Chief's Column – May 2021
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Advancing the Rule of Law, Now

Writing is always an ambitious pursuit, especially when I endeavor to pen a piece in advance that I hope will be timely in the future. It's mid-March and I am sitting at my computer exploring the importance of the rule of law, hoping what I type will add meaningfully to the Law Day conversation. As I do, I imagine you, sitting with *the Briefs* in hand about to read this column. It's just a few days past May 1 – a few days past the celebration of Law Day. And, I wonder what the theme – *Advancing the Rule of Law, Now* – means to you. What does it mean to you to be responsible for promoting the rule of law, defending liberty, and pursing justice?

For most, the rule of law is an esoteric, intangible concept. One they imagine is researched in impressive law libraries by people with equally impressive degrees. Something lofty and removed from the day-to-day and real-life experiences. And, while I unfortunately can't argue with "esoteric" as a descriptor – the rest is undoubtedly off the mark.

You know as well as I that the rule of law is a living precept. We see it at work every day in courthouses and conference rooms. Our system of laws is easily identifiable. Its processes and procedures, the substantive rights, are indeed tangible. However, we also know well that tangible is not synonymous with accessible.

Misconceptions are always based on some small kernel of truth, and the misconceptions around the rule of law are no different. If, as the American Bar Association reminds us with their Law Day theme, the rule of law is a communal responsibility, then everyone needs to be able to access the law. And, that's where the image of the law library and impressive degrees come into play, because for most people the rule of law is horribly obscured. To figure out one's rights, to know which law comes into play under what circumstances, one generally does need a juris doctorate. Or more pointedly, one often needs a lawyer.

We all hear terrible stories of nightmarish situations in all sorts of different legal contexts. Evictions immediately come to mind – a property owner locking a tenant out for failure to pay rent. We know there are laws against this, and tenants are pretty sure of this too. However, it is tremendously challenging for a tenant to invoke the rule of law. There's the issue of timeliness, quickly getting everything in motion to meet an expedited timetable. Timeliness relies on resources – knowing not only what one needs but also having access to it. And, access, as we all know, isn't equal. So, this tenant, who would willingly shoulder the responsibility of the rule of law can't because they can't access it on their own. They need a lawyer. They need you.

Having envisioned the plight of our fictitious tenant – does that change what *Advancing the Rule of Law, Now* means to you? Do you see yourself as an integral part of ensuring that everyone promotes the rule of law, defends liberty, and pursues justice? Do you recognize that navigating the rule of law for those without access is your inherent responsibility?

Knowing the OCBA's fierce commitment to pro bono work, I imagine that you do. And, I know that it's a responsibility many of you not only accept, but also willingly embrace.

Lawyers and judges see the tragedy of life play out in conference rooms and courthouses. The depth of the pain, hardship, and trauma we witness is palpable. The only way to right the wrongs that lay at the heart of this suffering is the rule of law. And for so many, the only way to access the rule of law is you. Without you, the property owner locks the tenant out of their apartment and evicts them knowing the tenant lacks the means to invoke the law, defend their liberties, and pursue justice. With you, laws are followed, terms are negotiated, and needless suffering is avoided. You are what it means to advance the rule of law now.

When I started this column, I wrote that I hoped to add meaningfully to the Law Day conversation. As I end it, I hope I've dispelled the notion of the rule of law as an esoteric concept. I hope I've cast a light on how firmly it is rooted in the day-to-day experiences of those without access. And, I truly hope I've expressed how grateful I am that you are the stewards of the rule of law for our community. Thank you for your essential part!