

Art Brender

Attorney's work for 'folks' leads to Supreme Court case

By Michael Sawicki

OF THE TIMES HERALD STAFF

The reception area of Art Brender's Fort Worth law office feels more like a doctor's office. There are no antique chairs to rest in, no expensive artwork to look at and no receptionist to bring coffee.

Instead, a modest sign directs clients to check in at a sliding glass window before taking a seat in the small room. His work area has an unkempt look, with papers stacked here, there and on the floor.

The emphasis of the practice, which Brender shares with two other attorneys, is on performance rather than appearance. And, like an old-fashioned family physician, Brender provides a broad range of services that caters to individuals.

"I'm a workin' people's lawyer," Brender says, leaning back in his office chair. "I don't represent any huge interests or powerful people. I just represent folks."

"Most ordinary working folks don't get to consult with their attorney before making a decision. So their actions are a little more honest or heartfelt," Brender says. "You don't get rich quick in a practice like this but you do get a chance to make a difference in people's lives."

For the past eight years, in between work on workers' compensation and personal injury cases, Brender has been waging a pitched battle on behalf of Clara Watson. Watson says the Fort Worth bank where she was employed discriminated against blacks when making promotions.

As part of the case he filed on her behalf, Brender introduced statistical evidence to show the bank promoted fewer minorities. But the original judge dismissed the case and it has been turned down on two appeals. Brender persisted, however, and last year was successful in bringing it before the U.S. Supreme Court.

Although he faced the considerable legal resources of the bank and the Reagan administration, which officially opposed his position, Brender prevailed. The Supreme Court last month ruled 8-0 in favor of his position to allow the use of statistical evidence, setting a precedent that will make it easier for employees to prove discrimination in the future.

"There are some cases where you think 'Maybe this will go to the Supreme Court.' But this was never one of them," Brender says. "I really thought it would win on its merits alone. I never expected to have to go this far with it."

Brender never envisioned himself as an attorney, let alone one who would successfully argue before the Supreme Court. Brender was born in Chicago and his family moved to Oak Cliff when he was 3 years old. He was raised there and attended Jesuit College Preparatory High School. Brender describes himself as being "more of jock than anything else." He enjoyed track, basketball and baseball.

After graduating from Jesuit, Brender went to the University of Texas at Austin where he studied history. Somewhere along the line, Brender doesn't remember exactly



Mark Williams/Cs/ as Times Herald

Art Brender in his Fort Worth office: "I'm a workin' people's lawyer."

Data

■ **Occupation:** Attorney.

■ **Age:** 42.

■ **Education:** Graduated from Jesuit College Preparatory School 1964; University of Texas at Austin undergradu-

ate 1968, school of law 1973.

■ **Family:** Wife, Lynda, children, Sarah, Erin and John.

■ **Hobbies:** Running marathons, working out and camping.

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After graduating from Jesuit, Brender went to the University of Texas at Austin where he studied history. Somewhere along the line, Brender doesn't remember exactly when, he saw the movie "Inherit the Wind" and was so impressed by the character of Clarence Darrow that he read his autobiography and stories about his legal career.

"That is what did it for me," Brender says. "I felt the struggle that Darrow was working on is still continuing. I think the conditions that people work under are still in need of improvement. We've come a long way from where Darrow was but there is still work to be done."

Brender enrolled in UT's law school where he studied for a year before entering the Navy's officer candidate school. After two years of service as a communications officer, Brender returned to Austin and finished his law degree.

During his last year in school, Brender met Fort Worth attorney Don Gladden while he was campaigning for a state legislative seat. Brender and Gladden hit it off.

"I remember he came to me and said he wanted a job with me," Gladden says. "That was important because in my type of practice you are not there to get rich. You have to be sincere about wanting to help people because the practice is geared toward low and middle-income families."

During his time working for Gladden, Brender learned to handle the cases that are now the backbone of his practice: personal injury, insurance claims, workers' compensation, criminal cases and wills.

"We're sort of like the family doctor," Gladden says. "We help them with the little things and work them

through the hard ones. We tend to get closer to the people we work for."

Brender left in 1977 to start his own firm, but the two men still work together on occasion.

Gladden says he wasn't surprised the 42-year-old Brender took a case to the Supreme Court. He describes Brender as the "best all-around lawyer" that has ever worked for him and believes he has a knack for communicating with a jury.

But Brender remembers being more than a bit intimidated by the invitation. He spent frantic months preparing briefs and motions and practiced during several moot courts put on for him by minority groups who supported his efforts.

On the day before he was scheduled to appear, Brender flew to Washington, D.C., with his family and all the members of the office. He spent part of the day in the Supreme Court's gallery watching as other lawyers argued cases.

It was then he panicked.

"I was prepared for the justices to ask almost anything," Brender says. "But I hadn't counted on them being quiet."

"In the cases I watched they just sat and didn't ask anything," Brender says. "So I started thinking I'd better come up with a dog-and-pony show or I'd just be standing there for 30 minutes with a dumb look on my face."

Much to his relief, the justices spent most of the time asking him questions. Although the court ruled in his favor, Brender must now win the case during a jury trial.

Still, he feels that justice has been done.

"It felt refreshing to know a case like this, one involving a 'little person' could go all the way to the Supreme Court after being dismissed — and win," Brender says. "It made me feel like the system really does work and doesn't depend on how much money you have."