

**THE SPIRITUAL REVITALIZATION
OF THE
LEGAL PROFESSION**

**Luncheon Speech Delivered by
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On behalf of the faculty, staff and students of the University of the Virgin Islands, I bring greetings to all assembled here today. As a little boy growing up in a southern Baptist church, I was always taught that if I obeyed my parents, lived right, prayed, and died I would one day go to heaven. When I was given the opportunity to become president of the University of the Virgin Islands, I realized that all of those requirements were not necessary in order to live in paradise (especially that last one). Though the Virgin Islands presents many challenges (after 5 months), I still see it as a paradise.

I am extremely honored to speak at this first Annual District Conference, for the District Court of the Virgin Islands. As a former lawyer and law professor I have deep reverence for the role of the judiciary and Bar. My involvement in the legal profession has been one of the most rewarding experiences of my career. To the judges present, I have read your opinions, and learned so much of the law through your writings and wisdom. Full disclosure requires me to admit that I have sometimes used your opinions in my class to demonstrate to students how thoughtful and insightful I was and how confused and archaic you were. But in the final analysis it is your role that made such an enormous impact on the lives of the students I taught and on this society and world. For that I give each of you my humblest respect and thanks for the role you play in our profession.

I want to acknowledge members of the Virgin Islands Bar Association and of the judiciary for your enormous contributions.

In the latter part of my legal career, I began to focus on a topic which had interested me for years, but I had avoided because of its controversial nature. Yet I finally realized that my students and the profession deserved a thoughtful analysis of the role of spirituality and the practice of law.

In 2005 I wrote a book entitled "The Spiritual Revitalization of the Legal Profession: A Search for Sacred Rivers." I argued in the book that the practice of law is a sacred profession which we have allowed to become profane. I urged lawyers, judges and law students to rediscover the spiritual roots and functions of the legal profession. I want to use this special opportunity to speak with you about spirituality in the context of what you are called to do as judges.

Though I realize that spirituality is a loaded concept that some believe has no place in the legal profession, I believe it offers great insights and antidotes for what ails us. There are many challenges and pressures facing lawyers and judges. Various studies have documented a growing dissatisfaction with the profession, a rise of incivility, higher rates of divorce and alcoholism, and high rates of depression among lawyers. These are all sobering reminders that despite all of the benefits of this

profession, we must re-imagine and rediscover the essence of our calling as lawyers and judges.

The legal profession is sacred because what we are called to do as lawyers and judges involve some of the most morally compelling decisions that any human being could ever make. The judicial process is laden with moral ambiguity which requires that we bring pure hearts and cleans hands to every task.

I define spirituality as consisting of two very interrelated concepts. The first is a consistent attempt to live one's life by the highest values humanly obtainable. The second aspect of the definition of spirituality is the search for the sacred. For many this is captured by our incessant yearning to have a close and meaningful relationship with God. For others it is an attempt to extract from life and relationships the deeper meaning and purpose for one's existence. This second component suggests that there is this transformative power that exists within us and that exists within life itself. It suggests that we are not prisoners of our birth or personality. Each of us has buried inside us this potential to elude the forces of stagnation and indifference, and embrace the elusive spirit of change, compassion and creativity. It also captures the notion of radical amazement, as coined by Rabbi Abraham Herschel, which reminds us of the sacredness that is imbedded in every person and in every aspect of life.

So if we see the practice of law and the judicial process through a spiritual lens, then it changes the way in which we approach our work, the way we treat those with whom we interact, and how we see and treat those whom we are called to serve. It provides a foundation upon which our professional values can rest. It provides a reservoir from where we can replenish and restore ourselves and our work. This lens will give us the meaning which we seek in our work, even when we are not able to obtain the results we sought.

As a profession we have inherited a great tradition. We have watched great lawyers and judges perfect their craft and shape this profession. We have gazed at their movements and stood in awe of their advocacy and analytical abilities. Yet our strength and genius are greater than a Brandeis brief, or the oratory genius of a Clarence Darrow or the eloquent moral and social reasoning of a Thurgood Marshall. We are the keepers of a flame that some would like to blow out. We are the bearers of a light that can lead individuals out of darkness and loneliness, lead nations out of the caves of injustice and oppression, and into the sunlight of justice and peace. We do this not just with our finely tuned intellectual skills; we do it with what we draw from our spiritual wells. We do it with our compassion and tears, with our hearts and wrinkled hands; with our unconditional love for those who have been rejected and despised. We must bring more of who we are to the practice of this sacred craft, if we want to reclaim its sacred nature. Our emotional and spiritual intelligence must rest right next to our mental intelligence.

There is an ancient spiritual admonition which says: "Physician, heal thyself." At the core of this principled warning is a belief that in order to administer healing to those who are sick, it is a prerequisite that the healer remains healthy and whole. The physician is being instructed to first focus on the internal pain and weaknesses he or she faces in order to better address the external suffering of others.

I believe this principled spiritual admonition is as applicable to the legal profession as it is to the medical profession. Though you may not see yourself through this lens, I believe that judges and lawyers are also called to be healers. You are not healers of the body, but you are the healers of conflicts, the healers of broken people and relationships; the healers of devastating breaches to the social and moral contracts we have with each other. You are not called to administer drugs, but you are called to administer justice, and to be the caretakers of a process that attempts to bring order to chaos, and to reclaim and restore human dignity and respect.

Yet, you cannot live up to this high standard, nor carry this lofty mantle, unless you understand and embody the very legal and equitable medicine that you dispense. Like the physician, it is important that you are whole, well and centered if you are to guide a process that has justice and fairness as its goal.

Though self reflection and introspection are not processes that are valued and encouraged within the legal profession, I submit to you that they are indispensable to the roles we occupy in society. None of us can do our jobs at the optimum level unless we are constantly engaged in a process of self reflection and renewal. Taking the time to hold the mirror before your own souls and mind is not an act of selfish indulgence, but a prerequisite for the work you are called to do as judges and lawyers. For unless you are whole spiritually and emotionally then the entire judicial process will become sick and diseased.

The spiritual revitalization of the legal profession relates to a judge's ability to bring to the legal process a mind and heart that is not diseased with historical biases, prejudices or preconceived notions about the people and the issues that lie before you. It means that your intellectual and emotional eyes should not be covered by blinders that keep you from understanding the whole problem or the whole person, especially those persons who are different from you. For judges cannot properly judge racial discrimination claims if you haven't removed from your hearts and consciousness the disease of racism that has been planted so deep into the consciousness of this nation. You can't provide each litigant with the respect and dignity they deserve if you are trapped in the prison of your experiences which may devalue certain individuals because of their station in life. You can't demand civility from lawyers in your courtroom if you have not mastered your own impatience, temper and irascibility. You can't fully inspire lawyers to fulfill their pro bono obligation of serving the poor,

unless you deeply understand and passionately articulate the essential nature of equal access to justice.

One of the qualities we expect all judges to possess is that of judicial temperament. The American Bar Association's guidelines for judicial selection indicate that judicial temperament includes "common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding." The ABA guidelines go on to say that a judge must be "even-tempered, yet firm...confident, yet not egocentric...a willingness and ability to assimilate data outside the judge's own experience...an intellectual serenity in the approach to complex decisions, and forbearance under provocation." These are some lofty values and standards for anyone to obtain and master.

Too often we believe that these precious qualities and traits are a product of birth or a consequence of one's intellectual ability. There is this belief that either you have it, or you don't. And if you are deemed to have "it" then there is also the erroneous belief that you have it for life and you need not do anything to preserve or enhance these traits. Nothing could be further from the truth. I submit to you that many of the fundamental values that the judges in this room are required to possess and manifest daily are not automatically bestowed upon you, nor are they static and impenetrable. They are not a product of your legal education, nor does experience alone guarantee their existence. I believe that judicial temperament and integrity are the fruits that spring from spiritual roots, and must be cultivated through a search for sacred rivers.

Yet spirituality in the judicial context does not mean that as judges your role is to impose your religious beliefs upon others. This quest is not about whether you are able to place a monument that has the Ten Commandments inscribed upon it in the courthouse, or place a religious placard in your courtroom. This is about whether the values of humility, compassion and fairness are chiseled in your heart, and manifested daily in your work.

We must also understand that spirituality is a journey, and not an end. It is not a place we reach but a state that we consistently nurture. It is a process we undertake that allows us to come to the decision-making process free of the unnecessary baggage of our life experiences. It requires us to not just examine things for their finality, but to be as equally concerned about the process and the means as we are with the outcome and the judgment.

Therefore as judges and lawyers, in your "search for the truth," there is as much value in the search for the truth of the relationships between and among the participants in the legal process as there is the truth of the facts. For rarely will you ever get to the bottom of most disputes. Rarely will you ever know exactly what happened that brought a matter to your court. Truth also means sincerity, integrity, and fidelity to

an original standard. So the authenticity of your relationships with litigants, lawyers and court personnel must always be a part of your search for the truth. Because, in the final analysis, you have more control over the truth of your relationships and interactions, than you do over the truth of the facts.

When judges allow attorneys to demonize the other side, even criminal defendants who have committed heinous crimes, then your courtroom has become a spiritual trap door. When we portray people as animals or non-humans then we are distancing ourselves from them and from our own human vulnerabilities. For true humanity permits us to see the connection between ourselves and the mass murderer. Justice should not depend upon our ability to demonize others, but upon our ability to see their humanity and still provide an appropriate remedy for their inhumane acts.

There was a popular song when I was young which said, "There is a thin line between love and hate." I believe that there is a thin line between depravity and saneness, between criminality and nobleness. All of us whether we admit it or not, walk that line every day. To pretend that we are immune from crossing over is the greatest fallacy of human development. Therefore, our daily spiritual practices are not meaningless rituals, but should produce the emotional and mental strength that keeps us from crossing those thin lines.

Just as there is a judicial imperative to understand yourself, there is also a judicial imperative to understand those you serve. Law only has meaning in context. To apply the law appropriately it is imperative to understand the context that stands in front of you. To be a judge means that you must in essence be border crossers. You must be willing to transcend the limits of your own experiences and understand those who live on the other side of our unfortunate social barricades.

To understand the communities we serve, we need more than just demographic information about them. We need to have the capacity to empathize, to see beyond our own reality. Not so that we can disregard the law or facts, but so we can apply them appropriately. For we have long transcended the formalist theory that law is an internal, closed system that finds answer without having to resort to other forces and variables. Those other forces are not just economic theories and legislative intent. Those other forces also include human dynamics, emotional vulnerabilities and other intangible factors that are so much a part of human life, and thus part of the judicial process.

Spirituality for me is like a river. It is a flowing force that resides in us all and all around us. Rivers nurture life; they allow us to move from one place to another. We bathe our bodies within their chilly waters and we are cleansed of those things that stained us. We drink from the river when we feel depleted of the things we need.

Just as there are numerous physical rivers, there are numerous spiritual paths. It is not for me to tell you which river you must bathe within or drink from. But I can say that if this profession is to become the sacred calling which demands the respect of all who come, then we must consistently find our way to the river.

For some the river is nurtured through meditation, for others it is prayer, or nature. For some, their river is found within the context of their faith or religious tradition. For others, it is a personal journey where they define the contours of its structure. Our problem as a profession has not been our inability to agree on one river, it has been our passive acceptance that the river does not exist or matter within the confines of our work. Thus, our profession feels more like a business than a sacred calling.

So I end where I began, but with a new spiritual admonition which says, "Judges and lawyers, judge thyself." If the vision of your court is to be "open to all, trusted by all, and provide justice for all," then you must first judge yourselves. You must constantly be willing to hold up your actions and thoughts to the highest standard humanly obtainable. You must be willing to search your heart, the closet of your past experiences to make sure you are not harboring demons that haunt you and interfere with your ability to dispense justice. To do anything less is to bring dispersion and discredit to a sacred process.

In conclusion, you may feel that the standards I have suggested throughout this speech for judges and for the legal profession are too unrealistic or unobtainable. You may also feel that even if they were obtainable, that you are not compensated sufficiently to engage in this emotional and psychological exploration that I am suggesting. The reality is that you are right. We don't pay you enough for what you are really called to do. Yet that is not why you should do this sacred work. There is a loftier calling that exceeds your pay. There is a pull on the universe that has been hitched to your robes. It tugs on you to be something greater than that which preceded you. It calls on you to hear the voices of the voiceless, and find an oasis of justice in desert places. It asks you to be the weight that balances the imbalanced scales of justice. I ask you to respond to that quiet voice inside your soul; that voice which speaks to your highest aspiration; that voice from the sacred river that runs endlessly through life and through this profession.

If you do that, then, not only will our profession be revitalized, but our nation will also be transformed.