

The Diversity Imperative

by Joseph A. Condo

Editor's Note: Joseph A. Condo was president of the Virginia State Bar in 2000-01.

IN AUGUST 2000 A GROUP CONVENED at the Virginia State Bar offices in Richmond. In the room that day were representatives of virtually all the minority bars, as well as a number of individuals who have distinguished themselves by their strenuous and creative efforts to make the legal profession more accessible to people of color. Among those present — to name just two — were U.S. District Judge Gerald Bruce Lee and Robert J. Grey Jr., the first African American to chair the American Bar Association House of Delegates, who would go on to become only the second African American to serve as president of the ABA.

This was the first meeting of what I grandly dubbed the Millennium Diversity Initiative (MDI), which I charged with finding ways to expand minorities' access to the legal profession. The idea for the initiative had been sparked a few months earlier when I read about a persistent disparity in bar passage rates in Virginia and elsewhere between whites and ethnic or racial minorities, including Americans of African, Asian, Hispanic, and Native American origin. In conversations with many people familiar with the issue of minority access, I learned that the problem extends along a continuum that stretches from the age when minority children begin thinking about their choice of career, through high school, college, and law school, extending to law firm recruitment and retention, and into the judiciary.

In my opening remarks to the gathering, I recited a poem titled "The Bridge Builder." It tells the story of an old man on a journey who, as darkness is falling, encounters a deep, wide chasm with a treacherous river flowing through it. He crosses the chasm with little difficulty, and then, in the fading light, turns and builds a bridge across the gorge. Another traveler asks the old man why, having already crossed, he is wasting his energy to build the bridge. The poem concludes with his response:

The builder lifted his old gray head:
"Good friend, in the path I have come," he said,
"There followeth after me today,
A youth, whose feet must pass this way.

This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him."
(Will Allen Dromgoole, "The Bridge Builder")

I confessed to those assembled that I had only recently come to appreciate the relative ease with which I had crossed the chasm into this profession, and I had only recently realized that even then, at the dawn of the twenty-first century, that chasm is still treacherous and impassable for many people of color who want to cross it. Like many others, I wanted to believe that the increase over the years in the numbers of African, Asian, and Hispanic Americans whom I saw around me in the bar meant that we were achieving racial equity in this profession. But I came to realize that this was not so, and resolved to make it a priority of my presidency to address this deficiency.

I reminded those present on that morning in 2000 that many others had tried and failed to solve this stubborn problem. It was ambitious — some would say foolhardy or grandiose — to think that we could attack such an enormous, multifaceted challenge and make any real difference. But it was imperative then, and is more urgently so now, that those of us who have crossed the chasm turn and build that bridge. There is no one else.

Some of the Millennium Diversity Initiative's projects were more successful than others. One shining success is the Oliver Hill/Samuel Tucker Prelaw Institute, a weeklong program to introduce at-risk minority high school students to the culture and precepts of the legal profession, held every summer since 2001 in Richmond. The program was spearheaded by the VSB Young Lawyers Conference under the energetic leadership of Jennifer L. McClellan and is now ably run by Rasheeda N. Matthews and Yvette Ayala. This program recognizes the need to bring our efforts to bear on young people, who are at the front end of the pipeline that must be traversed by minority youth if they are to attain admission to law schools and then to the bar — to let them know that a career in law is something they can aspire to and to provide the academic and social support to help them realize this aspiration.

As the progenitor of the MDI, I have derived deep satisfaction from the success of the Hill/Tucker Institute. But this satisfaction has been tempered by the reality that this success represents only a few small steps in the arduous ascent of this steep mountain — that has not become any less so in the years

since the MDI was established. And so I was thrilled when VSB President Manny Capsalis invited me to chair a task force he created to again focus the attention of the lawyers of Virginia on broadening the diversity of the legal profession.

The stakes in this endeavor are enormous. By some accounts, minorities in Virginia perceive our justice system as tilted against them. When they look at the bar and the bench, they see few faces that look like theirs. Admission to law school and admission to the bar continue to be insurmountable barriers for too many people of color in Virginia. So do recruitment and employment by law firms and, later, retention and advancement in those firms. And while we have made great strides in diversifying the bench by elevating more women and African Americans, no Asian has yet donned a judicial robe in Virginia, and only one Hispanic has. The imperative of diversifying our profession, and the benefits to be derived from doing so, are manifest. To be truly responsive to the public we serve — to be able to empathize with their legal needs, their troubles, and their struggles — our profession, and by extension the justice system, must reflect their diversity. At the moment, we do not: in a nation that in about twenty-five years will soon comprise more than 50 percent people of color, the legal profession is 92 percent white.

In addition to focusing on pipeline projects such as the Hill/Tucker Institute, President Capsalis has asked us to address another, equally troubling issue: the absence of a significant presence of women and minorities in the committees and governance of the Virginia State Bar itself. The VSB has never had a person of color serve as its president. And it took almost sixty years for a woman to become president. This barrier was broken when Kathleen O'Brien served as our first woman president in 1994, but in the fourteen years since Kathleen's term, only two other women, Jeannie P. Dahnk and Karen A. Gould, have held the position. President Capsalis has reminded us that this inequity is unacceptable; that it is imperative that the leadership of the VSB represent the diversity — in gender as well as color — of its lawyer population.

In the 2000 movie *Keeping the Faith*, there is a scene in which a young priest is experiencing a crisis in his commitment to his vows and his religious vocation. He goes to see his mentor, a Monsignor, who tells him:

You cannot make a real commitment unless you accept that it's a choice you keep making again, and again, and again.

When each of us chose law as a career, we also chose to make a commitment to work for justice and support the rule of law. I ask you to join us as we again direct our energy and our labors to the imperative of strengthening the rule of law and achieving social justice in the commonwealth by bringing to the legal profession the same rich diversity we see in the communities we serve.