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The End of the Pipeline: a journey of recognition for African Americans Entering the Legal Profession [Review of the Book]

La Loria Konata

Georgia State University, llkonata@gsu.edu

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THE END OF THE PIPELINE: A JOURNEY OF RECOGNITION FOR AFRICAN AMERICANS ENTERING THE LEGAL PROFESSION, by Dorothy H. Evensen and Carla D. Pratt. Durham, North Carolina: CAROLINA ACADEMIC PRESS, 2012. 344pp. Paper \$36.00. ISBN: 978-1594609817.

Reviewed by La Loria Konata, University Library, Georgia State University, Email: llkonata [at] gsu.edu

With the election of Barack Obama, a highly regarded law school graduate and, the first African American President of the United States, many believe that we now live in a *post-racial* country. That is, the playing field is now level and we can dismiss any discussion of race, need for diversity and affirmative action. Research done by MTV shows that Millennials between the ages of 14-24, are “more tolerant and diverse and profess a deeper commitment to equality and fairness. At the same time, however, they’re committed to an ideal of colorblindness that leaves them uncomfortable with race, opposed to measures to reduce racial inequality, and a bit confused about *what racism is*” (Bouie 2014). In fact, “62% (58% for POC [persons of color], 64% white) believe that having a Black President demonstrates that racial minority groups have the same opportunities as white people and 67% believe it shows race does not have to be a barrier to accomplishments (DBR MTV Bias Survey 2014, 2).

These beliefs make this book necessary to correct erroneous assumptions about race and the need for diversity in labor markets where whites are still the majority and minorities are still very much underrepresented in spite of “the U.S. [being] poised to be a majority-minority country sooner than predicted” (Frey 2013). Via a multi-faceted qualitative study based in Critical Race Theory, Grounded Theory, and Theory of Intervention as its foundation, this book aims to show that African Americans’ entry into the legal field is still a “precarious” journey, and also serves as an outcry to implement programs that have proven to make this journey less precarious and more “smooth sailing.”

For the first part of the study, the authors interviewed twenty-eight African Americans. Between 2000 and 2007, the participants had completed law school, passed the bar and obtained employment in the field of law. Another participant requirement was that their pipeline to law school and current employment had to be a “precarious” journey. While the definition of “precarious” was left to the participants to define, generally, “precarious” meant that there were a few bumps and in some cases potholes on the road to law school, passage of the bar, and/or current work environment. Conducting open-ended interviews, the authors sought to answer two questions:

Is there any type of collective or general story that pertains to all participants in the study?

How did participants get to their final destinations and how might their journeys be labeled or characterized? (Evensen and Pratt 2012, 5)

The “collective” *or* “general story” that they found was labeled as “working recognition.” These lawyers were “recognized” for their intellectual gifts at various stages of their development and “worked” this recognition in various forms at various times along their journey to law school and ultimately current employment as a lawyer. Participants were recognized formally via testing for gifted and advance classes and informally such as being labelled as special by a parent or a teacher. This recognition seemed to bolster the confidence and self-esteem of these participants and was revisited as a rallying cry during difficult times such as one participant calling her eighth grade teacher when she needed a confidence boost. These stories suggest and confirm that educational success for African-Americans can be achieved by a community of parents, teachers and counselors having higher expectations for achievement.

To test the validity of the initial findings, the authors conducted focus groups with sixteen young African American lawyers who had more recently completed law school. Like the initial group of twenty-eight, the “working recognition” model, both formal and informal recognition, applied to these lawyers and influenced their “precarious” pipeline journey. Race mattered for this group. Negative situations were experienced by this group such as being in advanced academic classes in high school, but still encouraged to apply to community colleges. They also experienced micro-aggressions in schools and in corporate settings. One female participant “recalled the time at her top-tiered law school when she was working at her desk in the law review office and was accosted by a member of another journal to fetch certain items” (Evensen and Pratt 2012, 76). Because of these instances and many more that were noted in the book, it was very appropriate for the authors to apply Critical Race Theory to the study.

Critical race theory (CRT) is a theoretical perspective that purposely centers race and racism in its analysis. It considers racism to be the central reason for racial inequality in the United States. In CRT, racism is defined as a structure embedded in society that systematically advantages Whites and disadvantages people of color. Rather than aberrant or random acts, racism is considered a normal condition of U.S. society, relating directly to and resulting from the racialized history of the country (Marx 2008).

To more accurately answer the second question, stories from the sixteen young African American lawyers were synthesized and categorized as: “smooth sails, divergent paths, and incredible journeys” (Evensen and Pratt 2012, 72). A “smooth sail” journey usually began with a parent recognizing the child’s potential early and advocating for them to be placed in special programs. Because of this formal recognition and placement, there was access to information and other opportunities that would have been missing otherwise. Those who had a “divergent path” seemed to share an absence of mentors. These lawyers were almost lost to the law field, but through chance were redirected back to law, but didn’t have much guidance to get there. Those characterized as having an “incredible journey” were recognized informally, but this informal recognition did not lead to programs experienced by those with a “smooth sail.” They adapted and survived extraordinary circumstances to get to the end of the pipeline. These results

indicate that if minorities are to be better represented in the field of law, formal academic recognition and higher expectations should be established early to get students in the pipeline. Continuity of pipeline programs leads to a “smooth sail” through the pipeline by providing access to information and resources that help students navigate uncharted territory. Additionally, the researchers note, “if interventions are to be designed that would construct pipeline programs or facilitate pipeline experiences to increase the numbers of African Americans in the legal community, they must be attentive to issues of racial inequalities, racial stereotypes, and particular racially-specific needs associated with African Americans who aspire to the legal profession (Evensen and Pratt 2012, 88).”

For the second wave of the study, the authors followed up their research of the two groups of lawyers who had completed their pipeline journey with sixteen upper level African American law students near the end of their pipeline journey who could affirm this statement:

I would not be where I am now (i.e., in the second or third year of law school) if it were not for, at least in part, my participation in a pipeline program (Evensen and Pratt 2012, 209).

All sixteen of these law students had benefitted from at least one pipeline program, whereas, only nine of the original twenty-eight lawyers had such a benefit.

They found that the model of “working recognition” does fit for this group as well. More of these students were more formally recognized than those in the original study. This formal recognition led to pipeline programs that many continued from middle school to law school. Although they had more access to pipeline programs, they still had to make an effort to strategically maneuver these resources. Like the other two groups of participants, race mattered to these students as they also experienced micro-aggressions in law school. In particular, race mattered in law school’s Constitutional Law class. Services provided by Black Law Students Association (BLSA) and guidance from faculty and staff were effective strategies to cope.

What is impressive about this book is the thoroughness the authors used to test their assumptions and implementation of Grounded Theory. “Grounded theory refers to a set of systematic inductive methods for conducting qualitative research aimed toward theory development” (Charmaz 2004). Evensen and Pratt successfully applied this theory as evidenced in developing and labeling the types of journeys experienced by those in the pipeline. Not only did they interview two groups (young lawyers and upper level students) to verify and expand the findings of the original study, they also received expert analysis. An expert on affirmative action, the role of BLSA and a law school Dean of Admissions confirm the need of pipeline programs and other measures to increase the number of African Americans in law school. Another author addresses the importance of Historically Black Colleges and Universities (HBCU) Law School’s in contributing to a large number of African Americans in law school despite being a small number of total law schools.

The book closes with more analysis from those seasoned in the pipeline. From them we learn what a deterrent Law School Admission Test (LSAT) can be in hindering minorities from entering the pipeline. The LSAT score is tied closely to law school rankings which prevent those committed to increased diversity from admitting more minority applicants. It is suggested that without changing the requirements for law school admission, the only way to increase the number of minorities in law school is to have a revolutionary change in the educational system. These authors repeated how imperative it is to identify talented students at an early age to get them in pipeline programs that will properly prepare them for their pipeline journey. The earlier they are in the pipeline, the more likely they are to have a “smooth sail” journey especially when compared to those coming into the pipeline later on the journey.

This book would be useful to Law School Admissions personnel, Law School Professors, high school guidance counselors, undergraduate career advisors and those on the boards of school districts responsible for educational programming. Students and their parents who have an inkling of going to law school should also read this book in order to be their own advocate for early recognition to be worked into entry into a pipeline program. Knowing about these programs is half the battle of getting in the pipeline.

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