

A Look Back with a *View Forward*

by Clarence M. Dunnaville Jr.

Diversity in the profession has been my concern for sixty years, and continues, but another deep concern for me is that Equal Justice Under the Law triumphs for all who become in legal jeopardy...



Dunnaville as an Assistant United States Attorney for the Southern District of New York.

In 1958, sixty years ago, I began my endeavor toward bringing about diversity in the legal profession, as the first lawyer of color hired as a staff attorney by the Internal Revenue Service, and I believe by any agency of the entire federal government. At that time, and for many years thereafter, no major law firms within the nation would employ lawyers of color. Further, very few women were hired, and those hired were subjected to massive discrimination.

Great progress has been made, and we can all feel proud that today one of the nation's

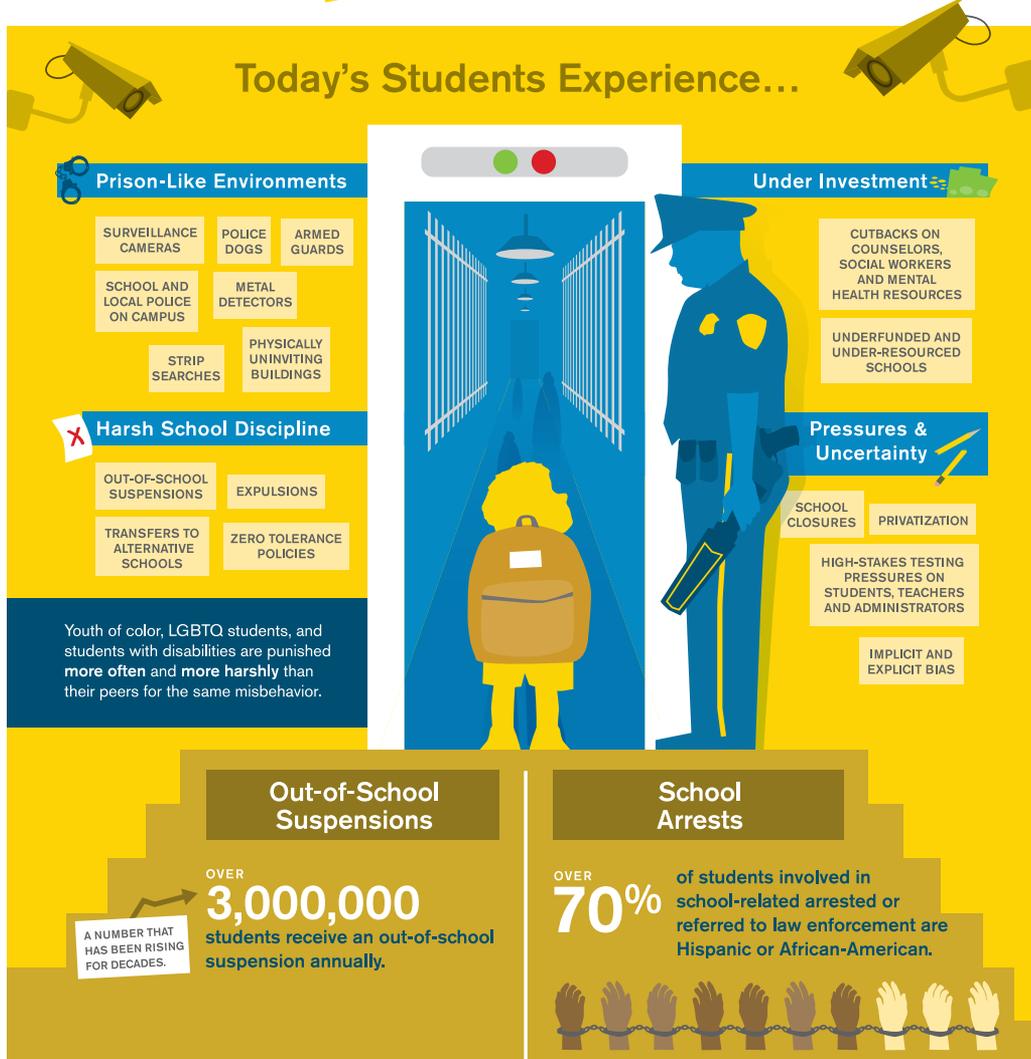
largest and most prestigious law firms, McGuireWoods, headquartered in Richmond, is led by a person of color. But as we look across the profession today, we can see that much work needs to be done to bring about true diversity.

The Diversity Conference is providing great leadership in this important endeavor, and the entire Virginia Bar should be grateful to Judge Manuel A. Capsalis and the other visionary leaders that were instrumental in the establishment of this important conference of the bar and of the work it has done.

We must now look to the future. I am confident that we have the dedicated leadership that is up to the task, and I urge all members of the bar to join in the effort.

Membership in the Diversity Conference is free and open to all members of the VSB. However, membership is not automatic. It is

SCHOOL-TO-PRISON PIPELINE



necessary to specifically join the conference. Currently, only a small percentage of the members of the bar have joined. It would be ideal if all members joined the Diversity Conference, and we should strive toward that goal. There is so much that needs to be done, and this support of the Diversity Conference would be an important statement for Virginia and the nation. I urge all members of the VSB to join, and to offer their support.

Diversity in the profession has been my concern for sixty years, and continues, but another deep concern for me is that Equal Justice Under the Law triumphs for all who become in legal jeopardy; and that persons who become entangled with the law, to the maximum extent possible, do not have their lives totally disrupted and face economic ruin. Serious crimes should be prosecuted as required by law, but people who are innocent, or commit

minor infractions, often suffer consequences far beyond the penalties imposed in lost time from work, cash bond and other harm suffered. Every day spent in court is a payday lost.

The school-to-jail pipeline suffered by schoolchildren is certainly a worry for all who believe in justice. School discipline is a problem throughout the commonwealth; but children, especially those of color, should not be subjected to the criminal justice system for disciplinary actions that in the past would be punished within the school system. Restorative justice, which is in effect in Fairfax County and Chesterfield County will solve many of these problems. The recent school discipline law enacted by the General Assembly is a start, but it only is applicable through the third grade.

I have listed below a few suggestions that I believe will improve our legal system and

make it fairer for all. Equal Justice Under the Law is our goal. All members of the bar have a responsibility to guard these precepts:

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1. Cash bail must be eliminated. This is an unnecessary burden that falls unequally on poor people and people of color.
2. Night courts, in my opinion, should be available.
3. I believe all cases involving traffic infractions should be resolved by the Department of Motor Vehicles, except the most egregious cases, in which imprisonment is likely.
4. I feel diversity training should be required statewide for all law enforcement officials, prosecutors, and judges.
5. I think restorative justice should be introduced in the schools and courts throughout the state.

6. The school discipline law that was recently enacted should be improved to be applicable to all students through high school, with exceptions.
7. I suggest our criminal code should be thoroughly reviewed and the loss required for a felony conviction increased from \$500 to \$1,000.
8. Statewide, use-of-force training should be required of all law enforcement officials on an ongoing basis, and police officials should not make arrests in situations where no clear crime is committed.



Clarence Dunnville is a well-known attorney, civil rights veteran, legal reformer, author, and activist for justice. He has been active in the civil rights movement since the 1950s, when he participated in sit-ins during college. Dunnville was the first lawyer of color employed by the Internal Revenue Service and he also was the first black lawyer hired by AT&T. His career as a pioneer business lawyer and civil rights activist spans five decades.



Hold the Date!

The First Annual Forum on Diversity in the Legal Profession November 9, 2018 University of Richmond School of Law

Topics will include:

- Understanding diversity and how it impacts the practice of law in the commonwealth.
- What is implicit bias and how does it affect the decision-making process?
- Best business practices and how diversity and inclusion can be a business asset.

Free for all our members, and pending approval for 4 to 5 hours of CLE credit.

A networking reception will follow the seminars. We hope to see you there!

Please contact Stephanie Blanton at (804) 775-0576 or blanton@vsb.org for more information.