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FOREWORD*

Melanie E. Lomax**

It is a pleasure to be here this evening and to have an opportunity to address law students and their faculty on the subject of currently available opportunities for Black and minority lawyers. First, let me say that I have great enthusiasm for the University of California, having myself attended U.C. Berkeley. I am also an employer of law clerks from this (UCLA) law school, and I am pleased tonight to see all four of the law students who are currently working in my law office—Sheila Bankhead, Lynne Dent, Natasha Ray and my only male law student, Sherman Shaw. I would be less than candid if I said that it was not a difficult decision for me to hire Sherman, not because of his qualifications or the lack of them, but because we have an all-woman law office, and, having been the object of sexual discrimination by men in the profession, I felt that the opportunities that would be available in our office should go to women. However, after some reflection, and a little persuasion, I became convinced that our office should not participate in the same sort of discrimination which I had opposed during my ten years in this profession. I am well satisfied with our first male employee.

Before going into the specifics of what I see to be the condition of Blacks and minority lawyers, and their opportunity to share in the “good life” of this profession, let me talk about the state of affirmative action generally. It is no secret that a conservative wave is sweeping this country, having been marshalled in by modern history’s greatest advocate of God, country, traditional values, and even apple pie. Of course, I am referring to President Ronald Reagan. Although most people adhere to and value these concepts—as do I—no one has been able to use these concepts to undo the progress and gains which Blacks in this country have made during the sixties and seventies as effectively as has the most popular president in modern history. This conservative wave has threatened and continues to threaten all of the gains which Blacks and minorities have made in this country in terms of employment, business opportunities, voting rights, and the general posture and philosophy of government’s being a protector of the individual as well as of minority groups. It should have escaped no one’s attention that discrimination and claims of discrimination, whether sexual, racial or ethnic in nature, are no longer well received. Not only is it no longer fashionable to discuss discrimination, it is now downright boring to many, especially to those who have never had to contend with any form of discrimination, *i.e.*, white men. In light of this, I would like to make two observations:

1. It is unfortunate that our societal interest and appetite for the subject of discrimination has not survived the issue’s resolution. That is to say that sexual, racial, and ethnic discrimination are alive and well in America,

* The following remarks were made at the annual *Black Law Journal* banquet, April 17, 1986.

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and yet it is no longer in vogue to discuss them, and generally speaking, no one is interested.

2. We live in intensely competitive times in which nothing will be given to anyone, and in which no allowance will be given for a history of deprivation and second-class citizenship. Each of you will have to earn every opportunity that you get, each of you will have to understand this new reality, and you will have to fight "tooth and nail" to hold on to what was achieved on behalf of Blacks, minorities, and women in this country during the last three decades.

It is against this background that I wish to discuss the opportunities available to Black and minority lawyers. It used to be that Black lawyers had one choice open to them: to become criminal lawyers. When my father began to practice law in this community in the early 1950's, ninety-nine percent of the Black lawyers in this town were criminal lawyers. This is no longer the case, as opportunities in government have opened up to Blacks; in addition, Black lawyers have made inroads into a variety of different fields, *e.g.*, personal injury practice, contract and business practices, and civil practice on behalf of various governmental entities.

As for me, when I was twelve years old, my father took me to a criminal arraignment involving one of his clients who was being charged with murder, it was then that I formed the conclusion that although I would become a lawyer, I would never practice criminal law. I never have. When my father died suddenly during my final year of law school, I began my legal career as a government lawyer, more specifically, as a deputy county counsel, an attorney for the County of Los Angeles. Many Black and minority lawyers have found employment opportunities with the city attorney's office (in both their civil and criminal divisions), in the attorney general's office, in the district attorney's office and in the offices of other local governmental entities. However, there are a number of areas where there is still little Black or minority participation including, until recently, the area of municipal finance and corporate practice. Also, it is very difficult for Black lawyers in private practice to be retained by institutional clients other than public entities. My firm does some work with the City and County of Los Angeles. We do primarily personal injury defense, but I have no doubts about my ability to represent corporate clients such as Sears, Roebuck, J.C. Penny, department stores in general, gas companies, oil companies and so forth. The opportunities available for Black lawyers in these areas are extremely limited if not non-existent. It will require all of our energy and resources to break down the doors which major white law firms have reinforced with steel and the iron determination to retain institutional and corporate representation as their exclusive domain.

In recent years, public officials, especially Black and minority public officials, and women have provided opportunities for Black and minority lawyers through the exercise of political leadership. We still have joint-venturing required by the City of Los Angeles on some municipal finance projects, and because of this a few law firms, such as Yvonne Braithwaite Burke's firm, have been able to get into an area that was exclusively dominated by major, white law firms. This is important because the area of municipal finance is very lucrative, it deals with the bonds and bond issues that finance the major projects of governmental entities. Mayor Bradley and the City Council have exercised leadership in this area in that they regularly require that big firms

such as Gibson, Dunn & Crutcher, and O'Melveny & Meyers work together with Black and minority law firms on these projects. However, we have not been so fortunate in the area of major complicated litigation. In the last five years, the City Council has retained counsel to defend against the U.S. Justice Department's action regarding redistricting of the City Council seats, and have also retained counsel to represent the City in the "police spying" case; and yet, no Black or minority lawyers have been given the opportunity to represent the City in complex litigation working *with* the major, white law firms as opposed to working *for* them. This is another battle that needs to be fought, and won.

Further, I would like to call to your attention a recent American Bar Association report on the condition of Black and minority lawyers, a report which confirms what we already know: that Black and minority lawyers continue to suffer under the "vestiges of racism" within the profession and do not have equal opportunity in all areas. The ABA's task force on minorities in the profession concluded that it is the goal of the American Bar Association to "promote full and equal participation in the profession by minorities and women, and specifically to:"

- (1) induce lawyers, law firms, corporations, governmental entities, and other employers of law school graduates to intensify their efforts to hire, retain, and promote minority, law school graduates;
- (2) induce lawyers, law firms, corporations, governmental entities and others to select minority lawyers who have demonstrated their competency through practice and experience;
- (3) engage in the regular recruitment of minority law students for summer and permanent positions;
- (4) improve opportunities for minority lawyers to serve as federal and state judges at all levels;
- (5) encourage and develop the expansion of programs to assist minority law school graduates to pass the bar;
- (6) improve the public image of minority lawyers and more fully portray their role in, and contribution to, the profession.

My position is that the *status quo*, as it relates to the condition of Black law firms and Black lawyers, is much better than it used to be in our parent's generation, but there is yet a long way to go towards providing for equal opportunities for Blacks and minorities in this community and across the nation.

At the beginning of my remarks, I indicated that there were several other subjects that I wanted to touch upon and one of them relates to the need for student activism. In the sixties, college and graduate students were responsible for initiating a social revolution in this country, it was their activism and their passion that moved our nation in different and more progressive directions. In my opinion, students today are too passive. Even our community in general can be characterized by a lack of energy, and an overabundance of apathy. We can no longer afford this inactive posture. We need to rekindle that spirit of activism. We need to be passionate about something other than apartheid in South Africa. Although I believe that that is an important moral and social issue, I also believe that we must bring some of that aggressive advocacy and passion to bear on the interests of the local Black and minority communities. We must be prepared and willing to take hard and uncompromising positions on issues that are related to our welfare. We must not take positions which are simply, to paraphrase Shakespeare, a lot of "sound and fury, signifying nothing." We must not scream and yell about divestiture of the University's stock holdings in South Africa, while at the same time, be unwilling to pull Coca-Cola off the student union shelves. That kind of posi-

tion is one which collapses of its own weight because it is internally inconsistent and lacking any real merit. We must demand honest and legitimate positions by our leadership. For far too long the leadership in the Black community has been co-opted. Our politicians are supported by interests outside of our community, and therefore have great difficulty in advocating that which is in our best interest as opposed to the interests of those who support them. Our civil rights leadership organizations, like the NAACP and the Urban League, are often too involved in collecting corporate contributions and too uninvolved in actually policing those who are responsible for the economic and social evils in this country.

My work for the NAACP and for PUSH has been in the area of the economic development of the Black community, in particular, I've worked on creating economic reciprocity between Black and minority communities and American corporations and businesses. Blacks' and minorities' business represent anywhere from ten to thirty percent of any corporation's profits, and it is our contention that American corporations and businesses have an obligation to return to the Black and minority communities the profits that they receive therefrom; return by means of jobs, business opportunities and support of Black savings and loans, banks, advertising companies, electronic and printed media, and so forth. Historically, the American corporations and businesses have taken from, but not provided to, these communities. This was the premise of our past campaigns against the McDonald's hamburger chain and against Coor's corporation, and our present campaign against CBS.

There we are concerned about the absence of a Black anchor, which we have never had in Los Angeles on any of the major networks. We have been permitted to be reporters, but when it comes to the cream of journalism jobs, that is to say the anchor position (which pays anywhere from \$500,000 to \$800,000 per annum), we have consistently been denied access. Recently, here in Los Angeles, Tony Cox and Pam Moore, two Black reporters for KCBS asked to be elevated to anchor positions, but were told that they were not qualified. It is our contention that obtaining a Black anchor would have both real and symbolic significance because we believe that we are *entitled* to a Black news anchor. In the realm of journalism, we have been concerned about jobs, both before and behind the camera, and employment opportunities in managerial and supervisory positions. The phenomenon which our nation has witnessed in the last ten years is that Blacks can get into major corporations and businesses, but it is very difficult for them to move up the ladder.

We are also concerned about fairness in programming. It seems to us that KCBS's news coverage is very slanted and distorted; it does not represent a balanced picture of our community. Every time KCBS does a new story, it centers around some Black man who is being busted at a "rock house" or who is the suspect in some criminal investigation. It is our contention that all the major networks must present both the positive and the negative, thereby, presenting our community in a nonstereotypical and non-racist fashion. We also are concerned about business and procurement opportunities facilitated by network newscasts. All major corporations have enormous outside contracts. They use advertisers and all sorts of other goods and services to which we are entitled to our fair share by means of our share of the audience.

At the present time, KCBS's general manager here in Los Angeles is

stonewalling on all of these issues, although they have, if you've noticed, put a Black man, Hosea Sanders, in a temporary anchor position while John Shubeck is on vacation. They have told us that they must honor their existing contracts with anchors and that there are currently no vacancies. We have responded that they must reformat their news and we have not accepted their "contracts excuse" because they buy out contracts as a general practice. Most recently, they bought out the contract of Sandy Hill. They also contend that Blacks have received their fair share of the station's jobs in all categories; this is clearly not supported by their figures. Therefore, we are in the process of putting together a consumer viewer tune-out (boycott) of KCBS. We are working with Black churches to accomplish this purpose. We also need your support.

Finally, let me talk a little bit about what I believe to be the cost of a leadership role. In our community, we all too often have the "crab in the barrel" mentality, *i.e.*, when someone is moving ahead, a whole bunch of people are interested in pulling her back. Therefore, I think that leadership positions can be very costly personally. Each time that I became involved in an economic development project this past year, I became the subject of attack by the weak, uninspired, and threatened male leadership of civil rights organizations. The attacks have come particularly from here in Los Angeles, more particularly I am referring to the President of the Los Angeles NAACP. Although the late John McDonnell was a young man who was not threatened by women, and therefore was able to achieve without being competitive with his peers, especially his female peers, this is not true for most of the male-dominated civil rights leadership in this community, and it certainly was not true of McDonnell's successor.

After launching a project against the Black recording artists last July, in which we were attempting to call into question the practice of Black artists, such as Michael Jackson and Tina Turner, of discriminating against their own people, I was personally attacked and have been under attack since that time. Women in leadership positions, particularly as community activists, remain a troubling concept to many men who consider themselves to be the leaders in our community. Of course they always deny that they are being sexist or chauvinist, and they assert that they believe that sexual discrimination is confined to the world of Jane Fonda and the white community; but that simply is not true, and sexism is alive and well in our community as well. I believe that if I were a man, I would not have encountered nearly as much opposition as I have in my work with the NAACP in the last year. It is as simple as that. Furthermore, it is fairly disgraceful that a civil rights organization and its leadership would refuse to deal with issues that have great merit merely because of the sex of the person advocating any particular position with regard to these issues. This disregard for what is truly in the interest of the Black and minority communities, and this focus on one's sex and personal idiosyncrasies is the type of counter-productive, divisive and destructive behavior which too often characterizes the Black community and which plays into the hands of our opponents.

I believe that Black men and women must work together to end this hostility and sense of competition, and in so doing create the basis of a new and real partnership. We must understand that it is not possible to return to the

more traditional and historical relationships even if we wanted to. It is possible to like, to be attracted to, and to love men, while at the same time being their equals and not being regarded by them as a threat or a source of competition. I don't ever intend to sacrifice my future, and what I want from that future, to some misplaced notion of not threatening or competing with Black men. And any who use such a notion as a basis for relating to Black men have, in my opinion, built their relationships on infirm bases.

In summary, I would say that women who are interested in asserting a leadership position should do so, and ignore threatened and insecure reactions of their male counterparts. They should also be prepared for their assertiveness to be a personally expensive proposition. Although I am now more than prepared to deal with politics, personality conflicts, and personal attacks, I don't like them, particularly because they are a waste of energy and focus. At the current time, I am fighting to retain my position as first vice-president of the Los Angeles NAACP against an action to remove me by the President of the Los Angeles NAACP; this action commenced after I started the KCBS project. His current political agenda is to make sure that I am not the first vice-president at the time the election for president is held in November and to retaliate against me for starting the KCBS project. This is the kind of nonsense with which I have had to contend, and will continue to have to contend with as long as I seek a public profile; but this is not the way that it should be. It is necessary for those who are truly interested in advancing the interests of this community to support those who are willing to take the heat, and to take uncompromising and aggressive positions on behalf of our best interests. Silence and lack of protest in handling civil rights issues on a personal level is my greatest indictment of the members of our community, and I think that such complacency doesn't encourage people to adopt strong postures which are designed to help in our survival and in our progress.

Thank you.