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Amid Controversy, Texas Minority Lawyers Call for Action Against Racism in Profession

A broad coalition of minority lawyer groups--local bars for Black lawyers, and those representing Asian American, Hispanic, LGBT, Native American, minority and women lawyers--is calling for action to address systemic racism in the legal profession.

By Angela Morris | July 21, 2020



Photo: Party people studio/Shutterstock.com

One step to address systemic racism in the legal profession could be including a course on implicit bias in each attorney's annual continuing legal education requirements, according to minority lawyer groups.

That's one solution among a list of action items that the African American Lawyers Section of the State Bar of Texas first proposed—and a broad coalition of affinity lawyer groups is now embracing—in the wake of controversy from online comments by President Larry McDougal.

His comments discussed Black Lives Matter, a photo of an officer holding a man to the ground, and a female attorney looking “hot” in one photo but like a “meth head” in a news article.

Now, a broad coalition of affinity bar sections—local bars for Black lawyers, and those representing Asian American, Hispanic, LGBT, Native American, minority and women lawyers—has issued its own statements and demanded action from McDougal and the bar.

“We are seeing such a unified response and a number of section chairs reached out to the African American Lawyers Section, and to each other, and all said, ‘Something needs to be done,’” said Michael Debnam, chairman of the LGBT Law Section. “It was really amazing just how quickly and strongly everyone moved to come together.”

McDougal has apologized and pledged action, but said he will not resign as bar president.

“I am currently working with leaders in minority communities on an action plan to improve our communication and education surrounding racial injustice and I will be revealing those specific plans at the board meeting on July 27,” wrote McDougal in an email.

The Texas Bar board of directors will meet July 27 (https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/ContentDisplay.cfm&ContentID=50829) to discuss McDougal’s online comments and the reaction to them.

The new coalition of minority bar groups on July 17 expressed strong disappointment in McDougal’s behavior in a statement it issued jointly.

Read the full statement
(<https://drive.google.com/file/d/1poBK66NMSc8JDwQ3tmDdyA0bsfusp/sharing>)

The coalition called on general counsel and in-house attorneys, lawyers in law firms, and legal educators to “stand in solidarity with us.”

The minority bar sections joined the African American Lawyers Section’s July 13 call to action, which proposed steps for addressing systemic racism in the profession.

Rudy Metayer, chairman of the African American Lawyers Section, said he is honored that the other bar groups joined the call to action.

The implicit bias training that was suggested in the letter is one of the most significant ideas.

“The training being done in various professions, including the medical field, across the state and country and the necessity of that, hasn’t been illustrated any better than with this episode of President McDougal,” said Metayer, a litigator at Chamberlain McHaney in Austin. “We believe everyone has biases no matter who they are and where they are from.”

McDougal should “participate in an undoing-racism course to understand the ramifications of his comment and the systemic racism and implicit bias that exists in his life and the lives of others,” said the call to action letter.

Among other things, the letter said that McDougal should create a presidential project to spend bar resources “to review and change policies and procedures within the bar that perpetuate systemic racism and lack of inclusion.”

Read the call to action (https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/ContentDisplay.cfm&ContentID=50844)

African-American Bar Associations in Texas' five major metro areas also issued a statement (https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/ContentDisplay.cfm&ContentID=50844). Among other things, the Texas Bar needs to boost funding for its Office of Minority Affairs to pay for additional programming on diversity and racial issues in the bar, said the letter.

Trey Apffel, executive director of the Texas Bar, wrote in an email that the board of directors will consider an agenda item by President-elect Sylvia Borunda Firth to create a task force on diversity, equity and inclusion. That task force might be the group to discuss the proposals, Apffel said.

"I am confident that the board will give careful consideration to these recommendations in line with the State Bar's mission of promoting diversity in the administration of justice and the practice of law and improving the quality of legal services in Texas," he said.

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