

A Conversation With Conrad Harper

2L Diversity Fellowship

June 2021

In 2021, Simpson Thacher launched the Conrad Harper 2L Diversity Fellowship, named in honor of the Firm's first African American partner. The fellowship is designed to increase and support Simpson Thacher's pipeline of associates from diverse backgrounds through our Summer Associate Program. Conrad Harper recently spoke to Simpson Thacher's Director of Diversity, Equity and Inclusion, Carlos Dávila-Caballero, to share more about his professional and personal journey and his contributions to the legal profession. Mr. Harper's illustrious career spanned thirty-five years across multiple sectors of the profession, both nationally and internationally.

CDC: Conrad it is truly a privilege to speak to you. I understand that your father was an attorney and your mother an English teacher in your hometown of Detroit, Michigan. When did you decide to pursue law studies?

CH: I knew I wanted to be a lawyer when I was about 10 years old. My family was having a Thanksgiving dinner and a family member asked me what I wanted to be when I grew up. I said a doctor or a lawyer. She said a doctor would have to deal with blood. So, I said I wanted to be a lawyer. My father, himself a lawyer, never encouraged or discouraged my interest in law. However, I can recall being fascinated by the facts in cases reported in advance sheets—pamphlets containing recently decided state court cases—which my father routinely brought home.

CDC: Before Harvard Law, you completed your undergraduate degree at Howard University. Why did you choose Howard University and how did your experience attending an HBCU shape your professional aspirations and/or views about race relations in the U.S.?

CH: The short answer is I did not choose Howard. My parents did. They grew up in Atlanta and went to HBCUs there. By the late 1950s, when I was a high school senior, they believed I needed to be in an environment, social and academic, among—as they put it—colored people.

My educational and overall experience at Howard was extraordinary. It was a comfortable and stimulating context in which to learn from others and to value opposing viewpoints.

CDC: After Harvard Law did you go straight to the NAACP Legal Defense and Education Fund (LDF)? What motivated you to practice at the LDF?

CH: During my first year at Harvard Law, Dean Erwin Griswold summoned me to his office. You can imagine my anxiety. He told me I had been awarded an academic scholarship and he asked about my plans for the coming summer. He strongly encouraged me to consider working for the [U.S. Commission on Civil Rights](#), where he was then a Commissioner. Taking his advice, I worked at the Commission the summer of 1963.

The next year, I took Dean Griswold's tax class and I believe he put me in touch with [Jack Greenberg](#), LDF's second Director-Counsel after Thurgood Marshall. I worked there the summer of 1964, a spectacular and challenging experience. During my third year, I received an offer to join the LDF staff.

The first years of practice are crucial for establishing the kind of lawyer you will be.

CDC: We are so privileged that you decided to join Simpson after your career at the LDF. What motivated the change and why did you pick Simpson?

CH: The idea of moving to private practice came from my wife, Marsha. About three years after I started at LDF, she said my learning curve was flattening. I later took her point seriously as I had begun to realize I had legal interests well beyond matters of racial discrimination.

I was active in the New York City Bar Association. I talked with prominent practitioners who were also members of the Association. Some of those conversations led to interviews with several firms. While I was on the verge of accepting an offer from another firm, two friends asked me to consider Simpson Thacher. One of them knew [Cyrus \(Cy\) Vance](#), who within a few years would be City Bar President and then Secretary of State. Cy was then head of the Firm and one of the most respected lawyers in the city. The thought of going through more interviews was itself almost exhausting but I accepted the Firm's invitation and was interviewed by, among others, Cy and every other partner in the Litigation Department.

The Firm's high reputation and its large volume of litigation were important to me. I wanted to be in a culture in which I would feel comfortable and in a place where the partners were active in civic affairs, and had a tradition of public service. Cy Vance and Whitney North Seymour, Sr. (a former ABA and City Bar President) exemplified those values.

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CDC: What did you enjoy about private practice as a litigator at Simpson?

CH: I joined the Firm in January 1971. In my very first assignments, I realized that in representing defendants, I had to change my characteristic LDF mindset. Formerly, my thrust was to widen as much as possible the claims being made while at the same time pushing

as fast as I could toward resolution. Representing commercial defendants, I saw, often meant narrowing through extensive motion practice the claims at issue while recognizing that speed was not necessarily an objective. Further, the large variety and complexity of the Firm's clients meant perpetually learning new facts, legal doctrines and economic and business realities. Over time, I represented both defendants and plaintiffs.

Being part of a team that often lasted for years meant that each case was a continuing seminar. We were, in a sense, a living community and this added a layer of enjoyment to the demanding practice.

CDC: You championed diversity in the profession decades before the profession fully understood the value of inclusion or even understood these terms. Can you share with Fellowship applicants what those terms mean to you?

CH: From the perspective of a person having authority to foster inclusiveness, I view inclusion as a means of aiding less experienced lawyers in learning what they need to know and how to hone their skills without their differences—of race, ethnicity, gender, sexual orientation, disability—impeding their career objectives.

By the end of the 1980s, the black partners in major New York City law firms, about a half dozen or so, were alarmed at our small numbers. We met with the then President of the New York City Bar, Jim Oliensis, to emphasize our concerns. He promised to act. In the following months, he named a precedent-shattering committee composed of the leaders of the major firms. Oliensis wanted the most respected member of the Bar, Cy Vance, to chair the committee and Cy agreed to do so provided I was the President. The subsequent [Statement of Diversity Principles](#) (the current title of the document first issued in 1991) was unanimously adopted by the committee owing in major part to the persuasiveness, reputation, and integrity of Cy Vance.

CDC: Thirty years after its launch by the City Bar, the Statement of Diversity Principles, has more than 160 signatories (law firms and corporations). What do you think about the

progress of diversity, equity and inclusion thus far in the profession?

CH: A lot has been achieved as evidenced by the current large number of signatory firms and corporations, and the elevation to partnerships and general counsel positions of underrepresented minorities. But much more remains to be done. It is easier to hire people than to help them develop to their full potential. It is easier to recruit than to retain and easier to retain than to advance. The current low percentages of Black partners and associates in the profession, 2% and 5% respectively, is lamentable.¹ We know the percentage of Black law students is much higher. I think similar disproportions exist for other groups considered in terms of race, ethnicity, gender, and sexual orientation. This is and ought to be a major worry for the Bar.

We need to keep asking hard questions and obtaining better answers in order to push forward. We—firms, judges, law schools, the entire profession—need to be focused on constant improvement. Leaders in every sphere must be responsible and accountable.

CDC: Is there a single moment or achievement that you associate more closely to your legacy or what you wish others to view as your legacy?

CH: I would want to be remembered by my voting rights work in Mississippi. In November of 1971, claims of voting irregularities, many centered on infringement of black illiterate voters, plagued a general election in Humphreys County, Mississippi. The [Lawyers' Committee for Civil Rights Under the Law \(Lawyers' Committee\)](#), after careful review of statewide reports from poll watchers, determined that Humphreys County should be sued. The Lawyers' Committee solicited pro bono assistance, and Simpson Thacher, a founding member of the Lawyers' Committee, answered the call.

I was one of the three associates who accepted the assignment and traveled to Midnight, Mississippi in early 1972. During the course of my next two years at Simpson, I travelled throughout Humphreys County interviewing local residents, reviewing poll watcher reports, and taking depositions of local officials, federal observers, and poll watchers. A two-week bench trial

took place in Greenville's federal district court. And, though the court rejected the irregularities claims of black illiterate voters, an important precedent was achieved. Because on October 4, 1974—almost three years after the general election took place—the court decided that illiterate voters, many of whom were black, were to have the same right as blind and disabled voters, many of whom were white—namely, assistance in marking ballots by persons of their choice. As I once [wrote](#), pro bono service gives us a chance, all our days, to do some good in the world.

Making time for pro bono work will keep you grounded in the law's promise to secure equal justice.

CDC: The new generation of lawyers of color has lived through some challenging times. They experienced the Great Recession, and most recently a global pandemic and the resurgence of the racial justice movement. What gives you hope about this next group of talented lawyers about to enter the profession? Do you have any advice for them?

CH: Advice is easy to give and hard to accept. The new generation of lawyers has a lot of energy and is already quite accomplished. That gives me hope and persuades me that they are preparing for the important work ahead.

The first years of practice are crucial for establishing the kind of lawyer you will be. Making time for pro bono work will keep you grounded in the law's promise to secure equal justice. You will always remember those whom you helped who could not pay. Character is at the root of all achievement. Complementing life experiences by reading about real and fictional challenges will expand awareness and judgment.

Self-care is essential. Please make sure to take vacations. Physical activity keeps the mind sharp. You should be deeply involved in at least one important aspect of life outside the law. The best lawyers lead full lives.

1. [2020 NALP Report on Diversity on US Law Firms.](#)