

The Texas Lawbook

Free Speech, Due Process and Trial by Jury

‘I’m An Example of Why Diversity Matters’

FEBRUARY 17, 2021 | BY MARIE JAMISON

I am a Black female lawyer. I graduated at the top of my class at Thurgood Marshall School of Law and have practiced for more than 15 years. I worked as a briefing and staff attorney for the chief justice at the Fourteenth Court of Appeals in Houston and am now an appellate partner at Wright Close & Barger, a premier trial and appellate boutique in Texas.

With this background, I’m asked on occasion if being a Black female has hindered my legal career. When asked this question by someone genuinely interested, I try to be candid. Here’s the honest answer: I think it would be foolish, and quite frankly dishonest, if I answered unequivocally no.

My first thoughts are based on my experiences during trial. Observers in the courtroom see me, a suited-up Black female, walk in and sit at counsel’s table with the trial team. *Is she the client? The paralegal? Who is she and what is she going to do during this trial?* That’s what I see in the fictional thought bubbles above their heads.

But there are other moments when it hits home. Like my “surprisingly” on-point trial briefs and arguments throughout trial that address important legal and appellate issues. My “surprisingly” well-thought-out charge objections, submissions and arguments. Why are my arguments surprising but not the other side’s? Then there are a few occasions of just being ignored outright, unlike my colleague on the other side.

But I try not to get bogged down by this type of obvious differential treatment because it is not helpful to me as a lawyer. There can be no doubt in my

mind that I belong where I am: a member of the Texas State Bar enthusiastically practicing appellate law.

I am also honest that I don’t know what I don’t know. Law school is hard for *everyone*. Finding ideal legal opportunities is hard for *everyone*. Being a successful lawyer is hard for *everyone*. I have been fortunate to have a group of judges and lawyers nurture my talents and create opportunities for me. I know this is not the case for everyone and perhaps even more so not the case for minorities.

Having worked as a lawyer for the state and in private practice, there is no doubt that diversity matters. Being a Black female mattered when I was an attorney at the court of appeals, and it has mattered in private practice.

When I was a staff attorney at the court of appeals 10-plus years ago, the diversity numbers were noticeably low. I worked hard and succeeded at being recognized for my work and professionalism. The court of appeals at that time was attempting to move to an electronic environment, and I volunteered to assist court committees on electronic document projects and moving toward e-filing. My work was a substantial contribution to the court, both in helping to resolve appeals in a correct and timely manner and electronic document projects. Diversity matters because you get more talent when you cast a larger net.

Being a Black female in private practice at my firm has mattered in a number of ways. I have secured, and helped my firm secure, a number of trial and appellate victories. I

The Texas Lawbook

demand the highest quality of work and professionalism from myself and expect the same from our staff and the candidates we hire. I don't believe in sacrificing excellence for diversity. And there are certainly plenty of excellent minority lawyers. Again, diversity yields a larger pool of talent. I am an example of that.

On a personal front, I think it is important for lawyers to feel comfortable talking with their minority colleagues about real issues that affect minorities. I had open, candid conversations with a few of my law partners after George Floyd was killed. I was struck by how personal the killing was to them, and it later became apparent it was not only because of the horrendousness of the act but also because of my son. I am raising a young Black man, and my law partners have known him for over 10 years. I think Floyd's killing was more personal for them knowing and having watched my son grow up. Conversations about racial inequality led to the firm adding Juneteenth as an official office holiday. And it was not even at my suggestion – it was my Caucasian partner's idea. Without diversity, these types of important relationships and conversations don't happen.

I have served as an adjunct professor at Thurgood Marshall School of Law and found it was important that the law students saw themselves in me. It was equally important for the non-

minority students to be taught from me, a Black female, because it encourages inclusion and can break unconscious preconceptions.

Being a Black female in the courtroom also matters. I like to think my courtroom presence is particularly valuable to the bar and our community. A couple of years ago, I assisted trial lawyers in a trial in a community with very little diversity and handled the charge conference. After the charge conference, the judge said, "This has been the most efficient charge conference I have presided over." The judge then looked at me and said, "And that is because of Ms. Jamison." I was happy to be the lawyer that made sure we had a good charge conference and left the courthouse hoping I dispelled any preconceived notions about a Black female's abilities in the courtroom.

Our communities need to see minority lawyers in the courtroom, too. We represent our communities in so many different ways, and they need to see a variety of voices and perspectives in the bar. It may be a cliché, but diversity truly matters..

Marie Jamison is a partner at Wright Close & Barger in Houston. Experienced in both trial and appellate matters, Marie handles or assists in all phases of litigation and appeals in cases involving products and premises liability, personal injury, insurance defense, contract disputes and commercial lawsuits.