

What Lawyers Can and Must Do

*An essay by
Sherrilyn Ifill*

Ifill is a professor of law at Maryland Carey Law and the seventh president & director-counsel of the NAACP Legal Defense & Educational Fund, Inc.

There's a wonderful story in Jack Greenberg's memoir *Crusaders in the Courts* that describes what clients want from their lawyers. Greenberg was a lawyer at the NAACP Legal Defense and Educational Fund, Inc. (LDF), and on the team of the most brilliant civil rights lawyers in the country who had won the landmark *Brown v. Board of Education* case. Just a few years after the *Brown* decision, a young man who worked as an office messenger at LDF was arrested on a false claim of larceny and held in jail overnight. When he returned to work the next day and explained that he had retained a Legal Aid lawyer to arrange his release, Jack Greenberg was a little shocked. He asked the young man, "Why didn't you let us know? We would have represented you." The young man reportedly replied, "Mr. Greenberg, I didn't want to go all the way to the Supreme Court. I just wanted to get out of jail."

Lawyers are problem solvers. The challenge always is how we understand the dimensions of the problem and identify the solution. Very often our instinct as lawyers is to define problems in ways that we think we can solve. Sometimes, as the young man in Mr. Greenberg's story suggested, we identify the problem broadly when our clients want a simple solution to their particular problem. But more often, we take too narrow a reading. Is the problem the lead paint in Mrs. Jones' apartment in West Baltimore, or is it the larger, more complex challenge of the very limited affordable, quality housing available to low-income residents like her? If we learn that Mrs. Jones chose this awful apartment because it allows her

to drop her preschool-age children at her sister's home and still make it across town to her job at Johns Hopkins on Baltimore's notoriously slow bus system, perhaps the problem is also about transportation isolation for low-income residents.

The work of being a civil rights lawyer always involves pulling the thread and unraveling a pattern of problems that emanate from a common source. Freddie Gray's death is a tragedy in and of itself. His death while in the custody of the Baltimore City Police demands justice and accountability, but we must also examine the context that made Freddie Gray's life chances so grim. How did Freddie Gray end up lead poisoned in a major American city in the late 1990s? What should be done about an education system that is failing its students? How do criminal justice practices virtually guarantee that the future of young men like Freddie Gray will end in either death or a jail cell? What services do we need to support better outcomes for men and women who live at the margins? If Freddie Gray had been a good student and graduated from high school in Baltimore City, what job prospects and housing options would have been available to him? These are questions that lawyers can and must engage with their advocacy.

I have said on many occasions that civil rights lawyering is democracy maintenance work. This means that the job of civil rights lawyers is to identify those legal problems that speak directly to the health and legitimacy of our democratic institutions and practices. The solutions we advance benefit not only our clients, but our entire society. When we challenge inequality and discrimination, when we advance policies that promote opportunity and access, when we demand that every person receive access to all of the opportunities to which they are legally entitled, we play a vital role in strengthening our democracy. This is work every lawyer must do.