



AMERICAN BOARD OF TRIAL ADVOCATES | ORANGE COUNTY CHAPTER

Statement from American Board of Trial Advocates,
Orange County Chapter

June 2020

When the United States of America declared its Independence from England, our nascent nation committed the emerging democracy to the unequivocal proposition that "...all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Almost two and a half centuries since Thomas Jefferson articulated this "self-evident truth," unqualified realization of equality remains elusive.

On May 25, 2020, our nation experienced another setback in the endless struggle to achieve racial equality: Yet another death of a man of color at the hands of those sworn to protect and serve. In the wake of this tragedy, Americans, already heavily divided and struggling in the grip of a pandemic, were forced to again stare into the ugly face of racism.

This tragedy has sparked a massive response. Hundreds of thousands of people, of all colors and stations of life, have taken to the streets, marching, raising their voices, demanding racial equality, crying out for the fulfillment of the promise made centuries ago by a fledgling nation. The breadth of the protest itself is testament to the magnitude of the pestilence of racial inequity and police brutality.

Invidious discrimination should be particularly anathema to us, the lawyers. Lawyers play an integral role in ensuring that the law is applied equally to all who seek its protection, and we understand that in promoting equality under law we are promoting equality everywhere. Equal justice under law is the fulcrum of our judicial system.

Atticus Finch, the fictional lawyer in Harper Lee's *To Kill a Mockingbird*, argued on behalf of his client, a black man wrongfully accused of raping a white woman:

"But there is one way in this country in which all men are created equal—there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States, or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal."

Lawyers of the American Board of Trial Advocates are actively engaged the improvement of our justice system. For decades the lawyers of ABOTA have applied their exceptional skills to fulfill the missions of ABOTA. The ABOTA lawyer strives to improve the ethical standards of practice in the field of

advocacy so that litigants may receive more effective representation and the "...general public be benefited by the fair and impartial administration of justice."

As lawyers, and as lawyers of ABOTA, it is time for us to join the swelling chorus and raise our voices in condemnation of the status quo of racism, violence and brutality. To not only demand concrete change, but to apply our talents and unique opportunities to assist in the critical need to devise effective means to root out the systemic inequities that remain stubbornly embedded in the very soul of our nation.

As lawyers, we took an oath to support and defend the Constitution of the United States which guarantees the right of free speech, the right to peacefully assemble, the right to petition for redress of grievances, the right to trial by jury. The 14th Amendment provides that "...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

As Lawyers of ABOTA, we must act to support and defend these rights when force is employed to prevent the peaceful assembly of people demanding change. We must act to support and defend these rights when force is used to silence those who would petition the government demanding change. We must support and defend these rights when the protections of the 14th Amendment are unilaterally extinguished by brutal officers who believe they are entitled to act as judge, jury and executioner.

Martin Luther King, Jr., maintained that "Change does not roll in on the wheels of inevitability but comes through continuous struggle." Let us, as lawyers of ABOTA, commit to join in the continuing struggle to realize the promise declared at the dawn of this democracy: the promise of equality for all and the unfettered right to Life, Liberty and the pursuit of Happiness.

