

PRESIDENT'S COLUMN

The Pursuit of Immortality



I did it again. Several months ago, I made another pilgrimage to Rutland, this time at the invitation of the Sterry Waterman Inns of Court. They were hosting an evening of fellowship and celebration of professionalism, capped by a one-man show on the life and work of Clarence Darrow. The social aspect of the evening was invigorating. Lawyers old and young from all around the state were clearly enjoying each other, swapping the usual collection of war and personal stories. It was a privilege to witness and participate in yet another reaffirmation of the bonds that tie us all together as servants of the law and the many beneficiaries of the rule of law. (I would note that this experience was far from unusual; rather, as I suggested two columns ago, I have observed it to be the norm in my travels to local bar gatherings around the state over the past year.)

The highlight of the evening, though, was the Clarence Darrow performance. The show was a tour de force by a highly-skilled actor who had thoroughly immersed himself in the details of Darrow's life and professional accomplishments. I confess to having known too little of this beacon of our profession. I knew something of the Scopes "monkey trial" (which pitted Darrow and evolution against the Great Populist, William Jennings Bryan, and creationism), less of his famous defense of Leopold and Loeb for their "sport-kidnapping-and-murder" of a fourteen-year-old boy, and still less of his defense of Eugene Debs after the Pullman strike of 1894. I knew nothing of the great body of Darrow's life work—how he crossed the tracks to work against his former railroad employers in the Debs case and subsequently became a champion for labor and the rights of downtrodden individuals, how he became a staunch opponent of the death penalty and one of the country's leading civil libertarians, and how much of his work was done for greatly reduced fees or entirely for free. I came away in awe not only of the brilliance of the performance and the research that clearly underlay it, but more importantly of the dedication of a gifted advocate to the service of the law he so obviously loved and the individuals and institutions that law served. For one who, like I, holds to a Pollyanna-like view of the nobility of our calling, it was faith-affirming.

Virtually all of the words in the show were those of Darrow himself—like any experienced trial lawyer, the man truly enjoyed talking about himself. The performance closed, however, with Darrow (or his impersonator) stepping out of character and quoting another, an obscure nineteenth-century English author named Albert Pine. Perhaps you've heard of him; I hadn't, and Google, Wikipedia, and other standard modern research sources yield nothing beyond the single quote, which appears to have been the man's one lasting contribution. But it's a good one, apropos not only to the life of Clarence Darrow but to all of us who have dedicated our professional lives to service in the law. Pine said, "What we do for ourselves dies with us. What we do for others and the world remains, and is immortal."

If you made it through my last column, you know that I really am naïve enough to believe that all of us are acting for the public good, and doing for others, in the smallest and most mundane of our daily tasks. I'll admit that there's a selfish pleasure in eviscerating a witness or totally disarming an obstreperous adversary. Moreover, as a profession, we are generally well paid for our efforts. But still, we are, after all, helping others solve their problems, and preserving in our own small way the rule of law.

The unfortunate fact remains, however, that notwithstanding our efforts, the cost of justice continues to explode, and access to our services is increasingly out of the reach of too many of our neighbors. Many of us are doing our part, taking cases from the Vermont Volunteer Lawyers Project and supporting the various non-profit agencies that help provide access to justice for the needier citizens of our communities. Many of us would like to do more, but feel constrained not to take on cases or clients outside of our areas of expertise. The consequence is that far too many of our neighbors, who desperately need help negotiating the legal system, go without that help. If these least fortunate among us are denied access to justice, our profession will have failed them, and the rule of law will be undermined.

As much as we all are doing, we need to do more. The VBA recognizes the urgency of this call, and has constituted a board committee that hopes to draw on the

energy and creativity of lawyers and local bars around the state to develop new ways to bring justice to those who cannot now afford it. We hope to begin rolling out pilot projects before the end of the year, but we need everyone who reads this column to contribute—ideas, time, whatever. We also are working with the Vermont Bar Foundation and others to find ways to raise more funds to help deliver legal services to those who desperately need but cannot afford them. Here again, we'll need contributions from all.

In my office, prominently displayed next to artwork by my kids and a watercolor of my favorite place in the world, hangs perhaps the ugliest piece of art I've ever seen. It is the gift of a client, a hard luck woman whose ex-husband was denying their son, dying of leukemia, the health insurance that kept him on a bone marrow transplant list, and gave him hope of surviving. Through no great effort on my part, and certainly due to no particular expertise, I persuaded the family court to order the father to reinstitute the coverage. The boy ultimately died before getting his bone marrow transplant, but he spent his last few months with real hope. His mother now calls me her "guardian angel." I am prouder of the artwork that symbolizes her gratitude than I am of any court decision I've ever won. Through her, I've become immortal.

Ralph Waldo Emerson wrote: "To know even one life has breathed easier because you have lived. This is to have succeeded." We who serve others through the law are particularly fortunate, as we have so many opportunities to achieve such success. The VBA is planning in the months and years to come to create even more such opportunities. I hope when we come calling, you'll seize them. Consider it your shot at immortality. Many more of our neighbors need guardian angels.