

## Legal Profession Continues to Fulfill Spirit of 'Brown'

BY JONATHAN LIPPMAN

**T**HE U.S. Supreme Court decision in *Brown v. Board of Education* will mark its 50th anniversary on May 17. The historic holding of *Brown* - that racial segregation is unconstitutional and that "separate is inherently unequal" - has become legend in its indelible imprint on both the American legal landscape and our public consciousness. *Brown's* watershed status is richly deserved. The case represented a turning point in American history by upending more than a half century of state-enforced segregation, establishing both the legal basis and political momentum for the civil rights movement.

The New York State Unified Court System will commemorate *Brown* during this golden anniversary year with events that celebrate its universal teachings of equality, diversity and community. Working with public schools, federal courts, bar associations, non-profit groups, law schools and others across the state, the judiciary will help bring *Brown's* lessons of equal justice under law to our communities, and particularly to our youth. Moot court exercises will expose high school students to *Brown's* essential legal themes. Younger students will write poetry and essays on the meaning of *Brown* in their own lives. Across the state, speeches, films, video-conferences and other public events will join together courts, educators, families and local bar associations in exploring the impact of *Brown*, culminating in a statewide celebration later this year.

### Duty of Lawyers

*Brown* is as much a watershed case for lawyers as for the law itself. *Brown* reminds us of the capacity and duty of lawyers to work for the public good, to be catalysts for positive change - to serve as ministers of justice dedicated to securing the fruits of American democracy for all our citizens. If *Brown* heralded the transformation of American society and American law, it was because of the efforts of extraordinary lawyers who had the vision, talent and persistence to amass evidence and craft arguments proving that state-sponsored segregation was unfair and destructive.

The names of Charles Hamilton Houston, Thurgood Marshall, Robert Carter, Jack Greenburg, Constance Baker Motley and other NAACP lawyers who succeeded in overturning the "separate but equal" doctrine of *Plessy v. Ferguson* stand as timeless exemplars of not only great lawyering but also great courage. They worked in the face of violence and virulent opposition, with years of tremendous effort and devastating losses. And they marched onward despite seemingly insurmountable legal precedents that stood squarely in their way.

### Continuing Efforts

In the 50 years since these courageous leaders made history, the spirit of *Brown* has lived on in the dedication, skill and courage of lawyers serving as modern ministers of justice in their own backyards. Advances in the causes of equality for all New Yorkers - regardless of gender, ethnicity, religion or sexual orientation - have come only through the hard work and vision of New York lawyers. And as our state and nation continue to pursue the causes of liberty and justice, especially for those for whom these goals still remain unfulfilled, every step forward and, every battle won will be led by lawyers imbued with the spirit of *Brown v. Board of Education*.

That work continues today in every corner of our state. Last year, our courts announced the constitutional right of New York City schoolchildren to seek a meaningful high school education only after years of pro bono legal advocacy by the nonprofit Campaign for Fiscal Equity. In other areas, hundreds of Chautauqua County military reservists and National Guard troops called to active duty are putting their legal affairs in order thanks to a local law firm's initiative to serve those who are serving our country. Solo practitioners in the Capital District are dedicating hundreds of pro bono hours advocating for affordable housing and victims of domestic violence. This year the New York State Bar Association established the Student Loan Assistance for the Public Interest (SLAPI) program to ease the burden of law school debt and encourage a new generation of lawyers to enter public service.

From the New York State Trial Lawyers Association, whose leadership in the Trial Lawyers Care initiative is helping so many families of Sept. 11, to law firms, large and small, taking on pro bono impact litigation on par with paid clients, to the thousands of assigned counsel lawyers who never stopped working on behalf of indigent defendants and families despite woefully inadequate 18-B funding, New York lawyers are keeping *Brown's* promise of equal treatment for all. The examples cited are just a few of the countless efforts by lawyers that are having a positive impact on the lives of New Yorkers. The spirit of *Brown* remains alive and well today thanks to all of the unsung heroes quietly and selflessly working in their home communities. By aligning their clients' day to day realities with our nation's constitutional ideals, they demonstrate, day in and day out, that the law and the legal profession can be powerful forces for good.

*Brown* also reminds us of the resilience and flexibility of our legal system, its capacity to correct itself and to balance the interest in stability with the need to vindicate fundamental principles of justice and equality. *Brown* and its progeny prove that our decisional law can learn the lessons of history, guided by human experience and grounded in the realities of daily living. *Brown* reminds us that our law must change to remain relevant and fair, and that lawyers can - indeed must - be the agents of that change.

We, as lawyers and judges, commemorate *Brown* not only for what it has meant for public education, civil rights and the availability of legal services, but also because *Brown* continues to ask of us the best that our legal community and our system of justice can offer. But even as we celebrate *Brown's* legacy, we must acknowledge that our work is far from done. We have made great strides over the last five decades, but there remain significant obstacles to achieving true equality and universal access to justice.

## **A Helping Profession**

Recent reports underscore that a majority of New York lawyers still do no pro bono service, even as legal services remain out of reach for many thousands of New York families in need. Victims of violence, abuse, neglect, poverty and bureaucratic confusion in every part of our state continue to require the assistance that only lawyers can provide. The promise of *Brown* cannot be fully realized so long as only some New Yorkers can secure their rights through meaningful access to counsel. Equal justice under law, and *Brown* itself, are for all of us.

In this 50th anniversary year, we reaffirm our commitment to *Brown* and to its vision of lawyering as a helping profession. The story of the *Brown* legal team calls us to lift today's barriers to a free and fair society with hard work, persistence and an abiding, charitable will. All members of the legal community should join in marking this anniversary year by taking part in events commemorating *Brown* and by lending a hand to communities and causes in need of our support. Let's vow to show our state, and especially our children, that the spirit of *Brown* remains vibrant and alive in us, inspiring each of us to serve as ministers of justice in all that we do.

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