

From Tragedy, Hope: The Good Lawyer and the Pursuit of the Public Interest

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“We cannot live only for ourselves. A thousand fibers connect us with all of humanity. And among those fibers, as sympathetic threads, our actions run as causes, and they come back to us as effects.” Herman Melville’s words speak to the promise of our craft as well as our essential interconnectedness. What we do to others, we do to ourselves. What we do *for* others, we do for ourselves. Toward the close of his life, Albert Schweitzer said to an assembly of diverse professionals, “I don’t know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who have sought and found how to serve.”

The compassion, skill, generosity and unique expertise that we as lawyers can and do bring to the fore has never been more important, nor more profoundly felt, than in recent months. We aspire as a civilized nation, and as a community of professionals, to despise nothing except meanness and cowardice. Together, we bore witness to the most despicable and cowardly of acts. Yet somehow, in the face of overwhelming grief and sorrow, we realized that we were not diminished. We serve a profession capable of accomplishing extraordinary good, in the strongest and greatest country in the world. That strength resides in our being a nation of laws. As the judges, practitioners, students and teachers of those laws, our work matters, now more than ever. It matters because, even in the face of great malice, there is a force that meets good with good. It matters because, whether we are working on estate planning for a family directly affected by the events of September 11 or helping a tenant faced with eviction or providing counsel to a friend hoping to start a new business, our actions truly do “run as causes,” and come back to us as effects. We cannot change the past, but we can influence the

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future. The challenge then is to seize each and every opportunity as if our own lives, and the lives of countless others, depended on it. Because they do.

Service, like professionalism, is best described as doing more than is required, and less than is allowed. It begins, simply enough, with the intention to serve. It takes root when we find the quiet time to remember who we are, what we stand for, why we chose the law in the first place and what it is we intend to achieve as a consequence. It does not demand Herculean effort or some sudden increase in time, talent and resources. Rather, it is the decision to commit to a fuller application of the expertise and virtue we already possess, mindful, as Mother Teresa said, that there are no great deeds. When all is said and done, there are only small deeds, done with great love. The truest measure of success then is “to know that even one life has breathed easier because we have lived.”

It is difficult to hold tight to this truth, particularly when there is so much to be done. Whenever I feel overwhelmed by the extent of the need in the communities and constituencies that we serve, I remember the parable of the starfish, told to me by my dad when I was about ten. At the time, I was collecting dollars for a fifth grade initiative on behalf of afflicted children and their families. At one point, despite my best efforts, it seemed that whatever I accomplished would be nothing more than a drop in the bucket, so insignificant in the scheme of things. In his Neapolitan Italian dialect, my dad reassured me by telling the story of a little boy on the beach. As the child is enjoying the day, he notices that the tide is precipitously pulling out, leaving hundreds of living starfish stranded on the shore. If not thrown back, they will dry up and die. The boy begins picking them up, one at a time, casting them back to sea. A few minutes later, an onlooker comes by and says, “Little boy, give it up. There are hundreds of them out here. Can’t you see? It doesn’t matter what you do.” The child looks down at the starfish he is about to throw back and replies, with great sincerity and strength of purpose, “But it *does* matter to this starfish.”

No matter how seemingly modest our *pro bono* ventures or service-based initiatives, what we do *does* matter. The parable of the starfish was brought home to me when I read Mother Teresa’s response to the question, “In the midst of such suffering, do our efforts ever really make a difference?” She responded, “What we do is but a drop in the ocean, but if we did not do it, the ocean would be one drop less.” And so it is that with each kind gesture, each humanitarian impulse, each wise and compassionate response, we do

contribute to that ocean We have the power - one client, one person, one cause, one day at a time - to leave an indelible and lasting imprint. What's more, by anchoring ourselves in love in all situations, and teaching others to do the same, we are capable of ushering in a chain reaction of the human spirit.

The commitment to service recognizes that true excellence can only exist in partnership with loving kindness. It is difficult to accept this premise when immersed in contexts fraught with controversy, anger and hostility. But to see the change that we seek, we have *to be* the change. Gandhi, whose quiet conviction altered the course of history, was once asked by reporters, "What is your message to the people?" He replied by writing the following on a piece of paper: "My life *is* my message." Therein resides the challenge for all of us: to make our lives the message. To conduct ourselves with such dignity, class, grace and compassion that just by showing up for work each day, no matter where or what that work happens to be, we become someone's ray of light.

Henry James said that there are only three important rules in life. The first is to be kind. The second is to be kind. And the third is to be kind. As lawyers, we are trained to respect intelligence and to value achievement. But maybe it's time that we respect kindness even more. Unfortunately, the tendency is to view gentleness as a sign of weakness. In actuality, cruelty comes from the weak. Gentleness is to be expected only from the strong. Recently, I watched the HBO adaptation of the Broadway play *Wit*. Its protagonist is a brilliant professor and accomplished scholar who becomes afflicted with cancer while at the very top of her game. She was always the most rigorous enforcer of the letter of each rule, as well as one of the University's toughest teachers, all in the name of standards. At the hour of her death, alone in her hospital room, she comes to a dramatic epiphany. She cries, "Why wasn't I kinder? I was always so smart, and I thought that would take care of everything."

At the hour of our own deaths, what is it that we would want said of us? As lawyers, we are public servants. We are not automatons, technicians or hired guns. We are people, representing people in need. When we gauge each other's measure, service, integrity and that commitment to people should be what counts. Justice Cardozo, in his address to the first graduating class of New York University Law School, said to the assembled group of new attorneys, "You must love the law, and treat it as if you love it." We treat the law with the respect, indeed, the love, that it deserves when we honor its potential to change lives for the better. To use the law judiciously so that we

might be the voice of reason even amidst chaos, to invoke the form and spirit of its rules to give people hope, and to allow our expertise to be a source of comfort in the face of despair - let that be our mission as well as our legacy.