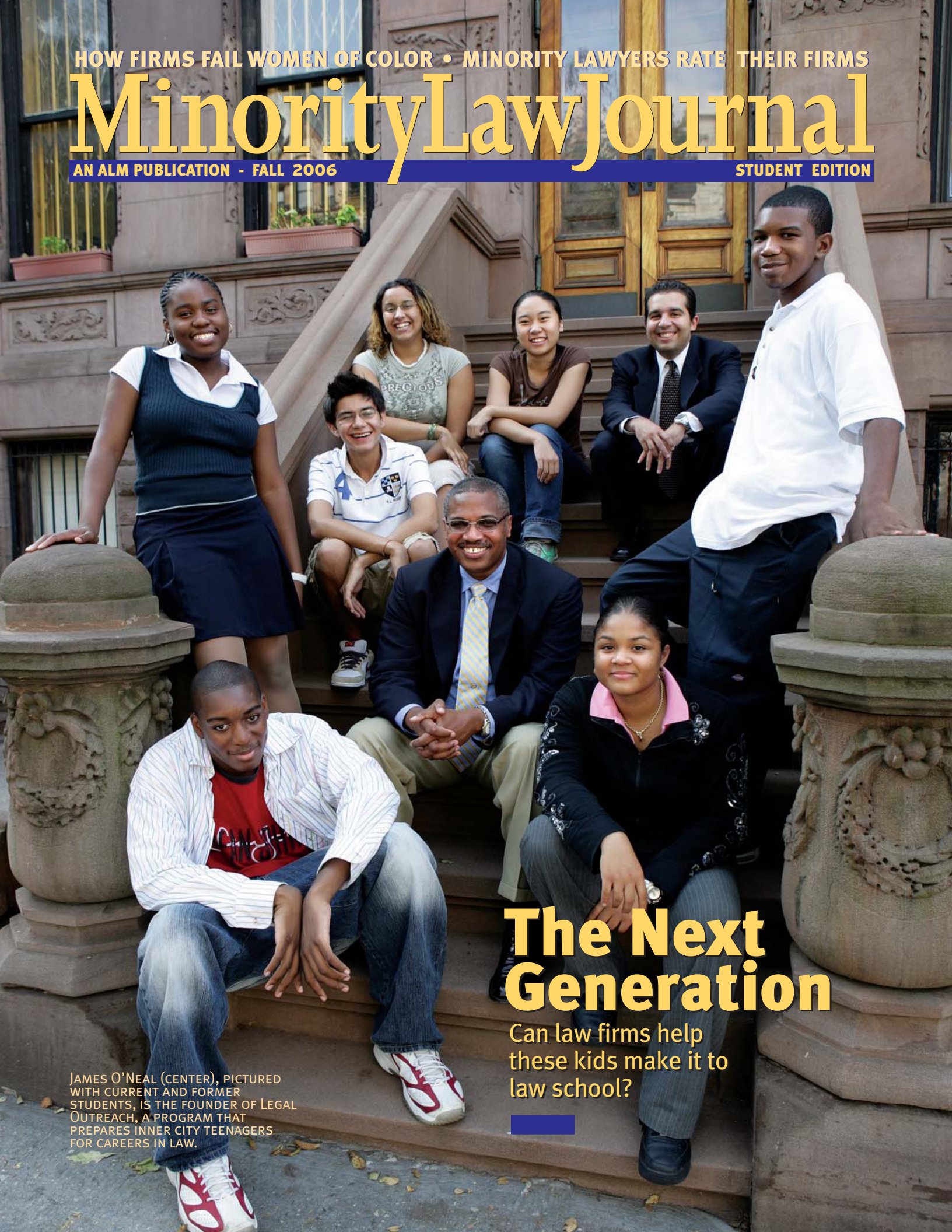


HOW FIRMS FAIL WOMEN OF COLOR • MINORITY LAWYERS RATE THEIR FIRMS

# MinorityLawJournal

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STUDENT EDITION



## The Next Generation

Can law firms help these kids make it to law school?

JAMES O'NEAL (CENTER), PICTURED WITH CURRENT AND FORMER STUDENTS, IS THE FOUNDER OF LEGAL OUTREACH, A PROGRAM THAT PREPARES INNER CITY TEENAGERS FOR CAREERS IN LAW.

# Fixing *the* Holes

The pipeline that delivers minority students to law school is leaking. Can law firms help plug the gaps?

**By Michael Bobelian**

**O**n a sizzling day in August, 64 eighth graders from Harlem and Brooklyn fill an elegant art deco courtroom in Brooklyn on the last day of a two-day mock trial.

Two New York state judges in black robes, who have just finished refereeing the final round, sit on a raised bench at the far end of the room. Family members armed with cameras pack the rows of seats and the jury box to watch the announcement of the competition's winners.

It's the last day of a five-week summer program run by a nonprofit group called Legal Outreach, which aims to launch minority students from underserved inner-city schools to college and ultimately law school. The classes, which met for 35 hours a week at Columbia University, Brooklyn College, and St. John's University law schools, gave the eighth graders a crash course in the law, covering everything from criminal justice to commercial transactions before preparing them for the mock trial, a murder case involving a defendant who was a battered woman.

PHOTOGRAPHY: JOHN ABBOTT



JAMES O'NEAL SURROUNDED  
BY CURRENT AND FORMER  
LEGAL OUTREACH STUDENTS

JAMES O'NEAL SAYS HE  
FOUNDED LEGAL OUTREACH  
BECAUSE "THE TALENT IN THE  
CITIES WAS [BEING] LEFT  
UNDEVELOPED."



Standing in front of a phalanx of trophies to be awarded, the program's director, James O'Neal, addresses the audience. "I think we can all agree that we have some budding attorneys," he says. "Our hope is that many of these students will join our College Bound program, go on to a top 50 college, and on to law school." He indicates the lawyers' tables at the front of the courtroom where the finalists sit. "I have a dream," he says to the finalists, pausing to let the allusion to Dr. Martin Luther King, Jr.'s 1963 speech sink in, "that ten years from now, we will see all of you sitting right here."

The 25 law firms sponsoring Legal Outreach, including Gibson, Dunn & Crutcher; Cleary Gottlieb Steen & Hamilton; and Skadden, Arps, Slate, Meagher & Flom also have high expectations for the students. In an interview, Skadden's manager of diversity development, Melique Jones (a former spokesperson for ALM, Inc., the parent company of *Minority Law Journal Student Edition*), echoes O'Neal's words, with an additional wish: "The hope is that we'll inspire them to pursue a career in the law and perhaps join Skadden one day."

As law firms work to build diversity, they have spent much time and effort trying to recruit minority lawyers fresh out of law school. Yet the supply of minority law graduates—especially African Americans—is scant. According to the American Bar Association, the number of African American law students has remained flat since 1995, and 2005 saw the lowest African American 1L enrollment since 1990: just 3,107 students, about 6 percent of all first years. The number of Hispanic law students has risen steadily since 1995, yet they account for just 6 percent of all law students, far short of reflecting the proportion of Hispanics in the United States. Minority recruiting has become a zero-sum game for the elite firms as they vie for a narrow pool of candidates. "We are all fishing in the same very small pond," says William Snipes, an African American litigation partner at Sullivan & Cromwell. "The [minority] candidates I'm trying to hire are the most sought-after people out there."

To achieve real diversity in the legal profession, it seems, more minority

"When I got to law school, I was shocked at the paucity of African American and Hispanic attorneys at major law firms," says Legal Outreach's James O'Neal.

lawyers are needed. Why are law schools turning out so few lawyers of color? A major problem lies with the so-called pipeline, the students who will make up the next generation of minority lawyers. A study conducted by the ABA last fall concluded that at each step of the educational system—from high school to college and beyond—the dropout rate for African American and Hispanic students exceeded that of their white and Asian American peers, leaving fewer candidates available for law school. (For instance, high school graduation rates for white and Asian American students were 74.9 percent and 76.8 percent, compared to 50.2 percent and 53.2 percent for African Americans and Hispanics.) "The pipeline for minority students—from prekindergarten into the legal profession—is leaking," the ABA report concluded.

To date, the legal industry has put little effort into repairing and enlarging that pipeline. The ABA's report incriminated the industry's apathy: "[W]hile other professions have implemented diversity pipeline programs for decades, the legal profession has largely remained disengaged from this effort."

Now the legal profession is starting, belatedly, to address the problem. Through a variety of programs—including internships, advising, and tutoring—activists, law schools, and now law firms are trying to fix the leaky pipeline. Some programs target minority students close to law school, counseling college students about careers in law or prepping them to take the Law School Admissions Test (LSAT). Others, like Legal Outreach, start even earlier, working with students still in high school and even junior high school.

The impetus for firms to address the pipeline has come from a genuine desire to improve diversity—compounded by pressure from clients. "Law firms are beginning to see that diversity affects the bottom line," says Kent Lollis, associate executive director and assistant to the president for minority affairs of the Law School Admission Council. In 1999, and again in 2004, general counsel from the nation's largest corporations signed Call to Action letters, pledging to take diversity into account when judging the performance of law firms. Last year Wal-Mart Stores, Inc., fired a law firm for failing to meet the retailer's diversity goals. "That sent ripples through the profession," says Lollis. And with the number of minority candidates lagging, firms have found that recruiting at law schools alone will not meet their diversity goals. "That's why people are getting involved in getting minority students in law school," said Carol Sprague, director of legal hiring at Skadden.

The prospect of improving the pipeline is challenging. No national program exists; in fact, there are few long-standing programs at all. Law firms are ill equipped to cure the deep-rooted social ills and education gaps keeping minority youngsters from becoming lawyers. Plus, firms have little immediate incentive to work on improving the pipeline: The high school students they mentor today won't graduate from law school for almost a decade—if they even stick to the goal of a legal career. But, says O'Neal, the best hope for encouraging more minority students to become lawyers is continual investment at every stage of the educational system. Through stand-alone efforts and partnerships with nonprofits and schools, law firms can make a difference. They are uniquely positioned to improve the pipeline, partly because they can show students better than anyone where the pipeline leads.

From a law firm's viewpoint, programs targeting students later in their academic careers yield better recruiting results. Scholarships awarded to minority law students can lead to new hires, while also burnishing a firm's reputation as diversity-friendly ["The Color of Money," Fall 2005]. But efforts at the law-school level will not significantly enlarge the pipeline. According to reports from both the ABA and the Law School Admission Council, the lagging minority enrollment in law school arises from educational deficiencies, as well as lack of access to mentors who can inspire and propel minority kids into the legal

profession. To increase the number of minorities in the long run, firms must invest in the education of minority students at an early age and continue the investment through the educational cycle, even if it has no immediate impact on a firm's recruiting efforts.

"You've got to reach them at an early age, when you can do something about their circumstances," says Evett Simmons, a partner in the Port St. Lucie, Florida, office of Ruden McClosky and chair of the ABA's advisory council on diversity. "That's why you have to go deeper into the pipeline." For Simmons, the impetus to join the profession came as early as the eighth grade, when she visited a local college. Byron Cooper, the first African American partner at Townsend and Townsend and Crew in Palo Alto, had a similar experience in high school, when an African American medical student spoke to his class. "It opened up my eyes," he says, to the possibility of a career as a professional.

Other industries have long focused on helping children at an impressionable age. The Leadership Education and Development Program in Business (LEAD), a program established 26 years ago, selects high school juniors to groom for a business career.

**"You've got to reach [students] at an early age," says ABA committee chair Evett Simmons. "That's why you have to go deeper into the pipeline."**

Funded mostly by 30 large corporations and designed in coordination with 12 of the nation's leading business schools, the program ultimately sends 50 percent of its alumni to top 25 business schools. The Diversity Pipeline Alliance, an umbrella organization of ten nonprofits with funding from some of the nation's largest companies, begins working with minority kids starting in the sixth grade and continues through their high school, college, and postgraduate years, with the aim of launching them into the upper ranks of corporate management.

Legal Outreach, founded in 1983, is arguably the legal profession's best example of an early-intervention pipeline program—and one of the few with a long-term track record. "When I got to law school, I was shocked by the paucity of African American and Hispanic attorneys at major law firms," says founder James O'Neal. "I thought that with affirmative action, we had made more progress. It was shocking and depressing," he says. He spent his first year after graduation from Harvard Law School teaching a law course to high school students in Brooklyn, funded by a \$17,000 public service fellowship established by his law school class. Legal Outreach eventually grew out of that experience. "I felt that there was a lack of African Americans in the pipeline," he says, "because the talent in the cities was left undeveloped."

But first he had to get kids interested in law. He looked to firms to provide the necessary spark. Through his contacts, O'Neal recruited three New York firms—Reboul, MacMurray, Hewitt & Maynard, which later merged with Ropes & Gray; Schulte Roth & Zabel; and Morrison Cohen—to take in students as summer interns. Then O'Neal discovered that interest in the law would not be enough to get his kids to law school: He had to prepare them for the academic rigors of college, too. To improve students' oral, writing, and analytical skills, Legal Outreach added a four-year after-school and summer program, College Bound, to the internship program.

Today, 25 firms sponsor several week-long paid internships for two to eight students at a time, allowing ninth grade students to rotate from firm to firm in New York City. Legal Outreach interns are given rigorous assignments requiring close work with associates and partners. Interns at Stroock & Stroock & Lavan, for instance, participated in a debate on gun-trafficking legislation, often staying at the firm past 10 P.M. to prepare their presentations. "We work them hard," says Kevin Curnin, director of the firm's Public Service Project.

Gladys Sosa, a ninth-grade Hispanic student from Brooklyn who recently finished an internship at Skadden, says her experience has motivated her to work harder in school so that she can "end up at a good college." Rahmel Brown, an African American ninth grader from Queens, says that his Skadden internship has made him warm up to a possible career in law. He used to think that lawyers spent all their time in libraries, but his Skadden experience showed him that business lunches and teamwork in cases and transactions provide many opportunities for interaction. Internships and mentoring give students more just than an educational boost, O'Neal says. They help "create a vision for the students by . . . surrounding them with people who . . . have a mindset for college and can



LEGAL OUTREACH GRADUATE SANDY SANTANA NOW SERVES AS THE PROGRAM'S DEPUTY DIRECTOR.

explain what's needed for success," he says.

Similar programs elsewhere also give minority teenagers firsthand exposure to lawyers. Citizens

Schools, a national nonprofit providing inner-city schools with after-school supplementary education and career advice, pairs Boston lawyers with eighth graders for two hours a week for a year to improve reading and writing skills. Twenty firms in Boston coach 120 junior high school students in a mock trial, a program administered by Citizens Schools in conjunction with a Boston nonprofit, Discovering Justice, aimed at improving knowledge of the legal system in minority communities. "The personal touch gives students a much more positive view of the law, which they wouldn't normally have," says Deborah Tracy, event manager at Discovering Justice.

Starting more than a decade ago, New York's Sullivan & Cromwell "adopted" two inner-city high schools, Midwood High School and Frederick Douglass Academy. A handful of the firm's attorneys teach a legal survey class, covering topics ranging from constitutional law to property, and coach a mock trial team. All of the students that the firm has worked with in the past three years have gone on to four-year colleges. "The students have an impression of the legal system that comes from the media or folklore," explains special counsel William Schroeder, who oversees the program. Meeting Sullivan & Cromwell lawyers "takes away the gloss of what attorneys do. [The students] see that it's something attainable."

But how attainable? Legal Outreach's long-established program offers some answers. Its mentoring and intensive college preparation have undoubtedly prepared students for more educational and professional success than they would have otherwise had. Of the 202 students who have completed the College Bound program, one-third matriculated at colleges labeled as "most competitive" by

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Barron's, including several Ivy League schools and their peers, another third at "highly competitive" colleges like Bryn Mawr College and SUNY-Binghamton, and 11 percent at "very competitive" colleges like Hofstra and Pace universities. Twenty percent of these students are currently enrolled in or have completed graduate school, and 9 percent have been accepted at, are enrolled in, or have completed law school, including Harvard Law School, University of Pennsylvania Law School, and Columbia University School of Law.

Legal Outreach does not keep statistics on how many graduates have actually become lawyers, but it's clear that the program has only produced a handful of practicing minority lawyers. Large New York law firms can hardly rely on Legal Outreach alone to help them diversify their ranks. Ropes & Gray partner John MacMurray, who sits on the Legal Outreach advisory board, says that's okay. "We are supporting an effort to underserved communities . . . to make available an opportunity," he says. "It is not to be expected that supporting this program will have any direct effect on recruiting."

Measured by individual cases, though, the program's success can be startling. In 1989 Sandy Santana was one of the original six Harlem eighth graders to enroll in the full Legal Outreach program. "I was a good student but had no plans," he says. "My parents were blue-collar workers, and I didn't have a vision for the future." Through Legal Outreach, he interned at Morrison Cohen, where he worked with a partner on a mergers and acquisitions deal. "It was a really inspirational moment for me," he says: The experience infused him with confidence and introduced him to career possibilities he had never imagined. Santana eventually attended Columbia Law School and later worked as an associate at New York's Cleary Gottlieb Steen & Hamilton and Boston's Goodwin & Procter. After six years in private practice, he joined Legal Outreach in July as deputy director, to help prepare a new generation of minority students for professional careers, he says.

**Of the 202 students who have finished Legal Outreach's college prep program, one-third matriculated at colleges ranked "most competitive."**

the police force one day. "I never had a role model in the law," Mirabal says. "I didn't realize it was an obtainable goal." Through an internship at Schulte Roth, she met two lawyers who became longtime mentors, offering her advice about where to attend college and what coursework to take in preparation for law school. After graduating from American University Law School, Mirabal worked at Brown Raysman Millstein Felder & Steiner for four years before leaving to go in-house at a health care company.

**C**ollege is another good opportunity to assist minority students along a path to law school that is littered with roadblocks, say both the ABA and Law School Admissions Council. Many minority students need to work part-time jobs, which can hurt their academic performance, or they forgo law school for an immediate payday after finishing their undergraduate work, says O'Neal. But timely encouragement can help keep students focused on the goal of law school.

Two years ago, St. John's University law professor Leonard Baynes established a summer program for 40 economically underprivileged minority college sophomores nominated by local universities. Organized through the university's Ronald H. Brown Center for Civil Rights and Economic Development, the program sends participants to law classes covering 11 subject areas, including torts, business organizations, and legal writing. "The goal is to . . . reduce the intimidation factor," Baynes says. "Students don't know what kind of training and experience they need to make it to law school."

Chicago's Mayer, Brown, Rowe & Maw has implemented several programs aimed at college students. These include internships and scholarships of up to \$5,000, as well as informational workshops for students at colleges in New York, Washington, D.C., and Chicago that explain the steps needed to become a lawyer. "If you're recruiting . . . you recognize that the [minority] numbers aren't as great as they ought to be," says partner Mary Richardson-Lowry, a member of the firm's diversity committee. "We figured out that we weren't doing enough at the high school and college level" to urge minority students to consider the law. "We are trying to introduce the law as a viable option [and] show that a legal

career is open to diverse individuals," she adds.

Through its Corporate Law Institute, the Sponsor for Educational Opportunity, a nonprofit based in New York, taps the nation's best-performing minority undergraduates for its summer program—a sort of finishing school for future lawyers. SEO accepts about 40 of 300 applicants—with average GPAs of 3.6 and LSAT scores of 165—who have already been admitted to the nation's leading law schools. The program places them in a law school orientation that introduces them to the case method, followed by internships with 15 firms, including Clifford Chance; Morgan, Lewis & Bockius; and Wachtell, Lipton, Rosen & Katz. "They may be great students," says SEO senior vice president Julian Johnson, "but they haven't been exposed to big law firms." Of the 208 students who have finished the Corporate Law Institute program to date, 80 to 90 have ended up at prominent law firms, according to SEO. Skadden alone has hired eight former SEO interns as associates in recent years.

**"It is not be expected that supporting this program will have any direct effect on recruiting," says Legal Outreach advisory board member John MacMurray of Ropes & Gray.**

Sometimes a relationship begun in high school extends through college. Stroock provided a \$1,000 scholarship for one of its Legal Outreach interns, a South Asian student attending New York University. During her summers, she has returned to the firm as an intern in the intellectual property department. Some day she may return as an associate. "It's not quite soup to nuts, but it's three-quarters of the way," says Curnin.

Because the LSAT remains one of the biggest barriers to law school for minority students, some programs are looking for ways to improve minority test scores. The mean LSAT score for African Americans was 10 points lower than the mean score for white test-takers, according to a Law School Admission Council study covering the eight-year span from 1997 to 2004; Hispanics scored 5 points lower than whites on average. According to one study, a typical LSAT preparation course raised average scores by 7.2 points, yet minority students often don't take such programs because of the cost. Baynes's program at St. John's includes an LSAT preparation course; participants' average scores in practice exams have shown a rise from 135 to 142, says Baynes. In March, Sidley Austin began to offer 20 \$2,500 scholarships annually to minorities from more than 20 colleges and universities to pay for LSAT preparation courses. Recipients are selected based on their financial need, their academic performance, and the education levels of their parents.

**T**here's no big, quick fix to the pipeline problem. Instead, there are a lot of smaller fixes—which gives firms who are interested in tackling the issue a range of choices. Some firms might prefer to offer the kind of focused, late-stage aid, such as LSAT preparation, that can help produce more minority lawyers within a couple of years. Other firms might opt for the riskier, longer-term strategy of mentoring high school students who might not otherwise even consider a legal career.

Either way, repairing the pipeline seems likely to remain a blend of community service and calculated investment. "It [is] not only for the greater good," says Mayer Brown's Richardson-Lowry of her firm's efforts to encourage more minority students to become lawyers, "but in our self-interest."

"I think we're at an early stage for law firms on focusing on this issue," says Jeffrey Lewis, a partner at Cleary, Gottlieb, Steen & Hamilton, who is the chairman of Legal Outreach's advisory board. Continual pressure from clients will press firms to do more, says Simmons. "You're looking at a profession that moves very slowly." ■

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