NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Closing the gap between law and justice

Tom Roberts | Aug. 5, 2010

Attorney Bill Quigley left, with Stephanie Mingo, talks with a New Orleans Police sergeant as protesters block equipment from entering a portion of the B.W. Cooper housing development in New Orleans Dec. 12, 2007. Demolition of the B.W. Cooper complex had been approved before Hurricane Katrina flooded 80 percent of New Orleans in 2005, scattering residents and damaging most public housing. (AP/Alex Brandon)

Justice and the law are, if not twins, close relatives. That?s what the popular images project. Blindfolded Lady Justice and the scales of justice are the iconography of the profession. Statues and sculptures depicting the ideas are prominent in our courthouses and on shelves in lawyers? offices.

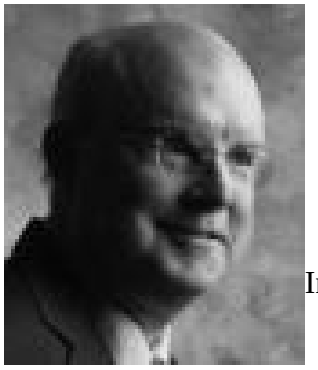
If that?s the accepted truth, Bill Quigley has spent his career in an odd pursuit: that of trying to close the gap between law and justice, which he sees as distant points on the legal landscape. It has led him to taking up what some would consider the unusual and often unpopular causes of unusual and unpopular clients, many of them Catholic activists who engage in protests and civil disobedience against the government.

In one of his most recent cases, he appeared before a District of Columbia Superior Court to argue in defense of 27 protesters, many of them Catholics, who demonstrated in January on the steps of the Capitol and inside the Capitol Rotunda urging the government to close the military prison at Guantánamo.

In this case, the clients were acquitted, but not because of his stirring defenses infused with a high degree of morality and dependent in part on international law. Nor were they really his clients. He was there as a legal advisor to clients who decided to take up their own defense, examining witnesses with questions sometimes provided by other members of the group shuffled to the front of the courtroom to an appointed liaison between court and defendants.

This is not high-profile or high-paying law.

For 60-year-old Quigley it has never been about the money or the notoriety.

 In a letter he wrote to an imaginary law student, published in the first edition (fall 2007) of the DePaul Journal for Social Justice, Quigley gives a lengthy explanation of his approach to law and at one point states: ?It pains me to say it, but justice is a countercultural value in our legal profession. Because of that, you cannot be afraid to be different than others in law school or the profession -- for unless you are, you cannot be a social justice lawyer.?

Indeed, the journal is a self-described ?scholarly alternative to traditional law journal publications? and one that seeks to advance the practice of public service law.

Quigley, who is a professor at Loyola University School of Law in New Orleans and, in mid-June, was halfway through a two-year commitment heading the Center for Constitutional Rights in New York, understands the reality of being countercultural in the legal profession. The center handles an array of domestic and international human rights issues and was among the first voices raised in objection to the establishment of Guantánamo and to the treatment of detainees there.

?Our profession,? Quigley writes, ?certainly pays lip service to justice, and because we are lawyers this is often eloquent lip service, but that is the extent of it.?

The ?essence? of the profession is ?money,? he tells the student, ?and the overwhelming majority of legal work consists of facilitating the transfer of money or resources from one group to another. A shamefully large part of our profession in fact consists of the opposite of justice -- actually taking from the poor and giving to the rich or justifying some injustice like torture or tobacco or mass relocation or commercial exploitation of the weak by the strong. The actual message from law school and on throughout the entire legal career is that justice work, if done at all, is done in the margins or after the real legal work is done.?

First, the seminary

If it appears that one might easily segue from the above to a reflection on Matthew 5, it may be because the legal part of him leans heavily on a robust spirituality. Quigley once considered the priesthood. His professors at St. Meinrad in Indiana ?were convinced I wouldn?t be a good priest,? he told *NCR* in an interview in June. He resisted at first, but in hindsight ?ended up agreeing with them.? He holds today that his early formation has a lot to do with how he eventually approached the law and with achieving balance in his life today.

Actually, he made two attempts at the ordained priesthood. The first was at St. Meinrad, where he began college and was studying for the Indianapolis archdiocese. When he was asked to leave, he finished his undergraduate work in American literature at Purdue University in 1971.

Still interested in becoming a cleric -- and already with a fervor for social justice -- he attended Notre Dame Seminary in New Orleans with the intent of becoming a priest for the Lafayette, La., diocese. Along the way, he realized that the church had no great desire for more priests like the activist, antiwar Berrigan brothers, and he also realized that social justice work was not, as he once believed, the sole province of priests and nuns.

So he quit seminary, became involved in social work at a housing project, during which he also met a number of lawyers and thought, ?I could do that.?

And he did, but not before he met his wife, Debra Dupre, a Cajun French Catholic who had been studying to be a sister. The two were married and she, then a biology and chemistry teacher, put him through law school at Loyola. Later in life, his wife became an oncology nurse. The couple has two sons who are professional musicians.

In his early career he bumped between Legal Aid work, a stint in the city attorney?s office for the first black mayor of New Orleans, and a private practice that combined the kind of ?bread-and-butter? law that paid the way so that he could spend half his time doing ?free law.?

He was volunteer general counsel for the ACLU in New Orleans and did a fair amount of work for the indigent on housing matters and for those on death row.

In the early ?90s, Loyola asked if he could teach a course in law and poverty because the Jesuit who normally taught the course was on sabbatical to India. The Jesuit decided to stay in India, and Quigley?s been teaching at Loyola ever since, while representing clients engaged in all manner of protests and human rights pursuits. It is not unusual to find Quigley in court defending or helping with the defense of Catholic activists who have trespassed at military bases or done some other type of civil disobedience to call attention to war and other state violence. Though he?s not a canon lawyer, he?s taken the case for Maryknoll Fr. Roy Bourgeois, founder of the School of the Americas Watch at Fort Benning, Ga., where a protest is held annually urging the government to stop training foreign troops in counterinsurgency tactics that violate human rights. Bourgeois ran into problems with Rome when he participated in a woman?s ordination ceremony. He continues to speak regularly on the ordination of women as a human rights issue.

Quigley also is still fighting for his old clients in the public housing developments in New Orleans, most of which were bulldozed by the federal government following Hurricane Katrina. Thousands of poor, mostly women and elderly, who had been evacuated from the city were left with no place to return to.

In his letter to the imaginary student, Quigley defines social justice as ?the commitment to act with and on behalf of those who are suffering because of social neglect, social decisions or social structures and institutions.?

Giants of the past

Quigley?s assessment of his profession can sound almost despairing, but he has a high regard for the skills required to be a good lawyer, as well as the efforts of those in the past who have made huge gains through the law in matters of social justice. ?We can take inspiration from social justice lawyers like Mohandas Gandhi, Nelson Mandela, Shirin Ebadi, Mary Robinson, Charles Hamilton Houston, Carol Weiss King, Constance Baker Motley, Thurgood Marshall, Arthur Kinoy and Clarence Darrow.?

He encourages young lawyers to become familiar with the history of good social justice lawyers in the United States and beyond. He encourages them to be ?on the lookout for contemporary examples. ... There are many,? he writes, ?and they are in every community, even though they may not be held up for professional honors like lawyers for commercial financiers or lawyers for the powerful and famous. But if you look around, you will see people doing individual justice work -- the passionate advocate for victims of domestic violence, the dedicated public defender, the volunteer counsel for the victims of eviction, the legal services lawyer working with farm workers or the aging, the modestly paid counsel to the organization trying to change the laws for a living wage, or affordable housing, or the homeless or public education reforms.?

Too many people who go into law school wanting to find a way to change the world leave having lost the sense of mission, he said in the interview. Several formidable obstacles get in the way of idealism, said Quigley. First, there is an unspoken tenet running through the law school experience in most places that states if you do social justice law, you?re going to be poor. Quigley is clear that law students aspiring to a life of social justice law will not find themselves in the same financial league as those who head to corporate law. But he said that there are ways to make a decent living, and there are lawyers who have succeeded in larger firms and do a considerable amount of pro bono law.

Another significant obstacle new lawyers often face on the path to idealism is a mountain of student loan debt. Quigley said some schools are confronting the problem by forgiving loans if students give a certain number of years to public service law.

Loyola, for instance, will help students pay off loans if they choose to take lower-paying ?common good? jobs ?because we value what you are doing.?

At other schools, alumni have raised funds to help students pay off loans if they go into public service law and Quigley said the federal government just started a program that will pay off all of a student?s loans if he or she works in a low-paying job for 10 years.

Perhaps most challenging to students considering social justice law is coming up against the power represented in traditional law practice.

?All laws are made by those with power,? Quigley writes. ?Our laws, by and large, are what those with power think should apply to those without power.? Doing social justice law, he writes, requires that a young lawyer seek out those ?whose voices are not heard in the halls of Congress or in the marbled courtrooms. Keep your focus on who is suffering and ask why.?

His other bits of advice would also be difficult to find in the standard law school curriculum. He counsels humility, urging students to associate with others trying to do justice and he warns them to expect to be criticized by those who don?t share the same view of law and its possibilities.

Finally, he warns against being overwhelmed by the work. To do that, he advocates ?regular reflection.? Those who don?t, he said, can wind up angry, frustrated and bitter at both the injustices they encounter and at anyone else who doesn?t share their view.

In general, he said, the life of a lawyer can be one of enormous stress and the legal profession experiences high rates of stress, divorce, alcoholism and other destructive behaviors. To achieve balance and sustainability, he said, disciplines such as prayer, meditation and reflection are essential.

Source URL (retrieved on *12/12/2013 - 20:44*): http://ncronline.org/news/people/closing-gap-between-law-and-justice