



# Work Together for Our Profession and the Public

“An independent judiciary and a vigorous, independent bar are both indispensable parts of our system of justice.”

*In Re: McConnell*, 370 U.S. 230, 236 (1962).

This quote from the United States Supreme Court in an opinion handed down more than fifty years ago was delivered in the context of a dispute between a lawyer and a judge. In reversing a summary contempt order against a lawyer who had clearly irritated a trial judge in the process of “presenting his client’s case strenuously and persistently,” the Court determined that such conduct “cannot amount to a contempt of court as long as the lawyer does not in some way create an obstruction which blocks the judge in the performance of his judicial duty.” *Id.*

Over the years, much has been written and said regarding the duty to provide clients with zealous representation while also doing so ethically and with civility. To be sure, this is a delicate balancing act that will always be a hot topic in a system of justice that must address, manage, and resolve conflict.

However, I believe that the quote from *In Re: McConnell* is actually quite relevant to more recent challenges that will require our individual and collective attention in the coming weeks, months, and years.

During Irv Blank’s tenure as president of the Virginia State Bar (2010–11), he was forced to handle two unexpected crises. Specifically, as a money-saving measure, the General Assembly decided not to fill judicial vacancies as they occurred across the commonwealth. Then there was a budget proposal from the executive branch that would have reallocated millions of dollars from the state bar’s reserves to address general state financial problems that were not caused by the judicial branch or bar. Fortunately, we had a strong, energetic state bar president who rallied support across Virginia, convinced the legislators to fill many judicial vacancies, and helped thwart the attempt to reassign our funds.

These problems taught us several valuable lessons.

First, not everyone in government sees the judicial branch as being equal to the other branches. Not everyone understands how essential the judicial branch is. When such misguided or misinformed views surface, we have to be ready to address them and educate those who do not understand the

critical role filled by each branch of our government.

Second, when members of our profession organize, unite, and work to achieve a goal, a lot can be accomplished. Although there are fewer lawyers in the General Assembly than in times past, we still carry clout and have influence, as we have proved in addressing crises affecting what we do for a living.

Third, these challenges are far from over. There are still too many judicial vacancies in Virginia, and our branch of government remains underfunded. The courts and clerks’ offices need sufficient resources to operate the way that the public deserves. The state that gave birth to the Declaration of Independence and United States Constitution can and must do better.

When the Supreme Court said in 1962 that an “independent judiciary and a vigorous, independent bar are both indispensable parts of our system of justice,” it was probably assumed that everyone recognizes that our “system of justice” itself is deemed to be critical, fundamental, and “indispensable” in a civilized society. But as we have come to learn in recent years, we can take nothing for granted, and it is up to those of us trained in words, logic, and strategy to do what is necessary to protect the judicial branch, our profession, and those we serve.

So how do we do it? Communicating with government leaders is a great place to start. We need to make sure that our representatives fully comprehend what we do and why it matters.

More generally, lawyers should take on positions of responsibility. Those with the time and ability should consider seeking elected office, appointed positions, and other community leadership positions at every level. Even if you have only very limited time to offer, your viewpoint is worth sharing and it doesn't take long to do it. In an era of electronic mail communication and

social media, it is easier, faster, and cheaper than ever to alert each other to important issues, educate the public, contact government officials, and argue our positions.

We must not only remain vigilant, but we must actually participate and put forward constructive ideas in helping our government and communities be the best they can be. I firmly believe that it is our duty to do these things.

As I begin my tenure as president of the Virginia State Bar, protecting and improving our judicial system and profession — and soliciting your help in working with me — will be among my

top priorities. This won't be about trying to seek an advantage for anyone or promoting a "political agenda." This will be about helping our system of justice operate smoothly, efficiently, fairly, and promptly. When the system works, society wins.

The bar will receive my best efforts. But more importantly, the bar needs yours. Please share your talents and get engaged. You can do more than you probably realize. Remember, you are "indispensable" to "our system of justice." This is an honor and a responsibility. Remind yourself often and let's work together.

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