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**DIVERSITY** | IN ACTION

## Black Men

Why you **can't find them** to hire,  
and what's **being done** to **address it**.

**BY KATHERINE FRINK-HAMLETT**

**A**s the diversity director of a New York City law firm, I work closely with our recruitment department to create strategies so that our firm's on-campus, lateral and partnership hiring is inclusive. Despite comprehensive efforts, we seem to be losing ground with black male associates and we are literally struggling to correct this situation.

We employ substantive initiatives designed to specifically target African-Americans. For example, we regularly host BALSAs receptions at area law schools and recruit on campus at Howard University Law School.

Our results with our on-campus and lateral recruitment numbers for women and Asian Americans have been improving. However, we have noticed a precipitous decline in our diversity numbers for African-Americans—particularly, men. In fact, this year we don't have a single black male in our first- or second-year classes.

What are we doing wrong? How do we increase our numbers of black male associates?

Brace yourself. Be prepared to witness a continuation of the stagnating numbers of black male associates.

Your firm is not alone in this crisis. Throughout the tri-state area, law firms generally will have significantly fewer black male associates overall. The de-

cline is primarily driven by statistics that are quite sobering and painfully dismal.

Here are the cold and brutal facts: Numbers count and for black men, the numbers simply are not there. Even though there has been a 10 percent increase in so-called "minority" law school enrollment since 1995, the numbers of blacks attending law school has remained low. And read this very closely—it doesn't contain a single typo: In 2003-2004, the percentage of blacks enrolled in law school dipped to a 13-year low. Read it again; therein lies the proximate cause of your angst. And, according to the American Bar Association, black enrollment dropped approximately 13 percent in 2005.

For black men, the significance of this decline is crippling since on average, black women tend to outnumber black men by nearly two to one in ABA-accredited U.S. law schools. Now here's a real wakeup call: According to the 2005 Final Report to the Chancellor of The City University of New York, only 30 percent of black males graduate from New York City high schools in four years—yes, 30 percent. Compounded by a low college graduation rate for black men, it becomes readily apparent that the well is running dry.

### **There Just Are No More**

Against this stark backdrop, it is no wonder that your firm struggles to recruit black male associates. No matter how



PHOTOGRAPH BY RICK KOPSTEIN

many receptions the firm hosts or the aggressiveness of on-campus recruiting, you simply cannot get blood from a stone.

Again, your firm is not the only one suffering—not by a long shot. You're all playing a rigged game, chasing those coveted few black male law school graduates/associates, and some may get one (jackpot!), a few might really hit it big-time and get two (mega lotto!), but several will wind up without a single soul (zippo!).

Eventually, you may make a few chess moves and one or two may come your way through a lateral recruit. But here's the cruel joke: Everyone is shuffling the same diminished deck, and the replenishments are distant, and increasingly, non-existent.

Something has clearly gone terribly wrong. The continual depletion of black male talent from our legal profession has to cease. Thankfully, there are leaders at institutions of influence and

power who agree.

William E. Schroeder and William J. Snipes of Sullivan & Cromwell, along with Stephanie Bell-Rose and Gregory K. Palm of Goldman Sachs & Co., have engaged a powerful initiative designed to create concrete and measurable strategies specifically directed at reversing this alarming trend.

### Crisis in the Pipeline

Sparked by the book-writing endeavors of an S&C summer associate (none other than acclaimed actor, Hill Harper) and fueled by an onslaught of deeply disturbing statistics appearing in various publications including *The New York Times* and *The Washington Post*, Schroeder and Snipes felt convinced that something had to be done. Joined by executives from Goldman Sachs, their directive led to the creation of a joint forum, "The Pipeline Crisis: Winning Strategies for Young Black Men."

With over 1,000 attendees, the Pipeline forum was held last summer and is now moving toward next steps to address specific action plans among local and national experts. Luminaries from across varied disciplines gathered to evaluate the scope and urgency of the challenges facing young black men and deliver mechanisms toward eradicating the decline.

Truly comprehensive in its breadth, the model includes assessing employment training and reentry programs for incarcerated men as well as funding initiatives that promote excellence in education from preschool through college.

Moderated by Harvard Law Professor Charles J. Olgetree, Jr., the forum was historic in that it completely focused on black men. Whether law school graduates or recidivists, black men were the sole topic of discussion, and the pressing issues confronting black men were seriously evaluated with genuine compassion and uniform urgency.

Here, black men in America mattered, and the deeply troubling statistics were not simply treated as issues limited to the black community but concerns of monumental importance to the fundamental development of a healthy, competitive and intact democratic America.

On a cursory level, several of these initiatives may seem remote or otherwise unrelated to recruiting black male associates. So, yes, it is going to take time before the junior high school student who participated in one of the many programs

supported by The Goldman Sachs Foundation takes a seat as a first-year associate in your office. And, with no disrespect to those who are serving time, it is highly improbable that S&C or your firm will develop potential associate candidates from incarcerated men.

So why is there tremendous interest in social programs designed to develop black men who are not likely candidates? Or what's the point of supporting educational programs the results of which are admittedly distant and may potentially be unrelated to practicing law?

Well, I think the answer lies at the beginning—the pipeline isn't a funnel that expands and contracts on its own. Rather, it is attached to, and dependent upon, an intricate web that feeds the pipeline.

If only the tail end of the pipeline is monitored, all endeavors, no matter how well intentioned, are simply too, too late and will only benefit those too, too few black male law graduates who manage to squeeze through the pipe. That's not a bad thing—it's just short-sighted and has limited impact. But, as evidenced by the Pipeline forum, a retooling of the web that feeds the pipeline stands a much better chance of creating a substantial talent pool for your firm and, more importantly, creating a legal profession that represents our democratic ideals.

### Near-Term Initiatives

In conjunction with the long-term initiatives on tap, Elliott Dawes, University Director for the Black Male Initiative at CUNY, urges a critical reevaluation of the law school admission process as a definitive measure to realize near-term increases in the numbers of black male law students and ultimately, the pool of available associates.

Specifically, the concern stems from what Dawes considers to be an over-reliance on the LSAT score that serves to overshadow other admission criteria and ultimately leads to a decreased number of black law students, or a de facto "re-segregation" of the admissions process. A lively discourse on this subject appears in the *St. John's Law Review*, Volume 80, No. 1 (Winter 2006).

In addition, Dawes cites to his own firsthand experiences where otherwise qualified law school candidates, namely black male undergraduates from top universities with solid to excellent GPAs, are knocked out of the box solely because they fail to

meet the minimal LSAT score required by law school admissions.

By developing a holistic approach that gives weight to students' qualitative attributes as well as quantitative standards, Dawes considers that in a relatively short time frame, we can see increases in the numbers of black male lawyers particularly, and an overall better lawyer pool generally.

Further, he views this approach to be entirely consistent with the U.S. Supreme Court's ruling in *Grutter vs. Bollinger*, which validates the use of race as a factor for consideration during the law school admissions process.

Undoubtedly, Dawes' approach will generate some controversy as it will likely lead to debate about candidate qualifications and the overall importance of the LSAT in that assessment. However, given the continuous decline in numbers, the issue is at least worthy of discussion.

### But What to Do For Now?

So what are you doing wrong?

Nothing. And please, continue with the firm's diversity initiatives despite the seemingly meager results. With the ongoing efforts of various members of our legal profession, the tide will be reversed and firm strategies will yield greater numbers.

This is an extremely complex challenge and only the tip of the iceberg has been addressed here. Noticeably absent is a discussion surrounding parental involvement (or, in several instances, the lack thereof) and institutional failures. But, we have a starting point: The problem has been acknowledged and institutions with resources and influence are involved.

Now, we have to stay the course. As members of the legal profession, we all have our part to do, be it great, miniscule or in the vast divide in between. We simply cannot have a legal profession where a substantial segment of our general population is not included.

Thanks to the leaders (both sung and unsung)—you make a difference. •

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