

# A Landmark Case for Civil Rights: BLB&G's Pursuit of Justice in *Roberts v. Texaco*

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In 1994, six African-American employees filed a class action lawsuit against Texaco alleging pervasive racial discrimination in promotions and compensation. The lawsuit, which would ultimately become known as *Roberts v. Texaco*, captured national attention and forever changed the way corporate America addressed questions of racial equality. Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”) stood at the center of this historic litigation. Under the leadership of Founding Partner Max Berger, a dedicated and determined team of BLB&G attorneys not only took on an industry giant, but also forged legal and cultural pathways in the civil rights movement.

## **Taking on a Titanic Case: Why BLB&G Stood Up**

Back in the early 1990s, few law firms and civil rights organizations were willing to challenge a massive oil conglomerate on Title VII issues concerning racial discrimination. Proving systemic discrimination—especially at high-ranking managerial and executive levels—posed immense legal hurdles. But BLB&G recognized that taking on Texaco was more than just a legal challenge; it was an ethical imperative.

*“We knew it wouldn’t be easy,”* says Max Berger, reflecting on the firm’s decision to join forces with co-counsel at Cohen Milstein to prosecute the *Texaco* case. *“But we’ve always believed our mission is to stand up for victims who cannot easily stand up for themselves.”*

The plaintiffs alleged that Texaco consistently failed to promote African-American employees to upper-level managerial and supervisory roles and systematically paid them less than their white counterparts. At the time, Texaco’s minority representation trailed behind other major oil companies—an alarming sign that the “glass ceiling” was firmly in place. BLB&G’s intensive investigation exposed a “secret” high-potential list used for promotions—conspicuously devoid of any Black employees—and a haphazard affirmative action plan that effectively existed only on paper.

## **The Tapes That Shook Corporate America**

Throughout the investigation, BLB&G suspected that crucial documents reflecting Texaco’s wrongdoing were being withheld. Those suspicions proved accurate—and explosive—when secret tapes from Texaco’s own executives surfaced. On these tapes, top-ranking officers spoke of African Americans using deplorable racial slurs, referred to Black employees as “black jelly beans,” and openly discussed destroying documents that could hurt the company’s legal defense.

When news of these recordings hit the *New York Times* in November 1996, it ignited national outrage. A boycott of Texaco products soon followed, and the company’s leadership scrambled to contain the public relations fallout. Texaco’s Chairman, Peter Bijur, publicly apologized and instructed the company to settle the litigation.

*“Once the truth came out, the outcry was immediate and impossible to ignore,”* recounts Berger. *“Those tapes revealed the ugly reality of institutional bias—and gave our clients and countless others the proof they had long been denied.”*

## **A Historic Settlement and Its Ripple Effects**

Under BLB&G’s tenacious advocacy, the plaintiffs secured the largest settlement in U.S. history for an employment race discrimination case at that time: a monumental \$115 million. Beyond that, all African-American class members received a one-time 10% salary increase, and Texaco consented to sweeping reforms—including the creation of an independent Equality and Fairness Task Force and mandatory diversity training companywide.

The aftershocks of *Roberts v. Texaco* were felt well beyond the oil industry. Soon after, companies like Coca-Cola reevaluated their own hiring, promotion, and diversity practices, and many voluntarily adopted measures that mirrored Texaco’s newly instituted protocols.

*“As soon as the Texaco news broke, we saw major companies recalibrate their HR policies. If there was any doubt that systemic racism existed, that doubt was erased,”* Berger notes.

### **High-Profile Cameos: Jackson and Patrick**

**Jesse Jackson Enters the Spotlight**

When BLB&G and co-counsel announced the settlement at the National Press Club in Washington, D.C., the packed press conference took an unexpected turn. Civil rights leader Rev. Jesse Jackson suddenly swept into the room to speak on the resolution, having had no formal role in the litigation itself.

*“We were ready to share the groundbreaking details of our settlement,”* Berger recalls with a smile, *“and all of a sudden, Jesse bursts in for his own headline moment. It certainly added theatrical flair to an already dramatic case.”*

**Texaco Rejects Deval Patrick, Then Embraces Him**

Perhaps the most fascinating twist involved the appointment of the chair of Texaco’s Equality and Fairness Task Force. BLB&G recommended Deval Patrick—then a prominent lawyer and civil rights figure, later to become the first African-American Governor of Massachusetts. Initially, Texaco resisted that choice. When the matter went before the federal district judge, the judge jokingly threatened to appoint Al Sharpton if Texaco would not accept Patrick. Texaco relented, and Patrick’s tenure on the Task Force proved so successful that he was eventually hired as Texaco’s General Counsel.

*“That was a watershed moment for Texaco’s culture. Deval Patrick wasn’t just a figurehead—he helped ensure the reforms actually took root,”* Berger says.

### **Building a Legacy: The Bernstein Litowitz Berger & Grossmann Public Interest Law Fellowship**

The *Roberts v. Texaco* settlement was a defining victory for the firm. But for BLB&G, the fight for social justice did not end with that single case. To cultivate future generations of civil rights attorneys, BLB&G established the **Bernstein Litowitz Berger & Grossmann Public Interest Law Fellowship** at Columbia Law School—funded in large part by a significant portion of the attorney fees from the *Texaco* case. The fellowship pays 100% of the student loans for graduates who go into discrimination and public interest law, allowing talented lawyers to pursue social justice work without crippling financial burdens.

*“We wanted to ensure that the torch we lit would be carried forward by young lawyers with the same passion for change,”* says Berger. *“We’ve been able to watch fellowship recipients become leaders in their communities, from mayoral candidates to members of the judiciary.”*

### **Enduring Influence Across Industries**

The innovative corporate task force model BLB&G helped create at Texaco has since served as a template in other landmark cases. For example, when Fox News faced allegations of sexual harassment and discrimination, the resulting settlement (also developed by BLB&G) established a Workplace Professionalism and Inclusion Council, with similar reform requirements and accountability mechanisms as Texaco's Equality and Fairness Task Force. Likewise, many other high-profile corporations have come under similar scrutiny—and have adopted similarly structured reforms—in the wake of *Roberts v. Texaco*.

### **Looking Back, and Looking Forward**

In the years since *Roberts v. Texaco*, BLB&G has continued to prosecute important “glass ceiling” cases and other civil rights class actions, standing up against systemic injustices wherever they arise. True to the firm's founding ethos, BLB&G has focused on meaningful cases, tackling some of the most complex and formidable actions in civil rights and employment law and representing injured shareholders in high-stakes securities actions.

*“We saw then—and still see now—that advocacy matters most where the stakes are highest and the voices are fewest,”* Berger says. *“It wasn't enough to just secure financial compensation; we wanted to fundamentally change the playing field for thousands of workers—and beyond.”*

The legacy of *Roberts v. Texaco* lives on, not only in corporate boardrooms and diversity training manuals, but also in the hearts of attorneys who choose the path of public interest law. It stands as a testament to what can happen when a law firm commits to the service of justice. For BLB&G, that commitment endures with each new case, each new fellowship recipient, and each new pledge to fight for what is right—even when the odds are steepest.

***Roberts v. Texaco*** remains one of the most compelling triumphs of civil rights litigation in modern history—a story of a pioneering firm that refused to settle for half-measures and refused to be intimidated by corporate power. It's a story shaped by groundbreaking legal strategies, salacious tape-recorded revelations, unlikely press-conference cameos, and bold social reform. It is also the story of how Bernstein Litowitz Berger & Grossmann LLP, led by the indefatigable Max Berger, ultimately made an incredible difference, changing the lives of countless workers and setting a new gold standard for civil rights accountability in the United States.