Since statehood in 1959, Hawaii’s legal community has witnessed marked change in the ethnic composition of the bar. Influential law firms at the time were manned (literally) in entirety by Caucasians, many if not most of whom came from the mainland. Forty years later, persons of Hawaiian, Filipino and Samoan ancestry continue to be vastly underrepresented in the state bar. What has changed, though, is that persons of other ethnic groups, notably Japanese, Chinese and Korean, populate all aspects of the bar in significant numbers -- as large and small law firm partners and associates, sole practitioners, government lawyers and judges.\(n1\)

Many forces have contributed to this new picture, including changing racial demographics and public attitudes, federal anti-discrimination laws, the changed faces of elected politicians and the creation of the William S. Richardson School of Law.

In this brief historical account, we present a snapshot of how the Hawaii bar looked at statehood and a decade later so our legal community now might assess how far we have come and what more we need to do. Interesting findings can be found in sociological research looking at 1920, 1959 and the late 1960s.\(n2\)

\(n1\) "The 1997 Hawaii State Bar Association Survey to Hawaii Bar Journal, No. 7 at p. 30 (July 1998)"


In plantation-era 1920, there were 100 Caucasian attorneys and no attorneys of Japanese ancestry. Indeed, until the early 1950s, federal law prohibited immigrant-Asians from becoming United States citizens and, by extension, attorneys.

Forty years later at statehood, the Hawaii bar consisted of only 388 licensed lawyers. None of the 205 non-Caucasians was part of a law firm with six or more lawyers, whereas half of the bar's Caucasian lawyers were members of these large law firms.

The absence of non-Caucasians in Hawaii's large law firms at statehood was significant for two reasons. First, those
law firms, and only those firms, provided legal advice and services to the corporate enterprises collectively known as the "Big Five." The Big Five, with interlocking directorates, dominated Hawaii's economy and politics for the first 50 years of the 20th century. Second, by 1959, many non-Caucasian attorneys -- particularly Americans of Japanese ancestry who used the GI Bill to finance their education -- possessed sterling educational qualifications. They were graduates of top law schools, including Harvard, Yale, Chicago, Michigan and Columbia.

In the late 1960s, Masaji Marumoto, then a Hawaii Supreme Court justice, was reportedly denied a membership as the first Japanese American in a prestigious Honolulu social-business club. At that time, research yielded the following sociological observation about the halting opening of downtown law firms to ethnic integration.

To my knowledge, even up through the late 1960s, there was no non-Caucasian partner in any of the large, long-established law firms in Hawaii, although there were a number of small inter-racial partnerships. Interview materials suggest that there has been some self selection on the part of Japanese lawyers in avoiding employment with the big firms on grounds, for example, of "not wanting to give them the satisfaction of turning me down," or of independence -- "Who wants to be just a hired hand?" A few non-Caucasians have actually worked as clerks in some of these law firms over the decades, but none of them has worked himself into partnership in these firms. n3

n3 George K. Yamamoto, supra note 2, at 47. The observation in the late 1960s continues:

It is possible that [some of] the established law firms have had a policy of not taking any "local boy", Caucasian or Oriental, on the assumption that local boys tend to be lacking in poise and local-dialect-accented in speech. It appears that up to World War II, recruitment and eventual partnership in these firms always involved young men from the Mainland. By the late 1960s, however, a few Hawaii-born Caucasians, possibly with the acceptable type of lineage, have been hired and later accepted into partnership.

Id.

What does this all mean now? In part, the abbreviated nature of this historical account permits only the most general, and therefore inexact, conclusions. What we do know is that in Hawaii, as elsewhere in the United States, the bar historically was marked initially by racial exclusion and then later by law firm segregation. What we also know is that in Hawaii things have changed for the better, sometimes dramatically. Yet evidence also suggests that partial defacto exclusion continues in the form of vast underrepresentation of certain of our ethnic groups. In addition, last year's bar association study indicates in general that partners/supervising attorneys of color and women are paid significantly less across the board than are Caucasian males. n4

n4 The 1997 Hawaii State Bar Association Survey for supra note 1 at 32, figure 3. Interestingly, Chinese male associates/staff attorneys and Hawaiian and other ethnicity female associates/staff attorneys had the highest incomes.

Three questions remain for Hawaii's legal community. How does the past influence the present? What will our state bar of the future look like? What does justice require?

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