



Washington, a former cornerback with the Washington Redskins, now helps NFL players prepare for their post-football careers.

He was a new attorney, fresh out of law school, up against a seasoned counsel retained by a powerful corporation. During a deposition, the older lawyer tossed off a dismissive remark to the witness about the “inexperienced lawyer.” The comment would have withered most young attorneys. Not Mickey L. Washington.

He didn’t flinch. The rookie lawyer leaned forward, elbows on the



THE SECOND COMING OF MICKEY WASHINGTON

A STAR TRADES THE
END ZONE FOR A
COURTROOM

by **JOHN ROSENGREN**
PHOTOGRAPHY BY LARRY MARCUS

table. "How do you feel after 20 years as a lawyer, having to go up against me?" he said, taunting his opponent. "And knowing I'm doing a pretty good job?"

A career in the NFL can give a young lawyer that sort of confidence. Washington played eight seasons as a cornerback with the New England Patriots, Washington Redskins, Buffalo Bills,

Jacksonville Jaguars and New Orleans Saints. Not many students can list such experience on their law school applications. That experience has given Washington the toughness to stand up for the underdog, even when that means himself.

Seated in the conference room of his downtown Houston office on the 19th floor of the Lyric Center, Washington tells the story

“If someone doesn’t educate themselves, they will be moved with the masses like cows,” Washington says. “They don’t know where they’re going, they’re just moving along.”

with a laugh. He’s accustomed to surpassing others’ expectations. At 5 foot 10 inches and 190 pounds—small by professional football standards—Washington proved doubters wrong by making it in the NFL. Now, nine years since his first career ended, Washington is still trim and proving himself, only this time it’s in a courtroom, not on a football field. This past year, he teamed with his mentor, Cletus Ernster, to form Washington & Ernster. Its mission is to look out for society’s underdogs, specifically minorities.

The duo built a reputation on their success in settling racial profiling claims against a Fortune 500 company. Washington and Ernster decided to specialize in discrimination law, focusing on small-business litigation, business formation, retaliation, racial profiling, excessive force, employment discrimination, injuries to the elderly and catastrophic personal injury. Washington calls it civil rights work. “Some people are not going to be fair—they’ll only do things their way,” he says. “That’s why we have civil rights attorneys. Our mission is to make things fair.”

Washington’s passion to set things right started early. Growing up in the industrial cities of Port Arthur and Beaumont, he was a quiet child who keenly observed the racial discrimination and mistreatment around him. “I was practically born into [my civil rights practice],” he says.

One of two African-American students in an elementary school class of 28, he wanted to play the trumpet. There seemed to be enough instruments for the other kids, but the teacher told Washington there wasn’t a trumpet for him. His mother would have to buy him one. He thought the teacher didn’t like him. “I knew the way I was being treated differently was wrong, but I couldn’t define it,” he says.

His mother opened his eyes. She sat down with her son and the teacher and let the teacher know that her son would be taught whatever the other children were taught. “She was a fighter,” he says.

Later, in high school, when his football teammates—some of the coolest guys in the school—reduced an overweight boy to tears with their harassment, Washington told them to knock it off. He didn’t think twice about being an African American standing up to a group of white guys. He simply saw an injustice he wanted to stop. “I wanted them to back off, and I wanted the guy they were picking on to know he had someone in his corner,” Washington says.

That sentiment defines his law practice today. “I’m a fan of those

trying to raise themselves up,” he says. “If one opens one’s eyes and is objective, it’s obvious where mistreatment occurs. It’s not people just crying about what’s happened in the past, it’s often because it’s more comfortable and profitable for others to treat them that way.”

As someone who understands discrimination from personal experience, he is able to win the trust of clients. One of Edna McZeal’s co-workers at the *Houston Chronicle* referred her to Washington after her father died and she needed help interpreting his life insurance policy. She was concerned that others might take advantage of her and wanted an attorney who would protect her interest. “[Having a minority lawyer] was important to me as a minority, being black and a woman and not understanding what I

was going through,” McZeal says. “A lot of times people move so fast you miss things, but he was very patient.” In the end, Washington helped her uncover some funds that she did not realize were available.

Another client praises Washington’s quality of service. In helping Kelly Lavallais incorporate a pharmacy and later negotiate with a landlord who was interpreting her lease to his advantage, Washington returned calls promptly, met at her office and took a team approach. “He went above and beyond my expectations,” says Lavallais.

Washington’s undergrad courses in minority studies at Texas A&M, where he majored in sociology and captained the football team, stoked his passion for civil rights. But it was his extracurricular reading as a young NFL defensive back that set him on his current course. In *The Mis-Education of the Negro*, author Carter G. Woodson posits that if you control a person’s mind, you control the person’s actions. “If someone doesn’t educate themselves, they will be moved with the masses like cows,” Washington says, paraphrasing Woodson’s book. “They don’t know where they’re going, they’re just moving along.”

Washington chose not to follow the herd. His dual desires to change the world and to educate himself, combined with a growing disillusionment with the NFL, moved him toward his law career. In Jacksonville, the team asked its players to detail their NFL highlights on a media form. He left the sheet blank. His highlights came earlier, when the game was innocent—rushing for 290 yards on a muddy field in ninth grade, scoring three touchdowns coming off the bench for an injured teammate in the second quarter during his junior year at West Brook High in Beaumont. By the time he reached Jacksonville, he had played five years in the league, long enough to see professional football as a business. “There could have been highlight moments in Jacksonville, but [coach] Tom Coughlin could never let you just enjoy it as a game,” he says.

Washington played for Buffalo in Super Bowl XXVIII, when the Dallas Cowboys handed the Bills their fourth straight Super Bowl loss. He enjoyed the buildup to the Super Bowl because it reminded him of the excitement he felt playing under the Friday night lights in high school. And he feels fortunate to have had the experiences of playing in the NFL. But what he saw there tainted the experience. “[Atlanta] cleaned up around [Georgia Dome] for

the game, but the week afterward you know the trash is going to build up again," he says. "If I'm benefiting, great, but if others are not, it leaves a sour taste."

He knew he wanted to change that. Since he was a young child, he had wanted to play professional football and be an attorney. An unusual combination to be sure, but early in his NFL career, he'd seen his Washington Redskins teammate Martin Mayhew taking law courses at Georgetown and thought, "Awesome. I can do this."

With the Saints, he studied for the LSAT after practices. He was "dog tired" but knew football wasn't forever. When New Orleans let him go in 1998, he decided to enroll in law school to acquaint himself with the environment until another team picked him up. Thurgood Marshall was the only school that would let him start that fall on short notice. The day classes started, Washington was scheduled to work out for Oakland, but the Raiders signed another defensive back, and Washington cracked the law books. The Minnesota Vikings invited him for a tryout but never made an offer. He finished his first year of law school.

Before he knew it, he had graduated, passed the bar and was a retired football player cum rookie attorney. He signed on with the Houston firm Taylor, Davis & Ernster, where he had clerked during law school. When Ernster struck out on his own, Washington continued to work with him, and in May 2006, they formed their own firm.

Though they are the same age, 38, Ernster, also a Thurgood Marshall grad, has 12 more years of legal experience. Washington's background balances the two. "As a result of his career in the NFL and representing himself in contract negotia-

tions and business ventures, Mickey brings not only great business contacts but also a very seasoned understanding of business and negotiations," Ernster says.

The discrimination his clients encounter is often rooted in stereotypes. Washington exposes the sham of stereotypes every time he sets foot in the courtroom. "I'm a clear example of what's not the stereotype," he says. "Professional football players are supposed to be one way, but I'm not."

Indeed, he's one of only a small fraternity of former NFL players to graduate from law school—joining the company of Hall of Famers Alan Page and Steve Young, among a few others.

Now Washington wants to give back by counseling current players, and he's in a unique position to do that. He applied last year for certification as an NFL agent, which he received in September 2006.

He has seen too many players lose money in deceptive schemes, falling victims to the piranhas that prey upon the instant millionaires. "I've been there, seen that," he says. "Why go through the same pitfalls someone else has traveled if you can avoid it?"

He views his role as twofold: to protect players against mistakes during their NFL days and to prepare them for a second career. He wants to help players line up internships during the off-season so that their transition to life after football is seamless. He points out that the average NFL career is just three years. "If you're able to play—and fortunate and blessed to do so—you'll still have a life ahead of you after the game," he says. "Even if you're financially secure, if you're not productive, you're not fulfilled. A second career is the answer." ❖



"Why wasn't a list of these sins made available to me, and why wasn't I allowed to have it examined by my own experts?"