Righting Past Wrongs: Posthumous Bar Admissions and the Quest for Racial Justice

John G. Browning*

INTRODUCTION

At the dawn of the 21st century, a presumably more enlightened American society began acknowledging painful episodes from its past and taking steps to address these lingering legacies of shame. In 2005, the U.S. Senate passed a resolution apologizing for its decades-old failure to make lynching a federal crime.[1] In 2011, Congress officially apologized for the Chinese Exclusion Act of

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*. John G. Browning is a partner in the Plano, Texas office of Spencer Fane LLP and a former Justice on Texas's Fifth Court of Appeals. He received his bachelor's degrees with honors from Rutgers University and his law degree from the University of Texas School of Law.

1. Mary Curtius, *Senate Issues an Apology for Inaction on Lynchings*, L.A. TIMES (June 14, 2005), https://www.latimes.com/archives/la-xpm-2005-jun-14-na-lynch14-story.html. Yet it would not be until 2020 that lawmakers would pass the Emmitt Till Antilynching Act, making lynching a federal crime, long after the failure of nearly 200 anti-lynching bills introduced in Congress between 1890 and 1952. Clare Foran, *House Passes Bill to Make Lynching a Federal Crime*, CNN.COM (Feb. 26, 2020), https://www.cnn.com/2020/02/26/politics/house-vote-antilynching-legislation-federal-crime/index.html.

1882 and other laws spawned by anti-Chinese bigotry.[2] On a more individualized level in 2013, the governor of Alabama pardoned the three remaining Scottsboro Boys who had not already been exonerated for that 1931 miscarriage of justice; two years later, the governor of Delaware posthumously pardoned Samuel Burris, a free Black man and conductor on the Underground Railroad convicted in 1847 of helping slaves escape.[3] In the world of higher education, schools like the University of Texas removed Confederate statues from their campuses,[4] while Georgetown announced plans to raise $400,000 a year to fund reparations for the descendants of 272 slaves sold by the school in 1838.[5] And recently, a University of California, Berkeley, School of Law committee coordinated the removal of references to John Henry Boalt from campus buildings (such as Boalt Hall) because of the 19th century mining magnate's virulent anti-Chinese and anti-Black writings.[6]

But what of aspiring lawyers who had met all requirements for admission to the bar (and in certain areas were lawyers in other states) but were denied a law license because of their race? African Americans, for example, faced daunting hurdles not only in obtaining a legal education in the first place, but in gaining admission to practice in an era when that achievement depended on the approval of a presiding judge and oral examination before a committee of local lawyers. John N. Johnson, the first African American admitted to practice before the Supreme Court of Texas, was denied admission by such local panels the first two times he applied to the bar before finally succeeding on his third try.[7] To date, there have been six documented cases of individuals who were unjustly denied entry into the legal profession on racial grounds, but who ultimately were

2. Matt O'Brien, *U.S. Senate Apologizes for Decades of Anti-Chinese Discrimination*, MERCURY NEWS (Oct. 7, 2011), https://www.mercurynews.com/2011/10/07/u-s-senate-apologizes-for-decades-of-anti-chinese-discrimination/.

3. Brian Lyman, *Ala. Grants Posthumous Pardons for Scottsboro Boys*, USA TODAY.COM (Nov. 21, 2013), https://www.usatoday.com/story/news/nation/2013/11/21/scottsboro-boys-pardoned/3662205/.; *Governor Markell Pardons Conductor on the Underground R.R Samuel D. Burris*, DELAWARE NEWS (Nov. 2, 2015), https://news.delaware.gov/2015/11/02/governor-markell-pardons-conductor-on-the-underground-railroad-samuel-d-burris/.

4. Matthew Watkins, *UT-Austin Removes Confederate Statutes in the Middle of the Night*, TEX. TRIBUNE (Aug. 20, 2017), https://www.texastribune.org/2017/08/20/ut-austin-removing-confederate-statues-middle-night/.

5. Rachel L. Swarns, *Is Georgetown's $400,000-a-Year Plan to Aid Slave Descendants Enough?*, N.Y. TIMES (Oct. 30, 2019), https://www.nytimes.com/2019/10/30/us/georgetown-slavery-reparations.html?smid=nytcore-ios-share.

6. Jill Cowan, *Berkeley Law School Drops Boalt Name Over Racist Legacy*, N.Y. TIMES (Jan. 30, 2020), https://www.nytimes.com/2020/01/30/us/berkeley-boalt-hall-name-change.html.

7. Records of the Brazos County District Clerk (Historical Collection), Book F, pages 505, 529, and 533; *see also* John G. Browning, *Austin's First African-American Lawyer: John N. Johnson*, AUSTIN LAWYER (Mar./Apr. 2016), http://www.austinbar.org/wp-content/uploads/2016/03/Austins-First-African-American-Lawyer-John-N.-Johnson-Article.pdf.; Michael Barnes, *Bet You Didn't Know Austin's First Black Lawyer, John N. Johnson, Was a Legal Pioneer in the 1880s*, AUSTIN-AM. STATESMAN (Feb. 14, 2019), https://www.austin360.com/entertainmentlife/20190214/bet-you-didnt-know-austins-first-black-lawyer-john-n-johnson-was-legal-pioneer-in-1880s.

posthumously admitted to the bar: Japanese American Takuji Yamashita in 2001 in Washington state[8]; African American George B. Vashon in 2010 in Pennsylvania[9]; Chinese American Hong Yen Chang in 2013 in California[10]; Japanese American Sei Fujii in 2017 in California[11]; African American William Herbert Johnson in 2019 in New York[12]; and African American J.H. Williams in 2020 in Texas.[13]

This Article will examine the struggles experienced by each of these trailblazing individuals for whom vindication would eventually come, in some instances, over a century too late. It will also discuss the steps taken to bring some measure of justice, however belated, to remove the tarnish from the memories of these legal pioneers, and to place their respective legacies in perspective. Equally important to this discussion are the questions of the value of and lessons learned from such posthumous bar admissions. Are they merely symbolic coda to some of the most regrettable chapters in American history, or can they represent meaningful steps toward racial healing?

Posthumous bar admissions are comparatively rare, but not unknown. Occasionally, they may be more honorary in nature, intended to pay tribute to a celebrated legal figure of the past, such as Lloyd Gaines, the successful plaintiff in the landmark 1938 Supreme Court civil rights case, *Missouri* ex rel. *Gaines v. Canada*.[14] Or they may be intended to recognize the fulfillment of a dream cut short by tragic circumstances, as in the Supreme Court of Texas' recent posthumous bar admission of Ty Drury, a graduate of Baylor Law School diagnosed with Stage IV colon cancer the day before his graduation.[15] Unable to study, he nevertheless took the bar exam and fell just a few points shy of a passing score.[16]

But more often, posthumous admissions are a vehicle for redress, a way of using the legal system to right a previous wrong that the system itself may have been used to perpetuate. For example, during the struggle against apartheid in South Africa, a number of political activist lawyers—contemporaries of people like Nelson Mandela—were disbarred or struck off the roll of advocates because of their opposition to apartheid.[17] In 2002, the South African Parliament passed

8. *See infra* Part I, pp. 4–9.
9. *See infra* Part II, pp. 9–15.
10. *See infra* Part III, pp. 15–22.
11. *See infra* Part IV, pp. 22–25.
12. *See infra* Part V, pp. 25–28.
13. *See infra* Part VI, pp. 28–34.
14. Chad Garrison, *The Mystery of Lloyd Gaines*, RIVERFRONT TIMES (Mar. 5, 2012), https://www.riverfronttimes.com/stlouis/the-mystery-of-lloyd-gaines/Content?oid=2479115.
15. Osler McCarthy, *Supreme Ct., State Bar Award Honorary Posthumous Bar License to 2018 Baylor Grad*, TEX. SUP. CT. (Jan. 29, 2020), https://www.txcourts.gov/supreme/news/baylor-law-grads-parents-get-his-law-license-posthumously/.
16. *Id.*
17. Patrick S. O'Donnell, *Posthumous Justice for Lawyers*, RELIGIOUS LEFT LAW (May 9, 2014), https://www.religiousleftlaw.com/2014/05/posthumous-justice-for-lawyers.html.

the "Restoration of Enrolment of Certain Deceased Legal Practitioners Act."[18] In providing for the reinstatement of these lawyers, the Act stated that it was not only an appropriate way "to honour the memory of these legal practitioners who made a contribution to the opposition to the previous political dispensation of apartheid . . . and who were struck off the roll on account of such opposition," but also that it was intended to "redress the injustices of the past by restoring the professional status of those legal practitioners, who were so removed during the apartheid dispensation."[19]

While some may fall back upon the aphorism that "justice delayed is justice denied" when considering this article's six examples of posthumous bar admission, the stories of each of these individuals offer much more in the way of lessons. Each individual displayed remarkable perseverance in the face of prejudice, even in the wake of being unjustly denied admission to the bar, and each of them continued to fight for justice and the betterment of his community. And, with every case of posthumous admission, we are reminded of the importance of remembering racial injustices of the past in order to promote the racial healing of the present—particularly a present in which the diversity of the legal profession leaves much to be desired. In the final section of this Article, we shall see that these comparatively recent examples can serve as guideposts for remedying past injustices endured by aspiring minority lawyers across the country. Their stories are only just now coming to light.

I. TAKUJI YAMASHITA

The first recorded case of a posthumous bar admission meant to correct a past racial injustice came in 2001, with the Washington Supreme Court's belated recognition of Japanese American Takuji Yamashita.[20] Yamashita's case stands out from those of other posthumous admittees not only because his legal battles went all the way to the United States Supreme Court, but also because, in his quest for a piece of the American dream, he challenged racial barriers in joining the legal profession as well as barriers set up to prevent Asians from becoming citizens and landowners.

Takuji Yamashita emigrated to the United States in 1894 at the age of eighteen.[21] He was a star student, but opportunities were limited for him as a second son who could not inherit his merchant father's property.[22] So Yamashita jumped at the chance to travel to America and work for a success story from his

18. *Id*.

19. *Id*.

20. Sam Howe Verhovek, *Justice Prevails for Law Graduate, 99 Years Late*, N.Y. TIMES (Mar. 11, 2001), https://www.nytimes.com/2001/03/11/us/justice-prevails-for-law-graduate-99-years-late.html.

21. Steven Goldsmith, *A civil action: UW Law School tries to right a historic wrong*, UNIV. WASH. MAG. (Dec. 2000), https://magazine.washington.edu/feature/a-civil-action-uw-law-school-tries-to-right-a-historic-wrong/.

22. *Id*.

hometown of Yawatahama, Tacoma restaurateur Kyuhachi Nishii.[23] Before leaving home, he left his parents promising to "work for the public good" and to "act as a human being" even "if others do not like true human beings."[24] While living at the Tacoma Baptist Mission and working at Nishii's restaurant, Yamashita proved himself to be an academic standout, graduating from Tacoma High School and gaining admission to the fledgling University of Washington School of Law.[25]

Founded in 1899 in downtown Seattle, the school's rigorous two-year law curriculum afforded opportunity to those who could handle the workload and pay the $25 annual tuition.[26] Yamashita's class included three women and a Black man from Barbados, an inclusiveness that reflected founding Dean John Condon's philosophy: "[E]quality assumes that each can try to do his best and since the best varies with each individual, political equality should be regarded as a means of permitting these valuable personal inequalities to make their contribution."[27] Yamashita did well in his studies, and his performance in moot court was described as "commendable."[28] Still, the yearbook description Yamashita chose hints at the isolation and casual prejudice he must have experienced: "Stranger in a Strange Land."[29]

Knowing that Washington required its lawyers to be citizens, Yamashita had started that process as well. He obtained his naturalization papers from the Pierce County Superior Court[30] and headed to Olympia to sit for the oral bar examination. Yamashita passed the oral bar examination with flying colors.[31] But despite the law degree he had earned and his success on the bar exam, Yamashita was denied admission to the bar because he was Japanese-born.[32]

Yamashita challenged the decision.[33] He reasoned that while citizenship had been expanded in the wake of the Civil War to include African Americans, the only other law addressing citizenship—the 1882 Chinese Exclusion Act—referred only to Chinese individuals, not Japanese people.[34] Washington State Attorney General W.B. Stratton brushed aside this argument, writing that "in no classification of the human race is a native of Japan treated as belonging to any

23. *Id.*
24. *Id*.
25. David Wilma, *State Supreme Court denies citizenship for UW School of Law grad Takuji Yamashita on October 22, 1902*, HISTORYLINK.ORG (Dec. 7, 2000), https://www.historylink.org/File/2870#:~:text=On%20October%2022%2C%201902%2C%20the,practicing%20law%20in%20Washington%20state.
26. Goldsmith, *supra* note 21.
27. *Id*.
28. *Id.*
29. *Id.*
30. *Id*.
31. *Id.*
32. *In re* Takuji Yamashita, 30 Wash. 234, 239 (Wash. 1902).
33. *See id.*
34. *Id.* at 238.

branch of the white or whitish race."[35] Yamashita's 28-page brief, which one legal scholar described as of "solid professional quality," made arguments that were both practical and thoughtful.[36] On the practical side, he pointed out that Congress could not have meant to exclude Japanese people when it defined citizenship in 1790, since so few Americans had ever interacted with them at that point in time.[37] But more importantly, Yamashita asserted, discriminating on the basis of race offended the very values upon which this nation was founded—those "in which all men are equal in rights and opportunities."[38]

Attorney General Stratton mocked Yamashita's "worn out Star Spangled Banner orations,"[39] but the newly minted law graduate was undaunted, telling the court that "Your applicant . . . knows of no tribunal to which an argument based on the Declaration of Independence and the spirit of American institutions could be more appropriately addressed than to the Supreme Court of a free American state."[40] Despite the eloquence of Yamashita's argument, the Supreme Court of Washington denied his admission in a decision handed down on October 22, 1902.[41] In its opinion, the court reasoned that U.S. citizenship was a basic prerequisite for admission to the bar, and that despite the order granting him naturalized citizenship status, members of "the Mongolian or yellow race" were not eligible for naturalization because they were not white.[42] Putting aside questions of whether the law's "classification according to color is technically scientific or natural," the court opined that because the "general law, with the single extension made to the African or negro race, has been confined to free white aliens," Yamashita could not be admitted to practice "because he [was] not a citizen of the United States."[43]

Since Yamashita was not able to practice law, he became a businessowner.[44] His mentor, Nishii, helped him open the first of several restaurants and hotels in Seattle and Bremerton.[45] He returned to his hometown in Japan to marry Ito Nakagana, the daughter of a grain trader.[46] Takuji and Ito would go on to have five children. Tragically, only one of those children made it past her teenage years.[47] The other four children died of various diseases.[48] In

35. Brief of Attorney General, *In re Yamashita* (on file with author).
36. Gabriel J. Chin, *Twenty Years on Trial. Takuji Yamashita's Struggle for Citizenship*, *in* RACE ON TRIAL: LAW AND JUSTICE IN AMERICAN HISTORY (Annette Gordon-Reed ed., 2002).
37. Applicant's Brief at 27–28, *In re Yamashita* (on file with author).
38. *Id*.
39. Verhovek, *supra* note 20.
40. Applicant's Reply Brief at 7, *In re Yamashita*.
41. *In re Yamashita* at 239.
42. *Id.* at 237.
43. *Id*. at 239.
44. Goldsmith, *supra* note 21.
45. *Id.*
46. *Id.*
47. *Id.*
48. *Id*.

spite of these personal tragedies, Yamashita pressed forward with his business.[49] But as successful as he might have been, a provision in Washington's 1889 state constitution prohibited the sale of real estate to immigrants who were ineligible for citizenship.[50] Most of the people who were affected were Asian Americans.[51] As a result of this law, Yamashita and others could only be "managers" of businesses technically owned by their U.S.-born children or by friendly white "partners."[52] In 1921, Washington legislators enacted further restrictions, prohibiting Asian Americans from renting land or even renewing an existing lease.[53]

At that point, Yamashita and a fellow immigrant, Charles Kono, took on the government.[54] They had certain agricultural interests in the White River Valley, so they formed the Japanese Real Estate Holding Company.[55] But Washington Secretary of State J. Grant Hinkle refused to register the articles of incorporation, triggering the legal dispute.[56] This time, Yamashita had an ally: New York attorney and former U.S. Attorney General George Wickersham, who was also representing Hawaii resident Takao Ozama on an identical case headed to the U.S. Supreme Court.[57] Wickersham argued both cases at the Supreme Court, echoing many of Yamashita's legal arguments from 1902, including the fact that Congress had singled out the Chinese for exclusion but remained silent as to other Asians.[58] Unfortunately, the Supreme Court ruled against Ozama and, in a terse, one-page opinion issued later that same day, also ruled against Yamashita, citing the *Ozama* holding as authority.[59] Yamashita, the Court said, was not eligible for naturalization, and therefore was "not qualified under the laws of the State of Washington to form the corporation proposed, or to file articles naming [Yamashita and Kono] as sole trustees of said corporation."[60]

Even in the wake of this setback, Yamashita persevered. After being a "manager" of first the Togo and then the Rainier Hotels, and later opening a restaurant, he worked as a strawberry farmer in Silverdale, Washington, on land nominally owned by a sympathetic white man.[61] And despite the heartbreak of losing multiple children, Takuji, Ito, and their surviving daughter Martha (who briefly attended the University of Washington herself before leaving in 1931)

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49. *Id.*
50. 1989 WASHINGTON STATE CONSTITUTION, WASH. STATE GOV'T ARCHIVES, https://www.sos.wa.gov/_assets/legacy/1889-constitution-bw.pdf.
51. *Id.*
52. Goldsmith, *supra* note 21.
53. Dudley O. McGamey, *The Anti-Japanese Land Laws of California and Ten Other States*, 35 CAL. L. REV. 7 (1947).
54. Goldsmith, *supra* note 21.
55. *Id.*
56. *Id.*
57. *Id. See also* Yamashita v. Hinkle, 260 U.S. 199 (1922).
58. Goldsmith, *supra* note 21.
59. *Yamashita*, 260 U.S. at 200.
60. *Id.*
61. Goldsmith, *supra* note 21.

seemed resilient as they made a life for themselves in Silverdale.[62] Unfortunately, with the Japanese attack on Pearl Harbor on December 7, 1941, life turned upside down for the Yamashitas and their fellow Japanese Americans.

On July 24, 1942, the Yamashitas left their newly-built home in Silverdale and were forcibly taken to the Pinedale Assembly Center in central California, before eventually being incarcerated at Manzanar.[63] Unable to pay the bills during this internment, the Yamashitas lost their house, farm, and all holdings.[64] After the war ended, the once-promising legal scholar eked out a living as a housekeeper for a Seattle widow.[65] When their daughter Martha died in 1957, Takuji and Ito returned to the former's hometown of Yawatahama, Japan.[66] Two years later, Takuji Yamashita died at the age of eighty-four.[67]

The battles Yamashita fought were eventually won. In 1952, Japanese immigrants won the right to become U.S. citizens.[68] But it would not be until 1965 that Asian immigrants would be granted the same status as European immigrants by Congress,[69] and not until 1966 that Washington voters would finally repeal the Alien Land Law.[70] And it took until the 1973 U.S. Supreme Court case of *In re Griffiths* before resident immigrants were no longer barred from the practice of law.[71]

In the mid-1990s, historians preparing for the centennial celebration of the University of Washington Law School began piecing together Yamashita's story, with the help of some of Yamashita's descendants in Japan and Maine.[72] In 2001 the University of Washington Law School, the Washington State Bar Association, and the Asian Bar Association petitioned the Washington State Supreme Court for Takuji Yamashita's posthumous admission to the Washington bar.[73] On March 1, 2001, the Washington Supreme Court posthumously admitted Takuji Yamashita, University of Washington Law Class of 1902, as an honorary member of the state bar.[74] Governor Gary Locke,

62. *Id.*
63. *Id.*
64. Chin, *supra* note 36, at 112.
65. Goldsmith, *supra* note 21.
66. *Id.*
67. *Id.*
68. Gabriel J. Chin, *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigrations and Nationality Act of 1965*, 75 N.C. L. REV. 273, 276 (1996); *see also* Immigration and Nationality Act, Ch. 477 § 202(b), 66 Stat. 163, 177 (1952).
69. *Id.*
70. Nicole Grant, *White Supremacy and the Alien Land Laws of Washington State*, SEATTLE CIVIL RIGHTS & LABOR HISTORY PROJECT (2008), https://depts.washington.edu/civilr/alien_land_laws.htm.
71. *In re Griffiths*, 413 U.S. 717 (1973).
72. Steven Goldsmith, *Takuji Yamashita: State's Leaders Honor a Man Once Rejected Because of His Race*, Univ. WASH. NEWS (Feb. 12, 2001), https://www.washington.edu/news/2001/02/12/takuji-yamashita-states-leaders-honor-a-man-once-rejected-because-of-his-race/.
73. *Id.*
74. *Id.*

Attorney General Christine Gregoire, and other dignitaries along with seventeen of Yamashita's descendants from Japan and Maine attended the ceremony.[75] Supreme Court Justice Gerry Alexander noted, "It's impossible to undo what happened to Mr. Yamashita. But it's important for us to make a statement that these things were wrong. It's a step toward healing."[76]

Today, a porcelain statue of a seated Takuji Yamashita, sculpted and donated by University of Washington Art School professor Akio Takamori, sits in Gates Hall at the University of Washington School of Law.[77] Another reminder of Yamashita's legacy remains as well: an international law and human rights law school scholarship, endowed with $65,000 donated by Yamashita's descendants.[78] The Asian Bar Association of Washington also dedicated a scholarship in Yamashita's name.[79] But for a man who the 1902 Washington Supreme Court conceded "had the requisite learning and ability" to practice law[80] and whom the dean of the University of Washington Law School in 2001 would describe as "one of our most courageous graduates,"[81] the most important, albeit intangible, part of Takuji Yamashita's legacy may be the hope that the historic wrongs of the past can be righted, as part of the journey toward healing and understanding.

II. GEORGE VASHON

George Boyer Vashon was the first African American admitted to practice law in New York (1848)[82] and in the District of Columbia (1868)[83], and but for racial injustice would have been the first Black lawyer in Pennsylvania as well.[84] Born in 1824 in Carlisle, Pennsylvania, Vashon was the son of John Bathan Vashon.[85] John Bathan Vashon was a prominent abolitionist and leader in Pittsburgh's African-American community who was instrumental in establishing the first school for Black children in that city.[86] George Vashon displayed an aptitude for languages, mastering Greek, Latin, Hebrew, Sanskrit, and Persian

75. *Id.*
76. *Id.*
77. *Monument for Law School*, UNIV. WASH. SCHOOL OF LAW, https://www.law.washington.edu/gateshall/art.aspx (last visited Mar. 23, 2020).
78. Steven Goldsmith, *Descendants of Takuji Yamashita Endow Scholarship in Human Rights*, UNIV. WASH. NEWS (July 26, 2001), https://www.washington.edu/news/2001/07/26/descendants-of-takuji-yamashita-endow-scholarship-in-human-rights/.
79. *Id.*
80. *In re Yamashita*, 30 Wash. at 234.
81. Goldsmith, *supra* note 72.
82. Paul N.D. Thornell, *The Absent Ones and the Providers: A Biography of the Vashons*, 83 J. NEGRO HISTORY 284, 291 (Fall 1998). This scholarly examination of Vashon's family background was in fact written by Vashon's great-great grandson, and it served as Exhibit "A" to the petition filed with the Pennsylvania Supreme Court seeking his posthumous bar admission.
83. *See id.* at 296.
84. *See id.*
85. *Id.* at 286.
86. *Id.* at 288.

by the age of sixteen.[87] In 1844, Vashon became the first African-American graduate of Oberlin College, delivering one of the commencement addresses.[88] In 1849, he received his master's degree.[89]

Along the way to that degree, however, Vashon decided that a career in law would be the best way to help advance the cause of the African-American community. Starting in January 1845, he spent more than two years "reading the law" under the tutelage of Judge Walter Forward, a prominent figure in Pennsylvania politics and former Secretary of Treasury under President John Tyler.[90] But when Vashon applied in 1847 for admission to the bar in Allegheny County, Pennsylvania, his application was denied on the basis of race.[91] According to one source, because the state's 1838 constitution recognized only the legal rights of white men, African Americans officially "had no political existence and could not be admitted to law practice."[92]

Following the Pennsylvania bar's denial of his application, Vashon decided to emigrate to Haiti.[93] However, before leaving the country, Vashon sought admission to the New York bar.[94] On January 10, 1848, Vashon was orally examined along with eighteen other candidates before several justices of the New York Supreme Court (Justices Strong, McCoun, and Edwards) and several prominent members of the bar (James T. Brady, Joseph W. Bosworth, and H.W. Warner).[95] He displayed "a perfect knowledge of the rudiments of law, and a familiar acquaintance with Coke, Littleton, Blackstone, and Kent."[96] Vashon was promptly admitted to practice before the First Judicial District of New York City, making him the first African American admitted to practice in New York.[97]

Nonetheless, Vashon decided to proceed with his plan to move to Haiti, and he sailed from New York City on February 2, 1848.[98] In Haiti, Vashon taught Latin, Greek, and English while also serving as a correspondent for Frederick Douglas' newspaper, *The North Star*.[99] In the fall of 1850, Vashon returned briefly to Pittsburgh, but soon moved to Syracuse, New York, to set up a law

87. *Id.* at 289.
88. *Id.* at 290.
89. *Id.*
90. Catherine Hanchett, *George Boyer Vashon, 1824–1878: Black Educator, Poet, Fighter for Equal Rights (Part One)*, 68 WESTERN PENN. HISTORICAL MAG. 205, 208 (July 1985).
91. Thornell, *supra* note 82, at 290.
92. *Id.* at 291. The injustice of this decision apparently received attention in both Black and white newspapers, with one Cleveland journalist stating, "If God had painted him white, he would have been admitted. The colored people have rights; why not have learned men of their own kindred to vindicate them?" WILLIAM & AIMEE CHEEK, JOHN MERCER-LANGSTON AND THE FIGHT FOR BLACK FREEDOM 89 (1989).
93. Thornell, *supra* note 82, at 291.
94. *Id*.
95. *Id.*
96. Hanchett, *supra* note 90, at 208 (quoting N.Y. TRIB. (Jan. 12, 1848)).
97. J. CLAY SMITH, JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER 1844–1944, 162 (1993).
98. Thornell, *supra* note 82, at 291.
99. *Id.*

practice.[100] There he was active in abolitionist politics.[101] Although he had some cases in the justice of the peace and county sessions courts, Vashon struggled to build a practice that would provide him with a livelihood.[102] Vashon's failure to build a thriving practice, even in one of the few Northern cities of any size where the abolition movement's leaders included businessmen, lawyers, physicians, and clergymen, led his father to write to wealthy white abolitionist and philanthropist Gerrit Smith:

> I made a *wo[e]ful* mistake in educating my son a lawyer . . . I then was simple enough to believe that if a young man of good natural ability, *well* educated in the law, and with a good moral character, the Anti slavery friend would encourage and put all the business in his hand they could and many things to help him on would they do . . . He is in a suffering condition, notwithstanding he is located in the *best* anti slavery district in the State of New York; and some have said it is the best in the country.[103]

By the beginning of 1854, Vashon turned his attention to teaching and writing, joining the faculty of New York Central College in McGrawville, New York (one of the few institutes of higher education at the time to admit African Americans).[104] However, the college struggled financially, and after losing his sister and mother to a cholera epidemic that struck Pittsburgh in September 1854, by May 1855 the unmarried Vashon found himself taking care of his sister's four children (ranging in age from eight to fifteen years).[105] Although he moved the children to McGrawville and tried to eke out a living, in November 1857 Vashon moved back to Pittsburgh for a better-paying job teaching in the city's Black public schools.[106]

Vashon soon met his wife, Susan, who was also a teacher.[107] In late 1863, he became president of Avery College in Allegheny City, Pennsylvania.[108] After the end of the Civil War and the passage of the 1866 Civil Rights Act, Vashon assumed that the newly enfranchised status of African Americans would override the provisions of Pennsylvania's State Constitution (which did not recognize Black people as citizens) that had thwarted his previous attempt at admission to the Pennsylvania bar.[109] Vashon once again sought admission to the Allegheny County bar on July 13, 1867.[110] Because he had been duly admitted to the New York bar, Vashon qualified for admission to the Pennsylvania bar.[111] Vashon

100. *Id.* at 292.
101. *Id.*
102. Hanchett, *supra* note 90, at 212.
103. *Id.* (quoting a letter from John Vashon to Gerrit Smith, January 19, 1852).
104. Thornell, *supra* note 82, at 294.
105. *Id.*
106. *Id.* at 295.
107. *Id.*
108. *Id.*
109. Hanchett, *George Boyer Vashon, 1824–1878: Black Educator, Poet, Fighter for Equal Rights (Part Two)*, 68 WESTERN PENN. HISTORICAL MAG. 333, 337 (Oct. 1985).
110. *Id.*
111. *Id.*

resigned as president of Avery College, anticipating that he would be admitted quickly.[112] But a quick decision was not forthcoming.[113] Vashon took a political patronage job in Washington, D.C., with the Freedman's Bureau while he anxiously awaited word from Pennsylvania.[114]

The Allegheny County Court of Common Pleas considered Vashon's second motion for bar admission in late February of 1868.[115] Unfortunately, law and precedent proved no match for racial prejudice. Vashon's lawyer made compelling statutory and precedential arguments,[116] but in a decision handed down on March 28, 1868 (eight months after Vashon's motions), the court denied his application again.[117] Insisting that its ruling was made "without regard for color," the court relied upon the fact that Vashon had not produced a certificate attesting to "good moral character" from the presiding judge of the court where he had last practiced and that he had not provided a certificate attesting that he had been in practice for the previous three years.[118] Neither certificate was possible for Vashon to produce, given that the judge had since died and Vashon had not practiced since 1854.[119]

Vashon took some consolation in the fact that not all courts displayed the racism of Allegheny County: on April 6, 1868, he became one of the first African Americans admitted to practice before the Supreme Court of the United States.[120] And on July 19, 1869, Vashon was admitted to practice law in the District of Columbia.[121] In addition, while working with the Freedman's Bureau, Vashon became the first Black professor at the fledgling Howard University.[122] He later worked as an examiner of teachers' credentials for the Black public school system in Washington and Georgetown, while continuing to write as a journalist.[123] Susan Vashon became the principal of the first of two Black public schools.[124]

After his stint with the Freedman's Bureau ended in 1869, George Vashon moved on to other federal civil service jobs.[125] He was a clerk in the Treasury Department's Bureau of Statistics, worked in the Census Office, and returned to a different position in the Treasury Department.[126] He also applied twice

112. *Id.* at 337–38.
113. *Id.* at 338.
114. *Id.* at 339.
115. *Id.*
116. *Id*. ("[Vashon's] attorney, P. C. Shannon, cited provisions of the 1866 Civil Rights Act and two recent similar instances in which the court had allowed admission.").
117. *Id.*
118. *Id.*
119. *Id.*
120. *Id.*
121. *Id.* at 340.
122. Thornell, *supra* note 82, at 296.
123. *Id.*
124. *Id.*
125. *See id.* at 297.
126. *Id.*

(unsuccessfully) to be U.S. Minister to Haiti.[127] On September 30, 1873, Vashon resigned from his federal job to become a professor of mathematics at Alcorn University in Mississippi.[128] While in Mississippi, he reconsidered returning to the law and, in the spring of 1875, applied for and won admission to the Mississippi bar—passing the examination with "complimentary recommendations."[129] However, it is not known whether Vashon ever actually practiced in Mississippi. Tragically, due to a yellow fever epidemic that swept through the South, George Vashon died on October 5, 1878.[130] His grave is located on the grounds of what is now Alcorn State University.[131]

Lingering resentment over both rejections of Vashon by the Allegheny County bar remained with Vashon's family for years, but the quest for his twice-denied Pennsylvania bar admission began in earnest when Pittsburgh attorney (and former Tuskegee Airman during World War II) Wendell G. Freeland read about Vashon in a Pennsylvania Bar Association magazine.[132] Freeland got in touch with Vashon's family, including his great-grandson Nolan N. Atkinson, Jr., who was then a partner with the Philadelphia office of international law firm Duane Morris.[133] Freeland and Atkinson filed their petition for Vashon's posthumous bar admission with the Pennsylvania Supreme Court in November 2009.[134]

In May 2010, the court issued a two-page per curium order asserting that it had the "exclusive authority" to prescribe bar admissions rules and to regulate the practice of law.[135] It recited Vashon's "credentials, competency, and good character" and called the level of discrimination he faced "intolerable."[136] The court then admitted George Boyer Vashon posthumously, righting a 163-year-old wrong.[137] Court spokesman Stu Ditzen said that "[t]his was thoroughly researched by the court" and that, "[t]o the best of [my] knowledge, there has certainly never been any case like this before our Supreme Court."[138]

Nolan Atkinson described the posthumous admission of his great-grandfather as "something that is very important for every prospective lawyer,

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127. *Id.*

128. *Id.*

129. Hanchett, *supra* note 90, at 346 (quoting the Jackson, Mississippi DAILY TIME, June 9, 1875).

130. Thornell, *supra* note 82, at 298.

131. *Id.*

132. Wink Twyman, *Heritage Profile: A Career in Exile*, 29 PENN. LAW. 54 (2017).

133. Leo Strupczewski, *State Supreme Court Reverses 163-Year Injustice; Black Lawyer Admitted Posthumously to Pennsylvania Bar*, LEGAL INTELLIGENCER (May 10, 2010), https://www.law.com/thelegalintelligencer/almID/1202457890358/state-supreme-court-reverses-163year-injustice/.

134. *In re* Matter of George B. Vashon (Nov. 2009) (on file with author, who gratefully acknowledges the generosity and assistance of Nolan N. Atkinson in providing this and other relevant documents).

135. Order, *In re Vashon*, Case No. 5WM-2010 (Pa. May 4, 2010) (per curiam).

136. *Id.*

137. *Id.*

138. Strupczewski, *supra* note 133.

as well as every citizen, to know that there were real leaders in this commonwealth many, many years ago."[139] Wendell Freeland speculated that there were likely other decisions similar to Vashon's waiting for correction, ones that are "buried in the minds" of African Americans, examples of "people who were deprived of status time and time again."[140] As Freeland went on to observe, "There's not always a court that can rectify the errors. But this was just a case of saying, 'This was wrong.' They had the power to make it right. I think that is what attorneys can take away from this: long-standing wrongs can be corrected."[141]

Certainly, George Vashon had an amazing career replete with contributions to society in fields that included literature and education, as well as law. How much more could he have accomplished had either of his applications to the Pennsylvania bar been granted while he was alive? It is impossible to tell. But consider the lives he touched and the young Black men he mentored in his early days as an educator. Among them was John Mercer-Langston, who was not only the first African American admitted to practice law in Ohio and the first Black person elected to Congress from Virginia,[142] but who was also the founding dean of Howard University School of Law.[143] Vashon's students also included Joseph Cuney, one of Texas' first Black lawyers, and his brother Norris Wright Cuney, who became a powerful Black politician.[144]

III. HONG YEN CHANG

While Hong Yen Chang's 2015 case was not the first case of posthumous bar admission meant to address a past racial injustice, it attracted national media attention and helped raise awareness of the wrongs of a biased past, as well as efforts at redress. It also offers certain parallels with the case of George B. Vashon and his second attempt to gain admission to the Pennsylvania bar, in that Hong Yen Chang was already admitted as a lawyer in another state (New York) when he sought entry into the California bar.[145] But perhaps most significantly, the manner in which the California Supreme Court chose to treat Chang's posthumous admission offers a stark contrast to its Washington state counterpart in the 2001 *Takuji Yamashita* case. The Washington Supreme Court granted Yamashita "honorary"[146] admission, but there was no such qualifying language

139. *Id.*

140. Margaret Littman, *A Long Time Coming*, ABA. J. (Sept. 1, 2010), https://www.abajournal.com/magazine/article/a_long_time_coming.

141. *Id*.

142. Thornell, *supra* note 82, at 290.

143. *LANGSTON, John Mercer*, HISTORY, ART & ARCHIVES: U.S. HOUSE OF REPRESENTATIVES, https://history.house.gov/People/Detail/16682 (last visited May 23, 2021).

144. *See* John G. Browning & Chief Justice Carolyn Wright, *We Stood on Their Shoulders: The First African American Attorneys in Texas*, 59 HOW. L.J. 1, 85–86 (2015).

145. *See* Gabriel J. Chin, *Hong Yen Chang, Lawyer and Symbol*, 21 UCLA ASIAN PACIFIC AM. L.J. 1, 2 (2016).

146. Goldsmith, *supra* note 72.

used by the California Supreme Court.[147] While Washington Supreme Court Chief Justice Gerry Alexander offered only oral remarks that made it clear that the court was not considering a reversal of its earlier decision or seeking "to indict our forebears [sic] on that earlier court,"[148] the California Supreme Court issued a published decision that minced no words. Providing a harbinger of its later *Sei Fujii* decision, the court not only stated that its consideration of Chang's case required "a candid reckoning with a sordid chapter of our state and national history," but also acknowledged the role that the California Supreme Court had played in racial discrimination.[149]

Hong Yen Chang's story begins back in 1872, when he arrived in the United States at the age of twelve.[150] He was one of a number of young men participating in the Chinese Educational Mission, in which Chinese people would receive Western education and then presumably return to China as professionals steeped in Western knowledge and practices.[151] The Mission was intended to last until 1886, but ended in 1881 because of the Chinese government's concerns over students being "contaminated" by American ideas and the perceived slight of the U.S. government's refusal to allow Chinese students to enter the U.S. Military Academy and the U.S. Naval Academy.[152] Chang graduated from Phillips Exeter Academy in 1879, then attended Yale until 1881.[153] Upon his recall, Chang was sent to naval school at Tientsin, but he chafed at the monotony and obtained a release.[154]

With the help of friends, Chang made his way to Shanghai and in 1882 sailed for Honolulu, where he had a brother.[155] There, Chang "read the law" in the office of a local attorney, A.S. Hartwell, for a year.[156] Although Hartwell was impressed by his young clerk and offered him a paid position to stay on, Chang was eager to further his education.[157] In 1883, he went to New York and enrolled at Columbia Law School.[158] Chang graduated from Columbia in 1886, and the favorable impression he made is evident in the dean's remarks during commencement:

147. *See generally In re* Hong Yen Chang, 344 P. 3d 288 (Cal. 2015), overruling *In re* Chang, 24 P. 156 (Cal. 1890).

148. Verhovek, *supra* note 20.

149. *In re Chang*, 344 P. 3d at 289.

150. Li Chen, *Pioneers in the Fight for the Inclusion of Chinese Students in American Legal Education and Legal Profession*, 22 ASIAN AM. L.J. 5, 15–16 (2015).

151. *Id.* at 15–16.

152. *See generally* Edward J.M. Rhoads, *Stepping Forth Into the World: The Chinese Educational Mission to the United States*, 1872–1881 (2011).

153. Chen, *supra* note 150, at 16.

154. Lani Ah Tye Farkas, *Bury My Bones in America: A Family History of Hong Yen Chang*, NEWSLETTER (Cal. Sup. Ct. Hist. Soc'y, Fresno, Cal.) Spring/Summer 2015 at 5, 6.

155. *Id.*

156. *Id.*

157. *Id*.

158. *Id.*

> Coming from China by way of the Sandwich Islands, he is among your number tonight, a living and most creditable witness to the fact that there is implanted in the mind of man an instructive desire for justice, that universal justice which betokens his relations to a great lawgiver, whose aim it is to bring about in the end not merely national justice, but the sway of natural justice. You cannot have failed to recognize in this stranger a gentleman fit in every respect to be a professional brother to any one of us. In your kindness of treatment and your marks of friendly esteem, you show that however narrow and provincial in spirit our international politics may be, a true university knows no disparaging distinctions based upon race or religion, but spreads its arms wide to welcome all who resort to it with lofty aims and generous purposes. So I know that you all will join me in a most friendly and respectful parting salutation to our good brother, Mr. Hong Yen Chang.[159]

Armed with his law degree, Chang's next obstacle was gaining admission to the New York bar. Chang had to confront the reality that New York, like most states, restricted professional licensure to U.S. citizens.[160] Other immigrants could go through the naturalization process, but the Chinese Exclusion Act of 1882 prohibited Chinese people from obtaining citizenship.[161] Yet somehow, Chang obtained a certificate of naturalization signed by a New York judge in 1887.[162] In order to get the chance to take the bar exam, Chang prevailed upon his "double Ivy" status and connections from Yale and Columbia to get special legislation introduced in the New York State legislature giving him that opportunity; notably, James Husted, speaker of the New York Assembly, was the father of one of Chang's Yale classmates.[163] As a result of some behind-the-scenes politicking, on March 9, 1887, a bill entitled "An Act for the Relief of Hong Yen Chang" was introduced in the New York State Assembly.[164]

As the bill worked its way through the legislature, Chang's plight attracted the attention of a reporter from the *New York Sun*.[165] In an interview published on April 24, 1887, Chang explained how the discriminating effect of the law had compelled him to seek a legislative solution and why he was confident that, if given the chance, he would pass the bar examination.[166] He also spoke of his hope of using his law license to help protect the legal interests of New York's Chinese-American community.[167] After the bill sailed through the legislature,

159. J.P. Kirlin, *Prof. Dwight's Address to the Graduating Class*, 2 COLUM. JURIST 410, 416 (1886).

160. Chin, *supra* note 145, at 2.

161. *Id.*

162. *Id.* Professor Chin speculates that this "mystery" might be attributable to "civil disobedience" by a sympathetic judge, but Li Chen's article explains that New York Court of Common Pleas Judge George Van Hoesen, who signed the order of naturalization, had naturalized numerous other Chinese people. *See* Chen, *supra* note 150, at 28–29.

163. Chen, *supra* note 150, 22–23.

164. *Id.* at 23.

165. *See Chang Hong Yen's Bill*, N.Y. SUN, Apr. 24, 1887.

166. *Id*. at 6.

167. *Id.*

Chang made a personal appeal to Governor David Bennett Hill, whom he feared would veto the special legislation.[168] The governor was impressed enough to take no action either way, however, allowing the bill to become law on May 2, 1887.[169] The Act authorized the Supreme Court of New York

> to waive the alienage of Hong Yen Chang, a native of China, but now a resident of the city, county, and State of New York, and to regularly admit and license him to practice as an attorney and counselor at law in all the courts of this state, on his passing in a satisfactory manner the usual examination for the admission of attorneys and counselors.[170]

In October 1887, Chang appeared before the Examining Committee and gave "a very creditable examination," resulting in the Committee's unanimous recommendation for his admission to the bar.[171] Armed with his Columbia law degree, his satisfactory bar exam results, and letters of support from well-known lawyers, Chang made his license application to the Supreme Court of New York.[172] On November 18, 1887, a three-judge panel of the court met to consider the list of twenty-eight candidates for admission.[173] All were accepted and sworn in as new attorneys except for Hang Yen Chang.[174] In a 2–1 decision, the panel rejected Chang's application on the grounds of his "alien" status.[175] The two justices in the majority reasoned that the Legislature's special bill only authorized them to waive Chang's alienage if they chose to do so, rather than compelled them.[176]

Unbeknownst to the justices, on November 11, 1887, Chang's petition for naturalization had been granted by a sympathetic judge, making him a naturalized citizen.[177] Once again, Chang's plight attracted media attention and support including a positive editorial in the *New York Tribune* entitled "Give the Chinaman a Chance."[178] Interviewed by the *Press* on February 11, 1888, Chang stated:

> It is my dearest wish to be admitted to the Bar . . . I am glad of the sympathy of the public and of the newspapers, but the effect of it on the judges

168. Chen, *supra* note 150, at 24.

169. Laws of the State of New York Passed at the One Hundred and Tenth Session of the Legislature, Begun January Fourth, and Ended May Twenty-Sixth, 1887, in the City of Albany 312 (1887).

170. *Id.*

171. *A Chinese Lawyer: Hong Yen Chang and a Colored Student Admitted to the Bar*, N.Y. TIMES, May 18, 1888, at 1.

172. Chen, *supra* note 150, at 26.

173. *Id.*

174. *Id.*

175. *Barring Out a Chinaman: Judges Say That He Cannot Practice, the Legislature Had Authorized the Court to Wave 'Alienage' in His Case*, N.Y. TRIB., Nov. 19, 1887, at 10.

176. *Id.*

177. Chen *supra* note 150, at 28–29.

178. *Id.* at 29–30.

> appears to be slight. There are more than thousand Chinamen in New York and I think they should have lawyers of their own race.[179]

In the meantime, Chang and his supporters decided upon a new strategy: if you dislike the ruling of one court, take your case to another.

Chang applied for admission before the court in Poughkeepsie, New York, possibly because the court there was known for having more sympathy towards persons of color.[180] Indeed, when Hong Yen Chang was finally admitted to the bar on May 17, 1888, William M. Randolph stepped forward with him to sign for his own license.[181] Randolph was an African American who presumably could have chosen a court closer to home if prejudice were not a factor.[182] Once again, Chang's admission received favorable media attention from newspapers as far away as Hawaii.[183] And, once licensed, Chang spent the next fourteen months in active practice in New York, serving the Chinese-American community.[184]

In May 1890, Chang decided to relocate to California, a state with a substantial Chinese-American population but in which anti-Chinese sentiment was arguably at its height.[185] He educated himself on California law by reading in the law offices of a San Francisco firm, Olney, Chickering and Thomas.[186] Chang sought the aid of William Chickering in moving for his admission to practice on the basis of his license by the state of New York and his status as a naturalized citizen.[187] On paper, it should have been virtually automatic given the pertinent provision of California law, Section 279 of the state's Code of Civil Procedure:

> Every Citizen of the United States, who has been admitted to practice law in the highest court of a sister state, may be admitted to practice in the courts of this state upon the production of his license and satisfactory evidence of good character, but the court may examine the applicant as to his character.[188]

On May 17, 1890, William Chickering formally moved for Chang's admission.[189] The California Supreme Court, in a unanimous published opinion, denied the application.[190] After acknowledging that Chang was duly licensed in another state and that his "moral character [was] duly vouched for," the court

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179. *Hong Yen Chang Loses Heart*, N.Y. PRESS, Feb. 12, 1888, at 1.
180. Chen, *supra* note 150, at 31.
181. *See id.* at 32.
182. *Id.* at 31.
183. *See* HAWAIIAN GAZETTE, July 3, 1888, at 4.
184. Chen, *supra* note 150, at 33.
185. *Id.*
186. *Id.* (citing *A Chinese Lawyer*, DAILY EVENING BULL. (San Francisco), June 23, 1890, at 2).
187. *Id.* at 33–34.
188. *Id.* at 34 (citing Nathan Newmark, The Code of Civil Procedure of the State of California 105 (1889)).
189. *Id.* at 35.
190. *Id.* (citing *In re* Hong Yen Chang, 24 P. 156 (Cal. 1890)).

attacked his citizenship, opining that his naturalization certificate was void under the Chinese Exclusion Act.[191] The court held:

> A person of Mongolian nationality is not entitled to naturalization under the laws of the United States, and a certificate showing the naturalization of such person by the judgment of any court is void, and cannot entitle him to admission to practice as an attorney in this state; nor will his license to practice in all the courts of the state of New York, issued by the supreme court of that state, avail such applicant, since only those who are citizens of the United States, or who, being eligible to become citizens, have declared their intention to become such, are entitled to be admitted in the supreme court of this state on presentation of license to practice in the highest court of a sister state.[192]

Anti-Asian bias was evident in the court's decision to ignore the prima facie evidence of Chang's certificate of naturalization and certificate of admission to the New York bar. One of the members of the court, Justice Sharpstein, had voted as a board member of the Hastings College of Law in 1878 to reject admission of a Chinese student, Sit Ming Cook.[193] A reporter for the *San Francisco Morning Call* pointed out that the California Supreme Court had apparently selectively ignored its own precedent.[194] In an earlier decision, a disbarred New York lawyer applied for California's bar admission and was refused.[195] Upon going to Nevada and getting admitted there, he re-applied for California admission and was successful, with the California Supreme Court saying it had no power to inquire beyond the genuine certificate of a sister state's highest court.[196]

Chang considered appealing his case to the U.S. Supreme Court, but the stakes were high.[197] An unsuccessful appeal could have resulted in the revocation of his naturalization certificate.[198] In addition, with anti-Chinese sentiment still prevailing in the wake of 1882's Chinese Exclusion Act, prospects were questionable of overcoming even the most blatant racial discrimination such as Chang had experienced.[199] Chang went on to have a successful career in the Chinese Diplomatic Service, serving as Chinese counsel in Vancouver and as First Secretary and Charge d'Affaires at the Chinese legation in Washington, D.C.[200] He also worked as a banker in San Francisco, as a law professor in China,

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191. *Id.*
192. *Id.*
193. *Id.*
194. Not Eligible: A Mongolian Refused Admission to the Bar, SAN FRANCISCO CALL, May 18, 1890, at 3.
195. *Id.*
196. *Id.*
197. Chen, *supra* note 150, at 35–36.
198. *Id.*
199. *See id.* at 36.
200. *Id.*; Jeffrey Bleich et al., *Righting a Historic Wrong: The Posthumous Admission of Hong Yen Chang to the California Bar*, NEWSLETTER (Cal. Sup. Ct. Hist. Soc'y, Fresno, Cal.) Spring/Summer 2015 at 1, 3.

and as the director of Chinese naval students at Berkeley.[201] In 1926 Chang died of a heart attack.[202] But eight years before he died, Chang lived to see the admission to practice of Napa-born Chan Chung Wing, the first Chinese American admitted to practice in California.[203]

Well over a century after the injustice of Hong Yen Chang's rejection by the California Supreme Court, and inspired by the posthumous bar admissions of Takujii Yamashita and George Vashon, Professor Gabriel Chin and students from the UC Davis Asian Pacific American Law Students Association set out to remedy this injustice.[204] Their first step was to approach the California State Bar, which informed them of a policy against posthumous admission.[205] After months of consideration, the State Bar offered to have a public ceremony recognizing Chang, but indicated that there would be no formal, legal bar admission.[206]

Chin and his students felt that nothing short of actual bar admission would do, and that it would preferably be framed as a reported decision visible to the public and future generations of lawyers.[207] Aided by lawyers at Munger, Tolles & Olson in San Francisco, Chin and his students filed a formal motion with the California Supreme Court in December 2014.[208] The court in 2014 was arguably the most diverse in its history, with a majority of people of color including several Asian-Pacific Americans. The motion pointed out that, unlike in the federal system, there did not need to be a current case or controversy for the California Supreme Court to consider the motion and that the court had jurisdiction regardless because of its plenary authority over the bar.[209]

On March 16, 2015, the California Supreme Court issued a unanimous ruling granting Hong Yen Chang "posthumous admission as an attorney and counselor at law in all state courts of the state of California."[210] The court stated that its consideration of the petition on Chang's behalf "requires a candid reckoning with a sordid chapter of our state and national history."[211] The court included a recitation not only of the legally sanctioned discrimination experienced by Chinese Americans beginning in the 1850s, but also an acknowledgment that "[m]any of the era's discriminating laws and government actions were upheld by this court."[212] The court's opinion went on to write that over a century later, "[T]he legal and policy underpinnings of our 1890 decision have been discredited," pointing to the court's 1972 decision overturning the ban

201. Chen, *supra* note 150, at 36; Bleich, *supra* note 200, at 3.
202. Bleich, *supra* note 200, at 3.
203. Chen, *supra* note 150, at 36.
204. Chin, *supra* note 145, at 5.
205. *Id.*
206. *Id.*
207. *Id.*
208. *Id.* at Exhibit A.
209. *Id.*
210. *In re Hong Yen Chang,* 344 P. 3d at 288.
211. *Id.*
212. *Id.*

on noncitizens practicing law and to the California legislature's decision, more recently, to make undocumented immigrants eligible for bar admission.[213] The court also observed that the legislature had adopted a resolution in 2014 acknowledging California's history of discrimination against its Chinese population.[214] The resolution called on Congress to issue "a formal apology for the legalized governmental mistreatment marked by the Chinese Exclusion Act."[215]

In its opinion, the California Supreme Court authored its own apology, calling "the discriminatory exclusion of Chang from the State Bar of California" a "grievous wrong" done to someone who "was by all accounts qualified for admission to the bar."[216] The court also recognized the human cost of its 1890 decision, not only to the "countless others who, like Chang, aspired to become a lawyer only to have their dream deferred on account of their race, alienage or nationality," but also to society itself, "which denied itself the full talents of its people and the important benefits of a diverse legal profession."[217]

The court recognized the healing power of righting the historic wrong done to Hong Yen Chang in its decision. It stated, "Even if we cannot undo history, we can acknowledge it and, in so doing, accord a full measure of recognition to Chang's path breaking efforts to become the first lawyer of Chinese descent in the United States."[218] Acknowledging Chang's "example as a pioneer for a more inclusive legal profession," the court affirmed "his rightful place among the ranks of persons deemed qualified to serve as an attorney and counselor at law in the courts of California."[219]

No mere honorary admission or careful tiptoeing to avoid a critique of prior case law, the court's opinion in *In re Hong Yen Chang* is an important testament to a court's power to help remedy the past by fearlessly confronting yesterday's injustices. In so doing, a court can play a vital role in creating hope for future healing. Indeed, the California's Supreme Court's opinion in the *Sei Fujii* case just two years later would reflect the foundation laid by the *Chang* decision.[220]

IV. SEI FUJII

Like Takuji Yamashita, Sei Fujii did not fade into obscurity after being unjustly denied admission to the bar.[221] Instead, in the words of the California Supreme Court order posthumously admitting him to the bar in 2017, Fujii

213. *Id.* (citing Raffaelli v. Committee of Bar Examiners, 7 Cal. 3d 288, 496 P. 2d 1264 (1972)).
214. *Id.*
215. *Id.* (citing Sen. Joint Res. No. 23, Stats. 2014 (2013–2014 Reg. Sess.) res. Ch. 134).
216. *Id.*
217. *Id.*
218. *Id.*
219. *Id.*
220. *See* Admin. Order 2017-05-17 (S239690), 394 P. 3d 488, 488 (Cal. 2017).
221. *See id.*

"undertook extraordinary efforts to apply his education and talents to advancing the rule of law in California," including overturning the state's Alien Land Law.[222] Despite his disappointment at being denied entry into his chosen profession, Fujii never stopped bettering and advocating for his community, whether it meant establishing a hospital, founding a newspaper, or fighting for justice. [223]

Sei Fujii was born in 1882 in Iwakuni, Japan.[224] In 1903 he immigrated to the United States, arriving in Seattle just in time to witness the Fourth of July celebration.[225] He settled in Southern California, where he attended Compton Union High School before eventually enrolling in the University of Southern California School of Law.[226] In 1911, Fujii graduated from law school.[227] As the California Supreme Court would later observe, there is "no indication that Fujii took or passed a bar exam or that he applied for admission to the California bar."[228] But, as the court went on to point out, "[S]uch acts by Fujii would have been futile" in light of the time, as the law prohibited foreign-born persons from practicing law unless they were eligible for citizenship.[229]

After graduating from law school, Fujii met and fell in love with Same Sato, with whom he had a child.[230] The three of them left for what would become a two-year stay in Japan.[231] During this time, Fujii stayed in touch with a close friend from law school, J. Marion Wright. Fujii returned to the U.S. in 1913 as Wright was graduating.[232] That same year, Fujii founded a newspaper, *Kashu Mainichi*, that served as a voice for the Japanese-American community.[233] Both Fujii and Wright shared a concern for the plight of Japanese-American farmers in the wake of the 1913 enactment of California's Alien Land Law, which denied land ownership to those not eligible for citizenship.[234] As the California Supreme Court would later note, while this law purported to classify people on the basis of eligibility for citizenship, in reality it classified them on the basis of race or nationality: "Although Japanese are not singled out by name for discriminatory treatment in the land law, the reference therein to federal standards for naturalization which exclude Japanese operates automatically to bring about that result."[235] Justice Frank Murphy put the California law into historical context in

222. *Id.*
223. *See generally* Sidney Kanazawa, *Sei Fujii: An Alien-American Patriot*, 13 CAL. LEGAL HIST. J. 387 (2018).
224. *Id.* at 391.
225. *Id.*
226. *Id.* at 392.
227. *Id.*
228. Admin Order 2017-05-17, *supra* note 220, at 488.
229. *Id.*
230. Kanazawa, *supra* note 223, at 393.
231. *Id.*
232. *Id.* at 394.
233. *Id.* at 398.
234. *See id.*
235. Sei Fujii v. California, 38 Cal. 2d 718, 729 (1952).

his concurring opinion in the 1948 *Oyana v. California* decision.[236] Describing how the Alien Land Law "was spawned of the great anti-Oriental virus" that infected many in California and beyond, Justice Murphy stated that, after the Chinese Exclusion Act, "the arrival of the Japanese fanned anew the flames of anti-Oriental prejudice" as "[n]umerous acts of violence were perpetuated against Japanese businessman and workers, combined with private economic sanctions designed to drive them out of business."[237]

With the Alien Land Law looming over them, Fujii and Wright worked together for the next forty years to protect the interests of Southern California's Japanese-American community—one equipped with a law license, the other not.[238] As one scholar described their work, "They represented Japanese farmers falsely accused of distributing harmfully contaminated produce, Japanese who were unpaid for their services, Japanese injured in accidents, Japanese swindled by gangsters, Japanese facing government fines, penalties, and criminal prosecution, and in many other matters besetting the lives of Japanese in Southern California."[239] Among their successes, Fujii and Wright teamed up to help a group of Japanese-American doctors who had banded together to build a Japanese Hospital in the wake of the 1918 influenza pandemic.[240] The doctors, hoping to avoid the ban imposed by the Alien Land Law, had formed a corporation to acquire the land needed for the hospital.[241] Nevertheless, California's secretary of state refused to recognize the corporation.[242] Fujii and Wright took the case to the California Supreme Court, then on to the U.S. Supreme Court.[243] Despite an atmosphere in which California politicians openly spoke of saving "California—the White Man's Paradise" from the "yellow peril,"[244] the pair convinced the California Supreme Court to order the secretary of state to accept the articles of incorporation.[245] The U.S. Supreme Court affirmed that ruling in *Jordan v. Tashiro*.[246]

Despite a defamation suit and an assassination attempt in 1932, Fujii pressed on.[247] But after the Japanese attack on Pearl Harbor on December 7, 1941, Fujii soon found himself rounded up like other Japanese Americans and sent to a high-security detention center.[248] When the war ended, however, Fujii went right back to challenging the Alien Land Law.[249] The statute had been used

236. Oyama v. California, 332 U.S. 633, 651–53 (1948) (Murphy, J. concurring).
237. *Id*.
238. *See* Kanazawa, *supra* note 223, at 394–95.
239. *Id.*
240. *Id.* at 297.
241. *Id.*
242. *Id.*
243. *See* Jordan v. Tashiro, 278 U.S. 123 (1928).
244. *Oyama*, 332 U.S. at 659.
245. Tashiro v. Jordan, 256 P. 545, 549 (Cal. 1927).
246. *Tashiro*, 278 U.S. at 130.
247. Kanazawa, *supra* note 223, at 398.
248. *Id.*
249. *Id.*

by California almost exclusively to seize land belonging to Japanese Americans in the wake of anti-Japanese hysteria after Pearl Harbor.[250] The U.S. Supreme Court would note in its *Oyama* decision that, even though the Alien Land Law had been on the books since 1913 and been the subject of 79 escheat actions (73 of which were brought against Japanese), "[c]uriously enough, 59 of the 73 Japanese cases were begun by the state . . . during the period when the hysteria generated by World War II magnified the opportunities for effective anti-Japanese propaganda."[251]

Fujii decided to become a test case himself. In 1948, he purchased a lot of land in East Los Angeles in defiance of the law.[252] The state initiated proceedings to confiscate the land, and Fujii and Wright took the case all the way to the California Supreme Court.[253] On April 17, 1952, the California Supreme Court held the Alien Land Law unconstitutional, stating that "the real purpose of the legislation was the elimination of competition by alien Japanese in farming California land."[254] California voters repealed the law four years later, with the passage of Proposition 13 in 1956.[255] And not long after the California Supreme Court's decision, Congress passed the McCarran-Walter Immigration and Nationality Act, which finally allowed people of Japanese ancestry to naturalize.[256] But while Sei Fujii thus became a naturalized citizen more than fifty years after his arrival in California and accordingly had no obstacle left to prevent him from admission to the California bar, that milestone came too late. Fifty-one days after becoming a U.S citizen, Fujii passed away in 1954 at the age of seventy-two.[257] As the California Supreme Court observed, "Fujii did not live to see his fellow Californians vote to undo the xenophobic statute he had spent decades challenging in court."[258]

On January 23, 2017, the Little Tokyo Historical Society and the Japanese American Bar Association, with the support of seventy-two bar associations and community leaders, filed a petition for the posthumous admission of Sei Fujii to the State Bar of California.[259] On May 24, 2017, the California Supreme Court issued a unanimous administrative order granting Fujii honorary posthumous membership in the State Bar of California.[260] The court noted that the law barred Fujii from obtaining a license to practice law in California throughout his entire professional life, calling it "an injustice that we repudiate today."[261] Stating that

250. *See id.* at 401.
251. *Oyama*, 332 U.S. at 661–62.
252. Kanazawa, *supra* note 223, at 398–99.
253. *Id.* at 399.
254. *Sei Fujii v. California*, 38 Cal. 2d at 735.
255. Bryan Niiya, *The Last Alien Land Law*, DENSHO BLOG (Feb. 7, 2018), https://densho.org/last-alien-land-law/.
256. Admin. Order 2017-05-17, *supra* note 220, at 731.
257. Kanazawa, *supra* note 223, at 399.
258. Admin. Order 2017-05-17, *supra* note 220, at 732.
259. Kanazawa, *supra* note 223, at 399.
260. Admin. Order 2017-05-17, *supra* note 220, at 730.
261. *Id.*

"Fujii's work in the face of prejudice and oppression embodies the highest traditions of those who work to make our society more just," the court also lamented the real cost behind the unjust denials of entry into the legal profession of those like Sei Fujii:

> We do not know what more Fujii might have accomplished . . . had our laws not wrongfully excluded or deterred [him] from becoming [a lawyer]. Such discriminatory exclusion was not only "a blow to [those who] aspired to become a lawyer only to have their dream deferred on account of their race, alienage, or nationality," but also "a loss to our communities and to society as a whole, which denied itself the full talents of its people and the important benefits of a diverse legal profession."[262]

The efforts to posthumously recognize Sei Fujii through admission to the bar represent more than simply an opportunity, however belated, to correct a historical injustice. Fujii's lifelong work, even without the benefit of a law license, also serves as a reminder for what Sidney Kanazawa considers the fundamental purpose of being a lawyer. Kanazawa, who as a partner at McGuire Woods helped lead the drive to honor Fujii, believes that "[a]s lawyers in a free society we have a duty to remind people about our shared values. . . . Shaping how we get along and work together—that's our job."[263] Honoring those like Sei Fujii with posthumous bar admission is more than a "feel-good" gesture devoid of real meaning, or a panacea for our collective troubled conscience. Rather, these efforts are reminders to learn from the racial injustices of the past in order to avoid repeating them.

V. WILLIAM HERBERT JOHNSON

The next posthumous bar admission meant to redress part racial injustice occurred on October 18, 2019, when the Appellate Division, Fourth Department of New York held a special ceremony at the Onondaga County Courthouse in New York.[264] The occasion marked the posthumous admission of William Herbert Johnson to the New York bar, who in 1903 became the first African American to graduate from Syracuse University College of Law.[265] In announcing the ceremony, the court's presiding justice, Gerald J. Whalen, noted the desire to belatedly correct the past wrong:

> [M]ore than 116 years after William Herbert Johnson graduated from the Syracuse University College of Law, the admission of Mr. Johnson on

262. *Id.* at 732 (quoting *In re* Hong Yen Chang, 60 Cal. 4th 1169, 1175 (2015)).

263. Anne Bergman & Christian Schweighofer, *Japanese Émigré Gets Law License–Six Decades After His Death–With Help From USC Alumni*, USC NEWS (Sept. 13, 2017), https://news.usc.edu/127303/trojans-help-japanese-emigre-get-a-posthumous-law-license-six-decades-after-his-death/.

264. Paula C. Johnson, *NYS Bar to Admit Syracuse's First Black Law Graduate, Correcting Century-Old Injustice*, SYRACUSE.COM (Oct. 16, 2019) https://www.syracuse.com/opinion/2019/10/nys-bar-to-admit-syracuses-first-black-law-graduate-correcting-century-old-injustice-commentary.html.

265. *Id.*

> October 18 will correct a historic wrong, and provide Mr. Johnson's family with an official acknowledgment that Mr. Johnson, who was a central figure in the African-American community in Syracuse for decades, had the moral character and intellectual fitness to practice law in this State, and should have been admitted over a century ago. While in this case the just result may have been delayed, justice was not, in the end, denied. The Fourth Department is proud to be a part of this historic occasion.[266]

Johnson was a hometown hero in Syracuse, a city known before the Civil War for its anti-slavery activism.[267] He was born there in 1875 and went on to earn his undergraduate degree from Boston University.[268] After serving in the Army during the Spanish-American War in 1898, Johnson married Katherine Simmons and turned his aspirations to the law.[269] He worked as a clerk in a Syracuse law firm and wanted to remain in Syracuse for his legal education and anticipated practice of law.[270] As Johnson's grandson Thomas would later recall, "He just wanted to be the attorney for Black people in Syracuse."[271] Because Johnson's home at 618 East Washington Street was close to the law school's downtown location (in contrast to its present location on the Syracuse University campus), attending the school meant Johnson could pursue his career goals without uprooting his family.[272]

Johnson had to overcome his classmates' prejudice as Syracuse's first African-American student. As his grandson Calvin would later recall, "There was name-calling. There were some incidents of not sharing information, incidents of not being able to access certain places in the law school [or] particular books, such as law books for study aids from the library as well [as] in the community."[273] Nevertheless, Johnson went on to graduate as the valedictorian in his class. In his valedictory address, Johnson commented on the rarity of African-American attorneys and the bias they encountered:

> It seems strange that there are not more of the colored students taking up the legal profession and especially when what few have done so rank among the best and ablest lawyers in the country. Strange, yes, very strange that the majority of the colored lawyers start for the west and south. Why is it? Tell me, follow members, is it because there is race prejudice in this state?[274]

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266. Press Release, Fourth Department Schedules Special Posthumous Bar Admission Ceremony for First African-American Graduate of the Syracuse University College of Law (Sept. 30, 2019), https://ad4.nycourts.gov/press/notices/5d938c81c5379565541557e5.

267. Paula C. Johnson, Honoring William H. Johnson, Class of 1903: The First African-American Graduate of Syracuse University College of Law, 55 SYRACUSE L. REV. 429, 432 (2005).

268. *Id.* at 429.

269. *Id.* at 433.

270. *Id.* at 438.

271. *Id.*

272. *Id.* at 439.

273. *Id.*

274. Editorial, *History Repeats Itself: Do More to Stop Discrimination*, SYRACUSE HERALD J. A14 (Feb. 9, 1996) (quoting William Johnson, Address to SU Graduating Class of 1903).

For Johnson, the prejudice did not end with law school. In New York, in 1903, there were two paths to admission to the bar: either "read the law" in the office of an established member of the bar for three years before seeking admission or sit for an examination after completion of law school.[275] The New York bar put up multiple obstacles to prevent Johnson's admission. Despite his status as valedictorian of his class, Johnson was prevented from even sitting for the exam. Nevertheless, he found a way to clear this hurdle and ultimately took and passed the bar exam. Unfortunately, the character component proved to be the one obstacle that the local members of the all-white bar would not let Johnson surpass. According to one Syracuse alum, "The character committee refused to admit a Black man." [276] Thus, despite a Syracuse law degree and passing score on the bar exam, Johnson was not admitted to practice law.

Lacking an actual license to practice, Johnson searched in vain for a job as a lawyer. As his grandson Charles Johnson, Jr., would later recollect, "No one would hire a Black lawyer. That's the way it was back then . . . . He looked for a while, but he eventually had to find work. He had a wife and children to support."[277] Johnson took a job as a mailroom clerk with the New York Fire Insurance Rating Organization, an insurance indemnity firm. He remained there for forty-seven years. Yet even without formal admission to the bar, Johnson found ways to use his legal acumen. He performed research and other tasks for white lawyers, occasionally serving legal process.[278]

More importantly, Johnson used his legal training and knowledge to assist members of Syracuse's growing African-American community, particularly his neighbors in the 15th Ward.[279] He dispensed legal advice on everything from domestic matters to business law and employment issues. Johnson negotiated with landlords and employers and was instrumental in opening the previously all-white Syracuse police and fire departments to African Americans in the 1950s. He was also an active community organizer, helping fraternal organizations grow and co-founding the first American Legion post for Black veterans in central New York.[280] A white attorney may have formally incorporated the Dunbar American Legion Post 1642, but William Johnson researched and prepared the actual documents.

And not long after Johnson's travails began, Syracuse's second Black law graduate encountered similar resistance. Shortly after graduating in 1904, Charles Ellis Toney not only experienced difficulty finding clients, but also found himself evicted from the downtown Syracuse office space he had rented. The landlord felt that other tenants would be opposed to a "colored" lawyer,

275. *Rules for the Admission of Attorneys and Counselors at Law of New York*, 33 NORTH EASTERN REPORTER (St. Paul: West Publishing Co. 1903).

276. Johnson, *supra* note 267, at 440.

277. *Id.*

278. *Id.* at 441.

279. *Id.* at 442.

280. *Id.* at 442, 445.

leading "Toney [to] move[] to New York City and establish[] a law practice in Harlem."[281]

By the time he died in 1965 at the age of ninety[282], William Herbert Johnson had clearly left a lasting legacy on the Syracuse community. And despite the fact that he had never been permitted to practice law, today the minority bar association of Central New York bears his name—the William Herbert Johnson Bar Association.[283] In addition, in 1994 the Syracuse University College of Law created the Johnson-Seeley Award, which is presented to a woman of color in the graduating class for outstanding achievement, in recognition of both Johnson and Bessie Seeley, Syracuse's first female law graduate.[284]

The effort to right the wrong done to Johnson gained momentum when Felicia Collins Ocumarez and the Syracuse Black Law Alumni Collective (Syracuse BLAC) filed a formal petition, even though Johnson's family had tried informally for years to obtain some form of belated recognition.[285] The quest culminated in the October 18, 2019 posthumous admission of Johnson to the New York Bar.[286] Like his counterparts discussed earlier, Johnson remained unbowed despite the great injustice done to him and the disappointment he must have felt. He was also aware of the trail he had helped blaze for those that followed, once remarking to his grandson Calvin, "I may not be able to do this now, but there are others who are going to do these types of things."[287]

The posthumous bar admission of William Herbert Johnson not only rights a 116-year-old wrong, but it also validates the sacrifices made by Johnson and those for whom he helped pave the way. At a time when racism and racial exclusion remain entrenched not only in the legal profession but in American society, it serves as an object lesson as necessary today as it was in 1903.

VI. J.H. WILLIAMS, AND MORE STORIES TO BE TOLD

The first five examples of posthumous bar admissions spread out over the past twenty years—from Takuji Yamashita in Washington to William Herbert Johnson in New York—could be just the tip of the iceberg in terms of addressing how many aspiring minority lawyers were unjustly denied entry to the legal profession. Even among those trailblazers who were successful in breaking down racial barriers to bar admission, their achievements were often preceded by initial and questionable denials. Macon Bolling Allen, the first African-American lawyer in the United States, was at first rejected for bar admission by authorities

281. *Id.* at 441.
282. *Id.* at 430.
283. Press Release, Fourth Department Schedules Special Posthumous Bar Admission Ceremony for First African American Graduate of the Syracuse University College of Law, N.Y. Courts (Sept. 30, 2019), https://ad4.nycourts.gov/press/notices/5d938c81c5379565541557e5.
284. Johnson, *supra* note 267, at 430.
285. *See* Johnson, *supra* note 267.
286. *See id.*
287. Johnson, *supra* note 267, at 447.

in Maine because he was "not a citizen." Allen went on to be admitted to Maine's bar in 1844 on his second try (and was admitted in Massachusetts the following year).[288] John N. Johnson, who in 1883 became the first African-American lawyer admitted to practice before the Supreme Court of Texas, was twice rejected for admission by local all-white bar committees in Brazos County, Texas, in September 1881 and April 1882, before gaining his law license.[289]

J.H. Williams is another example of an aspiring lawyer denied bar admission on racial grounds. Williams, an African-American merchant in his late twenties who had been "reading the law," traveled roughly eighty miles from Mineola to Dallas, Texas, in December 1882 to seek admission to the bar.[290] If successful, Williams would have been only the second African-American lawyer in Dallas history.[291] The first was a transplanted Black lawyer from Memphis named Samuel Scott, who left the year prior after less than seven months, after encountering what the Dallas newspaper euphemistically described as "perhaps, a slight prejudice against him on account of his race."[292] Consistent with the practice of the time, Williams sought admission from the district judge of the Eleventh Judicial District (which would be reorganized in 1883 as the Fourteenth District), a former Confederate officer named George N. Aldredge.[293]

The only surviving account of J.H. Williams's quest for admission to the bar comes from a contemporary newspaper article, which referred to Williams as "A Colored Disciple of Blackstone."[294] The article describes how Judge Aldredge appointed a four-man committee, which included "Messrs[.] Wright, Word, Leake, and Lathrop," to examine Williams for admission.[295] "Word" was Jeff Word, a prominent member of the Dallas Bar Association.[296] "Leake" was "the polished and learned" W.W. Leake, a native of Mississippi who had studied at both Yale and Harvard before earning his law degree from Harvard.[297] He was then-president of the Dallas Bar Association, a position he held until 1885.[298] As

288. D. Brock Hornby, History Lessons: Instructive Legal Episodes from Maine's Early Years—Episode 1: Becoming a Lawyer, 23 GREEN BAG 2D 195, 196, 199 (Spring 2010).

289. John G. Browning, *John N. Johnson—Texas' First Civil Rights Lawyer*, NAT'L BAR ASS'N MAG. 30 (July 2016).

290. John G. Browning, *A Chance for the Dallas Bar to Right a Historic Wrong*, DALL. MORNING NEWS (Feb. 17, 2016), https://www.dallasnews.com/opinion/commentary/2016/02/17/john-g-browning-a-chance-for-the-dallas-bar-to-right-a-historic-wrong/.

291. *See Our Colored Lawyer*, DALL. WEEKLY HERALD, Oct. 8, 1881, https://www.texashistory.unt.edu/ark:/67531/metapth294957/m1/1.

292. *Id.*

293. *George N. Aldredge*, HANDBOOK OF TEX. ONLINE (Tex. State Historical Ass'n), https://www.tshaonline.org/handbook/entries/aldredge-george-nathan.

294. *See A Colored Disciple of Blackstone*, DALL. DAILY HERALD, Dec. 13, 1882.

295. *Id.*

296. Darwin Payne, As Old as Dallas Itself: A History of the Lawyers of Dallas, the Dallas Bar Association, and the City They Helped Build 83 (1999).

297. Darwin Payne, The First 100 Presidents of the Dallas Bar Association, 1873–2009, at 4–5 (2009).

298. *Id.* at 4.

the *Dallas Daily Herald* reported, both Leake and Word "were of the opinion that [Williams] was duly qualified, but Messrs[.] Wright and Lathrop thought differently, and thus the matter remains for the court to decide."[299]

The title of the *Dallas Daily Herald*'s follow-up story tells the outcome of what happened after this deadlocked committee vote: "Not Admitted." The very next day after this initial committee split, Judge Aldredge appointed an entirely new committee of three lawyers "composed of Judge A.H. Field, Judge Hunt, and Mr. John Bookhout."[300] This second committee examined J.H. Williams, but "reported unfavorably for him and his application was rejected."[301] According to the newspaper account, Williams purportedly told the committee that "he intends prosecuting his studies until he will be able to pass examination."[302] Unfortunately, there is no subsequent record of Williams's admission to practice in any jurisdiction in Texas, nor any information whatsoever about his later activities.

Was this a fair appraisal of J.H. Williams's legal aptitude, or was it a racially motivated denial? Consider two points. First, at the time, the examination for admission to practice was, in the words of lawyers, "not rigid. It was expected that [a] lawyer should acquire most of his legal education in actual practice."[303] In fact, Berry Cobb, a historian of the Dallas bar, noted that only two applicants were denied admission before 1890—one of them being J.H. Williams.[304] The procedure of the time, as Cobb noted,

> involved the filing of the petition setting forth that the applicant had resided the required length of time in Texas, that he was twenty-one years of age and of good moral character, for the proof of which a certificate was sometimes presented from the chief justice of the county court; but if the applicant had been licensed previously such petition usually set forth where and by whom he had been licensed, in which case he was usually admitted on motion of some attorney in Dallas; however, if he had not been previously licensed the court, after the filing of the petition appointed an examining committee who first made their report, it seems, orally, but later in writing, in which committee report it was stated that the applicant had been examined in open court and a recommendation for the granting of his license was made, whereupon the report of the committee was adopted as the judgment of the court.[305]

A candidate who satisfied what has been called Texas's "extraordinarily easy" standards of the time merely had to present himself to the local district

299. A Colored Disciple of Blackstone, supra note 294.

300. *Not Admitted*, DALL. DAILY HERALD, Dec. 14, 1882, http://chroniclingamerica.loc.gov/lccn/sn83025733/1882-12-14/ed-1/seq-7/.

301. *Id.*

302. *Id.*

303. Charles E. Coombes, The Prairie Dog Lawyer (1945).

304. Berry B. Cobb, A History of Dallas Lawyers: 1840 to 1890, at 16 (1933).

305. *Id.* at 15–16.

judge and request admission; the judge would then appoint a committee of local members of the bar to evaluate the candidate and make a recommendation.[306]

Of course, the second consideration to keep in mind when considering whether J.H. Williams received a fair appraisal is that inconsistencies were inherent in applicants being evaluated by different committees, which inevitably held applicants to varying degrees of objectivity and standards. This issue was raised by the Committee on Legal Education and Admission to the Bar at the fifth annual session of the fledgling Texas Bar Association on July 13, 1886.[307] The Committee recommended adopting more uniform standards, noting that "while there are some district judges who require rigid examinations and some committees whose standards are sufficiently high, these instances were exceptional and in most instances applicants were admitted without having been subjected to an examination sufficient to test their qualifications."[308]

These inconsistencies opened the door to racially biased decisions. Given the lax standards to which most lawyers of the time were held, and evidenced by the initial evaluation of Williams in which two committee members found him competent, it is not a stretch to conclude that Williams's denial was racially motivated. Fortunately, the J.H. Williams story does not end there.

In February 2016, the author penned an editorial for the *Dallas Morning News* calling for the Dallas Bar Association to take steps to acknowledge Williams and the racially-motivated denial of his bar application.[309] After giving presentations throughout Texas and publishing articles about the contributions of Texas's earliest African American attorneys, the author once again raised the subject of the injustice done to Williams in an August 2020 presentation with retired Chief Justice Carolyn Wright (the first African American in Texas to serve as chief justice of an intermediate appellate court) to the Dallas Bar Association. This time, the message was more warmly received, arriving in the midst of national unrest over systemic racial injustice in America spurred by the killing of George Floyd and others by law enforcement. The author and Chief Justice Wright found an audience eager to support an effort to acknowledge J.H. Williams and seek his posthumous admission to the Texas bar.

First, Judge Aldredge's modern-day successor, the presiding judge of the Fourteenth District Court, stepped forward and expressed interest in re-examining the denial of J.H. Williams' application. Judge Eric V. Moyé, an African-American graduate of Harvard Law School, reviewed filings prepared by the author and Chief Justice Wright. On September 16, 2020, he entered an order vacating Judge Aldredge's December 1882 denial and, exercising the authority given to district judges in 1882, posthumously admitted Williams to

306. Michael Ariens, Lone Star Law: A Legal History of Texas 182 (2011).
307. *Id.*
308. *Id.* at 18.
309. Browning, *supra* note 289.

the practice of law.[310] Judge Moyé took the additional step of appointing a committee, consisting of the current Dallas Bar Association president Robert Tobey and two past presidents, Alfred Ellis and Paul Stafford (the first male African American DBA president), to consider Williams's application and to report its recommendation to the court.[311] That committee met and considered J.H. Williams' application as presented by the author acting as proxy, and on September 21, 2020, the committee issued a letter unanimously recommending that J.H. Williams be posthumously admitted to the practice of law.[312]

Of course, while a district judge in 1882 had the sole authority to admit a candidate to the practice of law in Texas, a posthumous admission in 2020 must be addressed by the authority in charge of regulating the legal profession in Texas—the Supreme Court of Texas.[313] Because of this, the author and Chief Justice Wright petitioned the Supreme Court of Texas to grant posthumous bar admission to J.H. Williams. This petition was supported by Judge Moyé's order, the recommendation letter of the examining committee, and a letter to the Supreme Court by the present and past presidents of the Dallas Bar Association urging the court, in light of the circumstances and precedent in Texas and other jurisdictions for posthumous bar admissions, to admit J.H. Williams.[314]

On October 19, 2020, the Supreme Court of Texas granted the petition and posthumously admitted J.H. Williams to the Texas bar.[315] This marked only the sixth time in American legal history that such a posthumous bar admission was granted. However, there are potentially many more members of underrepresented communities who were denied entry into the legal profession on racial grounds. Some were specifically excluded by statutes governing the legal profession. For example, in February 1851 California passed a statute barring Native Americans from becoming attorneys.[316] In other states, such as Maryland, both racially restrictive statutes and appellate court decisions barred

310. *See* Appendix, *In re* Application of J.H. Williams, Order Vacating Prior Order (Sept. 16, 2020).

311. *Id.*

312. *See* Appendix, Sept. 21, 2020 Letter of Robert L. Tobey to Hon. Eric V. Moyé.

313. The Supreme Court of Texas has the ultimate oversight over the Board of Bar Examiners and the licensing of attorneys in Texas. RULES GOVERNING ADMISSION TO THE BAR OF TEXAS, SUP. CT. OF TEX., Oct. 2, 2016, at iii, https://ble.texas.gov/2016.

314. *See* Appendix, Letter from DBA presidents to Chief Justice Nathan Hecht of the Supreme Court of Texas.

315. Angela Morris, *Texas Judges Right an Old Wrong: Posthumous Bar Admission Granted to Black Man*, LAW.COM (Oct. 22, 2020), https://www.law.com/texaslawyer/2020/10/22/texas-judges-right-an-old-wrong-posthumous-bar-admission-granted-to-black-man/?slreturn=20210231202847#:~:text=Recognizing%20that%20racial%20discrimination%20systemically,American%2C%20Japanese%20and%20Chinese%20descent.

316. John G. Browning, Stranger in a Strange Land: The Story of Yellow Bird, California's First Native American Attorney, CAL. SUP. CT. HISTORICAL SOC'Y REV. 33, 34 (2020).

African Americans from the legal profession.[317] In other jurisdictions, the exclusion of certain minority groups, such as Asian Americans and Native Americans, was based on citizenship. Because of these racially motivated legal constructs, the exact number of diverse candidates who were rejected for bar admission in the 19th century may never be known, and the chilling effect of such measures may never be ascertained. However, as historians devote greater scrutiny to the struggles of traditionally overlooked communities, more and more worthy candidates for posthumous bar admission are emerging.

For example, Charles Taylor, an African-American lawyer licensed in Massachusetts, was denied admission to practice in Maryland state courts—even though he was licensed to practice in federal courts in Baltimore.[318] Prior to this, in 1857, Dartmouth's first African-American graduate, Edward Garrison Draper, sought admission to practice in Maryland.[319] Baltimore judge Z. Collins Lee examined Draper, and while he would not admit him to practice in the state, he furnished Draper with a certificate attesting that he was "qualified in all respects to be admitted to the Bar in Maryland, *if he was a free white citizen of this State.*"[320] Draper emigrated to Liberia shortly thereafter, but tragically died two weeks short of his twenty-fifth birthday, not long after arriving in Monrovia.[321]

Another eminently worthy candidate for posthumous bar admission is Do-ne-ho-ga-wa, a Tonawanda Seneca sachem better known by his English name, Ely S. Parker. A brilliant writer and orator educated in white schools, Parker recognized the value in being a lawyer while serving as a diplomat and interpreter for the Seneca in treaty negotiations, and in working with white lawyers in legal battles that went all the way to the U.S. Supreme Court. He "read the law" for two years under the tutelage of white lawyers in Ellicottville, New York, but was denied admission to the New York bar in approximately 1848 because, as a Native American, he was not considered a citizen of the United States.[322] Parker went on to enjoy a distinguished career as an engineer, during which he struck up a friendship with Ulysses S. Grant.[323] Parker served on Grant's staff during the Civil War, rising to the rank of general, and drafted the articles of surrender at Appomattox. He later served in Grant's administration as the first Native American to lead the Bureau of Indian Affairs; today, that agency's headquarters

317. *See, e.g.*, David Skillen Bogen, *The First Integration of the University of Maryland School of Law*, 84 MD. HIST. MAG. 39, 39, 46 (1989) (discussing Maryland's statute withstanding challenge as late as 1884; *In re* Taylor, 48 Md. 28 (1877)).

318. *In re Taylor*, 48 Md. at 28, 31.

319. Andrew Radding, *The Bicentennial of the United States District Court for the District of Maryland*, 50 MD. L. REV. 40, 57 (1991).

320. Stuart O. Simms, The Bicentennial of the United States District Court for the District of Maryland, 1790–1990: V. Integration of the Bar and Bench and Civil Rights Litigation, 50 MD. L. REV. 40, 57 (1991) (emphasis added).

321. *Id*.

322. William H. Armstrong, Warrior in Two Camps: Ely S. Parker Union General and Seneca Chief 41 (1978).

323. *Id*.

building bears his name.[324] This author is representing Parker's living descendants and the Seneca Nation in an application before the New York Supreme Court to have Ely Parker posthumously admitted to the New York bar. That effort is supported by a coalition that includes distinguished historians, historical societies and museums, minority bar associations, and the National Native American Bar Association.

CONCLUSION

While a form of restorative justice—giving an individual that which was wrongly withheld or removing a cloud wrongly placed over one's reputation—serves as a purpose for posthumous bar admissions, it is not the most significant purpose. After all, providing something that was wrongly denied a century or more too late does the affected individual no good, though it may lend some measure of solace or closure to their descendants. In addition, while one can only speculate about "what might have been" had these individuals been admitted to practice, each went on to use his legal training in further pursuit of justice. Takuji Yamashita took his challenge of Washington's Alien Land Law all the way to the nation's highest court two decades after being denied a law license. George Vashon was a staunch abolitionist who was admitted to practice in three other jurisdictions and balanced careers as a writer and educator after his rejections by the Pennsylvania bar. Hong Yen Chang went on to have a stellar career as a diplomat, while Sei Fujii served the Japanese-American community as a journalist and successfully advocated against California's unconstitutional and xenophobic Alien Land Law, benefiting countless farmers and homeowners in the process. And even without the aid of a law license, William Herbert Johnson used his legal training to advise members of Syracuse's growing African-American community and fight for the integration of that city's police and fire departments.

Perhaps the most important purpose of these posthumous bar admissions (and those that may follow) is to remind us that the wounds left by the racial injustice of the past have not fully healed. While the overt racism that excluded men like Hong Yen Chang, Takuji Yamashita, George Vashon, and William Herbert Johnson from the legal profession may seem shocking today, the echoes of past racism can still be seen in the legal profession's current lack of diversity. According to the most recent study from the National Association for Law Placement, fewer than 8% of equity partners at U.S. law firms are minorities.[325] In 2019, African-American lawyers comprised only 4.76% of law firm associates, and only 1.97% of partners.[326] And although the number of Asian-American lawyers grew from 20,000 in 2000 to 53,000 by the end of 2017

324. *Id*.

325. *2019 Report on Diversity in U.S. Law Firms*, NAT'L ASSOC. FOR LAW PLACEMENT, 3, 6 (Dec. 2019), https://www.nalp.org/uploads/2019_DiversityReport.pdf.

326. *Id.*

(comprising nearly 5% of all lawyers nationally and making them the fastest growing minority group in the legal field), they are still underrepresented in the top echelons of our profession.[327] Only 3% of federal judges are Asian-American, and Asian Americans are significantly underrepresented in the leadership ranks of law firms, government, and academia as well.[328]

Indeed, one of the gravest injustices in the legal profession is the underrepresentation of women of color.[329] This injustice was not highlighted by the stories in this article because accounts of minority women being denied admission to the bar are virtually nonexistent. Access to legal education in general was denied to women until early in the 20th century, which largely prevented women of color from having the opportunity to even apply for bar admission. Charlotte Ray, the first Black female graduate of Howard Law in 1872, was the first African-American woman admitted to any bar (the D.C. bar) and the first to try a case.[330] But stories like hers are few and far between.

The subjects of these posthumous bar admissions deserve to be regarded as more than ghosts from the past that we as a society would rather not discuss. They serve as vivid reminders of the failures of our present when it comes to having a legal profession that reflects the makeup of our nation. The wrongs done to people like Takuji Yamashita, Hong Yen Chang, George Vashon, and others—not to mention the modern efforts to right these wrongs—should stimulate reflection and a dialogue about what can and should be done to combat the lack of diversity in the legal profession. California Supreme Justice Goodwin Liu was motivated by the Chang petition for posthumous admission to undertake and lead a comprehensive study of Asian Americans in the legal profession.[331] Indeed, the dramatic contrast between the language in the Washington Supreme Court's order in the *Yamashita* case in 2001 and the California Supreme Court's 2015 opinion in the *Chang* case underscores the important lesson that posthumous bar admissions can offer. Unlike its Washington counterpart, the latter court acknowledged the "grievous wrong" of Chang's discriminatory exclusion from the California bar and explained the historical context of such

327. Eric Chang et al., A Portrait of Asian Americans in the Law, 2 (2017).

328. Kat Chow, *What's Keeping Asian-American Lawyers From Ascending the Legal Ranks?*, NAT'L PUB. RADIO.ORG (July 31, 2017), https://www.npr.org/sections/codeswitch/2017/07/31/538299755/whats-keeping-asian-american-lawyers-from-ascending-the-legal-ranks.

329. *See 2020 Report on Diversity in U.S. Law Firms*, NAT'L ASSOC. FOR LAW PLACEMENT 7 (Feb. 2021), https://www.nalp.org/uploads/2020_NALP_Diversity_Report.pdf (noting that "[w]omen of color remain the most under-represented group" at the law firm partnership level); *see also* Danielle Root, Jake Faleschini, and Grace Oyenubi, *Building a More Inclusive Federal Judiciary*, CENTER FOR AMERICAN PROGRESS (Oct. 3, 2019), https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/ (describing the persistent underrepresentation of women of color in the judiciary and the legal academy).

330. J. Clay Smith Jr., Black Women Lawyers: 125 Years at the Bar; 100 Years in the Legal Academy, 40 HOWARD L. J. 365, 366 (1997).

331. Chang et al., *supra* note 327.

discrimination. Equally important, the California Supreme Court expressly recognized the "benefits of a diverse legal profession," and of Chang's example "as a pioneer for a more inclusive legal profession."[332]

Beyond reflection and dialogue, these admissions, together with ongoing efforts to secure similar posthumous admissions, can serve as a springboard for long overdue action. The true number of people who have been wrongfully excluded from the legal profession due to racism may never be known with certainty. Still, such efforts must be undertaken: those wrongfully denied in the past deserve nothing less, and the aspiring lawyers of color of today have a right to know about this aspect of systemic racism plaguing our legal system. The public recognition that results from posthumous bar admissions may not be a panacea for racial injustice or fear of "otherness," but it does represent an important evolution in our thinking. Acknowledging the mistakes of the past, and taking meaningful action to remedy such injustices, are vital toward racial healing.

332. *Id*.

APPENDIX A

CAUSE NO. DC-20-12129

	§	**IN THE DISTRICT COURT**
	§	
IN RE: APPLICATON OF	§	
J.H. WILLIAMS.	§	**14th JUDICIAL DISTRICT**
	§	
	§	**DALLAS COUNTY, TEXAS**

ORDER VACATING PRIOR ORDER, Nunc Pro Tunc

This Court, having considered the Motion to Vacate the December 1882 Order denying the Application of J.H. Williams for Admission to Practice Law in the State of Texas, the hereby:

1. VACATES the December 1882 Order of Judge George Aldredge; and,

2. ADMITS posthumously J.H. Williams to the practice of Law in Texas.

ALTERNATIVELY, this Court appoints Dallas Bar Association members Alfred Ellis, Paul Stafford and Robert Tobey as Committee to consider the Application of J.H. Williams and to report to this Court their recommendation regarding same no later than thirty (30) days of this Order.

It is so Ordered.
Signed Sept 16th, 2020.

Eric V. Moyé
Presiding Judge, 14th District Court

APPENDIX B

JOHNSTON TOBEY BARUCH Texas Trial & Appellate Lawyers

12377 Merit Drive
Suite 880
Dallas, TX 75251
(214) 741-6260

September 21, 2020

The Honorable Eric Moyé
Judge, 14th Judicial District Court of Dallas County, Texas
600 Commerce Street
Dallas, Texas 75202
Via: e-File

Re: Cause No. DC-20-12129-A, styled *In re: Application of J.H. Williams*

Dear Judge Moyé:

I am in receipt of the Court's *Order Vacating Prior Order* dated September 10, 2020 in the above-referenced matter. I am honored to serve as the 2020 President of the Dallas Bar Association (DBA). In accordance with the Court's instructions in the Order, a Committee of 1990 DBA President Al Ellis, 2012 DBA President Paul K. Stafford, and myself was formed to consider the posthumous application of J.H. Williams to practice law in the State of Texas in 1882. The Committee met on September 14 via Zoom, and Justice John Browning presented Mr. Williams' application with supporting authorities as follows:

J.H. Williams arrived in Dallas in December 1882 from Mineola, Texas for the express purpose of seeking admission to practice law.[1] Dallas previously had only one other African American lawyer until that time - Samuel H. Scott. Scott arrived in Dallas from Memphis in March 1881, and he left the city several months later after what a contemporary newspaper account described as "prejudice against him on account of his race."[2] Like most aspiring lawyers at the time, J.H. Williams lacked a formal legal education but had "read the law." In the years before more uniform standards were adopted for admission to practice law in Texas, the bar was set quite low. An applicant in 1882 merely had to prove that he was at least 21 years of age, a citizen who had resided in Texas for a minimum of one year, and "of good

[1] John G. Browning & Chief Justice Carolyn Wright, *We Stood on Their Shoulder: The First African American Lawyers in Texas*, 59 HOWARD L.J. 74 (2015).
[2] *Our Colored Lawyer*, DALLAS WEEKLY HERALD (Oct. 6, 1881), https://texashistory.unt.edu/ark:/67531/metapth294937/m1/?q=Our%20Colored%20Lawyer,%20Dallas%20Weekly%20Herald%20(Oct.%206,%201881).

character and moral deportment."[3] A candidate who satisfied what has been called Texas' "extraordinarily easy" standards of the time merely had to present himself to the local district judge and request admission; the judge would then appoint a committee of local members of the bar to evaluate the candidate and make a recommendation.[4]

Until 1890, only two candidates seeking admission in Dallas had ever been denied; J.H. Williams was one of these.[5] Mr. Williams, described by the *Dallas Daily Herald* as "a colored disciple of Blackstone," presented himself in December 1882 to the presiding judge of the then-Eleventh Judicial District (it would be reorganized the next year as the Fourteenth Judicial District, which it remains today), Judge George N. Aldredge.[6] Judge Aldredge, a former Confederate officer, appointed a committee of four members of the bar to examine Williams. Two of these were distinguished members of the Dallas Bar Association: Jeff Word and W.W. Leake, the president of the Dallas Bar Association from 1881-1885 and a graduate of Yale and Harvard Law School. Both Word and Leake found Williams to be "duly qualified," but the other two committee members disagreed, causing a deadlock.[7]

Judge Aldredge then appointed an entirely new committee of three different lawyers the very next day. This second hand-picked group wasted no time in reporting "unfavorably" for Williams, resulting in the rejection of his application.[8] Although Williams reportedly expressed an intent to try again in the future, there is no record of his admission to practice in Dallas or anywhere in Texas. It wasn't until 1885 that an African American lawyer would set up a practice in Texas—Joseph E. Wiley, a graduate of what would later become Northwestern University Law School and a member of the Illinois bar.

Based on the facts presented by Justice Browning on September 14 and in the Application filed in this case on August 28, the Committee unanimously found that **Mr. Williams was duly qualified to practice law in 1882.** It is undisputed that he was at least 21 years old and had been a citizen who resided in Texas for a minimum of one year. The Committee also saw no evidence to contradict that Mr. Williams

[3] Browning & Wright, *supra* note 1, at 76.
[4] MICHAEL ARIENS, LONE STAR LAW: A LEGAL HISTORY OF TEXAS 182 (2011).
[5] BERRY B. CODD, A HISTORY OF DALLAS LAWYERS: 1840 TO 1890, 16 (1933).
[6] *A Colored Disciple of Blackstone*, Dallas Daily Herald, Dec. 13, 1882.
[7] *Id.*
[8] *Id.*

The Honorable Judge Eric Moyé
September 16, 2020
Page 3

was of 'good character and moral deportment' – by either the more stringent modern standards or the more racially discriminatory standards of 1882. Especially persuasive to the Committee was the finding that Mr. Williams was "duly qualified" made by then DBA President, W.W. Leake, and by DBA member Jeff Word. None of the information discovered through the research regarding this matter indicates that J.H. Williams was not of 'good character and moral deportment'. Consequently, it is the Committee's belief and finding that the ultimate holding that Mr. Williams was not "duly qualified" was made solely based on his race.

Please let me know if there are any questions about this report or the findings of the Committee.

Sincerely,

Robert L Tobey

Robert L. Tobey
2020 DBA President

cc: Al Ellis
Paul K. Stafford

Automated Certificate of eService

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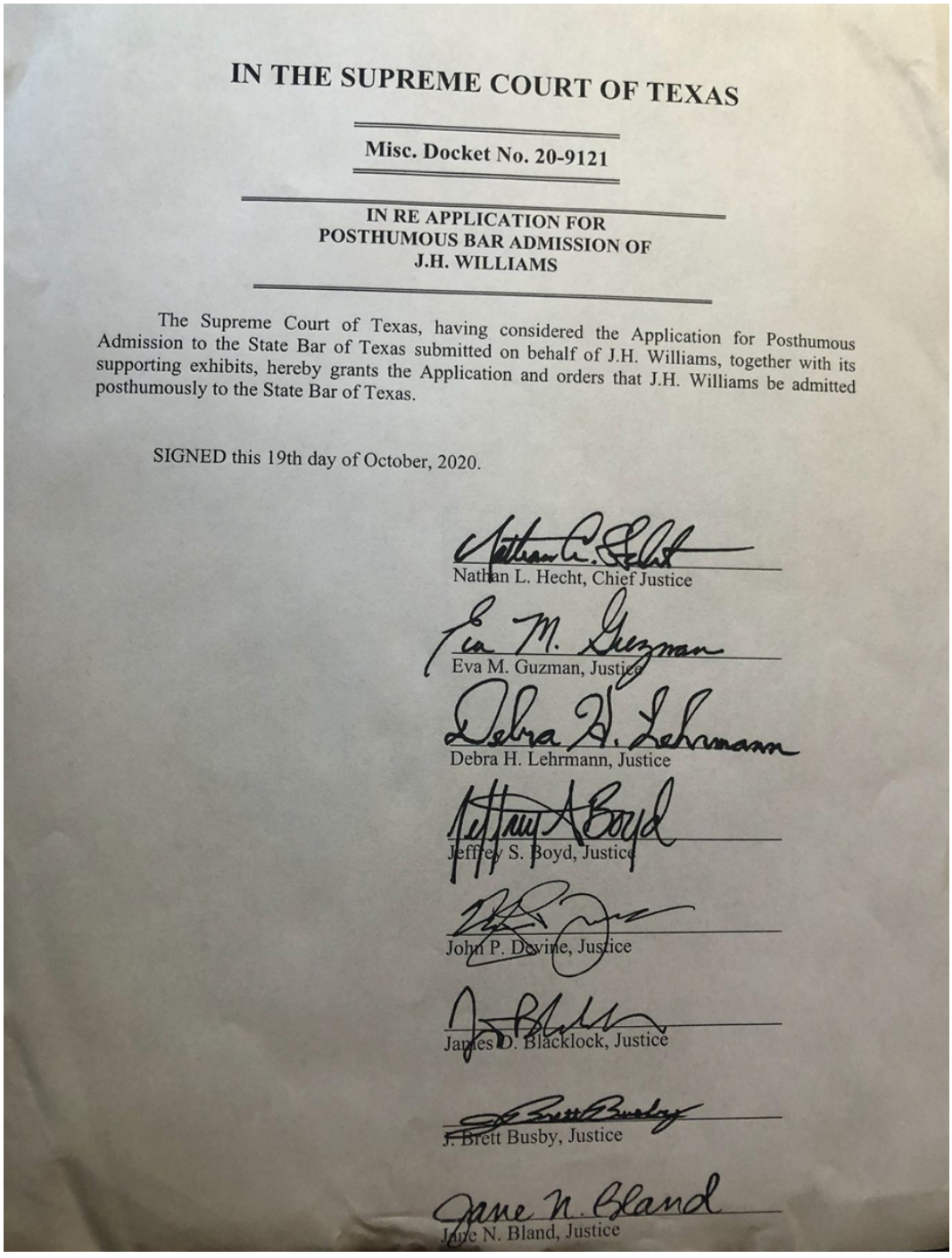
Robert Tobey on behalf of Robert Tobey
Bar No. 20082975
robert@jtlaw.com
Envelope ID: 46290007
Status as of 9/17/2020 8:46 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert Tobey		robert@jtlaw.com	9/16/2020 1:59:16 PM	SENT
Alfred W. Ellis	6560000	al@textrial.com	9/16/2020 1:59:16 PM	SENT
Paul K. Stafford	791716	paul@staffordfirmpc.com	9/16/2020 1:59:16 PM	SENT
John Browning		browninglaw@sbcglobal.net	9/16/2020 1:59:16 PM	SENT

APPENDIX C



IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9121

IN RE APPLICATION FOR POSTHUMOUS BAR ADMISSION OF J.H. WILLIAMS

The Supreme Court of Texas, having considered the Application for Posthumous Admission to the State Bar of Texas submitted on behalf of J.H. Williams, together with its supporting exhibits, hereby grants the Application and orders that J.H. Williams be admitted posthumously to the State Bar of Texas.

SIGNED this 19th day of October, 2020.

Nathan L. Hecht, Chief Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

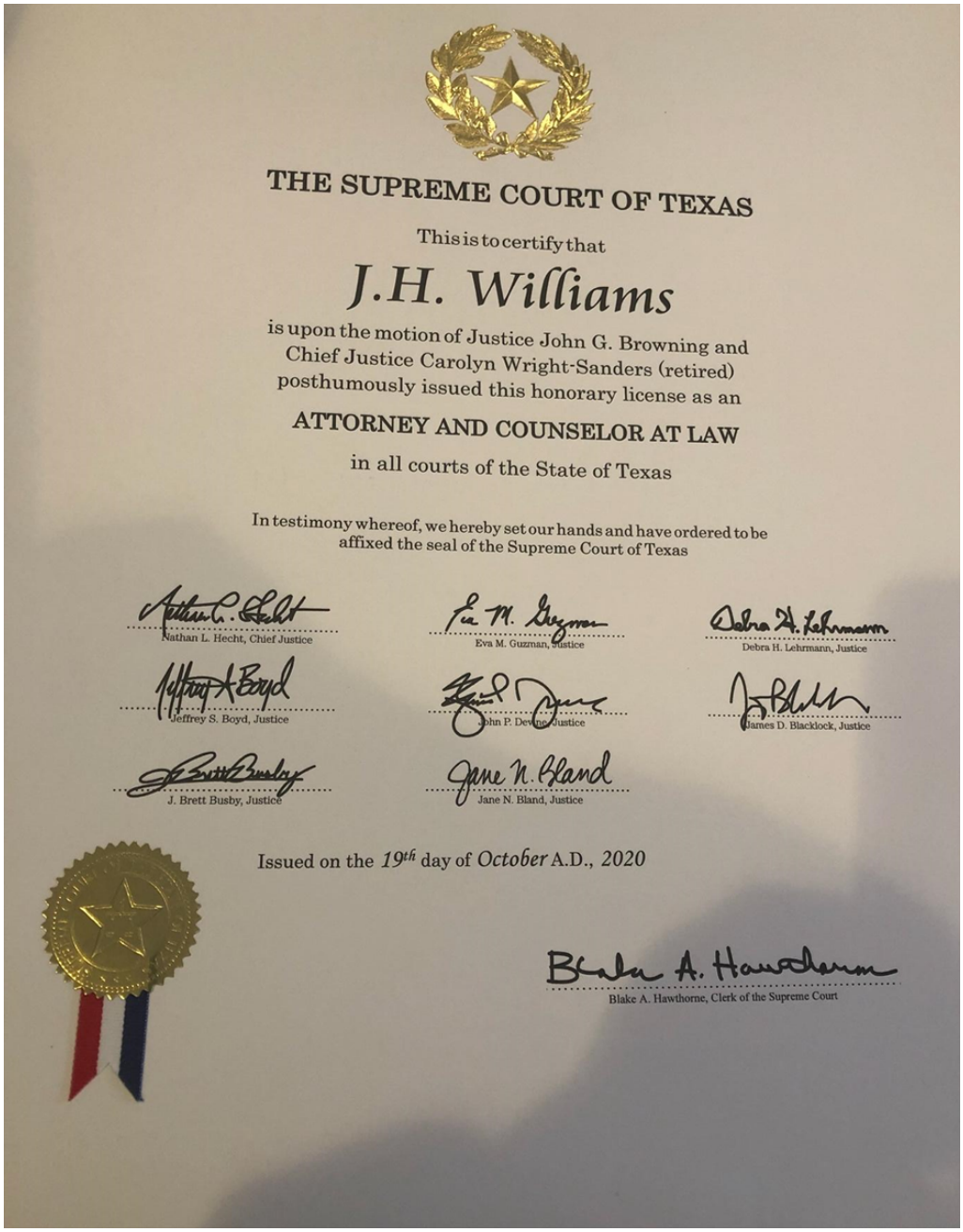
John P. Devine, Justice

James D. Blacklock, Justice

J. Brett Busby, Justice

Jane N. Bland, Justice

APPENDIX D



THE SUPREME COURT OF TEXAS

This is to certify that

J.H. Williams

is upon the motion of Justice John G. Browning and Chief Justice Carolyn Wright-Sanders (retired) posthumously issued this honorary license as an

ATTORNEY AND COUNSELOR AT LAW

in all courts of the State of Texas

In testimony whereof, we hereby set our hands and have ordered to be affixed the seal of the Supreme Court of Texas

Nathan L. Hecht, Chief Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

James D. Blacklock, Justice

J. Brett Busby, Justice

Jane N. Bland, Justice

Issued on the *19th* day of *October* A.D., *2020*

Blake A. Hawthorne, Clerk of the Supreme Court