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As president of the Connecticut Bar Association, I struggled deciding what to write about for my first column. Do I reflect on the state of our association? Do I talk about my first days in office? But I had the good fortune to attend the American Bar Association Annual Meeting, and it became clear.

At the legal conference, I remarked that in these challenging times, we must safeguard the rule of law. What does that mean though? What is the rule of law?

At the ABA Annual Meeting, Deputy Attorney General Rod Rosenstein said it far better than I ever could. He said that “the term ‘rule of law’ describes the government’s obligation to follow neutral principles. The idea dates to the fourth century BC, when Greek philosopher Aristotle wrote that “[i]t

Truth, Justice, and the American Way

By Jonathan M. Shapiro

is more proper that law should govern than any one of the citizens. . . . The rule of law is indispensable to a thriving and vibrant society. It shields citizens from government overreach. . . . The rule of law requires us to reserve judgment until we have heard from all parties and completed a fair process. You cannot reach reliable factual conclusions unless you first weigh the credible evidence. You cannot offer reasoned legal opinions unless you consider conflicting arguments. When you follow the rule of law, it does not always yield the outcome that you would choose as a policy matter. In fact, one indicator that you are following the rule of law is when you respect a result although you do not agree with it. You respect it because it is dictated by the facts and the law.”¹

It seems too often today that there is not respect for the rule of law. Respect does not always follow when decisions are made. Instead, we see our judiciary attacked and criticized. We see the qualifications of judges consistently challenged even in the face of what should be unquestionable qualifications. As attorneys, we must safeguard due process and the rule of law. But how do we do that?

Deputy Attorney General Rosenstein talked about how Abraham Lincoln grew alarmed about sharp political divisions and rising passions in the year 1838. One hundred eighty years later, that could easily describe our country today. Lincoln saw “building

respect for the law as a way to bind society together...‘Let reverence for the laws,’ he implored, ‘be breathed by every American mother...let it be taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs—let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice...let it become the political religion of the nation; and let the old and the young, rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions’ keep the rule of law.”²

We cannot forget these important principles. We cannot get swept away by emotion. We must keep and protect the rule of law. We cannot protect the rule of law by just talking amongst ourselves about its importance. As Lincoln said, we protect the rule of law by educating our families, friends, and colleagues. We need to ensure that we heed Lincoln’s advice, and not just talk about the importance of the rule of law. We must take renewed efforts to explain the rule of law.

But what happens when the law itself is not just or leads to an unjust result? Respect for the rule of law does not mean we have to accept injustice. We can still respect the process that led to the decision, but we do not have to accept the result if we believe it is unjust. We have always had a willingness to evolve and become better than we are.

At the ABA Annual meeting, Bryan Stevenson, executive director of the Equal Justice

Respect for the rule of law also does not mean we have to agree on everything. As lawyers, we seek out the truth, and sometimes the truth makes us uncomfortable.

Initiative, received the ABA Medal. The ABA Medal is the association's highest honor, recognizing exceptional distinguished service by a lawyer or lawyers to the cause of American jurisprudence. During his speech before the ABA General Assembly, Attorney Stevenson said, "We must change the narratives that are out there. There are narratives out there that undermine our commitment to the rule of law. I believe fear and anger are the essential ingredients to injustice."³

Respect for the rule of law also does not mean we have to agree on everything. As lawyers, we seek out the truth, and sometimes the truth makes us uncomfortable. Sometimes disagreement makes us uncomfortable. As Attorney Stevenson poignantly said, "We have to be willing to do things

that are uncomfortable and inconvenient, because justice doesn't come when you only do the things that are comfortable and convenient. We advance justice only when we're willing to do things that are uncomfortable."⁴

We must continue to strive to make our laws better and work to solve problems. To do so, we need to be willing to engage in difficult conversations with each other and with others. And I mean really talk—not scream at each other when we disagree. Engaging in dialogue means listening to each other even when you do not agree.

Change does not always come easy. Change can cause fear. Change can cause anger. But we need a willingness to work together. Sometimes that takes compromise, and

compromise is not a bad word. Compromise was an essential part of the formation of our republic.

Superman is my favorite hero. Seeking out truth, justice, and the American way always resonated with me. He was a symbol of the ideals of our country. In advancing the rule of law, we need to be like Superman. ■

Notes

1. Deputy Attorney General Rod Rosenstein's remarks are available at: <https://www.justice.gov/opa/speech/deputy-attorney-general-rod-j-rosenstein-delivers-remarks-2018-american-bar-association>.
2. *Id.*
3. Attorney Stevenson's remarks are available at: <http://www.abajournal.com/news/article/bryan-stevenson-calls-on-lawyers-to-get-uncomfortable-and-deepen-commitment>.
4. *Id.*

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