

# Pioneers, Warriors, Advocates: San Diego's Black Legal Community, 1890-2013

Robert Fikes, Jr.

## The Pioneers

Initially, it must have seemed like a rare opportunity to establish a thriving legal practice in an underdeveloped city in faraway Southern California. After all, rail connections had been completed to the east and north, and San Diego appeared to be on the verge of a population boom when Joseph Henry Stuart (1849-1910) arrived in 1890 via Kansas City, having earned his law degree at the University of South Carolina fifteen years before. The *San Diego Union*, a newspaper that routinely allowed biased racial terminology referring to African Americans in its headlines and articles, took notice when the ambitious 31-year-old registered with the bar announcing under the headline "A Colored Attorney Admitted:"



Joseph H. Stuart

San Diego yesterday had a colored attorney admitted to her bar membership in the admission of J. H. Stewart [sic] of South Carolina. Mr. Stewart [sic] has been in San Diego several months and was admitted on credentials from the supreme court of South Carolina.<sup>1</sup>

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**Robert Fikes, Jr.**, Librarian, San Diego State University, is the author of "Remarkable Healers on the Pacific Coast: A History of San Diego's Black Medical Community," *The Journal of San Diego History*, 57 (Summer 2011). Nationally recognized for his publications in African-American history, Fikes received San Diego State University's Alumni Award for Outstanding Faculty Contributions in 2007.

But despite some positive regional economic indicators and the presence of some determined and accomplished ex-slaves and their descendants, Stuart's year-long stay ended because a legal career could not prosper serving a "colored" population of only 289, representing fewer than one percent of the city's residents.<sup>2</sup> And it was particularly difficult for a black attorney to launch a successful practice in this era of egregious racial segregation when he had to prove his competence even to his own people, working solo without the advantage of professional consultation, and probably forced to do more pro bono work than he would have preferred. So Stuart, a social activist with a taste for politics, packed his bags and moved to Denver, Colorado, then with ten times the black population of San Diego, where eventually he was elected to the Colorado State Assembly and, in 1900, was privileged to sit at the table of honor with Booker T. Washington and Paul Laurence Dunbar when these celebrities visited the Mile-High City.<sup>3</sup>

Well into the new century, San Diego's black community stood almost mute in the shadow of that urban behemoth called Los Angeles and the sophisticated metropolis of San Francisco farther north. The nation's black press seemed oblivious to newsworthy events in San Diego, ignoring the precedent setting court case of *Edward Anderson v. John C. Fisher* in 1897 that resulted when a black couple was denied their prepaid seats at a play in the Fisher Opera House.<sup>4</sup> The press also ignored Booker T. Washington's 1903 escorted tour of the beachfront and downtown with the city's more progressive white leaders that had local blacks brimming with pride.<sup>5</sup>

San Diego's relatively small black population and generally less tolerant white citizenry discouraged black professionals who might otherwise have settled here. But during his visits W.E.B. Du Bois was not only struck by the area's natural beauty, he also extolled the city's black leaders as "pushing."<sup>6</sup> He was undoubtedly aware of their churches, social and fraternal organizations, political clubs, and he gladly accepted their invitation to return in 1917 to help launch a chapter of the NAACP. Surprisingly, the founding of an enthusiastic San Diego chapter of the Universal Negro Improvement Association (UNIA), Marcus Garvey's back-to-Africa organization that rivaled Du Bois' NAACP, preceded the formation of a chapter of UNIA in Los Angeles.<sup>7</sup>

The next reference to an African American attorney in San Diego is in August 1927 regarding "A. W. Hammond," according to legal historian J. Clay Smith Jr., in an article titled "Race Lawyer Achieves" in San Bernardino's *The Guardian*.<sup>8</sup> "Hammond" was reputed to have a multi-ethnic clientele owing in part to his command of several languages. After cross checking various lists and directories it was ascertained that, as was the case with "J. H. Steward" in the *San Diego Union*, the man's name had been mangled. In fact, his real name was Albert W.

Holland, a black attorney from Philadelphia who had fought in the Philippines in 1899, married a woman in Northern California in 1924, practiced law in San Diego for two years, then left for parts unknown having had minimal influence in the city's black community.

By 1930 there were a mere 34 African American attorneys in California.<sup>9</sup> Two years later, former real estate agent and Kansas City native John Edgar Roundtree (1880-1961), age 52, a former president of the Terre Haute, Indiana NAACP, arrived in San Diego from Cleveland, Ohio, after a brief stay in Los Angeles where he was president of the Crispus Attucks Republican Club. Oddly enough, this Howard University alumnus decided to sink roots. The only black attorney anyone could recall until the late 1940s, Roundtree kept a low profile, first working in private practice, followed by an 18-year stint in the District Attorney's Office heading a unit investigating and prosecuting numerous men who failed to support their families. The best known of the deadbeat dads Roundtree brought to court was World Light-Heavyweight Boxing Champion Archie Moore who enjoyed reenacting his pugilistic triumphs to Roundtree's staff.<sup>10</sup>



*W.E.B. Du Bois*

Roundtree, a Kappa Alpha Psi member and an honorary trustee of Bethel Baptist Church, returned to private practice in 1954. One might assume that his lengthy tenure and managerial position in the DA's Office—an extremely rare position for a black man in an upscale white collar profession in the 1940s and early 1950s when there were no black elected officials in the county—would have brought Roundtree some notoriety, but this always impeccably attired, dignified and honorable man



*Charles H. Houston*

remained virtually invisible. Perhaps the chief reason was that as an employee of the government he could ill-afford to posture himself as a black community spokesman. Also, he may not have been completely on board with Du Bois' notion of the "Talented Tenth" that said educated "exceptional men" like him were obliged to help "save the race;"<sup>11</sup> and he may not have fully accepted what the revered legal activist Charles Hamilton Houston, Dean of the Howard University School of Law, drilled into his students: "A lawyer's either a social engineer or he's a parasite on society."<sup>12</sup> Roundtree, it seems, was most comfortable quietly performing his job as an attorney as competently as he could. Married but with no surviving offspring, he died at age 81.

Du Bois, between 1936 and 1940, repeatedly lamented the paucity of black

attorneys in America who could provide adequate counsel for those who were indigent and often innocent. Attributing the shortage to a perceived disparity in pay received by black and white attorneys, which he believed discouraged blacks from entering the legal profession, he once complained that black attorneys were forced to “eke out a living by methods which do not appeal to self-respecting men.”<sup>13</sup> What had been infrequent instances of San Diego blacks challenging racial discrimination became an almost regular occurrence in the 1940s. In the midst of World War II three black men sued the owners of a café on National Avenue for \$650 in damages when they were refused service.

Circa 1948, the San Diego NAACP, led by dentist Jack Kimbrough, with the assistance of black and white college students, devised an ingenious scheme to document racial discrimination in the city’s restaurants and consistently prevailed in the cases it brought to court. The 1947 case of *United States v. Ingalls* that focused national attention on San Diego exposed how Dora L. Jones, a black female, was kept as a slave for thirty years by a white couple who had recently moved to Coronado from Boston. For hundreds of blacks who flocked downtown hoping to claim a courtroom seat, this was the trial of the century that resulted in a conviction. All of the above cases were handled by white attorneys, but in the late 1940s the impact of black attorneys would start to be felt in the fight for civil rights.



*Sherman W. Smith*

The ideal of the legal activist-leader as conceived by Du Bois and Houston was realized in the person of the late Sherman W. Smith Sr. (1922-2003), another Howard man who discerned the advantages of joining forces with another new resident, Alpha L. Montgomery (1919-2004), and the state’s most effective mentor to aspiring black attorneys, John W. Bussey (1904-1969). These three gentlemen had come to respect each other’s abilities when earlier their paths had crossed in San Francisco. Together they formed the city’s first African American law firm in 1949: Bussey, Montgomery & Smith, with offices on

Imperial Avenue and Pacific Highway.

Smith quickly became a national board member of the NAACP and was a co-founder of the city’s Urban League.<sup>14</sup> He ventured into the community to address various groups, including a speech at San Diego State College in 1952 that was publicized in the campus newspaper, *The Aztec*.<sup>15</sup> Relocating to Los Angeles in 1954, Smith was recognized for his outstanding work and, in 1966, was appointed Superior Court judge by Governor Pat Brown. As judge he made headlines when he freed avant-garde comedian Lenny Bruce.<sup>16</sup> He also heard many cases related to the 1965 Watts Riot. More significantly, he was the first

California judge to rule that constitutional rights of blacks and other minorities of color had been abridged because of the use of voter registration rolls to pick jurors. This method reduced their representation on juries, a decision which led to the use of DMV records to facilitate the selection process.<sup>17</sup> Smith's son, Sherman W. Smith Jr., followed in his footsteps and was appointed to the Los Angeles Superior Court in 1989, and his grandson, Sherman W. Smith III, is today an attorney in a prestigious Philadelphia firm.

Indeed, Montgomery and Bussey also exemplified the ideal of the legal activist-leader. Not content to enrich themselves and strut their professional status, they responded to the call to be "race leaders" by involving themselves in efforts of racial uplift, educating the public, and defending the weak and exploited. Long before lending his name to the city's first African American law firm, Bussey had fashioned an unassailable reputation as one of the best legal minds in the Bay Area and was the most sought after person by black law students cramming to pass the bar exam.<sup>18</sup> Harvard-educated Bussey was a legendary mentor and educator and in 1958 was made a San Francisco Municipal Court judge and later elevated to the Superior Court.



*John W. Bussey*

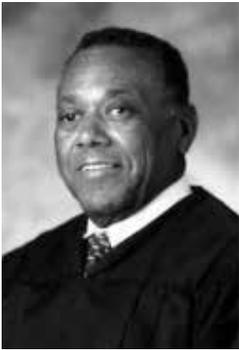
In the wake of the 1948 Supreme Court decision that outlawed restrictive covenants in property deeds, blacks seeking redress for housing discrimination retained experienced trial attorney Alpha Montgomery, a graduate of Fisk and Howard, who, along with his partner Sherman Smith, was a reliable legal resource for the San Diego NAACP. The writer of Montgomery's obituary in the *San Diego Union* called him a "crusader for civil rights" and recounted: "One of his successes, in the early 1950s, was in Valencia Park. Later, he provided the legal impetus that forced the U.S. Grant, San Diego, and El Cortez hotels to rent rooms to blacks for meetings and social functions."<sup>19</sup> A co-founder of the San Diego Urban League in 1951, and a Republican, he was enlisted by Presidents Eisenhower, Kennedy, and Johnson to confer with experts making recommendations on civil rights and equal employment opportunity. His luxurious home in Emerald Hills and highflying lifestyle was the topic of a feature article in *Ebony* magazine.<sup>20</sup> In 1979 Montgomery was appointed to the Superior Court and dealt mainly with probate matters. He retired from the bench in 1995 and died from complications from Alzheimer's disease nine years later.



*Alpha I. Montgomery*

In 1953 Yale Law School graduate Charles L. Fielding (1926-1984) passed the California bar exam. A year later Robert A. Ward, an associate of Smith and Montgomery, did likewise. Fielding, a war veteran, worked as both an insurance agent and an attorney with his office at 1560 Republic Street. Born in Chicago, he resided in Encanto. Ward and his socially prominent wife lived in La Jolla.

Notwithstanding the dramatic rise in the city's black population in the post-war years (4,143 blacks in 1940 to 14,904 in 1950), there appeared to be little change in the perception of outsiders that San Diego was some sort of backwater, second cousin of Los Angeles. As proof, what had happened in the 1920s with the nationally distributed *Who's Who in Colored America* happened again in 1948 with the publication *Negro Who's Who in California*: not a single black in San Diego was profiled in these books!<sup>21</sup> And, with regard to African Americans in the legal profession, a largely negative image persisted. In condemning the "Amos 'n Andy" television sitcom in 1951 the NAACP charged: "Negro lawyers are



Earl B. Gilliam

shown as slippery cowards, ignorant of their profession and without ethics."<sup>22</sup> But as the decade closed, in stepped a towering figure who would leave a striking milestone on the legal landscape of Southern California.

Earl Ben Gilliam (1931-2001), born in New Mexico but raised in Southeast San Diego, is remembered as much for his warm, expansive personality and gregariousness as for his matchless accumulation of professional and civic awards. With a bachelor's degree from San Diego State, a law degree from Hastings College of Law, he was admitted to the bar in 1957 and began work in the San Diego District Attorney's Office. From 1961 to 1963 Gilliam was in private practice operating from a "storefront" and volunteering a considerable amount of pro bono legal assistance. At age 38, and at a time when there were only five black attorneys in town, he was appointed in 1963 to the Municipal Court, thereby becoming the first African American judge in the city and county of San Diego. In two more firsts for a black man in San Diego, in 1975 Governor Jerry Brown placed Gilliam on the Superior Court bench and six years later President Jimmy Carter appointed him to the U.S. District Court for the Southern District of California with jurisdiction over San Diego and Imperial counties.

As judge, Gilliam's most widely publicized cases were those involving Del Mar Mayor Nancy Hoover, a close associate of notorious Ponzi schemer J. David Dominelli in the early 1980s; and in 1992 the settlement of a lawsuit against National Health Laboratories for \$111 million—the result of an improper billing practice dubbed "automated chemistry." While making judicial history, Gilliam

found time to serve on the boards of the Boys and Girls Club, YMCA, Salvation Army, UC-San Diego, and a host of others; and among his many honors were those from the San Diego County Bar Association, the California Association of Black Lawyers, the San Diego Trial Lawyers Association, and the National Bar Association. In 2003 the Earl B. Gilliam Bar Association (EBGBA), a group previously called the Association of Black Attorneys of San Diego County but renamed in his honor, memorialized Gilliam with a plaque in the San Diego Hall of Justice. In 2001, the Honorable Judge Earl B. Gilliam Luncheon and Golf Tournament was christened as an annual event. At the Thomas Jefferson School of Law, where Gilliam taught as an adjunct professor, The Honorable Earl B. Gilliam Moot Courtroom is used to hone the skills of future trial attorneys. In attendance at its dedication in 2011 was Dennis W. Archer, the first African American president of the American Bar Association.<sup>23</sup> An act of Congress in 2004 designated a new facility in Encanto the Earl B. Gilliam Post Office. The Criminal Justice Memorial Internet site of the San Diego County Bar Association eulogized the judge thusly:

As a sentencing judge, he was known for his compassion, his dedication to trying to understand the individual in front of him, and his leniency for first-time offenders. He was respected for his ability to explain the sentence imposed to defendants and their families in a manner that kept them from feeling bitter toward the criminal justice system. Judge Judith Keep related that Judge Gilliam “made everyone who appeared before him feel the warmth of his soul and the breadth of his humanity.” (*San Diego Lawyer*, June 2001).<sup>24</sup>

## **The 1960s: A Quiet Time**

Young black attorneys were not often attracted to San Diego in the 1960s. Nonetheless, there were some benchmark accomplishments during the decade. Although they remained a small subset of the city’s black professionals, when a magazine-sponsored survey in 1965 of 153 black residents across the city asked, “Who has the most political power in the Negro community?” the response revealed the high regard with which Judges Gilliam and Montgomery were held, ranked fourth and ninth respectively on the list of influential leaders.<sup>25</sup> Absent from the list was Montgomery’s partner, former police sergeant and homicide detective William Bert Ritchey



*William Bert Ritchey*

(1908-1995) whose grandfather lived on acreage in La Jolla he later sold to The Bishop's School.<sup>26</sup> Ritchey had been a football star at USC and had long dreamed of a second career as an attorney.<sup>27</sup> In 1964, after sixteen years of sporadic study he was admitted to the bar and paired up with Montgomery. Years later he told a newspaper reporter: "I decided to practice in a black district where I have lived and worked most of my life. . .where I could be helpful to people who most need help."<sup>28</sup> A past president of the Urban League and chairman of the San Diego



*Edward C. Maddox*

Stadium Authority, Ritchey died of pneumonia at his home in El Cajon in 1995.

Taking a break from civil rights battles on behalf of the NAACP and the Urban League in Los Angeles, Edward C. Maddox (1918-1975) spent most of the decade in San Diego before returning to the City of Angels. In the 1950s he was part of the triumphant team of mostly black attorneys who forced Los Angeles to integrate its fire department and, ultimately, precipitated the removal of the fire chief. By 1960 Maddox was the NAACP's counsel for Southern California and began handling criminal cases with Alpha Montgomery. He spoke to the local ACLU in March 1961 concerning housing discrimination saying: "Mankind in modern times has arbitrarily seized upon color as a badge of inferiority.... In the United States a Negro must always be prepared to expect racial prejudice all his life and in all phases of his life."<sup>29</sup> Also while in San Diego, in 1964 he was picked to head the state's Commission on Equal Opportunities in Education. Maddox left the city in 1969 to serve as acting director of Los Angeles Neighborhood Legal Services.

Fresh from battling to integrate schools and desegregate public transportation in Little Rock, Arkansas, former Little Rock NAACP president Thaddeus D. Williams (1923-1967) arrived in San Diego in 1961 and was quite active in civic affairs until his untimely death in 1967 at age 43.<sup>30</sup> His partner in the short-lived firm of Williams and Goodwin was Luther A. Goodwin (1920-1982), a former Tuskegee Airman and jet pilot who, with his activist wife, Joye, was involved in the civil rights movement in San Francisco before moving to the city in 1965.



*Thaddeus D. Williams*

In 1966 James D. Floyd distinguished himself as the first black graduate of the University of San Diego School of Law. He made history again in 1976 as the city's first black administrative law judge. Floyd also served on the City Planning Commission and the board of the Legal Aid Society. The decade of the 1960s

ended with the arrival of the first black female attorney, Jacqueline S. Walker, forty years after Annie Coker became the first black female admitted to the bar in California. Walker, who earned her law degree at Wayne State University and passed the California bar exam in 1969 at age 43, began work directing the office at the San Diego ACLU. She next practiced criminal law and later worked for the California Unemployment Appeals Board.

The addition of Ritchey, Maddox, Floyd, Williams, Goodwin, and Walker to the pitifully short list of trained attorneys was not nearly enough to give any comfort to those blacks aggrieved and in desperate need of legal advice. In 1967 the leaders of the San Diego Black Conference, Citizens of Concern, and the Southeast San Diego Citizens Patrol met to discuss police-community relations—specifically allegations of disrespectful and unnecessarily violent treatment accorded African American suspects. After hearing complaints from the audience, the conveners solicited donations to set up a legal defense fund. Said one of the militants: “We would establish a fund so that any black person, no matter who he is or what he did or is charged with doing, won’t have to depend on court appointed attorneys.”<sup>31</sup>



*Luther Goodwin*

## **The 1970s: A Flood of New Talent**



*Elizabeth Riggs*

In a complete turnaround from the 1960s, black attorneys were attracted to San Diego in the 1970s in greater numbers than at any time before or since. At least forty new faces were seen in the halls of justice during the decade—more than enough to give birth to an organization that would advance their professional interests, take a stance on legal matters affecting the African American community, and recognize and reward the good work of local black attorneys, judges, law professors and their students. In her book, *Leading the Race*, Jacqueline Moore observed how as the century progressed, black attorneys came to prominence and had a decided impact on the lives of black people.

They used the organizational skills they received in the fraternal orders to organize civil rights campaigns. They also demonstrated the

importance of knowledge of the law.... As younger lawyers moved into racial uplift efforts, the law profession gained increasing prestige in the black community.<sup>32</sup>

The founding of the Association of Black Attorneys of San Diego County (ABASDC) in 1976 announced a new major player among those groups speaking to, and for blacks, and with expertise in a critical area. Of those attorneys who arrived or passed the bar in the 1970s, nine would eventually be appointed or elected judges. In 1971 Delroy M. Richardson (1938-1984) was made corporate general counsel and secretary at San Diego Gas & Electric Company.

In 1977 Napoleon A. Jones Jr. was elected Judge of the San Diego Municipal Court. In 1979 Elizabeth A. Riggs stepped into the limelight as Municipal Court Judge in El Cajon—the first black female to serve on a county trial court—and later rose to presiding judge. That same year Joe O. Littlejohn was elected to the board of the San Diego Unified School District.

### The 1980s: The Importance of Organization

The formation of the Association of Black Attorneys was crucial in setting a course of advocacy both in terms of enhancing the career aspirations of its members and in confronting a legal system that often did not work to the benefit of the city's blacks. The 1980s opened with a victory for ABADSC, which had sued the director of the government's Defender Services to persuade it to "modify certain criteria used to select attorney groups to represent indigent defendants."<sup>33</sup> Speaking for the group and the plaintiffs, Lloyd E. Tooks, an activist attorney with a reputation for taking on civil rights cases, and ABASDC president Dennis W. Dawson summarized the details of a



Lloyd E. Tooks



Dennis Dawson

settlement to the press. They explained that the new plan meant a "fairer chance" for minority attorneys seeking to land indigent defense contracts. The ongoing conflict with the DA's Office over its lackluster record of hiring minority race attorneys remained a sore spot, but as one black insider, later a jurist, reminded: "...it is difficult finding qualified applicants who want to work in San Diego for a government agency when they can get hired at a firm in another city like Los Angeles, which has a bigger black population, at a much higher pay."<sup>34</sup>

In 1982, ABASDC changed its name to the Earl B. Gilliam Bar Association (EBGBA) and increasingly found itself protesting acts of police brutality and harassment. Most notably, EBGBA officers and members spoke out in the 1985 case of Sagon Penn who, in fear for his life, fought with policemen and killed one of them. In August 1987 EBGBA brought together twelve community groups at the Neighborhood House to coordinate a response to perceived failures of the Police Review Board.



*Daniel Weber*

Also in the 1980s, EBGBA president Daniel Weber (1937-2002) helped lead the successful fight against city-wide elections that diluted black voting strength; forged stronger, collaborative relations with other black organizations; and continued his tireless crusade to get more blacks appointed to the bench. "That was his legacy," former EBGBA president Douglas Oden later recalled.<sup>35</sup> In 1987 Thomas Gayton and Wes Pratt, representing the EBGBA, and Marva Mohr-Davis on

behalf of the National Conference of Black Lawyers, investigated a complaint of racial discrimination in employment at San Diego's U.S. District Court and uncovered "a systematic pattern of discrimination" in the clerk's office which prompted denials by court officials.<sup>36</sup>

By 1989 there were 85 black attorneys in San Diego, 52 male and 33 female.<sup>37</sup> Judgeships conferred in that decade were: Administrative Law Judges Ernestine D. Littlejohn in 1982, Kathy M. Gilmore, Veroneca Burgess in 1986, and Harold V. Rucker in 1987; Municipal Court Judges Joseph K. Davis in 1980 and Joe O. Littlejohn in 1981; and Superior Court Judges Napoleon A. Jones Jr. (1940-2009) in 1982 and Raymond Edwards Jr. in 1989. In 1987 Wes Pratt, running in the heavily minority District 4, was elected to the San Diego City Council. The black community was shocked and saddened to hear in 1984 of the tragic accidental death overseas of Judge Jones' teenage son, Napoleon A. Jones III, but were later glad to learn that in his son's memory, the judge established a sizable college scholarship fund for inner city kids that continues to assist promising students.



*Napoleon A. Jones*

Despite aggressive advocacy by EBGBA and some additional judges, the decade closed with a sobering newspaper article disclosing that few blacks were applying for work in the city's major law firms, and that only one percent of the area's lawyers were African American compared to the national average of three

percent.<sup>38</sup> A future EBGBA president, Vickie E. Turner, then one of only three black partners in a major firm at the time, commented:

I don't believe San Diego is a racist city overall, but the perception that it is still exists. Law firms here need to step up efforts to recruit black applicants.... If reality were as bad as perception, I wouldn't be a partner today.<sup>39</sup>

But Daniel Weber had a more sinister slant and was quoted as saying: "This is a very conservative, reactionary city. If you look at major law firms and government agencies across the board, there is a conspiracy to keep blacks out. The city's judicial system is permeated with racism."<sup>40</sup> The newspaper article confirmed that of 156 attorneys in the DA's Office only five were black; of 120 attorneys in the state office of the Attorney General only two were black; only four of 75 attorneys in the U.S. Attorney's Office were black; and that there were no black attorneys on the staffs of the San Diego Court of Appeal and the San Diego Superior Court's research department.



Randy K. Jones

### The 1990s: A Matured Legal Community

The 1990s witnessed some modest improvements. The decade got off to a good start with the inception of the Neighborhood Law School, an ingenious idea made real in 1990 by EBGBA president Randy K. Jones who, in 1997, was elected president of the now 18,000-member strong National Bar Association. Jones envisioned a community-based institution that offered classes at minimal cost taught by volunteer attorneys and judges as a public service. Classes would inform people of their legal rights and responsibilities. Jones used his church in Emerald Hills as the venue for the school. Word spread, and soon several schools of this type sprang up in large cities across the nation.

As in decades past, when events of compelling significance to blacks arose, the EBGBA reacted by holding timely forums that allowed people to air their grievances; invited political candidates to debate the issues; and publicly questioned, prodded, and demanded reforms from those entrusted to protect the welfare and rights of citizens. The most serious case of suspected



H. J. Sims

police misconduct occurred in July 1999 when, during a confrontation with two white policemen, unarmed former pro football player Demetrius DuBose, age 28, was shot twelve times, with five bullets hitting him in the back. At a press



*Regina A. Petty*

conference, EBGBA president H. J. Sims accused the police of overreacting and urged the police chief to dismiss the officers involved. "It should not have escalated to the point where (DuBose) was killed," echoed then NAACP president and prior EBGBA head Randa Trapp.<sup>41</sup> Sims contended: "If Mr. DuBose was guilty of anything, he was a proud African American who was guilty only of standing up for his constitutional rights, and who did not want to be stereotyped."<sup>42</sup>

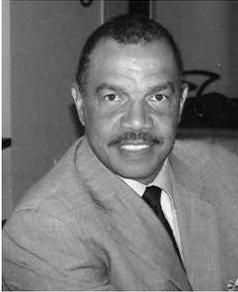


*Keith G. Burt*

The sensitive issue of police brutality refused to fade into the background as the new century approached but it did not overshadow some solid achievements by those in the city's black legal community. People stood up and cheered in 1994 when Stanford graduate Regina A. Petty, then a partner in the city's largest law firm, Gray Cary Ames & Frye, was elected the first African American president of the 6,200-member San Diego County Bar Association. In 1993 Dave Carothers became the first black male since the 1980s to be voted to partnership in one of the top law firms, McInnis Fitzgerald Rees Sharkey & McIntyre. EBGBA president and Harvard Law *cum laude* graduate Daniel E. Eaton, like his classmate Barack Obama, proved to be unusually gifted...an expert in employment law and a shareholder in the firm of Seltzer Caplan McMahon Vitek whose résumé showed impressive accomplishments in the 1990s. In 1993 Eaton became chairman of the city's Ethics Advisory Board; in 1995 he was President of the San Diego Civil Service Commission; and, a well-published scholar. He also taught law courses at area universities and began appearing on local television stations as legal analyst. Keith G. Burt was named both California Prosecutor of the Year in 1994 and County Prosecutor of the Year in 1991 and in 1995. Promotions and gains on the bench were made by Administrative Law Judges Vallera Johnson in 1990 and Daniel Weber in 1992; Superior Court Judges Joe O. Littlejohn in 1994 and Leo Valentine Jr. in 1999; and U.S. District Court Judge Napoleon Jones Jr. in 1994.



*Daniel E. Eaton*



*Doc Anthony Anderson*

## A New Century: Confidently Striving

Never far from center stage, the recurring hot button issue of police use of lethal force was brought into focus when in May 2000, FBI statistics revealed that among major metropolitan areas San Diego ranked fourth in fatal police shootings (0.61 per 100,000 residents), a rate surpassing that of Los Angeles, Philadelphia, Chicago, and New York City. Outraged and acting in unison, the EBGBA, NAACP, ACLU, and the La Raza Lawyers Association, fired off a letter to the mayor, the police chief, and the city manager demanding to know why these disturbing FBI statistics were at variance with data presented by the city to the public earlier in the year.<sup>43</sup> In October 2000 the EBGBA, NAACP, and the Urban League jointly filed a lawsuit against the city and the City Council over the composition of a commission charged to redraw City Council district boundaries, possibly to the detriment of the largely minority race populations of District 4.<sup>44</sup> Representing the three groups, twice-elected EBGBA president Doc Anthony Anderson argued that the court should intercede and issue an injunction, calling the selection process for commission members an abuse of discretion. A year prior to this Anderson had excoriated the city for having done an abysmal job in hiring minorities and women, with almost no change in some job classifications over the past forty years.

The new millennium may have had an inauspicious beginning, but there were some promising developments on the horizon. Among them was the inauguration of the junior mock-trial program and high school shadow program supervised by EBGBA president Rod Shelton;



*Janice P. Brown*

and EBGBA sponsored community forums examining topics ranging from hate crimes to reauthorization of the Voting Rights Act. Association members frolicked in Juneteenth beach parties, marched in the MLK Day Parades, and attended a memorial to Judge Gilliam whose long ordeal with paralysis and kidney failure ended in 2001. Every president of the NAACP in this new century has also been a former president of the EBGBA (Hon. Randa M. Trapp, Petrina M. Branch, Douglas A. Oden, and Lei-Chala I. Wilson). In addition to handling routine



*Douglas A. Oden*

criminal cases and pro bono work, Brian E. Watkins acquired a reputation for representing high profile sports and entertainment figures like pro football's Reggie Bush and rap music star Snoop Dogg. Beatrice L. Kemp was tapped general counsel at the San Diego Convention Center Corporation.

In 2007 the *San Diego Daily Transcript* named Desa L. Burton, complex business litigation specialist in the firm of Fish & Richardson P.C., one of the "Top 30 Young Attorneys." Recognized as "Super Lawyers" in 2007 by *Super Lawyers* magazine for their outstanding practice in employment law were Janice P. Brown who owns the seven-lawyer firm Brown Law Group, and Daniel E. Eaton who served as chairman of the Board of Overseers of the University of California at San Diego. The fall 2010 election that ousted a highly controversial City Attorney ushered in opposition supporter Andrew Jones who was made the new Executive Assistant City Attorney in January 2011.



*Andrew Jones*

On the shortlist of the area's most respected attorneys are two African American women valued as much for their extensive community involvement as they are heralded for their professional achievements. The Internet site of Vickie E. Turner, another past president of EBGBA and Lawyers Club of San Diego, and a partner at Wilson Petty Kosmo & Turner, reads, in part:

Ms. Turner has successfully defended manufacturers, distributors and retailers in complex product liability claims throughout California, and in 12 other western states. She was defense counsel for Ford Motor Company in a product liability case that was named one of the Top 20 Defense Counsel Verdicts of 2003. Among her many commendations are her selection as one of the state's Top Women Litigators in 2005 by the *Los Angeles Daily Journal*; picked multiple times as one of San Diego's top 5 product liability defense attorneys by *Super Lawyers* magazine; and



*Vickie E. Turner*

being designated as one of the Top 25 Outstanding Lawyers by *California Law Business*.



*Lei-Chala I. Wilson*

It would be hard to find an attorney anywhere with a



*Randa M. Trapp*

comparable record of community service and activity in legal organizations as that of Lei-Chala I. Wilson, a public defender who has completed more than 100 jury trials. Among her many recognitions are 2002 Outstanding Attorney Volunteer from Volunteers in Parole Inc., 2001 Diversity Award from the San Diego County Bar Association (SDCBA), and the 2000 Living Legacy Award and 2008 Bethune Woman of the Year Award from the National Council of Negro Women Inc.

In 2006 a survey showed that although only 54.7 % of the county's residents were white, 110 or roughly 86% of local Superior Court judges were white, 7 or 5.5% were Latino (27.5% of residents), 5 or 3.9% Asian/Pacific Islander (9.7% of residents), and 6 or 4.7% were black (5% of residents).<sup>45</sup> Adding to the tally of black judges here: Superior Court Judges Desiree Bruce-Lyle in 2001, Browder A. Willis III in 2001, Randa M. Trapp in 2003, Roderick W. Shelton in 2006, Dwayne K. Moring in 2008, and Michael D. Washington in 2013; U.S. Judge Magistrate William McCurine, a Rhodes Scholar out of Dartmouth, in 2004; and U.S. District Court Judge John A. Houston in 2003.

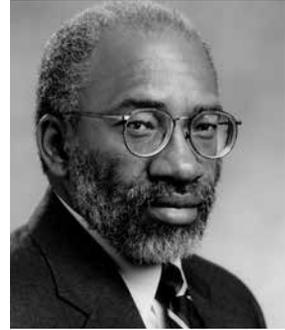
A rather hopeful development happened in February 2008 when Gov. Arnold Schwarzenegger appointed Sharon Majors-Lewis, a black deputy chief in the county DA's Office, as his judicial appointment secretary to help streamline the judicial appointment process. In 2009 Henry C. Coker was picked to head the County Public Defender's Office. Between 2009 and 2013 three attorneys served on the board of directors of the SDCBA: U.S. prosecutor Christopher Alexander, Stacie L. Patterson, and Marvin E. Mizell, a native San Diegan deputy attorney general in the California Attorney General's Office, who in December 2011 began his year-long term as SDCBA's second African American president. In 2013 Vickie Turner and Jonathan D. Andrews, co-founder of Andrews Lagasse Branch & Bell, were voted among the 50 best attorneys in town by Super Lawyers ratings service. Meanwhile, in the corporate world, in 2012 Marcea Bland Lloyd, a senior Vice president and General Counsel at Amylin Pharmaceuticals, received the Athena San Diego Pinnacle Award for mentoring and promoting women in the city's business community.<sup>46</sup>



*Marvin E. Mizell*

Full-time law professors are a vital segment of the area's black legal community. Many practicing attorneys have taught part-time as adjunct professors but others not only "love the law" but have chosen to do teaching and research on a full-

time basis. The most senior of the group of full-time professors is Roy L. Brooks, the Warren Distinguished Professor of Law at the University of San Diego, who since his arrival at USD in 1979 has written more than 20 books and hundreds of articles and papers. One of the most formidable legal minds in the country in the fields of civil procedure, civil rights and critical theory, the Yale alumnus reflected when shown a list of other black law professors in the area: "It (academe) is a very hard business in which to succeed if you are black. Having a mentor early in one's professional life is key.



Roy L. Brooks



Andrea Johnson

I have been blessed with many, both black and white."<sup>47</sup> Brooks' black colleague in USD's law school is Mary Jo Wiggins, a full professor and associate dean, an expert in bankruptcy and insolvency. She has written journal articles and has contributed to *Collier on Bankruptcy*, the reputed "leading scholarly treatise" in her specialty.

In the early 1980s Charles B. Sheppard taught business law at the San Diego campus of the Western State University College of Law, then moved to the school's Orange County campus where he presently teaches. At California Western School of Law Andrea L. Johnson, a Howard and Harvard graduate, is Professor of Law and Director of the Telecommunications and Intellectual Property Law Center. She was on President Bill Clinton's Transition Team for Science, Space, and Technology. Her predecessor at Cal Western was Winkfield F. Twyman Jr., also a Harvard graduate, who in 1997 established the Lourine W. Twyman Endowment through which the law school awards scholarships to deserving students from under-represented groups. There have been four relatively young tenured professors at the Thomas Jefferson School of Law: Kevin J. Greene (J.D., Yale), Maurice R. Dyson (J.D., Columbia), Eniola Akindemowo (Ph.D., University of London), and Richard Winchester (J.D., Yale). All have published several scholarly articles and three have authored books.

In writing this essay a list of 208 African Americans with law degrees who had worked in San Diego since 1890 was compiled consisting of 105 males and 103 females. Of the 160 persons who passed the bar 72 (or 35%) did so in the 1970s and 1980s. The highest number of law degrees



Petrina M. Branch



*Judge James D. Floyd on June 20, 1968, as a new San Diego Deputy City Attorney. Floyd is the first black graduate of the University of San Diego School of Law, 1966. ©SDHC #UT85:H314.*

were obtained at Western State U/Thomas Jefferson (32) followed by the University of San Diego (30), California Western (19), UC-Hastings (10), UCLA (9), Howard University (8), Harvard University (6), Yale University (6), and Georgetown University (6). Interestingly, 24 attorneys attended predominantly black colleges and universities such as Morehouse, Hampton, Fisk, and Bethune-Cookman. Nearly half received their undergraduate degrees from schools in California. Today, of more than a hundred practicing attorneys (i.e., excluding judges, professors, and inactive or non-members of the bar) at least 38 are solo practitioners, 39 work in partnered firms, and 43 are employed by the government.

In the spring of 2006 members of the EBGBA, including a number of past presidents, judges, professors, and law students, convened a summit to review their history, assess their actions over three decades, and plot the course for an effective future.<sup>48</sup> They devised a long-term plan to attract new members, encourage mentoring and training sessions for attorneys and a legal education program in the African American community, and recommitted themselves to maintaining a close alliance with progressive organizations like the NAACP, the Urban League, and the ACLU. Those attending the summit, like Lei-Chala Wilson and Vickie Turner, seemed barely able to contain their enthusiasm and displayed the kind of energy, optimism, and fearless determination that must have ignited EBGBA founders thirty years ago and sustained the organization through some difficult times. Guided by a unique perspective rooted in the African American experience, their spirit endures and their inheritors have every intention to build upon what the association has accomplished so that it remains a dynamic force to be reckoned with in "America's Finest City."

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