

president's brief

Integrating the American Legal Profession: A Look Back and a Welcome

by Patrick F. Fischer, Esq.



In a few weeks, September 21–24 specifically, distinguished members of the federal judiciary will convene in the Queen City for the Just The Beginning Foundation's Seventh Biennial Conference. JTBF is a multiracial organization of judges, lawyers, and other citizens dedicated to celebrating the integration of the federal judiciary, and to promoting diversity on the bench and in the legal profession. This conference has been made possible because of the strenuous efforts of two CBA members who are serving as conference co-chairs—retired U.S. Sixth Circuit Judge Nathaniel Jones and U.S. Bankruptcy Judge Jeffery Hopkins—and members of their great planning committee and the CBA staff.

Several of the conference's programs are available to the public and local lawyers. These programs include panel discussions of criminal law sentencing post *Booker-Farfan*, modern-day civil rights issues, and judges' personal stories about the integration of the federal judiciary. I urge you to consider attending some or all of these sessions and learning more about the significant strides made toward achieving equality in our society and in our profession—and the important work that remains.

A diverse profession is fundamental to making equal justice under the law possible. As an avid history buff, I am always intrigued by facts about our nation's progress. On its website (www.jtbf.org), JTBF offers an interesting, yet sobering look at America's journey toward the integration of the legal profession in the United States.

Did you know that Macon B. Allen was the first African-American lawyer to be regularly admitted to the bar of any state (Maine and then Massachusetts) in 1845? He was also the first African-American to serve in any judicial capacity when, in 1847, he was appointed a justice of the peace by the governor of Massachusetts.

In the same year, an African-American by the name of Robert Morris was admitted to practice in Massachusetts. The next year, Morris filed an action to desegregate the public schools of Boston. In 1849, John Mercer Langston became the first African-American to apply and to be rejected by a law school. Going on to study law privately, he was admitted to practice here in Ohio, and went on to found and become the first dean of Howard Law School in 1869.

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What is significant, as the JTBF website points out, is the fact that most African-Americans were still slaves at this time in our nation's history. "As far-fetched as the notion of an African-American bar and judiciary may have seemed at the time, Allen's and Morris' achievements were just the beginning of a long transformation from the injustices of the color bar to justices and judges drawn from a bar of color."

Many more milestones abound. (I told you I am a history buff, but this is important.) The first African-American lawyer admitted to practice before the Supreme Court was John Swett Rock of Massachusetts. This feat by Rock, who was also a physician, was realized in 1865. Rock was also the first African-American to be invited to the floor of Congress. In 1870, Jonathan Jasper Wright became the first African-American to serve on a state supreme court (South Carolina), serving until 1877. The first African-American to serve on a U.S. district court was William H. Hastie, who was appointed by

President Franklin Delano Roosevelt in 1937. He also later became the first African-American to serve on a U.S. court of appeals (Third Circuit, 1949).

"Firsts" are always important, but so too can be "seconds." The second African-American appointed to a U.S. court of appeals seat (Second Circuit, 1962) became the first African-American to serve on the U.S. Supreme Court. Yes, he was none other than Thurgood Marshall, a lawyer who helped profoundly change America through the landmark *Brown v. Board of Education* decision.

We salute these achievements and share many others in a special timeline on pages 8-11 of this issue of the *Report*. And on behalf of the Cincinnati Bar Association, we welcome the judges of JTBF as they visit Cincinnati this month to celebrate their important service to the federal judiciary, our proud profession, and most importantly, our nation. ■

Patrick F. Fischer is 2006-2007 president of the Cincinnati Bar Association.



See page 33 for a complete listing of public programs scheduled for the Just The Beginning Foundation's Seventh Biennial Conference here in Cincinnati on September 21-24.