



The Better Angels of Our Nature

by Manuel A. Capsalis, VSB President

THIS ISSUE OF *VIRGINIA LAWYER* HAS BEEN A LONG TIME COMING, and one I have anxiously awaited. In preparing for my term as Virginia State Bar president, it was clear to me that diversity needed to be a pressing priority, one which, along with public protection, required a renewed commitment and focus.

The concept of this issue began to take shape many months ago. This is our attempt to engage a meaningful and honest dialogue, and to assist in better understanding and appreciating the importance of this subject. There is no effort to sanitize the history of diversity (or more accurately the relative lack thereof) in our profession, the bench, and within the bar structure.

We began this task with two simple and undeniable facts. The first is that for our profession and our judiciary to be truly responsive to the needs of society, we must be more reflective of the demographics of society. The second is that, as a whole, we are not.

This is not to say that effort has not been made. Many within our ranks have long committed themselves to this cause, with varied success. Despite these efforts, we have so very far to go. To suggest that our work is done, is wrong.

In presenting this issue of *Virginia Lawyer*, we accept the reality that if we are serious in seeking a dialogue, we must examine the path our profession has taken to the present. We acknowledge the fact that if we are committed in seeking the goal of diversity, we must be prepared to strongly challenge both bench and bar to understand and learn from the past, and armed with

this knowledge, to firmly and resolutely take those actions necessary to better achieve our goal.

As reflected in this issue, I submit that what we seek is, distilled to its purest form, an affirmation of the Rule of Law, the very essence of our system of justice. We cannot deny that the preservation of the Rule of Law is inextricably linked to diversity, without which justice is an incomplete principle and, tragically, a hollow promise to many who live among us.

We must recognize the reality that in this place in our history, to borrow the words of the late Sen. Robert Kennedy, we still live in a society in which many of our fellow Virginians share a Commonwealth, but not a community, “bound to us in common dwelling, but not common effort.” Why should we care? The answer lies in the unique importance of our profession. If not us, then whom can society look to?

The title of this column is taken from the last six words of Lincoln’s incredibly elegant First Inaugural Address. Can we, as a self-styled honorable profession, live up to our better angels? Can we truly claim any measure of satisfaction that we have exhausted our abilities?

I believe we can do better. I believe we have it within us to enlist our tremendous and unique talents and our energies, to better promote diversity within our profession and our judiciary and, in turn, to become more responsive to our society. I believe we have it within us to better reach out to those who would be the lawyers and judges of our future—our youth—to educate them about the Rule of Law

and to instill in them the discovery of what they are capable of achieving as dedicated citizens and as the leaders of tomorrow. We have it within us to better challenge our youth of all colors and all backgrounds to join our profession, and to accept the glorious burden as the guardians of the Rule of Law. I believe we must do better.

I am advised by some that we do not have a problem with diversity, that there is no longer discrimination de jure or de facto. I am advised that the natural order of events, whatever that may be, eventually will take care of itself.

To those who preach the counsel of patience, respectfully, I decline your advice. I have no desire to stand by passively, and hope that history will surround us. In a state that reveres the memory of Lee and Jackson, I hope we may someday securely place in the pantheon of our heroes the names of those such as Samuel W. Tucker, and Spotswood W. Robinson III, and Oliver White Hill.

It is with that hope that I ask you to take this issue to heart. In the words of Robert Kennedy, there **can** be a bond of common faith, and there **can** be a bond of common goal. And as the guardians of the Rule of Law—and as the sentinels to liberty, and freedom, and order—it is our responsibility individually, and collectively as a profession, to achieve no less.

Let us welcome that responsibility. And so this issue of *Virginia Lawyer* is offered to you, the reader, with the hope that you will reflect on this subject, and join in the cause. Our better angels await.