

Black Attorney Advancement - The Time to Act is Now

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The American Dream is premised on the notion that equality of opportunity is available to any American, allowing the highest aspirations and goals to be achieved. For many Black Americans, however, the seemingly-equal road to achievement entails overcoming unsettling obstacles and inaccessibility to equal opportunities. Following the Civil Rights movement, society has often attempted to designate the lingering effects of slavery and Jim Crow as ancient history. However, the truth is, despite the false narrative of color-blind progression, there is still much to be done to effect progress in the Black community. The legal profession is not immune from this truth. In our profession, equally-hardworking Black attorneys simply do not fare as well as their non-Black counterparts.

Here I am, proudly the first lawyer in my family's history, but as the great-great-granddaughter of a man sold to a South Carolina Plantation owner, like many Black Americans, I can recount the numerous barriers encountered along my path. Obtaining an education and entering a profession that was unavailable to our ancestors cannot be where Black attorney advancement ends; rather, it is the beginning. Through fair access to legal education, cultivating meaningful mentorships and sponsorships, and building coalitions with Black-owned businesses, Black attorney advancement can be achieved.

In 2019, the American Bar Association in the "ABA Profile of the Legal Profession," published data spanning a decade—2009 through 2019—that paints a stark picture of the composition of the legal profession by race, ethnicity, and other categories.[1] In its report, the ABA states "5% of all lawyers are African American – the same percentage as 10 years earlier – but the U.S. population is 13.4% African American." [2] Further, Black law students amassed the most student loan debt, averaging \$198,760.00 with a median of \$206,700.00, while their White counterparts averaged \$100,510.00 with a median of \$94,464.00. [3] The larger debt margins are mainly as a result of racial wealth disparity. Many Black law students rely on student loans for survival because financial support from their family is simply not possible. Offering a greater number of scholarships, with a broader scope of qualifying criteria, to Black students will aid in the elimination of these financial roadblocks. Hence, scholarships will provide a reprieve for many students to focus on achievement rather than survival.

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Equally important is the cultivation of mentorships and sponsorships, which serve as a bridge to leadership positions within the legal community. Securing leadership positions, such as partner at a law firm, is essential to the advancement of Black attorneys. Yet, Black partners at law firms accounted for only 1.83% in 2018, a minuscule increase from 1.71% in 2009.^[4] Over a ten-year period, the number of Black partners in law firms only increased 0.12%, indicating a lack of accessibility to leadership positions for Black attorneys. By developing mentoring relationships within the legal community, Black attorneys will be afforded access to knowledge in a safe space to learn and advance in an often-foreign environment. Moreover, fostering these relationships in tandem with implementing fair hiring practices will allow Black attorneys into formerly inaccessible spaces. For many Black attorneys, as the first in their family to achieve entry into this profession, there is no head start. Rather, upon entry into the profession, there is a true reliance on mentorship and guidance from seasoned colleagues to attain growth. As a profession, there is still work to be done as evidenced by the fact that in 2020 we are still celebrating “firsts” for Black attorneys attaining various positions. Thus, it is imperative that more Black attorneys advance into positions of leadership to lead the way for generations to come.

Ultimately, advancement of Black attorneys cannot be achieved without the overall advancement of the Black community through bridging the racial wealth gap as the obstacles addressed above are symptoms of this disease. The Duke University’s Samuel Dubois Cook Center on Social Equity published “What We Get Wrong About Closing the Racial Wealth Gap,” which addressed myths related to the racial wealth disparity. It states, “. . . [T]he levels of capital required to start businesses systematically exclude non-wealthy individuals, regardless of their entrepreneurial talent. Thus, with the denial of black wealth accumulation and with the continued exclusion of blacks from business credit markets, blacks simply do not have access to the necessary resources to build corporations that can be players in a global economy.”^[5] Every area of enterprise involves legal services: business consulting, drafting contracts and asset acquisition—to name just a few. Thus, by establishing a coalition between the legal profession and Black-owned businesses, we can create mutually beneficial relationships. By providing legal services, the legal community can facilitate the nurturing and growth of businesses resulting in increased wealth and opportunities for future generations to access higher education, including law school. Moreover, the coalition will create opportunities and a path to partnership for Black attorneys through engaging in business development. Thus, greater opportunities for advancement to leadership roles in law firms and leadership positions within the legal profession can be created through coalitions with Black-owned businesses.

The reality for Black attorneys is that the road to success is not laced with equal opportunity. The legal profession can create the space and opportunity for Black attorney advancement by promoting fair access to legal education, cultivating mentorships and sponsorships, and building coalitions with Black-owned businesses. Words are not enough—it is time to act to ensure that Black attorneys are proportionally represented and afforded the same chances for advancement.

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[1] American Bar Association. (2019). *2019 ABA Profile of the Legal Profession*.

[2] *Id.*

[3] *Id.*

[4] *Id.*

[5] William Darity et al. *What we get wrong about closing the racial wealth gap*. (Samuel DuBois Cook Center on Social Equity. Duke University, 2018) <https://socialequity.duke.edu/wp-content/uploads/2020/01/what-we-get-wrong.pdf>

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