

# JURISPRUDENCE

## IT'S TIME FOR THE BAR TO "MEET THE PRESS"

By Richard Alexander, Esq.  
San Jose

The attacks on the legal profession continue.

What did we do to be treated this way?

The truth is that we are targets because we are lawyers. For many people we are the enemy.

All most people know is what they read in the newspapers and see on television. Obviously the common and the mundane is not newsworthy. The media rarely reports on the justice routinely dispensed by our legal system.

When only the exceptional case receives coverage, the public can reasonably be expected to assume, over time, that the exception is the rule.

So the public holds us collectively responsible for evicting those who cannot pay high rents, for writing contracts they cannot understand, for fighting them in courts where they can't play the game because they don't know the rules, and for winning the release of "obviously guilty" criminals.

Ironically, the reporting process tends to corrupt the important role of the media as the public's educator and in the process many have lost faith in our system of justice. To many, we are responsible for injustice, confusion, and nonsense and they are seeking wholesale reform of the law, judges and lawyers.

Action is taken against us not because of who we are, but because of what we do. Those who cannot fight us in the courtroom take us on where we are the weakest — in the media, where we easily lose the emotional battle for the public's heart.

That they misunderstand us is beside the point. What matters is that



RICHARD ALEXANDER

they have defined us as their adversary because we are deeply involved in representing a system they do not understand. In the past they were ignored. Today, the media has upped the ante, and now all lawyers are in the game, whether we like it or not.

There is only one way out of this dilemma.

We need to restore confidence in our system of justice by educating the public.

Unfortunately the organized bar has failed in its responsibility to teach the public about our system of constitutional government and the important role played by lawyers.

With 19th century naivete and ignoring the media revolution, the organized bar has refused to speak out on behalf of our profession, our system of justice and our constitutional form of government. When it comes to dealing with the media, some bar leaders believe in their hearts that "we simply should pursue good deeds" — even if nobody knows about them.

In the process both the public and the legal profession have suffered.

Today, the organized bar can restore confidence in our system of justice by recognizing its responsibility for public attitudes.

Responsible media leaders will

give us a fair opportunity to tell the full story. They know it is important to provide accurate information about our complete system of justice; otherwise a misinformed citizenry threatens not only the rights of the individual, but also the foundations of our democratic institutions — including the right to a free and independent press.

We can begin to change the image of lawyers by electing bar leaders with proven ability to communicate with the media and the public for the betterment of our profession.

We only need bar leaders who are candid and willing to go more than halfway to meet the press.

We have an important story to tell.

The legal profession's contributions to government, business, education, and human rights have benefited every American.

The men and women of the legal profession are the problem solvers. It is our task to reconcile adverse interests and to fashion common solutions acceptable to all.

We counsel and advise business, industry and labor how to untangle laws and regulations so that commerce and trade can flourish. Behind the scenes we have made this country the great financial and industrial success that it is today.

Lawyers are called upon the damaged and the distraught to deliver remedies to make them whole. Our creative and remedial efforts are intended to benefit our clients, and while these same skills render a valuable public service that puts disputes to rest, it brings peace between parties and order to personal affairs.

Our profession has the responsibility of assuring the fair and impartial application of the criminal law, so the innocent are protected and the guilty are convicted.

Both public defenders and the private bar defend the unpopular to insure that the guarantees of constitutional government will be a reality

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for everyone.

In addition to the important indirect benefits the public receives from our professional efforts, there are few professions with an equal record of direct public service. When you survey the history of public service by professional groups, you will find few that meet our level of commitment to the public. It is our profession that coined the phrase "pro bono publico" and made it the watchword of all professions in the United States today.

Every profession, business, occupation, and industry should emulate the distinguished record of public service of the men and women of the legal profession.

In the early 1800's, Alexis deTocqueville observed that lawyers play a distinctive and prominent role in American life. It is still true today because our legal system reflects the most vital aspects of our society: its institutions; its checks and balances; its economic organizations; its size; its racial, ethnic and religious pluralism; its interest-group politics; its respect for human rights; and most of all, its exclusive reliance upon the

law to solve every problem.

Lawyers play a vital role because they have a special capacity for analysis, an honest regard for facts, an openminded willingness to look at a problem from every side, an ability to detect trouble in advance, a talent for designing imaginative solutions, a human perspective that enables them to perceive problems in their full social and historical context and a respect for human values.

It's time the story was told.

But, unless bar leaders speak out, public opinion has nowhere to go, except against lawyers.

The public will never give attorneys its confidence if it does not know where we stand — and the public will never know where we stand unless bar leaders speak out on behalf of our profession.

The public image of attorneys will improve when we elect bar representatives who can and will explain to the media and to the public the legal profession's record of public service and major contributions to government, industry, human rights, education and business—contributions that have benefitted every American.

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