



*Ben F. Jones Chapter
National Bar Association*

In a city with a black population of more than sixty percent, it's no surprise that stories about blacks in high profile government or professional positions would be topical news but the recent media firestorm regarding payments by the City's legal department to certain outside counsel has become suspect.

The current City of Memphis administration has accused the City Attorney, an African American lawyer, of allowing the city's litigation costs to spiral out of control as a result of bills paid to certain private firms representing the city in various ongoing legal matters. Further, the only beneficiaries of the City Attorney's generosity, as explained by local media, are certain firms owned by attorneys of color.

It has been implied that there is no government accountability with respect to certain firms. But the standards for accountability must be applied across the board. In the past several weeks, that has certainly not been the case. While the City provided a list of more than twenty-seven firms serving as outside counsel representing the City, only two or three firms have been continuously pointed out and in particular only one firm was specifically scrutinized by the City administration and the media. If the issue is or was the quality of the legal services provided by this or any firm or attorney, the spotlight is valid. However, to date, no one, in particular not the client securing the legal services has ever questioned the quality of the representation, or apparently the billing practices of any outside counsel. So the question must then be raised, if not quality or quantity, what's the issue? Since there are at least twenty-seven firms providing some measure of service at what appears to be the same or similar hourly rate, The Ben F. Jones Chapter of the National Bar Association is concerned that the scrutiny is based on color. Again, only firms owned by African-Americans have been brought to question.

The current city administration has attempted, since being in office, to remove the City Attorney. The administration claims his removal is warranted based on the spiraling legal fees. However, no analysis has been presented with respect to the increased number and complexity of lawsuits against the city in recent years versus past years. Comparing legal budgets from one year to another, without such analysis is vacuous.

What is interesting and suspect about this particular argument is the fact that the current mayor has been a member of the city council for more than 15 years. During that time, the legal department's budget requests were always submitted before and ultimately approved by the city council, of which the mayor pro tem was an active member. The point here is that the mayor and the counsel have every right to remove any division director they deem appropriate. However, scapegoating attorneys of color, including the City Attorney is disingenuous, galling and completely unprofessional under these circumstances.

African-American attorneys, and most assuredly African American owned law firms in this city are not represented in city government contracts proportionate to their numbers in the general city population or the attorney population. To suggest that those who are providing legal services are somehow undeserving because they have provided the same or better service and billed for that work just as the other twenty plus firms belies the on-going issue of parity in this community.

The Ben F. Jones Chapter of the National Bar Association was organized more than 40 years ago. The founding members decided to join forces to combat the disparity in the legal profession towards attorneys of color. The media's portrayal of events in Memphis in recent weeks strongly suggests our evolution is not representative of our 40+ years in this community.

A week or so ago the City Council voted down a resolution to fire City Attorney Elbert Jefferson. The attempt to fire Jefferson, has been at the heart of this media onslaught over legal bills of outside counsel. Last Tuesday, the Commercial Appeal published an editorial raising some very valid and pointed questions regarding the city administration's motives. The suggestion was the actions were more about political posturing than ensuring fiscal accountability. However, this association is concerned that politicians are playing the race card at the expense of the careers and integrity of hard working men and women of color.

The fact that at least some of the outside counsels doing business with the city are firms owned by African Americans should be applauded as a step in the right direction. These attorneys should be applauded, not vilified for widening the doors of opportunity for other attorneys of color, or smaller boutique firms in securing government contracts. It is shameful that such efforts are being met with derision and removal instead. Reporting, when done right is fair and balanced. When reporters and politicians are honest and fair, the entire community benefits.

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