

University of Windsor
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LAWYERS AS HEALERS

Speaking Notes of Dennis W. Archer

I took a moment and thought about power--what the acquisition and use of power can do. Like anything it can be used for good or evil. People like Adolf Hitler and Saddam Hussein used power. But so did Mahatma Ghandi and Dr. Martin Luther King, Jr. All changed the world in dramatic ways, and they did so by wielding power. How we use our power is up to us, and it can change the course of history.

In America, lawyer Thomas Jefferson changed history when he drafted the Declaration of Independence that set a course for this country that we adhere to and follow today. Lawyer John Adams ensured that states' rights and liberties would be included in that that document, and in the US Constitution. Lawyer Abraham Lincoln changed history when he made a stand for abolishing slavery.

Lawyers have a long history as public servants and public officials, and have made great contributions to the world we live in today. Whether it's lawyers like John Foster Dulles and William Fulbright, who made imprints on our foreign affairs and in international politics and exchange. Our labor and union lawyers who won victories for workers in America, or lawyers who work every day, unrecognized and unheralded as they help those in society who need it most.

Lawyers have power. Power to challenge injustice, to change society, to help those in need, and to make lasting contributions to the betterment of our communities and our world. In considering power, with your permission, I would like to take this theme in a somewhat different direction. I submit to you that lawyers have the power to heal.

Lawyers are in many respect healers. Like physicians and the clergy, we take an oath that includes:

- Faithfully representing clients, maintaining their confidences and preserving as inviolate their communication;
- Undertaking representation of the oppressed, the defenseless, the disempowered and the just cause without regard for considerations personal to ourselves; and
- Upholding the rule of law.

Indeed, lawyers have the power to heal the wounds of injustice. To right wrongs, and to ensure that they never happen again. Lawyers often help people when they are at their most vulnerable, most troubled, or in crisis. It is in those times of pain and need that clients need us

the most. The times when we are best positioned to heal. We can be counselors, advisors, problem-solvers, and even peacemakers.

As stated in our oath, among our many tasks is the obligation to serve the poor and defenseless. To defend them against those who would exploit or even destroy them—whether we do it free of charge or for a minimal fee. Like the clergy, we take the oath to work on behalf of those who cannot afford our services.

It is therefore logical to view lawmakers as public servants. Romans 13:4 refers to a lawmaker or government official as “the minister of God to thee for good,” as well as “a revenger to execute wrath upon him that doeth evil.”

I believe that lawyering is a calling -- a calling to serve the public. I don't hesitate to use “calling” in a religious sense, because I firmly believe that lawyers are ministers of justice in the same context as the scripture from Romans.

We are in a unique position to heal -- to eliminate inequities that can make life unnecessarily hard for some people and unnecessarily easy others.

On an individual level, if we approach our life's work as healers, if we reorient our thinking to take advantage of the power of healing, we can do much good for our clients and others. The mere presence of a lawyer can bring comfort and solace to a person in need of help. Knowing that, we can positively affect change in what may otherwise be a difficult, adversarial situation. Think about whether your presence will have a harsh, corrosive effect, or a salutary and helpful one. How do you approach each client and each situation?

And how do clients respond? Lawyers win the day when clients open up and share their desire to do the right thing. The adversarial process gives way to one that doesn't pit interests against each other in ways that preclude solutions.

Lawyers as healers can promote a model that emphasizes the greater good. Lawyer-by-training, Mohandas K. Gandhi, suggested that “the true function of a lawyer was to unite parties riven asunder”. His healing power was such that he was able to peacefully overcome the might of the well-armed British militia and lead his country toward independence.

Lawyer Franklin Roosevelt healed the nation by bringing faith and hope at a time when we needed it most. His New Deal put the unemployed back to work, boosted business and agriculture to get Wall Street back on its feet, and developed a social safety net of assistance to those who needed it. This lawyer used his power as president to heal a country. He made tough choices politically, but knew that the greater good would be served by taking care of people.

Lawyer Thurgood Marshall helped heal a nation suffering from a legacy of slavery and racial bias. He attacked policies and procedures that were unfair and wrong, and usually won. His most memorable victory, in *Brown v. Board*, is thought by many to be the most important legal case of the century. And his work as the first Supreme Court justice of color exemplified his belief that there was a lot more to be done to advance opportunity for people who had been

locked out of the system. His goal was to open doors, and he used his power as a lawyer to do that; to remedy injustice in a way that extended opportunities for generations to come. Marshall was a healer of pain in our society.

Lawyers heal in many ways, and many of you do it every day. You stand up to represent those accused of the direst of crimes, those who may be sentenced to death and be on appeal. You give voice to those who have no resources, who are too young, too ill or too poor to defend themselves. You help families, business partners and corporations resolve their differences and find solutions to their problems. You defend the rights of even those who are most reviled in society. And you do so, sometimes, against your own self-interest. But in so doing you heal the community. You bring justice and resolution to issues that seem so incredibly unjust and so irresolute. You heal by bringing the power of your words, your knowledge, your compassion, to bear on the cases you work to resolve. And you heal.

So you see, while many would denigrate our profession, without lawyers—providing their time and expertise--most often free of charge—much good, and much healing in this world would never be accomplished.

Our power is that we are the ultimate volunteers and public servants in our society. There is not a chamber of commerce, a battered woman's shelter, a symphony orchestra, a Boys and Girls club, a church, a synagogue, a non-profit board in this country that does not have lawyers from the community intimately involved.

Lawyers sit in legislatures, they become senators, mayors, governors and even presidents of the United States. Now that's power.

We have many powerful leaders and active participants in the organized bar here today. The American Bar Association and Canadian Bar Association have a great role in speaking on behalf of lawyers nationwide; in promoting rule of law issues wherever possible; and in helping lawyers in their healing work. I encourage you to get involved with the Canadian and local Windsor Bar, to participate in your section and committee activities, to join the bar in helping lawyers in their work on issues of national and international policy as the world becomes increasingly global.

The healing power of lawyers has never been more important to society.

So, I hope that you agree with me that we are powerful healers, not necessarily of the body or the spirit. But what body could move freely in an unjust society and what spirit could soar under the yoke of oppression, discrimination, or indignity? We are the healers of justice. That is our power.

Dr. King said that, "Power at its best is love implementing the demands of justice. Justice at its best is love correcting everything that stands against love."

May the power to heal be with you.

Thank you.