

## DIVERSITY, EQUITY AND INCLUSION

March 2022

### INTRODUCING THE ACTIVE ALLY PROFILE

*As a continuing part of our popular Active Ally Online Discussion series, we are pleased to offer a companion series of articles, featuring IADC members and their clients. Our first installment features John Browning, who has made it his life's work to learn about and educate others about black lawyers, a particularly timely topic following Black History Month. John Browning's work demonstrates why it is important for us to be allies to our BIPOC colleagues every month of the year and not just in February. We hope this series encourages all of us to continue our lifelong pursuit of learning to advocate for and on behalf of others and to continue to amplify and celebrate the differences that make each of us unique and valuable assets to the legal profession.*

## “The Right Thing to Do” An Active Ally Profile Featuring John Browning

### ABOUT THE AUTHOR



**John G. Browning** is a partner at Spencer Fane, LLP's Plano, Texas office, and is a former Justice on Texas' 5th Court of Appeals. For more than 32 years, his practice has focused on civil defense litigation and appeals in state and federal courts. Justice Browning has represented individuals and entities in a wide range of industries in general negligence, premises liability, product liability, consumer protection, professional liability, employment, and intellectual property litigation. A graduate of Rutgers University and the University of Texas School of Law, he is the author of 5 law books and hundreds of articles. Justice Browning has received the Texas Bar's highest awards, including lifetime achievement awards for his contributions to legal writing, legal ethics, and continuing legal education. His work has been cited as authority by state and federal courts around the country. He can be reached at [jbrowning@spencerfane.com](mailto:jbrowning@spencerfane.com).

### ABOUT THE COMMITTEE

**The Diversity, Equity and Inclusion Committee** is charged with actively increasing the involvement and participation of diverse attorneys in the organization through membership strategies and professional programming that recognizes the strength and benefits of inclusion and diversity in the practice of law. For these purposes, diverse attorneys include lawyers from groups of people who are underrepresented in the IADC's membership. Learn more about the Committee at [www.iadclaw.org](http://www.iadclaw.org). To contribute a newsletter article, contact:



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*The International Association of Defense Counsel serves a distinguished, invitation-only membership of corporate and insurance defense lawyers. The IADC dedicates itself to enhancing the development of skills, professionalism and camaraderie in the practice of law in order to serve and benefit the civil justice system, the legal profession, society and our members.*

### **What is your Involvement in IADC?**

I've been an IADC member since the early 2000s, and have been proud to stay involved - from publishing in the Defense Counsel Journal to speaking on law and technology-related topics at both Midyear and Annual Meetings, and hosting regional meetings here in Dallas. I've also served on the Defense Counsel Journal's Board of Editors as well as on the Civil Justice Response Committee. I have so many great memories of IADC events, particularly the chances to network with far-flung colleagues in beautiful locales like Pebble Beach, Palm Springs and Boca Raton.

### **Why is Supporting Women and Diverse Attorneys Important to You?**

Although I happen to be a white attorney and don't serve on my law firm's DEI Committee, I wholeheartedly support any work that helps make our profession more inclusive and that advances the careers of women and diverse attorneys. Some years ago, my best friend and I fully endowed a scholarship at our alma mater, the University of Texas School of Law. It's specifically earmarked for students from underrepresented communities who will be the first lawyers in their families. Some of the recipients are first generation Americans, and it's incredibly gratifying to hear from them each year and realize how close they are to realizing long-held dreams.

At every firm I've been with, I've mentored female attorneys and younger diverse lawyers, often going beyond just supervising them on cases, to also making sure that they receive the speaking and writing opportunities for which lawyers in their positions are frequently overlooked. I also frequently speak at minority counsel programs, for minority law student organizations, and at pre-law "pipeline" programs geared toward increasing minority enrollment in law schools.

One might ask, "why does a white male attorney make working for diversity and inclusiveness a priority?" The simple truth is that I've been the beneficiary of great mentoring by minority attorneys since I was a young lawyer - first among them the now-retired Chief Justice of Dallas' Fifth Court of Appeals, the Hon. Carolyn Wright. Chief Justice Wright was the first African American to win a multi-county election in Texas, the first African American Chief Justice of an intermediate appellate court in Texas, which are among many other "firsts" on her distinguished resume. Chief Justice Wright and I have a shared passion for history, particularly African American legal history. I've been inspired by her, not only to bring to light sadly overlooked chapters in Black history, but also to follow in her footsteps - a goal I achieved when I became a Justice on the Fifth Court of Appeals.

Knowing that many of them had been “whitewashed” from history books, I began researching and writing about the forgotten minority trailblazers of our profession. I’ve published articles all over the country on early Black lawyers, often correcting misconceptions about who was “first” in a given state. I’ve written about the first Black lawyers in states like Texas, Oklahoma, Colorado, and Alabama, and about the adversity they overcame and the legacies they left. My research has taken me all over the country, and my writings have examined everything from the 1921 Tulsa Race Massacre to the first Black lawyer to argue before the U.S. Supreme Court. As an editor, I curated the Texas Bar Journal’s first Black History Month issue in 2021, as well as a special issue of the Oklahoma Bar Journal devoted to that state’s Black legal history - published in May 2021 to commemorate the 100th anniversary of the Tulsa Race Massacre. As Editor-in-Chief of the Texas Supreme Court Historical Society Journal, I have overseen and contributed to special issues honoring the contributions of African American, Latinx, Native American, and Asian American legal and judicial trailblazers.

After uncovering evidence of a Black aspiring lawyer who was denied admission to the Texas Bar in 1882 on racial grounds, I successfully petitioned for his posthumous admission by the Texas Supreme Court in 2020 - only the 6th time in U.S. history that a state Supreme Court has granted such a request. This effort was covered by the ABA

Journal, Law.com, and other media outlets. Since then, I’ve become involved in leading similar efforts to recognize other minority lawyer candidates from the 19th and early 20th centuries with posthumous bar admission - an effort to symbolically correct the racial injustices of the past.

I’ve received various accolades for my work, from awards from minority bar associations to being honored by the State Bar of Texas with its highest award, the Presidents’ Certificate of Merit. But that’s not why I spend so much time poring over digitized records, or documents in musty courthouse basements and obscure archives. I do it because I want to keep this history alive, to right historic wrongs, and hopefully inspire future lawyers that yes, our profession can and should resemble the society we serve. Basically, I do it because it’s the right thing to do.

**Past Diversity, Equity and Inclusion  
Committee Newsletters**

Visit the Committee's newsletter archive online at [www.iadclaw.org](http://www.iadclaw.org) to read other articles published by the Committee. Prior articles include:

DECEMBER 2017

[Thought Leadership: Championing Diversity and Inclusion; A Conversation with Connie Lewis Lensing, Senior VP of Litigation Department at Federal Express](#)

Pamela W. Carter

JANUARY 2015

[Update on Transgender Rights in the Workplace](#)

Eve B. Masinter, Rachael A. Jeanfreu and Rachael Coe

NOVEMBER 2017

[Making the Case: How Diversity and Inclusion Can Improve Your Firm's Financial Outlook](#)

Paul M. Fires and Kenneth E. Sharperson

JUNE 2017

[Clarity on the Horizon? Another Appeals Court Grants En Banc Review of Sexual Orientation Discrimination under Title VII](#)

Eve B. Masinter and Rachael M. Coe

SEPTEMBER 2016

[Hively v. Ivy Tech Comty. Coll., S. Bend, 15-1720, 2016 WL 4039703 \(7th Cir. July 28, 2016\): Sexual Orientation Discrimination not \(yet\) Covered by Title VII](#)

Eve B. Masinter and Rachael M. Coe