

# ED Update: How lawyers protect our democracy

*E pluribus unum.* Out of many, one.

This motto was chosen with purpose for the Great Seal of the United States in 1776. Out of thirteen colonies with strikingly different cultures and values, came one united nation. But in today's divided political and social climate, that unity is being tested.

As lawyers, we have a unique ability to help bridge the divide. Our training and practice has prepared us to bring back a sense of value to listening to ideas that differ from our own.

Let me give an example.

When I was a 2L at Case, I participated in the intramural moot court competition. I spent months working on my brief and preparing for oral arguments, so I was thrilled that I advanced to the Sweet 16 round. I quickly learned, however, that my first round opponent and I both had argued the same side of the case. Because I had a lower ranking, I had to argue off-brief. I had two days to prepare a new oral argument for the side of the case I had been working against for months.

In the midst of my self pitying, a professor reminded me that a good lawyer could argue either side of the case persuasively. A lawyer is not fully prepared to advocate on behalf of a client's interests if the lawyer cannot articulate the opposing party's position. More often than not, the process of coming to understand the opposing party's perspective and argument moderates your own position. By acknowledging the legitimacy of the opposition, you can develop a more nuanced argument that will lead to a better outcome for your own client. Most cases are settled before trial because lawyers are able to work out a compromise where the benefits of the settlement outweigh the risks for both sides.

So, I spent two days coming up with a new oral argument and won the first round. Arguing off-brief, I made it to the semi-finals, where I was finally bested by a much more talented classmate. But even in defeat, I learned a valuable lesson that made me a better lawyer and citizen.

In today's environment of tweets, memes, and talking heads, our society is losing respect for the legitimacy of the other side. We will always have real disagreements about serious topics, but we cannot move forward together as one nation if we never compromise - and we cannot compromise if we do not understand the opposing view.

This Independence Day, we should reflect on our responsibility as lawyers to use our training and practice to help moderate public discourse. We should challenge our communities to understand opposing views before taking political action. When there is nobody willing or able to speak up for the opposing view, then we should - it's what our profession taught us, and it's what our country needs from us.



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## Table of Contents

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