

TENNESSEE BAR JOURNAL

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“Insight, I believe, refers to the depth of understanding that comes by setting experiences, yours and mine, familiar and exotic, new and old, side by side, learning by letting them speak to one another.”

— Mary Katherine Bateson,
author of *Willing to Learn:
Passages of Personal Discovery*

What’s So Great About Diversity?

The term “diversity,” sort of like the term, “rule of law,” means different things to different people. Elected officials like to say that they are going to bring “diversity” to their administrations. Law firms have “diversity” links on their Web pages. Law schools like to tout the “diversity” of their student bodies. I think it’s healthy to remind ourselves, every once in a while, that diversity is not just a trendy

management term, or a buzz word, or political spin. There are good reasons why having a diverse bar association, a diverse judiciary, diverse law firms, and diverse law schools makes our profession stronger and why working within them gives us a chance to be better individuals.

In December, Malinda and I had the opportunity to visit our friend, Allen Robinson. Allen is now the senior rector of St. James Episcopal Church in Baltimore, the first ever African-American parish south of the Mason-Dixon line. St. James sits squarely in the middle of one of the poorest neighborhoods in Maryland. It’s a beautiful church with beautiful stained-glass panels, some of which are more than 100 years old. I fully expected to be the only middle-aged Caucasian guy in the room, but as the congregation began to fill the church, I began to notice that St. James had Caucasian members and Asian members and Hispanic members and that the assistant rector was a guy like me.

After the service, as Malinda and I drove back to Washington, I realized that I had learned an important lesson. The presence of the Caucasian, Asian and Hispanic members of the congregation had sent a message to me about the nature of St. James as an institution. It had sent the message to me that this was an institution in which a Caucasian preacher who was older than the African-American rector, was happy to

work. It sent a message that there were Caucasian and Asian-American and Hispanic parishioners who loved St. James enough to go out of their way to be members of that particular church. By the end of the service, I understood that the St. James parishioners were some of the friendliest and most welcoming people I had ever met, but in the first 10 minutes, just the presence of those diverse parishioners had sent a message to me. I realized that I had experienced first-hand one of the reasons diversity is important.

I have always enjoyed the story that my friend, Bernice Donald, tells about her first weeks as a judge. Bernice is a United States District Judge now, but she was the first African-American woman to be elected to a state court of record in Tennessee. I recently heard her reflect on entering her first courtroom and finding that the clerk of court had assigned to her an African-American courtroom clerk and two African-American deputies. She told how her first defendant was a young Caucasian man who she noticed was looking around the courtroom at her and at her law clerk and deputies. When his case was called, he stood up and asked that his matter be deferred so that he could get a lawyer. When he came back three weeks later on the next setting, you guessed it — he had retained an African-American defense lawyer. Judge Donald says that she respectfully asked the clerk to give

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PRESIDENT'S PERSPECTIVE

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her a more diverse courtroom staff the next day.

These two little stories illustrate why diversity can be so important. It is only human nature that people will notice or even make it a point to examine the way in which an appellate court, or a jury, or a law firm, or a legal department, or a law school class or faculty, or a bar association board is populated. When an institution is staffed with a diverse mix of individuals, it sends a healthy message to those whose lives will be impacted by that institution.

Moreover, I have found in my life's journey that I am a better lawyer and a better person because of the opportunity to work with and become friends with colleagues of different backgrounds. For example, when I served on the Judicial Selection Commission, I learned a great deal from my friend, Margaret Behm, about the barriers that women have faced and still face and some of the perspectives that women bring to the table. The same is true of my friend, Herman Morris, with whom I served, who used his dry wit to make me see that I had blind spots in my understanding when it came to the struggles of the poor in our country and the ongoing struggle for civil rights. Hardly a week goes by that I don't learn something new from my secretary, Lucy Woods or my paralegal, Debby Harbison. Their perspectives add real value to the service we render to our clients. Serving on my firm's recruiting committee with my colleagues Toney Matthews, Ursula Holmes, Imad Abdullah, and Mark Carlson has helped broaden my perspective and been a poignant reminder that we majority lawyers make a big mistake if we fall into the trap of assuming that all lawyers or clients or jurors of one ethnic background have a

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LETTERS OF THE LAW

Brittenum was manager in 2005

The "People You Need to Know" section of the January 2009 edition of the *Tennessee Bar Journal* contains a statement that Melvin Malone "is believed to be the first African-American to serve as manager of a large Tennessee law firm." For your information, Dedrick Brittenum, an African-American, served as chief manager of Farris Bobango Branan PLC (formerly Farris Mathews) in 2005. Farris Bobango has offices in Memphis and Nashville.

Nevertheless, congratulations to Mr. Malone for his success!

— T. Kevin Bruce, *Farris Bobango Branan PLC, Memphis*

Subject of Haltom column gets the joke

My name is Kim Shrigley. I was forwarded a copy of the "Big Orange Alimony" article by my attorney ("But Seriously, Folks! by Bill Haltom, January 2009 *Tenn. Bar Journal*). I have to say, I thoroughly enjoyed reading the article. I would like to extend an open invitation to Mr. Haltom to visit our salon at any time, with one word of caution. I am not the person he wants doing his hair, as I am a nurse by profession. I would be happy to start an IV or administer medications, but we may be wise to leave the hair styling to the professionals.

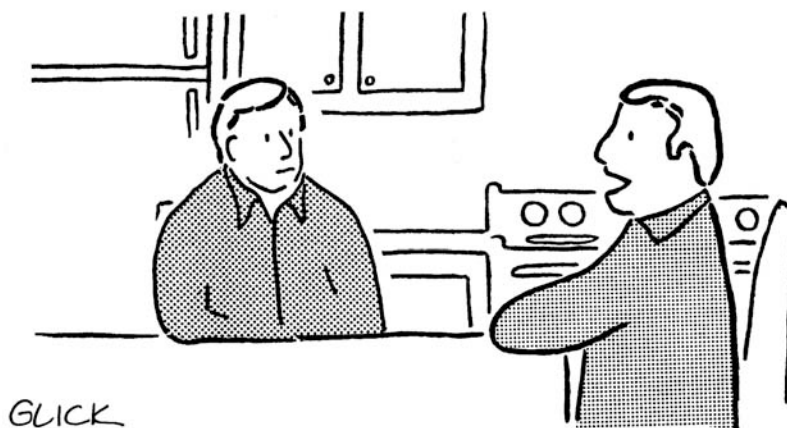
Thanks again for providing some humor in a situation that at times has been unbearable. I truly appreciated the article and your comments.

— Kim Shrigley, *Alimony's Hair & Nail Salon, Knoxville*

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JEST IS FOR ALL

Not The Most Romantic Valentine's Day Idea

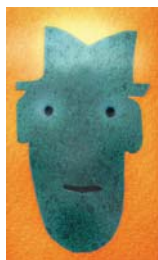


"... and then after I take my girlfriend to dinner at a fancy restaurant, I'm going to surprise her with a pre-nuptial agreement!"

monolithic view of the issues of our day.

We must bear in mind that valuing diversity is not a 21st century phenomenon. It is, rather, a democratic value that's been around as long as the birth of our republic. The freedom to practice a diversity of religions is one of the reasons for the founding of our democracy. Americans of all backgrounds have shed their blood in military conflicts and in the struggle for civil rights so that every American can have the opportunity to serve in any capacity merited by their talents and work ethic.

Our United States Supreme Court, which acknowledged in *Regents v. Bakke*, 438 U.S. 265 (1978), and again in *Grutter v. Bollinger*, 539 U.S. 306 (2003), and *Gratz v. Bollinger*, 539 U.S. 244 (2003), that there is stress between the equal protection clause and diversity, nevertheless has repeatedly recognized that diversity leads to what Justice Powell called a "robust



"I am a better lawyer and a better person because of the opportunity to work with and become friends with colleagues of different backgrounds."

exchange of ideas" and that "students coming from a diverse student body" are better prepared for "an increasingly diverse work force and society" and better prepared as professionals. The United States military recognized in an amicus brief in *Grutter* that "based on their decades of experience" a "highly qualified, racially diverse officer corps ... is essential to the military's ability to fulfill its principal mission to provide national security."

The more familiar I become with our association's young lawyers across the state, the more I realize that with every passing generation, prejudice is melting

away. As President Kennedy said, "The wave of the future is not the conquest of the world by a single dogmatic creed, but the liberation of the diverse energies of free nations and free men." As philosopher Jerome Nathanson remarked, "Our democratic way of life involves a growing appreciation of people's differences, not merely as tolerable, but as the essence of a rich and rewarding human experience."

As a cursory visit to the past presidents page, the board of governor's page, or the staff page of our association's Web site quickly reveals, there is still much work for us to do. I was encouraged, however, when I spoke to the class of new lawyers in Memphis on November 4, 2008, to see so many students of different ethnic backgrounds, and even different national origins, entering our profession. The fine article written by Karen Britton in this issue titled "The Landscape around the Diversity Pipeline," however, is a poignant reminder that barriers to law school attendance, the impact of gaps in early childhood education, and graduation rates all conspire to making the goal of a more diverse profession difficult to achieve. But lawyers in general and Tennessee lawyers in particular have never shied away from a challenge. The work of our standing committee on diversity is steadily moving us in the right direction. It's a journey that's clearly worth the making, a journey that leads to an enhanced perception of our institutions, enhanced performance of our institutions, and a richer and broader perspective for each of us as individual lawyers.

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