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THE EARL WARREN LEGAL TRAINING PROGRAM: INCREASING LAWYERS IN THE BLACK COMMUNITY

Butler T. Henderson

I. INTRODUCTION

The Earl Warren Legal Training Program is the only national, privately supported, nonprofit organization devoted exclusively to increasing the number and quality of black lawyers in the United States. The program accomplishes this by enhancing the legal skills of young law school graduates and others committed to the practice of civil rights law. The work of the Earl Warren Legal Training Program, along with the outstanding and equally important work of its counterpart—The Council on Legal Education Opportunity, provides the legal community with the opportunity to increase the number of its practitioners and provide badly needed services to a large segment of our population which has been long denied the benefits of adequate legal counsel.

The documented lack of black lawyers in this country has compromised an evenhanded administration of justice. The Earl Warren Legal Training program was created to address this need.

II. HISTORY OF THE PROGRAM

When it was founded in 1972, the Earl Warren Legal Training Program was the successor to an integral part of the educational phase of the N.A.A.C.P. Legal Defense and Educational Fund. The Legal Defense Fund, an organization with an established and respected record of remarkably successful advocacy in the field of civil rights law, had the imaginative foresight to understand the need for more black lawyers. It set about to create an extension of the organization's own traditional battle, to safeguard and ensure equal justice, by securing funds to attract committed young black students to the study of law. The Legal Defense Fund carefully organized a program of law scholarships to help ease the financial burdens of black law students during the three years required for legal education.

The Legal Defense Fund's Herbert Lehman Fund was established in 1963 to enlarge the promise of aspiring young black men and women who desired to enter law school and the legal profession. The Earl Warren Legal Training Program brought under a single structure the broad plan of legal education and support begun by the Legal Defense Fund.

III. THE LAW SCHOLARSHIPS

The law scholarships administered by the Earl Warren Legal Training Program have made it possible for black college graduates to enter law schools, graduate, and serve a segment of the population that is dispropor-

tionately in need of professional legal talent. Over 2,500 law scholarship awards have been made to 1,200 students in seventy-one accredited law schools in thirty states and the District of Columbia. Of these awards, one-third of them have gone to women. The value of these awards is nearly \$2,500,000 ranging from \$400 to \$2,400 per student per year. The amount depends on the need and circumstances of each applicant, as well as on the availability of funds. The average award is approximately \$1,000 per year per student. During the 1979-1980 academic year, 207 students were enrolled in sixty-six law schools. Renewal awards are available for the two additional years necessary to complete the law degree requirements, as long as the students remain in good standing and meet the scholastic demands of law school.

Excluding Earl Warren Scholars now in law school, seventy-nine percent (or 717 individuals) of the recipients have earned the law degree, and seventy-three percent (520) of the graduates are known admittees to the bar in thirty-three states, the District of Columbia and the Canal Zone. About seventeen percent are no longer pursuing the law degree. Attrition for the 1977-1978 academic year was low, two percent, including one reported death.

Because the program's largest donors restricted the use of their scholarship funds to applicants who attended law schools in the Southern states, over seventy-five percent of the bar membership of Earl Warren Scholars is in Southern states. Earl Warren Scholars and Fellows now ably augment the black leadership in cities all over the South. More importantly, they also serve remote areas which are heavily populated by black residents. The state of Mississippi, with more than fifty Earl Warren Scholars in the bar, is probably the most outstanding example of the law scholarship program. Fewer than six black lawyers practiced in that state when the Legal Defense Fund made its first scholarship awards in 1964. Until recently, the black population in Arkansas had to rely on one or two black lawyers located in Little Rock or Pine Bluff. Now there are twenty-three Earl Warren Scholars who are members of the Arkansas bar.

In addition to law scholarships, the Earl Warren Legal Training Program annually presents The Constance Baker Motley Award of \$1,200 to the outstanding female Scholar scheduled to graduate that year. The outstanding male Scholar receives the John Warren Davis Award of \$1,200. Both must first be nominated by the Dean of the law school where the Scholar is enrolled.

IV. THE LAW FELLOWSHIPS AND INSTITUTES

The Fellowship Program has had a quiet but monumental impact on the availability of legal counsel to black citizens in the South. Each of the eighty-nine Fellows, thirty of whom were also Earl Warren Scholars, was carefully chosen after personal interviews which determined their commitment to the establishment of a law practice in an unserved or underserved community in the South.

With a year's internship under some of the most astute lawyers in the area of civil rights law, the Fellows have gone into communities of their choice uniquely equipped to employ the special skills they have acquired.

The financial support the program provides gives the Fellows an initial advantage in establishing a going law practice. During the one-year internship, each Fellow receives a stipend of \$12,000. During an externship of three years, each Fellow is given a starter library and a stipend of \$9,000 the first year, \$5,000 the second year and \$2,500 the third year, which is the fourth year of the Fellowship. The Fellowship Program is currently being phased out because of its tremendous cost and the difficulties encountered in raising funds for its continuance.

The Law Institutes have become the civil rights forum for the Legal Defense Fund's more than 400 Cooperating Attorneys. The Institutes are held for two or three days as often as twice a year. The leaders of the Institutes are some of the most distinguished lawyers in the United States, including professors from some of the nation's leading law schools. They provide continuing education for the Scholars and Fellows, as well as the Defense Fund's staff of lawyers and impressive roster of experienced Cooperating Attorneys. It is at these Institutes that participants discuss the newest in legislation and judicial decisions. Here they develop the strategies to extend and ensure justice and equality through the legal system. Not only are the Cooperating Attorneys, Fellows and Scholars exposed to the experts who lead the discussion, they also share the opportunity to exchange information and viewpoints among themselves, often on cases of great similarity.

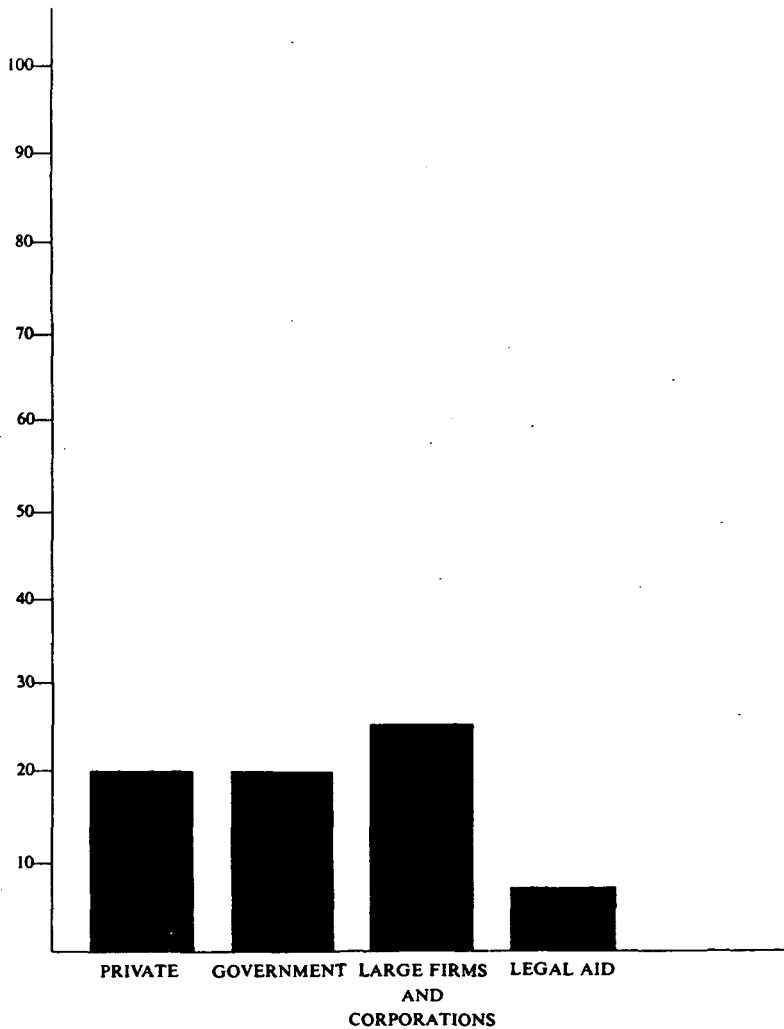
V. EMPLOYMENT PATTERNS OF THE EARL WARREN LEGAL SCHOLARS AND FELLOWS

Nearly all Earl Warren Fellows and approximately eighty percent of Earl Warren Scholars hold bar memberships in the South. One of the first Fellows is now President of the N.A.A.C.P. Legal Defense and Educational Fund. Scholars and Fellows have served as Regional Director of the Equal Employment Opportunity Commission, Director of the Office of Federal Contract Compliance Program of the United States Department of Labor, Mayor of Pritchard, Alabama, and White House Staff Assistant to the President. They have also served as judges,¹ prosecuting attorneys, deputy prosecuting attorneys, Assistant Attorneys General, members of city councils, state legislatures, state and federal commissions and president of a major subsidiary of one of America's largest corporations.

An earlier survey revealed that Scholars and Fellows are engaged in the usual general legal problems which affect the black community. The following chart² reflects the figures from that study:

1. Earl Warren Legal Fellows who are now judges in Jackson, Mississippi, Houston, Texas, Columbia, South Carolina, Charleston, South Carolina, Memphis, Tennessee, Anniston, Alabama, Orlando, Florida, and Pritchard, Alabama. There is a United States District Judge in Texas, and two United States Magistrates—one in Arkansas and another in the Canal Zone.

2. These statistics are taken from a report made to our Board of Directors during 1979. At that time, there were 717 graduates. Twenty-five percent either did not respond or gave inadequate information. From the remaining seventy-five percent, twenty percent went into private practice, either solo or with one or two others. Twenty-two percent of them are employed on almost every level of federal, state, or local government services, and nine percent are with legal aid societies. The other twenty-five percent is a mixture of employment in large law firms, major corporations, private organizations of health, labor and other interests.



The Fellows, however, are more deeply involved in aggressively pursuing those legal obstacles which affect entire communities. The superior legal experience and training of the Fellows place them in an unique position to respond with skill and commitment to these special civil rights needs.

Forty-one percent of the Fellows have a civil rights practice of twenty-five or more percent of their total case loads. Only seven percent of the Scholars have this large a civil rights case load. This is an indication of the Fellows' deep involvement in litigation of immediate concern to the N.A.A.C.P. Legal Defense and Educational Fund. Therefore, the Fellows form an articulate arm of the Legal Defense Fund's corps of cooperating attorneys. They are practicing law in areas where the need is most acute. These are the same areas which could not attract young lawyers who lacked the kind of professional and financial support made available to the Fellows. The Fellows began their professional careers with an expertise and some modest financial base that places them in a superior position to provide vital services and involvement.

More than thirty-two percent of the Fellows—as compared to twelve percent of the Scholars—have handled twenty or more civil rights cases on behalf of black clients. One Fellow has brought over 200 cases.

Both Scholars and Fellows appear to be offering solid civic and political leadership that enhances the meaning and purpose of the Earl Warren Program. An impressive fifty-four percent of the Fellows and forty-one percent of the Scholars have been asked to serve on public boards or commissions. Seven percent of the Fellows and two percent of the Scholars have been elected to public office. A substantial percentage of both Scholars and Fellows are in the public sector, primarily in the employ of state, local and federal government agencies. Their presence offers protective advocacy for the interests of black people.

Many of the Scholars in the public sector were forced to seek immediate salaried employment upon graduation from law school. This was due to the large debts they incurred while pursuing their education. Some have long-term obligations from educational loans running up to \$14,000 and beyond. Civil rights litigation does not usually generate large attorney's fees. For those who must defer entry into a private civil rights practice, government employment is a feasible alternative.

As the Scholars pay off the massive debts they acquired in getting a legal education, there probably will be a moderate shift from the corporation and government jobs, especially those on the lower levels, to the aspiration deferred: private practice.

VI. CONCLUSION

Earl Warren Scholars and Fellows are vibrant forces for the establishment of justice in the United States. The Fellows program offers an extra dimension to the preparation needed to effectively serve the black community. The skills acquired by Fellows equip them with the means to become assets to the black populations they have chosen to serve. Both the Scholarship and Fellowship programs serve the purpose of enhancing the legal services available to black people in America. In many instances, Scholars and Fellows have brought to the black citizenship a new sense of pride and worth previously unknown in their communities. Their presence has produced an unprecedented penetration into both the legal and civic arenas of communities which might not have otherwise been touched.

The void remains critical and saddening. Many areas with large black populations are still seriously deprived of access to able, sympathetic and understanding legal counsel. The Earl Warren Legal Training Program's goals are still before us, waiting to be achieved.