



## **A Conversation About Racial Justice in America**

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**Mohamed N. Bakry** defends clients in wrongful death cases related to product liability, premises liability and transportation. His clients include manufacturers, property owners, retailers and product suppliers faced with lawsuits alleging assault and battery, defects on the premises, acts of negligent third parties, improper maintenance of the premises, design defects and more. He also defends product manufacturers, suppliers and premises owners in asbestos litigation. A former attorney with the Defender Association of Philadelphia, Mohamed additionally represents clients facing criminal charges.

**A'Niya Robinson** was born and raised in South Louisiana. A'Niya is an advocacy strategist at the ACLU of Louisiana. A'Niya works on the development of dynamic advocacy campaigns, political engagement strategies, coalition, network and alliance building, cultural programming, and research, writing, and popular educating on issues of social justice all while centering the vision, goals, and needs of systems-impacted communities. Previously, A'Niya served as a Racial Justice Fellow at the affiliate, and authored an assessment of Louisiana's pretrial system and a virtual exhibit that explored the oppression and resistance of Louisiana's Black communities. Before joining the ACLU, A'Niya attended Loyola University New Orleans College of Law, where she completed a study of criminal justice debt in New Orleans' court system in addition to leading two research efforts for Law for Black Lives. A'Niya previously served and chaired the National Advisory Committee of Equal Justice Works, and was instrumental in creating the Committee's first Diversity and Inclusion working group. A'Niya recently spent time at the New Orleans Workers Center for Racial Justice, working with communities of color on decriminalization of poverty and economic justice.

**Melba Pearson** is an attorney specializing in civil rights and criminal law, with an emphasis on policy. She is the Director of Policy and Programs for Florida International University's Center for the Administration of Justice, as well as senior fellow/faculty in the Department of Criminology and Criminal Justice. Her work centers on the expansion of the use of Prosecutorial Performance Indicators for more transparency, equity and racial justice in the criminal justice system. Before joining FIU, Ms. Pearson spent three years as Deputy Director of the ACLU of Florida where she worked to change police practices, expand voting rights, and reform the criminal justice system.

**William (Will) Snowden** is the New Orleans Director of the Vera Institute of Justice. In this role, he continues and strengthens Vera's existing partnerships with criminal justice actors and community leaders while identifying new collaborative relationships with government entities and community organizations. The collaborations focus on improving criminal justice systems in the South. Prior to joining Vera, Will was a public defender for five years representing New Orleanians in all stages of a case from arraignment to trial. Will also developed a focus and specialization in advocacy around reforming the procedures, systems, and policies around jury duty in an effort to promote diversity and representativeness in the jury box. Will also launched The Juror Project— an initiative aiming to increase the diversity of jury panels while changing and challenging people's perspective of jury duty.

## **Supplemental Materials**

- [Frank discussions of race and racism can't be relegated to Black History Month](#)
- [Unless rogue officers are punished, not coddled, there can be no true police reform in Florida](#)
- [We've won a battle but not the war](#)

## **Presentation: Racial Injustice**

We continue to bear witness to racial discrimination in our work place as well as out on the street in interactions between civilians and law enforcement. As a society we have viewed countless videos of unarmed black and brown people who are arrested, assaulted, and killed in violation of their Constitutional rights, including the death of George Floyd on May 25, 2020. As a result of George Floyd's murder, the world and not just the US, demanded justice in the form of protests in every city and town across the globe. The Officer that killed George Floyd was ultimately tried and convicted, leading to a wave of relief and jubilation that justice was served. However, within several days following the verdict, videos were released showing the death of Adam Toledo – a thirteen year old boy – and Daunte Wright.

Our panel openly discusses Racial Injustice in America in the context of law firms and law enforcement. The panel fleshes out the significance of racial anxiety and implicit bias and how those two concepts impact interactions between people of different races and ethnicities leading to inequality, discrimination, and police brutality. The panel will also discuss underrepresentation and how that can increase levels of anxiety and implicit bias. Lastly, the panel will discuss the George Floyd Trial (i.e. motion practice, jury selection, testimony, and the verdict).

- I. How have we arrived at a point 2021 where we continue to view these horrific videos and read stories where unarmed black men and women are arrested, assaulted, and killed in violation of their rights and yet we see no legitimate change in policy and law on the state or federal level? Why does this continue to happen? (A'Niya)
- II. Unconscious bias and unconscious racial anxiety combine to perpetuate racism (why do we perceive the same facts or events so differently)
  - a. Racial Anxiety - What is Racial Anxiety and how does it manifest?
    - i. The heightened levels of stress and emotion that we confront when interacting with people of other races.
      1. People of color experience concern that they will be the subject of discrimination and hostility.
      2. White people worry that they will be assumed to be racist.

- ii. Studies have shown that interracial interaction can cause physical symptoms of anxiety.
  - iii. How can we (as a society, a firm, or organization) reduce racial anxiety?
    - 1. Over the long term, diversity, integration, inclusion and greater contact between people of different races will go a long way towards lessening racial anxiety.
  - iv. *Some experts/authors have said that racial anxiety may even temporarily alter the perception of time and motion. How can the modification of time and motion lead to a threatening feeling?*
  - v. *For people of color, racial anxiety is experienced as the concern that they will be negatively stereotyped and subjected to hostile, distant and discriminatory treatment on the basis of their race or ethnicity. In what spaces do you see this concern transpire (education, health care, criminal justice etc.)? (Will)*
- b. Implicit Bias –
- i. attitudes towards people or associate stereotypes with them without our conscious knowledge.
  - ii. implicit biases often predict how we'll behave more accurately than our conscious values.
  - iii. Multiple studies have found that those with higher implicit bias levels against black people are more likely to shoot an unarmed person.
    - 1. Studies also show that police officers are more likely to use excessive force against black men, and that black boys often are perceived to be older—and therefore, scarier—than they actually are. Some judges give harsher sentences to black boys for committing the same crimes as white boys.
  - iv. *There are a number of measures of implicit bias; the most widely used is called the Implicit Association Test. How does this test measure one's own biases and can it be used to measure the level of implicit bias in an organization?(Melba)*
- c. Under Representation – Why is under representation a problem?
- i. Descriptive representation fosters engagement between residents and their representatives, forging connections that promote policies and practices that reflect the lived experience of residents and are viewed by the community as fair and sensible.
  - ii. People who are not descriptively represented are less likely to be engaged in the political process or have representatives who forcefully advocate their interests.
    - 1. *A new study from Harvard's Roland Fryer finds that black men and women are considerably more likely to encounter the use of force from police than their white counterparts. How did we get to this point and why is this still an issue in 2021?*
    - 2. *Why does it matter that we as a society address under representation in the legal field in order to address racial injustice?*

- III. Societal Ills – Is it a firm’s or organization’s responsibility to address problems in their community? Why? How? **Study, Thomas Myers, model associate. (All three)**
  - a. **Why does Underrepresentation matter in this work space.** (Melba)
  - b. NALP Foundation and the National Business Institute conducted a study, to find out how COVID-19, civil unrest and the economic crisis affected law firms’ efforts to address professional development and diversity, equity and inclusion.
    - i. 73% of firms launched new programs to address racial injustice and civil unrest as a result of Black Lives Matter protests.
    - ii. 43% of firms say they redeployed staff or attorneys to work on efforts to address diversity, equity and inclusion.
  - c. What Have Law Firms Done? (A’Niya)
    - i. Donate to national and regional bailout and legal defense funds.
    - ii. Support grassroots organizations and programs aimed at addressing police brutality.
    - iii. Develop pro bono initiatives.
    - iv. Collaborate with clients and other law firms to advance the discussion,
    - v. Expand your support of black-owned businesses by reevaluating your roster of outside vendors.
    - vi. Develop a matching gift program to encourage law firm members to donate to charitable organizations that focus on racial equality.
- IV. George Floyd Trial
  - a. Underrepresentation (Melba)
  - b. Motion Practice and Evidentiary Rulings (Charges) (Disparity of treatment between law enforcement and civilian)
    - i. Why was Murder in the 1<sup>st</sup> degree removed? (Will and Melba)
    - ii. Why were Chauvin’s prior acts of violence not admissible? (Will and Melba)
  - c. Jury Selection (Will)
  - d. States Case (Melba and Will)
  - e. Defense (Will)
  - f. Verdict – and societal reaction (A’Niya)