

No Time for Complacency

To the Editor:

Great letter to the editor from attorney Thomas Stephens (“Lawyers, Ballyhoo, and Hype,” May 2009 *Michigan Bar Journal*). As Mr. Stephens pointed out, the battle isn’t won. It never will be. There’s no time for complacency.

I have been a trial lawyer for 40 years. The best I can do is be the “voice” for the “common man” and the “forgotten woman” and, occasionally, win a battle for them and *force* the “establishment,” the bureaucrats, and the “ruling class of America” to treat them with respect and give them the benefit of “due process” and fair treatment under the rule of law.

But like attorney Stephens said (and like I know), each day, each week, each month, each year is a new battle. And in that battle, the *only* hope “We the People” have to challenge the inevitable corruption of the wealth and power of the ruling class (led by lobbyists, special-interest groups, influence peddlers, etc.) is a strong *independent judiciary*

and the right to trial by “We the People” of the *jury*. Lobbyists, special-interest groups, and influence peddlers don’t pay jurors for their votes and don’t whisper in their ears while jurors deliberate (although they do try to get to jurors with mass-media advertisements, mostly against trial lawyers).

Yet, as you look around nationally or locally, the neocons on the right, Bush and Cheney nationally, and the Engler judges locally have, ruthlessly, through a studied approach, tried to silence the voice of the “common man” and the “forgotten woman” and middle-class America by replacing judicial independence with political agendas for judges and by taking away the right to trial by jury with the stock judicial phrase of the Engler court: “No reasonable jury would find [fill in the blank],” i.e., justice by crystal ball, where the Engler judges tell us what a jury that was never impaneled would have done with a case they never heard.

“Freedom” is a great ideal, but as attorney Stephens points out, those of us who embrace freedom will fail unless we lawyers commit to the never-ending battle against

the wealth, power, and influence of the members of the “ruling class of America,” who many times cancel everyone else’s freedom but their own and then punish or ostracize those who disagree with them (like the neocons who pretended they had a monopoly on patriotism in Iraq).

Let’s hope Obama gets eight years to try and turn around the injustices of the last eight under the neocons.

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