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Advancing Justice

James F. Freeley, III

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AUTHOR NOTE

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Law is an imperfect profession in which success can rarely be achieved without some sacrifice of principle. Thus all practicing lawyers—and most others in the profession—will necessarily be imperfect, especially in the eyes of young idealists. There is no perfect justice, just as there are no absolutes in ethics. But there is perfect injustice, and we know it when we see it.¹

It is truly an honor to be asked to write the forward for Volume 10.1 of the *University of Massachusetts Law Review*. As a member of the faculty, I have had the pleasure to work with many students, including many members of the law review. I can say, without any fear of contradiction, that teaching has been one of the most rewarding experiences that I have had in my professional career. Our students are truly passionate about the law and are interested in knowing how they can make a difference. For this experience, I am grateful.

The University of Massachusetts School of Law - Dartmouth (“UMass Law”) is the only public law school in the Commonwealth of Massachusetts.² UMass Law is committed to providing an excellent, affordable, and accessible legal education to its students.³ The school educates students to be ethical and creative professionals who have a true understanding of what it means to be a lawyer.⁴ It strives to advance justice within and beyond the Commonwealth through research, writing, teaching, learning, practice, and engagement with the profession.⁵

UMass Law has been a leader in providing affordable legal services to people who otherwise would be unable to hire a lawyer. The law school recently introduced Justice Bridge as a way of bridging the gap between recent law graduates and clients of modest means who need access to legal representation.⁶ The goal of providing affordable legal services is of vital importance today. I have met many people, in my years of private practice, who have stated that it is hard to find affordable legal help. Many people are struggling to make ends

¹ ALAN DERSHOWITZ, LETTERS TO A YOUNG LAWYER 9 (2001).

² *History*, UMASS SCHOOL OF LAW, <http://www.umassd.edu/law/about/profile/history/> (last visited Dec. 8, 2014).

³ *Mission Statement*, UMASS SCHOOL OF LAW, <http://www.umassd.edu/law/about/profile/missionstatement/> (last visited Dec. 8, 2014).

⁴ *Id.*

⁵ *Id.*

⁶ *Justice Bridge*, UMASS SCHOOL OF LAW, <http://www.umassd.edu/justicebridge/> (last visited Dec. 8, 2014).

meet and do not have the available resources to pay a lawyer. Likewise, many lawyers in private practice are finding it difficult to secure enough fee-based work to keep the lights on at the end of the month. We, as a law school, have a responsibility to address these problems in a meaningful way. All lawyers - and others in the profession - have an important role in advancing justice for all.

There are currently millions of people in the United States who are unable to obtain appropriate representation. The United States Department of Justice estimates that there are fifty million people who qualify for federally funded civil legal aid, but many are turned away due to inadequate resources.⁷ The shortfalls in the criminal justice system are documented and serious. Those working in the justice system often deal with individuals suffering from mental health and substance abuse problems. In some areas of the country, the problems are at a crisis stage.⁸

Lawyers have always been involved in fighting for causes that are important to our society. One only has to look at events in our history, such as our own founding as a nation, to see that lawyers have an important role to play in bringing about change. To those of us who have had the opportunity and privilege to obtain a legal education, much is expected. We, as lawyers, have a responsibility to fight for causes that affect our society. We cannot sit back and do nothing. In my opinion, we also need to take on these tasks with compassion and humility. In many cases, lawyers will advance justice one client at a time.

The American Bar Association has long recognized that lawyers have a responsibility to provide pro bono services. The Model Rules of Professional Conduct call on each lawyer to aspire to perform fifty hours of pro bono service per year.⁹ While this aspiration is laudable and absolutely necessary, it alone will not solve the problem. Most legal problems, especially those involving criminal or civil litigation, frequently take months, if not years, to resolve. The lawyers involved in these matters often have to take into account their own financial interests when they represent their clients. The system, as currently

⁷ *About the Initiative, The Access to Justice Initiative*, UNITED STATES DEPT. OF JUSTICE, <http://www.justice.gov/atj/about-initiative> (last visited Dec. 8, 2014).

⁸ *Id.*

⁹ *See* MODEL RULES OF PROF'L CONDUCT R. 6.1 (2013) ("Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year.").

constituted, punishes those without adequate resources. Unfortunately, the system is often inefficient, time-consuming, and expensive. In many cases, it rewards those who want to exploit the system for their own personal or corporate gain.

How does an individual lawyer or law student advance justice? The answer will depend upon each person's interests, passions, and stage in life. For some of us, the answer may be in the private practice of law. For others, it may be working for the government, a non-profit organization, or a corporation. Some of us may become judges, teach law students, or even run for political office. Whatever the answer, each of us has the potential to make a difference. Each person will have a unique story.

The *UMass Law Review* has recently changed its mission statement to align with the law school's goal of advancing justice. This change, as proposed by the editorial board of the law review, gives the organization a platform to advocate dialogue and change. This is an exciting time for the law school and our students. This new mission has the potential to truly make a difference. Judges, lawyers, and law students will be able to address legal issues that affect the justice system and the profession. In this way, the law review will be able to advance the goals of the school.

The *UMass Law Review* helps our students to learn about the law and the profession. Law schools teach students to analyze issues in a comprehensive manner as skilled professionals. Students also learn to write persuasively. Even students who do not want to practice law, estimated by some to be as many as one in two people who graduate from law school, benefit from the experience. They learn skills that will inevitably help them to succeed in life. I have never heard anyone say that learning to analyze issues critically and to argue persuasively are not useful skills. When our students graduate from the law school, they will be prepared to make significant contributions in their local communities. In effect, through their legal education, they become empowered to make a difference.

The fight to attain justice is not something that we will always be able to get our hands around. Justice, in many ways, is an imprecise standard, with different meanings depending upon one's perspective and values. The system often has to balance competing interests. Nevertheless, we are familiar with situations when the justice system has not worked. We may not know what perfect justice looks like, but we certainly know perfect injustice when we see it.

I want to congratulate the editorial board and the staff on this current issue of the *UMass Law Review*. I also want to applaud the law review on its recent decision to align its mission with that of the law school. Your hard work has helped the school to promote its mission. I look forward to reading this issue and working with you in the future. Please know that you are already making a difference, especially in my eyes. I wish each of you success in your future endeavors.