, a finding supported by the HLSCS.

Although these results are consistent with prior research, there is one gender finding from our 2016 study that is distinctly counterintuitive: significantly more men who began their careers in private practice are currently out of the paid workforce than women (9.7% to 4.5%). Nor is this difference solely a cohort effect. For example, although 26.4% of the 1970 cohort is out of the paid workforce (presumably because of retirement), a higher percentage of women in the 1970s cohort who started their careers in private practice are out of the work force (42.9%) than men (23.9%). Instead, the anomalous result appears to be driven by fewer black women from the 1980s and 1990s cohorts who started their careers in private practice leaving the paid work force than one might expect given the statistics in other studies, including HLSCS, and more black men from these cohorts having done so (perhaps because they have become wealthy enough to no longer need to work or to assume primary responsibility for childcare or other household responsibilities). Further research is needed to explore these and other explanations for this anomalous result.

When we examine the mobility patterns of those who began their career in the public sector we see similarly interesting results. As Table 23 and Figure 7 underscore, a far greater percentage of those who began their career in public sector continued to hold jobs in government, public interest, or legal services at the time of the survey — 44.3% — than was true for those who began their careers in the private sector. Moreover, this is almost the exact percentage of those remaining in the public sector as we found in 2000 (44%). This finding provides some support for those who hope that it is possible for lawyers to build sustained careers in these areas, (although

the fact that those in the pre-2000 era of our 2016 sample report remaining in the public sector at lower percentages than those in the post-2000 era may mean that this stability may not last moving forward).

Interestingly, of the more than 50% who had existed the public sector by the time of the survey, the largest percentage (17.4%) had moved into the education sector, where presumably many are working as clinical instructors or other similar positions where they are still serving the same kinds of clients and interests that they worked for in the public sector. Only 12.5% of those who began their careers in the public sector were currently working in private practice. And, only 4.1% were working in business, whether or not practicing law. This last percentage is more than three times smaller than the 14% of those who started in public service who had left the paid workforce by the time of the survey. Once again, these percentages are substantially lower than we found in 2000, where 25% of those who started in public service were in private practice and 10% were in business jobs of some kind.

Finally, unlike for those who began their career in private practice, there does not appear to be a significant gender effect with respect to the current jobs held by those who began their careers in public service, although men who started out in this sector are somewhat more likely to be in private practice and business than are women.

Race and Career Advancement (Tables 24-28; Figures 8-12). Both scholars seeking to study the legal profession and activists interested in improving it have long struggled to understand how race impacts legal careers. To investigate this critical issue, we asked two pairs of questions designed to explore different avenues in which race might affect career opportunities for black lawyers. The first pair of

Current Job, Initially Public Sector

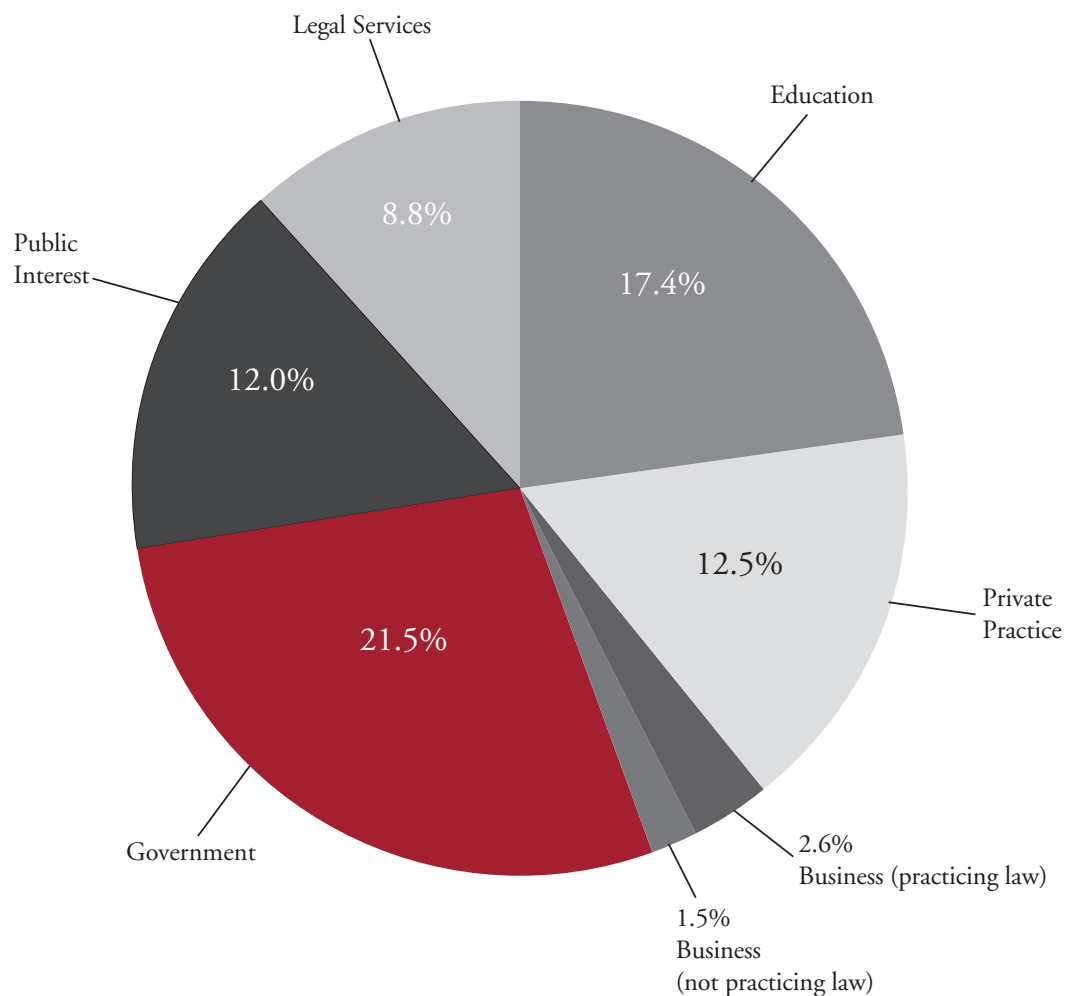
TABLE 23

	Male	Female	Overall	Pre-2000	Post-2000	N
Private Practice	14.4%	11.2%	12.5%	15.5%	7.4%	11
Business (practicing law)	3.9%	1.6%	2.6%	4.1%	0.0%	2
Business (not practicing law)	3.5%	0.0%	1.5%	2.3%	0.0%	1
Government	23.2%	20.3%	21.5%	17.2%	29.1%	19
Public Interest	7.1%	15.5%	12.0%	8.0%	18.0%	10
Legal Services	0.0%	15.2%	8.8%	4.6%	16.2%	8
Education	14.9%	19.2%	17.4%	15.8%	20.3%	15
Other	13.1%	7.1%	9.6%	12.0%	5.4%	8
Not in the paid workforce	19.8%	9.9%	14.0%	20.5%	2.7%	12
Total	100.0%	100.0%	100.0%	100.0%	100.0%	87

*p<.05 **p<.01

Current Job, Initially Public Sector - Overall

FIGURE 7



questions asked respondents to rank a set of factors internal to the workplace (Table 24) and in the external environment (Table 25) that other studies have suggested may influence career opportunities for black lawyers. Figures 8 and 9 compare our results in 2016 to what we found asking similar questions in 2000. With respect to both questions in this set, we asked respondents to rank the factors listed on a 7-point scale, where 1 connotes a factor that is “not important at all” and 7 is “extremely important.” The second pair of questions asked respondents to report whether they had ever been taken off (Table 26 and Figure 10) or put on (Table 27 and Figure 11) a project because of their race. Both sets of questions offer an important window into the continuing role of race in career advancement.

Table 24 examines the interaction of race with several issues that are common to the typical legal workplace. As an initial matter, this table confirms the view, advanced by one of the authors of this Report, that the issues black HLS lawyers believe to be most important to their careers are very similar to what research tells us is important to the advancement of any lawyer’s career.⁴⁰ Thus, black HLS graduates ranked having an influential mentor or sponsor and gaining access to difficult or prestigious assignments as the two most important factors in their career success, and the only factors that crossed the line into being “extremely important” on our 7-point scale. Table 24 also underscores, however, that there are internal areas where black HLS graduates believe that race plays a distinct role in their career advancement — areas that are seen differently between women and men, and between black lawyers in the pre- and post 2000 eras.

With respect to gender, men were significantly more conscious about “not making mistakes,” while the black HLS women in our sample were significantly more focused on the “quality” of their

work, concentrating on the necessity of doing higher quality work than their white counterparts, rather than simply avoiding mistakes. Female respondents were also acutely aware of the social dimensions of their jobs, paying significantly more attention to networking with other black professionals, practicing in a racially diverse community, and socializing with their white peers than their black male counterparts.

There were also interesting differences across eras, as blacks from the post-2000 period ranked having an influential mentor or sponsor and socializing with white peers as important at higher levels than their pre-2000 counterparts — though both view these factors as key. Those in the pre-2000 era, on the other hand, are more focused on getting access to difficult assignments and not making a mistake, results that as Figure 8 demonstrates are very consistent with what we found in our 2000 survey. Although admittedly speculative, these results are consistent with the view expressed by many scholars and diversity advocates that the battleground has shifted from combatting pervasive stereotypes about black intellectual inferiority (through, among other things, doing difficult assignments and not making mistakes) to being able to “fit in” with white co-workers who can sponsor your career.⁴¹

Table 25 applies this same kind of analysis to a range of factors external to the workplace. As this table starkly demonstrates, the most important factor that has impacted the careers of the black HLS graduates in our sample is the Law School’s prestige. This “H-bomb effect,” as one of the co-authors has heard countless black alumni refer to the benefit of their HLS degree, is the only factor that rises above neutrality among the list of things commonly mentioned by scholars and career counselors as being career enhancing. Even connections with HLS alumni — including black alumni — barely registers as an important career building factor among

Importance of Internal Career Advancement Opportunities

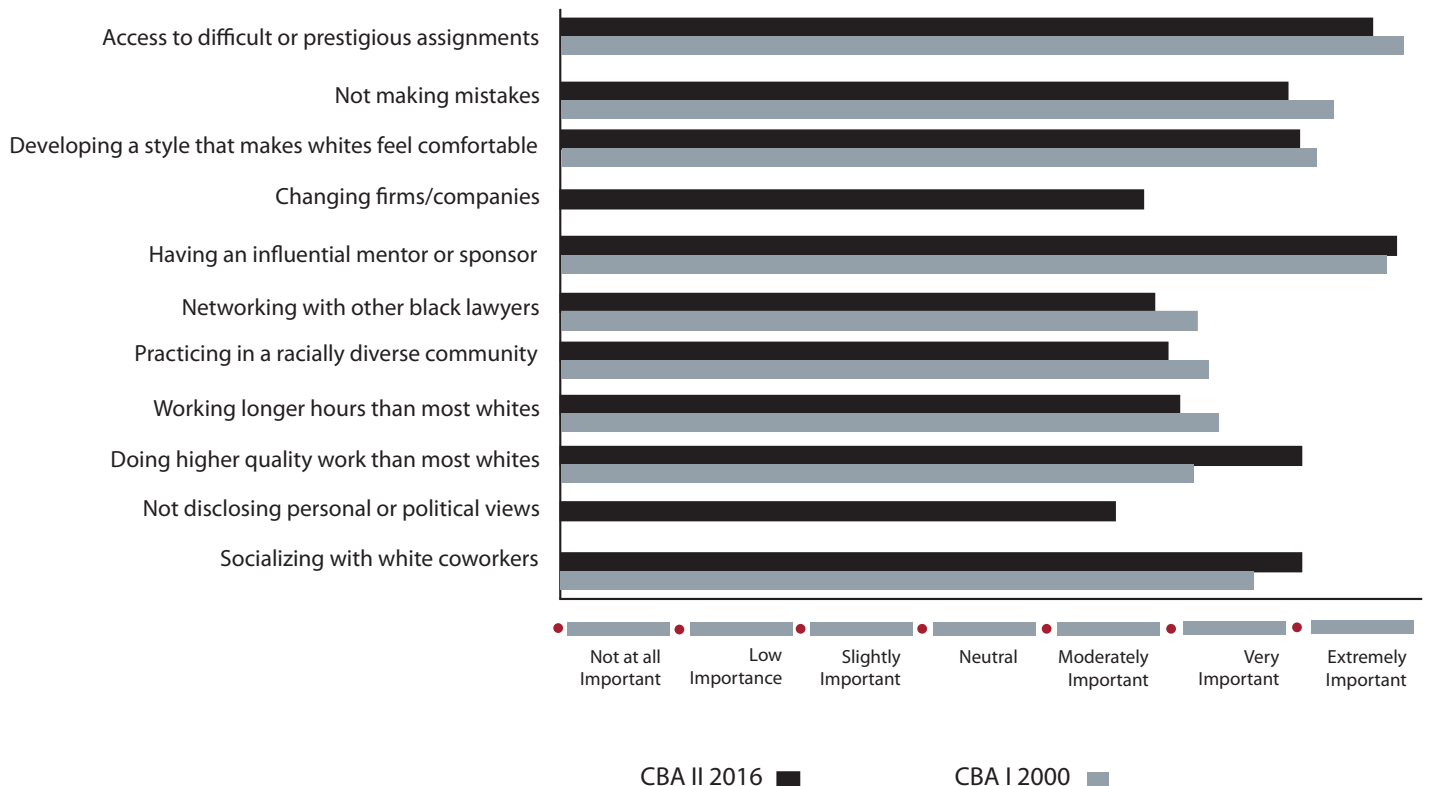
TABLE 24

	Male	Female	Overall	Pre-2000	Post-2000	N
Access to difficult or prestigious assignments	6.1	6	6.1	6.2 **	5.9	459
Not making mistakes	5.6*	5.3	5.5	5.6 **	5.3	461
Developing a style that makes whites feel comfortable	5.7	5.6	5.6	5.6	5.6	459
Changing firms/companies	4.3	4.5	4.4	4.4	4.3	453
Having an influential mentor or sponsor	6.2	6.4	6.3	6.2	6.4*	458
Networking with other black lawyers	4.4	4.7*	4.5	4.5	4.5	457
Practicing in a racially diverse community	4.3	4.8**	4.6	4.5	4.6	456
Working longer hours than most whites	4.7	4.7	4.7	4.8	4.6	458
Doing higher quality work than most whites	5.5	5.8*	5.6	5.6	5.6	457
Not disclosing personal or political views	4.1	4.3	4.2	4.1	4.3	459
Socializing with white coworkers	5.5	5.7*	5.6	5.4	5.9**	460

*p<.05 **p<.01

Importance of Internal Career Advancement Opportunities - Overall

FIGURE 8



HLS black alumni. Interestingly, while employer diversity initiatives do come close to being viewed as “moderately important” by respondents, client and bar association sponsored initiatives and government set aside programs were not. This view that formal diversity and affirmative action programs have not played a significant role in advancing the careers of the black HLS graduates in our survey is consistent across eras, cohorts, and gender, and as Figure 9 demonstrates, is very similar to what we found in 2000. These findings provide support for the work done by Professor Frank Dobbin indicating that formal diversity efforts are often largely ineffective, and sometimes even counterproductive.⁴²

The second pair of questions asked respondents to report if they have ever been taken off a project, or alternatively put on a project, because of their race. Table 26 examines the first of these possibilities. It reveals that only 14.9% of our sample report this being done. It is an important sign of progress that this kind of action was significantly more prevalent among those in the pre-2000 era, particularly for the 1980s cohort, than it has been in the post-2000 era. There is also no significant difference between women and men on this point, although women in the pre-2000 era are somewhat more likely to report having this happen to them than either men in the same period or women in the post-2000 era.

With respect to the other side of the coin, almost half of all respondents (49.3%) reported that they had been put on a project because of their race sometime in their career. This result was relatively constant across the pre- and post-2000 eras, and across all cohorts (although interestingly those in the pre-2000 era, particularly again in the 1980s, were especially likely to report having been placed on such a project). There were no meaningful differences between woman and men with respect to this issue.

Although respondents did not say what these race-based projects were, given the skepticism about formal affirmative action programs documented above, it is unlikely that these were opportunities that were expressly assigned on the basis of race. Instead, consistent with the shift toward market-based justifications that “diversity is good for business” it is possible that respondents are referring to assignments where either their employers or clients perceived some advantage in having a black lawyer. The fact that Table 27 shows the percentage of black lawyers who reported getting race-based projects has been steadily declining at the same time that appeals to market-based diversity arguments have been increasing, however, casts doubt on this hypothesis.

Finally, in addition to these two pairs of questions, we asked respondents whether they had ever been the subject of a racist comment in the workplace (Table 28; Figure 12). Overall, just over one-half of respondents (53.5%) noted that they had been the subject of a racist remark at least one time while in the workplace. Respondents in the pre-2000 era were slightly more likely to report such a remark — 55.6% — than respondents in the post-2000 era — 48.8%, though not to a statistically significant extent. Nor was there a significant difference between men and women. Although we do not know how long ago these remarks were uttered, the fact that nearly half of black HLS graduates — including those from the most recent cohort in 2010 — continue to report being the subject of racist remarks should be of concern to everyone who believes in creating a workplace in which every person has an equal opportunity to succeed.

SATISFACTION (Tables 29-32).

It is the hope of every law school graduate that he or she will be able to build a satisfying career. The survey therefore asked a series of questions

Importance of External Factors for Career Advancement

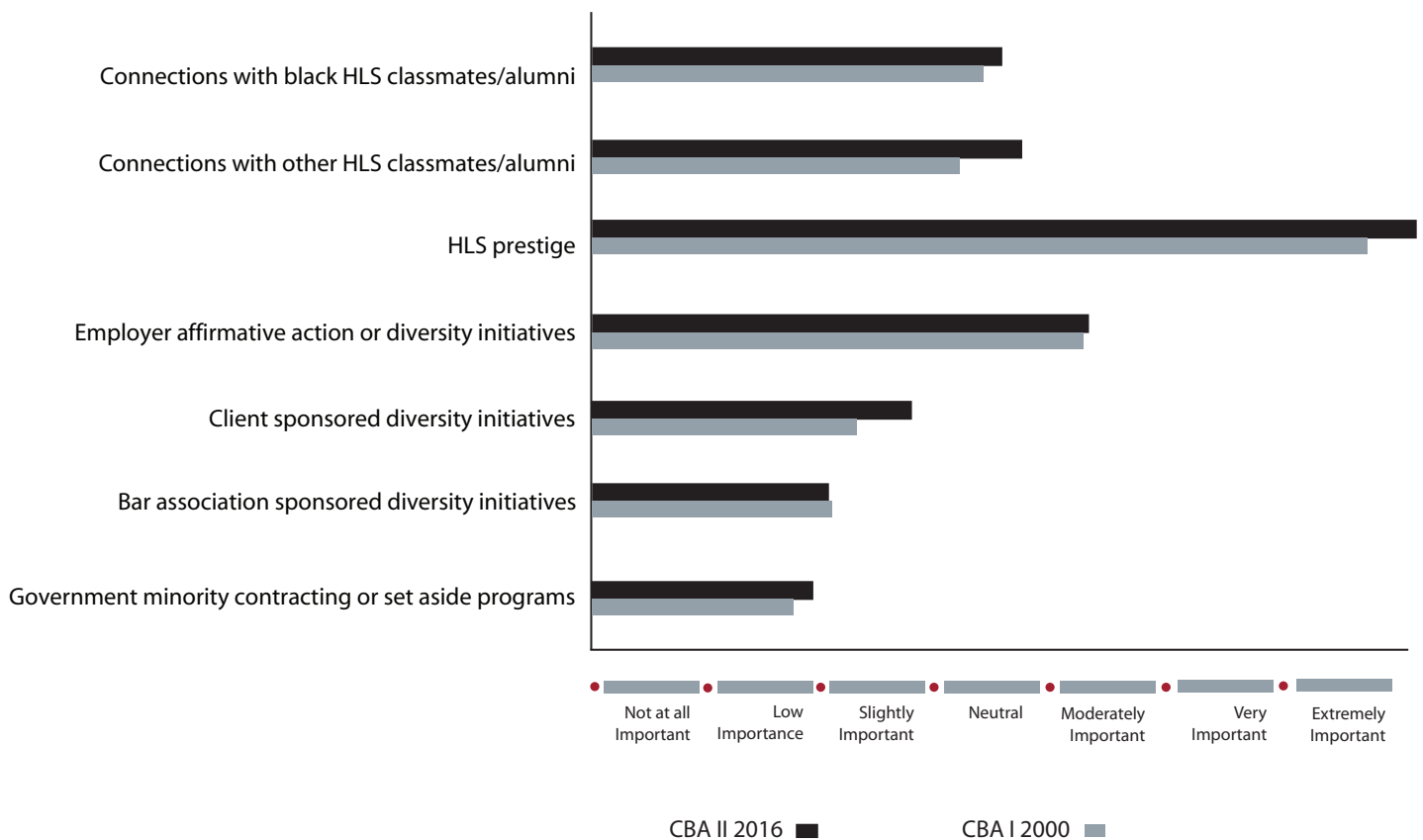
TABLE 25

	Male	Female	Overall	Pre-2000	Post-2000	N
Connections with black HLS classmates/alumni	3	3.1	3	2.9	3.3	449
Connections with other HLS classmates/alumni	3.2	3.1	3.1	3.1	3.3	448
HLS prestige	5.9	6.1	6	6	5.9	457
Employer affirmative action or diversity initiatives	3.4	3.7	3.6	3.7	3.4	450
Client sponsored diversity initiatives	2.3	2.3	2.3	2.2	2.4	446
Bar association sponsored diversity initiatives	1.7	1.8	1.7	1.7	1.8	449
Government minority contracting or set aside programs	1.7	1.5	1.6	1.7	1.5	446

*p<.05 **p<.01

Importance of External Factors for Career Advancement - Overall

FIGURE 9



*Taken Off Project Because of Race***TABLE 26**

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	12.3%	17.4%	14.9%	17.9%*	9.6%	69
No	87.7%	82.6%	85.1%	82.1%	90.4%*	393
Total	100.0%	100.0%	100.0%	100.0%	100.0%	462

*p<.05 **p<.01

*Received Project Because of Race***TABLE 27**

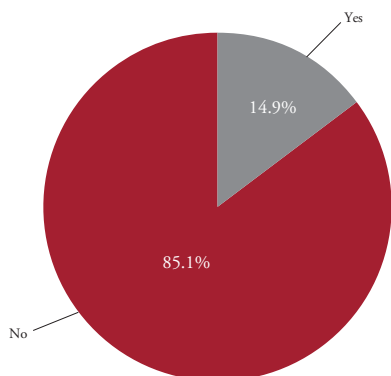
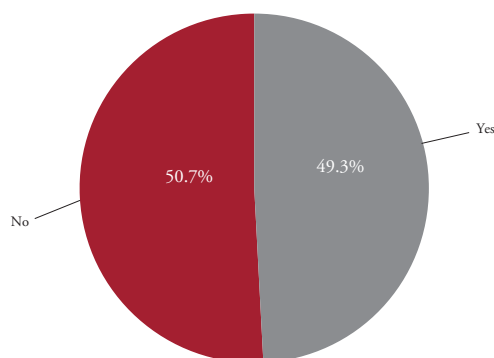
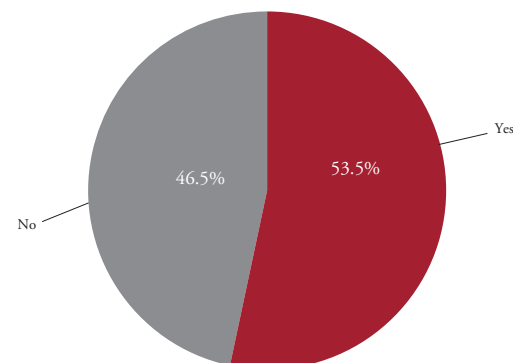
	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	49.5%	48.7%	49.3%	54.8%*	39.6%	237
No	50.5%	51.3%	50.7%	45.2%	60.4%*	231
Total	100.0%	100.0%	100.0%	100.0%	100.0%	468

*p<.05 **p<.01

*Racist Remarks***TABLE 28**

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	50.2%	57.3%	53.5%	44.6%	49.8%	247
No	49.8%	42.7%	46.5%	44.4%	50.2%	215
Total	100.0%	100.0%	100.0%	100.0%	100.0%	462

*p<.05 **p<.01

*Taken Off Project Because of Race - Overall***FIGURE 10***Received Project Because of Race - Overall***FIGURE 11***Racist Remarks - Overall***FIGURE 12**

designed to investigate whether HLS black graduates believe that they have been able to achieve this goal. Specifically, we asked respondents to rank on a 7-point scale, where 1 is “extremely dissatisfied” and 7 is “extremely satisfied,” their level of satisfaction with their current job, and their decision to become a lawyer. We also asked whether, knowing what they know today, would they still attend law school. Of those who were dissatisfied with their decision to become a lawyer, we asked whether their unhappiness with the profession was due to race. Finally, we asked respondents whether they would recommend to a young person that he or she enter the legal profession, and if not, whether that decision was because of race. When taken as a whole, the data provided by these questions underscore that HLS black graduates are very satisfied with their careers, a conclusion that should not be surprising given their talent and accomplishment. The data also reveals, however, important differences in satisfaction levels across practice areas, cohorts and eras, and between women and men. These differences have important implications for those seeking greater racial diversity in the legal profession.

Table 29 reports respondents’ overall satisfaction with their careers by employment sector. As the data indicates, black HLS graduates tend to be highly satisfied with their current jobs, with an overall average of 5.7, with only a modest difference between the satisfaction levels reported by men (5.8) and women (5.6). This finding is consistent with AJD which found that over 70% of lawyers are moderately to extremely satisfied with their careers.

When we look more closely at particular employment sectors and eras, however, important differences in career satisfaction begin to emerge. Thus, while average satisfaction across all employment sectors is above 5 on our 7-point scale, private practice has the lowest average (5.3) of any sector, substantially

below the level of satisfaction reported by those in public sector careers (which range between 5.7 for government lawyers to 5.8 for those in public interest and legal services) and in business (5.7 for both those practicing and not practicing law) — let alone the average satisfaction level of 6.4 for those in the education sector.

Moreover, the satisfaction level of those in private practice has been steadily falling over time, with those in the post-2000 era reporting satisfaction that is a full point lower than their pre-2000 counterparts (4.8 for post-2000, 5.8 for pre-2000). Indeed, those in the most recent classes to graduate from HLS (2010-2016) expressed the lowest satisfaction with private practice of any cohort in our study (4.3), which was more than 2 full points below the average satisfaction of those who graduated in the 1970s (6.4). Given that the overwhelming majority of those who are in private practice in the 2010s cohort are still in large law firms, the fact that on average these graduates are barely satisfied with their careers to date does not bode well for diversity efforts in these institutions.

Nor does the fact that the African American women in our sample consistently reported being less satisfied with their careers in private practice than their black male counterparts (4.8 women, 5.6 men). Once again, women in the post-2000 era are even less satisfied with their private practice careers (4.3) than their pre-2000 counterparts, who report average satisfaction levels (5.6) that are close to those reported by men (5.8). Women in the 2010s cohort reported the lowest satisfaction levels (4.1) of any cohort in our study. Given that black women graduating from law school significantly outnumber black men, including at HLS, the low levels of satisfaction with private practice — and large law firms in particular — reported by HLS black female graduates post-2000 should be particularly

*Career Satisfaction in Current Job***TABLE 29**

	Male	Female	Overall*	Pre-2000	Post-2000	N
Private Practice	5.6	4.8	5.3	5.8	4.8	102
Business (practicing law)	5.9	5.4	5.7	5.6	5.8	59
Business (not practicing law)	5.7	5.6	5.7	6.2	4.8	43
Government	5.6	5.8	5.7	5.8	5.6	74
Public Interest	5.4	5.9	5.8	5.7	5.9	33
Legal Services	-	5.8	5.8	6.3	5.7	12
Education	7.0	6.1	6.4*	6.4	6.4	53
Other	6.1	5.6	5.7	5.8	5.3	41
Total	5.8	5.6	5.7	5.9	5.4	417

*p<.05 **p<.01

concerning for those seeking greater diversity in this sector.

Notwithstanding these differences in satisfaction levels with their current jobs, the overwhelming majority of respondents expressed high levels of satisfaction with their decision to become a lawyer, reporting an average of 5.9 on our 7-point scale (Table 30). Interestingly, those in the pre-2000 era expressed significantly greater satisfaction with this decision than graduates from the post-2000 era (6.1 pre-2000, 5.6 post-2000). Men were also significantly more satisfied than women with this decision (6.1 men, 5.8 women). As we will see below, these differences are consistent with what we found in other areas of satisfaction.

When asked if knowing what they know today whether they would still obtain a law degree, as Table 31 documents, the overwhelming majority of respondents (87.7%) answered yes. This result is remarkably consistent over time. Indeed, those in the post-2000 era actually expressed slightly higher support for obtaining a law degree again than their pre-2000 counterparts (90% post-2000, 86.3% post-2000), with those in the 2010s cohort expressing agreement at a level that is nearly identical to the

average for the sample as a whole (87%). Given that many in this last cohort are still in large law firms, where, as indicated above, many are only marginally satisfied with their careers, this finding underscores that the black lawyers in our sample do not conflate the value of getting a law degree with the satisfaction that they have so far found with their first legal job in a large law firm. These results are consistent — indeed, even slightly more positive — than our findings in HLSCS, where 85.7% of all HLS graduates reported that they would still obtain a law degree today.

The data tell a similar story with respect to gender. Notwithstanding the many differences in the satisfaction levels — and the underlying professional opportunities that no doubt contribute to satisfaction — between women and men documented in this Report and other similar studies, the overwhelming majority of HLS black female graduates (86.4%) would still obtain a law degree today, even knowing everything they now know about the disproportionate burdens that black women are likely to encounter in the profession. The fact that women in the post-2000 era are even slightly more positive about their decision to go to law school than their pre-2000 counterparts (87.4% post-2000 to 85.6%

Satisfaction with Decision of Becoming a Lawyer

TABLE 30

	Male	Female	Overall	Pre-2000	Post-2000	N
Satisfaction with Decision of Becoming a Lawyer	6.1*	5.8	5.9	6.1**	5.6	458

*p<.05 **p<.01

pre-2000), and that there is only a modest decline in agreement for women in the 2010s cohort (82.4%) underscores that as challenging as law may be for black women many still believe that it is a better option than the available alternatives. Moreover, even for those women and men who would not choose to go to law school today, very few reported that race would be their reason for not doing so.

Finally, we asked respondents whether they would recommend law to a young person seeking advice about potential careers. Here, the results are less encouraging for the profession (Table 32). Although nearly 90% of respondents indicated they personally would still obtain a law degree, only 66.3% reported that they would recommend doing so to a young person seeking career advice. Moreover, like career satisfaction generally, the percentage of those who would recommend law as a career has been declining over time. Thus, only 57.9% of graduates in the post-2000 era would encourage a young person to go to law school, as compared to over 70% of those graduating in the pre-2000 era, a statistically significant difference. And as was true with satisfaction generally, those in the most recent 2010s cohort reported the lowest percentage of those willing to recommend law as a career, with just a little over half (54.6%) reporting that they would do so — a far cry from those graduating in the 1970s and 1980s, where 75.3% and 77% of black graduates respectively would encourage a young person to go to

law school. Once again, this data —which is similar to what we found in HLSCS, where over 85% of respondents reported that they would still get a law degree today, but only 70% would recommend law to a young person — does not bode well for the profession's future.

Nor does the fact that male respondents were much more likely to recommend law to a young person — 70% — than female respondents — 62.1%, again a statistically significant result. Once again, female respondents from the post-2000 era are even less likely to encourage a young person to go into law than those in the pre-2000 era (59% post-2000, 64.6% pre-2000), with women in the most recent 2010s cohort being even less likely to do so (55.1%). Interestingly men in the post-2000 era in general, and in the 2010s cohort in particular, expressed even less enthusiasm for advising a young person to go to law school (56.4% post-2000 era; 52.4% 2010 cohort), the latter being the lowest percentage for any group in our sample. Although very few of those who would not recommend law to a young person cited race as the primary reason for not doing so, these results nevertheless underscore just how difficult it is going to be to make progress on achieving diversity in the legal profession if those who have arguably been among the most successful black lawyers are not enthusiastically encouraging young African American women and men to follow in their footsteps.

*Would Still Attend Law School***TABLE 31**

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	88.7%	86.4%	87.7%	86.3%	90.0%	403
No	11.3%	13.6%	12.3%	13.7%	10.0%	57
Total	100.0%	100.0%	100.0%	100.0%	100.0%	460

*p<.05 **p<.01

*Would Recommend Law to Young Person***TABLE 32**

	Male	Female	Overall	Pre-2000	Post-2000	N
Yes	70.0%*	62.1%	66.2%	70.9%**	57.9%	299
No	30.0%	37.9%*	33.8%	29.1%	42.1%**	153
Total	100.0%	100.0%	100.0%	100.0%	100.0%	452

*p<.05 **p<.01

RACIAL PROGRESS (Tables 33-34; Figures 13-14).

In addition to investigating how race and other factors have structured their individual careers, we also asked respondents to report their views about racial issues more broadly. Specifically, we asked respondents to respond to two questions, the first asking for their views about a range of issues relating to racial progress generally, and the second regarding what — if any — effect President Obama's presidency has had on opportunities for black lawyers. For each question, we asked respondents to rank their agreement or disagreement with particular statements on a 7-point scale, where 1 equals "strongly disagree" and 7 equals "strongly agree." With respect to the first question regarding racial progress, Figure 13 compares (where possible) the responses we received in this survey with those we received in 2000.

Table 33 reports the results for the first question regarding racial progress. Overall, there are significant differences in the levels of support for

the various propositions addressed in the question. The most salient finding is that African American HLS graduates believe quite strongly that black lawyers continue to face discrimination in the workplace (5.7), and that employers should engage in affirmative action to counteract this disadvantage and to promote diversity in the profession (6.1). Black men were significantly more likely to support this latter proposition than black women (6.2 to 5.9), although support for affirmative action for both genders was high. These rankings are only slightly lower than what we found in 2000 (5.92 for discrimination, and 6.3 affirmative action), suggesting that events over the last 16 years — including the election of President Obama — have not changed black HLS graduates' perception of the way that race continues to structure legal careers.

Outside of this bedrock perception, attitudes about precisely how race continues to structure careers — and what to do about its continuing effects — was considerably more mixed. The only other issue in

Attitudes About Racial Progress

TABLE 33

	Male	Female	Overall	Pre-2000	Post-2000	N
Law firms should engage in affirmative action	6.2**	5.9	6.1	6.1	6	441
Black lawyers have an obligation to use their legal skills for the black community	5.4	5.2	5.3	5.4	5.2	440
Black lawyers doing enough to improve the black community	3.7	3.6	3.7	3.7	3.5	440
Professional opportunities for black lawyers have improved since law school	4.5**	4.1	4.3	4.7**	3.6	441
Black lawyers still face significant discrimination in the workplace	5.7	5.7	5.7	5.8	5.6	440
I am optimistic about the progress of black lawyers are making in achieving professional success	4.8	4.7	4.7	4.8	4.6	436
Diversity training is an effective tool for combating the obstacles facing black lawyers	4.6**	4.3	4.5	4.5*	4.3	435
My race is an advantage in getting access to good work and/or professional opportunities	3.2	3.2	3.2	3.2	3.3	437
Black lawyers need to take more responsibility for their own careers	4.7**	4.3	4.5	4.7**	4.3	437
My racial identity has grown less important as I have progressed through my career	3.5**	2.8	3.2	3.3**	2.9	439
Progress for black Americans now depends more on economic change than on legal change	4.6**	3.9	4.3	4.4	4.1	438

*p<.05 **p<.01

Attitudes About Racial Progress - Overall

FIGURE 13

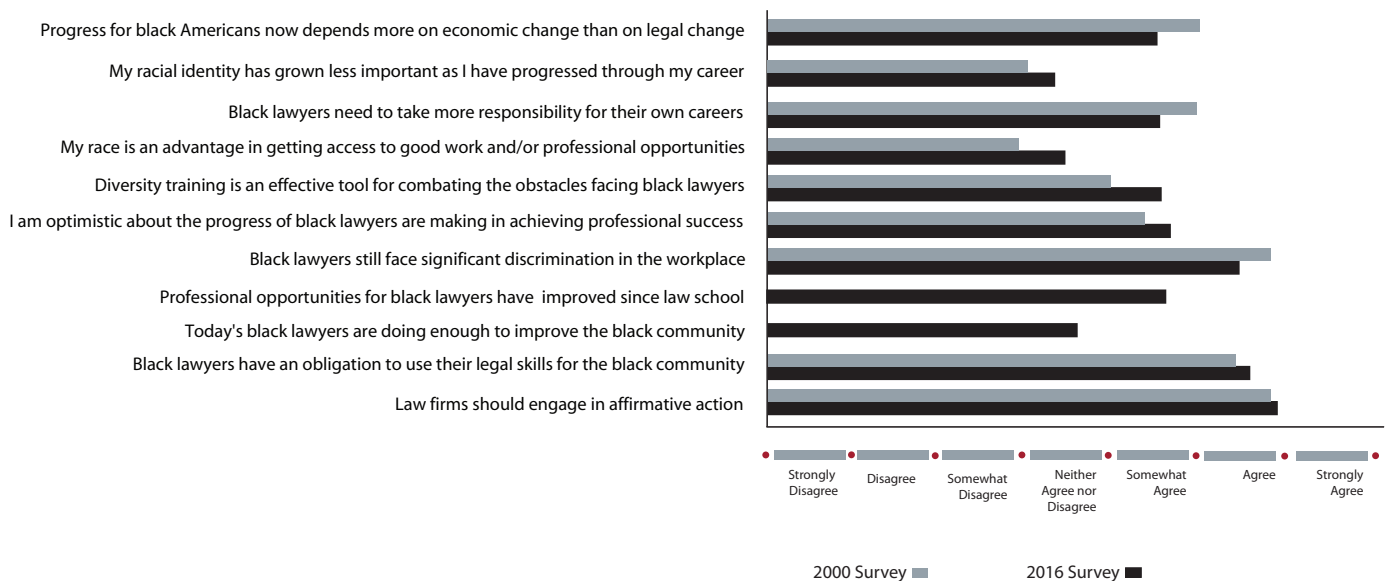


Table 33 that elicited average agreement above 5 was the statement that “black lawyers have an obligation to use their legal skills to improve the black community” (5.3), signaling broad support for what one of the authors of this Report has elsewhere called “the obligation thesis.”⁴³

Although there was widespread agreement that black lawyers have such race-based obligations, far fewer respondents agreed (3.7) that black lawyers were currently doing enough to discharge this duty. Similarly, there was fairly widespread disagreement with the proposition that “my race is an advantage in getting access to good work and/or professional opportunities” (3.2), suggesting that while black lawyers may sometimes be put on matters because of their race, as indicated in Table 27 above, black HLS graduates do not view their race as having been beneficial to their careers overall. Both results are similar to what we found in 2000 (Figure 14), where on average respondents agreed with the obligation thesis (5.23) and disagreed with the suggestion that their race has been generally beneficial to their careers (2.96).

With respect to potential solutions to the problems that the color line still poses for black HLS graduates, both self-help (“black lawyers need to take more responsibility for their own careers”) and diversity training (“diversity training is an effective tool for combatting the obstacles facing black lawyers”) garnered equal levels of modest support (4.5). Interestingly, men were more likely to report supporting both self-help and diversity training than women (self-help: 4.7 men, 4.3 women; diversity training: 4.6 men, 4.3 women), as were those from the pre-2000 era when compared to those who graduated HLS in the post-2000 era (self-help: 4.7 pre-2000, 4.3 post-2000; diversity training: 4.5 pre-2000, 4.3 post-2000). Indeed, the pre-2000 cohort was much more positive about diversity training than those who responded to our 2000 survey, where

the average was 4.01. On the other hand, pre-2000 respondents were more negative about self-help, where the average in the 2000 survey was 4.98. The only other important differences to note are that men are significantly more likely than women to believe that professional opportunities for black lawyers have improved since they entered the bar (4.5 men, 4.1 women), and that their racial identity has become less important during the course of their career (3.5 men, 2.8 women). There is an era effect with respect to both of these variables as well, with pre-2000 era respondents significantly more likely to agree with these statements than those in the post-2000 era (improved prospects: 4.7 pre-2000, 3.6 post-2000; race less important: 3.3 pre-2000, 2.9 post-2000). These latter results are not surprising given that post-2000 era graduates have had less time to observe these changes.

Finally, men are significantly more likely than women to believe that “progress for black Americans now depends more on economic change than on legal change” (4.6 men, 3.9 women). Neither men nor women nor graduates from the pre-2000 era report agreeing with this statement as much as those who responded to the 2000 survey, where the average level of agreement was almost 5 (4.94). This last result provides some support for the view that the economic progress that many blacks made during the Obama years has not translated into the kind of racial progress that black women in particular would like to see. This may in turn help to explain why blacks remain only guardedly optimistic about the future for black lawyers (4.7), a response that is identical to what we found in 2000.

This ambivalence is evident in respondents’ views about the effect of the Obama presidency. As Table 34 demonstrates, none of the statements about the beneficial effects of Obama’s election garnered strong agreement of 5 or more on our 7-point scale, with only the statement that it “improved perceptions

about the leadership potential of black lawyers” coming close to this level (4.7). Not surprisingly, those in the post-2000 era were significantly more likely to agree that Obama’s election inspired more blacks to go to law school, since many of those graduating in this era may be among this group, and certainly are more likely to know those who are.

None of the other three questions relating to the direct benefit of Obama’s presidency for black lawyers garnered more than mild agreement, with two of the three eliciting even less support. Men, however, are significantly more likely than women to believe that the Age of Obama improved opportunities for mobility and career advancement for black lawyers as well as perceptions about their leadership potential. This finding suggests that even with respect to what

arguably has been the most historic development in black American history, the election of the country’s first black president, African American women perceive that they have received fewer benefits than their black male peers. In a world in which black women are likely to constitute an even larger proportion of the nation’s black lawyers than they do today, this reality raises serious questions about how much progress the legal profession and the nation as a whole will have made toward achieving true diversity and inclusion by the time that Harvard Law School’s remarkable group of black Alumni gathers for CBA V in 2021.

Impact of the Election of the First African American President

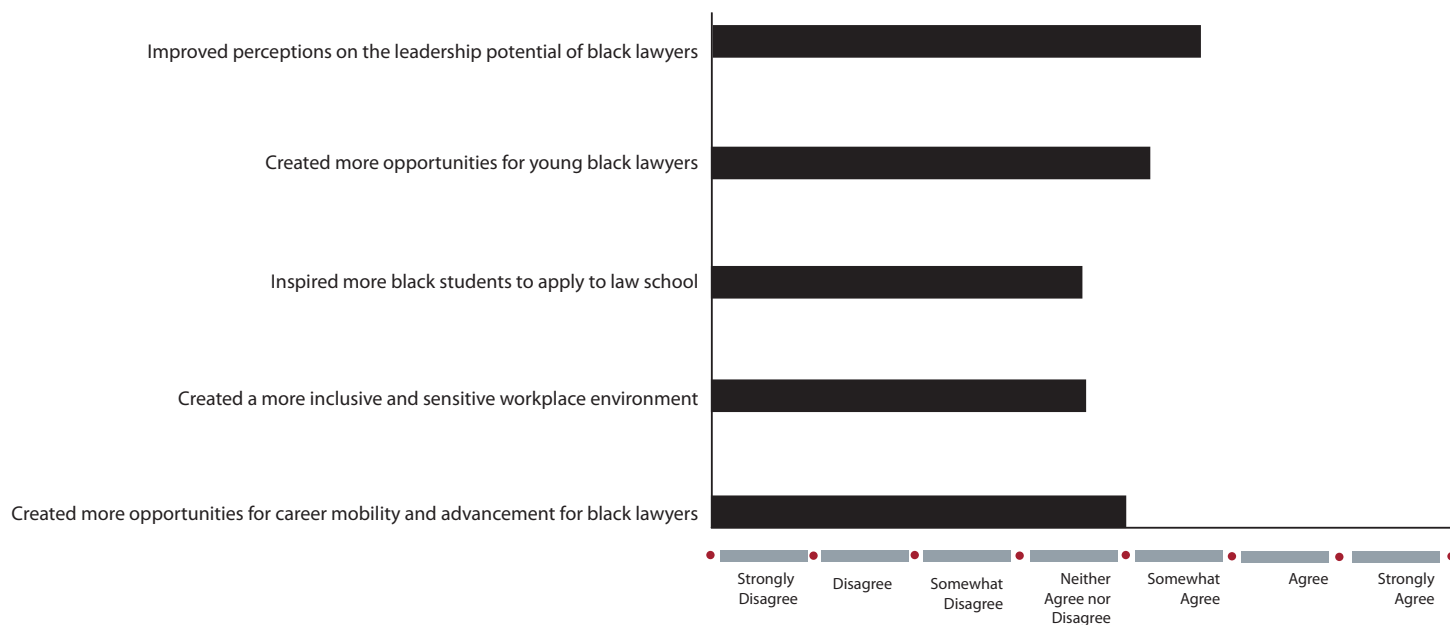
TABLE 34

	Male	Female	Overall	Pre-2000	Post-2000	N
Created more opportunities for career mobility and advancement for black lawyers	4.1*	3.8	4	4	3.9	438
Created a more inclusive and sensitive workplace environment	3.8	3.3	3.6	3.7	3.4	439
Inspired more black students to apply to law school	4.7	4.7	3.6	4.6*	4.8	439
Created more opportunities for young black lawyers	4	3.7	3.8	3.9	3.8	439
Improved perceptions on the leadership potential of black lawyers	4.9**	4.7	4.7	4.8	4.7	434

*p<.05 **p<.01

Impact of the Election of the First African American President - Overall

FIGURE 14



THE OBAMA GENERATION AFTER THE AGE OF OBAMA

In 2000, we concluded the first Report on the State of Black Alumni by invoking the ringing aphorism typically made by presidents during the State of the Union Address — “the state of our union is good!” — to underscore that the state of Harvard Law School’s black alumni at the dawn of the new millennium was good as well. Sixteen years later, this conclusion still holds. As the history and data presented in this report demonstrates, the Law School’s African American graduates are flourishing in every sector of society, reaching unprecedented heights in law firms, business, public interest organizations, and government — including, of course, the most important political office in the free world. During the opening years of the 21st century, these extraordinary women and men have used their positions of power and influence to build a more prosperous, just, and inclusive America, even as the nation’s age-old problem of the color line continues to shape — but never totally define — their lives and careers. Harvard Law School should be very proud of the role it has played in educating this important group of leaders.

As the Law School begins its third century, it is critical that it continue to recruit, educate, and develop the next generation of black lawyers who can follow and extend the trail blazed over the last 16 years by pioneers such as Barack Obama, Kenneth I. Chenault, Bryan Stephenson, Loretta Lynch, and Debra Lee, all of whom graduated from HLS in the latter decades of the 20th century. That the school will continue to do so cannot be taken for granted. As Table 1 and Figure 1 of this Report document, the number of black students enrolling in HLS has declined significantly over the last few years. It will take vigilance and concerted action — including by the Law School’s black alumni — to reverse this trend. As the Supreme Court made clear in *Grutter*, this trend not only jeopardizes the future of the black bar, but it threatens the very foundation of America’s competitiveness in a world that will only become even more diverse and interdependent with each passing year.

This is particularly true for the legal profession, where globalization, technology, and the blurring of traditional boundaries between law, business, strategy, politics, and culture are redefining the skills that the next generation of lawyers will need to succeed in the middle decades of the 21st century. As law moves from the segregated profession that greeted Charles Hamilton Houston and the other original “social engineers for justice” who first opened the doors of opportunity in *Brown* to one in which women constitute the majority (and in most parts of the world, the overwhelming majority) of new entrants into the profession, and where increasingly diverse teams of lawyers must learn to work together effectively to solve problems for clients who are themselves increasingly diverse, the profession can ill afford to lose the talent and leadership that HLS’s black graduates have consistently displayed.

The data contained in this Report underscores that the legal profession still has a long way to go to provide an environment in which black lawyers have an equal opportunity to succeed. Notwithstanding the considerable progress that has been made since we issued our last report in 2000, Harvard Law School’s African American graduates continue to face significant barriers in the workplace — barriers that are undoubtedly even more daunting for black lawyers who do not have the benefit of the “H Bomb” effect of graduating from HLS or other similarly highly ranked law schools. The fact that our data show that those graduating in the post-2000 era are consistently less satisfied with many aspects of their careers than their pre-2000 counterparts, and that just over half of those graduating in the new millennium would recommend to a young person that he or she obtain a law degree, highlights that these challenges will not simply dissipate with time. Nor will the uniquely difficult challenges that black women continue to face at the intersection of race and gender, which our findings suggest may actually be increasing as African American women constitute an ever-larger share of HLS black graduates and the black bar more generally. Indeed, the increasing obsession with short-term

profits that characterize many sectors of today's legal profession threaten to exacerbate the problems faced by black Harvard Law School graduates in the coming years.

Making progress on these and other issues relating to the problem of the color line for black Americans will require that African American lawyers who have had the opportunity to graduate from Harvard Law School redouble their efforts to bend this line toward justice. To be sure, the responsibility for ensuring that America lives up to the promise of “Equal Justice Under Law” inscribed above the entrance to the Supreme Court should not be theirs alone. But as legendary black HLS alumni from Charles Hamilton Houston to William Coleman to John Payton to Michelle Robinson Obama have demonstrated time and time again, these talented lawyers do have a special role to play in pushing the struggle for freedom and equality forward. While our data shows that the overwhelming majority of the Law School's black graduates continue to accept this special responsibility, everyone will have to do more if we are to achieve the goal of racial justice. The collective ability of the more than 2,500 living black women and men who belong to this privileged group to push these ideals forward will undoubtedly yield impressive results.

On May 25, 2017, 53 black students, all part of the Law School's bicentennial class, walked across a rainy stage in Holmes Field to claim their diplomas and join the ranks of Harvard Law School's illustrious African American alumni. The group embodies everything that President Obama said about this new generation in his farewell address in Chicago: “Unselfish, altruistic, creative, [and] patriotic.” These incredibly talented young women and men are ready, willing, and able to fight for their belief, again in the 44th President's words, “in a fair, just, and inclusive America” and to shoulder their responsibility “to carry this hard work of democracy forward.” It is up to the rest of us to provide these new social engineers for justice an environment where their hopes and aspirations for the future have a chance of becoming the future for our profession, our country, and our world. If we do — and if they do all that they can do to follow in the footsteps of the great African American lawyers chronicled in this Report — then by the time the next history of Harvard Law School's black alumni is written we will all be able to echo President Obama's closing words to the nation:

Yes we can.
Yes we did.
Yes we can.



KEZMEN CLIFTON AND KRISTIN A. TURNER,
HARVARD LAW SCHOOL CLASS OF 2017

ENDNOTES

¹ David B. Wilkins, “From ‘Separate is Inherently Unequal’ to ‘Diversity is Good for Business’: The Rise of Market-Based Diversity Arguments and the Fate of the Black Corporate Bar,” in the *Harvard Law Review*, 117 (2004).

² For more, see “From ‘Separate is Inherently Unequal’ to ‘Diversity is Good for Business’: The Rise of Market-Based Diversity Arguments and the Fate of the Black Corporate Bar” by David B. Wilkins in the *Harvard Law Review* (2004).

³ “The Action After the Call: What General Counsel Say About the Value of Diversity in Legal Purchasing Decisions,” by David B. Wilkins and Young-Kyu Kim, in *Diversity in Practice: Race Gender and Class in Legal and Professional Careers* (Cambridge University Press, 2016).

⁴ See http://www.ontheissues.org/celeb/George_W__Bush_Civil_Rights.htm

⁵ *Problems in Professional Responsibility for a Changing Profession 5th Edition* (Carolina Academic Press) edited by Andrew L. Kaufman and David B. Wilkins

⁶ National Association of Law Placement statistics available at: <http://www.nalp.org/minoritieswomen>.

⁷ For more, see *Problems in Professional Responsibility for a Changing Profession 5th Edition* (Carolina Academic Press) edited by Andrew L. Kaufman and David B. Wilkins.

⁸ For more, see http://www.elsblog.org/the_empirical_legal_studi/2008/07/how-the-cravath.html.

⁹ See “Raise for Harvard President Led Board Member to Quit” by Alan Finder in the *New York Times* (August 2, 2005) available at: <http://www.nytimes.com/2005/08/02/education/raise-for-harvards-president-led-board-member-to-quit.html>.

¹⁰ See “Black Law Partners Work Hard for Obama” by Joseph Goldstein in the *New York Sun* (August 13, 2008) available at: <http://www.nysun.com/national/black-law-partners-work-hard-for-obama/83777/>.

¹¹ See “From Big Law to Lean Law,” by William D. Henderson in the *International Review of Law and Economics* (2014).

¹² National Association of Law Placement statistical database at: <http://www.nalp.org/research>.

¹³ See “Explaining Social Exclusion and the ‘War for Talent’ in the UK’s Elite Professional Service Firms” by Louise Ashley and Laura Empson in *Diversity in Practice: Race Gender and Class in Legal and Professional Careers* (Cambridge University Press, 2016).

¹⁴ See “The Effectiveness of Inheritance vs. Rainmaking Strategies in Building Books of Business for Female and Minority Partners” by Forrest Briscoe and Andrew Von Nordenflycht in *Diversity in Practice: Race Gender and Class in Legal and Professional Careers* (Cambridge University Press, 2016).

¹⁵ See “Career Mobility and Racial Diversity in Law Firms” by Christopher I. Rider, Adina D. Sterling, and David Tan in *Diversity in Practice: Race Gender and Class in Legal and Professional Careers* (Cambridge University Press, 2016).

¹⁶ See “The Action After the Call: What General Counsel Say About the Value of Diversity in Legal Purchasing Decisions” by David B. Wilkins and Young-Kyu Kim in *Diversity in Practice: Race Gender and Class in Legal and Professional Careers* (Cambridge University Press, 2016).

¹⁷ National Association of Law Placement statistical database at: <http://www.nalp.org/research>.

¹⁸ See *Failing Law Schools* by Brian K. Tamanaha (University of Chicago Press, 2012).

¹⁹ Law School Admissions Council statistical database at: <http://www.lsac.org/lscresources>.

²⁰ See “Obama has Vastly Changed the Face of the Federal Bureaucracy” in *The Washington Post* (September 20, 2015) available at: https://www.washingtonpost.com/politics/obama-has-vastly-changed-the-face-of-the-federal-bureaucracy/2015/09/20/73ef803a-5631-11e5-abe9-27d53f250b11_story.html?utm_term=.bab8037af205.

²¹ NBC News “President Obama’s Legacy on Judicial Appointments” available at <http://www.nbcnews.com/storyline/president-obama-the-legacy/obama-s-legacy-judicial-appointments-numbers-n709306>.

²² *Ibid.*

²³ “The New Social Engineers in the Age of Obama: Black Corporate Lawyers and the Making of the First Black President” by David B. Wilkins in the *Howard Law Review* (2010).

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ For more, see: <http://www.drugpolicy.org/news/2013/11/attorney-general-eric-holder-slams-us-mass-incarceration-security-ministers-conference->

²⁷ For more, see: <http://www.pbs.org/newshour/bb/u-s-unique-time-history-justice-reform-says-attorney-general-lynch/>.

²⁸ For more, see <http://fairpunishment.org/>.

²⁹ Whether those black faculty members whose portraits were not defaced in this manner was the result of intention or incompetence, like so much else about this incident, has never been determined.

³⁰ See Committee Report entitled “A Recommendation to the President and Fellows of Harvard College on the Shield Approved for the Law School” available at: <https://today.law.harvard.edu/wp-content/uploads/2016/03/Shield-Committee-Report.pdf>.

³¹ Responses were collected between approximately September 2016 and April 2017. For ease of reference, we refer this dataset as the “2016 survey.”

³² To learn more about the After the JD study, visit: <http://www.americanbarfoundation.org/research/project/118>.

³³ See “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” by Kimberlé Crenshaw in the *University of Chicago Legal Forum* (1989).

³⁴ See “Rethinking What we Know about High Achieving Women” by Robin Ely, Pamela Stone, and Colleen Ammerman available at: <https://hbr.org/2014/12/rethink-what-you-know-about-high-achieving-women>.

³⁵ This number does not include L.L.M or S.J.D students. It does include joint-degree (e.g. J.D.-M.B.A.) candidates.

³⁶ For the purposes of this analysis, first job post-HLS is defined as first job post-clerkship and post-HLS.

³⁷ National Association of Law Placement statistical database at: <http://www.nalp.org/research>.

³⁸ For more, see “Why are there So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis,” by David B. Wilkins and G. Mitu Gulati in the *California Law Review* (1996).

³⁹ For more, see “A Systematic Response to Systemic Disadvantage: A Response to Sander,” by David B. Wilkins in the *Stanford Law Review* (2005).

⁴⁰ For more, see “Why are there So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis,” by David B. Wilkins and G. Mitu Gulati in the *California Law Review* (1996).

⁴¹ See “Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Market of Elite Law Firms” by David B Wilkins and G. Mitu Gulati in the *Virginia Law Review* (1998).

⁴² For more, see “Why Diversity Programs Fail” by Frank Dobbin and Alexandra Kalev in *The Harvard Business Review* available at: <https://hbr.org/2016/07/why-diversity-programs-fail>.

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“A Great Day at Harvard Law School!”

A CELEBRATION OF BLACK ALUMNI

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“Another Great Day at Harvard Law School!”

A CELEBRATION OF BLACK ALUMNI

September 17, 2005



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September 16-18, 2011



“Turning Vision Into Action”

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September 16-18, 2016



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