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Law is still a noble profession

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Guest columnist

The following guest column was written by Alfred C. Aman, Jr., dean of the School of Law at Indiana University. A scholar of administrative and constitutional law, Aman was named dean of the IU law school in 1991 after serving as a professor of law at the Cornell Law School for 14 years. He spent the 1990-91 academic year as a visiting fellow at Wolfson College, Cambridge University, England.

Everyone has a favorite lawyer joke. There is no doubt that a career in law takes a sense of humor these days.

But it takes courage too — not only the courage to stand up for someone else, to do for that person what needs doing and can not be done by other means. It also takes courage to stand up for the legal profession.

I'll explain what I mean.

The stock antipathy to lawyers we hear so much about these days is not new, except in its virulence.

We hear a lot about lawyers' greed and incompetence, but surely avarice and incompetence are randomly distributed across the population, and our profession has no more than its share. Of course we should worry about those among our numbers who discredit their profession by misserving their clients and their society, but these numbers are, thankfully, small.

We hear a lot about the overuse of courts in this country but, contrary to the common stereotype, the United States is not a society where the courts are overused. The latest figures show that some 70 percent of Americans have consulted a lawyer for one or more mat-

ters but, contrary to popular opinion, these matters are not all lawsuits, or even disputes.

This is a society in which lawyers are intimately involved in the everyday business of life. They are part of the fabric of a society that lives by the rule of law.

And so far as litigation goes, once U.S. litigation rates are compared to those of other industrial nations, we are not at the top of the list. We come in only somewhere at the top of the middle third.

These myths are propagated by well-meaning people, I'm sure, but their effect is deeply undermining.

I started this editorial with a reference to lawyer jokes, but while I recognize the importance of being able to laugh at ourselves from time to time, I'm glad they seem to be losing popularity. I'm hoping the lawyer-bashing that is in such vogue these days will do likewise.

When people laugh at lawyers, I worry that they might be laughing at the causes lawyers serve. I worry that when they call lawyers ambulance-chasers or compare them unfavorably to snakes, that they are really laughing at the ordinary people who want and deserve redress for their injuries.

I worry, too, that when they say lawyers are responsible for weakening our social fabric, they are decrying the importance of rights as a basis for a civil society — even constitutional rights. Or when they lament what they erroneously

believe to be this country's high rate of litigation, I worry that they are dismissing the reality of people's grievances and the legitimacy of their disputes.

The fact is that we live in a complicated world. People's need for law exceeds their own abilities to negotiate relationships on their own.

My own prediction is that more and more of lawyers' work will take place at negotiating tables, rather than in courtrooms. I also predict that lawyers will be increasingly involved in the affirmative task of building global relationships that will shape the future.

Lawyers are already involved in deeply constructive ways. Not only are they protecting individual Americans against the unruly demands of a mass society, but they also are helping other nations build their own democracies from the ground up. American lawyers are helping nations work together to protect the global environment and other world resources, human and otherwise.

People who attack the legal profession would perhaps wish they could turn back the clock to the days when lawyers were local professionals. But today, they are global professionals serving entirely new purposes along with the ones their older sisters and brothers in the law know and knew.

I firmly believe that this new world needs its lawyers, their courage, creativity and service. I call to them to hold their heads high.

Law is an honorable profession, at the very core of our democracy and the rule of law, here and around the world.