



HARVARD LAW SCHOOL Report on the State of Black Alumni 1869-2000





HARVARD LAW SCHOOL
REPORT ON THE STATE OF BLACK ALUMNI 1869-2000

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FOREWORD

For over a century, Harvard Law School has been a leader in training black lawyers. Since the Law School's first black student graduated in 1869, we have educated over 1700 black attorneys — more than virtually any other law school with the exception of Howard University. Among their ranks are CEOs and general counsels of Fortune 500 corporations, prominent politicians and social activists, influential partners in major law firms and public interest organizations, federal and state judges, academics, entrepreneurs, novelists and entertainers, and a host of other leaders in their chosen field.

This report chronicles the unprecedented success of this pioneering group of women and men and examines the manner in which race continues to impact — but not define — their careers. We do so on the basis of original research collecting both quantitative and qualitative data on the experiences of black Harvard Law School graduates, presented against the background of publicly available information on black lawyers and the legal profession generally. We believe that the Report presents the most comprehensive and multidimensional overview of the careers of the black alumni of a single law school ever assembled. It has been prepared by the Harvard Program on the Legal Profession and made possible by a generous grant from the Goldman Sachs Foundation, and additional support from the American Bar Association Commission on Racial and Ethnic Diversity in the Profession.

Although what follows is of particular interest to the Harvard community, we believe that our examination of the careers of black Harvard Law School graduates has more general significance for law schools, the legal profession, and society as a whole. It has been more than thirty years since American law schools began affirmatively opening their doors to a significant number of minorities and women. Today, many Americans appear to be skeptical of the programs that have produced this diversity. A study of the careers of black Harvard Law School graduates offers an important window on the long-term benefits of diversity and inclusion in our institutions of higher learning — and on the rapidly changing environment in which all lawyers must now attempt to build successful careers. We therefore hope that the information below will contribute to a renewed debate about the underlying goals of the American legal profession at the dawn of this new century, and about what law schools can and should be doing to achieve these objectives.

Robert Charles Clark

Robert C. Clark
Dean

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Report on the State of Black Alumni

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Introduction

A Celebration of Black Alumni

I. Introduction

Harvard Law School has played a unique and important role in the training and development of black lawyers in the United States. George Lewis Ruffin, the school's first black graduate, entered Harvard Law School just two years after the conclusion of the Civil War. Fifty-five years later, Charles Hamilton Houston graduated from Harvard Law School and mounted a legal campaign to transform America's separate and unequal legal and educational regime. When it became clear that Houston's strategy for ending de jure segregation, brilliantly achieved in Houston's protégé Thurgood Marshall's historic victory in *Brown v. Board of Education* (1954)¹, would not automatically result in the integration of America's great institutions of higher learning, Harvard Law School again stepped into the breach. In 1965 the Law School held the first program specifically aimed at encouraging talented black students to attend historically white law schools. The Special Summer Program (which was repeated in 1966) was an overwhelming success in providing exposure to the law for college students and in helping the law school faculty and administrators develop admissions criteria for future black students. The program also served as a model for many other summer institutes held around the nation that were conducted under the auspices of the Council for Legal Education Opportunity (CLEO) founded in 1968.

In the succeeding decades, Harvard Law School has graduated more black lawyers than virtually any law school other than Howard Law School, which Houston shaped into the training ground for Marshall and many of the other lawyers whose tireless work and dedication produced victory in *Brown*. Thirty-five years after the sole black graduate of the class of 1965 began his legal career, black Harvard lawyers can now be found in leading positions in virtually every sector of the legal profession, as well as in government, business, and the arts.

In the fall of 1999, the Law School, with the active encouragement and support of then Harvard University President Neil Rudenstine, decided to celebrate the extraordinary achievements of its black graduates and to begin a systematic study of their careers. The first of these objectives was achieved in September 2000, when more than 600 of the law school's black graduates gathered for a Celebration of Black Alumni. The three-day event included presentations by



HARVARD UNIVERSITY PRESIDENT NEIL RUDENSTINE, "THIS IS A HISTORIC EVENT. IT COULD NOT HAVE TAKEN PLACE BUT NOW, THIRTY YEARS AGO THERE WOULDN'T HAVE BEEN ENOUGH PEOPLE TO SHOW UP... IT DEMONSTRATES THAT THIS IS A MARKER IN AMERICAN HISTORY AND AMERICAN HIGHER EDUCATION."



**AT THE CEREMONY HONORING
THE BROWN V. BOARD OF
EDUCATION TEAM:** *(front row, left to right)*

PROFESSOR DAVID WILKINS '80,
WILLIAM COLEMAN, JR. '43 ('46),
MRS. THURGOOD MARSHALL,
OLIVER W. HILL, HARVARD UNIVERSITY
PRESIDENT NEIL RUDENSTINE,
PROFESSOR JACK GREENBERG,
JUDGE CONSTANCE BAKER MOTLEY,
CHARLES HAMILTON HOUSTON III;

(back row, left to right)

CHARLES T. DUNCAN '50,
PROFESSOR CHARLES OGLETREE, JR. '78,
JUDGE JACK B. WEINSTEIN,
JUDGE ROBERT L. CARTER,
JUDGE LOUIS H. POLLAK,
DEAN ROBERT CLARK '72,
KAREN HASTIE WILLIAMS,
KAY BOULEWARE-MILLER '84

leading alumni, including a keynote address by Kenneth I. Chenault '76, CEO of American Express, and the awarding of the inaugural Harvard Law School Medal of Freedom to the members of the *Brown v. Board of Education* litigation team. To accomplish the second objective, the Program on the Legal Profession prepared and distributed a comprehensive career survey to every living black graduate for whom we could find a current address.

This Report presents the findings of that survey along with additional information about black lawyers and the legal profession generally. We received 656 completed surveys, which constitutes 46% of all surveys mailed and not returned to us as undeliverable. We suspect that our actual response rate is even higher, since we know that many black alumni did not receive any mailings in connection with the Celebration, even though what was sent to them was not returned by the post office.

To flesh out the issues raised by the survey and to give voice to the graduates themselves, the Report also includes profiles, quotations, and additional information about black Harvard Law School graduates collected specifically for this project and for a forthcoming book by Professor Wilkins on black lawyers in corporate law practice.² We have also included relevant, publicly available data on black graduates from other law schools, black lawyers in various career settings, and on the legal profession as a whole. Our goal is to present a comprehensive and multidimensional overview of how succeeding cohorts of Harvard's black alumni have built their careers.

The findings contained in this Report, we believe, have important implications that extend far beyond the Harvard Law School community. Harvard Law School is America's oldest law school, and by any measure, among its most prestigious. Its graduates fill important positions in private practice, government, business, and the arts, and its policies have often been a model for other law schools to follow. The fact that a law school of this stature and influence has graduated almost two thousand black lawyers is therefore significant in and of itself.

Moreover, ever since Justice Powell praised Harvard's policies in the Supreme Court's landmark decision in *Regents of the University of California v. Bakke*³, Harvard's approach to diversity has come to symbolize the constitutionality and importance of a well-designed affirmative action program. In the last decade, such programs have come under increasing attack by those who claim that affirmative action is either contrary to the goals of the academy, because those admitted are not qualified to become successful lawyers, or unnecessary, because minorities no longer face significant discrimination. A comprehensive examination of the careers of black Harvard Law School graduates provides an important window into each of these contested domains.

Finally, the careers of black Harvard Law School graduates are important for what they tell us about careers generally. As a result of the research described in Part III, we now have better information about the careers of black Harvard graduates than we do about Harvard graduates as a whole. This ironic result underscores an important truth about research on women and minorities. Although this work is often undertaken to investigate specific questions of discrimination or affirmative action, it often ends up shedding significant light on issues relevant to the life chances of all Americans. As we indicate, race continues to play an important role in the careers of Harvard's black graduates. The main factors shaping their experience, however, are the same as those that affect the careers of all lawyers. By carefully examining how this subset of Harvard graduates has dealt with the challenges of building successful careers in the turbulent legal environment of the last decades of the twentieth century, we can learn a great deal about issues that are likely to affect the profession as a whole.

"You cannot separate out the black history
of the School
from the soul of the School.

It cannot be denied.

It flows through the arteries, and the veins, and soul,
the very heart
of this institution."



Professor Daniel Coquillette's opening speech

A CELEBRATION OF BLACK ALUMNI¹

II. A Brief History of Blacks at Harvard Law School

THE ANTEBELLUM ROOTS OF THE AMERICAN LEGAL PROFESSION

The history of blacks at Harvard Law School parallels the birth, development, and transformation of the modern American legal profession. Both histories begin following the conclusion of the Civil War. Prior to 1865, there were only a few thousand lawyers in the United States, the overwhelming majority of whom entered the profession with no formal legal training. A short apprenticeship was the only requirement for bar admission in most states, and bar examinations were typically "oral and administered in a very casual fashion."⁵ Not surprisingly, there was little demand for legal education, and as late as 1860, there were only twenty-one law schools in the United States, most offering informal, short courses with minimal educational standards. Consequently, as one scholar has observed, before the Civil War "virtually any white male could become a lawyer."⁶

The road for aspiring black lawyers was, to say the least, considerably more difficult. Slavery was the law of the land in most of the original thirteen colonies, and blacks were expressly excluded from the promise of liberty and equality in the new nation's founding legal documents. Moreover in the 1860s, slaves comprised 90% of the black population in America, and it was unlawful for slaves to learn to read or write. As late as 1857, the United States Supreme Court in the infamous Dred Scott case affirmed that blacks had no rights under the U.S. Constitution.⁷ In a society that attempted to deny both citizenship and literacy to black

people, nine black lawyers were admitted to the bar between 1844 and 1865: Macon Bolling Allen (1844, Maine); Robert Morris, Sr. (1847, Massachusetts); George Boyer Vashon (1848, New York); John Mercer Langston (1854, Ohio); Aaron Alpeoria Bradley (1856, Massachusetts); Edward Garrison Walker and John Swett Rock (1861, Massachusetts); William Henry Johnson (1865, Massachusetts); and, Jonathan Jasper Wright (1865, Pennsylvania).

These men were extraordinary. For example, Langston went on to be the first Dean of Howard Law School, the first school instituted with the purpose of training the nation's black citizenry in the legal profession. Bradley went on to serve in the Georgia State Senate, while Walker who was elected to the Massachusetts State Legislature became a pioneer in the women suffrage movement. John Swett Rock became the first black lawyer admitted to the United States Supreme Court in 1865, and the impressive Jonathan Jasper Wright went on to serve on the South Carolina Supreme Court becoming the first black judge in America.⁸ With these few shining exceptions, however, the American legal profession, like the other privileged positions in the country as a whole, remained the exclusive province of white, Anglo-Saxon, Protestant men of means.

The early years of Harvard Law School mirror this broader history. The school was founded with a devise from Isaac Royall, Jr., who in 1779, granted 200 acres of land in Massachusetts to be sold for the purpose of "endowing of a Professor of Law" at Harvard. The sale produced 2.5 million dollars



ISAAC ROYALL GRANTED 200 ACRES OF LAND TO BE SOLD FOR THE PURPOSE OF "ENDOWING OF A PROFESSOR OF LAW" AT HARVARD.

in today's money. The money was used to create the Royall Professorship of Law, which remains the Law School's most senior professorship and is traditionally occupied by the Dean. Royall was landed gentry and a British loyalist during the Revolution.⁹ And, like many magnates of his day, he was also a slave owner. Royall owned a plantation in Antigua, where his slaves engaged in the brutal and often lethal work of harvesting Royall's sugar cane. The proceeds of the sale of Royall's Antigua plantation and most of his slaves was used to purchase the land in Massachusetts that Royall subsequently bequeathed to Harvard, and transferred to the University after his death in 1781.

In gratitude for his generosity toward the school, Harvard Law School adopted Isaac Royall's arms as its' own. The arms show stacked wheat sheaves, and the school's motto states: "Out of the ould fields must spring and grow the new corne." The "ould fields" of Isaac Royall were the cane fields in Antigua and the "new corne" that would become America's oldest law school was fertilized in part with the blood of Royall's African slaves.

Harvard Law School's connection to slavery is not unique even among northern educational institutions founded in states where slavery was officially banned. Recent research has uncovered similar connections at both Brown and Yale.¹⁰ Universities, like most other institutions in American society, were funded partially through the proceeds of America's slave economy. Yet the women and men who produced these economic gains were systematically excluded from virtually every institution that their toil helped to build. Harvard Law School was no exception. Prior to 1865, the law school did not have a single black student.

SEPARATE AND UNEQUAL: THE BIRTH OF THE MODERN LEGAL PROFESSION, 1865-1954

The Civil War profoundly changed American society in virtually every respect. The war transformed the United States from an agrarian economy rooted in southern plantations and

6

TIME LINE 1865-2000

1865
1865 CIVIL WAR ENDS



1869

1869 HOWARD LAW SCHOOL IS FOUNDED WITH JOHN MERCER LANGSTON AS ITS FIRST DEAN (1869-1875)

western homesteads into a manufacturing economy, financed by large banks located in New York and other northern cities. At the same time, the post-Civil War Amendments to the Constitution transformed the American legal system into one in which blacks were formally guaranteed the same rights to life, liberty, and the pursuit of happiness that had previously been reserved only for whites.

In the decades following the war, the American legal profession slowly adapted to meet the demands of an increasingly urban and commercial clientele. In 1878, a group of prominent lawyers meeting in Saratoga Springs, New York founded the American Bar Association (ABA) for the express purpose of raising the "professionalism" of the bar. In the ensuing decades, the ABA and other similar organizations that sprung up in major urban centers lobbied for stricter admissions requirements, including mandatory legal education and formal bar exams, and sought control over the process of professional discipline.

The drive for greater professionalism had a paradoxical effect on the opportunities available to the rapidly expanding number of "outsiders" — women, blacks, Jews, Catholics, and other racial and ethnic minorities — seeking a career in law. On the one hand, many of those who participated in the campaign to increase "standards" did so for the express purpose of keeping out the growing number of immigrants, particularly

from Southern and Eastern Europe, who saw law as a potential vehicle for economic advancement and entry into middle class society.¹¹ The ABA soon made its own position on race clear when in 1912 it discovered that three black lawyers (William Henry Lewis and Butler Roland of Boston, Massachusetts and William R. Morris, of Minneapolis, Minnesota) had been admitted to the Association. Upon discovering this "mistake," the association first attempted to have the three lawyers expelled. The effort failed largely because of the intervention of Attorney General George Wickersham, who threatened to resign his own membership if Lewis, a 1895 Harvard Law School Graduate who had recently been appointed Assistant Attorney General by President Taft, was forced to resign his. Wishing to avoid this embarrassment, the ABA compromised by allowing the three to remain while adopting a resolution stating that since "it has never been contemplated that members of the colored race should become members of this Association" any recommendation of "a person of the colored race for membership" must include "a statement of the fact that he is of such race." The ABA's color bar remained in force until 1943. Even then, the Dallas Bar Association continued to object to integrating the association on the ground that allowing black members "lowered the dignity of the bar."¹² In the meantime, a group of black lawyers meeting in De Moines, Iowa in 1925 formed the National



1869

1869 GEORGE LEWIS RUFFIN
GRADUATES FROM HARVARD
LAW SCHOOL

1870

1870 CHRISTOPHER COLUMBUS
LANGDELL APPOINTED DEAN
OF HLS AND INTRODUCES
CASE METHOD



1870



1870

1870 ADA H. KEPLEY BECOMES
FIRST WOMAN TO RECEIVE LAW
DEGREE (NORTHWESTERN)

Bar Association, which continues to be a leading voice for black lawyers to this day.

Although the drive for “standards” and “dignity” often was intended to exclude blacks and other racial, religious, and ethnic minorities from joining the bar, the move from apprenticeship to law school training also created entry opportunities for aspiring lawyers from these previously excluded groups.¹³ As with many other aspects of American society, however, the doors of opportunity for blacks opened especially slowly.

The early history of blacks at Harvard Law School exemplifies both the promise and the limitations of equal opportunity in the post-Civil War period. Just two years after Appomattox, George Lewis Ruffin became the first black student to enroll in Harvard Law School and the first to receive any formal legal education at all.¹⁴ Although Harvard defied the conventions of the day when it admitted Ruffin, the school could not protect him from feeling the brunt of those conventions in his first month on campus. At the first meeting of the student assembly, a student offered a resolution that “every member of the school is of right a member of the Assembly” except for “colored persons.” Beginning a tradition that would characterize the stance of succeeding generations of black Harvard graduates, Ruffin did not wait for the school to defend his right to the privileges accorded other

students — he defended himself by rising in the assembly and speaking on his own behalf. The motion was defeated.

Ruffin survived his initial baptism by fire and graduated in 1869. (Harvard Law School was only two years at the time.) Ruffin went on to a distinguished career as an elected member of the Massachusetts State Legislature, and a member of the Boston City Council, becoming the first black lawyer to serve in these capacities. He also became the first black judge above the rank of magistrate in the North, once again establishing a tradition of excellence that others would follow.

Ruffin’s graduation from Harvard marks the beginning of the slow and often painful process of integrating American legal education. One year after Ruffin’s graduation from Harvard, Ada Kepley received her LL.B from Union College of Law in Chicago (now Northwestern), becoming the first woman to graduate from law school and only the fifth woman lawyer. Two years later in 1872, Kepley was joined at the bar by Charlotte E. Ray, the nation’s first black female lawyer and the first woman to practice law in the District of Columbia.¹⁵

The profession nevertheless remained deeply segregated. Howard Law School, founded in 1869, remained the only option for most blacks seeking to attend law school. Other private and public law schools

1872

1872 CHARLOTTE E. RAY BECOMES THE FIRST BLACK WOMAN TO RECEIVE A LAW DEGREE (HOWARD) AND THE FIRST TO BE ADMITTED TO THE BAR (DISTRICT OF COLUMBIA)



1874

1874 ARCHIBALD HENRY GRIMKÉ BECOMES 2ND BLACK GRADUATE OF HARVARD LAW SCHOOL

1878

1878 ABA FOUNDED IN SARATOGA SPRINGS, NY

1890 431 BLACK LAWYERS IN THE US; 208 FEMALE LAWYERS IN THE US

1890

moved slowly toward diversity, if at all. Harvard Law School admitted its second black student, Archibald Grimke, in 1872. After graduation in 1874, Grimke went on to a distinguished career, including a stint as counsel to Santo Domingo under President Grover Cleveland, before joining the NAACP where he became that organization's national vice president. Other law schools followed Harvard's lead and desegregated. Yale admitted its first black student in 1878 while Maryland Law School (private until the 1920s) admitted two black students in 1887. Among publicly supported law schools, University of South Carolina (1873) and University of Michigan (1877) were the first to admit and graduate black students.

By the turn of the century, there were still only 730 black lawyers in the entire country. Bar associations, courts, law firms, and other sources of opportunity remained closed to blacks. What little progress had been made in southern states came to a grinding halt in 1896 when the Supreme Court issued its infamous decision in *Plessy v. Ferguson* sanctioning separate but equal as the law of the land.¹⁶ Law schools in South Carolina and Maryland that had previously opened their doors to a few black students introduced rigid bans on black enrollment and the spread of Jim Crow laws ensured that blacks would have even fewer opportunities to become lawyers.



THIS PORTRAIT OF GEORGE LEWIS RUFFIN HANGS IN LANGDELL LIBRARY AT HARVARD LAW SCHOOL AND IS ONE OF TEN AFRICAN AMERICAN SUBJECTS IN THE LAW SCHOOL'S COLLECTION.

The generation of black Americans who fought in World War I came home determined to change this grim reality. As in other times of crisis, the nation temporarily eased its segregationist policies to ensure the success of the war effort. Black soldiers served with distinction, albeit in segregated units. Those who survived came back to the United States anxious to bring the liberation struggle home. One of these returning veterans would change both Harvard Law School and the world.

1896

1896 PLESSY V. FERGUSON UPHOLDING "SEPARATE, BUT EQUAL FACILITIES" FOR BLACKS AND WHITES



1900 730 BLACK LAWYERS IN US; 1010 FEMALE LAWYERS IN US

1900

Charles Hamilton Houston was born in Washington, DC in 1895. Houston went on to graduate Phi Beta Kappa and magna cum laude from Amherst College as the only black student in the class of 1915.

After graduation, Houston was drafted into the Army, eventually becoming one of the military's few black officers. This status, however, did not insulate Houston from the racist taunts and countless other indignities heaped upon black soldiers who fought valiantly for freedom abroad while constantly being denied it at home. The experience, and the subsequent 1919 race riots against returning black veterans in his native Washington, D.C., taught Houston first hand about the evils of racism. The following fall, he enrolled at Harvard Law School determined to develop the skills that would allow him to confront the separate and unequal legal regime that nurtured these evils and gave them legitimacy.

Houston broke virtually every barrier at Harvard. He graduated near the top of his class, was the first black editor on the law review, and became a protégé of Roscoe Pound and Felix Frankfurter. As at Amherst, however, stellar grades did not always result in acceptance. Houston was never included in any of the Ames clubs that formed an essential part of the schools intellectual and social life and Southern students would leave the room at the law review when he walked in. As he wrote in a letter to his parents:

"My stock is pretty high around here, but God help me against one false move."¹⁷

Fortunately for Houston, he did not have to suffer these indignities alone. In the years following Grimke's graduation, Harvard Law School continued to admit a small number of black students. During Houston's years at Harvard, there were a handful of other black students, including Raymond Pace Alexander who would go on to become a judge, president of the National Bar Association, and one of the leading lawyers of his day. Another schoolmate, Edward Gourdin ('24) went on to be the first black to serve on the Massachusetts Superior Court. Together, these students found ways of blunting their exclusion from the law school's extracurricular and social life by joining with the school's few Jewish students to form their own Ames club and occasionally bringing leading black figures to campus such as Marcus Garvey who visited the school in 1922.

After graduating cum laude in 1922, Houston stayed an additional year to complete an S.J.D. under the tutelage of Felix Frankfurter, becoming the first black lawyer to receive this honor. The next year, Houston was awarded the prestigious Sheldon Traveling Fellowship. He used the money to travel to Spain, where he received another advanced degree in law. Houston returned to the United States in 1924 to practice law with his father, William Houston, a Howard Law graduate.



1911 WILLIAM HENRY LEWIS, SR. (HARVARD, LLB 1895) IS APPOINTED ASSISTANT ATTORNEY GENERAL OF THE UNITED STATES BY PRESIDENT TAFT

1918
1918 WORLD WAR I ENDS



1922 HOUSTON GRADUATES FROM HARVARD (LLB, SJD 1923) AND LATER BECOMES VICE-DEAN OF HOWARD LAW SCHOOL



1930 WILLIAM HENRY HASTIE GRADUATES FROM HARVARD (LLB, SJD 1933)



CHARLES HAMILTON HOUSTON
WAS THE FIRST BLACK EDITOR
OF THE LAW REVIEW.

Five years later, Houston returned to academic life as the Vice Dean of Howard Law School. Building on his experience at Harvard, Houston ruthlessly transformed Howard from a part-time law school dominated by its night division to a rigorous training ground for black “social engineers” committed to eradicating the existing system of de jure segregation.¹⁸ Houston was joined in this effort by his cousin William Henry Hastie, who became a member of his faculty. Hastie, like Houston, was also an outstanding student at both Amherst College and Harvard Law School, graduating cum laude in 1930 and obtaining a post-graduate doctorate in juridical science in 1933. He followed in Houston’s footsteps to become the second black student to serve as an editor on the law review. And, like his cousin, Hastie also

went on to a career of “firsts,” becoming in succession, aid to the Secretary of War, governor of the U.S. Virgin Islands, and the first black appointed to the federal bench, serving as a district judge in Philadelphia, a member of the Court of Appeals for the Third Circuit, and the Chief Judge of that court before his death in 1976.

Under Houston and Hastie’s tutelage, Howard Law School became the preeminent training ground for the lawyers who would eventually mount the successful campaign to overturn American apartheid. This distinguished group headed by Houston’s student and protégé Thurgood Marshall and which featured some of the best and brightest lawyers from around the country, included Charles L. Black, Harold R. Boulware, Robert L. Carter, Charles Duncan (’50), Paul Freund (’31), Jack Greenberg, George E.C. Hayes, Oliver W. Hill, George M. Johnson, Loren Miller, William R. Ming, Jr., Constance Baker Motley, James M. Nabrit, Jr., Louis H. Pollak, Charles Quick, Louis L. Redding (’28), Herbert O. Reid (’45), Frank Reeves, Spottswood W. Robinson, III, Charles S. Scott, Arthur Shores, A.T. Walden, Jack B. Weinstein, and William T. Coleman (’43, ’46).

Of the many Harvard graduates Marshall called to service, none was more distinguished than William T. Coleman, Jr. Coleman was the third black student elected to the Harvard Law Review. Unlike Houston and Hastie, however, Coleman was joined on the editorial

II



1936 HOUSTON AND THURGOOD MARSHALL
WIN CASE TO ADMIT DONALD MURRAY TO
UNIVERSITY OF MARYLAND LAW SCHOOL

1936

1943

1943 ABA CHANGED ITS’ BY-LAWS TO
NOT REQUIRE RACE TO BE DISCLOSED
AND ADMITS TWO BLACK MEMBERS



WILLIAM HENRY HASTIE AS THE
AID TO THE SECRETARY OF WAR
FROM 1940 TO 1943

board by another outstanding black student, John Robinson Wilkins.¹⁹ Both Coleman and Wilkins went on to lead distinguished careers. After graduating number one in his class in 1946, William Coleman was hired as a law clerk by Supreme Court Justice Felix Frankfurter, becoming the first black to achieve this honor. When no law firm in his native Philadelphia would hire him, Coleman joined New York's Paul, Weiss, Rifkin, Wharton and Garrison (now Paul Weiss), becoming the first black associate at any major New York law firm. In the years that followed, Coleman would become an important adviser and confidant to Thurgood Marshall (eventually contributing to the brief in *Brown*), Secretary of Transportation under President Ford, and a senior partner in the law firm of O'Melveny & Myers. Wilkins, class of 1947, also served as a law clerk early in his career, leaving private practice

with his father and brother Julian (also a Harvard Law School graduate in the class of 1949) to become William Hastie's first law clerk when Hastie was appointed to the district bench. Wilkins subsequently served as General Counsel for the Agency for International Development under President Kennedy before becoming the first black tenured professor at the University of California at Berkeley Boalt Hall School of Law in 1965, and one of the first black law professors in the country as a whole.

Harvard Law School was not the only place that was changing in the years following World War II. Thanks to Houston, Hastie, and Marshall, the legal profession — and the country — were changing as well. Houston and Marshall began their assault on separate but equal by suing the University of Maryland Law School on the basis of its racially discriminatory admissions policy. The resulting victory in *Murray v. Maryland*²⁰ gave Marshall particular pleasure. Six years earlier Marshall had reluctantly decided not to apply to Maryland because of the school's long-standing segregationist admissions policy. For the next 15 years, Marshall, who succeeded Houston as the NAACP's chief lawyer in 1938, would continue his mentor's strategy of using graduate schools — and law schools in particular — as the vehicle for challenging the constitutionality of *Plessy*. This strategy attacked separate but equal in one of its most vulnerable guises since judges were particularly open to claims



1946

1946 COLEMAN GRADUATES NUMBER ONE
IN HIS CLASS AND BECOMES THE FIRST
BLACK SUPREME COURT LAW CLERK

1948

TRUMAN SIGNS EXECUTIVE ORDER
9981, TO END SEGREGATION IN
THE ARMED FORCES



1950

1950 HARVARD LAW SCHOOL
ADMITS ITS' FIRST CLASS OF
FEMALE STUDENTS

about the importance of legal education. It also directly increased the supply of black lawyers, many of whom wound up working for Marshall or otherwise assisting in the civil rights movement. Together, these black “social engineers for justice” and the many white lawyers and scholars who joined their cause created a new kind of law — public interest law — and the nation’s first public interest law firm: The NAACP Legal Defense and Education Fund.²¹

The political climate was also slowly beginning to change. Faced with another World War, the military once again recruited and trained black soldiers to help with the war effort. As in the first World War, the military remained segregated, leading William Hastie, who had been appointed aid to the Secretary of War under President Roosevelt, to resign in protest. Three years later, however, President Truman issued an executive order desegregating the military.

Truman’s decision underscored the mounting domestic and international pressure on America’s segregationist policies. Domestically, Thurgood Marshall was winning a string of victories in the Supreme Court rejecting separate but equal in the context of graduate school education.²² Internationally, the dawning “cold war” with the Soviet Union convinced many policy makers that legally sanctioned segregation was a public relations liability in the emerging propaganda war between the super powers for the hearts and minds of

newly liberated peoples in Europe and around the globe. Collectively, these pressures set the stage for America’s Second Reconstruction.

BROWN V. BOARD OF EDUCATION AND “ALL DELIBERATE SPEED”: 1954-1964

*Brown v. Board of Education*²³ is arguably the single most important decision in the history of American constitutional law. *Brown* rescued the promise of America’s commitment to freedom and equality from the stain of slavery and a near century of legally sanctioned segregation. But the principles established by *Brown* reached far beyond the constitutionality of racial segregation in public education or even legal equality for black Americans. *Brown* undermined the legitimacy of legally excluding any group from participating in this nation’s social and political life. That fundamental principle is the cornerstone upon which women, Latinos, Asians, gays and lesbians and a host of other groups have built their own claims to equal opportunity — claims that have often been championed by public interest organizations (e.g., NOW Legal Defense Fund, Mexican American Legal Defense Fund, Gay and Lesbian Legal Defense Fund) self-consciously patterned after Charles Hamilton Houston’s original social engineers.

Change, however, came slowly. Just as the Supreme Court’s mandate in *Brown* that desegregation takes place with “all deliberate



1950 SWEATT V. PAINTER-SUPREME COURT ORDERS UNIVERSITY OF TEXAS LAW SCHOOL TO ADMIT HEMAN SWEATT, A BLACK APPLICANT



1954 BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS-SUPREME COURT DECLARES THAT “SEPARATE EDUCATIONAL FACILITIES ARE INHERENTLY UNEQUAL.”

speed" proved frustratingly slow in the realm of primary and secondary education, most law schools remained nearly as segregated in the decade after *Brown* as they were in the decade preceding it. As a result, although the number of black lawyers increased by almost 50% in the decade between 1950 and 1960 (from 1,450 to 2,200), the absolute size of the black bar remained vanishingly small.

The pace of change at Harvard Law School was consistent with this general pattern. Like many of its' peers, Harvard continued to admit a handful of black students in the decade following *Brown*. There was, however, an important difference in the black students admitted in the late fifties and early sixties — a difference not directly attributable to *Brown*, although perhaps hastened by the growing criticism of status-based classifications that the NAACP's litigation campaign helped to inspire. In 1950, Harvard Law School dropped its' long-standing policy of refusing to admit women. Three years later, Lila Fenwick became the first black woman admitted to the law school. Fenwick, like her other "first" predecessors, went on to a distinguished career, becoming the chief of the Human Rights Division at the United Nations. In the decade that followed Fenwick's admission, a tiny number of black women joined the handful of black men graduating from the law school. Notwithstanding the school's progress in lifting the gender bar,



LILA A. FENWICK, '56: "I THINK THEY [THE ADMINISTRATION] BELIEVED THAT THE ADMISSION OF WOMEN WAS A SORT OF PILOT PROGRAM."

the graduating class of 1965 contained only one black student: Conrad Harper. Mr. Harper's subsequent career is notable for his collection of firsts: First black partner at the New York law firm of Simpson, Thacher and Bartlett (and only the second black partner at any major New York firm), first black president of the Association of the Bar of the City of New York, Legal Adviser to the State Department, and one of only seven members of the Harvard Board of Overseers in charge of making all major policy decisions for the University including, most recently, selecting Laurence Summers as the University's 27th president. In the history of black Harvard Law School graduates, however, Mr. Harper is equally famous for being last; the last person to be the only black student in his class.

1956

1956 LILA FENWICK BECOMES 1ST BLACK WOMAN GRADUATE OF HARVARD LAW SCHOOL



1964 .
1964 PASSAGE OF THE CIVIL RIGHTS ACT OF 1964



1965
1965 HARVARD'S SPECIAL SUMMER PROGRAM THAT BECOMES CLEO



1967
1967 THURGOOD MARSHALL BECOMES THE FIRST BLACK JUSTICE OF THE UNITED STATES SUPREME COURT



CONRAD HARPER AS A MEMBER OF
HARVARD UNIVERSITY'S BOARD
OF OVERSEERS

THE CIVIL RIGHTS ERA: 1964-1980

Brown's tenth anniversary marks the beginning of the second phase of the civil rights movement and the beginning of a new era for blacks at Harvard Law School. Spurred by growing protests in the south and racial tensions in the north, in 1964 Congress passed the first comprehensive civil rights statutes, prohibiting discrimination on the basis of race in education, employment, voting, and public accommodations. The following year, Harvard Law School launched the first program in the country designed to increase the number of black students attending law school. There was a clear understanding that in order to increase the percentages of black lawyers in the United States, there needed to be more students attaining a legal education at historically white law schools. To this end, C. Clyde Ferguson, '51, who was then the Dean of Howard Law School, took the

initiative and successfully gained grants from the Ford and Carnegie Foundations among others to create a six-week summer program to recruit and train black students to go to law school. The program brought talented juniors from historically black colleges to Harvard College's Summer School Program where, along with their other courses, they took an introductory course on law and the legal system taught by law school faculty members. As stated by Walter Leonard, a faculty member in the program and an Assistant Dean and Director of Harvard Law School's Financial Aid in the late 1960s and early 1970s, "this program was the only avenue to study law for these students and now they are serving in every level of the legal profession."²⁴ Although the aim of the program was not to recruit students to Harvard Law School, one member of the group was so impressive that those teaching in the program urged that he must be admitted. The admissions office concurred, and the following fall Reginald F. Lewis entered Harvard Law School as one of 15 black students in the class of 1968. Lewis would become one of the school's most distinguished graduates and one of its' leading benefactors.

In the same way that Charles Hamilton Houston pioneered the model of the black lawyer as social engineer, Reginald Lewis paved the way for black lawyers to succeed in business. After a brief stint at New York's Paul Weiss, Lewis established the first minority

1967

1967 HARVARD'S BLACK LAW
STUDENT ASSOCIATION (BLSA)
IS FORMED



1968

1968

1968 MARTIN LUTHER KING JR.
IS ASSASSINATED

run Wall Street law firm. After several successful years, Lewis turned his attention to business, eventually transforming a small stake in what most people thought of as an outdated company selling patterns for sewing machines into a controlling interest in Beatrice, International, a multi-billion dollar company selling food products in Europe and around the world. In 1993, Lewis made what at the time was the largest single gift in the law school's history. This gift has promoted the study of international law and created a fellowship program to increase the available pool of minority scholars by allowing promising teaching candidates to spend a year at Harvard before going on the teaching market. In gratitude for his generosity, the law school renamed the International Legal Studies Building the Lewis International Center, making it the first major facility at Harvard University named in honor of an African American.

In the decade following Lewis's admission, black enrollment at law schools around the country increased significantly. By 1970, a number of law schools, including Duke, Columbia, Michigan, and UCLA instituted programs designed to increase minority enrollment. These programs, combined with a significant improvement in the educational opportunities available to black students at the primary, secondary, and college levels, produced a four-fold increase (from less than 500 to over 2000) in the number of

black students attending traditionally white law schools between 1965 and 1975.²⁵ By the 1976-1977 academic year, there were 5,500 black students enrolled in law schools accredited by the American Bar Association.²⁶ Harvard Law School outpaced this national trend, increasing its black enrollment until it reached 10% of the entering class (approximately 55 students) in 1971. Indeed, by the mid 1970s, almost as many black lawyers were graduating from the nation's ten most prestigious law schools than from the four largest historically black law schools combined.²⁷

Gains in minority student enrollment, however, did not go unchallenged. In 1971, a white law student named Marco DeFunis filed a law suit claiming that he had been denied admission to University of Washington Law School on the basis of his race. Five years later, Alan Bakke filed a similar challenge to the use of race in admissions at the University of California at Davis Medical School. In 1978, the Supreme Court by a 5 to 4 vote ruled in Bakke's favor, but upheld the use of race as a factor in admissions, citing with approval Harvard's policy.

Law school faculties were changing as well. It was not until eighty years after George Lewis Ruffin became the first black law student, that Robert W. Ming, Jr. became the first black professor to teach outside of the four historically black law schools. Ming was hired in 1947 as a junior professor by the



1969 DERRICK A. BELL JR. JOINS THE HARVARD LAW SCHOOL FACULTY AS LECTURER ON LAW. IN 1971, HE BECOMES THE LAW SCHOOL'S FIRST TENURED BLACK PROFESSOR.



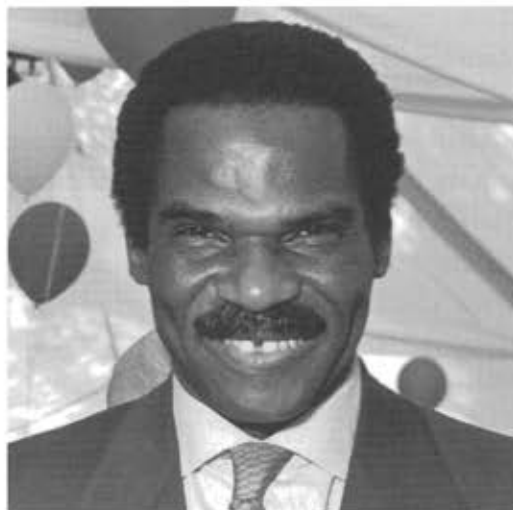
1970 WALTER LEONARD BECOMES ASSISTANT DEAN AND DIRECTOR OF FINANCIAL AID AT HLS.



1977 C. CLYDE FERGUSON ('51) JOINS THE HARVARD LAW SCHOOL FACULTY AND IS A PROFESSOR UNTIL HIS DEATH IN 1983.

University of Chicago Law School, and received tenure in 1951.²⁸ For more than a decade, he remained the sole black professor to teach in such an institution. During the 1960s, a handful of blacks were hired at other law schools, including John Wilkins '47, who began teaching at Berkeley in 1964, and Derrick A. Bell, Jr., who joined the Harvard Law School faculty in 1969, receiving tenure in 1971. Bell's hiring and tenure, in the words of noted historian Geraldine Segal, "reinforced what was until then a very tentative effort by many of the nation's law schools to find a black or other minority faculty member."²⁹ In the next few years, black professors were added to the faculties of several prominent law schools including UCLA (Reginald H. Alleyene, Jr. and Henry W. McGee, Jr.), Columbia (Kellis E. Parker), Michigan (Harry T. Edwards), Boalt Hall (Henry Ramsey, Jr.), Stanford (William Benjamin Gould), and Yale (John Barker).³⁰ By 1974, there were over 100 blacks teaching in some capacity on the nation's law faculties, including 78 at what had once been all-white institutions.³¹ By 1981-1982, the total number of full-time black faculty at ABA accredited law schools had increased to 224, including 51 black women and three deans of predominately white institutions.

Harvard Law School typified both the successes and the frustrations of the drive toward faculty diversity during this period. For a brief time in the 1970s, Harvard had



REGINALD F. LEWIS IS ONE OF HARVARD LAW SCHOOL'S MOST DISTINGUISHED GRADUATES AND ONE OF ITS LEADING BENEFACTORS.

three black faculty members, all of whom had tenure: Bell, Harry Edwards (who had been recruited from Michigan in 1975) and C. Clyde Ferguson, Jr., former ambassador to Uganda and Dean of Howard Law School and a 1951 graduate of Harvard Law School, who joined the faculty in 1977. By the early 80's, however, all three were no longer on the faculty: Edwards left Harvard in 1977 to return to Michigan (before being appointed to the United States Court of Appeals for the District of Columbia Circuit), Bell left the faculty in 1980 to become dean of the University of Oregon School of Law, and Ferguson died tragically in 1983.

1978

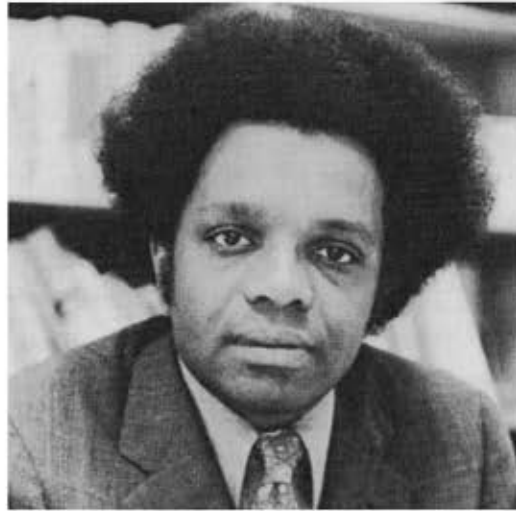
1978 REGENTS OF UNIVERSITY OF CALIFORNIA V. BAKKE-SUPREME COURT ORDERS UC DAVIS MEDICAL SCHOOL TO ADMIT BAKKE IN SO-CALLED "REVERSE DISCRIMINATION CASE."



1981

1981 ELAINE JOHNSON BECOMES THE FIRST BLACK PRESIDENT OF CIVIL RIGHTS, CIVIL LIBERTIES LAW REVIEW

Black students also continued to face obstacles, both at law school and in the job market. While most students and professors welcomed – or at least tolerated – the newly arriving black students, some did not. Like their forebears before them, the black students who attended law school in the 1960s and 1970s endured insensitivity and lowered expectations from some of their professors (sometimes refusing to call on black students, sometimes calling only on black students when issues of race were discussed in class) and hostility and exclusion from some of their peers. To cope with the isolation and provide a forum for addressing issues of common concern, Reginald Gilliam '68, Bishop Holifield '69, along with many of their black Harvard Law School classmates formed the first chapter of the Black Law Students Association (BLSA) in an off campus apartment in the spring of 1967. The idea quickly spread to other law school campuses, and BLSA chapters can now be found in virtually every law school in the country. Harvard's chapter has continued to flourish over the years, playing a leading role, both alone and in concert with other student organizations, in focusing attention on diversity issues on campus and issues of concern to black Americans in the world at large. Two years later, a group of students under the leadership of Randall Robinson '70 formed the Southern Africa Relief Fund to provide information about and support to blacks in South Africa. For the next thirty



DERRICK A. BELL, JR., JOINED
THE HARVARD LAW SCHOOL
FACULTY IN 1969

years, Robinson would build the organization (renamed TransAfrica) into the country's leading educational and lobbying organization on Africa and would play a pivotal role in persuading Congress to impose the sanctions against the South African government that eventually helped to topple that regime.

This first generation of black graduates to enter the profession in significant numbers encountered discrimination in the job market as well. With the exception of a small number who went into full time civil rights practice or one of the new federal or state agencies providing legal services to the poor, most black lawyers in the 1960s continued to do what their predecessors had done a generation before: solo or small firm practice on behalf

1983

1983 HARVARD BLACKLETTER
JOURNAL IS FOUNDED



1985

1985 FIRST TIME BLACK
WOMEN EXCEED MEN AT
HARVARD LAW



1990

1990 BARACK OBAMA BECOMES
THE FIRST BLACK PRESIDENT
OF THE HARVARD LAW REVIEW

1993

1993 REGINALD LEWIS
INTERNATIONAL LAW
CENTER IS DEDICATED

of black individuals or small black businesses. The federal government was the first to attempt to alter this pattern. In 1961, President John Kennedy signed an Executive Order authorizing government agencies to use affirmative measures to recruit and retain blacks in federal positions. Similar efforts were instituted by other governmental agencies in succeeding years, and by 1980, federal and state agencies employed 31% of all black lawyers, more than any other single category and more than double the number of black lawyers in private practice.³²

Efforts to integrate the corporate sector of the bar, however, were significantly less successful. Prior to 1970, there were virtually no black lawyers working in large law firms or other similarly high status or high paying positions in the bar. As the author of an influential study of large New York law firms conducted in the mid-1960s remarked: "I heard of only three Negroes who have been hired by large law firms."³³ Five years later, another study reported that there were only 25 black associates and one black partner among New York's largest firms.³⁴ A similar study conducted by Judge Edwards in 1971 reported only one black partner and twelve black associates out of more than 2,300 lawyers working in the largest law firms in the Midwest.³⁵ Statistics from other parts of the country document a similar pattern.³⁶ Although the small number of black graduates from top law schools undoubtedly contributed

to the dearth of black corporate lawyers, there can be little doubt that stereotypes and outright bias played a role as well. The exclusion of blacks from large firms and other high-paying jobs, combined with the unwillingness of many whites to patronize black lawyers working in small minority firms, perpetuated a significant gap between the earnings of black and white lawyers.³⁷

Black lawyers slowly began to enter the corporate sector in the 1970s. Law firms and other similar employers began actively recruiting black students on many law school campuses. In addition, some black lawyers were recruited laterally from government or from minority law firms. Prefiguring a pattern that continues to this day, most of the black lawyers who joined large firms during this period left before becoming partners. Increasingly, however, those who left joined other large firms or were recruited by the growing number of corporations who were building substantial in-house legal departments. By the end of the decade, most large law firms had hired at least one black lawyer, and a few had a single black partner. Although these numbers represented substantial progress from the prior decade, in 1981 blacks still constituted less than 2% of the lawyers in law firms with more than 150 lawyers, and only .05% of the partners in these institutions.³⁸

1996

1996 PROPOSITION 209 CALIFORNIA BANS RACE-BASED AFFIRMATIVE ACTION IN PUBLIC EDUCATION, EMPLOYMENT & CONTRACTING

1996

1996 HOPWOOD V. TEXAS — FIFTH CIRCUIT STRIKES DOWN THE AFFIRMATIVE ACTION ADMISSIONS PROGRAM AT THE UNIVERSITY OF TEXAS LAW SCHOOL. THE NEXT YEAR ONLY FOUR BLACK STUDENTS ENROLL.

In addition to integrating the corporate sector, black lawyers in the 1970s also moved into the political arena. According to a study conducted by the Joint Center for Political Studies, in 1981, there were 5,038 elected black officials in the United States, including 18 members of Congress. Although the report does not specify how many lawyers are included in this number, the fact that six of the eighteen members of Congress were lawyers and general trends among politicians suggests that the percentage of lawyers was substantial. Moreover, black politicians also began putting pressure on public and private agencies to provide opportunities for black businesses and professionals. In 1974, President Nixon signed Executive Order 246, authorizing the federal government to make special efforts to hire minority contractors. Similar actions were taken by Coleman Young in Detroit and Maynard Jackson in Atlanta. These programs played a key role in developing minority businesses and the minority professionals who served their interests.

By 1980, black lawyers had begun to make inroads in every sector of the legal profession. In the next two decades, the profession itself would be radically transformed.

GLOBALIZATION & DIVERSITY: THE AMERICAN LEGAL PROFESSION AT THE DAWN OF THE 21ST CENTURY

The legal profession's demographics, structures, and norms have changed dramatically in the last twenty years. Law school enrollment rose steadily throughout the 1970s and 1980s, reaching a peak of almost 130,000 in 1991, before stabilizing and then declining slightly by the end of the 1990s. The demographics of the student population changed dramatically during this period. The most significant change has been in the number of women students, which increased from just over one-third of admitted students in 1980 to almost 50% in 2000.³⁹ Minority enrollment also rose significantly during most of this period, increasing from 8.8% to 20.2% of all students. Although the total number of black students has also risen substantially (from 5,506 in 1980 to 9,272 in 2000), both their absolute number (9,779 to 9,272) and their percentage of all law students (7.6 to 7.4) has declined since 1995.

The decline in black student enrollment can be traced, at least in part, to the 5th Circuit's decision in *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996) banning affirmative action in law school admissions and to a similar ban imposed by the Regents of the University of



1998 LANI GUINIER BECOMES
FIRST BLACK WOMAN ON HLS
FACULTY

1998

PRESIDENT CLINTON
KICKS OFF LAWYERS FOR
ONE AMERICA INITIATIVE



2000 KENNETH MACK
BECOMES THE MOST RECENT
BLACK HLS
FACULTY MEMBER



2000 CELEBRATION OF HARVARD
LAW SCHOOL BLACK ALUMNI

California that same year. Both actions resulted in dramatic reductions in the number of black and Hispanic students in schools covered by the decisions.

Notwithstanding these national trends, Harvard Law School continued to be a leader in training black lawyers. Black enrollment rose steadily during the 1980s, reaching a peak of 73 black students (or 13.5%) in 1989. Much of this increase was the result of a significant rise in the number of black women students, who by the 1985-86 academic year, became a majority of all black students. This shift, which reflects a trend throughout legal education and in college and graduate education generally, has become more pronounced as the number of admitted black students declined during the 1990s. Notwithstanding Harvard's continued commitment to diversity, expressed in a major statement made by President Neil Rudenstine,⁴⁰ by 2000, the number of black students entering the law school had declined to 53, of which only 17 were men.

The black students attending Harvard during this period have continued to break barriers. In 1991, Barack Obama became the first black president of the *Harvard Law Review*. Obama is now a state senator in Chicago Illinois. Elaine Johnson became the first black editor in chief of *Civil Rights Civil Liberties Law Review* in 1980, and the *Harvard Blackletter Law Journal* was founded in 1983 as an internal publication of BLSA.



TIME LINE
1865-2000

Table A

**BLACK ENROLLMENT AT
HARVARD LAW SCHOOL: 1963-2000**

Black Enrollment at Harvard Law School: 1963-2000

	Total	M	F
2000	53	17	36
1999	54	26	28
1998	41	18	23
1997	44	23	21
1996	59	26	33
1995	61	28	33
1994	63	19	44
1993	57	28	29
1992	62	33	29
1991	69	25	44
1990	60	25	35
1989	73	33	40
1988	58	25	33
1987	67	30	37
1986	50	28	22
1985	44	21	23
1984	54	32	22
1983	68	38	27
1982	65	30	34
1981	66	31	24
1980	43		
1979	40		
1978	61		
1977	48		
1976	45		
1975	53		
1974	48		
1973	56		
1972	51		
1971	60		
1970	49		
1969	38		
1968	33		
1967	27		
1966	30		
1965	15		
1964	12		
1963	3		

Prior to 1981, neither Harvard Law School nor the American Association of Law Schools kept records on the gender breakdown of minority students. The Law School also has no data prior to 1963.



PROFESSOR CHRISTOPHER F. EDLEY, JR '78 WITH HIS FATHER CHRISTOPHER F. EDLEY, SR '53 WHO SERVED AS THE PRESIDENT OF THE UNITED NEGRO COLLEGE FUND.

In 1981, the law school began to rebuild its black faculty by hiring Christopher F. Edley, Jr. after his service as the Assistant Director of the White House Domestic Policy Staff in the Carter Administration. In 1984, Edley was joined by Randall Kennedy. Two years later, two additional black professors joined the faculty: David B. Wilkins '80 (also a multigenerational graduate whose father, Julian Wilkins, was in the class of 1949) as an assistant professor of law and Derrick Bell, who returned to the school as the William Weld Professor of Law after leaving the deanship at Oregon Law School. In 1989, Charles Ogletree '78 who had been a visiting professor from practice for four years, accepted a tenure track appointment with the school. In 1990, Professor Bell took a leave of absence to protest the law school's failure to have a woman of color on the faculty. Two years later when the situation remained unchanged, Bell left Harvard to become a Visiting Professor at NYU Law School. In 1991, prior to Bell's departure, the law school hired Scott Brewer. Lani Guinier joined the faculty as a tenured professor becoming the first black female

professor in the school's history in 1998. Two years later, Kenneth Mack became the tenth black professor in the history of Harvard Law School and the seventh currently on the faculty. With blacks constituting just under 9% of its full time faculty members, Harvard has outpaced many of its peer institutions, although it lags substantially behind the national average for minority faculty members which currently stands at close to 25%.

Harvard's black graduates of the 1980s and 1990s entered a profession that was itself being radically transformed. The total number of lawyers in the United States doubled between 1960 and 1980, and nearly doubled again by 2,000 to the point where there are now almost 1,000,000 lawyers in the United States.⁴¹ Organizationally, the bar was transformed from a profession dominated by solo practitioners to one in which the majority of lawyers practice in some form of organization (e.g., law firm, government law office, legal service organization, or corporation). Moreover, these organizations have become significantly larger. Nowhere is this more evident than in the corporate sector. In 1960, the largest law firm in the country had 125 lawyers, and there were few firms outside of New York with more than 50 lawyers. Twenty years later, there were 50 law firms of 150 lawyers or more. Today, there are more than 250, and the largest has more than 3500 lawyers. Corporate legal departments have also increased dramatically in size, as have the foreign firms and non-lawyer professional service firms (e.g., accounting firms, investment banks, consulting firms) that also compete with law firms for both talent and clients. As a result of these changes, black graduates in the 1980s and 1990s entered a legal profession in which there was much more opportunity — and much more competition and uncertainty — than ever before.

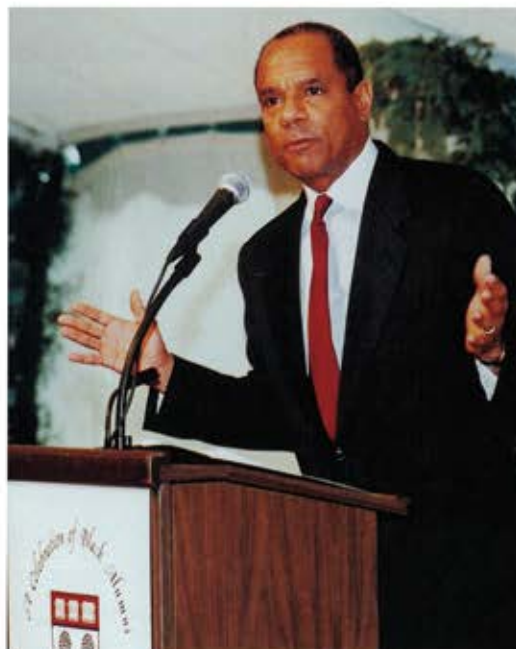
The overall pattern of black employment in the legal profession reflects both the promise and the pitfalls of the changing legal environment. Although there are no national statistics on the employment patterns of black lawyers, available data suggests that black lawyers are still more likely than whites to work in government as opposed to private practice. The gap between the two groups, however, has narrowed significantly in the last twenty years. Moreover, although blacks remain concentrated in the lower-status, lower-paying positions in private practice, the most recent cohorts — especially those who graduate from top law school — are moving into large law firms and other higher paying positions at rates that parallel those of their white peers. As a result, in 1998 starting salaries for black and white law school graduates were virtually identical (\$52,057 and \$52,535 respectively).⁴²

We are left, therefore, with a complex and contradictory picture. On the one hand, black lawyers now occupy important leadership positions in every corner of the profession. Yet, blacks still constitute less than 4% of all lawyers, and less than 9% of all federal government lawyers, 10% of all corporate counsel, 3% of the partners in large law firms, and 2% of all judges at a time when blacks make up over 12% of the nation's population and 7% of its law students.

It is against this background that the Program on the Legal Profession decided to survey the careers of Harvard Law School's black graduates. The survey was sent out in association with the Law School's Celebration of Black Alumni. Over 600 graduates and their guests, as well as 200 other alumni leaders, came back to Cambridge for the event, which included a presentation on the history of blacks at Harvard, plenary panels

on the role of black lawyers in the African American community, an intergenerational conversation on leadership, and a discussion among black CEOs. In addition there were concurrent sessions on the changing nature of legal careers in fields ranging from public service, sports and entertainment, to life after law. Kenneth Chenault '76, CEO of American Express delivered the keynote address and received the Harvard Law School Alumni Award.

The highlight of the weekend occurred at dinner on Saturday, when President Rudenstine and Dean Clark awarded the inaugural Harvard Law School Medal of Freedom to the *Brown v. Board of Education* litigation team. The dinner brought the law school full circle. 81 years after Houston entered the law school — and 133 years after Ruffin became its first black student — the leaders of today honored the geniuses of the past who made it possible for them to achieve. The occasion provided an important vantage point from which to view how far we have come — and how far there is left to go.



KENNETH CHENAULT '76 |



PROF. CHARLES OGLETREE '78



PROF. DAVID B. WILKINS '80

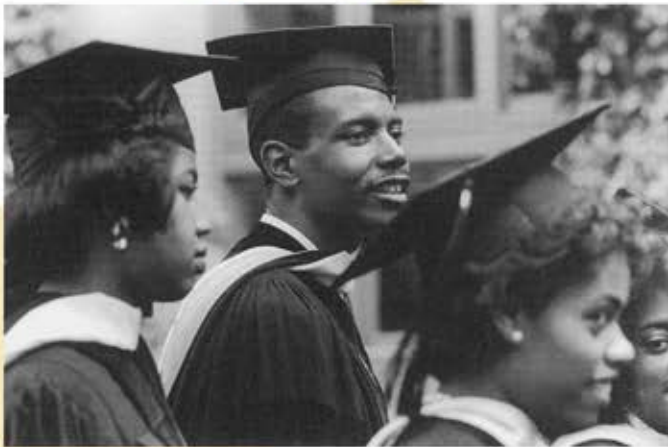


CONSTANCE BAKER MOTLEY, A MEMBER OF THURGOOD MARSHALL'S
LEGAL TEAM, ACCEPTING THE MEDAL OF FREEDOM.

“to document
the achievements of
the Law School’s
black graduates ...”



III. The Careers of Black Harvard Law School Alumni



"I WAS VERY IMPRESSED, EVEN TO THE DAY I GRADUATED, AT HOW WELL HARVARD REALLY DID IN TERMS OF RECRUITING, ACCEPTING AND GRADUATING BLACK LAW STUDENTS. AND MY PARENTS WERE IMPRESSED WHEN THEY CAME TO GRADUATION. IT WAS INTERESTING HOW SURPRISED PEOPLE WERE TO SEE HOW MANY BLACKS WERE GRADUATING FROM HARVARD LAW SCHOOL, WHICH I THINK IS A REAL CREDIT TO THE SCHOOL."
— BLACK ALUMNUS, CLASS OF 1987

THE BLACK ALUMNI SURVEY

To document the achievements of the Law School's black graduates, and to investigate the significance of race in the careers of black lawyers, the Harvard Law School Program on the Legal Profession surveyed all living black HLS alumni about their careers since law school. The survey covered a wide range of issues, from career intentions and clerkships to networking, advancement, and workplace demographics. We also asked each respondent for a comprehensive job history. The results provide a wealth of information about respondents' career paths, obstacles, and successes.

This section reports the results of the Black Alumni Survey and compares our results to what is known about black lawyers' careers nationally⁴⁵ and HLS graduates' careers generally.⁴⁶ We also compare our results to the findings of a recent comprehensive survey of University of Michigan Law School graduates.⁴⁷ The Michigan survey covered 545 minority graduates from the classes of 1970 through 1996, as well as a random sample of white graduates from those classes (n=579).⁴⁸ Although the results for minority graduates are not broken down by race, black graduates make up two thirds of Michigan's minority respondents,⁴⁹ and Michigan, like Harvard, is a top law school.⁵⁰ The Michigan survey therefore provides a useful point of comparison.

RESPONSE RATE AND
SAMPLE CHARACTERISTICS

Our sample includes 656 black HLS alumni, representing 46% of those surveyed (n=1,440), and 39% of all living black HLS alumni (n=1,680). Not surprisingly, the sample is least representative of pre-1970s graduates; however, the total number of pre-1970s graduates is relatively low (N=110). We therefore confine our analysis primarily to more recent cohorts. The sample includes 41% of 1970s graduates, 41% of 1980s graduates, and 38% of 1990s graduates (see Table 1).

Women are over-represented in our sample, especially among 1990s graduates; nevertheless, the gender composition of the sample closely tracks the gender composition of the population. Men outnumber women in earlier cohorts and in the population as a whole: men make up 59% of all black HLS graduates and 55% of respondents in our sample. Among 1990s graduates, however, women outnumber men, 56% to 44% in the population and 64% to 36% in the sample (see Table 2).

The socioeconomic background of respondents tracks what we know about HLS graduates generally. About 60% of respondents' parents work in professional or white-collar jobs, and about 30% work in blue-collar or unskilled jobs. The percentage of respondents from professional or white-collar backgrounds has increased over time, from just over 50% of 1970s graduates to about 70% of 1990s graduates, in part because of the increased representation of women in later cohorts. Women are significantly more likely than men to come from professional or white-collar backgrounds: 69% of women in the sample had a professional or white-collar father, compared to 57% of men; and 72% of women had a professional or white-collar mother, compared to 56% of men (see Table 3).

Table 1
SAMPLE REPRESENTATION
BY COHORT & GENDER

	Population	Sample	Percent Represented
PRE-1970s GRADUATES			
Men	100	29	29%
Women	10	4	40%
Total	110	33	30%
1970s GRADUATES			
Men	346	143	41%
Women	92	36	39%
Total	438	179	41%
1980s GRADUATES			
Men	267	101	38%
Women	212	93	44%
Total	479	194	41%
1990s GRADUATES			
Men	285	90	32%
Women	368	160	43%
Total	653	250	38%
ALL GRADUATES			
Men	998	363	36%
Women	682	293	43%
Total	1,680	656	39%

About two thirds of all respondents graduated from a private college or university, 73% of women and 65% of men (see Table 4). This percentage has increased slightly over time, from 65% of 1970s graduates to 70% of 1990s graduates, again due in part to women's increased representation in later cohorts. Women are significantly more likely than men to have graduated from a private college or university. Among 1980s graduates, 78% of women graduated from a private college or university, compared to 67% of men.

The percentage of respondents who graduated from historically black colleges or universities (public or private) has declined over time, from 27% among pre-1970s graduates to

Table 2
GENDER COMPOSITION
OF POPULATION & SAMPLE

	Population	Sample
PRE-1970s GRADUATES		
Men	100 (91%)	29 (88%)
Women	10 (9%)	4 (12%)
1970s GRADUATES		
Men	346 (79%)	143 (80%)
Women	92 (21%)	36 (20%)
1980s GRADUATES		
Men	267 (56%)	101 (52%)
Women	212 (44%)	93 (48%)
1990s GRADUATES		
Men	285 (44%)	90 (36%)
Women	368 (56%)	160 (64%)
TOTAL		
Men	998 (59%)	363 (55%)
Women	682 (41%)	293 (45%)

11% among 1990s graduates. Among 1980s graduates, only 5% attended an historically black college or university.

About two thirds of respondents are married or living with a partner, 51% of women and 74% of men. The gender difference is greatest within earlier cohorts: among 1970s graduates, 44% of women are married or living with a partner, compared to 84% of men. We neglected to ask about children, which we heartily regret. Several respondents, in their written comments, said this was the survey's biggest fault.

71% of respondents are members of the Democratic Party (75% of women and 68% of men) and 6% are members of the Republican Party (7% of men and 4% of women). 56% participate actively in religious organizations.

Table 3
PARENTS' OCCUPATIONS

	Father Prof/White-Collar	Mother Prof/White-Collar
Men	57% (205)	56% (197)
Women	69%** (199)	72%** (205)

* $p < .05$ ** $p < .01$

" $p < .05$ " and " $p < .01$ " refer to the probability that the observed difference is the result of sampling error. Thus, " $p < .05$ " means that we can be 95% sure that the observed difference reflects a true difference in the underlying population, and " $p < .01$ " means that we can be 99% sure. The standard minimum confidence level for statistical significance is 95%.

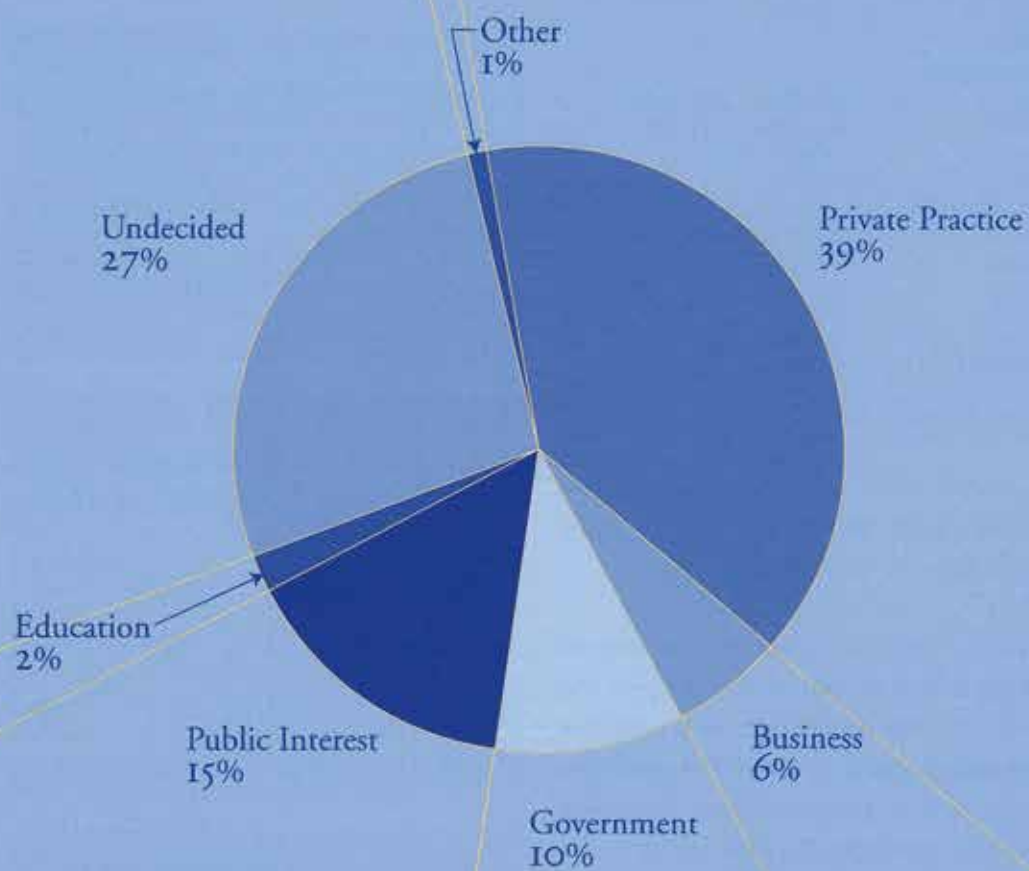
Table 4
UNDERGRADUATE
EDUCATION

	Public	Private	Historically Black
Men (366)	23%	65%	12%
Women (292)	18%	73%*	10%

* $p < .05$ ** $p < .01$

The average total educational debt for respondents who graduated in the 1990s was \$79,055, compared to \$58,597 for all 1990s HLS graduates. Among 1990s Michigan graduates, the average debt in 1996 dollars was \$65,652 for minorities and \$52,665 for whites.

Figure 1
CAREER INTENTIONS
(n=656)



CAREER INTENTIONS

When they entered law school, 39% of all respondents intended to go into private practice; 27% were undecided; and 25% intended to go into government or public interest (including legal services) (see Figure 1). Respondents' career intentions are relatively stable across cohorts, except that 1980s and 1990s graduates are significantly more likely than 1970s graduates to have intended to enter business and academia. Among 1970s graduates, only 2% intended to enter business immediately after law school, compared to 7% of 1980s and 1990s graduates; and none intended to enter academia, compared to 3% of 1980s graduates and 2% of 1990s graduates. Otherwise, there are no significant differences in respondents' career intentions by cohort. The percentage of respondents intending to enter private practice is roughly 39% for all cohorts; and the percentage intending to enter government or public interest jobs is roughly 25%. Over 40% of all respondents intended to work in a substantive area serving black clients or interests: 42% of women and 42% of men.

We did find significant gender differences in respondents' career intentions. Men are significantly more likely than women to have intended to enter private practice, whereas women are significantly more likely to have intended to work for a public interest or

legal services organization (see Table 5). Moreover, these gender differences persist across cohorts. Among 1990s graduates, 42% of men intended to go into private practice, compared to 33% of women, and 7% of men intended to work for a public interest or legal services organization, compared to 19% of women.

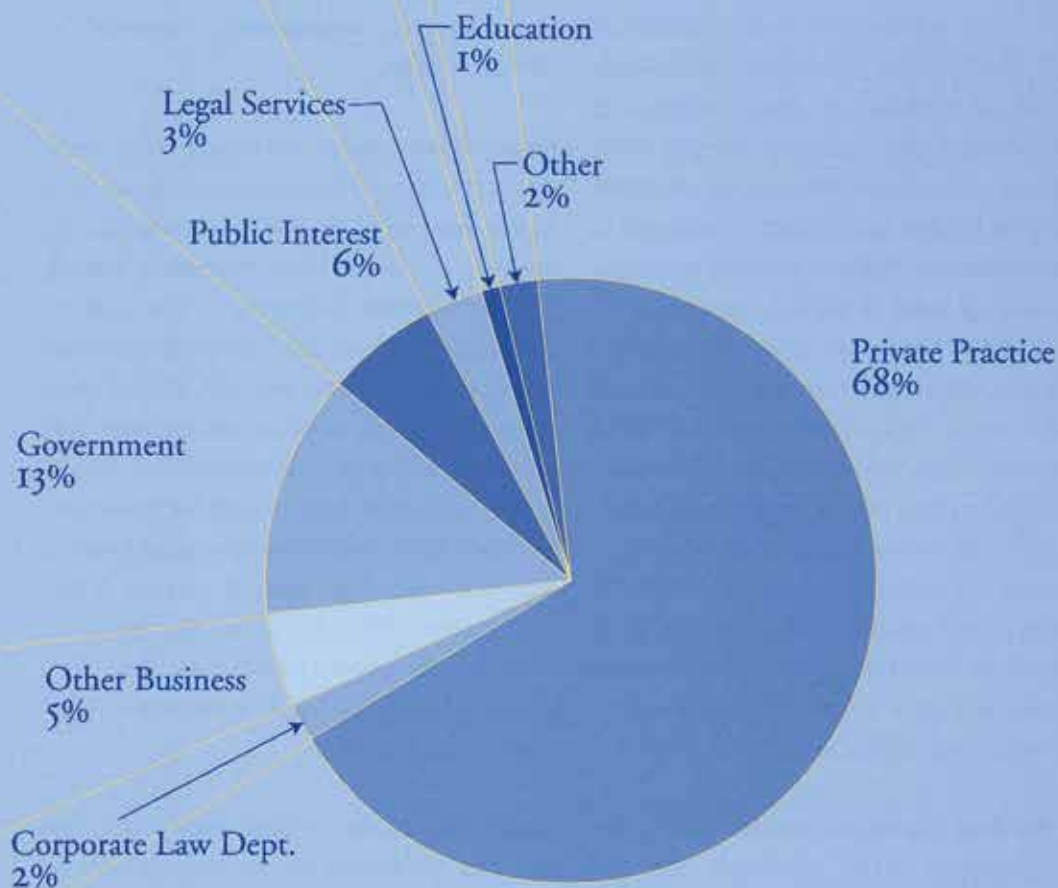
Respondents' career intentions differ from those of current HLS students, judging from recent surveys of 1L students conducted by the Program on the Legal Profession. Among 325 1L students surveyed in the 2000-01 academic year, over half (57%) said that they intend to enter private practice: 50% of black respondents; 58% of white respondents; 60% of Asian American respondents; and 58% of Latino respondents. Only 6% said that they intend to work for a public interest organization, and this rate was highest among white respondents (6%). None of the black 1L students surveyed (n=28) said that they intend to work for a public interest or legal services organization.

These differences, in part, may reflect the fact that we asked alumni respondents to recall their career intentions, whereas we asked 1L students to report their current intentions. Thus, there may be a recollection bias. We suspect, however, that these differences

Table 5
CAREER INTENTIONS
BY GENDER

	n	Private Practice	Business	Government	Public Interest	Education	Undecided
Men	365	45% **	6%	9%	9%	2%	26%
Women	291	32%	5%	11%	21% **	1%	27%
* p < .05	** p < .01						

Figure 2
INITIAL EMPLOYMENT
(n=649)



Respondents spent an average of 3.9 years in their first job, with respondents from earlier cohorts tending to stay longer than respondents from later cohorts (5.2 years for 1970s graduates versus 2.7 years for 1990s graduates). On average, men stayed longer than women (4.4 versus 3.4 years), but this difference disappears among 1990s graduates, where the average is 2.6 years for men and 2.7 years for women.

mostly reflect law school socialization. The Black Alumni Survey asked respondents about their career intentions when they entered law school, whereas we surveyed 1L students after 10 weeks of law school. It may be that law students tend to revise their career intentions during the first weeks of law school.

LAW JOURNALS & CLERKSHIPS

45% of respondents worked on at least one law journal and 22% had at least one judicial clerkship. Among 1990s graduates who worked on a journal, 35% worked on the *Civil Rights, Civil Liberties Law Review*, 35% worked on the *Harvard BlackLetter Law Journal*, 13% worked on the *Women's Law Journal*, 11% worked on the *Harvard Law Review*, and 10% worked on the *International Law Journal*. Among respondents who clerked, over 80% clerked for a federal judge, and over 50% clerked for a black judge.

Overall, women are more likely than men to have served on a law journal (56% versus 36%) and clerked (29% versus 17%). Among 1990s graduates, however, the clerkship rate was 28% for both women and men — slightly higher than the overall clerkship rate of 25% for 1990s HLS graduates.⁴⁹ Among 1990s Michigan graduates, the clerkship rate was 18% for minorities and 24% for whites.⁵⁰ Nationally, the clerkship rate for African American law graduates is about 11%.⁵¹

INITIAL EMPLOYMENT (NOT COUNTING CLERKSHIPS)

Private Practice – Over two thirds of all respondents began their careers in private practice (see Figure 2), and this percentage has increased over time. Among 1990s graduates, 75% began their careers in private practice. This percentage is significantly higher than the national average for black law graduates. A 1998 national survey of US law school

graduates (n=35,387) found that only 40% of African American law graduates entered private practice, compared to 67% of Hispanics, 72% of Asian Americans, 66% of Native Americans, and 70% of whites.⁵² It is consistent, however, with the general pattern for HLS graduates. Between 1993 and 1998, excluding clerkships, 81% to 86% of all HLS graduates, and 78% to 91% of black HLS graduates, began their careers in private practice.⁵³ Among 1990s Michigan graduates, 69% of minorities began their careers in private practice, compared to 82% of whites.⁵⁴

Interestingly, women are significantly more likely than men to have begun their careers in private practice, which is the opposite of the national pattern. Nationally, in 1998, only 47% of all minority women law graduates entered private practice, compared to 53% of minority men, 54% of white women, and 59% of white men.⁵⁵ Likewise, although the Michigan data on initial employment are not broken down by gender, the authors report that men are twice as likely as women to be currently in private practice.⁵⁶ In our sample, however, while only 32% of women intended to go into private practice (see Table 5), 72% actually entered private practice, compared to 64% of men (see Table 6). Among 1990s graduates, 81% of women entered private practice, compared to 64% of men. Unfortunately there are no comparable data for all HLS graduates. Judging from national data, however, the women in our sample are significantly more likely than other female law graduates to enter private practice.

Among respondents who started out in private practice, 49% were employed initially in a firm with 251 lawyers or more, and another 27% entered firms with 101-250 lawyers. Thus, 76% of those who entered private practice — and 52% of all respondents in

Table 6
INITIAL EMPLOYMENT
BY GENDER

	n	Private Practice	Corporate	Other Business	Government	Public Interest	Legal Services	Education	Other
Men	357	64%	2%	8% **	14%	5%	3%	1%	3%
Women	292	72% *	1%	2%	12%	7%	3%	1%	1%

* p < .05 ** p < .01

Table 7
INITIAL FIRM SIZE BY GENDER

	n	Solo	2-50	51-100	101-250	251+
Men	229	0%	12%	17%	27%	43%
Women	210	0%	7%	10%	26%	56% **

* p < .05 ** p < .01

the sample — began their careers in “large” law firms, defined as firms with 101 lawyers or more. Only 4 respondents (.01%) began their careers in solo practice.

Women are significantly more likely than men to have started in the very largest firms. Among those who started out in private practice, 56% of women started in firms with 251 lawyers or more, compared to 43% of men (see Table 7). This difference, however, is due primarily to women’s greater representation in more recent cohorts, as firms have grown larger. Among 1990s graduates who started in private practice, 67% of women started in firms with 251 lawyers or more, compared to 65% of men.

Nationally, among minority law graduates who entered private practice in 1998, 40% entered firms with 101 lawyers or more, compared to 33% of whites.⁵⁷ Among 1990s Michigan graduates who entered private practice, 52%

of minorities entered firms with 101 lawyers or more, compared to 64% of whites.⁵⁸

Government 13% of respondents began their careers in government (see Figure 2), but this percentage has decreased over time, from 20% in the 1970s to 8% in the 1990s. These figures are lower than the national average for African American law graduates (22% in 1998),⁵⁹ but higher than the rate of government employment among HLS graduates generally. In 1995, only 3% of all HLS graduates entered government.⁶⁰ Among 1990s Michigan graduates, 16% of minorities entered government, compared to 3% of whites.⁶¹ Thus, it appears that among elite law school graduates, blacks are more likely than whites to begin their careers in government.

Public Interest 9% of respondents began their careers in a public interest or legal services organization (see Figure 2), and this percentage is consistent across cohorts. This

figure is higher than the national average for African American graduates (5% in 1998);⁶² higher than the average for all HLS graduates (3% in 1998); and higher than the average for 1990s Michigan graduates (3% for minorities and 6% for whites). Thus, it appears that black HLS graduates are more likely than other law graduates to start their careers in public interest or legal services jobs. In earlier cohorts, women were more likely than men to start out in such jobs, but this gender difference has decreased over time. Among 1990s graduates, 10% of women began their careers in public interest or legal services organizations, compared to 8% of men.

Business 7% of respondents began their careers in corporate law departments or other, non-legal business settings (see Figure 2): 3% of women and 10% of men (see Table 6). This gender difference has increased over time: among 1990s graduates, only 1% of women entered business compared to 10% of men. Unfortunately, comparable data for all HLS graduates is not available, although one source reports that in 1998, 4% of HLS graduates entered “corporate” and 3% entered “banking” (presumably investment banking).⁶³ Among 1990s Michigan graduates, 3% of minorities entered business, compared to 2% of whites.⁶⁴ Among US law graduates nationally, in 1998, 16% of minority men entered “business or industry,” compared to 15% of minority women, 14% of white men, and 12% of white women.⁶⁵

Summary Overall, respondents’ initial employment appears to be consistent with that of HLS graduates generally — at least among 1990s graduates, where comparative data are available. Respondents who graduated in the 1990s clerked at roughly the same rate as all HLS graduates; and like most HLS graduates, a large majority began their

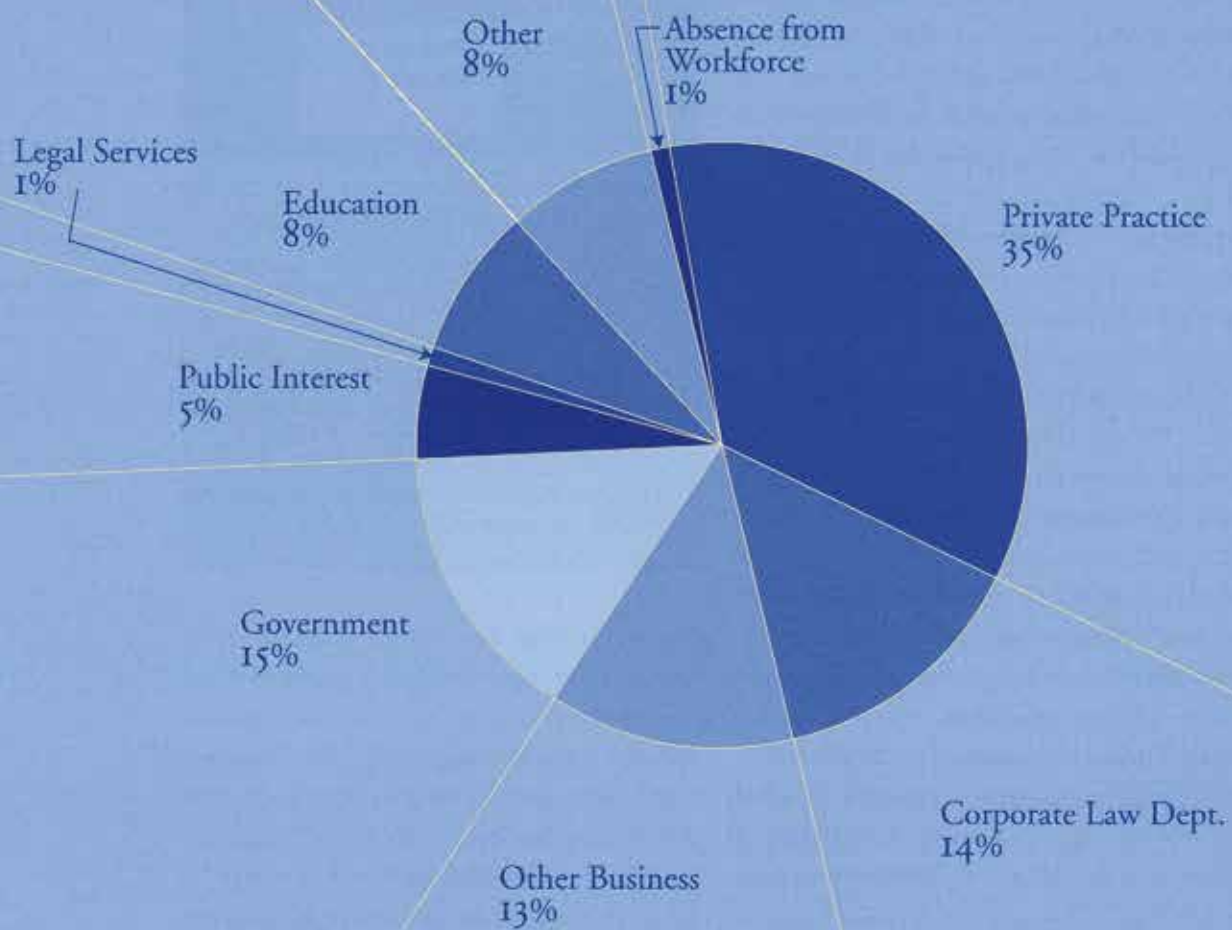


RANDALL ROBINSON '70

is the founder and president of TransAfrica, a lobbying organization that he began in 1977 to influence US foreign policy. The impact of his organization and his personal sacrifice has affected policy decisions on America's role in the apartheid regime in South Africa, on providing aid to Haitian refugees and reinstating Jean-Bertrand Aristide, and other humanitarian causes. He is the author of numerous books including the best-seller entitled, *The Debt: What America Owes To Blacks*.

careers in large law firms. Although there appear to be some racial differences in initial employment, in the direction that national statistics would suggest — for instance, respondents are slightly less likely to go into private practice, and more likely to go into government, than HLS graduates generally — these differences are smaller than national statistics would predict, and smaller than the differences reported for 1990s Michigan graduates. Further, most of the differences that we found — respondents’ relatively high rate of entry into government, public interest and legal services jobs — indicate black HLS graduates have an atypically strong commitment to public service and thus are laudable rather than troubling.

Figure 3
CURRENT EMPLOYMENT
(n=622)



We did find a potentially troubling gender difference in initial employment, which is men's relatively low rate of entry into private practice. Among 1990s graduates, the women in our sample entered private practice at the same rate as all HLS graduates (81%) — a surprising finding given national statistics, but one that suggests opportunities rather than obstacles for black women. The men in the 1990s cohort, however, entered private practice at a much lower rate than other HLS graduates (64% versus 81%), and at a lower rate than white graduates nationally (70%). Although there are many reasons why these men may have chosen to begin their careers in other settings — for instance, only 42% of male 1990s graduates intended to go into private practice, and the high-tech market was booming — the persistence of obstacles for black men in large law firms remains a troubling possibility.⁶⁶

CAREER PATHS AND CURRENT EMPLOYMENT

Currently, 35% of respondents are in private practice, 21% are in the public sector (government, public interest, or legal services), 27% are in business (corporate law departments or other business), and 8% are in education (see Figure 3). Compared to respondents' initial employment (see Figure 2), these figures reflect a significant shift away from private practice (from 68% initially to 35% currently) and towards other types of employment, particularly business and education (compare Figure 2).

Overall, men and women are equally likely to be found in private practice, corporate law departments, government, and education (see Table 8) — a surprising degree of convergence given national gender differences in lawyers' careers.⁶⁷ The percentage of women in private



GORDON J. DAVIS '67

has had a career in government, the arts and corporate law. He served as the Assistant to the Mayor of New York, the Parks Commissioner for New York City from 1978-83, a partner at Lord, Day & Lord and then at Poliettie, Friedman, Thrasher, Feldman and Gardner. He recently served as the Director of the Lincoln Center of the Performing Arts and has now returned to the corporate law arena.

practice, in particular, is surprisingly close to the percentage of men. Nevertheless, we did find important gender differences in respondents' current employment. For instance, men are significantly more likely than women to be working in "other business," where, as we discuss shortly, respondents' incomes are highest. Likewise, despite roughly equal rates of initial public interest employment, women are significantly more likely than men to be currently working in public interest organizations. Finally, while women are as likely as men to be currently engaged in private practice, there are striking gender differences in partnership rates and income within cohorts.

Private Practice Nearly 60% of those who started out in private practice have left private

Table 8
CURRENT EMPLOYMENT
BY GENDER

	n	Private Practice	Corporate	Other Business	Government	Public Interest	Legal Services	Education	Other
Men	340	34%	14%	18% **	16%	2%	0%	8%	9%
Women	282	36%	15%	6%	14%	10% **	1%	8%	7%

* $p < .05$ ** $p < .01$

Figure 4
CURRENT EMPLOYMENT OF
RESPONDENTS INITIALLY EMPLOYED
IN PRIVATE PRACTICE (n= 420)

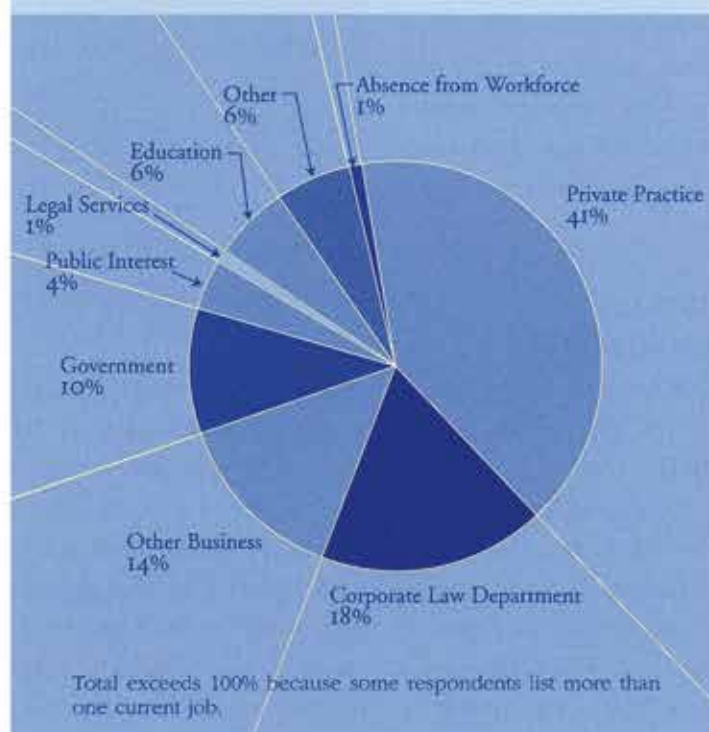


Table 9
CURRENT EMPLOYMENT OF RESPONDENTS INITIALLY
EMPLOYED IN PRIVATE PRACTICE BY GENDER

	n	Private Practice	Corporate Dept	Other Business	Government	Public Interest	Legal Services	Education	Other	Absent
Men	229	40%	17%	20% **	11%	1%	1%	6%	6%	0%
Women	210	43%	18%	7%	9%	7% **	1%	8%	7%	1%

* $p < .05$ ** $p < .01$

Table 10
CURRENT FIRM SIZE
BY GENDER

	n	Solo	2-50	51-100	101-250	251+
Men	116	10%	25%	11%*	11%	42%
Women	102	4%	14%	3%	13%	67%**
* p < .05 ** p < .01						

Table 11
AVERAGE PRIVATE
PRACTICE INCOME BY
COHORT & GENDER

	Men	Women
1970S GRADUATES	\$267,057 (35)	\$176,667 (9)
1980S GRADUATES	\$324,190 (29)	\$184,683 (18)
1990S GRADUATES	\$118,414 (35)	\$113,617 (65)
* p < .05 ** p < .01		



HON. JUDITH ROGERS '64

was appointed as a judge to the U. S. Court of Appeals for the District of Columbia Circuit in 1994. She is a former trial attorney for the Justice Department and a specialist in criminal law. Rogers served in a number of positions in the District of Columbia government before being appointed in 1983 as associate judge of the D.C. Court of Appeals, where she served as chief judge from 1988 until her appointment to the appeals court.

practice, most for corporate law departments (18%) or other business (14%) (see Figure 4). Not surprisingly, respondents from earlier cohorts are more likely to have left: 70% of 1970s graduates compared to 48% of 1990s graduates. Surprisingly, however, women are slightly less likely to have left than men (57% versus 60%); and only 2 of the 201 women who started out in private practice currently are absent from the workforce. This may reflect a bias in our original sample, in that women who are currently working may have been easier to locate through alumni records; or it may reflect a lower response rate among women who have left the workforce. On the other hand, these figures are consistent with women's high rate of initial employment in private practice.

Men and women appear to leave private practice for somewhat different jobs. Men who have left are significantly more likely than women to be working in other business (20% versus 7%), whereas women are significantly more likely to be working in public interest organizations (7% versus 1%) (see Table 9). We find similar gender differences among respondents who start out in the public sector, as we discuss below.

Most of those currently in private practice work in firms of 251 lawyers or more: 67% of women and 42% of men (see Table 10). This is higher than the figure for Michigan's minority graduates, most of whom work in solo practice or relatively small (1-100 lawyer) firms. Among 1990s graduates currently working in private practice, only

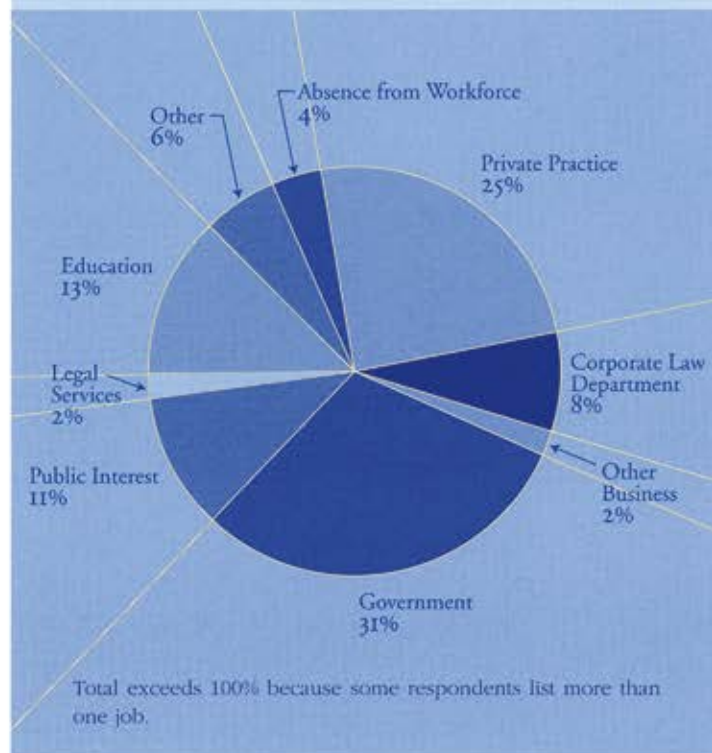
41% of Michigan's minority graduates work in firms with 101 lawyers or more, and 52% of whites,⁶⁸ compared to 66% of 1990s graduates in our sample.

Among those currently in private practice, 42% are partners and 37% are equity partners. Controlling for cohort, men are significantly more likely than women to be equity partners. Among 1980s graduates in private practice, 74% of men are equity partners, compared to 48% of women. Men's income also dwarfs women's, except among 1990s graduates (see Table 11). Thus, while the women in our sample may have had more opportunities to enter private practice than most female law graduates, there remain substantial gender differences in advancement and income.

Public Sector Over half of those who started out in the public sector have left for private practice (25%), education (13%), corporate law departments (8%), or other jobs (see Figure 5). Again, respondents from earlier cohorts are more likely to have left: 57% of 1970s graduates compared to 48% of 1990s graduates. Again, too, women are slightly less likely to have left than men (53% versus 59%).

Men who have left are more likely than women to be engaged in private practice (29% versus 20%) or other business (3% versus 0%), and significantly less likely to have left the workforce (0% versus 8%) (see Table 12). Women, however, are more likely than men to move into the public sector, particularly into public interest organizations. As noted above, 7% of the women who started out in private practice currently work in public interest organizations, compared to 1% of men (see Table 9). Within the sample as a whole, the percentage of women in public interest increased from 7% of initial employment

Figure 5
CURRENT EMPLOYMENT OF
RESPONDENTS INITIALLY EMPLOYED
IN THE PUBLIC SECTOR (n=134)

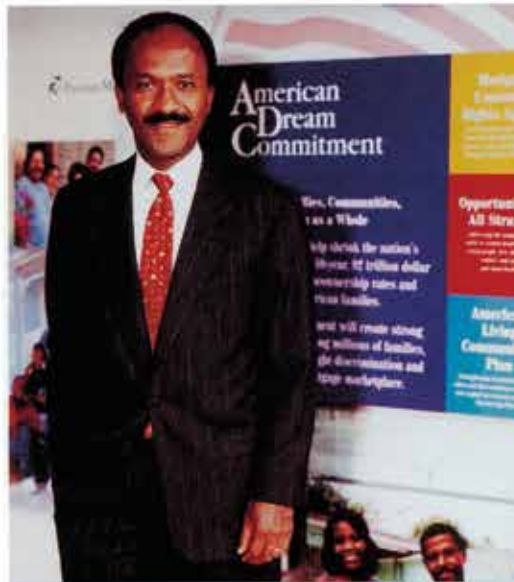


to 10% of current employment, whereas the percentage of men dropped from 5% to 2% (compare Tables 6 and 8). As a result, women's total public sector employment increased from 22% to 25%, whereas men's dropped from 22% to 18%. Among those currently working in the public sector, 39% of women work in public interest organizations, compared to 8% of men (see Table 13).

Men's public sector income is significantly higher than women's among 1970s graduates. Among 1980s graduates, however, women's income is higher than men's, and among 1990s graduates, men's and women's average incomes are virtually identical (see Table 14).

Business 14% of respondents currently work in corporate law departments — most as corporate general counsel (39%) or in other supervisory positions (46%). Another 13% of respondents work in other, non-legal business settings, including other professional firms. Thus, 27% of respondents currently work in what most surveys (including Michigan) define as “business” (see Figure 3). This is a significant increase compared to respondents’ initial business employment of 7% (see Figure 2). Among Michigan minority graduates, 20% of 1970s graduates, 14% of 1980s graduates, and 5% of 1990s graduates work in business.⁶⁹

Women are as likely as men to be working in corporate law departments, and among 1990s graduates, women are twice as likely as men to be working in this setting. Men’s incomes are higher, however (see Table 15), and men are more likely than women to be general counsel. Among those currently working in corporate law departments, 57%



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is the Chairman/CEO of Fannie Mae, the home-financing entity. Appointed to this role in 1999, Raines became the first African American to head a Fortune 100 company. Prior to Fannie Mae, he served as the director of the Federal Office of Management and Budget under President Clinton.

Table 12
CURRENT EMPLOYMENT OF RESPONDENTS INITIALLY
EMPLOYED IN THE PUBLIC SECTOR BY GENDER

	n	Private Practice	Corporate	Other Business	Government	Public Interest	Legal Services	Education	Other	Absent
Men	73	29%	8%	3%	38%	3%	0%	15%	6%	0%
Women	61	20%	7%	0%	21%	21% **	5%	12%	7%	8% *

* $p < .05$ ** $p < .01$

Table 13
CURRENT PUBLIC SECTOR
EMPLOYMENT TYPE BY GENDER

	n	DOI	Other Federal	State/Local Law Enf	State/Local Govt.	Public Defender	Public Interest	Legal Services	Military
Men	61	15%	28%	11%	25%	8%	8%	2%	3%
Women	69	12%	22%	4%	13%	4%	39% **	6%	0%

* $p < .05$ ** $p < .01$

Table 14
AVERAGE PUBLIC
SECTOR INCOME BY
COHORT & GENDER

	Men	Women
1970s GRADUATES	\$116,970 *	\$87,635
	(23)	(13)
1980s GRADUATES	\$84,975	\$126,944
	(16)	(18)
1990s GRADUATES	\$68,964	\$68,986
	(14)	(37)

* $p < .05$ ** $p < .01$

Table 15
AVERAGE CORPORATE
COUNSEL INCOME BY
COHORT & GENDER

	Men	Women
1970s GRADUATES	\$276,746 *	\$166,667
	(23)	(3)
1980s GRADUATES	\$269,375	\$237,077
	(16)	(15)
1990s GRADUATES	\$143,000	\$121,188
	(6)	(24)

* $p < .05$ ** $p < .01$

Table 16
AVERAGE OTHER
BUSINESS INCOME
BY COHORT & GENDER

	Men	Women
1970s GRADUATES	\$514,074 **	\$65,000
	(27)	(2)
1980s GRADUATES	\$290,500	\$263,373
	(8)	(6)
1990s GRADUATES	\$169,308 *	\$81,300
	(13)	(10)

* $p < .05$ ** $p < .01$

Table 17
AVERAGE EDUCATION
INCOME BY
COHORT & GENDER

	Men	Women
1970s GRADUATES	\$128,750	\$107,500
	(8)	(2)
1980s GRADUATES	\$145,300	\$95,944
	(10)	(16)
1990s GRADUATES	\$88,200	\$95,000
	(5)	(3)

* $p < .05$ ** $p < .01$

of men are general counsel, compared to 19% of women. This gender difference persists within cohorts. Among 1980s graduates in corporate law departments, 67% of men are general counsel, compared to 13% of women.

Women are significantly less likely than men to be working in non-legal business settings. Only 6% of women in our sample work in "other business," compared to 18% of men (see Table 8). There also are significant gender differences in income in this setting (see Table 16). Overall, therefore, it appears that in business — as in private practice — there are persistent gender differences in advancement and income.

Education Finally, 8% of both men and women currently work in educational institutions (see Table 8), a much higher percentage than those initially employed there (1%) (compare Table 6). Over 90% of the women in education are law professors (20 out of 23) or clinical law professors (1 out of 23). Among men, 16 of 24 are law professors, 3 are clinical law professors, and 4 list their position as "senior manager or consultant." Men's average income is higher than women's, except among 1990s graduates (see Table 17).



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PATRICIA KING '69

is the Carmack Waterhouse Professor of Law at the Georgetown Law Center. She is also an adjunct professor in the Department of Health Policy and Management, School of Hygiene and Public Health at Johns Hopkins University. She is the co-author of *Cases and Materials on Law, Science and Medicine*. Before joining the Law Center faculty in 1973, King was primarily in the civil rights field; she was the Deputy Director of the Office of Civil Rights and Special Assistant to the Chairman of the EEOC. She also served as a Deputy Assistant Attorney General in the Civil Division of the Department of Justice.



SHERYLL D. CASHIN '89

is a professor at the Georgetown Law Center and teaches and writes about politics, government and the urban poor. She is currently writing a book entitled *Drifting Apart: How Wealth and Race Segregation are Reshaping the American Dream* (forthcoming 2003). Prior to joining the faculty, Professor Cashin was the Staff Director for the Community Empowerment Board in the Office of the Vice President at the White House. She developed and oversaw policies to support comprehensive community-based revitalization strategies in distressed urban and rural communities. Previously, Professor Cashin was the Director of Community Development for the National Economic Council at the White House. Professor Cashin was law clerk to U.S. Supreme Court Justice Thurgood Marshall.



KIMBERLÉ CRENSHAW '84

is a Professor of Law at UCLA and at Columbia Law School. She teaches Civil Rights and other courses in critical race studies and constitutional law. Her primary scholarly interests center around race and the law, and she was a founder and has been a leader in the intellectual movement called Critical Race Theory. Professor Crenshaw's publications include *Critical Race Theory* (edited by Crenshaw, et al., 1995) and *Words that Wound: Critical Race Theory, Assaultive Speech and the First Amendment* (with Matsuda, et al., 1993).

Table 18
TOP REASON FOR
CHANGING FROM FIRST
TO SECOND JOB

	Men (n=294)	Women (n=224)
More Money/Better Benefits	10%**	4%
More Opportunity for Advancement	17%	12%
To Get Better Work in Same Area of Law	3%	7%
To Work in a Different Area of Law	15%*	9%
To Do More Socially Valuable Work	8%	12%
To Do Non-Legal Work	8%	6%
To Leave Workforce to Care for Children	0%	1%
To Work Fewer/More Flexible Hours	3%	10%**
To Move to a Different City	12%	21%**
To Move to a Bigger Firm/Employer	2%	1%
To Move to a Smaller Firm/Employer	5%**	1%
Termination of Prior Job	5%	4%

* p < .05 ** p < .01

Table 19
TOP REASON FOR
CHANGING JOBS
(ALL JOB CHANGES)

	Men (n=296)	Women (n=226)
More Money/Better Benefits	38%**	19%
More Opportunity for Advancement	38%**	26%
To Get Better Work in Same Area of Law	10%	12%
To Work in a Different Area of Law	21%	16%
To Do More Socially Valuable Work	18%	21%
To Do Non-Legal Work	13%	9%
To Leave Workforce to Care for Children	0%	8%**
To Work Fewer/More Flexible Hours	5%	18%**
To Move to a Different City	19%	30%**
To Move to a Bigger Firm/Employer	8%**	3%
To Move to a Smaller Firm/Employer	8%**	3%
Termination of Prior Job	12%	10%

* p < .05 ** p < .01

Motivation for Changing Jobs

The average number of job changes varies predictably by cohort, with 1970s graduates averaging more job changes (3.4) than 1980s graduates (2.7) or 1990s graduates (1.4). 18% of respondents have never changed jobs, including 9% of 1970s graduates.

Overall, men average more job changes than women, but this is due entirely to men's greater representation in earlier cohorts. Among 1970s graduates, women averaged slightly more job changes than men (3.6 versus 3.3); and among 1980s and 1990s graduates, the average number of job changes is identical for women and men.

Men and women report significantly different reasons for changing jobs, however. When asked to indicate the most important reason for changing from their first to their second job, 27% of men chose "more money/better benefits" or "more opportunities for advancement," compared to 16% of women. The most frequent reason given by women was "to move to a different city" (see Table 18). This pattern persists across all job changes. We asked respondents the most important reason for each of their job changes and aggregated the results. Men's most frequent reasons for changing jobs were "more money" or "more opportunities for advancement," whereas women's most frequent reason was "to move to a different city" (see Table 19).

Women also are significantly more likely than men to have changed jobs in order to “work fewer/more flexible hours” (18% versus 5%) or to have left the workforce “to care for children.” 8% of women report leaving the workforce at some point to care for children, compared to only one man (representing 0.03% of all men responding).

Men are significantly more likely than women to cite firm size as a reason for changing jobs, with fully 16% of men citing firm size as the most important reason for at least one job change. Roughly 20% of both men and women have changed jobs “to do more socially valuable work.” 12% of men and 10% of women have had a job terminated by their employer (see Table 19).

CAREER SUCCESS AND SATISFACTION

Overall, Harvard’s black alumni are successful and satisfied with their careers. Our respondents are financially successful by any measure: average incomes are \$241,853 for 1970s graduates, \$192,114 for 1980s graduates, and \$111,702 for 1990s graduates. By comparison, the average incomes for Michigan minority graduates are \$141,419 for 1970s graduates, \$104,513 for 1980s graduates, and \$67,865 for 1990s graduates.⁷⁰

Respondents also express a high level of career satisfaction. We asked respondents to indicate on a 7-point scale, where 1 is “not at all satisfied” and 7 is “very satisfied,” how satisfied they are with their overall careers. 74% of all respondents checked 5, 6 or 7, and only 11% of respondents checked 3 or below. These figures are consistent with those of Michigan’s minority graduates, where 71-79% (depending on cohort) checked 5, 6 or 7.⁷¹



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Interestingly, career satisfaction does not appear to depend on income; indeed, there is almost an inverse relationship. The highest levels of overall career satisfaction are found among law teachers and public servants (see Table 20), where average incomes are lowest. This finding is consistent with the findings from the Michigan survey, as well as from other surveys of lawyers’ job satisfaction. Among Michigan graduates, both minority and white, those working in the public sector are considerably more likely than those in private practice to report being satisfied with their overall careers.⁷² Likewise, a random sample of over 700 Chicago lawyers found that lawyers employed by government are more likely than lawyers working in law firms to report being “very satisfied” with their jobs.⁷³

Table 20
CAREER SATISFACTION
BY EMPLOYMENT TYPE

	Private Practice	Corporate	Other Business	Public Sector	Education	Total
Income	5.39	4.91	5.19	4.30	4.83	4.99
Intellectual Challenge	5.20	5.70	5.63	5.70	6.14	5.57
Work/Life Balance	4.03	4.87	4.75	5.23	5.52	4.73
Value of Work to Society	4.08	4.24	4.95	5.93	5.64	4.82
Value of Work to Black Community	3.46	3.44	4.51	5.39	4.76	4.23
Solving Problems for Specific Clients	5.59	5.90	5.79	5.65	5.48	5.71
Relationships with Coworkers	4.88	5.27	5.15	5.35	4.90	5.12
Overall Career	4.85	5.13	5.35	5.45	5.76	5.22

Despite significant gender differences in income in most employment settings, men and women are equally satisfied with their incomes (see Table 21). Indeed, women in private practice are more satisfied with their incomes (5.67 on a 7-point scale) than men (5.13).

Men are significantly more satisfied than women with other aspects of their careers, however (see Table 21); and men report more overall career satisfaction than women in every employment setting (see Table 22). The only area in which some men are dissatisfied (defined as a mean satisfaction score below 4) is in the value of their work to the black community. 13% of men in private practice — and 21% of men in firms with 251 lawyers or more — said that they were “not at all” satisfied with the value of their work to the black community.

Women in private practice and corporate law departments also are dissatisfied with the value of their work to the black community. Fully 49% of women in private practice and 34% of women in corporate law departments checked either 1 or 2 on this question. Women in private practice

also are dissatisfied with the balance between their professional and private life, with a mean satisfaction score of 3.49. Otherwise, however, women are satisfied with most aspects of their careers; and women in every employment setting are satisfied with their overall careers (see Table 22).

PUBLIC SERVICE

One of the key findings of the Michigan study was that minority graduates — especially 1970s graduates — perform more unremunerated service than white graduates.⁷⁴ Among Michigan graduates in private practice, for instance, minorities spent an average of 75 hours per year representing individuals or organizations on a pro bono basis, and another 46 hours per year doing other law-related pro bono work (such as serving on a legal services board or a bar committee), for a combined average of 124 hours per year. Among 1970s minority graduates in private practice, the average was 137 hours per year. By comparison, 1970s white graduates in private practice average 92 hours per year.⁷⁵ Michigan’s minority alumni also are more likely than white alumni to serve on the board of non-profit organizations. 60% of

Table 21
**CAREER SATISFACTION
BY GENDER**

	Men	Women
Income	5.01	4.97
Intellectual Challenge	5.64	5.47
Work/Life Balance	5.01**	4.38
Value of Work to Society	5.01**	4.59
Value of Work to Black Community	4.48**	3.93
Solving Problems for Specific Clients	5.83*	5.55
Relationships with Coworkers	5.29**	4.91
Overall Career	5.42**	4.97

* p < .05 ** p < .01

Table 22
**OVERALL CAREER
SATISFACTION BY
EMPLOYMENT TYPE
AND GENDER**

	Men	Women
Private Practice	5.04*	4.64
Corporate Law Department	5.49**	4.71
Other For-Profit	5.38	5.28
Public Sector	5.62	5.30
Education	5.96	5.52

* p < .05 ** p < .01

Michigan's 1970s minority graduates have served on at least one non-profit board, compared to 48% of whites; and 48% of 1980s minority graduates, compared to 34% of whites.⁷⁶

Although we have no comparative data on all HLS graduates, our findings are consistent with those for Michigan's minority graduates. Respondents in private practice spend an average of 86 hours per year representing individuals or organizations on a pro bono basis, and 47 hours per year doing other law-related pro bono work, for a combined average of 133 hours per year (see Table 23).



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As is the case among Michigan's minority alumni, 1970s graduates in private practice average the most pro bono hours per year (142); and private practitioners, in general, average more hours than respondents in other settings. Nevertheless, the overall average for black HLS graduates (90 hours per year) is well above recent estimates of the national average (25 hours per year).⁷⁷ 63% of our respondents have served on the governing board of a non-profit organization: 81% of 1970s graduates, 70% of 1980s graduates, and 40% of 1990s graduates. These rates are slightly higher than those for Michigan minority graduates. Educators are the most likely to have served in this capacity (78%), and private practitioners are the least likely (56%).

Table 23

**AVERAGE YEARLY PRO BONO HOURS
BY EMPLOYMENT TYPE AND COHORT**

	1970s	1980s	1990s	TOTAL
All Respondents	93	75	94	90
Private Practice	142	122	129	133
Corporate Law Department	44	36	34	39
Other Business	59	39	20	43
Public Sector	76	56	105	80
Education	106	122	0	107

Interestingly, given gender differences in public interest employment, we find relative gender parity in pro bono hours. Women average more representational hours per year than men (60 versus 50), but fewer non-representational hours (30 versus 39); thus, the combined averages are practically identical (90 versus 89). Men are slightly more likely than women to serve on the boards of non-profit organizations, but this difference is confined to more recent cohorts. Among 1970s graduates, 82% of men and 81% of women have served on the board of at least one non-profit organization. Among 1980s graduates, the figures are 78% for men versus 64% for women; among 1990s graduates, the figures are 45% for men versus 37% for women.

THE CONTINUING SIGNIFICANCE OF RACE

Race plays an important but by no means defining role in the careers of black HLS alumni. Most respondents began their careers in a setting with few (if any) other black lawyers, and many respondents continue to be the only black lawyer in their workplace. Among respondents currently working as lawyers, 27% are the only black lawyer in their workplace, and another 21% work with only one other black lawyer. Of course, the

size of the workplace matters. Being the only black lawyer is most likely in small (2-50 lawyer) law firms and corporate legal departments; roughly 40% of respondents who work in these settings are the only black lawyer in their office. Even in larger workplaces, however, many respondents have few black colleagues. 19% of respondents working in 101-250 lawyer firms and 9% of respondents working in 251-plus lawyer firms are the only black lawyer in their office.

Respondents vary in the level of importance they place on workplace demographics. 20% say that the number of other black lawyers in the workplace has been "not at all important" to them when making employment decisions, and 9% said that it has been "very important." The average response on a 7-point scale, where 7 equals "very important," was 3.72. More recent graduates place more importance on this factor than earlier graduates, and women express slightly more concern than men. Overall, however, the distribution of responses from 1 to 7 is relatively flat across cohort, gender, and employment type.

Most respondents think that black lawyers must outperform whites to advance in their careers. Using the same 7-point scale, we

Table 24
IMPORTANCE FOR BLACK
LAWYERS' CAREER
ADVANCEMENT
BY GENDER

	Men	Women
Good Assignments	6.29	6.40
Not Making Mistakes	5.75	5.90
Making Whites Comfortable	5.71	5.75
Having an Influential Mentor	6.16	6.29
Networking with Black Lawyers	4.72	4.86
Practicing in a Racially Diverse Community	4.90	4.88
Working Longer Hours than Most Whites	4.94	4.91
Doing Better Work than Most Whites	5.73	5.90
Socializing with White Coworkers	5.21	5.26
* p < .05 ** p < .01		

asked respondents how important various factors are for black lawyers' career advancement. 87% said that "doing better work than most whites," was important (5, 6 or 7); and 64% said "working longer hours than most whites" is important (5, 6 or 7). However, according to respondents, the most important factors affecting black lawyers' advancement are the same factors that affect all lawyers' advancement, such as access to good assignments and having an influential mentor (see Table 24).

Interestingly, while there are no significant gender differences in respondents' assessments of factors affecting black lawyers' advancement, there are a number of significant gender differences in respondents' assessments of factors affecting their own advancement. For instance, while all respondents rate HLS prestige as an important factor affecting their own advancement, women rate it significantly higher than men do (see Table 25). Women also rate employer diversity initiatives significantly higher than men do, whereas

Table 25
IMPORTANCE FOR
RESPONDENTS' CAREER
ADVANCEMENT
BY GENDER

	Men	Women
Connections with Black HLS Alumni	2.72	3.01
Connections with Other HLS Alumni	2.70	2.66
HLS Prestige	5.49	5.83**
Employer Diversity Initiatives	3.31	3.91**
Client Diversity Initiatives	1.89	1.98
Bar Diversity Initiatives	1.76	1.66
Govt Set-Aside Programs	1.62**	1.33
* p < .05 ** p < .01		

men rate government set-asides significantly higher than women do. In part, these gender differences reflect variations by cohort. For instance, 1970s graduates place more importance on government set-asides than later graduates, and men significantly outnumber women among 1970s graduates. Not all gender differences are explained by cohort, however. Women's greater emphasis on HLS prestige and on employer diversity initiatives persists across cohorts.

88% of respondents agree that black lawyers still face significant discrimination in the workplace, and 54% strongly agree that law firms should engage in affirmative action. Most say that when they hire lawyers, they try to hire black lawyers whenever possible (see Table 26). At the same time, 65% of respondents agree that black lawyers need to take more responsibility for their own careers, with men, especially, reporting strong agreement with this statement.

Table 26
**ATTITUDES ABOUT
RACIAL PROGRESS BY GENDER**

	Men	Women
Law Firms Should Engage in Affirmative Action	6.06	5.99
Diversity Training is an Effective Tool for Combating Obstacles Facing Black Lawyers	4.13*	3.89
When I Hire Lawyers, I Try to Hire Black Lawyers Whenever Possible	5.35	5.48
Black Lawyers Need to Take More Responsibility for Their Own Careers	5.31**	4.64
My Race is an Advantage in Getting Access to Good Work/Opportunities	2.98	2.94
Black Lawyers Have an Obligation to Use Legal Skills to Improve Black Community	5.46**	4.99
Black Lawyers Still Face Significant Discrimination in the Workplace	5.86	5.98
I Am Optimistic about the Progress that Black Lawyers Are Making	4.53	4.46
My Racial Identity Has Grown Less Important as I Have Progressed in My Career	3.23**	2.76
Progress for Black Americans Now Depends More on Economic Than Legal Change	5.09*	4.79

* $p < .05$ ** $p < .01$

Overall, most respondents continue to view race as a salient part of their lives and the lives of black lawyers generally. Over 50% have experienced express racism from coworkers, clients or public officials, and few believe that being black has been an advantage in their career (see Table 26). On the whole, however, most respondents (64%) agree that “progress for black Americans now depends more on economic change than on legal changes,” and most respondents (54%) are “optimistic about the progress black lawyers are making.”

SUMMARY OF KEY FINDINGS

In sum, then, the key findings of the Black Alumni Survey are as follows: First, the initial careers of black HLS alumni closely resemble those of HLS graduates generally. Not counting judicial clerkships, most graduates begin their careers in private practice, in large (100-plus lawyer) firms. Thus, contrary to national statistics, which find that black law graduates

enter private practice at a significantly lower rate than other groups — and contrary to the Michigan survey, which finds a significant minority-white difference — we find that black HLS graduates enter private practice at about the same rate as all HLS graduates.

Moreover, although we lack comparative data on the subsequent careers of all HLS graduates, respondents in general are highly successful and satisfied with their careers. Respondents’ incomes, on average, are significantly higher than those of white or minority Michigan graduates and most respondents report a high level of overall career satisfaction. Further, like Michigan’s minority graduates, respondents perform a significant amount of pro bono service: an average of 90 hours per year, within the sample as whole, and an average of 133 hours per year, among private practitioners. These figures are significantly higher than the national lawyer average of 25 hours per

year. Thus, the careers of black HLS alumni are successful by any measure.

Notwithstanding this overall picture of career satisfaction and success, however, we find significant gender differences in respondents' career paths and outcomes. For instance, women are significantly more likely than men to have entered law school with the intention of working in a public interest or non-profit organization, and despite their initially high rates of entry into private practice, women are significantly more likely than men to be currently working in those settings. Among respondents currently working in the public sector, 39% of women work in public interest or non-profit organizations, compared to 8% of men. Women also are more likely than men to leave the workforce to care for children, and to cite child-rearing responsibilities as a motivation for changing jobs. Finally, women's average income is less than men's in almost every cohort and employment setting.

Respondents also report the continuing effects of race — and racial prejudice — on their careers. Over half of respondents have experienced express racism from coworkers, clients, or public officials, and 88% of respondents think that black lawyers still face significant discrimination in the workplace. Fully 27% of respondents currently working as lawyers are the only black lawyer in their workplace.

These findings point to persistence of gender and race inequalities in the profession, and to the continuing challenges facing educators, employers, bar associations, and individual lawyers of all races as we enter the twenty-first century.



CONGRESSMAN WILLIAM JEFFERSON '72

a Democrat, has served in the U.S. House of Representatives since 1990 representing Louisiana Second District. Prior to serving as a three-term member of the Louisiana senate where he was recognized twice as legislator of the year, he had a law firm in New Orleans. Here he is pictured with daughters, Jalila (2001) and Jamila ('97), both Harvard Law School graduates. His other daughter, Jelani, is in the Class of 2004.

It is crucial that Harvard
and other similar institutions remain
open and accessible to
the next generation of
black students



to follow in the footsteps of
Ruffin, Houston, Fenwick
and Chenault.

IV. Challenges for the Twenty-First Century

It is characteristic for presidents to open their State of the Union addresses to Congress with a ringing affirmation that “the state of our union is good!” The data in this report demonstrates that the same can be said about the state of Harvard Law School’s black alumni. This remarkable group of graduates can be found in virtually every corner of the profession, as well as in prominent positions in public service, business, and the arts. Whether measured by income, satisfaction, or public service, Harvard’s black graduates are leading professional lives that meet — and often exceed — the accomplishments of their fellow graduates from comparable institutions.

Our data therefore parallels the findings of other recent studies about the careers of the generation of minorities who graduated from elite educational institutions over the last 30 years. In their now classic study, *The Shape of the River: Long Term Consequences of Considering Race in College and University Admissions*, former university presidents William Bowen and Derek Bok conclude that black graduates from elite colleges and universities have gone on to lead professional lives that closely resemble those of their white peers.⁷⁸ As we noted in Part III, a recent study of University of Michigan Law School’s minority graduates concludes that the “river” Bowen and Bok identify also “runs through law school.” Notwithstanding their lower entering credentials, the Michigan authors conclude, Michigan’s minority graduates have achieved levels of income, satisfaction, and public service that meet or exceed their white peers. Indeed, the Michigan study goes further, concluding that there is no statistically significant correlation between the entering credentials of any student and their future earnings, professional happiness, or public service — with the exception of a negative correlation between high LSAT scores and public service. Although we do not have the kind of directly comparative data examined in the Bowen/Bok and Michigan studies — a point to which we return below — our findings about the overall record of achievement of Harvard Law School’s black graduates fits this general pattern.

The success of Harvard’s black alumni (and those from other comparable institutions) should come as no surprise to those who understand what it takes to succeed in today’s increasingly competitive marketplace. In order to be admitted to Harvard Law School, black



“WHEN YOU ARE PROVIDING LEADERSHIP
IN CIRCUMSTANCES WHERE THERE HAS NOT
BEEN MUCH LEADERSHIP THAT IS BY
DEFINITION SUCCESSFUL.”

— BRYAN STEVENSON ‘85,
EQUAL JUSTICE INITIATIVE OF ALABAMA



FOUR OF THE TEN FOUNDERS OF THE
BLACK LAW STUDENTS ASSOCIATION.

graduates from George Lewis Ruffin to the members of the class of 2000 have had to overcome a series of obstacles, ranging from poverty and inadequate or underfunded primary and secondary education to lowered expectations, lack of mentoring or exposure, and stereotyping. In the process of doing so, these students frequently developed a range of skills — persistence, ingenuity, the ability to handle adversity and to work well with others from different backgrounds — that, although poorly measured by grades and test scores, are essential for success in a profession that

is growing increasingly more multicultural, multinational, and multidisciplinary. More important, as all those who have studied professional careers have noted, where one starts out in the profession has a significant effect on where one ends up. Although individual talent and effort are undeniably essential, professional success also depends upon gaining access to the right institutions and opportunities. For black graduates from elite educational institutions such as Harvard Law School, one of the most important factors contributing to their success is the fact that they graduated from such a prestigious institution. In keeping with the river metaphor that Bowen and Bok have indelibly stamped on the affirmative action debate, but to give it a resonance with the black Americans that both these authors and we are studying, the “big wheel” of Harvard Law School and other similar elite institutions “keeps on turnin’” throughout the careers of its black graduates, helping them to “roll on rivers” that are largely off limits to those who have not been afforded the privilege of “hitching a ride” on a similarly elite “river boat queen”.⁷⁹

The importance of attending Harvard is not unique to the careers of black graduates. All Harvard graduates benefit immeasurably from the education, prestige, and lifetime supply of contacts that one gets from attending such a world-renowned institution. It is plausible, however, that black graduates need these resources more than their peers, and perhaps get more from them as well. Although our survey underscores that race does not define the careers of Harvard’s black graduates, our respondents nevertheless continue to believe that race plays a largely negative role in structuring their opportunities within the profession. Research on various sectors of the job market consistently confirm this impression. Blacks remain underrepresented in high-level legal jobs — partnerships in large law firms, general counsel positions, top posts in government and public interest organizations — and study after study reports that whites continue to hold (often subconsciously) a variety of stereotypical views about blacks that make it more difficult for black professionals, including lawyers, to

gain access to important developmental opportunities. Although Harvard Law School's black graduates appear to have significantly outperformed their peers from other institutions, our data nevertheless reveals that they have not been immune from this general phenomena. Given this reality, as many respondents to our survey reported, graduating from Harvard Law School has been an important protection against the negative assumptions and diminished expectations that might otherwise have derailed their careers.

In light of this fact, it is crucial that Harvard and other similar institutions remain open and accessible to the next generation of black students to follow in the footsteps of Ruffin, Houston, Fenwick and Chenault. Black enrollment in all law schools has decreased slightly during the last 5 years. Although Harvard continues to admit more black students than almost any other law school, the numbers here are down as well, particularly for black men. If we are to continue to make progress on closing the racial divide in high-level jobs in the legal profession, the law school must work hard to reverse, or at the very least, to stabilize these trends.

The shifting gender balance among black graduates in the 1990s, however, highlights another important trend — one that is often overlooked by those who discuss diversity issues in the profession. The majority of black law students — both at Harvard and around the country — are women. First and foremost, this ought to be a significant source of pride for the growing number of black women who have successfully managed the rigors of law



WOMEN CONSTITUTE THE MAJORITY OF ALL BLACK LAW STUDENTS. IT IS THEREFORE IMPERATIVE THAT THE PROFESSION ADDRESS BOTH GENDER AND RACE ISSUES — AND THE INTERSECTION BETWEEN THE TWO.

school and for the schools themselves. Given that many law schools, Harvard included, had either express or implicit gender bars until the 1950s, the fact that women are now flourishing in the legal academy should come as welcome news.

By the same token, however, the growing number of black women graduates also underscores the difficulty of achieving racial equality throughout the profession. Research on women in the profession, including a recent study of women graduates from Harvard, Yale, Stanford, Columbia and NYU law schools, confirms that women continue to face a number of obstacles in achieving professional success.⁸⁰ Moreover, these and other studies underscore that minority women face all of the obstacles faced by white women and more. Our study confirms this conclusion. Black women graduates report substantially lower incomes and lower levels of professional satisfaction than their male counterparts. Consequently, if the profession is going to make progress on achieving racial diversity, it must simultaneously achieve gender equality and begin to address the often neglected intersection between gender and race.

All of this will require a deeper understanding than we have to date of how careers are formed, and how race and gender affect this process. Ironically, as a result of this survey, we now have more information about the careers of black Harvard Law School graduates than we have about the careers of the law school's graduates as a whole. Thanks to a generous grant from the Goldman Sachs Foundation, we are beginning to close this knowledge gap. This year, the Program on the Legal Profession will be sending out a parallel career survey to the law school's Hispanic, Asian, and Native American graduates as well as to a random sample of whites. We hope to engage in similar projects in the future. Through this work, we hope to recognize the law schools unique and impressive role in educating minority lawyers and to encourage the school to learn from the experiences of these talented women and men how to improve legal education for all of its graduates — and to help to create a better legal profession for all Americans.

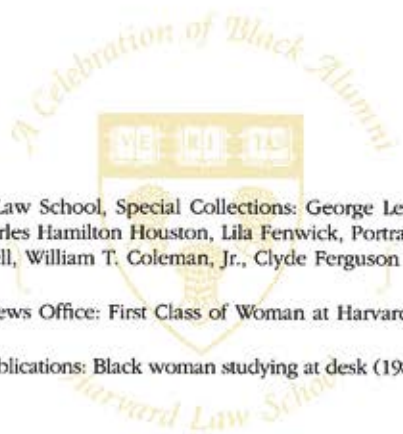
Endnotes

1. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
2. David B. Wilkins, *The Black Bar: The Legacy of Brown v. Board of Education and the Future of Race and the American Legal Profession* (forthcoming 2004).
3. *Regents of University of California v. Bakke*, 438 U.S. 265 (1978).
4. We are indebted to Professor Daniel R. Coquillette for his pioneering research on the early history of blacks at Harvard Law School, which he presented at the Celebration's opening lunch. Much of what follows is based on that talk.
5. Randall Collins, *The Credential Society: An Historical Sociology of Education and Stratification* (New York: Academic Press, 1979), 149. See also Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 2d ed., 1985), 652-53.
6. Richard L. Abel, *American Lawyers* (New York: Oxford University Press, 1989), 71.
7. *Dred Scott v. Sandford*, 60 U.S. 393 (1857).
8. See J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer, 1844-1944* (Philadelphia: University of Pennsylvania Press, 1993), 93-101, 152-3, 190-3, 610-1.
9. See Arthur E. Sutherland, *The Law at Harvard: A History of Ideas and Men, 1817-1967* (Cambridge, MA: Belknap Press of Harvard University Press, 1967), 32-42.
10. See "As Yale Celebrates Its Past, Talk Turns to Ties to Slavery," *New York Times*, 13 August 2001, 18.
11. See Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York: Oxford University Press, 1976).
12. Smith, *Emancipation*, 545.
13. See Abel, *American Lawyers*, 71-75.
14. Smith, *Emancipation*, 34. In 1850, John Mercer Langston became the first known black applicant to law school, but in keeping with the practices of the day, he was refused admission solely on the basis of his race. Langston nevertheless persevered and became a lawyer through apprenticeship.
15. Smith, "Black Women Lawyers: 125 Years at the Bar; 100 years in the Legal Academy," 40 *Howard Law Journal* 365 (1997).
16. *Plessy v. Ferguson*, 163 U.S. 537 (1896).
17. Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983), 52.
18. *Ibid.* As Houston famously said, "A lawyer's either a social engineer or he's a parasite on society."
19. Smith, *Emancipation*, 39. Yale appears to hold the honor of being the first law school to have two black students on the law review when both John Francis Williams and Jasper Alston Atkins served on the journal in 1922.
20. *Murray v. Maryland*, 182A 590 (1936).
21. See Mark V. Tushnet, *The NAACP's Legal Strategy against Segregated Education, 1925-50* (Chapel Hill: University of North Carolina Press, 1987).
22. *Sipuel v. Oklahoma State Board of Regents*, 332 U.S. 631 (1948); *Sweatt v. Painter*, 339 U.S. 629 (1950); and, *McLaurin v. Oklahoma State Regents for Higher Education* 339 U.S. 637 (1950).
23. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
24. Interview with Walter Leonard, March 27, 2002.
25. See Derrick A. Bell, "In Defense of Minority Admissions Programs: A Response to Professor Graglia," 119 *University of Pennsylvania Law Review* 364 (1970): 365-6 and note 5.
26. Abel, *American Lawyers*, 102, 288 (Table 30).
27. Harry T. Edwards, "A New Role for the Black Graduate — A Reality or an Illusion," 69 *Michigan Law Review* 1407 (1971): 1424 (reporting that in 1971-1972, ten elite law schools enrolled almost as many black students as all four traditionally black law schools).
28. Geraldine R. Segal, *Blacks in the Law: Philadelphia and the Nation* (Philadelphia: University of Pennsylvania Press, 1983), 235.
29. *Ibid.*
30. *Ibid.*
31. "Report of Minority-Group Law Teachers Planning Conference," 4 *Black Law Journal* 575 (1974): 580.

32. Segal, *Blacks in the Law*, 215.
33. Erwin O. Sniigel, *The Wall Street Lawyer, Professional Organizational Man?* (Bloomington: Indiana University Press, 1969), 45.
34. Paul Hoffman, *Lions in the Street: The Inside Story of the Great Wall Street Law Firms* (New York: Saturday Review Press, 1973), 126.
35. Edwards, "A New Role," 1425-7.
36. See Segal, *Blacks in the Law*.
37. See Abel, *American Lawyers*, 107.
38. See Rita H. Jensen, "Minorities Didn't Share in Firm Growth," *National Law Journal*, 19 February 1990, 1.
39. Edward J. Burke and Connie Johnson, "More Women on the Way Up," *National Law Journal*, 20 April 1981, 1, 10-11.
40. Neil Rudenstine, "On the Importance of Diversity in University Admissions," adopted April 14, 2000 in Washington, D.C. by the Association of American Universities.
41. See Clara N. Carson, *The Lawyer Statistical Report: The U.S. Legal Profession in 1995* (Chicago: American Bar Foundation, 1999).
42. Elizabeth Chambliss, *Miles to Go 2000: Progress of Minorities in the Legal Profession* (Chicago: American Bar Association Commission on Racial and Ethnic Diversity in the Profession, 2000) [hereafter "MTG 2000"], 7.
43. See MTG 2000.
44. Surprisingly, HLS has little centralized, systematic data about its graduates or their careers beyond their initial employment. Even initial employment data are collected by several different offices, and the numbers provided by different offices often vary. See Stacy Futter, "Where Are the Harvard Law School Alumni? Does Anybody Really Know?" (unpublished third-year paper on file with the Program on the Legal Profession).
45. See Richard O. Lempert, David L. Chambers, and Terry K. Adams, "Michigan's Minority Graduates in Practice: The River Runs Through Law School," 25 *Law & Social Inquiry* 395 (2000) [hereafter "Michigan Survey"].
46. Michigan Survey, 404 (Table 1).
47. *Ibid.*, 399 note 4.
48. In the 2001 *US News & World Report* law school rankings, Harvard ranked third behind Yale and Stanford, and Michigan ranked seventh (tied with Virginia). See "America's Best Graduate Schools," *US News & World Report*, 9 April 2001, 78 ("Schools of Law").
49. According to data from the Office of Career Services, the clerkship rate for all 1990s HLS graduates varies from a low of 22.6% among 1993 and 1994 graduates to a high of 29.1% among 1991 graduates, with a ten-year average of 25.2%. See also Futter, "Where Are the Harvard Law School Alumni?", 8 (reporting similar figures).
50. See Michigan Survey, 423 (Table 9).
51. See National Association for Law Placement, *Jobs and JDs: Employment and Salaries of New Law Graduates, Class of 1998* (1999), 49 [hereafter "1998 NALP Survey"]. The NALP survey uses the category "African American" instead of "black."
52. *Ibid.* The NALP survey includes clerkships as an initial employment category, so the figures are not directly comparable. However, even if all African Americans who clerked (11%) were counted as entering private practice, the total percentage of African Americans entering private practice would be only 51%.
53. See Futter, 11. Futter's data show black HLS graduates entering private practice at a higher rate than all HLS graduates in 1997 and 1998.
54. See Michigan Survey, 424 (Table 10).
55. See 1998 NALP Survey, 48. NALP does not provide a race-specific gender breakdown.
56. See Michigan Survey, 427 note 38.
57. See 1998 NALP Survey, 53.
58. See Michigan Survey, 425 (Table 11).
59. See 1998 NALP Survey, 49.
60. See Futter, Figure 15.
61. See Michigan Survey, 424 (Table 10).
62. See 1998 NALP Survey, 49.
63. See Futter, Figure 18.
64. See Michigan Survey, 424 (Table 10).
65. See 1998 NALP Survey, 48. The category "business or industry" includes both legal and non-legal jobs. Among graduates who entered business or industry in 1998, about 40% reported that their jobs were legal in nature. *Id.*, 36.

66. See David B. Wilkins, "On Being Good and Black," a review of *The Good Black: A True Story of Race in America*, by Paul M. Barrett (New York: Dutton Press, 1999), 112 *Harvard Law Review* 1924 (1999).
67. 1998 NAACP Survey, 48; MTG 2000, 3, 5, 14-5.
68. See Michigan Survey, 431 (Table 14).
69. *Ibid.*, 428 (Table 12).
70. *Ibid.*, 452 (Table 24). For Michigan's white graduates, average incomes are \$177,725 for 1970s graduates, \$127,716 for 1980s graduates, and \$68,320 for 1990s graduates.
71. *Ibid.*, 445 (Table 21).
72. *Ibid.*
73. See John P. Heinz, Kathleen E. Hull, and Ava H. Harter, "Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar," 74 *Indiana Law Journal* 735 (1999): 745.
74. *Ibid.*, 455.
75. *Ibid.*, 456.
76. *Ibid.*, 458 (Table 26).
77. See Deborah L. Rhode, "The Constitution of Equal Citizenship for a Good Society: Access to Justice," 69 *Purdue Law Review* 1785 (2001). Precise measures are difficult to come by, in part because lawyers differ in what they count as "pro bono" work. According to Professor Rhode, "the best available research finds that the American legal profession averages less than half an hour of work per week and under half a dollar per day in support of legal services for the poor" – or 24 hours per year. *Id.*, 1810. According to a recent press release, lawyers at the nation's 100 most financially successful law firms spent an average of eight minutes per week on pro bono activities (or about 7 hours per year). See Press Release, Judicial Council of California, "Chief Justice Urges More Lawyers to Donate Time to Pro Bono Efforts," 16 September 2000; *Aric Press*, Eight Minutes, *American Lawyer*, July 2000, 13.
78. See William G. Bowen and Derek Bok, *The Shape of the River: Long-term Consequences of Considering Race in College and University Admissions*, (Princeton, NJ: Princeton University Press, 1998).
79. For those who missed the 1970s, the quoted material comes from John Fogerty's classic anthem "Proud Mary," the most famous rendition of which was recorded by Ike and Tina Turner in 1971. See David B. Wilkins, "Rollin' on the River: Race, Elite Schools, and the Equality Paradox," 25 *Law & Social Inquiry* 527 (2000).
80. See Catalyst, *Women in Law: Making the Case* (2001).

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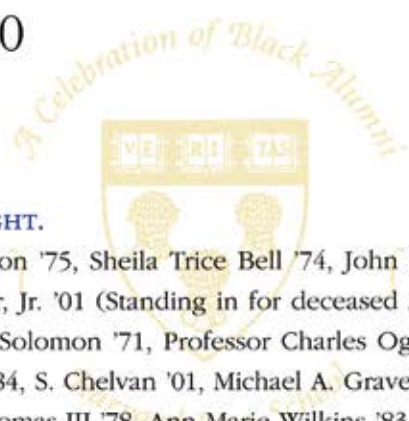
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