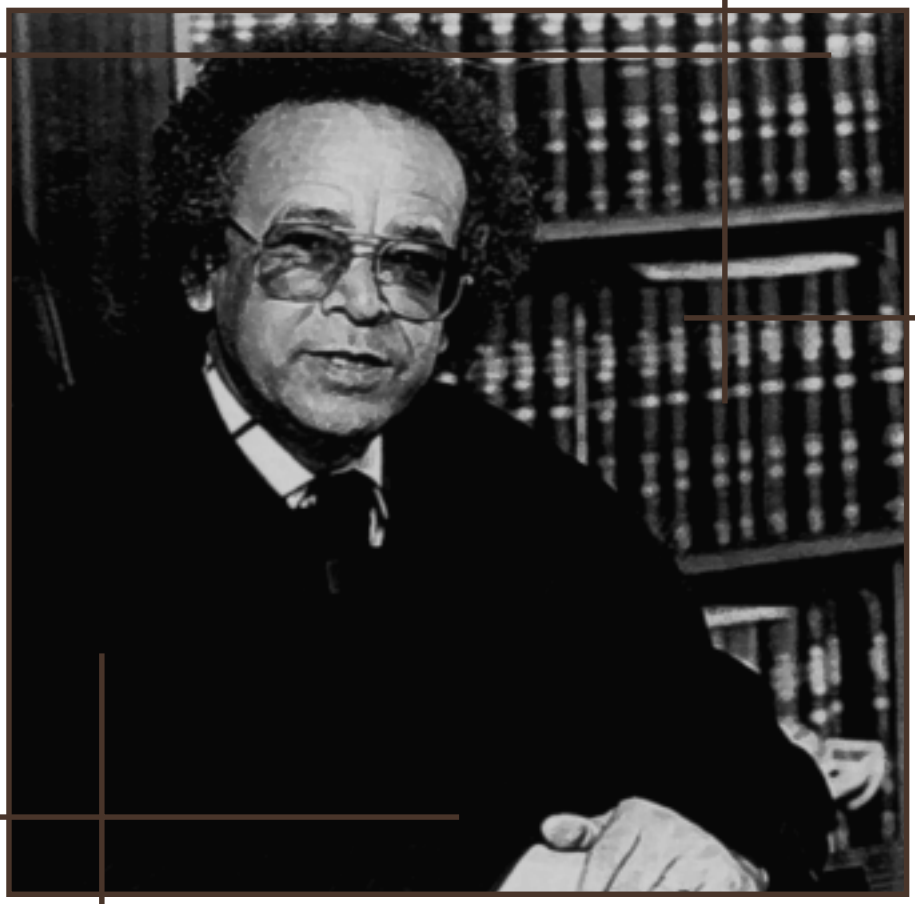
# THE CHARLES HOUSTON BAR ASSOCIATION

## NEWSLETTER

2003 CHBA, ISSUE ONE



In Memory of the Honorable Judge
John Foster Cruikshank, Jr

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**AND MORE!**

# Editor's Note

## A New Look for CHBA

As this year's editor, I invite you to share your ideas with the association by submitting your own articles, pictures, community event announcements, or information about your firm, your practice, or your favorite charity. Feel free to give a shout-out to the inspirational judge, lawyer, or student who has done something to make you proud to be a part of the legal community and of this organization. We are always looking to highlight those movers and shakers who embody Charles Houston's vision of the "social engineer."

You will notice that this year, the newsletter has reached out to bring a few new voices and ideas to CHBA. Understanding the perspectives of those around us is key to connecting with and serving our community.

Inside this first of three newsletters for 2003, you'll learn about the Grutter v. Bollinger case and the amicus brief joined by CHBA in support of the University of Michigan. You'll be taken back a few years to recall California's own struggle with Proposition 209 in a personal look at former student Eric Brooks, the single Black 1L at Boalt Hall in 1997. You will also meet the new Executive Board of Directors, catch up on events you may have missed, and see what's to come.

I hope you enjoy the new face we've put on the newsletter for 2003. I'd like for this newsletter to be an informative and interesting resource for CHBA. Your feedback is encouraged. Enjoy!

Charles Smiley
csmiley@co.alameda.ca.us

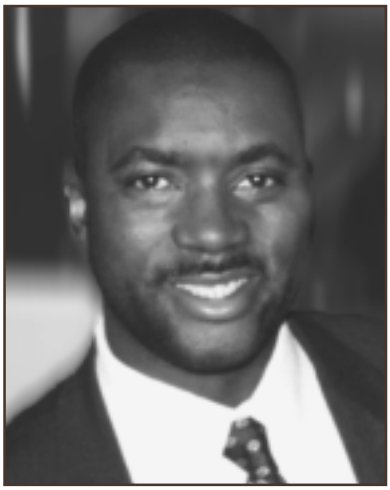
# Cover

The Honorable Judge JOHN FOSTER CRUIKSHANK, JR. (Mar. 4, 1927 – Nov. 12, 2002). A graduate of U.C. Hastings, and admitted to the state bar in 1963, Judge Cruikshank's first position as an attorney was with the law firm of Vaughn, Dixon and White in Oakland. This team of African American legal giants specialized in civil rights and criminal law. Thereafter, he became a partner with the late Justice (then attorney) Clinton W. White. In 1979, he was the first African American appointed to the San Joaquin County Municipal Court by former Governor Jerry Brown. In 1980, Governor Brown elevated him to the Superior Court bench. Judge Cruikshank retired from the bench in 1996, but still continued to hear cases on assignment in courts throughout the state. In 2001, he officially retired from the bench and began to practice law with his son, Attorney John F. Cruikshank III, M.D. His lifetime commitment was working with the community to address issues of racism, social inequality, economic opportunity and the fair and equitable administration of the justice system. With pride, CHBA honors the life and significant contributions of a great civil rights champion and role model to us all.

# President's Message

## Vernon Goins, 2003 CHBA President

Greetings on behalf of the Charles Houston Bar Association. This year, my goal is to find, train and develop Black lawyers as social engineers. According to Charles Houston, the role and function of a social engineer consisted of the following:



- Prepare to anticipate, guide, and interpret group advancement;
- Serve as the mouthpiece of the weak and a sentinel guarding against wrong;
- Ensure that the course of change is orderly with a minimum of human loss and suffering;
- Use the law as an instrument to adopt direct action and achieve our place in the community and nation; and,
- Engage in carefully planned programs to secure decisions, rulings and public opinion on broad principles while arousing and strengthening the local will to struggle.

As Houstonian engineers, the members of our prestigious bar association must continue to donate freely time, money, advice and other resources towards community education and development. As lawyers, judges and law students, we have the intellectual capability and prowess to foment fundamental changes in attitude, perspective and tradition. It is our societal duty to challenge the status quo and demand fairness, equal access and justice for all people.

The Charles Houston Bar Association is only as strong as its membership. This year, I promise to provide everyone with various opportunities for meaningful involvement. I especially encourage you to reach out to the Bay Area law students by volunteering as mentors and friends. The law students represent the future vanguards against racism.

Please support our endeavors,
Vernon C. Goins II

# 2003 Board

**VERNON C. GOINS II**
President
Founder of Taylor & Goins LLP in 1998, Vernon Charles Goins II specializes in real estate, probate, and estate planning law. After completing his undergraduate studies at Georgetown University, he joined Teach For America and taught bilingual fourth grade in Compton, CA. While teaching, he also earned his Master's in Business Administration from the University of Laverne. In 1997, Vernon Goins graduated from Hastings College of the Law. He also holds an LLM in taxation from Golden Gate University.

Vernon Goins actively participates in the following organizations: 100 Black Men, Member; Alameda County Bar Association, Board Member; Oakland Chapter of the NAACP, Board Member; California Association of Black Lawyers, Board Member; Alameda Contra Costa County Trial Lawyers Association, Board Member.

Vernon has taught introduction to federal income tax law at the University of San Francisco Law School and a course in the Introduction to business law at Merritt College. He is fluent in French and Spanish.

**YOLANDA JACKSON**
Vice President
Yolanda has been affiliated with CHBA since 1995 and has served in various positions on the Board of Directors for four years. One of her most rewarding past positions on the board was as the Legal Services Chair which allowed her to interact on a monthly basis with citizens of Oakland, assisting them with the various legal issues they faced.

At work, she is the Senior Director of Legal Services for Fireman's Fund Insurance Company in Novato, CA. She has been in the insurance industry for 19 years and has been practicing law for 8 of those years.

**SHARI HOLLIS-ROSS**
Treasurer
Shari is the new treasurer for Charles Houston Bar Association. She is originally from Los Angeles where she attended undergradate school at UCLA. She earned her J.D. from the University of California, Hastings College of the Law. Currently, Shari practices civil litigation with an emphasis in labor and employment at the firm of Burnham Brown in Oakland.

**EBONY-AZIZI SYLLA**
Secretary
As Secretary, Ebony-Azizi Sylla serves as the primary administrator of the organization. She is responsible for keeping accurate records of board meetings, processing the organization's mail and correspondence, and creating and maintaining a CHBA master calendar, among other activities.

Ebony-Azizi attended U.C. Irvine for her undergraduate education and went to law school at Boalt Hall. While in law school, she served on the board of the Law Students of African Descent and the NBLSA regional board.

She currently is an associate at the law firm of Thelen Reid & Priest LLP, practicing in the commercial litigation department.

**JENNIFER MADDEN**
Membership Chair
Jennifer Madden is a veteran of the Board of Directors, having served on the board the last three years. At the Gala Dinner Dance last December, past president Terry Wiley distinguished her with the President's Award, acknowledging her exemplary work and dedication to our bar association.

In undergraduate school, she majored in political science and African American Studies at U.C. Berkeley. She obtained her J.D. from Boalt Hall.

For the last five years, she has worked as a Deputy District Attorney in Alameda County. After work, she devotes her time and energy as a member of the Council of the Boys and Girls Club of Oakland, and as a volunteer for the Charlott Maxwell Complimentary Clinic, an organization that provides free holistic health care to low income women with cancer.

**KWIXUAN H. MALOOF**
Young Lawyers Chair
As the Young Lawyers Chair, Kwixuan leads the CHBA mentor program. He will also conduct an interview and resume-writing workshop in the Fall to prepare students for their job search.

Kwixuan completed his undergraduate and graduate studies at San Jose State University, receiving an M.A. in Sociology and Criminology. He received his J.D. from New College of California and was admitted to the California State Bar in 2001. He now champions the rights of the indigent defendants as

# 2003 Board

a Deputy Public Defender in San Francisco.

**MONICA WILEY**
Judicial Chair

**R. MANUEL FORTES**
General Counsel
Manny has been on the CHBA Board of Directors for several past years, lending his considerable insight, talent, and sense of humor to various board positions. He previously served as Judiciary Committee Chairperson and Communications Chair.

He held the office of President of the Board of Directors of the Center for Youth Development Through Law at Boalt Hall, worked as a Settlement Commissioner for the Alameda County Super Court and as a guest lecturer at the USF School of Law, Civil Trial Advocacy Program. He received his undergraduate and law degrees from U.S.F. and has mentored BLSA students at USF for over fifteen years.

He faithfully served Oakland as one its best Deputy City Attorneys. He now works at the San Francisco firm of Hines & Thomas.

**ANGELA HOULEMARD**
Community Action Chair
Angela is a second year associate with Wendel, Rosen, Black & Dean, LLP, where she works in the business practice group. Her experience includes drafting various forms of business agreements and organizational documents for corporations, limited liability companies, partnerships, sole proprietors and public agencies.

Angela is a Southern California native. She earned her B.S. in Business Administration with an accounting concentration from California State University, San Bernardino in 1997, and received her J.D. from U.C. Hastings College of the Law. During law school, Angela worked as a law clerk for the Oakland Raiders and served as an extern for the Honorable Judge Martin J. Jenkins. Angela also served as president of the Black Law Students Association and Sub-Regional Director for the National Black Law Students Association.

**KIMBERLEI D. EVANS**
Social Committee Chairperson
As Social Committe Chair, Kimberlei D. Evans plans all social events for the association, including, but not limited to, the Annual Membership BBQ and the Annual Gala Dinner/ Dance.

Kimberlei received her undergraduate degree in Political Science from California State University, Northridge in 1994. Thereafter, she enrolled at USF School of Law where she served as BLSA President and as Regional Convention Coordinator for NBLSA. During her last semester of law school, she externed for the Honorable Saundra Brown Armstrong, Northern District of California Federal District Court.

Kimberlei now works as an associate with the law firm of Boornazian, Jensen & Garthe, primarily in the areas of personal injury and construction defect defense. She resides in San Francisco.

**CHARLES A. SMILEY**
Communications Chairperson
Chad is Editor-in-Chief of the newsletter and will also be responsible for creating and maintaining the new CHBA web site, which will lauch this May.

He graduated from UC Berkeley with a degree in rhetoric and attended UC Hastings for law school. At Hastings, he served as BLSA Vice President and as an NBLSA regional board member. During his third year, he externed for the Honorable Maria Elena James, Federal Magistrate of the Northern District of California.

Since 1997, Chad has worked as a Deputy Public Defender representing indigent criminal defendants in Alameda County. Away from work, he is a founding member of The Council of the Boys and Girls Club of Oakland, a mentor through the Chabot College Deraja House, and a frequent guest speaker at Hastings.

## THANKS!

Judge Gordon Baranco
Judge Saundra B. Armstrong
Carl Hackney
Paul Henderson
Nick Thomas
and
The Oakland Chapter of the NAACP

for your generous support this year!

Article

# Dennis Archer Speaks of Diversity

Dennis Wayne Archer has done it all. A trial lawyer, a former two-term mayor of Detroit, a former Associate Justice of the Michigan Supreme Court, Mr. Archer now has the further distinction of being the President-Elect of the American Bar Association, . . . and the first African American President-Elect of that organization.

To highlight the importance of diversity in the legal profession and in law schools, the ABA Law Student Division and the Black Law Students Association at UC Hastings co-hosted a diversity symposium featuring Archer as the keynote speaker on February 18th.

> *"If the Supreme Court limits the opportunity for people of color to get an education, I would not be surprised to see [young militant minded leaders] emerge. It's not going to be pretty."*

Addressing an assembly of students, professors and lawyers, Archer encouraged law students of color to go into the junior high and high schools and talk to youth about why they should consider law as a profession. Recalling the names of great Black lawyers from the past, he instructed the audience to tell kids about those practitioners and show them the awesome impact they had on America.

Referring to the current Affirmative Action controversy before the United States Supreme Court, Archer warned, "If the Supreme Court limits the opportunity for people of color to get an education, I would not be surprised to see [young militant-minded leaders] emerge. It's not going to be pretty."

As ABA President, Mr. Archer intends to concentrate on the lack of diversity in the legal profession. He also voiced concerns about the continued viability of the death penalty and indicated a desire to push for student loan forgiveness for public lawyers.

He described lawyers as "Ministers of Justice" and called upon them to be mindful of their role to always inspire public faith in legal processes. He thanked those lawyers who devote time and energy to public interest work and pro bono cases. "If not for them, there would be a lot more frustrated people in the world."

Archer, a past president of the National Bar Association (1983-1984), will become the ABA President in 2003 at the ABA National Convention which will convene in San Francisco this summer, August 7th – 12th. The ABA web site reports that The 2003 President's Reception will be held on Saturday, August 9th from 7:00p.m. to 10:00p.m. Tickets may be ordered online. Visit www.abanet.org for more information.

# He Just Wants to Paint

*Role Model, mixed media*

On March 5th, CHBA hosted members and friends at a Jack London Square gallery to view "Me, Myself & the Other Guy," a 60 piece solo exhibition of mixed media works by Oakland artist Milton Bowens.

The Oakland Tribune described this body of work as "vibrant in color and message, with social and political issues at the forefront." While reminiscent of greats such as Bearden and Basquiat, Bowens' expression also beckons Warhol's attention to popular culture, and Marc Rothko's eye for composition and color. However, the artist's style is singular in his bold use of written text to convey feelings and capture moments. Addressing CHBA attendees, Bowens explained that this exhibit demonstrates how words can be "a viable part of the visual art experience."

His piece *Big Mama* thanks grandmothers with a modest jar of painted flowers against a backdrop thick with random comedic phrases like "Don't play with that, child. That's my good wig!" *Happy Father's Day Mama* declares "Diapers before blunts; daycare before bling bling; child support before rims." It then suggests that "Sometimes the best man for the job has to be the woman." *Role Model*, pictured above, calls the viewer to contemplate his (or her) own role in the community by inviting him to envision his own picture in the middle of the bold and colorful 48" x 60" work.

Bowens, a 35 year old Oakland native, received formal training at the Renaissance Art School, the California College of Arts and Crafts, and in the United States Army. His works already hang in homes and establishments across the country. CityFlight magazine heralds him as an artist "on the cusp of significant fame . . . " His former art instructor, David Bradford, echoes this sentiment saying he "has *never* encountered a young person with the skill and potential of Milton Bowens."

*Miton Bowens, artist*

"Me, Myself & the Other Guy" is now showing at New College of California at 766 Valencia Street in San Francsico before leaving the Bay Area to make stops at the Historically Black Colleges and Universities. CHBA appreciated the opportunity to view the exhibition before it leaves home. For more information about the artist and his collection, contact his agent A. Kelly Paschal at 925-785-7569 or visit him online at www.Milton510.com.

# CHBA Supports the University of Michigan Law School in the U.S. Supreme Court

*By Susan Serrano and Eva Paterson*

**White Applicant Challenges Admissions Program that Promotes Racial Equality**

In what has been called one of the most important civil rights issues since the landmark Brown v. Board of Education, the Charles Houston Bar Association filed amici curiae brief in the United States Supreme Court supporting the admissions program at the University of Michigan School of Law. The brief in Grutter v. Bollinger, filed on February 18, was also joined by the Coalition for Economic Equity, an association of minority businesses in California; the Santa Clara University School of Law Center for Social Justice and Public Service; the California Association of Black Lawyers; and the Justice Collective. The amici are represented by Professor Eric K. Yamamoto of the University of Hawai'i Law School, Susan K. Serrano, and Eva Paterson.

The brief supports the admissions policies of the University of Michigan Law School, which are under attack by a white applicant who claims that considering race as one factor among many in admissions decisions is unlawful. The University, whose undergraduate admissions policy is also the subject of a Supreme Court case, has fought vigorously to defend its admissions programs and has argued that its programs are necessary to achieve a diverse student body.

Ironically, the petitioner, represented by affirmative action opponents Center for Individual Rights, among others, invokes the words of the NAACP's Robert Carter in Brown v. Board of Education to suggest that the national segregation laws challenged in Brown are equivalent to Michigan Law School's effort to employ race as one factor among many to prevent the long-standing exclusion of African Americans and promote diversity. This would surely shock Charles Hamilton Houston, were he alive today, as he was one of the architects of the legal strategy that struck down Plessey v. Ferguson and led to the victory in Brown. The petitioner also asks the Court to ignore important distinctions between race-sensitive programs that seek to fully end group-based exclusion and governmental policies that perpetuate it.

Amici have lined up on the petitioner's side as well, including the Bush Administration, and Proposition 209 author Ward Connerly, who is currently pushing a new ballot initiative that would effectively mask resegregation in state schools.

**Purely colorblind?**

The petitioner asks the Court to undertake a "pure colorblind" analysis that would invalidate many racial- and gender-sensitive programs throughout our higher educational system.

Although the petitioner claims that she desires a "colorblind" admissions policy, she is actually advocating a policy that would perpetuate stark inequality and *deepen* social divisions.

In our brief, we argue that there is a difference between a governmental policy that perpetuates existing group advantage on the basis of race and one – like the one Michigan uses – that addresses the adverse effects of long-standing racial exclusion.

More than 300 organizations filed 64 amicus briefs on behalf of the University. These friends of the court include scores of Fortune 500 companies, labor unions and more than 30 retired military and defense officials, including several former members of the Joint Chiefs of Staff.

Our brief is unique, however, in showing that the

# National

*[T]he brief offers an innovative approach to the Court's role in "strictly scrutinizing" race-and-gender-as-a-factor programs.*

petitioner's argument fails in history, contemporary social context, and good conscience. We argue that, rather than advancing equality, the petitioner's position perpetuates inequalities and deepens social divisions.

**Removing barriers to equality**

Congress enacted the Civil Rights Acts and the people of America adopted the Thirteenth, Fourteenth, and Fifteenth Amendments to uplift Blacks from two hundred years of systemic subordination. These provisions aimed to remove the barriers to equality for Blacks by taking express account of the social and political significance of race.

Contemporary social science research supports our arguments. For example, an examination of enrollment in California and Texas, where race-sensitive programs have been banned, offers clear evidence that ending race-as-a-factor admissions at selective law schools resegregates those institutions despite other efforts to assure diversity. In the year 2000, for example (as in the two previous years), the percentage of African Americans in the entering class of the University of Texas School of Law was lower than in the fall of 1950, the first year the law school admitted African Americans.

Our brief thus addresses a threshold question not addressed by other amicus briefs: How much respect should the Court give to governmental programs designed to remove historically rooted group disadvantages and promote genuine equality?

**Innovative argument**

Based on new ideas by legal scholars, the brief offers an innovative approach to the Court's role in "strictly scrutinizing" race- and gender-as-a-factor programs. This more flexible contemporary approach recognizes that not all racial classifications (or gender classifications) are the same. Some are designed to promote inclusion and remove existing group-based disadvantage; some are aimed at perpetuating it. Thus, classifications designed to promote inclusion by removing historical barriers are deserving of greater judicial respect, especially in the Court's assessment of whether the program is "narrowly tailored" to its purpose. This is particularly appropriate in education cases.

Nearly fifty years after Brown v. Board of Education, our schoolchildren are increasingly segregated by race. According to Civil Rights Project researchers at Harvard University, African American and Latino students are more segregated from white students than they were thirty years ago.

If the plaintiffs have their way, this resegregation will continue in higher education. The Charles Houston Bar Association is literally on the frontlines in keeping the doors of our law schools – and the legal profession itself – open for students of color.

The case (Grutter v Bollinger (No. 02-241) and a companion case concerning undergraduate admissions, Gratz v. Bollinger (02-516) were argued in the U.S. Supreme Court on April 1; a written opinion is expected by June 2003.

*Susan Serrano* is the Project Director of the Equal Justice Society and *Eva Paterson* is the Executive Director of the Lawyers' Committee for Civil Rights and a member of the Charles Houston Bar Association. They authored the amici curiae brief with Professor Eric Yamamoto of the University of Hawai'i Law School.

# Interview

## Eric Brooks: Reluctant Celebrity

Everyday, former U.C. Berkeley student Eric Brooks made the long walk up Bancroft Street from the Shattuck BART station to get to Boalt Hall. Frequently, his schedule coincided with an older Black university employee who always paused momentarily from his work on school grounds to smile at the passing student. Without fail, the man singled him out, offering words of concern and encouragement. "How ya doing? Hang in there!" Kind words from a stranger reassured and comforted Brooks, who unexpectedly fell into the center of an emotional affirmative action controversy in 1997.

That year, Eric Brooks did not enjoy the anonymity that most first year law students enjoy. In the wake of a newly enacted race-neutral policy adopted by the Regents of the University of California, which banned consideration of race and gender in admissions, he was the only black law student entering Boalt Hall that year. Critics of the new admissions policy pointed to Brooks as an example of a flawed university admissions program. A reluctant celebrity was born.

When initially applying to law schools, Brooks wanted to go to the best public law school that accepted him. Boalt Hall was an attractive choice because of its academic reputation and because the community around the school seemed progressive.

Brooks visited the campus before choosing to attend. He sat in on a class, and specifically asked administrators about the effects Proposition 209 and Berkeley's new admissions directives would have on the entering class. He left believing the influence of these policies would be minimal. The school said it was committed to keeping the student body diverse.

Brooks accepted Boalt Hall's offer to attend, but deferred for one year for personal reasons.

During that year, a media storm followed, led off by an article in the Los Angeles Times that revealed the 1997 entering class at Boalt would have only one African American student. Brooks was that student.

The Dean at Boalt Hall personally called him as he was literally packing his bags to move to the Bay Area. She warned him of the national attention he would receive upon arrival.

Thirteen other black students had been admitted to Brooks' first year class. Yet none of them decided to attend. Having already deferred his enrollment, Brooks faced a choice. Either start law school that year or hold up his life and restart the law school application process another year. Brooks went to California.

On the first day of school, network television trucks lined the streets. Brooks prepared and gave the rolling television cameras a statement during the lunch break of first year student orientation. This was his first exposure under the limelight. Brooks describes the experience as "pretty intimidating." Yet, other interviews and speeches were to follow. Each event received national attention.

Brooks just wanted to perform well in school. But the campus appeared polarized by the affirmative action debate that descended upon it. "You were either on one side or the other," he recalled.

Despite daily tensions on campus, he never felt stigmatized being the only Black 1L. His classmates were generally very nice towards him.

The overall experience, however, made his general concerns for the under-represented grow more profound. At the close of a tiring first year of studies and media events, the overwhelming pressure reached boiling point. For the first and only time, Brooks briefly entertained thoughts of transferring out of the media attention to another school where he could just concentrate on his studies.

*Continued on page 12*

# Trading for Freedom

*By F. Douglas Lofton*

**"Buy and Hold" vs. "Buy and Sell"**

While attending a CHBA social event this past summer, I got into an interesting private debate about investing in stocks with a man I will call "Larry." During the conversation, I explained to Larry that as an active trader, I make my living by having my "dollar workers" commute into the stock market when I see a good opportunity to make money. I added that when my dollar workers have earned a nice profit for me, usually in 1 - 3 weeks, I bring them back home!

Larry disagreed that trading stocks was the best way to make money in the stock market. Instead he insisted that the best approach is to buy a stock and hold on to it for 20 years or more–basically the "buy and hold" strategy.

I countered that contrary to conventional wisdom, the simple buy and hold approach can be very risky. I reminded him of investors who bought and held Enron and WorldCom, Qwest Communications, TWA, Xerox, Pan Am, Polaroid, and many other formerly well respected stocks that eventually crashed (since our conversation, United Airlines declared bankruptcy and its stock has fallen 90%—from $10.00 per share to $1.00).

So, why is the simple "buy and hold" strategy so risky? First, imagine you are in charge of a group of coal miners who, under your orders, are working deep inside a mine in order to extract the precious mineral. Second, imagine that suddenly there was a big earthquake and the mine began to collapse. There are two possible orders that you could give: 1.) get out of the mine a.s.a.p. or 2.) sit tight and "hang in there." Which order do you think would most likely insure the miners' survival?

It's the same situation when you send your "dollar workers" to a particular stock. If the stock appears to be collapsing, you can either order the dollar workers to get out; or you can order your dollar workers to "hang in there!" Not surprisingly if you order your dollar workers to stay put under these circumstances, there's a strong possibility that your dollar workers will not be coming back—as would also be the case for miners who remained in a collapsing mine!

In order to keep your dollar workers out of a collapsing stock, I recommend that investors combine the buy and hold strategy with an active trading approach. With this combined approach, an investor can reap the financial benefits of the "buy and hold" strategy, while protecting the value of his or her portfolio from an impending disaster!

I have two suggestions for implementing this combination strategy:

1.) Place a stop/loss order at 10%-15% below your stock's purchase price. Your dollar workers will really appreciate this strategy since it will keep most of them alive even if your stock drops like a rock!

A "stop loss" order is an instruction to your broker to sell the stock if or when the stock hits a certain price. The result is that a stop/loss order places a cap on how much you can lose. For example, assume it is 2 years ago, and you purchased Enron stock at $80.00 per share. After purchasing the stock, you placed a "stop loss" order at $68.00 per share ($80.00-15%).

Although Enron stock subsequently became worthless, you would not have incurred much of a loss because the broker would have automatically sold your Enron stock at $68.00—as per your instruction in your stop/loss order. The result: 85% of your investment would have been saved.

2.) Take some of the profit when your stock has had a nice run up in price. In other words, if your dollar workers have done a good job, bring some of them back home to you! A good rule of thumb is

*Continued on page 12*

# Continued

Eric Brooks: con't....

**Quitting was not an option**

He told a California Bar Journal writer, "The last thing I would want to do was fail. I didn't want to give any fodder to those who would say, 'He didn't belong there in the first place.'"

At that time, Brooks' drive to succeed transcended his personal desires. He imposed upon himself an *obligation* of success at Boalt. Success, he hoped, would send a positive signal to the many other students of color who would, for themselves, choose to pursue a legal education. He could not permit anyone to think, even for a minute, that he was unable to handle law school even with the persistent media attention. His law school career thus became an opportunity for him to demonstrate to the world and, more importantly, to future applicants the potential and benefits of a diverse student body. Throughout his years at Boalt, Brooks demonstrated by example.

He participated and spoke at marches with Jesse Jackson in support of affirmative action around the state. He became active in the student group, the Law Students of African Descent (LSAD), and advocated for more diversity in the school recruiting process. During his second year of school, he found time to work with the San Francisco Bar Association to help set up scholarships for students of color and other underrepresented minority groups. By his third year, he was not only the President of LSAD, he was also President of his graduating class.

Now practicing at Morrison & Foerster in San Francisco as part of its securities litigation group, Brooks continues to push for more diversity in the legal profession. Through his friend and mentor Arturo Gonzales, a lawyer whom Brooks' describes as "someone to model yourself after," he joined the Ethnic Minority Relations Committee of the California State Bar.

In addition to his securities practice, Brooks enjoys the challenging pro bono work afforded by immigration and inmates' rights cases he has handled. He is also a board member of the East Bay Community Law Center, a nonprofit organization located in Berkeley which provides public legal services to Alameda County residents.

For more information on Eric Brooks and his law school experience, read Nancy McCarthy's article in the February 2003 California Bar Journal. Or, check out Andrea Guerrero's book Silence at Boalt Hall: The Dismantling of Affirmative Action on University of California Press.

Freedom: con't ....

that if your stock has risen 25% or more within 90 days, take 25% of the profit "off the table!"

Many of us have had the exhilarating experience of seeing our stock shoot up in price, only to then subsequently observe the stock price fall back down—wiping out our profits. Even worse, many of us have observed our once profitable stock decline to the point that it is now at a loss! However, following this "profit taking" will minimize the risk of this happening. Taking a portion of the profits reduces the risk of your investment, while providing you with extra cash to buy some additional shares when, or if the stock falls to a bargain-level price.

In closing, my buddy Larry is certainly not alone in his support of the buy and hold strategy. "Buy and Hold" is the investment strategy that most of the investing public is taught. However, given that today's stock market is much more dynamic and volatile than it was in the past, the conventional buy and hold strategy can prove to be very hazardous to your stock portfolio. Consider this more active approach to investing. Your dollar workers will appreciate it!

F. Douglas Lofton publishes the Dollar Worker Dispatcher Stock Trading Game. Visit his website or email him at www.dollarworker.com (site) and dollarworker@earthlink.net.

# Reports

**CHBA 2003 Report**
2003 has already been busy. Here is some of what we've been up to this year.

**JAN. 4:** 2003 CHBA Bd. Retreat to discuss agenda; **JAN. 15:** Presentation to UC Hastings BLSA; CHBA meets with leaders of Bay Area Black professional organizations to explore future partnerships; Members attend Professionals Mixer at The Atrium in SF; **JAN. 29:** CHBA presents The Neighborhood Law Panel Television Show, feat. Pres. Vernon Goins, Sandra Banks, Toni Mims, and Douglass Lofton (KSBT-TV); **JAN. 30:** The Honorable Judge J. Cruikshank Remembered: Members and the community celebrate the life and contributions of a great man, lawyer, and judge at Jimmie's Entertainment Complex, Oakland; Bd. visits UC Davis BLSA.

**FEB. 5:** Presentation to Santa Clara BLSA; Bd. meets at the NAACP Oakland; **FEB. 6**: Gen. Membership Mtg. hosted by the Hon. Judge Gordon Baranco of Alameda County Superior Court; **FEB. 7-8:** CHBA supports the NBLSA Western Region Convention as moot court judges and at the organization faire; **FEB. 11:** Bd. visits LSAD at Boalt Hall; **FEB. 18:** ABA President-Elect Dennis Archer speaks at U.C. Hastings; CHBA joins amici curiae brief in support of the University of Michigan's admission policies in Grutter v. Bollinger; **FEB. 22:** Black History Soul Food Potluck draws over 90 members and friends for great food at the home of supporter Carl Hackney; **FEB. 23-24:** CABL Annual Legislative Weekend, Sacramento; February 26: The Neighborhood Law Panel Show with attys. Douglass Lofton, Karen Alicia Davis, and John Bell; **FEB. 28:** MCLE: How to Obtain and Maintain Partnership in a Majority Firm. Instructors Deborah Boyles (Thelen, Reid, & Priest), Theodora Lee (Littler Mendelson), Raymond Marshall (Bingham McCutchen), and Lindburgh Porter (Allen Matkins Leck Gamble & Mallory). Hosted by Hanson Bridgett Marcus Vlahos & Rudy, LLP.

**MAR. 5:** CHBA attends art exhibition by Oakland artist Milton Bowens; **MAR. 12:** Bd meets; **MAR. 21:** CHBA's annual Judicial Luncheon honors Alameda County Judge Trina Thompson-Stanley and San Francisco Judge Teri Jackson. Federal District Court Judge Saundra Brown-Armstrong delivers keynote address.

**APR. 4:** Members attend Warriors basketball game; **APR. 17:** Gen. membership mtg hosted by Paul Henderson; **APR. 23:** CHBA Mixer hosted at The Paragon, Claremont Hotel; **APR. 25-27:** Bd and members attend CABL Convention in Hollywood; **APR. 26:** Clothing drive for A Miner Miracle, a nonprofit organization providing free professional clothes for men and women finishing job training programs.

## HEADNOTES

**NATION BAR ASSOCIATION 78TH ANNUAL CONVENTION AUGUST 2 -9, 2003 IN NEW ORLEANS**
Join the NBA in New Orleans at the Hilton New Orleans, Riverside. Registration forms and information available at www.nationalbar.org

**ATTENTION!**
Lawyers Interested in participating in the The Bay Area Minority Summer Clerkship Program (BACSCP) as a potential employer?
BACSCP is an effort sponsored by Bay Area law schools and Bay Area county bar associations whose aim is to increase the representation of minority students in summer law clerk programs. Contact The BACSCP Coordinator Elizabeth Tam at etam@sfbar.org or call (415) 782-8975.

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Business Phone: _____ Fax Number : _____

Undergraduate : _____ Law School : _____

Legal Emphasis/Specialty : _____
(Please describe in detail, this information will be used for the CHBA Directory)

E-mail Address : _____
(please provide)

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*Newsletter* *CHBA Activity/Event* *I am a former member*
*CHBA Mailing* *Other (Please Describe)*
*CHBA Member (name)*

Please Choose One Of The Categories Below:

| | |
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| (member of California Bar for less than one year) | $ 55.00 |
| 2. *Member of the Judiciary* | $ 65.00 |
| 3. *Associate Member* (member of out-of-state bar) | $ 55.00 |
| 4. *Contributing Member* (law school graduate but not member of any bar) | $ 45.00 |
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| 6. *Sustaining Member* (law firm, professional legal corporation) | $500.00 |

Amount enclosed (check payable to CHBA): $

Yes, I would like to make a contribution to the **CHBA Student Achievement Scholarship** fund, enclosed is my check in the amount of $ , made payable to CHBA.

☐ Please check if you do **NOT** want to be included in the CHBA directory.

☐ Enclosed is an additional $5.00 for you to send me a commemorative CHBA Lapel Pin.

Yes, I am interested in working with the following committees (choose no more than 3):

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**Mail to**: Jennifer Madden, Membership Chair
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Dues are payable January 1st of each year. If you have paid your 2003 dues, please forward this form to a friend.
For a listing of CHBA meeting and events, contact the CHBA Hotline at (415) 289-7004.

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## CHBA UPCOMING EVENTS

**May**

7th Board Meeting
CHBA Newsletter Distributed
CHBA Social Event: (Date and Location TBA)

**June**

5th CHBA General Membership Meeting (TBA)
CHBA Happy Hour (Date and Location TBA)

**July**

19th CHBA Membership Appreciation BBQ (TBA)
CHBA Newsletter Distributed

**August**

2nd National Bar Assn. Convention, New Orleans, LA
7th American Bar Assn. Convention, San Francisco, CA
9th ABA President's Reception at the Beaux Arts, SF
19th CHBA Membership Appreciation BBQ (TBA)
CHBA Newsletter Distributed

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