

PROMOTING THE RULE OF LAW

Lawyers, by their vigor and their numbers, in enforcing the Rule of Law, determine the success and morality of our nation. A hypothesis such as this must be tested and proven or disproven. Promoting research and study to show that there is a direct relationship between the integrity with which a nation enforces the rule of Law and the success, economic and otherwise, of a nation should be a mission of our Association. The benefits of such a proof would inure not only to attorneys, but to society in general. Anecdotal proof suggests that studies will demonstrate a correlation between the number of attorneys in a country, the degree of independence of the judiciary, the existence of freedom of religion; etc., and that country's economic standing.

The United States has more attorneys per capita than any other country in the world. Some would say that this is the result of our affluence. I prefer to think that our affluence is the result of attorneys. Our surfeit of many lawyers creates and maintains the success and vigor of our system of justice. In other countries where there are few attorneys, other institutions resolve disputes. Those institutions involve political relationships, business relationships and family relationships. Influence, money, and shame which drive those institutions become the arbiters of a person's destiny not a jury of peers. The rationale is that these methods of dispute resolution make for a more efficient and workable society. The United States' system, so the rationale goes, is so overloaded with attorneys that it must fall under the weight of its cost in time and money.

Few would doubt that it is because of our abundance of attorneys, not despite them, that the United States is the world leader in human rights as well as in economic success. This leadership is the necessary by-product of the judicial system that is the world's most successful and has the most integrity. The dollars and the humanity flowing to our shores demonstrate the faith that the world has in the stability of our judicial system.

Social justice, not monetary gain, was the primary reason for the growth of our legal system. The great leaps forward in the growth of our judicial system have coincided with times of social upheaval in the United States. The Revolutionary War, The Civil War, the anti-trust, pro-labor movement, women's suffrage and, most recently, civil rights and the peace movement are just a few examples.

Access to a legal system is a hallmark and a guarantee of our government's integrity. No clearer evidence of access exists than the proliferation of attorneys. The abundance of attorneys is a reflection of those thousands of souls who want their day in court and a chance to vindicate their rights. Each person who takes the dreaded step of retaining an attorney provides proof that not only are personal and property rights being

LAWYERS CREATING INTEGRITY

October 13, 2000

Page 2

upheld and vindicated, but that people believe the system can help them.

Defense of property rights is related to the independence of the judiciary. They are both aspects of the integrity of our judicial system which brings the Rule of Law to our country. The growth in human rights and economic rights are evidenced by the people who bring themselves to this country for the personal and economic rights that attorneys create and preserve.

We can also take this principal to the community of nations that we see in trouble around us. Afghanistan, Mexico, Argentina, and Colombia all come to mind as countries that need rebuilding. All voices speak to the imposition of executive governments, with almost none speaking to the establishment of an independent judiciary which can enforce the Rule of Law. For example, a recent report from Afghanistan was as follows:

KABUL, Afghanistan, Dec. 21:

Afghan factions agreed in talks in Bonn, Germany, to set up a six-month interim government to replace the Taliban. Included in the deal is the dispatch of a multinational security force.

But some members of the interim Afghan government say the peacekeepers will not be permitted to use military force, disarm belligerents *or interfere in Afghan affairs*.

The Security Council, however, authorized the use of "all necessary measures" to allow the new government and the troops themselves "to operate in a secure environment."

MSNBC NEWS SERVICES

What is missing from this picture is the Rule of Law. Our forces focus on providing military support for a provisional government in the hope that it will establish a just and free society under the Rule of Law. Just verbalizing the thought is enough to show how fanciful that is.

LAWYERS CREATING INTEGRITY

October 13, 2000

Page 3

We need not stand by waiting and hoping that some faction which has never heard of nor seen a working justice system will somehow create one out of thin air. Instead, as a Association with the mission to support the Rule of Law, we should be reminding our country that it is built on the Rule of Law and we should be lobbying for the establishment of a body, perhaps U.N. supervised, to see that an impartial judiciary is appointed. The judiciary should represent all factions in Afghanistan and the rulings of that judiciary must be given effect, as an equal and independent arm of the provisional government.

A President cannot lead, nor a businessman excel, or technology advance unless the nation that houses them provides the integrity to carry out orders, to create a fair, free market and recognize the truth of a theory. Lawyers create the fertile ground for great nations by supporting and promoting the Rule of Law.

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