

A Matter of Life and Death



By Jennifer Dumin

A Message to My Fellow White Attorneys:

A few days prior to the murder of George Floyd, I received a request on behalf of a separating couple searching for a divorce mediator who is both a person of color and LGBTQI+ competent. The ask came to me from a therapist who knows me as an out queer lawyer and a white ally committed to anti-racism work. I realized that I did not know of a single divorce mediator who is a person of color that is currently practicing, and quickly learned that neither did my work colleagues. After exhausting my usual contacts, I sent a mass email to attorneys in the Philadelphia area to widen my search.

Two things happened.

First, a white female mediator responded stating that people of color are not appropriately represented in the field of divorce mediators locally, and that the few she knows of are not located in Pennsylvania. It seems she was right; not a single person responded with a referral to a mediator of color. This raises the question as to why people of color are not being invited into the community of divorce mediators in our area. Her response got me thinking about how I can start a conversation with

my co-workers and the wider family law community about this gap in services and what I, as a white family law attorney, can do to address it.

Second, I received an email from a white male mediator stating: “[Your] qualifications are outrageous. Any good mediator would be impartial and not need to be of any color. I find your request offensive. I am white, but have mediated dozens of cases for African-Americans and have always received a thank you from those parties, and handled those cases impartially.”

This message came from an attorney who I had never met or had a conversation with before, and I was shocked by the content of his email and the fact that this is how he chose to introduce himself to me. His response, dripping in white privilege and white fragility, shocked and angered me.

My initial reaction was that, as a queer person, I have benefited from and know the value of working with professionals who have experienced the injustices that I have faced, and who speak the language of my community. We have an automatic short-

hand, which allows us to skip a few steps in understanding each other and developing our professional relationship. For example, every single doctor I have seen throughout my life, other than my current primary care physician, assumed I was straight until I specifically told them otherwise. This forced me to come out, again and again, to people I had just found out were walking through life wearing heterosexist-colored glasses. Even once I came out, doctors would often (unknowingly, I assume) use offensive language and/or ask me inappropriate questions. Let me be clear: there is absolutely no comparison to be made between my experience of being a white privileged queer person and the experience of being a person of color. I only share

that this was my first reaction because it is the truth, and to point out that the benefit of inter-community professional relationships in general does not seem to me to be a particularly puzzling concept to grasp.

My second reaction was empathy: Maybe there is a reason this white male attorney sounds so unhinged. It is possible he has a mental health problem that has been exacerbated by the lockdown. It is possible he has just lost friends or family to COVID-19. Perhaps he has lost business and is not able to pay his bills.

And then, I thought about Ahmaud Arbery, the unarmed 25-year-old Black man who was murdered last year while jogging. I thought about Breonna Taylor, the unarmed Black woman who was murdered by police last March in her own home. The video of George Floyd's murder by police last May plays in my head, as does the video of Walter Wallace Jr.'s murder by police in front of his mother, right here in Philadelphia last October. Casey Goodson Jr., a 23-year-old Black man, was murdered by police, shot in the back in front of his five-year-old brother and his grandmother

while walking into his home.

I recognize that it is because I walk through life as a white person that the unequivocal truth that BLACK AND BROWN PEOPLE KEEP GETTING MURDERED BY WHITE PEOPLE IN POWER was my third, not my first or even my second thought. The unconscious superiority that we hold as white people in this country is deep within us, and I know that I have more self-awareness work to do; my



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white privilege obviously still insidiously impacts my thoughts. And this white male mediator was enraged at the very idea that he would not be the right fit for this couple – who specifically asked for a person of color who is LGBTQI+ competent.

At that point, I had choices. I could choose to respond to him with rage of my own. I could choose not to respond to him at all. Or, I could choose to use my white privilege to respectfully interrupt and challenge his white supremacist way of thinking. As a person who calls herself anti-racist, the latter was the only acceptable choice. So, I responded, reminding him that the request came directly from the parties and that his opinion about whether there is value to hiring a person of color who is LGBTQI+ competent to mediate their divorce came unsolicited and was both irrelevant and uninformed. I included a list of books that I have found helpful in understanding my white privilege. I invited him to continue the conversation with me.

Unfortunately, but unsurprisingly, the second response that I received from him was one of self-righteous indignation

that ended by stating that my response to him was more offensive than my original request, and that he was “done” communicating with me. I hope that he was offended enough that he will raise this issue with his family and friends who are not straight white men, and that he will take constructive feedback from those he loves and trusts. I hope that I sparked a dialogue that will continue. I hope that this post does the same. Even if my small efforts do not lead to any change, I will keep doing the work, both internally and externally.

I was raised by my queer community elders to understand that silence equals death. White silence has always equaled black and brown death, and if we want to stop being part of the problem, white people need to get

comfortable being uncomfortable. We need to stop worrying about hurting other white peoples' feelings and recognize instead that privilege comes with great responsibility.

It is a matter of life and death.

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