

Tumultuous Time Requires Engagement by Young Lawyers

by Melissa Little



Newly admitted Virginia lawyers are sworn in by the Supreme Court of Virginia at the December 2017 Admission & Orientation Ceremony.

Lawyers are held to a higher standard than most other professionals. In Virginia, a lawyer is expected to render at least two percent per year of professional time to pro bono legal services, which include poverty law, civil rights law, public interest law, and volunteer activities designed to increase the availability of pro bono legal services.¹ In addition, lawyers take an oath to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia.

As lawyers, our roles and responsibilities become even more significant during periods of social unrest. On August 12, 2017, Virginia made national headlines because a white supremacist group protested the removal of a Confederate monument, resulting in

the death of Heather Heyer and two police officers.² There has been a rise in hate groups operating in this country and a spike in hate crimes committed by these groups.³ Currently, there are 917 known hate groups in America.⁴ Many bar associations, including the Virginia State Bar and the Young Lawyers Conference, quickly responded with a statement condemning the egregious acts of these hate groups. Congress also responded by passing a resolution condemning hate crimes and any other forms of racism, religious or ethnic biases, discrimination, incitement to violence, or animus targeting a minority in the United States.⁵ Although these actions taken by bar associations and Congress are noteworthy, we must continue to speak out, protest, and stand up against all hateful acts and discriminatory policies that undermine our country and the rule of law.

Recently, the Trump Administration developed policies that limit the rights and protections of select groups of people. This includes, to name a few, a travel ban that

targeted Muslim-majority countries, the suspension of the Deferred Action for Childhood Arrivals (DACA) program, a ban on transgender individuals serving in the military, the scaling back of important policing reform initiatives, and reversing a policy that protects transgender workers under employment discrimination laws.

In addition, several states have proposed legislation that restricts access to voting. Research has shown that these laws disproportionately impact people of color.⁶ In *Texas v. Holder*, 88 F.Supp.2d 113 (2012), a federal court unanimously found that a Texas bill (SB14) to restrict voter access discriminated against minority voters. Nevertheless, in 2013, after the United States Supreme Court in *Shelby County v. Holder*, 570 U.S. 2 (2013), rendered Section 5 of the Voting Rights Act inoperable, Texas immediately announced that it would implement SB 14. After years of ongoing litigation, on August 23, 2017, a federal judge ruled that Texas SB 14 violates Section 2 of the Voting Rights Act as well as the 14th and 15th Amendments to the U.S. Constitution.⁷ According to the Brennan Center, as of May 2017, approximately 31 states have introduced close to 10 bills aimed at restricting access to registration and voting. In 17 states, approximately 35 of these bills have at least been approved at the committee level or beyond.

To protect our nation's laws and founding principles, we must be attuned to what is happening around us, and how our policies and practices may impact others. If you are interested in learning more about ways to make a difference in your community, contact your local legal aid office. You may also connect with a local civil rights organization

or simply make a monetary donation to the cause of your choice. Overall, there are many ways to effect change, while also fulfilling your obligations as a lawyer.

Endnotes:

- 1 Virginia Professional Guidelines and Rules of Conduct 6.1(a)
- 2 <http://www.reuters.com/article/us-usa-trump-weapons-exclusive/exclusive-trump-administration-prepares-to-ease-export-rules-for-u-s-guns-idUSKCN1BU2N8>
- 3 Final U.S. Status Report Hate Crime Analysis & Forecast for 2016/2017
https://csbs.csusb.edu/sites/csusb_csbs/files/Final%20Hate%20Crime%2017%20Status%20Report%20pdf.pdf
- 4 <https://www.splcenter.org/hate-map>
- 5 S.Res.118 — 115th Congress (2017–2018)
- 6 <https://www.americanprogress.org/issues/democracy/reports/2016/11/11/292322/voter-suppression-laws-cost-americans-their-voices-at-the-polls/>
<https://www.americanprogress.org/issues/race/news/2017/05/12/432339/five-truths-voter-suppression/>
- 7 See <https://www.brennancenter.org/legal-work/naacp-v-steen>.



Melissa Little's practice focuses on education matters. Prior to joining Blankingship & Keith, she advocated on behalf of youth in school administrative hearings. As a trial attorney, she also represented both plaintiffs and defendants in civil matters in state courts throughout the commonwealth.

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Want to get to know other lawyers and have a say in the special interests and concerns of young and new lawyers? YLC functions provide opportunities for young lawyers to meet others in their field, both those just starting out — like yourself — and those who are seasoned in the profession. Moreover, through its many projects, the YLC is a vehicle through which young lawyers can participate in the VSB, serve the profession and the public, and enhance the public awareness of the legal profession. Learn more by reading the *Docket Call* newsletter at <http://bit.ly/YLC-DC-Fall2017>.