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A JUDICIAL PERSPECTIVE ON THE NEW LAW SCHOOL

Speech delivered at the Inauguration Ceremony
of the City University of New York School of Law
October 21, 1983

*The Honorable Constance Baker Motley**

Governor Cuomo, distinguished members on the platform, ladies and gentlemen. First I want to thank Dean Halpern for inviting me to participate in this historic ceremony which launches the first publicly supported law school of the City of New York. As a member of the New York legal community I am flattered by this invitation, since it allows me to be identified with the birth of a legal institution which is a bellwether of the future. I agree with Dean Halpern that a publicly supported law school should have as its purpose the training of law students who plan to devote their careers in the law to the public interest.

In the four decades which have passed since I entered Columbia Law School, the legal profession, like many other major American institutions, has been buffeted by the winds of change. It is, simply stated, not the same profession it was forty years ago. Like the American society itself, it is now an open profession. Men and women of all races and ethnic origins, reflecting the great diversity of this nation, are now a part of our revitalized and greatly expanded profession.

The nature and scope of legal issues has also expanded in the past four decades. In many instances, the legal issues at center stage today would have been, in 1944, beyond the recognition of anyone who was a practicing lawyer at that time. Unlike 1944, today both state and federal courts throughout the nation are inundated by what can only be described as a relentlessly rising tide of litigation both civil and criminal.

As a result of the systemic changes which have engulfed the legal establishment in the past four decades, the greatest challenge to the profession is now how best to train young Americans eager to become members of the profession. This Law School, whose inauguration we celebrate today, is an attempt to meet the chal-

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lenge. A careful study of your unique curriculum suggests to me that you are in touch with the realities of our time and that your objective is on target.

When I finished Columbia Law School in 1946, the corridors were overflowing with men who had just returned from service in World War II and who were picking up their legal education after varying periods of absence from the law school classroom. The end of the war came unexpectedly and, therefore, those of us who were graduating, like the rest of the nation, faced a most uncertain time. Our days were filled with talk of the need to shift from wartime economy with all of its dislocations to a peacetime economy. Massive unemployment as a result of the closing down of defense industries and military establishments was the prediction of the day. Of particular concern to us graduates was the talk we could hear everywhere that since the war was over there would be too many lawyers.

I recall going to a small midtown firm only to be viewed by one of the elderly partners who peered out of the door of his office and eyed me as one would today view an unidentified flying object over the skies of New York. And if a poll had been taken to determine which of the graduates of the Class of 1946 was least likely to succeed in the profession, I would have headed the list.

My college and law school education had been paid for by a philanthropist in my hometown of New Haven, Connecticut, Mr. Clarence Blakeslee. He was a graduate of Yale College, having graduated at the turn of the century. After noting that I had done well in high school, he offered to pay for my higher education for as long as I wished to pursue it. He was a man who believed that the solution to the problem of the disadvantaged status of Black Americans was to afford them the opportunity for education and training. He was truly amazed when I said to him that I wanted to go to law school. He told me he had never known a woman lawyer. I guess not in 1941 when I started out. But just as this law school today confidently faces the future, Clarence Blakeslee confidently faced with me my future. Although he was elderly when I started college, he lived long enough to see me graduate from Columbia five years later. He died in 1954, shortly after the Supreme Court's decision in *Brown v. The Board of Education* in which I participated.

When I accepted a job, a few months before graduation, with the NAACP Legal Defense and Education Fund, I joined a fledgling public interest law firm which shortly thereafter embarked upon a legal program which truly changed the course of

American history. As a result of the legal program which was inaugurated by the Legal Defense Fund in 1946, with a suit against the University of Texas for the admission of the first black to its law school, the entire legal framework which supported segregation in this nation was dismantled.

When I joined the Legal Defense Fund, Thurgood Marshall was then the Solicitor General of the United States and on his way to becoming the first black man to sit on the United States Supreme Court.

The Legal Defense Fund is now a major American legal institution. Its staff members, over the years, have argued more cases before the United States Supreme Court than, perhaps, any other law firm in the country. When I was there I got the opportunity to argue ten cases before the United States Supreme Court.

The *Brown* decision was the catalyst which changed our society from a closed society to an open society and created the momentum for other minority groups to establish public interest law firms to secure their rights. It also provided the impetus for the women's movement of the 1970s, the poor people's movement, and a host of other public interest issues, including prisoners' rights, consumer rights, and environmental law.

In my view, one of the most historically significant changes which has taken place in the profession has been the emergence of the public interest law firm. Notwithstanding predictions to the contrary, I believe the public interest law firms are here to stay and that their areas of concern will broaden to include, for example, assistance to minority groups and women candidates seeking public offices and expanded business opportunities.

I read in *The New York Times* very recently that some of these groups, like the Legal Defense Fund, the Women's Legal Defense Fund, the Puerto Rican Legal Defense Fund, and the Asian-American Legal Defense Fund are combining their legal resources and moving under one roof so that there will be a national center for public interest litigation. This represents a major development in the American legal community and is basically a reflection of the expanding opportunities for women and minorities in the law.

I feel very hopeful about the future of our profession. I think that lawyers generally are going to continue to be members of the leadership class in this nation. This has been the traditional status of lawyers in our society, and I see very little prospect of change in the future. I think, for example, that all of these young women who are now in law school will add new luster to the profession and

that young black lawyers will add vital new strength to the black communities around the nation.

The problems which Black Americans now face do not include strictly legal barriers to full participation in the American community. The legal barriers have been removed by civil rights litigation. Most of the problems blacks face require political solutions. The most pressing need among blacks is, therefore, the need for greater political power. And how is that to be achieved? The answer is obvious. And if a black candidate running for office is the secret to getting blacks to the polls and involved in the political process, then that is what must be done.

Lawyers not only have been leaders in community affairs, as you all know, but a legal education has led many with such backgrounds into city halls, state legislatures, into the halls of Congress, as well as into careers in business and diplomacy. I do not think it requires much imagination to conclude that in the next decade or so we will see black governors in the southern states. We will see women and minorities in the majority in many state legislatures. We will see an increase in black representation in the Congress. And we will see a woman and then a black President of these United States. So I would say to young black and women lawyers—"Run, lawyers, run." Yes, the future is bright and the list of opportunities for young minorities and women lawyers is now endless.

The problem with our profession is that we have always had too many lawyers ready to go to Wall Street and earn big money, while the corps of lawyers ready, willing, and able to work for the public interest has always been small. The opening of this Law School is therefore a recognition of the fact that the world has changed and that our most pressing societal need is for skilled new leadership working full time in the public interest.