

We Must Combat Racial Disparity and Create a More Diverse Legal Profession

by Shemeka Hankins



As we encourage lawyers to take a larger role in alleviating disparities in laws that affect minority communities, there are two groups of people that require more attention. In the last few years, one group of lawyers has been pointed out more than others as having a tremendous impact on minorities in the criminal justice system. That group of lawyers is prosecutors and the stunning racial gap associated with this important position.

The American Bar Association released a study in 2010 revealing that 88.1 percent of all lawyers are Caucasian.¹

In a study conducted by the Women's Donor Network, it was uncovered that of 2,437 elected prosecutors nationwide, approximately 95 percent are Caucasian and 79 percent are men. Furthermore, roughly 60 percent of all states have no elected black prosecutors.²

A study completed by the Criminal Justice Center at Stanford University in 2016 provided further data supporting the recommendation that those in management positions should make an effort to include diversity in hiring.³

We want to believe that just because these are the numbers, the criminal justice system isn't skewed or biased. However, a number of reports, studies, and data driven research articles find otherwise. Melba Peterson, a former Miami-Dade Prosecutor and the outgoing president of the Black Prosecutors Association, stated that "it's critical that decision makers in the criminal justice system reflect the populations they serve."⁴

While each of us recognize that the prosecutor's ultimate goal is always to seek justice, sometimes the definition of justice shifts when you are balancing the letter of the law and the needs of the community, according to Peterson. So, the first step is recognition of prosecutors' roles in the criminal justice system. Prosecutors can use their influence to provide other options than incarceration, offer fair and individualized plea agreements assessing each situation to combat biases or stop taking things to trial because of more con-

servative tough-on-crime areas. Prosecutors must continue to use key partnerships with other members of the justice system — the public defender, the courts and other groups — to assess the domino affect the system has on the lives of those facing serious criminal charges. Prosecutors can be on the forefront of changing the tide regarding the effect of laws on the economically vulnerable or people of color.

But prosecutors only represent one type of lawyer that can influence our laws. At the federal, state, and local levels, African Americans, Hispanics, and Asians hold elective office at rates lower than their percentages of the overall populations.⁵ In Virginia, from 2007 to 2014 the Hispanic population in this state grew by 46 percent yet in the General Assembly, yet we have only two representatives of Hispanic heritage.⁶ We need diverse individuals running for office. Diverse people should be becoming prosecutors. Attorneys should support efforts to increase diversity in the General Assembly with lawyers of diverse backgrounds. Lawyers of diverse backgrounds should be encouraged to forget the mindset that the most they can do for a person of color is become a defense attorney. If there are no differing perspectives to counteract unknown biases or unlived experiences at various levels and sectors of our legal system, it will be difficult to achieve a fairer and color-blind justice system.

We need your skills and experiences on the front lines as an elected representative to the General Assembly or your contributions

to proposed legislation. There were over one thousand bills in the House of Delegates last year.⁷ Everyone is busy but different perspectives are a part of the goal. As we move forward, each one of us can make efforts to support a fairer and equitable justice system for all.

Endnotes:

- 1 <http://www.diversityinc.com/news/8-of-10-u-s-prosecutors-are-white-males-study-shows/>
- 2 <https://www.nytimes.com/2015/07/07/us/a-study-documents-the-paucity-of-black-elected-prosecutors-zero-in-most-states.html?mcubz=3>
- 3 <https://law.stanford.edu/wp-content/uploads/2015/07/Diversity-Case-Studies-Final-3.12.16.pdf>
- 4 https://www.vice.com/en_us/article/wdbdxb/black-prosecutor-america-life-inside
- 5 <https://www.theatlantic.com/politics/archive/2015/07/american-prosecutors-are-incredible-whitedoes-it-matter/397847/>
- 6 <https://apnews.com/4c6c0cf4d1aa4c8eba374876b8a24533/divided-america-minorities-missing-many-legislatures>
- 7 See <https://lis.virginia.gov/cgi-bin/legp604.exe?161+lst+ALL+HB1344>.



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