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Reacting to the murder of George Floyd

WHAT LAWYERS CAN DO TO HELP IN THESE TIMES

Outrage! That is the only way I can describe the emotions I had when I first saw the social media posts depicting the police thug, monster, that ended George Floyd's life with a knee to his neck.

Rage! Life is precious, and what gives that uniformed man the [expletive] right to take the life of another human being who is unarmed, handcuffed, held down by three other officers, and posing no threat to the safety of anyone?! Of course this is a racist act! Yet another incident, among countless others, of excessive police force resulting in the senseless killing of a black person.

I am not naïve, I know this happens in this country. That video did not awaken me to something I didn't know existed. I learned of racism early in my childhood education. I went to a Jewish elementary and junior high school. We learned about racism, and civil rights, and how the namesake of our school, Abraham Joshua Heschel, marched with Dr. Martin Luther King from Selma to Montgomery in support of voting rights. I went to a liberal college. I was fortunate to have the opportunity to take classes in African American History (then called "Black Studies") and became aware of so many injustices against the African American community in every aspect of American society, past and present. It did not take George Floyd's death, or that of Breonna Taylor or Ahmaud Arbery, to awaken me to the fact that we have a horrible and disgusting problem in this country when it comes to the treatment of black people.

I feel outrage?? I am a white male in America. I went to private schools as a child. There was not much of which I was deprived. I was given every opportunity to thrive that anyone could ask for. I did not earn that privilege. I was born into it. We enter this world with no choice as to what color skin or socio-economic conditions will define us. Pure fortune

that my skin does not happen to be a color associated with negative stigma and stereotypes that evokes undeserved hatred, and negatively impacts so many aspects of the quality of my life.

I have lived a life of privilege. It's important to acknowledge. It's important for those of us who have not lived the life of a black person to always appreciate that no matter how much we may feel enraged by such blatant acts of injustice (we are lawyers that represent victims of injustice, after all), we have to be sensitive to not trivializing the experience of black people in this country by taking on racism as a temporary cause celebre every time there happens to be a media surge in coverage of what is, and has been for far too long, a "normal" occurrence in this country. Those of us who are not black have never, and will never, walk in the shoes of a black person in this country and will never know that pain and anger, though we may abhor the stories we hear.

Having said that, if the recent publicized acts of horrendous racism lights a fire in the hearts of *all* of us, and inspires us to take action to affect change, it will be a step in the right direction.

CAALA's statement

CAALA, its leaders and members, have been inspired. After George Floyd's murder, CAALA issued a statement condemning the acts of police brutality and racism that have taken countless victims, pledging support for them, and encouraging our membership to do their part in bringing forth Change, Equality and Justice. Our New Lawyers Committee put forth their own such message to the new lawyers in our ranks. We are now attempting to put actions behind those words, calling upon our Diversity and Inclusion Committee, along with our Education Committee to work together in creating programs to educate our

members about the injustices posed by systemic racism, and empower them to hold purveyors of racism accountable, and achieve civil justice on behalf of their victims.

What more can be done? I reached out to my friend, Carl Douglas. Carl is CAALA's 2006 Trial Lawyer of the Year, a career Black civil rights lawyer, and as direct as they come. I had the pleasure of listening to several recent podcasts and interviews in which he was featured regarding the current state of affairs. I wanted to have some "real talk" with him about what is happening right now. After our talk, I asked him to give me a couple hundred words to include in this article.

From Carl Douglas

Carl wrote, "Martin Gugino, Say his name! Say his name! Martin Gugino is the 75-year-old [white] political activist last seen bleeding on a Buffalo sidewalk after being pushed backward by storm trooper-looking cops, fracturing his skull. I hope the sight of Mr. Gugino makes all my white allies get off of their couches and say, 'Enough.' I hope it makes you look away in horror, because perhaps you can then begin to understand my pain and my anger.

As a Black civil rights lawyer for almost 40 years, the 'Martin Guginos' I have represented over the years, have typically looked like me, or my brown brothers and sisters. Now my white friends are protesting in the streets, reading essays from Ta-Nehisi Coates, checking out '13th' on Netflix. This time may be different.

Because Martin Gugino could have been your pops. He could have been your Uncle Joe. He could have been that nice man that lives down the street. Just like there's certain to be more George Floyds

See Rudman, Next Page

before real progress is attained. I also hope there are more Martin Guginos too. I hope the protesters keep coming out looking like the best of America, rather than the folks who have been living under the knees of violent cops for all of my 65 years on this earth.

This feels different.

I bought some Ben & Jerry's ice cream for the first time in my life last week, after reading their corporate statement. Wow.

I'm a big NASCAR fan, and they're taking down Confederate flags. Wow.

I love football, and Roger Goodell said Black Lives Matter. Wow.

This feels like the beginning of the end, though my soul tells me we've still got a long ways to go.

Martin Gugino! Say his name! Say his name!"

I also asked Carl about what lawyers can do during these times. Carl reached out to his friend and colleague, attorney Angela Powell, and requested that she also contribute to this article.

From Angela Powell

Angela wrote, "Advocate defined: 'a person who publicly supports or

recommends a particular cause.' Lawyer defined: 'an attorney or a counselor.' In this current social climate, it is critically important as a lawyer to recognize when we should be an advocate and when we should be a counselor. As a black woman, a mother to a teenage son, a lawyer and advocate on behalf of law enforcement, and most importantly a counselor to those who supervise law enforcement, I have found it difficult to watch the media routinely give the microphone to those in the legal profession who simply want to fan the social flames rather than educate and counsel the public. One example is the concept of 'qualified immunity.'

I have heard it described as a license for the police to kill. It is that type of rhetoric that does nothing more than enrage the public. In short, 'qualified immunity' gives law enforcement the legal framework by which they are told whether a particular use of force is lawful or not. It will not shield them when they violate clearly established law. Lawyers can make a difference if they pass the microphone to someone with the background and experience who can counsel rather than incite."

What lawyers can do to help

So what *can* lawyers do to help? We can empathize with our black brothers and sisters. We can educate ourselves about racism in this country. Read books, watch documentaries, discuss it with those who have the knowledge. We can write to local legislators and urge the passing of police reform bills that are in consideration. We can encourage and engage in peaceful protesting. We can serve on juries and possibly be assigned to cases where justice can be levied on behalf of victims of racism. We can volunteer to represent people arrested for peacefully protesting (shout out to my friends at Justice X and Protestors Defense Alliance for offering education and training to lawyers interested in taking on this cause). We can and we should do whatever we can to help because Black Lives Matter.

Carl said something that really resonated with me. "By these acts we can test the quality of our commitment. We all can be effective if we do it together. The diversity of the moment can empower the change that is needed." Powerful words.

