



# EQUAL JUSTICE

Newsletter of the Washington Bar Association

Dedicated to the Principle "Equal Justice Under Law"

March  
2010

## President's Column



### CREATION OF THE JUDICIAL COUNCIL DIVISION OF THE WASHINGTON BAR ASSOCIATION

By *Donald A. Thigpen, Jr.* – Guest Columnist  
WBA President 1999-2001

On the occasion of the celebration of the 10th anniversary of the establishment of the Judicial Council Division (JCD) of the Washington Bar Association my reflections are as follows:

After long being active and a Life Member of the National Bar Association (since 1974) and serving as its General Counsel and on the NBA board for years, I had experienced the positive impact that an NBA Judicial Council Division brought to its members and the organization as a whole. I saw as increasingly critical the need for an organization of local judicial officers under the rubric of my own Washington Bar Association that functioned, in the main, like the Judicial Division of the National Bar Association.-- *Cont'd on page 2.*

## WBA Judicial Council Update

By Judge Anita Josey-Herring

The 10<sup>th</sup> annual symposium and the celebration of the founding of the Judicial Council is set for March 16, 2010 at the new District of Columbia Court of Appeals. The title of the symposium is African-American Judges: Then and Now. William "Billy" Martin will moderate a panel of distinguished jurists including former Chief Judge Eugene Hamilton; U.S. District Court Judge Reggie B. Walton; D.C. Court of Appeals Judge Inez Smith Reid; former Chief Judge William Pryor; and Retired Administrative Law Judge Constance O'Bryant, of the U.S. Department of Housing and Urban Development.

The program, which is open to the public and does not require advance registration, begins at 6 p.m. A reception to celebrate the 10<sup>th</sup> anniversary follows immediately after the program.

### Students learn lessons of African-American legal leaders

Over 250 children in 10 classes of kindergarten through fifth graders at Thompson Elementary School participated in the Black History program organized by the Judicial Council's School Outreach Committee on February 24, 2010. -- *Cont'd on page 3.*

### John Payton Argues Chicago Firefighters' Discrimination Case Before the US Supreme Court



NAACP/PLDF President/Director Counsel John Payton (center) surrounded by other attorneys and their clients on the steps of the US Supreme Court.

#### Excerpt from Payton's Argument

"On eleven separate occasions, Chicago used an unlawful cutoff score to determine which applicants it would hire as firefighters. There is no dispute that the cutoff score had an adverse impact on qualified black applicants and was not job-related. The only question presented is whether each use of the cutoff score in each of the hiring rounds was a separate violation of Title VII. An affirmative answer to that question is both the best reading of the statute and the soundest policy."

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## Calendar of Events

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### COUNCIL OF PAST PRESIDENTS:

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- Felicia L. Chambers
- Kim M. Keenan
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**WEBSITE:** [www.washingtonbar.org](http://www.washingtonbar.org)

**Newsletter Editor-in-Chief:**  
**Natalie S. Walker**

**Newsletter Production Editor:** **Jeffrey Jones**

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March	May
<p><b>March 16, 2010 – 6:00 p.m.</b> <b>Judicial Council Spring Symposium, District of Columbia Court of Appeals, 409 E Street, NW, Washington, D.C. 20001</b></p> <p>-----</p> <p><b>March 27, 2010 – 3:00 p.m</b> <b>WBA Book Club Meeting (Location TBD)</b></p>	<p><b>May 8, 2010 - 6:30 p.m.</b> <b>WBA Annual Law Day Banquet, JW Marriott Hotel, 1331 Pennsylvania Ave, NW, Washington, D.C. 20004</b></p>
[The particulars will be on the WBA web site]	

## CREATION OF THE JUDICIAL COUNCIL DIVISION OF THE WASHINGTON BAR ASSOCIATION

(Continued from page 1)

What made my establishment of a Washington Bar Association Judicial Council Division a most compelling imperative for me was the treatment of local black jurists by the media and other entities at the time. I believed then as I do now that our local black jurists, regardless of position and tenure, whether state or federal, administrative, trial or appellate, needed an entity that they could call home for purposes of professional fellowship, comradery, solace, uplift, mutual support, and social intercourse under the auspices and protection of the then 75-year-old Washington Bar Association. Black judges, in my experience at the time, had always been the target of unreasonable criticism to which they were unable to provide any defense because of the constraints imposed by being sitting judges. It was my belief that the Washington Bar Association could protect its Judicial Council Division members by coming to their defense in a time of need, just as it had always tirelessly advocated for their appointment to the bench in the first instance.

I also strongly believed that such an organized entity could additionally serve the broader legal and local community by providing the kind of exposure to the community that could be accomplished through community service activities long needed by the local populace. For all the reasons hereto expressed, as President of the Washington Bar Association 10 years ago, I founded the Judicial Council Division of the Washington Bar Association with the stellar assistance and efforts of D.C. Superior Court Judges Arthur Burnett and Paul Webber and WBA Board member Gilbert Douglas. Judge Burnett became the first and founding Chair of the then newly established Judicial Council Division.

In closing, please know that it has been a source of continuing personal joy and pride in seeing the Washington Bar Association Judicial Council Division begin, grow, thrive and fulfill my dream of a strong, viable, organized entity of District of Columbia black judicial officers that can and do serve their own very special and unique needs, those of the legal profession and community, as well as provide an organized role model for black jurists nationwide.



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## WBA Judicial Council Update *(Continued from page 1)*

The students ranged in age from five to ten and included black, Asian, Hispanic and white students who were interested in the presentations by Judge Jennifer Long, Judge Claudia Crichlow, Judge Caryn Hines, Judge Avril Sisk (Retired), Judge Fred Carney, Judge Audrey Jenkins, and Judge H. Alex Manuel.

According to Judge Manuel, the students were "remarkably mature and interested in the subject matter," which included a Power Point presentation and discussion of African-American historical figures from the field of law. The students were also provided with pictures and brief biographies of each person. Among the featured leaders in the law were well-known figures Charles Hamilton Houston, Thurgood Marshall and Johnnie Cochran. The students also learned about other leaders, particularly those with a Washington, D.C., connection such as:

- Sadie Tanner Mossell Alexander, who graduated from high school in D.C., became the first African- American woman in the U.S. to obtain a Ph.D. She later went on to become the first woman to receive a law degree from the University of Pennsylvania School of Law, and was the first National President of Delta Sigma Theta Sorority, Incorporated.
- Hon. H. Carl Moultrie I was the first African-American Chief Judge of the D.C. Superior Court. The Courthouse is named after the judge.
- Spottswood William Robinson III was the first African-American appointed to the United States Court of Appeals for the District of Columbia Circuit and became the first African-American to become Chief Judge of the court.
- Constance Baker Motley was the first African-American woman ever to argue a case before the U.S. Supreme Court, in *Meredith v. Fair*. She successfully won James Meredith's effort to be the first black student to attend the University of Mississippi.

But the judges did not just talk about history. They also shared stories about their experiences with the students. One student asked Judge Manuel how old he was and when he responded that he was 55, the entire class let out a loud gasp and all you could hear was "wow, oh my God!" The program was clearly very interactive and effectively engaged the students.

Also participating in the program at Thomson were Clint Gerdine, Attorney Advisor, Office of General Counsel, United States International Trade Commission; Lalita Hamilton, Primary Patent Examiner, Business Methods, United States Patent and Trademark Office and Law Student, Catholic University; Monica Moran, Law Student, George Washington University School of Law; and Janell Smith, Staff Attorney, District of Columbia Office of Administrative Hearings.

The 2010 program at Thomson is the third year that the Judicial Council has planned outreach activities at the school.

### Summer Interns receive notices of acceptance

More than 40 first and second year law students have been accepted for the 2010 Judicial Internship Program which begins at the end of May. The program begins with orientation and then the students begin eight weeks of work in the chambers of Judicial Council Members on the D.C. Superior Court, the D.C. Office of Administrative Hearings, U.S. District Court and numerous federal agencies. Judicial Council Members interested in hosting an intern for the summer are urged to contact Judge Karen Aileen Howze, D.C. Superior Court, no later than March 15, 2010.

**MEMBERSHIP/DUES:** For those of you who have not done so already, please go to [www.washingtonbar.org](http://www.washingtonbar.org) to renew your membership and to pay your dues online.



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## AUTHOR TO READ AND SIGN AT WBA BOOK CLUB MEETING

By Felicia L. Chambers

Author Katie McCabe will be reading from, discussing and signing her book *Justice Older Than the Law, The Life of Dovey Johnson Roundtree*, a biography about one of the black women pioneer lawyers in the District of Columbia, at the WBA Book Club meeting on March 27, 2010 at 3:00 p.m. (place TBD). Mrs. Roundtree integrated the Women's Bar Association in DC among many other notable achievements. See Dovey Johnson Roundtree, [http://en.wikipedia.org/wiki/Dovey\\_Johnson\\_Roundtree](http://en.wikipedia.org/wiki/Dovey_Johnson_Roundtree). This will be the third in a series of events in which the WBA has been involved with respect to this book.

On July 23, 2009, the WBA co-sponsored at the Women In Military Service For America Memorial Gateway, Arlington National Cemetery, the book release of *Justice Older Than the Law*. Written remarks made by First Lady Michelle Obama lauding Mrs. Roundtree's accomplishments were read at this event. Then, last fall, the WBA co-sponsored a reading and signing of the book with the Women's Bar Association featuring the author, who became a personal friend of Mrs. Roundtree. We are honored to host Ms. McCabe at the March WBA Book Club meeting to discuss a powerful role model for all lawyers in the District of Columbia.

Ms. McCabe also authored *Something the Lord Made*, based on a true story about Vivien Thomas, a black man who was essentially "the" person behind the surgeon (Dr. Alfred Blalock) who performed the first open heart surgery. That book was made into an HBO film starring Mos Def and Alan Rickman.

All are welcome to the WBA Book Club book reading, signing and discussion!! Please RSVP ASAP to [flcesq@yahoo.com](mailto:flcesq@yahoo.com) with your attendance.



Judges Caryn Hines and H. Alex Manuel with students at Thomson Elementary School of February 24, 2010 for Black History Month presentation.



Students at Thomson Elementary School during the Judicial Council's Black History Month presentation on February 24, 2010.

## WBA Nominations and Elections Committee

The Washington Bar Association's Nominations and Elections Committee is charged with the preparation of a slate of candidates to be voted on at the Association's Annual Meeting on June 17, 2010. WBA Past President Felicia L. Chambers is Chair of the Committee. The other members of the Committee are WBA Past Presidents, Robert Bell and Kim M. Keenan. If you are interested in running to serve as an officer or member of the Board of Directors, please contact Committee Chair, Felicia L. Chambers, via e-mail at [flcesq@yahoo.com](mailto:flcesq@yahoo.com)

In addition to the slate of candidates proposed by the Committee, any WBA Regular Member in good standing may be nominated for any elective office in the Association by filing a Petition of Nomination with the Association's Secretary. All Petitions of Nomination must be filed with the Secretary, Jay Stewart ([jstewart@udc.edu](mailto:jstewart@udc.edu)), not later than April 20, 2010. Each petition must contain the signatures of fifteen Regular Members in good standing.



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*The Washington Bar Association  
and the Washington Bar Association Educational Foundation, Inc.  
Cordially Invite You To*

## LAW DAY 2010

Law Day Committee Co-Chairs: Iris McCollum Green & William (Billy) Martin  
Honorary Banquet Chairs: Elaine R. Jones, Esq. & Prof. Charles J. Ogletree, Jr.

*Honoring: John Payton, President/Director-Counsel  
NAACP Legal Defense and Educational Fund, Inc.*

*Saturday, May 8, 2010  
J.W. Marriott  
1331 Pennsylvania Avenue, NW  
Washington, D.C.  
Cocktail Reception: 6:30 p.m.  
Dinner: 7:30 p.m.*

***Equal Justice Table\****

**\$10,000.00**

*Full Gold Page Ad in Program  
Video Display of Logo  
VIP Reception  
Signage  
Reserved Seating for Ten  
Listing in Newsletter  
Champagne Toast*

***Platinum Table\****

**\$7,500.00**

*Full Gold Page Ad in Program  
Video Display of Logo  
VIP Reception  
Signage  
Reserved Seating for Ten  
Champagne Toast*

***Gold Table\****

**\$5,000.00**

*Full Gold Page Ad in Program  
Video Display of Logo  
VIP Reception  
Reserved Seating for Ten  
Champagne Toast*

***Silver Table\****

**\$3000**

*Full Page ad in program  
Reserved seating for ten*

***General Table***

**\$1,750.00**

*Reserved seating for ten*

***Individual Ticket***

**\$175.00**

*Please make checks payable to the "Washington Bar Association Educational Foundation, Inc."*

*P.O. Box 56551, Washington, DC 20040*

**Ronald C. Jessamy, President**



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## Recent WBA News

- The Washington Bar Association recently incorporated the **Washington Bar Association Educational Foundation, Inc.**, a nonprofit corporation which will serve as its charitable entity.
- **Yaida O. Ford**, Chair, WBA Young Lawyers Division, recently wrote an opinion article entitled "Calling Black Men in D.C.: Step Up and Mentor." The article appeared in the January 31, 2010 edition of *The Washington Post* newspaper.
- WBA Member, **Christopher Hart**, a presidential appointee, currently serves as Vice Chair of the National Safety Transportation Board.
- WBA Member, **Ron Machen**, a former partner with the law firm of WilmerHale, was recently confirmed by the US Senate as United States Attorney for the District of Columbia.
- The Washington Bar Association has endorsed WBA Judicial Council Chair, **Hon. Anita Josey-Herring**, for appointment to the United States District Court for the District of Columbia.
- Washington Bar Association Judicial Council Member, **Magistrate Judge Milton C. Lee, Jr.**, was recently nominated to fill a vacancy on the Superior Court of the District of Columbia.
- A number of Washington Bar Association members have been named in the recently published list of 2010 Super Lawyers in the Washington, D.C. edition of *Super Lawyers Magazine*, including WBA President, **Ronald C. Jessamy**. Among other WBA Members listed are former WBA President, **Kim M. Keenan** (The Keenan Firm) and WBA 2010 Law Day Committee Co-Chair, **William (Billy) Martin** (Howrey, LLP). Ranked in the Top 100 on that list are such WBA Members as **Bruce A. Fredrickson** (Webster, Fredrickson, Correia & Puth, PLLC); **Jack H. Olender** (Jack H. Olender & Associates, PC); and **Michele A. Roberts** (Akin Gump Strauss Hauer & Feld, LLP).

## NBA LAW AND RELIGION SECTION INAUGURAL CONFERENCE

On April 30 and May 1, 2010, the Law and Religion Section of the National Bar Association will host its Inaugural National Conference in Columbia, Maryland at the Sheraton Town Center Hotel. The aim of this one and one-half day meeting is to bring together church leaders, clergy and lay, and lawyers around six legal topics. The hope is that the conference will strengthen the ability of religious organizations to navigate legal waters in which they exist and be more free to do what they do best, namely call people to faith and to equip people of faith to serve. The theme of the conference is "The Church and The Law: Practical Considerations for Church Leaders and Church Lawyers." Among the six topics will be "Building a New Sanctuary", "Copyright Law and Music Ministry" and "Liability and Pastoral Counseling." Please join us!

## Hall of Fame Nominations

The Washington Bar Association's Hall of Fame Committee is accepting applications for the 2010 Hall of Fame Induction Ceremony in June 2010. All nominations must be received by April 23, 2010. The criteria for nomination are: (1) that the nominee is a member of the Washington Bar Association, (2) has practiced law for at least 25 years, and (3) has made significant contributions to the cause for equal justice under law and to the profession. This year's Hall of Fame Committee is chaired by WBA First Vice President Iris McCollum Green. The other committee members are WBA Judicial Council Chair, Hon. Anita Josey-Herring, WBA Young Lawyers Division Chair, Yaida Ford and WBA President, Ronald C. Jessamy. You may contact Iris McCollum Green at (202) 785-1171 or via e-mail [riseagain@aol.com](mailto:riseagain@aol.com) for further information.



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## Raising Ourselves Up The Objective of YLD's Raising the Bar Mentorship Program

By Armand M. Hill

While each individual bar applicant is different, there are some aspects of bar study that are common for all. Exceedingly long hours spent reviewing arcane concepts and principles, days where it seems that another moment spent studying is impossible, along with yet other days where it seems another day of study on a particular topic would finally let us master it. Common as well is the frustration and the fear that despite our best efforts, we may fall short of our goal. The bar examination for each respective state represents the barrier between the academic and the professional, law student and attorney. The rigors of the bar examination process are a crucible through which all who wish to practice law must pass.

The bar exam, however, can be a greater barrier for some. According to a 2003 National Black Law Journal article the first time bar passage rates for African Americans is roughly 30 percent less than that of their white counterparts.<sup>1</sup> First-time bar passage rates are estimated at 61.4% for African Americans and 91.93% for their white counterparts. As accurately stated in that same article, bar passage rates at these levels for prospective African American attorneys is a "substantially greater barrier to entry into the legal profession" than for their colleagues, and is similarly a "barrier to the proportionate representation of black lawyers in the legal profession".<sup>2</sup> Those of us who have been unfortunate enough to retake a bar examination can personally attest to the increased financial pressures and other difficulties stemming from achieving a Juris Doctorate, but failing to obtain our professional licenses.

The YLD believes guidance from attorneys who have been successful in passing a state bar can be invaluable when paired with the dedication and determination on the part of bar applicants, in transcending the barrier of the bar. By providing exam skills, strategies, suggestions, and mentorship to bar applicants, the hope is to provide mentees with the best possible chance to pass the bar the first time. Having already experienced the trials of the bar, mentors understand the level of commitment and resolve to pass the bar and are ultimately an invaluable resource to bar applicants.

We are seeking attorneys who are willing to commit to providing bar applicants with their experience, exam tips, advice, and the understanding that comes from those who have endured the same trials and overcome them. Please visit our website for more information on the Bar Mentorship Program and to complete a mentor application.

[http://www.washingtonbar.org/lsd\\_mentors.php](http://www.washingtonbar.org/lsd_mentors.php)

<sup>1</sup> Jane Ellen Cross "The Bar Examination in Black and White: The Black-White Bar Passage Gap and the Implications for Minority Admissions to the Legal Profession" pg. 9.

<sup>1</sup> Id. at pg. 2

## SPECIAL INVITATION TO THE 10<sup>TH</sup> ANNIVERSARY CELEBRATION JUDICIAL COUNCIL OF THE WASHINGTON BAR ASSOCIATION MARCH 16, 2010 6:00 P.M.

Ten years ago the African-American judges of the District of Columbia established the Judicial Council of the Washington Bar Association. The Council is comprised of judges from the federal and local courts, as well as federal and local administrative law judges in the Washington metropolitan area.

To celebrate a successful decade of community service, professional development, and public awareness programs on vital legal issues, we invite you to join us for our Tenth Anniversary Celebration on **March 16, 2010 at 6:00 p.m. at the Historic Courthouse of the District of Columbia Court of Appeals**. The Historic Courthouse is located at 430 E Street, N.W. in the District of Columbia. In the tradition of our annual, public symposium, we have prepared a unique program describing the development of the African-American judiciary in the District of Columbia. The theme is "African-American Judges – Then and Now." Our moderator is William R. (Billy) Martin, Esq., and the participants will be the Hon. Eugene N. Hamilton, the Hon. Reggie Walton, the Hon. Constance O'Bryant, and the Hon. Inez S. Reid. The founders of the Judicial Council will be honored, and a reception will follow the program.

You have an important connection to the legal system in the District of Columbia, and we would be especially pleased for you to enjoy this occasion with us. We look forward to seeing you.

*Hon. Anita Josey-Herring, Chairperson*  
WBA Judicial Council



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## Message from the Young Lawyers Division Chair

By Yaida O. Ford

One of my goals as YLD chair is to make mentorship part of our focus this year. Not only mentorship for law students, but mentorship for the District's youth who often lack the resources and guidance needed to succeed. To that end, YLD partnered with the Thurgood Marshall Academy (TMA) to help recruit quality African-American mentors and tutors for their mentoring and tutoring programs. TMA is the only law-related public charter school in the District and is named after the first African-American Supreme Court Justice. TMA was founded by Georgetown alumni and thus, Georgetown serves as a pipeline for many of the tutors and mentors that serve TMA students.

Located in Ward 8, TMA's student population comes from one of the most economically distressed parts of the city. Fortunately, TMA is a shining light boasting one hundred percent college admission rates for its students. While TMA is a law-themed school, named after a legal giant, with an almost one hundred percent black student population, few of the mentors and tutors at TMA are African-Americans and even fewer have legal backgrounds. This fact created an opportunity for YLD to step up and get involved. I partnered with Scott Guggenheimer of TMA and we began to appeal to YLD members to serve as mentors. After a few YLD postings on the listserv, several members inquired about how to participate.

Today, at least three YLD members are yearlong mentors at TMA and at least one member served as a tutor in the after school program. The two programs are drastically different as far as commitment and responsibilities. Tutors come in and assist students during homework hour. There is no commitment to a particular student. They help the students who show up. Mentors, however, commit to mentoring one student for the entire school year. TMA organizes one weekend outing per month and provides food and transportation for all mentors and mentees. At the group outings, mentors get to mingle with each other and get to meet other students aside from their mentee. The mentors and the mentees then agree to spend one day per month with each other outside of the group outings. I and two of my YLD members, Karen Todd and Darryl Maxwell, have been mentoring this year.

Karen and Darryl are particularly happy with their experiences so far. When asked if she would recommend other lawyers to mentor with TMA, Karen said, "I would totally recommend other lawyers to participate. The program takes teenagers living in low to moderate income communities and tries to ensure that they will graduate from high school and attend college. Who wouldn't want to be a part of that, even if it were in a small way?" Darryl said that seeing YLD's announcements on the listserv calling for black men made him answer the call. "I thought it would be a great learning experience for me and was excited to possibly have an influence on a teenager that was excited about the program as well."

YLD is proud to be fulfilling the primary part of the Houstonian legacy which involves reaching into the more vulnerable parts of the community that we often forget about because we do not live side by side with our poorer neighbors. However, TMA reminds us that the effects of poverty for young black men and women can be reversed if those who are more privileged help. Thankfully, Georgetown has a solid supply of students and alumni who care about youth who come from a world that may be different from their own. YLD has now added a few black lawyers who decided to adjust their lives to be a part of something of lasting value - mentorship.

**Newsletter Deadline:**

**Submit newsletter articles**

**by April 1, 2010 to**

**NWalker@wfcplaw.com**