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The Hispanic National Bar Association and the Need for Hispanic Lawyers

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DR. J. CLAY SMITH, JR.*
NATIONAL PRESIDENT
FEDERAL BAR ASSOCIATION
BEFORE THE
HISPANIC NATIONAL BAR ASSOCIATION
FIFTH ANNUAL CONVENTION
SEPTEMBER 12, 1981
DENVER, COLORADO

THE HISPANIC NATIONAL BAR ASSOCIATION AND THE
NEED FOR HISPANIC LAWYERS

AS PRESIDENT OF THE FEDERAL BAR ASSOCIATION, I AM HONORED TO ADDRESS THE FIFTH ANNUAL CONVENTION OF THE HISPANIC NATIONAL BAR ASSOCIATION. THIS CONFERENCE IS AN IMPORTANT MOMENT IN THE HISTORY OF HISPANIC LAWYERS. ALL OF US WHO DESIRE TO SEE THE INTERESTS OF HISPANIC LAWYERS ADVANCED, OWE A DEBT OF GRATITUDE TO THE INDIVIDUALS WHO HAD THE VISION AND PERSISTENCE TO CREATE AND NURTURE A NATIONAL ORGANIZATION OF HISPANIC LAWYERS.

IN 1920, THE FEDERAL BAR ASSOCIATION WAS FOUNDED TO IMPROVE THE CONDITIONS OF LAWYERS EMPLOYED BY THE FEDERAL GOVERNMENT AND TO ENHANCE THE SCIENCE OF JURISPRUDENCE. IN 1925, THE NATIONAL BAR ASSOCIATION WAS FOUNDED BY AFRO-AMERICAN LAWYERS DURING A TIME IN AMERICAN HISTORY WHEN RACE BARRED THEIR ADMISSION TO MEMBERSHIP IN THE AMERICAN BAR ASSOCIATION AND VOLUNTARY STATE BAR ASSOCIATIONS. NO AFRO-AMERICANS WERE MEMBERS OF THE FEDERAL BAR ASSOCIATION FOR

*/ DR. SMITH IS NATIONAL PRESIDENT OF THE FEDERAL BAR ASSOCIATION. HE RECEIVED HIS A.B. DEGREE FROM THE CREIGHTON UNIVERSITY IN OMAHA, NEBRASKA, HIS J.D. DEGREE IN 1967 FROM THE HOWARD UNIVERSITY SCHOOL OF LAW AND HIS LL.M. AND S.J.D. DEGREES FROM THE GEORGE WASHINGTON NATIONAL LAW CENTER IN 1970 AND 1977, RESPECTIVELY. HE IS ACTING CHAIRMAN OF THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

AT LEAST TWENTY TO TWENTY-FIVE YEARS AFTER IT WAS FOUNDED. HOWEVER, THE FEDERAL BAR ASSOCIATION HAS DEMONSTRATED A WILLINGNESS TO ALLOW MINORITIES TO PARTICIPATE IN THE ASSOCIATION AND TO HOLD SIGNIFICANT LEADERSHIP POSITIONS. THE NATIONAL BAR ASSOCIATION IS IN ITS 57TH YEAR; THE FEDERAL BAR ASSOCIATION IS IN ITS 51ST YEAR; THE AMERICAN BAR ASSOCIATION IS IN ITS 104TH YEAR; THE HISPANIC NATIONAL BAR ASSOCIATION IS IN ITS INFANCY--FIVE YEARS OLD.

I AM AWARE OF THE SIGNIFICANT CONTRIBUTION THAT THE LA RAZA NATIONAL LAWYERS ASSOCIATION HAS PLAYED IN THE PROGRESSION OF HISPANIC LAWYERS. IN FACT, WHILE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONFERENCE OF BLACK LAWYERS, I HAD SEVERAL ASSOCIATIONS WITH THE NATIONAL LEADERSHIP OF THE LA RAZA NATIONAL LAWYERS ASSOCIATION WHICH WAS FOUNDED IN 1972. HENCE, IT CAN BE SAID THAT THE NATIONAL HISPANIC LAW ASSOCIATION MOVEMENT BEGAN ^{nine} ~~FIVE~~ YEARS AGO.*/ AND SO, HERE WE ARE IN DENVER, COLORADO PARTICIPATING IN THE FIFTH ANNUAL CONVENTION OF THE HISPANIC NATIONAL BAR ASSOCIATION. THE NAMES OF THE ORGANIZATIONS ARE DIFFERENT BUT THE BASIC THEME OF THE HISPANIC LAWYER'S ASSOCIATION MOVEMENT IS SIMILAR--THERE IS A NEED FOR HISPANIC-AMERICAN LAWYERS IN THE AMERICAN LEGAL SYSTEM.**/

*/ THIS MOVEMENT MAY HAVE BEEN THE GENESIS OF LOCAL HISPANIC BAR ASSOCIATIONS LIKE THE ONE THAT WAS CHARTERED IN THE DISTRICT OF COLUMBIA IN 1976. SEE P. DURAN, HISPANIC BAR ASSOCIATION, 2 THE FORUM I (WINTER 1980, FED. BAR ASSN., D.C. CHAPTER NEWSLETTER).

**/ DURING MY TERM AS PRESIDENT OF THE FEDERAL BAR ASSOCIATION, I WAS PRIVILEGED TO SPEAK BEFORE THE PHILIPPINE LAWYER'S ASSOCIATION ON MAY 26, 1981, IN WASHINGTON, D.C.; THE NATIONAL CONFERENCE OF BLACK LAWYERS COMMUNICATIONS TASK FORCE ON AUGUST 18, 1981, IN WASHINGTON, D.C.; BEFORE THE BEN JONES CHAPTER OF THE NATIONAL BAR ASSOCIATION ON MAY 16, 1981, IN MEMPHIS, TENNESSEE; AND BEFORE THE WOMEN'S BAR ASSOCIATION IN SEPTEMBER, 1981 IN WASHINGTON, D.C. THESE SPEECHES HAVE REAFFIRMED THE COMMITMENT OF THE FEDERAL BAR ASSOCIATION TO REACH OUT TO ALL LAWYERS IN THE SOCIETY WITHOUT REGARD TO RACE, COLOR, CREED, SEX, RELIGION OR NATIONAL ORIGIN. THIS COMMITMENT SHALL CONTINUE.

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THE CONTRIBUTION OF HISPANIC LAWYERS IN AMERICA DID NOT BEGIN WITH THE FORMATION OF LA RAZA OR THE NATIONAL HISPANIC BAR ASSOCIATION. THE MARK OF HISPANIC-AMERICAN LAWYERS PREDATES 1972 BY MANY YEARS.* THE CONTRIBUTION OF THESE EARLY HISPANIC LAWYERS MUST BE EXPRESSED AND EXPLAINED BY YOU. THEIR HISTORIC PLACE IN AMERICA MUST BE TOLD AND IT IS YOUR RESPONSIBILITY AND MINE TO INFORM THE CITIZENRY OF AMERICA OF THEIR ROLES IN NURTURING THE JUDICIAL AND POLITICAL SYSTEM IN WHICH WE LIVE.

IN THE SPIRIT OF HISTORY AND AS THE PROGENIES OF MANY HISPANIC-AMERICAN LAWYERS WHO HAVE PRECEDED THEM, I COMMEND MARIO OBLEDO, CRUZ REYNOSO, LOUIS GARCIA, BENJAMIN ARANDA AND SEGISMUNDO PARES FOR THEIR EFFORTS TO BRING THE HISPANIC NATIONAL BAR ASSOCIATION INTO BEING. IN ADDITION THERE IS A GROWING NUMBER OF HISPANIC WOMEN ATTORNEYS, WHO ARE NOT TO BE DENIED THEIR JUST RECOGNITION FOR THEIR WORK TO ENHANCE THE LEGAL PROFESSION. ONE SUCH WOMAN IS VILMA S. MARTINEZ, PRESIDENT AND GENERAL COUNSEL OF THE MEXICAN AMERICAN LEGAL DEFENSE FUND (MALDEF). MS. MARTINEZ IS A SIGNATORY TO SEVERAL SIGNIFICANT BRIEFS FILED IN NUMEROUS CASES INVOLVING HISPANIC ISSUES. DOROTHY A. FLORES IN SAN ANTONIO, TEXAS IS ALSO DOING AN OUTSTANDING JOB IN LITIGATING CIVIL RIGHTS CASES IN SOUTHERN TEXAS.

THE HISPANIC NATIONAL BAR ASSOCIATION WILL GROW AND PROSPER ONLY IF ITS MEMBERS ACTIVELY SUPPORT IT. I SENSE THAT HISPANIC

*/ AS A HISTORICAL FACT, HOWARD UNIVERSITY SCHOOL OF LAW IN WASHINGTON, D.C. DREW HISPANICS TO ITS DOORS EARLY IN ITS HISTORY. FOR EXAMPLE, UNIVERSITY RECORDS INDICATE THAT BENIGO TIZOL PACHECO FROM SAN JUAN, PUERTO RICO, WAS GRADUATED IN THE CLASS OF 1923. SEE HOWARD UNIVERSITY, DIRECTORY OF GRADUATES, HOWARD UNIVERSITY, WASHINGTON, D.C. SENOR PACHECO IS NO DOUBT ONE OF THE FIRST HISPANICS TO BE GRADUATED FROM ANY AMERICAN LAW SCHOOL. SEE ALSO, MALDEF: DIEZ ANOS (BY ANNETTE OLIVEIRA) REFERRING TO THE SIGNIFICANT CONTRIBUTION OF PETE TIJERINA, A TEXAS LAWYER AND ALVARO GARZA, JUAN ROCHA AND GERALD LOPEZ AND OTHERS, P. 13 (1978).

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LAWYERS WILL SUPPORT THE HISPANIC NATIONAL BAR ASSOCIATION AND THAT THIS WEEKEND MARKS THE ASCENT OF A VIABLE AND ENERGETIC COMMUNITY OF LAWYERS. THEREFORE, I AM PRIVILEGED TO PARTICIPATE IN THIS MEETING.

MY TOPIC THIS MORNING IS THE NEED FOR HISPANIC LAWYERS. AS SOME OF YOU MAY BE AWARE, A SPECIAL INTEREST AND HOBBY OF MINE IS THE STUDY OF EARLY AFRO-AMERICAN LAWYERS. I HAVE WRITTEN A NUMBER OF PAPERS ON EARLY BLACK LAWYERS AND THE HISTORY OF THE NATIONAL BAR ASSOCIATION, AN ORGANIZATION OF BLACK LAWYERS SIMILAR TO THE HISPANIC NATIONAL BAR ASSOCIATION. I MENTION THIS NOW ONLY BECAUSE SOME OF YOU MAY BE INTERESTED IN DOING RESEARCH ALONG THE SAME LINES ON HISPANIC LAWYERS. AS SOMEONE DEEPLY CONCERNED WITH THE HISTORY OF MINORITY LAWYERS, I URGE YOU NOT TO DELAY ON THESE PROJECTS SINCE THE LONGER YOU WAIT, THE MORE DIFFICULT IT IS TO RECOLLECT AND RECONSTRUCT EVENTS.

BUT FOCUSING ON TODAY'S TOPIC -- THE NEED FOR HISPANIC LAWYERS -- MY RESEARCH ON BLACK LAWYERS HAS CONFIRMED THE GENERAL ASSUMPTION THAT THERE ARE VERY FEW MINORITY LAWYERS. INDEED, WHILE THERE ARE NEARLY TWENTY MILLION BLACK AMERICANS THERE ARE ONLY ABOUT 11,000 BLACK LAWYERS. BLACKS REPRESENT LESS THAN 2% OF THE ATTORNEYS IN THIS COUNTRY. THE RATIO OF BLACK AMERICANS TO BLACK LAWYERS IS MANY TIMES THAT OF THE WHITE COMMUNITY.

I CAN STATE WITH CONFIDENCE, ALTHOUGH I HAVE NO HARD EVIDENCE TO PRESENT HERE, THAT THE NUMBER OF HISPANIC LAWYERS IN THIS COUNTRY ARE EVEN FEWER THAN THE NUMBER OF BLACK LAWYERS AND THE

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UNDERREPRESENTATION OF HISPANICS IN THE BAR EVEN MORE EXTREME. THE 1980 CENSUS REVEALED THAT THERE WERE 14.6 MILLION HISPANICS LIVING IN THIS COUNTRY. THE RATIO OF HISPANICS TO HISPANIC LAWYERS IN THIS COUNTRY MUST BE OVERWHELMING. SEE GRIFFIN, ADMISSIONS: A TIME FOR CHANGE, 20 HOW. L.J. 128, 134, N. 23 (1977) (GRIFFIN HAS STATED THAT AMERICANS OF SPANISH DESCENT CONSTITUTE 0.9 PERCENT OF THE LEGAL PROFESSION. THIS FIGURE MAY BE SLIGHTLY HIGHER TODAY, BUT NOT MUCH MORE). SEE ALSO, THE MEXICAN AMERICAN 24 (U.S. CIVIL RIGHTS COMMISSION 1968) REGRETTABLY, SCHOLARS ARE UNABLE TO AUTHORITATIVELY CALCULATE THE CURRENT NUMBER OF HISPANIC LAWYERS THERE ARE IN THE COUNTRY, EVEN THOUGH I REQUESTED THIS INFORMATION OF SEVERAL ORGANIZATIONS. THIS IS A STUDY THAT NEEDS TO BE UNDERTAKEN. SEE, E.G., C. HOUSTON, THE NEED FOR NEGRO LAWYERS, 4 J. OF NEGRO ED. 49 (1935); SHUMAN, A BLACK LAWYERS STUDY, 16 HOW. L.J. 225 (1971); NATIONAL BAR ASSOCIATION, "SURVEY OF THE BLACK LAWYER," WASHINGTON, D.C.

THERE ARE, HOWEVER, CERTAIN ASSUMPTIONS ABOUT HISPANIC LAWYERS WHICH I DO FEEL COMFORTABLE ABOUT MAKING. THESE ASSUMPTIONS CONCERN THE TYPE OF PRACTICE HISPANIC LAWYERS ARE INVOLVED IN. IF YOU THOUGHT THERE WERE FEW HISPANIC LAWYERS IN THE MAJOR CORPORATE LAW FIRMS YOU ARE CORRECT.

TWO YEARS AGO THE NATIONAL LAW JOURNAL CONDUCTED A SURVEY OF THE RACIAL AND NATIONAL ORIGIN COMPOSITION OF PARTNERS AT THE NATION'S 50 LARGEST LAW FIRMS. THAT SURVEY REVEALED THAT EQUAL OPPORTUNITY, LET ALONE AFFIRMATIVE ACTION, HAD NOT SEEN MUCH LIGHT OF DAY IN MAKING PARTNERSHIP DECISIONS. ACCORDING TO THE

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SURVEY, THERE ARE ONLY 12 BLACK PARTNERS AMONG 2,700 AT THE NATION'S 50 LARGEST LAW FIRMS . THERE WERE ONLY 142 BLACK ASSOCIATES AMONG 5,800 ASSOCIATES. IN SHORT, ONLY 2.4% OF ALL ASSOCIATES ARE BLACK.

WITH REGARDS TO HISpanic LAWYERS, THE ARTICLE STATED, "HISPANIC LAWYERS ARE EVEN MORE UNDERREPRESENTED THAN BLACKS. HISPANIC LAWYERS TOTAL 10 PARTNERS AND 49 ASSOCIATES,..."

THE NATIONAL LAW JOURNAL, JULY 2, 1979, PG. 14, COL. 3. THUS, HISPANICS REPRESENT ONLY EIGHT-TENTHS OF ONE PERCENT OF ASSOCIATES AT THE 50 LARGEST FIRMS.

I FEEL COMFORTABLE MAKING ANOTHER GENERALIZATION ABOUT HISPANIC LAWYERS. JUST AS IN THE CASE OF BLACK LAWYERS, I SUSPECT MANY HISPANIC LAWYERS ARE NOW WORKING FOR THE FEDERAL GOVERNMENT OR STATE AND LOCAL GOVERNMENTS. SEE SMITH, CAREER PATTERNS OF BLACK LAWYERS IN THE 1980'S, 7 BLACK L.J. 75, 76 (1980). THIS IS IN PART DUE TO THE FACT THAT LAW FIRMS MAY HAVE ESTABLISHED BARRIERS WHICH PRECLUDED MINORITY LAWYERS FROM EVER BECOMING PARTNERS. THIS VESTIGE OF DISCRIMINATION DISCOURAGES MANY MINORITY LAWYERS FROM EVEN APPLYING TO FIRMS. INDEED, SOME OLDER FIRMS WHICH BEGAN 50 YEARS AGO, AND EVEN THOUGH LOCATED IN AREAS WHERE THERE ARE SUBSTANTIAL MINORITY COMMUNITIES, REMAIN ENTIRELY WHITE. IRONICALLY, SOME OF THESE FIRMS BOAST OF THEIR METAPHYSICAL HOMOGENEITY.

IN THE 1960'S AND EARLY 1970'S ANOTHER PHENOMENON OCCURRED. SOME OF THE LARGER FIRMS DID A COMMENDABLE JOB OF HIRING MINORITY ASSOCIATES AT ENTRY LEVEL POSITIONS. THESE FIRMS CONSIDERED THEMSELVES LARGE, POWERFUL AND SECURE ENOUGH TO WITHSTAND POTENTIAL CLIENT COMPLAINTS OF HAVING A HISPANIC OR BLACK ATTORNEY HANDLE THEIR PROBLEM. YET, I HAVE FOUND THAT IF YOU LOOK AT THE BLACK ASSOCIATES IN FIRMS 7 YEARS

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AGO, YOU WOULD FIND THAT 85% OF THESE LAWYERS ARE NO LONGER WITH THESE FIRMS. I SUSPECT THE SAME HOLDS TRUE FOR HISPANIC LAWYERS.

RECRUITMENT PLANS OF LAW FIRMS MUST CONTINUE TO SEEK OUT MINORITY LAW GRADUATES. THE LAW FIRMS OF AMERICA SHOULD BE THE LAST PLACE TO PRACTICE DISCRIMINATION.

THE FACTORS THAT HAVE RESULTED IN HISPANICS AND OTHER MINORITIES BEING DENIED ACCESS TO LAW FIRMS HAS RESULTED IN A RICH POOL OF MINORITY LAWYERS FOR GOVERNMENT JOBS. THERE IS NOTHING DRAMATICALLY WRONG WITH MANY OF THE BEST AND BRIGHTEST HISPANIC LAWYERS JOINING THE GOVERNMENT, BUT I DO WANT TO DISCUSS ONE STRONG OBJECTION I HAVE TO THIS DEVELOPMENT. IN THE PAST, WHITE ATTORNEYS RIGHT OUT OF LAW SCHOOL FREQUENTLY JOINED GOVERNMENT AGENCIES TO LEARN A SPECIALIZED AREA OF LAW. FOR EXAMPLE, ATTORNEYS AT THE FEDERAL COMMUNICATIONS COMMISSION (FCC)-LEARNED COMMUNICATIONS LAW; AT THE SECURITIES AND EXCHANGE COMMISSION (SEC)- SECURITIES; AT THE INTERNAL REVENUE SERVICE (IRS)- TAX; AT THE INTERSTATE COMMERCE COMMISSION (ICC)- TRUCKING AND RAILROAD REGULATIONS. NOW, BECAUSE OF VERY STRINGENT CONFLICT OF INTEREST LAWS GOVERNMENT EMPLOYMENT FOR MINORITY LAWYERS MAY BE SEVERELY LIMITED. HISPANIC AND OTHER MINORITY LAWYERS FIND THEMSELVES IN A DILEMMA.

ON THE ONE HAND, FIRMS STATE THAT THEY DO NOT HIRE THEIR ASSOCIATES DIRECTLY FROM LAW SCHOOLS, BUT REQUIRE THEIR RECRUITS TO HAVE SOME SPECIALIZED EXPERTISE. SEVERAL FIRMS SUGGEST TO MINORITY LAWYERS TO JOIN THE GOVERNMENT FIRST AND THEN TO APPLY FOR AN ASSOCIATE'S POSITION. HOWEVER, AFTER RECEIVING THE SPECIALIZED TRAINING AT THE GOVERNMENT, FIRMS TELL MINORITY LAWYERS THAT CONFLICT OF INTEREST LAWS PRECLUDE THEIR HIRING. THE FACT

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OF THE MATTER IS THAT FOR APPROXIMATELY FIFTY YEARS, NON-MINORITY LAWYERS HAVE HAD AN OPPORTUNITY TO MOVE FROM GOVERNMENT TO THE PRIVATE SECTOR AND PRACTICE THE LAW IN WHICH THEY WERE TRAINED IN GOVERNMENT. THESE LAWYERS HAVE BEEN ABLE TO GENERATE BUSINESS AND CREATE LAW FIRMS REPRESENTING SUBSTANTIAL CLIENTS IN THESE SPECIALIZED AREAS. NOW THAT HISPANIC AND OTHER MINORITY LAWYERS ARE FINALLY HAVING THE OPPORTUNITY TO SECURE SPECIALIZED TRAINING, THEY ARE BEING DENIED THE MOBILITY WHICH AND STILL IS AVAILABLE TO NON-MINORITY LAWYERS.

MOST LAWYERS IN PRIVATE PRACTICE HAVE A MIXED SELECTION OF CASES. VERY FEW OF THEM HAVE A SPECIALIZED PRACTICE REPRESENTING ONLY MAJOR CORPORATIONS. THUS, THE QUESTION IS, "HOW WILL HISPANIC ATTORNEYS WHO HAVE A MIXED PRACTICE FARE?" WE ALL KNOW THAT THE ANSWER TO THAT IS SPECULATIVE BUT THAT WILL NOT PRECLUDE ME FROM MAKING SOME GENERALIZATIONS.

MOST ATTORNEYS IN PRIVATE PRACTICE ARE REFERRED CLIENTS FROM THEIR FAMILY, THEIR FRIENDS, NEIGHBORS, AND FROM OTHER LAWYERS. THE DRAMATIC GROWTH IN THE HISPANIC COMMUNITY -- 60% IN THE LAST 10 YEARS -- PROVIDES YOU WITH A LARGE POOL OF POTENTIAL CLIENTS TO DRAW FROM. WHILE THERE MAY BE EXCEPTIONS TO THE RULE, I SUSPECT THAT HISPANIC ATTORNEYS MAY ATTRACT CLIENTS IN THOSE LOCALES WITH A LARGE HISPANIC POPULATION. ACCORDING TO THE 1980 CENSUS, THE HISPANIC POPULATION IS CENTERED IN THE FOLLOWING STATES:

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<u>STATE</u>	<u>RANK</u>	<u>HISPANIC POPULATION</u>	<u>HISPANIC PERCENTAGE OF STATE TOTAL</u>	<u>PERCENTAGE OF U.S. HISPANIC POPULATION</u>
CALIFORNIA	1	4,543,770	19.2	31.1
TEXAS	2	2,985,643	21.0	20.4
NEW YORK	3	1,659,245	9.5	11.4
FLORIDA	4	857,898	8.8	5.9
ILLINOIS	5	635,525	5.6	4.4
NEW JERSEY	6	491,867	6.7	3.4
NEW MEXICO	7	476,089	36.6	3.3
ARIZONA	8	440,915	16.2	3.0
COLORADO	9	339,300	11.7	2.3

IF YOU WERE THINKING OF PRACTICING IN VERMONT, YOU MAY WISH TO CONSIDER THE FACT THAT ACCORDING TO THE 1980 CENSUS THERE ARE ONLY 3,304 HISPANICS IN VERMONT.

CONTRARY TO THE POPULAR NOTION, THE CENSUS ALSO REVEALED THAT A VAST MAJORITY OF HISPANICS LIVE IN CITIES. ONLY ABOUT 14% OF THE HISPANIC POPULATION LIVES IN A NON-METROPOLITAN AREA. NEARLY ONE AND 3/4THS MILLION HISPANICS LIVE IN THE NEW YORK CITY/NEW JERSEY AREA; OVER A MILLION AND A HALF IN LOS ANGELES, OVER HALF A MILLION IN SAN ANTONIO, SAN FRANCISCO AND MIAMI AND JUST SHORT OF HALF A MILLION IN CHICAGO. LA LUZ (AUG. SEPT. 1980) PG. 24. THESE ARE SUBSTANTIAL POCKETS OF POTENTIAL CLIENTS.

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THE OLD AXIOM IS THAT THE LAWYERS WHO MAKE THE MOST MONEY, ARE THOSE WHO HAVE A CORPORATE PRACTICE. RETAINERS FROM BUSINESSES HELP PAY THE OVERHEAD. ASSUMING THIS TO BE TRUE, HISPANIC LAWYERS CAN TAKE SOME ENCOURAGEMENT IN RECENT DEVELOPMENTS. HISPANICS ARE GOING INTO BUSINESS THEMSELVES IN INCREASING NUMBERS. THE DEPARTMENT OF COMMERCE'S DATA SHOWS THAT IN 1977 PERSONS OF HISPANIC ORIGIN OWNED NEARLY 220,000 OF THE NATION'S BUSINESSES. THIS IS A 53% INCREASE IN THE NUMBER OF HISPANIC OWNED FIRMS SINCE 1972. BLACK OWNED FIRMS INCREASED BY ONLY 12% OVER THE SAME PERIOD. MOST OF THESE BUSINESSES ARE SMALL BUT OVER 400 OF THEM HAD ONE MILLION DOLLARS IN RECEIPTS. THE LARGEST HISPANIC FIRMS ARE LOCATED IN CALIFORNIA, FLORIDA, TEXAS AND NEW YORK. ONE DIFFICULTY IN SECURING MINORITY-OWNED CORPORATIONS AS CLIENTS IS YOU WILL HAVE TO OVERCOME A TREND AMONG MINORITY BUSINESSES THAT ONCE THEY HAVE MADE IT, THEY TEND TO RETAIN PRESTIGIOUS NON-MINORITY FIRMS.

AS FOR HOW MANY HISPANIC YOUTH WILL JOIN THE RANKS OF THE LEGAL PROFESSION THE FUTURE IS NOT ENCOURAGING. HISPANICS WILL BE SEVERELY UNDERREPRESENTED AS ATTORNEYS FOR AN INDEFINITE PERIOD. THE SCHOOL SYSTEM AT EVERY LEVEL APPEARS TO BE FAILING THE HISPANIC COMMUNITY. SPANISH CHILDREN ARE FREQUENTLY THE VICTIMS OF DISCRIMINATION AND NEGLECT.

ACCORDING TO 1980 CENSUS FIGURES, ONLY 45% OF THOSE HISPANICS OVER THE AGE OF 25 HAVE A HIGH SCHOOL DIPLOMA. THIS COMPARES TO 51% FOR BLACKS AND 71% FOR WHITES. IN CERTAIN CITIES, THE DROP-OUT RATE FOR HISPANIC CHILDREN APPROACHES 85%. U.S. NEWS & WORLD REPORT

(Aug. 24, 1981) p. 63. THE SIMPLE TRUTH IS THAT IF YOU DO NOT GRADUATE FROM HIGH SCHOOL YOU CAN NOT BECOME A LAWYER OR JOIN THE RANKS OF ANY OTHER PROFESSION FOR THAT MATTER.

ALL WHO ARE CONCERNED ABOUT THE STATUS OF HISPANICS MUST DIRECT THEIR ATTENTION TO OUR COUNTRY'S EDUCATIONAL SYSTEM. AS PARENTS WE HAVE TO BECOME MORE INVOLVED IN THE SCHOOLS. A SYSTEM IN WHICH 85% OF THE CHILDREN FAIL IS A SYSTEM IN DIRE NEED OF REPAIR. THAT IS THE INESCAPABLE TRUTH.

HISPANICS, HOWEVER, HAVE THE POTENTIAL FOR BECOMING AN INFLUENTIAL VOICE IN THE ADMINISTRATION OF SCHOOL DISTRICTS. HISPANICS ACCOUNT FOR 45% OF THE ENROLLMENT IN LOS ANGELES, 52% IN SAN ANTONIO, 30% IN NEW YORK, DENVER, AND MIAMI, AND 35% IN HARTFORD, CONNECTICUT. THE HISPANIC VOICE MUST SPEAK FOR EXCELLENCE IN THE SCHOOL SYSTEMS IN THIS NATION.

THE FIGURES ARE EQUALLY DISTURBING AT THE COLLEGE LEVEL. IT IS REPORTED THAT ONLY A SMALL PERCENTAGE OF THE HISPANIC COMMUNITY GRADUATE FROM COLLEGE. RISING TUITION, INFLATION, THE ELIMINATION OF AFFIRMATIVE ACTION PROGRAMS, AND OUTRIGHT DISCRIMINATION KEEP HISPANIC CHILDREN OFF OUR NATION'S CAMPUSES. WHETHER THE CAUSE IS MANY FACTORS OR JUST ONE, THE RESULT IS THAT IN EVERY STATE WITH A SUBSTANTIAL HISPANIC POPULATION THE PERCENTAGE OF HISPANICS IN COLLEGE WAS SUBSTANTIALLY LOWER THAN THE PERCENTAGE OF HISPANICS IN THE GENERAL POPULATION. THE FOLLOWING FIGURES REVEAL THIS:

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<u>STATE</u>	<u>PERCENTAGE OF HISPANICS IN GENERAL POPULA- TION</u>	<u>PERCENTAGE OF HISPANICS ENROLLED IN COLLEGE</u>
ARIZONA	15.3	9.6
CALIFORNIA	15.9	9.8
COLORADO	11.0	5.7
FLORIDA	7.9	7.5
ILLINOIS	3.7	2.4
NEW MEXICO	36.4	26.1
NEW YORK	8.6	5.8
TEXAS	20.8	12.0

SOURCE: THE CONDITION OF EDUCATION FOR HISPANIC AMERICANS, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, WASHINGTON, D.C. 1980 (STATISTICS NOT BASED ON 1980 CENSUS).

THAT BRINGS US THEN TO THE LAW SCHOOLS THEMSELVES. AT THE BEGINNING OF THIS DECADE, ENROLLMENT IN AMERICAN BAR ASSOCIATION APPROVED LAW SCHOOLS STOOD AT APPROXIMATELY 122,000 STUDENTS. AMERICAN BAR ASSOCIATION, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES FALL, 1979 (1980). OUT OF THIS 122,000 STUDENTS, APPROXIMATELY 5,500 WERE BLACK. THE NUMBER OF HISPANIC LAW STUDENTS WAS 3,024. THIS NUMBER CAN BE BROKEN DOWN TO 1,613 MEXICAN-AMERICAN LAW STUDENTS; 490 PUERTO RICAN; AND OTHER HISPANIC AMERICANS AT 920. THE NUMBERS ARE INCREASING EACH YEAR. APPROXIMATELY 200 MORE HISPANICS WERE IN LAW SCHOOL IN 1980 AS OPPOSED TO 1979. THE NUMBERS ARE ESPECIALLY DRAMATIC WHEN YOU

COMPARE 1980 TO 1970. IN 1970, THERE WAS A TOTAL OF 548 HISPANIC LAW STUDENTS. THAT FIGURE REPRESENTED EIGHT-TENTHS OF 1% OF THE TOTAL LAW SCHOOL POPULATION. A DECADE LATER THOSE FIGURES HAVE RISEN TO 3,000 HISPANIC LAW STUDENTS OR 2.4% OF THE LAW STUDENT POPULATION. SOME OBSERVERS FEEL THAT WHILE THERE HAS BEEN A SUBSTANTIAL INCREASE IN THE NUMBER OF HISPANIC LAW STUDENTS, THE INCREASE IS MORE INDICATIVE OF HOW LOW THE NUMBERS WERE TO BEGIN WITH MORE THAN ANYTHING ELSE. MOREOVER, EVEN IF THE PROGRESS OF THE LAST DECADE CONTINUES, IT MAY TAKE SEVERAL YEARS TO STABILIZE THE NUMBER OF HISPANIC LAWYERS IN THE HISPANIC COMMUNITY, AND IN THE GENERAL POPULATION. SEE, W. HENDERSON AND L. FLORES, IMPLICATIONS FOR ADMISSIONS AFTER BAKKE--PRELIMINARY ANALYSIS OF ACADEMIC AND BAR PERFORMANCE OF COUNCIL ON LEGAL EDUCATION OPPORTUNITY PROGRAM FELLOWS--1968-1978 (CLEO, WASHINGTON, D.C., 1980). -

THE NEXT QUESTION IS WHAT CAREER OPPORTUNITIES ARE OPEN TO HISPANIC LAW STUDENTS FOLLOWING THEIR GRADUATION. EARLIER, I DISCUSSED SOME OF THE OBSTACLES THAT HISPANIC LAWYERS ENCOUNTERED IN LAW FIRMS EARLIER AND A DRAWBACK OF WORKING FOR THE GOVERNMENT PRESENTLY. MY PURPOSE WAS NOT TO DETER ANYONE FROM PURSUING THESE ROUTES BUT ONLY TO ALERT THEM TO CERTAIN PITFALLS.

I DO HAVE SOME SUGGESTIONS FOR HISPANIC LAWYERS. THOSE OF YOU WHO ARE BILINGUAL HAVE A SPECIAL SKILL WHICH IS INCREASING IN DEMAND. YOU SHOULD USE THIS ADVANTAGE OVER THE GENERAL ATTORNEY POPULATION. TWO OBVIOUS CAREER PATTERNS COME TO MIND. THE FIRST IS INTERNATIONAL LAW, MEXICO IS AN IMPORTANT TRADE PARTNER AND WITH ITS PETROLEUM AND MINERAL RESERVES WILL BECOME EVEN MORE IMPORTANT. ADDITIONALLY, SOUTH AND CENTRAL AMERICA HAVE BECOME SUBSTANTIAL BUYERS OF CONSUMER

GOODS. THERE WILL BE INCREASED OPPORTUNITIES IN THE INTERNATIONAL LAW FIELD FOR YOU TO CAPITALIZE ON YOUR BILINGUAL ABILITIES.

ANOTHER AREA OF POTENTIAL GROWTH IS IMMIGRATION LAW. YOUR BILINGUAL ABILITIES ARE AN IMPORTANT QUALIFICATION IN THIS AREA. PROPOSED AMENDMENTS TO THE IMMIGRATION LAW, JUST AS FOR ANY OTHER LAW, INCREASES THE POTENTIAL FOR CLIENT GROWTH.

I AM OF THE MIND THAT BEING HISPANIC SHOULD NOT RELEGATE AN INDIVIDUAL TO A ONE TRACK LEGAL SYSTEM. HISPANICS ARE AMERICANS AND AS SUCH SHOULD DIVERSIFY THEIR INTERESTS IN EVERY CATEGORY OF LAW. THE HISPANIC NATIONAL BAR ASSOCIATION MUST ENCOURAGE ITS MEMBERS TO SEEK OUT NEW AREAS OF LEGAL PRACTICE. IT SHOULD ALSO BE A FORUM IN WHICH DIVERSIFIED LEGAL SUBJECTS ARE DISCUSSED WHICH ASSIST THE PRIVATE PRACTITIONER TO LEARN AND TO SHARE KNOWLEDGE IN ALL ASPECTS OF DEVELOPING JURISPRUDENCE. MINORITY LAWYERS MUST NOT VICTIMIZE THEMSELVES BY YIELDING TO PRACTICE SOLELY IN NARROW INTERESTS AREAS. FOR AFTER ALL, IF AMERICA DEVELOPS THE MOON FOR HABITATION, THE HISPANIC BAR MAY WANT TO HAVE SOMETHING TO SAY ABOUT THE ZONING REQUIREMENTS.

THE HISPANIC BAR WILL BE CALLED UPON TO SHOULDER A LEADERSHIP ROLE. YOU ARE VISIBLE PROFESSIONALS IN YOUR COMMUNITY. PERSONS WHO HAVE NOT BEEN AS FORTUNATE AS YOU, WHO ARE NOT AS GIFTED OR ARTICULATE, LOOK TO YOU FOR LEADERSHIP. SEE STATEMENT OF THE HONORABLE ARMANDO M. RODRIGUEZ BEFORE THE NATIONAL CONVENTION OF THE LA RAZA NATIONAL BAR ASSOCIATION, ALBUQUERQUE, NEW MEXICO, OCT. 27, 1979 AT PP. 7-10. AS IN THE PAST, YOU WILL BE CALLED UPON TO SPEAK FOR THE SPECIAL INTERESTS WHICH MAY ONLY BE KNOWN OR UNDERSTOOD BY YOU BY REASON OF YOUR ORIGIN. SEE O'NEIL, PREFERENTIAL ADMISSIONS:

EQUALIZING ACCESS TO LEGAL EDUCATION, 1970 TOLEDO L. REV. 281, 297-98; VOL. 2, COUNCIL ON LEGAL EDUCATION OPPORTUNITY, COMPILATION OF THE RECORD IN DE FUNIS V. ODEGAARD, AMICUS THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, ET AL. AT 922, (EDITED BY ANN F. GINGER).

I REMIND YOU THAT IT WAS AN ACTIVE HISPANIC BAR THAT HAS PROMPTED REPUBLICAN AND DEMOCRATIC ADMINISTRATIONS TO APPOINT HISPANICS AS JUDGES SUCH AS THE HONORABLE RICARDO M. URBINA, OF THE DISTRICT OF COLUMBIA SUPERIOR COURT, THE FIRST HISPANIC JUDGE APPOINTED BY PRESIDENT RONALD REAGAN. HISPANIC ORGANIZATIONS MUST CONTINUE TO ENSURE THAT HISPANICS ARE REPRESENTED AT EVERY AGENCY AND AT EVERY LEVEL. FOR EXAMPLE, HENRY RIVERA, APPOINTED TO THE FCC TWO MONTHS AGO, IS THE FIRST HISPANIC TO BE APPOINTED A COMMISSIONER AT THAT AGENCY IN ITS 50 YEAR HISTORY.

THE BAR NEEDS TO BE FURTHER INTEGRATED. A LEGAL COMMUNITY REFLECTIVE OF OUR SOCIETY DISPELS A NOTION OF A CASTE SYSTEM AND ENSURES THE LOYALTY OF THE CITIZENRY AS A WHOLE. A MORE DIVERSIFIED BENCH ENSURES GREATER FAITH IN THE FUNDAMENTAL FAIRNESS OF OUR LAWS AND IN THE ADMINISTRATION OF JUSTICE. IN SUMMARY, HISPANIC LAWYERS AND HISPANIC JUDGES ARE NOT ONLY BENEFICIAL AS ROLE MODELS TO THE HISPANIC COMMUNITY, BUT TO THE NATION AS A WHOLE.

FINALLY, I WOULD LIKE TO CLOSE ON A PERSONAL NOTE. SOMETIMES WE HOLD BACK BECAUSE WE PERCEIVE OUR EFFORTS REALLY WON'T MAKE A DIFFERENCE. MY OWN EXPERIENCE, HOWEVER, SHOULD DISPEL YOU OF THAT.

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I BECAME INVOLVED IN THE FEDERAL BAR ASSOCIATION ONLY TEN YEARS AGO. ON SEPTEMBER 30, 1981 I WILL COMPLETE MY TERM AS PRESIDENT OF THAT 15,000 LAWYER ASSOCIATION. I WAS THE FIRST BLACK TO BE ELECTED PRESIDENT OF THAT ORGANIZATION IN ITS 60 YEAR HISTORY. IN THAT POSITION, I HAVE BEEN ABLE TO SENSITIZE THE BAR AS A WHOLE TO THE PROBLEMS OF MINORITY LAWYERS. I APPOINTED SEGISMUNDO PARES, TO BE GENERAL CHAIRMAN OF THE 1981 NATIONAL CONVENTION WHICH BEGAN ON SEPTEMBER 8, 1981.* / I WAS ABLE TO SECURE FUNDS TO CO-HOST A RECEPTION WITH THE D.C. HISPANIC BAR CHAPTER TO HONOR HISPANIC DIPLOMATS. I COMMISSIONED PERCY DURAN, THE PRESIDENT OF THE HISPANIC BAR ASSOCIATION IN THE DISTRICT OF COLUMBIA TO UNDERTAKE A STUDY OF THE HISPANIC LAWYER, AND I APPOINTED MR. DURAN AND EDDIE MARTINEZ AN ATTORNEY AT THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION TO THE NATIONAL COUNCIL--THE GOVERNING BODY OF THE FEDERAL BAR ASSOCIATION. IN COUNTLESS WAYS I CAN SAY THAT MY ADMINISTRATION MADE A DIFFERENCE. CHANGE IS AND WILL CONTINUE TO TAKE PLACE.

RIGHT NOW IN THIS ROOM I AM LOOKING AT OTHERS WHO WILL LEAD AND ALSO BE "FIRSTS." THE BURDEN IS A HEAVY ONE BUT IT IS INESCAPABLE. IT RESTS ON YOUR SHOULDERS AS TO HOW LONG THE NUMBER OF HISPANIC COMMISSIONERS, ABA PRESIDENTS, FBA PRESIDENTS, AND THE LIKE REMAIN

* / SEE LETTER TO SEGISMUNDO PARES FROM J. CLAY SMITH, JR. DATED SEPTEMBER 11, 1980 WHICH OFFICIALLY DESIGNATED HIM AS GENERAL CONVENTION CHAIRMAN. PARES IS THE FIRST HISPANIC TO BE SO DESIGNATED IN THE 60 YEAR HISTORY OF THE FBA. THE CONVENTION, HELD IN DENVER, COLORADO FROM SEPTEMBER 8-11, WAS A SUCCESS DUE TO PARES'S LEADERSHIP.

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THE REGRETTABLE ZERO. THE ROAD IS LONG AND IT IS ARDUOUS, BUT IT IS UP TO YOU TO PUSH FORWARD FOR EQUALITY FOR YOURSELVES, YOUR FAMILIES, AND YOUR COUNTRY. THE TIME FOR THE FIRST STEPS IS NOW. THE FEDERAL BAR ASSOCIATION WILL CONTINUE TO DO ITS SHARE. LA RAZA!

J. Clay Smith, Jr.

J. CLAY SMITH, JR.
NATIONAL PRESIDENT