

# Warning: Broken Pipeline! A Call to Action

by Hugh E. McKay

## The Crisis

The road to hell is paved with good intentions, as is the road to a non-diverse bar. The not-so-secret dirty little secret in our Cleveland legal community is that we are chronically failing to attract and retain minority lawyers. Most law offices are philosophically supportive of diversity, and have good intentions, but in most law offices those philosophies and good intentions are not getting the job done. Little progress is being made and in many cases we are regressing. Most firms and offices confront a crisis in the pipeline of minorities coming into the legal profession, particularly in Cleveland. The pipeline has sprung so many leaks along its path that it is a looming disaster for the human ecology of our legal community.

The statistics are daunting and dismal and tend to trump all the good intentions. Nationally, since 1994 when enrollment of first-year African-American students in law school peaked at 3,432, the number has dropped 13 percent to 2,975. At the nation's largest 250 law firms, minority representation remains under 5 percent. Minority representation among corporate general counsel is only 4.3 percent among Fortune 1000 companies. Locally, things look no better and are generally worse, as Cleveland's relative attractiveness on the pecking order of cities lags, even relative to Columbus, Cincinnati and Pittsburgh, all of which are doing better with minority recruitment. Minorities comprise less than 6 percent of all lawyers in Cleveland. In Cleveland, minority partners comprise 3.12 percent of law firm attorneys, below even the small number of five years ago, and we are trending negative. Many significant firms in Cleveland have no minority partners. In fact, numerous sizeable firms here have no minority attorneys whatsoever.

While the Cleveland minority lawyer numbers are disturbing and unacceptable, they are not surprising in light of the perfect storm of factors we are weathering. First, a disproportionate number of Cleveland's minority lawyers come from our local law schools. A recent entire class at Case Western Reserve Law School had six blacks and two Hispanics, while at Cleveland-Marshall an entire recent class had 14 blacks and eight Hispanics. You can do the math on hiring opportunities in the best case—assuming, unrealistically, that all these students stay in Cleveland, practice law and want to engage in the type of practice your office may offer. The offices here that seek to hire minority attorneys are facing a harsh mathematical reality. Moreover, while our local law schools are excellent, they are at a great competitive disadvantage with the top tier national law schools that aggressively and effectively recruit from the small pool of minorities headed for law school.

We can debate whether Cleveland is in fact the "poorest city in the nation," but the fact is we are hurting. In Cleveland, 35 percent of African-American males age 25 and older do not have a high school diploma, and fewer than one out of every 16 African-American men have graduated from college. For a large segment of Cleveland's minority population, a potential career in the law is not anywhere on the radar screen.

When minorities do head for professional careers, our legal profession is not competing effectively with other professions. The law is at the bottom of the list of major professions in attracting minorities, far behind dentists, accountants, architects, doctors, journalists and professors. Our many fine local colleges and universities have sizeable numbers of talented minorities headed for various professions, but we are not getting our fair share of this talent pool.

A further fundamental problem—that of retention—hits hard later in the pipeline. Where a law office is lucky enough to attract and hire a minority attorney, typically that attorney lacks minority peers or mentors on the job to provide the quality mentoring and support necessary for development and long term success. Too often, particularly in law firms, minorities are left to feel they are dealing with issues and challenges on their own.

Hugh E. McKay

President, Cleveland Bar Association

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## MINORITY CLERKSHIP PROGRAM

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If you would like to participate in these important initiatives, please contact Donnie Long at (216) 696-3525 or [dlong@clevelandbar.org](mailto:dlong@clevelandbar.org).

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## president

Not only law firms fail to attract and retain minorities. Corporate counsel statistics are generally no better. In our judicial system, the paucity of minority judges is striking. Not one African-American male judge sits on the entire Cuyahoga County Court of Common Pleas bench.

So the perfect storm is raging, but we can change the weather. If the Alaska pipeline were reduced to such a trickle at Prudhoe Bay, it would be front page news and we would see dramatic action to fix the leaks to save our precious oil. It is ironic that the profession that broke down societal barriers still experiences, and to some degree tolerates, such a profound societal barrier of its own. The legitimacy of the rule of law is prejudiced when our profession so fails to reflect our society. There exists a pernicious sense of hopelessness among many well-meaning attorneys, who convert the frustrating realities outlined above into an "impossibility defense." The frustrations are valid but that defense is not. The extremity of the problem should wake us up and heighten our resolve. Change and progress can be made if we are willing to act like we mean it.

### **Action Must Be Taken**

Nationally, a "Call to Action" has been initiated by the general counsel of numerous corporations, demanding greater action and accountability on the part of law firms with respect to diversity. The Cleveland Bar Association's Diversity Action Committee presented the CBA Board with a call to our local general counsel to endorse this national Call to Action. The Call to Action states in part:

*As Chief Legal Officers, we hereby reaffirm our commitment to diversity in the legal profession. Our action is based on the need to enhance opportunity in the legal profession and our recognition that the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business. In furtherance of this renewed commitment, this is intended to be a Call to Action for the profession generally, in particular for our law departments, and for the law firms with which our companies do business.*

*In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced Call to Action. To that end, we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance*

*consistently evidences a lack of meaningful interest in being diverse.*

This Call to Action is an important and worthy resolution, and was unanimously passed by our Board. We lawyers tend to be pretty good at taking orders from clients, and excuses tend to dry up when a client tells us to do something. With more aggressive commitment to specific action, we can reduce our hand-wringing and change things in the present and even more for the future. Consider the following specific action points and assess whether you are really doing what you can here:

Cleveland-Marshall Law School has been at the forefront nationally of studying minority pipeline issues in order to develop action strategies to address the array of issues in the path of minorities. Cleveland-Marshall recently hosted a national Pipeline Conference, and the Conference recognized the CBA's 3Rs program, reaching every 10th grader in the Cleveland and East Cleveland schools, as a tangible and effective approach to changing the minds of many bright minority students who may not otherwise be thinking about law as a potential career. In our discussions with 3Rs students, we know a good number of the students are now contemplating legal careers where they were not before. If you are already a 3Rs volunteer, stay with it next year. If you have not yet volunteered, please sign up for next school year. You can

open these students' eyes to the path to a legal career. This year we have reached more than 5,000 students, so if we keep after it we will have a materially positive effect. Many of these students will make great lawyers—or clients—thanks to you.

A great example of specific, impactful action—and the sort of initiative you are free to take—is Michelle Proia (RPM) and Jim Lawniczak's (Calfee) push to resurrect the legendary Shaw High Mock Trial Team which, as this goes to press, is headed for the State Mock Trial Finals. The Shaw High Mock Trial Team, which had enjoyed such illustrious past successes, had lain dormant for several years for lack of interest and support. Flowing out of their 3Rs relationship with Shaw, Michelle and Jim have brought the team back to its former glory. With this revived focus on these talented minority high school students, experience tells us that a significant number of them will move on to college and will consider legal careers. Shaw High's Lori Urogdy-Eiler, who has spearheaded Shaw's "law school" efforts over the years, attests to the dramatic positive effect that our lawyers' efforts have on Shaw High students and the number who have been turned on to legal careers. The commitment of Jones Day attorneys at MLK High School similarly gets at the pipeline leakage. Likewise, the Criminal Law Section's Criminal Law Day for select

Cleveland high school students is impactful. The bottom line is we must connect with minority students in the schools. The CBA will make it painless—even fun—for you to do so. This focused sweat equity by our lawyers has had and will have a real positive effect in the long term, and greatly increases the odds that many talented minorities will become lawyers.

We need to go after our local minority college students early in their college career to preach the gospel of going to law school. No offense to dentists, but for profession-bound minorities, becoming a lawyer should be at least as attractive as drilling teeth and doing root canal. We will get our lawyers on campus with minority organizations and we will host pre-law receptions for minority students. Let us know if you would like to participate.

A fundamental focus of our new CBA standing committee on regionalism will be on attracting and retaining legal talent here. The committee, led by Steve Kaufman with Teresa Beasley and others, will make a specific part of its work a focus on attracting and retaining minority attorneys in the Cleveland legal community.

The CBA Diversity Action Committee, chaired by Subodh Chandra—who has championed the Call to

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## president

Action—and Leonard Young, with the help of Donnie Long and Sally Oh, has several excellent specific diversity initiatives that can have greater positive effect if we more fully support them. The Minority Clerkship Program was started in 1991 under the leadership of Judge Ronald B. Adrine. Since then it has involved more than 40 of Cleveland's law firms, law departments and government agencies and has placed more than 150 law students in clerkship positions. A number of sizable law firms have not been participating in the Minority Clerkship Program. If you are not currently participating in this program, you should seriously consider doing so. Regardless of whether you ultimately hire your summer clerk, you will improve his or her career prospects in the law.

The CBA's Minority Judicial Externship Program is another important program that gives minority law students the opportunity to work as law clerks in a court at the end of their second year of law school. As law clerks, these students gain excellent experience, hone their legal skills, are mentored effectively and greatly enhance their resumes and future career prospects. This program is outstanding but suffers from insufficient funding. Students work for ten weeks and earn a stipend of \$6,000. These stipends are provided by the support of local law firms and attorneys, but funding

has been insufficient. Your monetary contribution to this program would have a direct positive effect on the futures of minority lawyers.

The CBA's High School Internship Program is excellent and largely overlooked by our law firms and offices here. The program gives qualified high school juniors an introduction to employment in a law firm setting. High school students with an expressed interest in the law are employed on a part-time basis for eight weeks during the summer at a law firm and are able to experience or observe the real world of lawyering. Here again, participation by firms is far less than what it could and should be. Please consider taking on a minority high school intern to work in your office. This can have a direct positive impact on the student's future career and increase the odds of creating a future lawyer.

We need to make minority inclusion a priority in all of the CBA's programs, committees and sections. In general, we need to do better in mentoring and promoting minority leadership in the CBA. If you are a leader in a section, committee or CLE program, make a point of reaching out to increase minority involvement and leadership opportunities.

The CBA Diversity Action Committee in the coming months will plan on programming and forums to bring together our legal community and outside perspectives to explore in depth these issues and strategies for change. Stay tuned for further announcements.

If your office uses headhunters, turn a qualified headhunter loose on seeking out minority talent. If you really wanted to hire ERISA lawyers or intellectual property lawyers, you would probably figure out a way to make it happen through an aggressive search, expanded nationwide if necessary. Many minorities start at large out-of-town firms, then make a lateral move after a few years. Are you pulling out all the stops to find minority talent? If you view greater minority hiring as a business necessity rather than an aspirational luxury, you are much more likely to make it happen.

Focus on improving your minority mentoring and your firm or office's sensitivity training so that minorities will feel truly welcome as assets. Don't send all the summer clerks to a Brooks & Dunne concert without doing a reality check first.

We have convened a Managing Partners Forum this year, which focused on minority hiring issues. We need our managing partners and all firm management to stay focused on this and aggressively push this agenda.

As individual firms and as a legal community we need to "brand" ourselves as (and be) minority-friendly and actively declare our commitment to diversity. We need to have something real to sell, then sell it. Columbus has done a much better job of this and is more than twice as successful in attracting minorities.

You should take advantage of our CBA Diversity Action Committee and our resources and programs. Call us with questions, ideas or concerns. And tell us what is working and what we are missing here.

The CBA has had a sustaining member category of membership, which has met with a tepid response, largely because it was not clear what exactly was being sustained. Now, we are going to institute a Sustaining Member category for an additional \$100, which will be used primarily to help underwrite the expense of administering the CBA's expanded diversity and pipeline initiatives. Please consider stepping up to become a sustaining member for this cause. Part of "action" includes putting some money where our mouths are.

In short, the leaking pipeline presents a challenging and complex array of issues. There will remain frustrations and there are few quick fixes. However, unquestionably the Cleveland legal community can do better than we have been doing. Other city's bars have aggressively made diversity a higher priority than we have, and they are having more success. There are many action steps available to you up and down the entire length of the pipeline. It is crucial to the health of our legal community and our community at large that we redouble our commitment and efforts to be the best and strongest we can be as a truly diverse bar reflective of our community and our society—and true to the ideals of our profession. We must act like we mean it. ☞

# 133rd Annual Meeting

Friday, June 29

Cleveland Marriott Downtown at Key Center - Main Ballroom  
11:15 a.m. Cash Bar - 11:45 Luncheon

Join us for the inauguration of the 97th president of the Cleveland Bar Association, KERIN LYN KAMINSKI. A new president-elect, vice president, treasurer, as well as other trustees and public representatives will be sworn in. In addition to announcing new officers, four annual awards will be presented: The Hon. William K. Thomas Professionalism Award, the Justice for All Volunteer of the Year Award, the Thomas P. Mulligan Juvenile Justice Award, and the Trustees Award. The 50-year practitioners and recipients of the CBA Honorary Lifetime Memberships will also be recognized.

Registration and ticket information coming soon.

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