

Professionalism

Combine law practice with public service for positive change

By Lori E. Shaw

Lori E. Shaw (shaw@udayton.edu) is a professor and assistant dean for student affairs at the University of Dayton School of Law.

CHANGE WE CAN BELIEVE in.” “Change we need.” “Ready for change, ready to lead.” “Change is coming.” For the past year, promises of change have blanketed our airwaves.

We are a nation crying out for change. Recent polls indicate that 83 percent of Americans believe we are heading in the wrong direction—an all-time high. We face national and international challenges ranging from terrorism to record-setting foreclosures to global warming, and we face local problems ranging from a shrinking employment base to a growing homeless population to underperforming schools.

Democrat and Republican, left and right, political novice and political veteran—each has promised that this time things will be different. But the reality is that no president, no legislator, no politician can create positive change, can send the nation in the right direction without the active support and involvement of its citizens. If we are indeed headed in the wrong direction, it is up to each of us to do our part to turn things around.

As lawyers and law students, we bear a singular responsibility to lead these efforts. The practice of law is a calling, not simply a job. And we are called to serve society, not simply our own clients. This is the beauty of our profession. We are called to and truly have the power to make the world a better place.

Look around your law school classroom. How many other places in the world would you find such a concentration of intelligence? You are surrounded by exceptionally bright, talented, and curious people. Who is better equipped intellectually to tackle the challenges of our time than you and your classmates?

And where else would you find such a thoughtful and intense discussion of what the rule of law is and what it should be? In the words of Alexis de Tocqueville, you are “masters of a science which is necessary, but which is not very well known.” You are trained to understand what the law can and cannot do. You know how to make it work.

Think about the skills you are acquiring in law school—the ability to effectively and efficiently gather facts about a problem; to research, read, and understand complex materials related to the problem; to reason through the problem; and to communicate about the problem orally and in writing. You are taught to look at a problem from all sides and that the majority view is not always the right view.

You are learning to act as an advocate, a voice for the voiceless. You are also being trained to act as a facilitator—to bring warring parties together to find a mutually beneficial resolution. Who is better equipped as a problem solver?

When the ABA adopted the first Canons of Professional Ethics in 1908, it noted that in the final analysis, “a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.”

Paragraph six of the preamble to the current ABA Model Rules of Professional Conduct reflects the same commitment to public service:

As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. . . .

True professional fulfillment can only be found in service to the client and to the larger community. Sadly, over the years society in general and the legal profession in particular seem to have lost sight of the need for civic engagement and community building. Yes, there are always those who give generously of their time and talents, but their numbers appear to be dwindling.

In his 2000 book, *Bowling Alone: The Collapse and Revival of American Community*, Harvard political scientist Robert D. Putnam warned that in fewer than four decades Americans’ “civic engagements” (voting, volunteering, attending community meetings, and so on) had declined anywhere from 20 to 40 per-

cent. We are becoming ever more isolated, heading home to the computer instead of out to the neighborhood. We don't participate; we observe from afar.

Even when we do head out, we stay to ourselves. For example, while more Americans are bowling, far fewer are participating in leagues. We are quite literally "bowling alone." The connections needed to form strong communities from Tuesday evening PTA meetings to Sunday afternoon potlucks at the church have gone by the wayside. This lack of social connection creates a lack of trust, which makes it ever more difficult to resolve community problems.

Every small-town council and board of education used to be populated by the lawyers, doctors, and other professionals who practiced there. They were the community leaders. Those days are gone.

In a 1987 address published in the *Indiana Law Journal*, the late Chief Justice William H. Rehnquist voiced his concerns about the effect of modern practice on both the lawyer and the public good:

At the time I practiced law, there was always a public aspect to the profession, and most lawyers did not regard themselves as totally discharging their obligation by simply putting in a given number of hours that could be billed to clients. Whether it was "pro bono" work of some sort, or a more generalized discharge of community obligation by serving on zoning boards, charity boards, and the like, lawyers felt that they could contribute something to the community in which they lived, and that they as well as the community would benefit from that contribution. It seems to me that a law firm that requires an associate to bill in excess of two thousand hours per year, thereby sharply curtailing the productive expenditure of energy outside of work, is substantially more concerned with profit-maximization than were firms when I practiced.

I can't help but believe that both the growing lawyer dissatisfaction with the profession and the continuing decline of public trust in the profession relate directly to our disconnect from public life. Law students often begin law school with dreams of changing the world (or at least a small piece of it), but somewhere along the way, these dreams are sometimes lost. And why should the public respect a profession that seems to revere personal gain over public service?

But there is room for hope. In my lifetime, I have never seen the level of involvement by young lawyers and law students that I saw in the November elections. Whether they were campaigning for the candidate of their choice or helping out at the polls, they were participating in the process. Whether their candidate won or lost, they made a difference, and they felt the indescribable satisfaction of being a part of something bigger.

Your generation of lawyers needs to do better than mine. It needs to hang on to that sense of commitment. I won't lie. It won't be easy to find the time and the energy for public service, and it will involve some fights and some sacrifice. But you have the chance to make a difference—whether it's doing pro bono work for the local art museum, serving on the school board, or advising the president of the United States. You can provide the "change we need."