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# Open Records Reveal Personality Clashes, Power Struggle at Thurgood Marshall

One of Texas's public law schools has reeled during the past year under the stress of a censure from the nation's law school accreditor, exacerbated...

By **Angela Morris** | February 01, 2018



**Texas Southern University Thurgood Marshall School of Law in Houston, TX.**

One of Texas's public law schools has reeled during the past year under the stress of a censure from the nation's law school accreditor, exacerbated by personality clashes between leaders of the law school and central university.

A series of bad publicity has unveiled problems within Texas Southern University Thurgood Marshall School of Law. The first problem became public in July 2017, when the American Bar

Association Section of Legal Education and Admission to the Bar, which accredits law

schools, issued censures against the school for violation of an anti-discrimination accreditation standard, as well as multiple academic standards. Another round of negative press hit in October 2017, when TSU President Austin Lane abruptly canceled a law student organization's event, which drew rowdy, disruptive protesters. The fiasco—participants said the university violated their free speech—was quickly followed by the resignation of interim law school dean James Douglas.

Documents obtained through a Texas Public Information Act Request reveal details pertaining to personality clashes and power struggles between Lane and Douglas. Interviews with Douglas and former dean Dannye Holley provide more insight about what happened behind the scenes, before and after the ABA's censures.

Leaders of the university failed to return phone calls seeking comment. They include Lane; spokeswoman Melinda Spaulding; Glenn Lewis, chairman of the board of regents; and Gary Bledsoe, "acting dean" of the law school since Nov. 1, 2017.

Despite the tumultuous year, Douglas said the school will be alright—as long as its plan of improving students' performance on the bar exam pans out.

"The state would be in a horrible state if we did not exist, so to me, it's very important to protect that and make sure we continue to be accredited by the American Bar Association," he said.

Douglas explained that the school has made a tremendous contribution to the number of black and Hispanic lawyers in Texas. The school's 2016 disclosure report to the ABA legal education council said that 85 percent of students were from minority groups, and 15 percent were white.

The National Jurist, a legal education industry magazine, gave the school an A+ in a diversity ranking and wrote (<http://www.nationaljurist.com/law-schools/texas-southern-university-thurgood-marshall-school-law>) that it's "the most diverse law school in the country."

Holley added that none of the past year's turmoil has changed the law school's long-term merits, mission and accomplishments.

"In terms of the role it plays in the legal profession in Texas and across the country—those things are going to remain as major contributions by the school. Forty-two percent of African Americans who become lawyers in Texas have historically over the last few years come out of Thurgood Marshall," explained Holley. "Hopefully, this will be put behind us and we can move forward the way we want to."

### **Accreditation Dilemma**

Although most of the explosive conflict occurred during Douglas's tenure, the problems originated on Holley's watch, when the school was due for its accreditation review, which happens every seven years.

In addition to reviewing the school's admissions and academic program, the legal education section was investigating complaints (<https://www.law.com/texaslawyer/sites/texaslawyer/2017/07/21/aba-fines-publicly-censures-law-school-for-noncompliance-with-anti-discrimination-standard/?back=law>) of gender discrimination and sexual harassment. Those investigation records are confidential, but Douglas said some female professors claimed they didn't get the same schedule or opportunities to teach the same courses as their male colleagues.

The censure came at a time when Texas Southern was defending a lawsuit, in which Holley is also a defendant, brought by a law professor and associate dean who claimed she was paid less, denied a promotion, stripped of supervisory authority and retaliated against daily. Douglas said the censure is unrelated to the allegations in the lawsuit.

Holley, who declined comment on the lawsuit, said he provided "hordes of data" showing there was no pattern of gender discrimination at the school. He said the legal education section censured the school based on a mere perception of gender discrimination.

“We’re lawyers. Lawyers base decisions on evidence and standards, not that type of innuendo. I found the ABA’s decision-making process to be—I’ll be kind to them here—maybe well intended, but very flawed,” Holley said. “They have been pretty harsh on a lot of schools recently.”

Bill Choyke, spokesman for the ABA legal education section, declined to comment.

The ABA legal education section has publicly disciplined (<https://www.law.com/sites/almstaff/2017/11/21/10-law-schools-sanctioned-by-aba-for-lax-admissions-outcomes/>) 10 law schools—Thurgood Marshall among them—since August 2016 for enrolling students that it says are unlikely to graduate and pass the bar; an unprecedented crackdown, given that such actions historically are rare.

Admissions problems were raised in the second matter against Thurgood Marshall. The ABA legal education section found the school out of compliance with standards that require a rigorous legal education program that prepares students for the bar exam, provides academic support so students can graduate, and bar admission to people who can’t graduate and pass the bar.

An ABA accreditation standard requires that 75 percent of students pass the bar within five years of their graduation.

Holley said the school meets that standard. He said the real bone of contention is over admissions. The section is concerned that most students don’t have LSAT scores over 145. But Holley said that the school has never had high LSAT scores.

Among students admitted in 2016, LSAT scores ranged from 142 to 147, according to Thurgood Marshall’s 2016 disclosure report to the ABA legal education section.

But Douglas, who supervised the school’s remedial plan to the ABA, said the key is to improve the school’s bar passage rate.

On the July 2017 bar exam

(<https://www.law.com/texaslawyer/sites/texaslawyer/2017/11/07/bar-exam-passing-rate-down-slightly/?back=law>), Thurgood Marshall's students had the second-lowest pass rate among the 10 Texas law schools, according to Texas Board of Law Examiners statistics. Only 64 percent of first-time test takers and 42 percent of repeaters passed the bar. That compares with a statewide pass rate of 78 percent for first-timers and 48 percent for repeaters.

To bring rates up, Douglas said Thurgood Marshall has changed the courses that students must take, lengthened certain courses to contain more credit hours and adjusted the tests that students must take.

"We have already put the things in place to make the correction. It's just a matter of letting it work its way out," Douglas said.

He said Thurgood Marshall is just as good as any other law school where he's worked.

"We have a mission that's slightly different because our mission is to focus toward training minority lawyers. That task is a lot more different than some other law schools, but I can tell you, the academic program at TSU is just as good as the academic program at any other law school," Douglas said.

## **Leadership Transfer**

Shortly after Texas Southern's new president, Lane, started in June 2016, Holley's wife passed away after battling a chronic illness.

"It became clear I couldn't function too much further as dean," Holley said.

When Holley resigned, Lane appointed Douglas as interim dean. In the past, Douglas had already been dean of the law school and he even served as president of Texas Southern, among many other administrative roles at multiple higher education institutions.

The personality clashes began soon after.

The central conflict, said Douglas, was that Lane wasn't granting the independence that he needed to do his job.

"My belief is that if you hire a dean, then you ought to have confidence in the dean's ability to do his or her job, and I felt I had enough experience and knew what needed to be done, and he didn't have any experience at all," Douglas said.

Previously, Lane managed seven campuses of the Lone Star College, a community college system in the suburbs north of Houston, said a TSU press release. He's held administrative and teaching positions at several other colleges and universities.

Douglas was fed up and ready to resign after just one year as interim dean.

He wrote on Aug. 27, 2017, that he had requested a meeting with Lane, but Lane turned him down. Douglas wrote that he couldn't continue as dean unless there were changes in his work environment.

"If all my prior experiences and successes do not create a belief in you that I know what I am doing, you should hire someone else to do the job," he wrote. "If you do believe in me please let me do the job."

Douglas wrote a second letter on Sept. 8, 2017, detailing the power struggles he was having with Lane over the ABA remedial plan.

According to the letter, he and Lane on Sept. 7 met with an ABA consultant, who Lane asked to draft the remedial plan. The consultant said he didn't know all the facts, at which point Lane then asked Douglas and his assistants to draft the plan, send it to the consultant, and have the consultant submit the plan as his own work product.

"Such misrepresentation constitutes professional dishonesty and I have spent many years building a reputation of extreme respect," wrote Douglas, noting he would resign after submitting the plan. "I will not destroy it with this act."

## Conflict Boils Over

There was a five-week delay between Douglas sending his two letters and his resignation. In the interim, he said he asked to withdraw his resignation. But after a high-profile conflict played out between Lane and Douglas in the press, Lane accepted Douglas's resignation.

The school's chapter of The Federalist Society, a conservative legal organization with chapters at nearly all of the nation's law schools, invited Rep. Briscoe Cain, R-Deer Park, to an Oct. 9 event to discuss a legislative special session. Disruptive protesters (<https://www.law.com/sites/almstaff/2017/10/19/at-law-schools-rowdy-protests-provide-teachable-moments/?back=law>) shouted and carried signs, and Cain couldn't speak over the noise. At one point, campus police removed the most disruptive protesters, and Cain took the lectern. When Lane arrived, he told police to readmit the protesters and canceled the event. Lane said that the Federalist Society was an unregistered student organization and the event was unauthorized.

Following the event, an administrator working under Lane wrote an email to students in charge of law student organizations saying they would have to register with central administration by attending a mandatory workshop, paying registration fees, and submitting a registration packet including a long list of documents. Afterward, the groups would have to follow university rules to complete community service projects, throw fundraisers and organize events.

Douglas issued a scathing rebuke that went to all of the student leaders.

He wrote that the administrator needed to research other successful universities and to learn that a professional school like a law school isn't managed the same as an undergraduate school. Strong universities are made up of independent colleges and schools, he wrote.

“Professional law schools are more or less self-contained units,” according to Douglas. “The administration of the professional school supervises their student organizations. Their events are held within their school mostly for their students and faculty members and that their students are not managed by the university student service office.”

At other universities in which Douglas has worked, the central administration—rather than telling Douglas how to run the law school—would ask what they could do to help him.

“They believed we at the law school were better informed about the needs of our law students and in a better position to service those needs,” Douglas wrote. “What I need from you is not a rule that makes my job almost impossible.”

Douglas said in an interview that he isn’t the only dean who has problems with Lane.

He added, “I’m probably the only one who had the nerve to resign.”

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