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Flashpoints: Bar associations play important, careful role in addressing police shootings, other community issues

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By Robert J. Derocher

In the often divisive, sometimes violent and destructive aftermath of the police shooting and subsequent civil unrest that swept Ferguson, Mo., in late 2014, “there seemed to be a sense of helplessness in the community,” says Kendra Howard, then-president of the [Mound City Bar Association](#), the black bar association in St. Louis. “So many people felt like things were falling apart.”

That’s when seven bar associations, including [The Missouri Bar](#), joined forces.

“We needed to find a role to play that didn’t put everyone at odds,” says Howard, now secretary of the [Bar Association of Metropolitan St. Louis](#), which is a member of the bar coalition. “We were all working together to serve the community.”

Among their joint projects: an [instructive video series](#) that focused on educating citizens about the legal system.

In an era of tension, conflict, demonstrations, and acts of violence—often intensified (on either side of a particular issue or event) by social media and television—the struggle for the community to understand and interpret the intricacies of laws, courts and the rules of the legal profession is sometimes profound. In many places, bars are stepping into the breach, working both publicly and behind the scenes—often with little advance notice—to help communities make sense of what is happening and to bring them together. It is a role that many bars are willing to take to help preserve and promote the rule of law—and their communities.

Bars deliver information, education in St. Louis

Newly elected to her post at the Mound City Bar, Howard didn’t have much of a chance to carry out her presidential goals before

About *Bar Leader*

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the video-recorded fatal shooting of an unarmed black man, Michael Brown, and the subsequent grand jury decision not to charge the white police officer who shot him, Darren Wilson. The shooting in Ferguson touched off numerous protests, culminating in violent clashes and extensive property damage in and around St. Louis.

Howard quickly brought her bar leadership together, as did other bar leaders in the area, launching several individual and combined efforts in the community, ranging from education and civics-oriented programs to legislation and policy analysis.

It was often a careful line to walk, Howard says, as the bars sought to take a neutral stance, while examining issues such as the grand jury system, the election of judges, and the roles of prosecutors and police. An early goal, she says, was combating negative media portrayals of the community while also addressing rampant rumors as events unfolded.

"It helped to be giving out the right information to the community instead of the wrong information," she recalls. "We wanted to take less of an activist stance, because there were plenty of other organizations doing that already.

"We wanted to make people aware of basic civics. We wanted to empower them, but we also wanted to help calm them down."

At the same time, the larger Bar Association of Metropolitan St. Louis held a public municipal court forum and provided information as the Missouri Legislature delved into municipal court system reform. The Missouri Bar, meanwhile, then led by past BAMSL and Mound City Bar President Reuben Shelton, issued an email call for pro bono legal help in and around Ferguson, which brought out more than 100 members to assist.

The Mound City bar's work continued well beyond the riots: The bar helped convene a "Solutions Summit" in 2015, which brought together the legal community, law enforcement and community organizations that had been involved in the protests. "It was the first time they had a face-to-face conversation with anybody in law enforcement," Howard says. "We had some real dialogue that could lead to some great next steps, and some solutions to our problems."

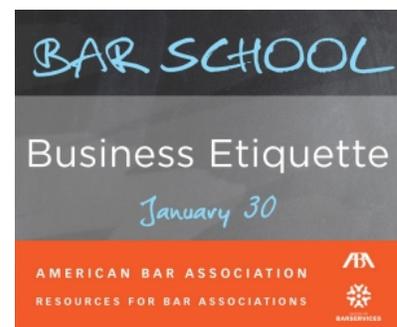
Cincinnati bars draw from previous experience

While many of the experiences were new for many bar associations and communities in St. Louis, they were not new in Cincinnati, which proved helpful as the [Cincinnati Bar Association](#) and the [Black Lawyers Association of Cincinnati](#) confronted racially charged legal issues last year surrounding the fatal shooting of Samuel DuBose (who was black) by white University of Cincinnati Police Officer Ray Tensing. Tensing's first trial ended in a hung jury, with a retrial scheduled for this spring.

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Years ago—in 2001—the fatal shooting of an unarmed black man by a white police officer in Cincinnati sparked widespread rioting, which had also been fueled by years of strained police/community relations. But since that time—and even before—the CBA and BLAC have worked both together and separately on many legal issues connected to race and equality, which means they were and are well prepared to deal with potential fallout from the Tensing trials.

“As a bar association, we don’t want to encourage people to riot or get angry, but we couldn’t just sit there and do nothing,” says Donyetta Bailey, president of BLAC. “So, we played the role of educator.”

What followed in the months between the DuBose shooting and the first Tensing trial was a series of educational forums in several city neighborhoods and communities, which involved lawyers and criminal law experts from BLAC discussing legal issues and concepts such as self-defense, jury selection, reasonable doubt and the indictment process. Just prior to the trial, BLAC also worked to help successfully reverse a decision that would have limited public attendance. And during the trial, Bailey was a regular on local television newscasts, providing legal and community insight.

At the same time, the CBA-BLAC Roundtable, a joint effort by the bars launched more than two decades ago to promote better relations between the groups, hosted a public panel discussion that focused on how the community could move forward after the trial. The forum used a CBA plan that is in place to help the bar respond to such situations.

“Everybody is looking for a toolbox that is going to resonate and make a difference,” says CBA Executive Director Catherine Glover. “This is the tool we have right now to use for education, awareness, collegiality and effectiveness, and to educate the community.”

And while there were protests after the first trial, “98 percent of them were peaceful,” Bailey says, adding that BLAC’s work will continue leading up to Tensing’s retrial, scheduled for this spring. “Our educational role has been well received by public officials,” she adds. “This has awakened us to a newfound role. We’ve learned a lot.”

Community focus for a big-city bar?

But can a bar association in a much larger city also play a role in the wake of potentially community-altering events? To John Kiernan, president of the [New York City Bar](#), the answer is yes—with a somewhat different approach.

“I’m not sure that in a city of 8 million people, people understand or are even interested in what the bar association does,” Kiernan says. “We tend to operate on the political/good-government front,

rather than the community front. We are the guardians of the rule of law.”

So while there were no splashy public forums after a grand jury failed to bring charges against the New York Police Department for the death of Eric Garner in 2014, Kiernan says, the bar was able to call on long-standing relations with the department and in the legal community to hold discussions aimed at helping improve police policies and procedures regarding arrests, civil rights and “bigger thematic concerns.”

The bar took similar positions after the Occupy Wall Street protests in New York that produced multiple arrests. “We talked about the rights and obligations of the city, as well as the protesters,” he says. “We play a role of gathering legal organizations, looking inward and outward. We play the convener.”

Advancing the dialogue

In Cleveland and San Francisco, bars are continuing with plans to take similar positions to work with involved citizen groups, as well as municipal leaders, law enforcement agencies and bar members to promote discussions that are often ongoing and low key.

“In some instances, being behind the scenes can be just as effective, if not more effective,” says Rebecca Ruppert McMahon, executive director of the [Cleveland Metropolitan Bar Association](#), which was active in the community after the fatal shooting of Tamir Rice (a 12-year-old with a toy gun that police officers thought was real) and non-prosecution in 2015. The Cleveland bar is developing its own programs while also collaborating with the [Columbus Bar Association](#) and the [Ohio State Bar Association](#) on a program called Community Trust. This new effort is designed to bring the bars into more discussions with communities affected by race and class issues associated with the legal system, covering things such as police relations and problems with the bail and bond system.

The [Bar Association of San Francisco](#) has implemented an active task force to explore and respond to similar issues in its communities—which includes a broader outreach to community organizations, according to Executive Director Yolanda Jackson. While the task force expects to address a range of criminal justice issues, it is focusing its work on policing and the fact that bail is often set prohibitively high.

“A lot of lawyers and judges don’t really know what’s going on in the communities. We were concerned about coming across as kind of preachy,” Jackson says. “Our sweet spot is our ability to analyze and make recommendations.”

While Jackson, McMahon, Kiernan and other bar leaders say there is occasional questioning from a few of their members about getting involved in potentially controversial community issues,

most members see the importance of their roles as neutral conveners looking to improve the legal system.

"People didn't join our bar because we're a trade or social organization," Kiernan believes. "We say, 'How can we constantly advance the dialogue?'"

(Note: At their Midyear Meeting in Miami, both the [National Conference of Bar Presidents](#) and the [National Conference of Bar Foundations](#) will discuss many of these same topics and others along similar lines. The two programs that are relevant to this article are: NCBP's opening plenary on Friday, February 3, 2017, 9:00 - 10:15 a.m. (a joint program with both NCBF and the [National Association of Bar Executives](#)), and an NCBF plenary on the same day, 2:30 - 4:00 p.m., that will specifically address the role of the bar foundation.)