BLACK BAY STREET LAWYERS
AND OTHER OXYMORA

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I am honoured to have been invited to address the students and faculty at Western. It has been almost 19 years since I graduated from these halls. But the memories are vivid. I remember, as if it were yesterday, my first-year moot for Professor Rayner. I remember Professor Hunter’s inspiring address on the last day of our Torts class. I remember Dean Johnston’s 8:30 a.m. Company Law classes. I even remember Professor McLaren’s assignment in first-year Contracts to write an essay on “consideration”. The truth be told, I also remember being a bit of a procrastinator. By the way, Professor McLaren, about that consideration essay, I will have it done by this Friday!

I also remember being the only black person in my class. Oddly enough, I do not recall being consciously aware of that fact until the day I graduated. After the commencement exercises, a classmate, a professor and I were looking at the class portrait hanging on the second floor of the Law School. My classmate, who, by the way, is now a good friend, laughingly remarked: “You certainly add colour to the class.” That was the first time I actually remember myself focusing on my race in law school.

I. BAY STREET CIRCA 1979

The year was 1979. After graduation, I articled for a Bay Street firm. I use the terms “Bay Street firm” and “Bay Street lawyer” to refer to large corporate law firms and the lawyers in such firms, wherever in Canada they may be located. Although there are exceptions, law firms of at least 50 lawyers are generally regarded

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as Bay Street firms. Bay Street firms, then and now, are recognized to be the elite of corporate law firms.

I was one of the firm’s six articling students. I was the only black articling student at the firm. In fact, with the exception of a black woman in accounting, I was the only black person in the entire firm. Moreover, during my articling year, I did not encounter another black lawyer or articling student on Bay Street.

Of the six articling students at my firm, three were asked to return to the firm as associates. I was not among them. I sought employment opportunities at over 50 Toronto law firms. Surely my academic credentials and my Bay Street experience (and the photograph of my smiling face, which appeared on my resume) would yield many opportunities. They yielded one interview at a small firm, but no job offer.

Obviously, my credentials were not good enough. Or so I believed. Determined to overcome this, I worked hard to finish in the top one percent of the Ontario Bar Admission Course. I served as a law clerk to the Chief Justice of Ontario. I published a law review article. I obtained an LL.M. from Harvard Law School. And I took a one-year position at a prestigious American law firm to get some cutting-edge legal experience.

The year was 1984. I was halfway through my year at Covington & Burling. I was confident that now I was ready for Bay Street. I sent my resume (this time *sans* photograph) to the best of the Toronto Bay Street firms. The response was immediate. I was invited to fly up for interviews, all expenses paid. I was surprised when my interviews yielded only one job offer. Still, I was not too disappointed because the offer came from a firm that was at the top of my list and which I regarded as the best corporate firm in Toronto.

Shortly after I received the offer, I learned that one of my Harvard professors had recommended me for a teaching appointment to the Dean at Harvard Law School. I was flattered by the recommendation and was asked by the professor not to make any commitments until I had heard from the Dean. I informed the Toronto firm of this and was told that they were impressed by the development and that it would not be a problem.

A few weeks later, I was sitting in my office at Covington & Burling when I received a telephone call from one of the senior partners at the firm from which I had received the offer. He advised
me that the partnership was reviewing its needs and had decided that they could not make me an offer. I was speechless! Somehow, I managed to find the words to reply that the firm had already made me an offer. I inquired if what he meant was that the offer was being revoked. He confirmed this. I was shocked beyond belief! When I asked, “Why?” he simply repeated that it was the result of the firm’s reviewing its needs. I inquired as to whether the offer had been made without authority or whether the firm could no longer support an additional lawyer. He said that neither was the case.

I was so confused by the entire situation that I actually called the senior partner several days later to see if he could better explain the decision to me. I never received a better explanation.

II. THE LESSON

That experience was a pivotal one for me. At the time, I believed that ability transcended race. I felt that race simply was not a factor in my career. I believed that I could achieve whatever I wanted if I were prepared to work hard enough. And I was. I was convinced that whatever failures I encountered were simply personal failures that reflected the limits of my ability.

The experience was the beginning of my own Epiphany. It started a long, difficult process of self-doubt, reappraisal, reflection and insight. The process ended almost a decade later, when, in 1993, I was invited to participate in a panel discussion at the Delos Davis Law Guild conference in Toronto. The subject was “Breaking Through the Glass Door — The Firm Hurdles”. I was preparing to give my usual talk — colour is irrelevant on Bay Street; all that matters on Bay Street is ability; if you work hard and do good work, you will succeed. But an odd thing happened. The preparation forced me to relive my Bay Street rejection. For the first time, I came to grips with it. More importantly, for the first time I spoke about this experience to others. For me, it was a defining moment. I learned that colour is relevant on Bay Street. I learned that hard work and good work do not ensure success. I learned that my colour could be a more powerful limitation on my success than my own ability.

Many black lawyers and students have already learned these lessons. Some have heard of these lessons, but reject them. I, too, had rejected them. These were lessons that I had heard for a long
time but never really believed could happen to me. I usually had been successful in my endeavours. When I had met with rejection, I refused to acknowledge that it could possibly have anything to do with my colour. I had always rationalized that another candidate had even better grades or better references or better experience or better whatever. In fact, I had used rejection to redouble my efforts to make me an even stronger candidate the next time.

For the first time, I did not find my rationalizations persuasive. I was forced to come to grips with the reality that, in 1984, a "black Bay Street lawyer" was an oxymoron.

III. DO BLACK LAWYERS HAVE A PROBLEM GAINING ACCESS TO BAY STREET FIRMS?

The year is 1998. We approach the next millennium. Do black lawyers still have a problem gaining access to Bay Street firms? Many Bay Street lawyers would deny that a problem ever existed. But they would go on to say that, even if one did exist in the past, today’s black lawyers have as good an opportunity as their white counterparts to practise on Bay Street.

Here is the reality. Based on the 1997 Canadian Law List,¹ there are about 23 Bay Street firms in Toronto. These 23 firms represent a total of about 3,117 lawyers. Of these 3,117 Bay Street lawyers, about 20 are black. This represents six-tenths of one percent of the Toronto Bay Street lawyers. Six-tenths of one percent! Only one of those 3,117 Bay Street lawyers is a black partner. One black partner among 23 firms and over 3,000 lawyers. Is there an access problem? You need not be a rocket scientist to figure it out.

Still, some say that those numbers simply indicate that black lawyers are not interested in Bay Street. Indeed, you will hear that explanation from some of the few black lawyers on Bay Street. Others will say that the numbers simply reflect the scarcity of qualified black law graduates.

I reject both of these explanations. They are the same tired excuses that were offered by Bay Street in the 1960s when Jews were excluded and, more recently, when women were excluded. These explanations let us feel more comfortable with the status quo and do not threaten our idealistic view of an egalitarian profession.

¹. (Aurora, Ont., Canada Law Book Inc., 1997).
The uncomfortable reality, however, is that, despite a substantial increase in the number of black students attending law school over the last 20 years, blacks still constitute only an insignificant percentage of Bay Street lawyers. We continue to be overwhelmingly and disproportionately concentrated in small practices and government jobs. A 1992 survey of black law students, articling students and recently called lawyers found that a majority of the respondents believed that Bay Street is effectively closed to them.

I am reminded of a remark by billionaire investor Warren Buffett last year at the annual meeting of his company, Berkshire Hathaway. Buffett is widely regarded as the most successful investor in modern times. In commenting on his success, Buffett remarked that he had won the “ovarian lottery”. By that, Buffett explained, he meant he was born white and male in a society where women and minorities are put at a disadvantage.

That blacks face a barrier to access on Bay Street is clearly reflected in the relative absence of black lawyers in Bay Street firms. That there is a problem with access has been almost universally denied by Bay Street. And, until recently, it has been largely ignored by the rest of the profession.

Just last year someone stated that there was “systemic discrimination and inequality within the legal profession”. Who do you think made that charge? A civil-rights activist? A civil-liberties organization? A feminist? If you guessed any of those, you would be wrong. It was the venerable Law Society of Upper Canada. In its Bicentennial Report, the Law Society of Upper Canada acknowledged the existence of systemic discrimination and inequality within the legal profession. Moreover, the Law Society accepted the responsibility to take the lead in eliminating discrimination and racism in the profession.

When an institution as traditional, as conservative and as Bay Street as the Law Society makes a ground-breaking statement like that, we have to sit up and take notice. Those of us in denial have to open our eyes to reality. I commend the Law Society. But I regret that it took 200 years to reach this milestone.

IV. WHY SHOULD YOU CARE?

Why should anyone care if black lawyers face barriers to entry on Bay Street? As a black person, it is obvious that I should care. However, if I were white, I may be wondering, “What does that
have to do with me?” I may be asking myself, “Why should I care?” The best I can do is to suggest some reasons everyone should care.

First, Bay Street firms represent the elite of our profession; therefore, we ought to care not only whether, but why, any group is systematically less likely to gain admission to this select Bar.

Second, corporate clients are increasingly aware of the value of diversity. They have long recognized that their leadership ranks can no longer consist exclusively of white males. Corporate clients increasingly are expecting their law firms to reflect diversity. By the year 2006, visible minorities are expected to make up one-sixth of Canada’s population. By the year 2005, it is projected that women and minority men will make up 62 percent of the work force of the United States. In this age of globalization, maintaining a glass barrier that impedes the progress of blacks or other minorities simply will not be good for business.

Third, many Canadians value diversity. Our cultural mosaic has long been celebrated as one of the hallmarks of Canada. Bay Street firms that continue to be homogeneous may find themselves at a competitive disadvantage with their more diverse peers in law school recruiting.

Fourth, all Canadians would benefit from the easing of social and professional tension that would accompany a leveling of the playing field in the legal profession.

Finally, as lawyers, we are members of a profession that has been a staunch advocate of the principles of non-discrimination and equal opportunity. We have always viewed the practice of law as more than just a business. If we, as a profession, continue to be apologists for discrimination, then our profession’s claim to the high moral and ethical ground of society will be seriously undermined.

V. SHOULD BLACK LAWYERS BE INTERESTED IN BAY STREET?

Why should black lawyers be interested in Bay Street? For some, Bay Street holds no allure. Still, I think it would be a mistake for black lawyers to foreclose Bay Street practice. There are many reasons for this.

First, Bay Street firms by virtue of their client base are centres of power and influence. More black lawyers need to gain access to these centres or forever we will be on the outside looking in.
Second, membership in these firms automatically imbues one with credibility. Right or wrong, that is the reality. This is not to say that one cannot achieve similar credibility as a small-firm practitioner. But if a Bay Street firm can offer us an advantage in this area, why not take it?

Third, Bay Street firms perpetuate themselves. The tenure of a small firm usually is tied to the longevity of its principals; however, a Bay Street firm is an institution with a life of its own. If black lawyers continue to be rarities in such firms, the future will hold more of the same.

Fourth, Bay Street practice generally will expose a lawyer to more professionals than will practice in a small firm. Because of the size and nature of a Bay Street practice, the Bay Street lawyer has a greater opportunity to work with more lawyers, bankers, accountants and corporate executives than a lawyer in a small-firm practice. The importance of this should not be underestimated. One reason blacks have difficulty gaining access to Bay Street firms is that the Bay Streeters who make the hiring decisions have not had much professional or personal experience with blacks. As a result, their actions and decisions are influenced by black stereotypes. Greater interaction of black lawyers with other professionals will assist in dispelling these stereotypes.

Finally, even if one later chooses small-firm or government practice, the Bay Street credential will assist mobility. It is far easier to move from Bay Street to a small firm or to government than the reverse.

VI. WHY DO BLACK LAWYERS HAVE A PROBLEM GAINING ACCESS TO BAY STREET FIRMS?

Why blacks have a problem entering Bay Street firms is subject to debate. My own view is that the problem is attributable in large part to the fact that the people who, historically, have controlled the portals of the Bay Street firms have suffered from a lack of personal experience with blacks. These “gatekeepers” generally have had little interaction with blacks. Indeed, their firms may never have had a black lawyer. Their interaction with blacks is usually limited to blacks in subordinate positions. Without the benefit of substantial personal interaction with blacks, the gatekeepers tend to rely on the stereotypes so readily available through the media and have a tendency to make conscious or unconscious
assumptions about black lawyers based on these stereotypes. To understand the effect of this, one needs to examine the recruiting process.

The recruiting process of Bay Street firms can be divided into two stages: the "credential" stage and the "interview" stage. In the credential stage, the firm evaluates an applicant's objective credentials, such as grades and law school status. In the interview stage, the firm makes a subjective determination about the applicant's personality and fit.

In the credential stage, it is difficult for Bay Street firms today to discriminate. A firm is unlikely, for example, to refuse interviews to black applicants whose credentials are superior to those of the white applicants selected for interviews. Still, even well-credentialed black applicants often are at a disadvantage compared to their white colleagues in the credential stage of the recruiting process. Why?

We all are products of our environment. From an early age, we are bombarded through the media with stereotypical images of blacks and myths of black intellectual inferiority. As a result, we tend to see each other through assumptions and predispositions that are connected to race. These "race-coloured glasses" are so subtle that most of us seldom are conscious we wear them. Bay Street interviewers are no exception. They tend to have certain conscious or unconscious stereotypes about blacks. These stereotypes are reinforced by the relative scarcity of blacks in positions of power and prestige, and the virtual absence of black lawyers on Bay Street. As a result, Bay Street interviewers tend to question the credentials of black applicants more than those of white applicants.

For example, a black applicant at the top of his or her class has a greater likelihood than his or her white counterpart that an interviewer will probe the difficulty of the black applicant's courses or even question his or her professors to determine whether the black applicant deserved the high standing.

I recall a job interview I had years ago at the Ontario Securities Commission. The interviewer, a graduate of Harvard Law School, seemed genuinely surprised that I was attending Harvard. We had an exchange that went something like this:

Interviewer: So, you're attending Harvard?
Baxter: Yes, I am.
Interviewer: You must have done well at Western to go to Harvard?

Baxter: I wasn’t the gold medalist, but I did well.

Interviewer: I suppose that you must have gotten a lot of A’s?

Now, the interviewer had my resume, which disclosed that I had made the Dean’s Honour List at Western, articled on Bay Street, finished in the top one percent of the Bar Admission Course, clerked for the Chief Justice of Ontario, won a Canada Council doctoral fellowship and published an article on derivative actions in the McGill Law Journal. Still, he probed to satisfy himself that I had earned the grades to go to Harvard. It became clear to me that the interviewer was having difficulty accepting the fact that I could have performed well enough to gain admission to Harvard. Consequently, he felt the need to probe behind my credentials to see if I had earned them. The fact that I was at Harvard was running smack into his assumption, conscious or unconscious, that blacks are unable to perform well enough to get into Harvard on the basis of merit.

Passing the credential stage of the recruiting process does not land you on Bay Street. Once an applicant advances past the credential stage, the law firm’s hiring decision will be driven largely by its assessment of the applicant’s “personality and fit”. This occurs during the interview stage of the recruiting process.

At the interview stage, Bay Street firms are less inclined to base their decisions on objective criteria. Moreover, because this stage of the recruiting process is not observable, firms can act more or less with impunity. Indeed, firms generally will not review writing samples or ask substantive questions during the interview to test legal knowledge and analytical ability. Instead, the focus at the interview stage is primarily on whether the applicant will “fit” at the firm. Although firm-fit is important in any hiring decision, Bay Street firms tend to emphasize personality and fit in the interview stage to the virtual exclusion of assessments of analytical ability and writing skill.

The emphasis on personality and fit at the interview stage disproportionately disadvantages well-credentialed black applicants who have passed the credential stage. Why? First, the interviewer’s conscious or unconscious stereotypes about blacks will affect the interviewer’s subjective determination of personality and fit. Second, because of the white interviewer’s general lack of significant
interaction with blacks, the interviewer may not feel as comfortable or connected with the black applicant as with the white applicant. As a result, in a competition between a white applicant and a black applicant, the interviewer’s subjective determination, not surprisingly, may often be that the white applicant “connected” better during the interview and, consequently, would “fit” better at the firm.

Let me be clear. I do not mean to suggest that the barriers that blacks face on Bay Street are the result of intentionally racist views held by Bay Street firms. To the contrary, I have met very few people whose discriminatory actions I believe to have been the result of malice or ill will toward blacks. In my experience, discriminatory treatment usually is at the hands of basically good people who have had little experience with blacks and who let assumptions and negative stereotypes affect their conduct.

Ironically, this type of discrimination is more insidious than discrimination born from malice or ill will because it is more difficult to deal with. It does not occur in the open where all can recognize and deal with it. It occurs behind closed doors and in private discussions, and it manifests itself in discriminatory actions that catch you when you least expect it. Indeed, in many instances, the actor is not even aware of the discriminatory basis of his or her actions.

VII. ADVICE FOR BLACK LAW STUDENTS

What advice would I offer black students who seek to practise on Bay Street?

First and foremost, take advantage of your law school years to get your professors to know you. Please notice that I did not say “get to know your professors”. I said “get your professors to know you”. Take an active role in class discussions. Try to get research positions with your professors. Most professors are happy to act as a reference for a student. The best references, however, are from those professors who have had a substantial opportunity to know both your work and you.

Second, develop your credentials. This begins with performing to the best of your ability in law school. It may surprise some of you to learn that your academic performance in law school will follow you for the rest of your life. You cannot afford to do other than your best. If possible, try to obtain an advanced law degree,
such as an LL.M., from a well-regarded school. American law schools, such as Harvard and Yale, are particularly favoured by Bay Street firms. Try to secure a judicial clerkship. An advanced law degree and a clerkship not only will burnish your credentials, but also will expose you to other professors and judges, who, if favourably impressed, will readily provide you with a strong reference.

Third, article with the best law firm available to you. Law firms are very hierarchical. It is much easier to go from a Bay Street firm to a small firm or to government than to go from a small firm or from government to Bay Street.

Fourth, find a mentor. Success on Bay Street is virtually impossible if you do not have a mentor. A good mentor will look out for you, guide you and counsel you. Most importantly, your mentor will ensure that you receive the essential training required to succeed on Bay Street. This is key. You cannot succeed on Bay Street if you have not received the necessary training. By the time an associate comes up for partnership, the associate must have acquired the necessary skills to function as a partner. The associate must have been exposed to a variety of challenging assignments that allowed him or her the opportunity to develop an area of expertise, sound legal judgment and the ability to take charge of matters. Most importantly, the associate must have been exposed to clients to develop the necessary client-relations skills. Is this unique to black associates? No. It is true for all associates, regardless of colour.

The structure of Bay Street firms is somewhat like a pyramid. The firms hire a large number of law school graduates. Generally, after six to eight years, firms will admit to partnership those associates who have demonstrated the greatest potential. This process produces a pyramid-type structure because not all of the associates will make partner. A typical Bay Street firm will have a large number of associates and a much smaller number of partners. Since not all of the associates will make partner, it does not make economic sense for firms to train all of their associates. Through an informal selection process, certain associates will receive the best training. Black associates are less likely to receive the training necessary for their success — just as the barriers on Bay Street make it less likely that they will be hired in the first place.

For one thing, black associates are less likely than their white peers to find mentors who will give them demanding work and
client contact, and counsel them about how to succeed at the firm. A primary reason for this is the natural affinity that we all have for people who remind us of ourselves. In other words, we all like to mentor people who remind us of ourselves. Mentors will gravitate towards associates with whom they feel most comfortable and with whom they most identify. These associates are not likely to be the black associates. Consequently, it is more difficult for black associates to form the mentoring relationships that are critical to their success on Bay Street. In addition, even in the exceedingly rare instance in which the firm has a black partner, such a partner may not be quick to mentor a black associate. The black partner may believe mentoring to be unnecessary because he or she may have succeeded without such mentoring. Moreover, the black partner may fear that mentoring a black associate will be seen as race-based.

Despite the difficulties, you must find a mentor. Your success will depend on it.

Fifth, view discrimination as just another obstacle to overcome. It is out there, so you have to deal with it. Inevitably, it may lead to some rejection. Nevertheless, it is absolutely essential that you not internalize this rejection. There is a tendency to treat such rejection as representing far more than it does. For many years I took my Bay Street rejection as a shameful indication that, after all my efforts, I still lacked the "right stuff" to become a Bay Street lawyer. Only much later did I understand that the rejection was not a reflection on my ability or character. Remember, discriminatory actions are merely a reflection of the ignorance of the discriminator. Never let it lead you to question your own ability.

However, recognize that black associates face higher costs from making mistakes than do their white peers. Black lawyers do not come into a firm with a presumption of competence. Instead, they come in having to prove themselves. When partners expect black associates to be mediocre or less than competent, any mistake will be seen as confirmation of this. By contrast, white associates are presumed competent in the absence of conclusive evidence to the contrary. As a result, their mistakes are more likely to be dismissed as aberrational or based on inexperience.

Sixth, have a passion for your work. Bay Street is a demanding and intense place in which to work. If you have a passion for your work, you will thrive in that environment.
Seventh, seek opportunities to grow. While some opportunities may come your way, most opportunities have to be pursued and seized. Do not wait for opportunities to land in your lap. Seek out the work, the experiences and the relationships that will best prepare you for partnership. Periodically, take stock of your experiences and evaluate your skills. Only by doing this can you ensure that you are developing as you should.

Eighth, demand the best of yourself. You are your own best rival. Measure your achievements against your potential.

Ninth, get to know your black colleagues. Some of us have a tendency to feel self-conscious when we get together with a group of our black colleagues. I think we fear that it will make us stand out even more as outsiders on Bay Street. We prefer to keep our heads down to avoid drawing race-based attention. I think we fear that Bay Street may use our association as a group to define us by race — which, in turn, may lead to our lack of acceptance by Bay Street as "lawyers".

This is not an irrational fear. There is a tendency in society to define us as "black" first and "lawyer" second. We simply want to be accepted as "lawyers" and not to be defined by our race. I do not want to be known as a "black lawyer". I want to be known as a "lawyer", period. I am a lawyer who just happens to be black. My race affords me a different perspective on many things. But it does not define who I am. It is not the sum total of my existence.

Despite the risks, we should make an effort to connect with our black colleagues. There is strength in numbers. It is a good way to network. It is an even better way to share your experiences and to learn from the experience of others.

Finally, build bridges — don’t burn them. While we are part of the black community, we are also part of a larger community that is not connected by race. Become an active part of that larger community rather than retreating into the relative comfort of the black community. Only by taking our place in the larger community can we eliminate the barriers that now impede our access.

Building a bridge may mean that you have to work on a relationship with a person or a firm that has discriminated against you in the past. These are the most difficult bridges to build because there is a natural tendency for us to become embittered by the experience of discrimination. It will not be easy, but I encourage you to work past any feelings of bitterness because that bridge is an important one to build. You, yourself, may never be given the opportunity to
cross that bridge. But your efforts will allow others who follow an opportunity to go where you were denied. When the first person crosses your bridge, you will take as much pride in the knowledge that you have built well as that person will take in his or her ability to make it across.

Success is not a solo endeavour. Many of us cross bridges today that were built by our predecessors. Each of you, whether knowingly or unknowingly, has taken advantage of the efforts of your predecessors. While it may be personally gratifying to believe that your success is solely the result of your own efforts, recognize that many who have gone before you have laboured to make your journey an easier one than they had.

All that being said, I would be remiss if I failed to caution you. Even if you follow my advice to the letter, it still may be virtually impossible for us to succeed on Bay Street today if we lack one critical quality. To succeed on Bay Street today a black lawyer must transcend race. What do I mean by that? You must be able to function as if oblivious to race. It is not enough simply to act as such. You must believe it with every fibre of your being. To succeed on Bay Street, you must be able to walk into a roomful of people in which you are the only black person, yet never have the thought occur to you that you are the only black person in the room. I guarantee that that thought will occur to everyone else in the room, but it probably will not occur to the successful black Bay Street lawyer. To succeed on Bay Street, you must believe in your heart that your colour has had and will continue to have no effect on your career.

Why is this quality essential? Because if you do not possess it, you are unlikely to pass the critical personality-and-fit assessment which occurs in the interview stage of the recruiting process. If you do not possess this quality, you will be unable to signal to the Bay Street recruiters that you will "fit" at the firm. And even if you were to successfully fake this signal, your thoughts eventually will betray you during your tenure on Bay Street and will work to undermine your support at the firm.

Make no mistake, I do not counsel you to deny your race. I seek only to direct your attention to the reality that both the current structure of Bay Street recruiting and the nature of the training of Bay Street associates penalize black law graduates and lawyers who do not believe that Bay Street is colour blind.
Does this colour-blind mindset accord with reality? I wish it did. The sad truth is that virtually all people view each other through "race-coloured glasses". It is a natural result of the pervasive myths and stereotypes of blacks that exist in this society. Fortunately, the extent to which these myths and stereotypes influence one's actions will vary from person to person and is inversely related to the quality of the person's experiences with diverse people.

Is this colour-blind mindset a good thing? Ignorance is seldom a virtue. But sometimes it is easier to meet the challenges in one's life with less than complete information.

Last year, I had a conversation with a white high school friend. We had also been both college and law school classmates at Western. He had read a news report of an address that I delivered in 1994 at the annual symposium of the Black Law Students Association of Canada. He said that the address made him proud of me and that he was proud to have been my classmate. I was moved.

What he said then floored me. He said that he wanted to apologize for all of the "stupid things" that had gone on behind my back in high school. Up until that conversation, I believed that I had had a completely race-neutral high school experience. After all, I had been on the student council, played football and graduated in the top of my class. It never occurred to me that race-based things — in respect of me, of all people — could have been going on in high school.

My friend was truly remorseful and apologized not only for himself, but said that he was apologizing for all of the others. Imagine being told something like that after 23 years!

The point of the story is simply this: one's perception may not always accord with reality. Sometimes that may be a good thing. I would not like to have known then what I know now.

VIII. AFTER BAY STREET

What should black lawyers do after they get to Bay Street? There is a temptation once we have gained access to Bay Street to sit back and enjoy the fruits of our labours. Having beaten the odds and arrived, we often become elitist. As a consequence of this mindset, the black Bay Street lawyer, consciously or unconsciously, may refuse or neglect to assist other black lawyers or students seeking access. He or she may deny to those who follow
the benefit of his or her experience. Since today’s black Bay Street lawyers may have made it without similar assistance, they may believe it to be unnecessary to those who follow. Moreover, they may fear that assisting other blacks will be seen by their white colleagues as a race-based action.

Having gained access to Bay Street, we must resist becoming elitist. Share your knowledge and experience with those who follow. The fact that more black lawyers will become Bay Street lawyers with your assistance will not diminish your achievement. Indeed, it will serve to memorialize it. Being the first black lawyer at a Bay Street firm is a substantial accomplishment. But that accomplishment will be temporary and easily forgotten if not built upon. Whatever your professional accomplishments may have been, if you leave your Bay Street firm with no more black lawyers than when you arrived, you should question whether you really have been successful.

All of us remember Jackie Robinson, the first black baseball player to play in the major leagues. Generations of baseball players who did not even have the opportunity to see Robinson play have benefited from his remarkable achievement. By opening the door to other blacks, Robinson created an unforgettable legacy.

Too often we are afraid to advance another black candidate for fear of being criticized that we are doing so only because he or she is black. Learn that there is nothing wrong with supporting a black candidate in whom you believe. Every day there are examples of groups assisting their own. For the last 200 years, the “old boys’ network” has helped its own. Does anyone seriously question whether that will continue? Lift as you climb. Do not be too absorbed by your own career to extend a helping hand.

Recognize that each black lawyer is a model by which the others will be judged. In a world full of stereotypes, there are those who will be quick to judge the worst in each of us as typical of all of us, but slow to attribute the best in each of us to the betterment of the rest of us.

We also are role models for the black lawyers who follow us. Our success gives added confidence to our successors. Do not underestimate the power that you have as a role model.

In my first year in Washington, I had the opportunity to observe oral argument at the U.S. Supreme Court. I remember seeing the late Justice Thurgood Marshall on the bench. I cannot describe the
sense of pride that I felt to see him seated among the other Justices on the United States Supreme Court. Intellectually, we all know that blacks can hold positions of power and prestige. But I tell you, actually witnessing it through one's own eyes can be an inspiring event.

IX. CONCLUSION

So what does the future hold? I am and have always been optimistic. Clearly, there is greater opportunity for black lawyers today than there was for me 14 years ago. Twenty black lawyers of the more than 3,000 lawyers on Bay Street may seem insignificant, but it represents an infinite increase over the number just 14 years ago. We are no longer an oxymoron.

Still, any celebration would be premature. Bay Street is nearly as segregated today as the entire legal profession was almost 50 years ago.

Today's black law graduates hold the best promise for taking our place on Bay Street. The Law Society of Upper Canada has at last recognized the problems with access faced by black graduates. Take advantage of this changing climate to gain access to areas where we were denied in the past.

In closing, I am reminded of one of the most inspiring speeches in American history. In his "I Have a Dream" speech delivered more than 30 years ago, Martin Luther King, Jr. spoke of his dream that his children one day would live in a nation where they would not be judged by the colour of their skin but by the content of their character. This is not just a dream of black America. It represents an ideal that speaks to the very best in each of us. It is not limited by national boundaries, race, creed or colour. I believe every one of us shares this dream. Let us each do our part to make it a reality.