

Get Off Livingston Avenue

BY M. KELLY TILLERY

From the time I could consciously reason, my father, a Louisiana country lawyer in the mold of Atticus Finch, curiously counselled me to “get off Livingston Avenue.” We lived on that “Avenue,” in reality, an unadorned suburban development street, grandiloquently named after Robert R. Livingston (1746-1813), first U.S. Secretary of Foreign Affairs and Jefferson’s minister to France who negotiated the Louisiana Purchase, of which this eponymous roadway is a part – a fact no one who lived there knew then or probably knows now. I looked it up in our “World Book Encyclopedia” (pre-Google) when I was 12 and “got off Livingston Avenue” five years later.

I now sit high above one of the five squares of William Penn’s Greene Towne in a corner office at the storied mahogany partners’ desk of Sen. George Wharton Pepper (1867-1961), founder and scion of the 124-year-old Philadelphia law firm at which I am now a partner. Exactly 1,220 miles “off of Livingston Avenue.” Although my father often muses that he never meant for me to get that far off, he knows not that the Philadelphia Bar of 2014 is actually light years and eons away from the world in which I was born and bred.

I left the Deep South, not only because of the adventures my parental prodding promised, but also because it was, as H.L. Mencken so appropriately denominated, “The Sahara of the Bozart” (1920) and, because of the pervasive stench of racism. In 1978, I spent half the summer working for a prominent, large New Orleans law firm to determine whether I should to return the prodigal son to take advantage of my roots, family resources and connections. At a summer clerk luncheon, a firm senior partner answered that question for me when he told a “joke” utilizing the “N-word” and all but a few laughed heartily. I was sickened and told my father that night that I would never practice law in Louisiana or return to Livingston Avenue.

I am eternally grateful to my parents and others for giving this barefooted boy from the bayou so many extraordinary opportunities that enabled me to become a “Philadelphia

Lawyer.” Opportunities that millions of other of my era did not have solely because they were different, most because they were of a different race, the race of the millions of Americans enslaved for 256 years and subjected to Jim Crow and worse for another 100. Those that believe that the civil rights laws of the 1960s, Affirmative Action and an African-American president have created a level playing field of equality of opportunity, much less of actual equality are, at best, ill-informed.

Two recent books read will change forever the way you view race in this country: “Slavery by Another Name – the Re-Enslavement of Black Americans from the Civil War to World War II,” by Douglas A. Blackmon (Anchor Books, 2009 – Pulitzer Prize Winner) and “When Affirmative Action Was White: An Untold History of Racial Equality in Twentieth-Century America,” by Ira Katznelson (W.W. Norton & Co., 2006). Though freed from actual slavery on Dec. 6, 1865 by the 13th Amendment, African-Americans endured disenfranchisement, the KKK, Jim Crow, legislative and judicial indifference and abuse, and perhaps most importantly, from 1932-1965, an almost absolute exclusion from the government largesse of The New Deal, The Fair Deal and The New Frontier.

My father came back from World War II and rose from poverty to the great white middle class, going to college and law school and buying his first home courtesy of the G.I. Bill of Rights. Although 1 million African-Americans served in WWII, few received any of the horn of plenty that was the G.I. Bill.

Though a Caucasian male, I would not be where I am without Affirmative Action, which afforded my parents, but also a more direct version. I was admitted to Swarthmore College, one of the most exclusive colleges in the nation, not because of my brilliance or stellar academic record, but primarily because I was from the backwaters of Louisiana and seemed to have promise. The G.I. Bill and fortuity of birth and geographic diversity created my window of opportunity.

I often tell young men and women considering our profession, including my own children, that there are too many lawyers in



this country (the most per capita of any nation), but there are still not enough good ones.

In the June 2014 issue of "The American Lawyer," the article "What's Wrong With This Picture?" chronicles the lack of diversity in large law firms and is filled with startling and disturbing statistics showing that our profession has not changed as much as we may have thought or hoped. Ferguson, Mo., is not the only evidence of the persistent and festering sore of racial prejudice and inequality in our society.

I treasure and trumpet diversity, not primarily as reparation for past injustices and inequality, though a noble goal in and of itself, but rather as an incredible vehicle to achieve the best results for us in our practices, our firms, our communities and our world. We

have not even come close to realizing the Jeffersonian goal of a government securing certain unalienable rights, including life, liberty and the pursuit of happiness to all men who are created equal. We have much to do.

It is my hope that in my role as Editor-in-Chief of this magazine, I shall, in some small way be able to enhance and encourage opportunities for others of different races, cultures, backgrounds, faiths, sexes, sexual orientation and origin, in their own Jeffersonian "pursuit of happiness." And, if that includes becoming a Philadelphia Lawyer, so much the better. ■

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