

Minnesota Minority Lawyers Association: Forging a Partnership with the Legal Community

By Jarvis Cedric Jones

As President of the Minnesota Minority Lawyers Association (MMLA), I am often asked three questions: 1) What type of organization is MMLA?; 2) Can anyone join MMLA? and, 3) What does MMLA do?

Regarding the first question, MMLA is a non-profit legal association dedicated to promoting equal access for people of color in every niche of the legal and non-legal community. Its membership, including judges, lawyers, academia, and law students, consists primarily of Asian-Americans, Native-Americans, African-Americans and Hispanics.

I am often asked, "Can anyone join MMLA?" (This usually means, "can white folks join?") The answer is an unequivocal, unflinching: "That depends!" MMLA does not allow just anyone to join its ranks. First, you must be a licensed attorney or a law student planning on becoming a licensed attorney. Second, you must be able to pay the association's membership dues. Finally, you must support the association's goal of creating equal access for people of color. If, and only if, you can meet these three stringent requirements can you join MMLA. Jane Schoenike, executive director of the Hennepin County Bar Association, was able to overcome these hurdles and is one of our selected members.

I have saved the easiest question for last, "What does MMLA do?" For 1991, MMLA has carved out an ambitious agenda. The association's plans are to: 1) increase its visibility and participation in the legal community; 2) increase its visibility and participation in the Minnesota community; 3) increase economic opportunities for its membership; 4) increase its members' active participation in MMLA; and 5) increase its membership. I will only address the first three MMLA goals in this article.

For MMLA, 1991 is a year for forging and solidifying relationships with the legal community, including the judiciary, state and county bars, law firms, and law schools.

This past year, MMLA has been busy working closely with the state and county bar associations' past presidents, Tom Tinkham and Don Weise, and the bar associations' executive directors, Tim Groshen and Jane Schoenike, to ensure MMLA's diverse membership a voice in our bar associations and in the legal community. By working with the bar associations MMLA was able to obtain more diverse representation on the state bar's Board of Governors (MMLA member Jeffrey Crawford), and the county bar's Governing Council (MMLA member Gregg Brown). Also, MMLA became an affiliate of the state bar and now has four delegate seats. Furthermore, the HCBA created a committee called Minorities in the Law to ensure the full participation of all its bar members. MMLA's representative on this committee is Tony Leung. MMLA is looking forward to developing and cultivating a similar relationship with the bar associations' new presidents, Bob Monson and Sheryl Ramstad Hvass. President Hvass has already begun to ensure diverse representation in our county bar by making a conscious effort to appoint people of color to chair and co-chair some of the committees.

On the judicial front, MMLA met earlier this year with Supreme Court Chief Justice Sandy Keith and the Supreme Court administrator, Fred Grittner, regarding the lack of minority judicial clerkship hires. Based on this meeting, Chief Justice Keith, Grittner, Minnesota's three law schools, and MMLA organized presentations at the three law schools for people of color. Judges from the Supreme Court, the Court of Appeals, and the district courts made presentations at the law schools encouraging people of color to apply for judicial clerkships. Since these presentations and the diligent work of others behind the scenes, there has been an increase in the number of people of color clerking.

However, if there is to be a notable increase in the number of people of color clerking throughout the judiciary, it will come at the district court level. This will be the toughest nut to crack because many of these clerkships are awarded informally through social networks that, for the most part, do not include people of color. It is difficult to apply for a judicial opening if the word of openings never hits the streets, i.e., the minority law student community. We will need to work hard to ensure that this informal process of handing out district court judicial clerkships includes all people in our legal community. We must together keep our eyes open and work to ensure that a minority law student's chance of receiving a judicial clerkship are not primarily limited to a minority judge hiring him or her.

MMLA has also taken a keen interest in the Hennepin County judiciary evaluation process to make sure that the effect of this type of evaluation does not lead to the disparate treatment of people of color and women who tend not to fair as well on these types of predictors due to many social factors. In 1991, MMLA will also be watching the Commission on Judicial Selection closely. This Commission has made it clear that one of its goals is to have competent gender and racial balance on the bench. The Commission's objective coincides perfectly with one of MMLA's goals. MMLA will be watching anxiously to see what steps the Commission takes in fulfilling its goal. MMLA member Judge LaJune Lange co-chairs (along with Supreme Court Justice Rosalie Wahl) the Racial Bias Task Force. MMLA will be cooperating with this task force to ensure diversity and fair treatment in the legal community.

MMLA's involvement in 1991 with large law firms has primarily been through its Minnesota Minority Corporate Counsel Committee chaired by Glenn Oliver. The primary purpose of this committee is to ensure that minority

attorneys have equal access to the corporate practice of law. Law firms are participating as partners in this program.

MMLA has also associated with an independent organization called the Twin Cities Committee on Minorities in Large Law Firms (TCC), co-chaired by MMLA members Paula Forbes and Douglas Renteria. The TCC consists of minority lawyers from large law firms committed to, among other things, increasing the number of minority attorneys employed in large law firms. MMLA is also proud to be one of the sponsors of the Twin Cities' first minority regional job fair hosted by the TCC September 20 and 21. This job fair attracted minority students from all around the United States.

MMLA also works with the three local law schools. The deans of students at the University of Minnesota and Hamline Law School, Vanne Hayes and Natalie Hudson, serve on MMLA's board. However, MMLA's involvement this past year with the Twin Cities' law schools has been primarily with William Mitchell.

Since the calling of the William Mitchell boycott in January of 1990, MMLA and William Mitchell have formed a committee called the Transition Committee to implement the Letter of Understanding (Letter) executed by MMLA and William Mitchell. This Letter recommends changes at William Mitchell ranging from the composition of the William Mitchell board and executive committee to the hiring and retention of people of color and women as staff. This Letter requires the Transition Committee (consisting of three MMLA representatives, a William Mitchell board member, and William Mitchell administrators, faculty, and students) to implement the recommendations in the Letter. After meeting for the last year and a half on a monthly basis, the Transition Committee has completed its work and will, this month, be presenting to the William Mitchell Board of Trustees recommendations for action that William Mitchell should take to avoid some of its recurring problems.

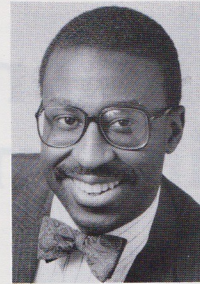
MMLA's second goal for 1991 is to participate more actively in Minnesota's non-legal community. As a legal association consisting primarily of people of color, MMLA believes that it has a special responsibility to the minority community. MMLA has worked with different community leaders and organizations to help create equal access for all people. For example, MMLA is currently working with the Coalition for Economic Access (Coalition). This Coalition is chaired by Yusef Mgeni from the Urban Coalition and consists of more than thirty diverse

minority organizations, to create job opportunities for people of color at the Mall of America in Bloomington.

MMLA is also working with the president of the St. Paul City Council, Bill Wilson, on the proposed Multi-County School District, and City Affirmative Action Study. This study is in response to the *Croson* court decision that dealt with set-aside programs. Many of MMLA's members are also part of a group organized by Bill Wilson called "100 African American men." This organization consists of African American men acting as and being positive role models for our youth in the Twin Cities.

MMLA is presently working with the Minneapolis City Council president Sharon Sayles Belton and council member Jackie Cherryholmes to put together a community forum that advises community members of their legal rights. The association is also considering filing an amicus brief with the United States Supreme Court regarding *In the Matter of the Welfare of R.A.V.* In a nutshell, this case — appealed from the Minnesota Supreme Court — involves whether the cross-burning in St. Paul in the fenced yard of an African American constitutes First Amendment protection.

MMLA's third goal is to ensure that its



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members are aware of existing economic opportunities and to attempt to broaden the economic opportunities available to minority lawyers. Much of MMLA's focus for 1990 and 1991 for creating economic opportunities has been centered in its Minnesota Minority Corporate Counsel Program (Program). The Program is endorsed by the bar associations and con-

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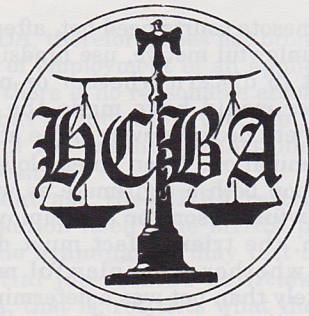
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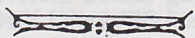
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Minority - continued

sists of corporations, majority and minority law firms, and governmental agencies. These participants agree to refer some of their corporate legal matters to minority attorneys that have historically been and for the most part, continue to be, excluded from corporate practice. This program is proceeding well. Corporations participating in the program include Honeywell, IDS, US West, First Bank Systems, State Farm, Control Data, and a host of others.

MMLA has also established a job hotline for its membership. When job openings become available, these jobs are placed on the hotline and made available to MMLA members. This job hotline should help address the concerns, expressed by many law firms and other legal employers, that minority lawyers cannot be found. If you are an employer, I encourage you to mail any job announcements or notices to MMLA, Loop Station, P.O. Box 2754, Minneapolis, MN 55402.

Furthermore, MMLA will be sponsoring a CLE in October called "Doing Business with the Resolution Trust Corporation." This seminar will disseminate information and answer questions about contracting for services with the RTC. Dana Brewington from the RTC Washington office will be the speaker. Judge LaJune Lange chairs the MMLA CLE committee and is the contact for this seminar open to the entire bar.

After reading this article, one might make the mistake of thinking that all MMLA members do is work. Not true! On November 23, 1991, MMLA will be hosting its annual Gala Dinner at the International Market Square. The theme for the gala dinner is "From Diversity Comes Strength." The guest speaker for this year's event will be the Idaho Attorney General, Larry EchoHawk, the first Native American state attorney general in the country and is a former state legislator and county prosecutor. As in the past, there will be entertainment and awards. Last year, Popham, Haik received an award for its commitment to diversity. Although dress attire is optional, this is a black tie event. You do not have to be a MMLA member to swing on November 23. The MMLA and I would like to extend a formal invitation to you and your firm, and to the members of the judiciary, to join us in a celebration of diversity and working together to create a better tomorrow. Law firms may purchase tables of ten for their attorneys and staff. For more details about this event, call the Gala chair, Clinton Collins, at the Popham, Haik law firm. Mark your calendars now! MMLA and I look forward to seeing you there. ■

Harrassment - (ENDNOTES)

¹There are two types of sexual harassment claims: the quid pro quo claim and the hostile environment claim. Quid pro quo sexual harassment is defined as "forcing an employee to choose between acquiescing to a superior's sexual demands or forfeiting an employment benefit such as promotion, raise, or continued employment." *Matter of Discipline of Peters*, 428 N.W.2d 375, 378 (Minn. 1988). See also 29 C.F.R. § 1604.11(a)(2). Hostile environment sexual harassment involves conduct that "has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986) (quoting E.E.O.C. regulations). See also Minn. Stat. Ann. § 363.01 (10a) (West 1991).

²See *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57, 73 (1986) (suggesting that failure of employee to utilize sexual harassment complaint mechanism drafted to encourage sexual harassment victims to come forward might preclude harassment claim); *id.* at 78 (Marshall, J., concur.) ("Where a complainant without good reason bypassed an internal complaint procedure she knew to be effective, a court may be reluctant to find constructive termination and thus to award reinstatement or backpay."). The EEOC has taken the position that employers may avoid direct liability for supervisory harassment by implementing a strong policy against sexual harassment and maintaining an effective complaint procedure. Equal Employment Opportunity Commission Notice No. N-915-150, March 19, 1990; E.E.O.C. Compliance Manual (C.C.H.) § 3114, p. 3280.

³Counsel will likely, however, be able to provide limited technical assistance to the employer conducting the investigation, such as obtaining a witness statement, without becoming a material fact witness.

⁴See *Reed v. Minnesota Dept. of Transp.*, 422 N.W.2d 537 (Minn. Ct. App. 1988) (sexual harassment constituted misconduct so as to disqualify terminated employees from unemployment benefits).

⁵(No. 785628, Hennepin County District Court, December 1984).

⁶*Porter v. Brennan Bakeries*, 16 N.W.2d 906 (Minn. 1945); *Travelers Indemnity v. Fawkes*, 139 N.W. 703 (Minn. 1913); *Dean v. St. Paul Union Depot*, 43 N.W.54 (Minn. 1889).

⁷*Smith v. Hennepin County Technical Center*, 1988 U.S. Dist. LEXIS 4876 (D. Minn. May 26, 1988) (Rosenbaum, J.). ■

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