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Chair | CMBA Young Lawyers Section

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# My Social Tummy Ache

The e-mail from the bar association came late in the afternoon. In view of our historic merger of city and county bar associations to form the Cleveland Metropolitan Bar Association, I was informed that the theme of this edition of the *Bar Journal* would, quite fittingly, be “unification.” This was coupled with a suggestion that I consider reflecting on what unity means to young lawyers. Great. An assigned topic. I never liked being told what to write. But being a team player at heart, and not one to miss a hint, I decided to take a stab at throwing down a few lines on unity. Besides, after being reduced last month to discussing the alcoholic preferences of young lawyers, I’d be lying if I said I wasn’t relieved by not having to dream up a topic this time around.

So what’s there to say about unity? It’s a great thing. The word “united” alone inspires wonderful sentiments. Consider, for example, the following uses:

“United we stand, divided we fall.”

“The United States of America.”

“United Airlines.” (Okay, bad example.)

We Americans love our unity. I certainly do. There’s nothing better than knowing everybody’s on the same team; going the same direction; pursuing the same goals; sharing the same dreams. It’s like that perfect first date, when all straws lead to one milkshake, and you finish each other’s sentences without spending a single penny for a thought. The kind of intimacy that makes sociologists everywhere tingle.

Life in the bosom of unified brethren is comfortable and secure. In fact, sometimes unity is so comfortable and secure it eliminates those nagging uncertainties in life. Questions like *Where should I go to school? What should I do when I grow up? What should I wear to work? Should we have children?* quickly become annoyances of the past. When everybody’s perfectly united, you needn’t worry about such trifle matters—you already know where to rank and file. Unity, it seems, is not only comfortable and secure, but extraordinarily *convenient* as well. What I’d give not to have to decide on a new tie every morning.

While a unified bar association is one step in the right direction, we’re far from perfect overall. Consider, for example, Barack Obama and Hillary Clinton. They persist in arguing “issues” in their bid for the Democratic presidential nomination. I wish they’d get with the program. Don’t they understand that *issues don’t matter* when everybody’s united? I’ll bet John McCain will have the audacity to create a whole new set of “issues” to argue once the Democratic primary is behind us. Some nerve. And let’s not forget about those ridiculous third parties. Haven’t they heard the saying “Two’s com[plicated]; three’s a crowd?” It’s a good thing we’re afraid to hitch our wagons to something other than donkeys or elephants, otherwise they’d really stand a chance of mucking things up.

Those Supreme Court justices of ours aren’t much better. Where do they get off with this whole “majority,” “minority” and *über*-confusing “plurality” nonsense? They should just hold a vote on each case, following which the losers concede to the majority, give their law clerks the day off, and

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<sup>1</sup> *Baze v. Rees*, 2008 U.S. LEXIS 3476, at \*81 (April 16, 2008) (upholding constitutionality of Kentucky’s use of lethal injection) (Stevens, J. con-

curing begrudgingly).

<sup>2</sup> *Gregg v. Ga.*, 428 U.S. 153 (1976).

the Volunteer Lawyers Program, or Howard Strain, Legal Aid's Jones Day pro bono fellow. Either may be reached at 216-687-1900 or [probono@laslev.org](mailto:probono@laslev.org).

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## young lawyers

let a *unified* opinion be authored. And what about Justice Stevens coming out of right field on the death penalty with statements like "State-sanctioned killing is becoming more and more anachronistic."<sup>1</sup> *Objection—question asked and answered, Mr. Justice*. The Court's upheld the constitutionality of the death penalty since 1976 for Pete's sake.<sup>2</sup> If he starts changing his tune now, well, let's just say somebody's invitation to my Unity Day party is getting lost in the mail.

I'll stop shoveling now. From the look of your upturned nose, I believe the point's been pungently made. Unity's great, but not so great that it evades the law of diminishing returns. Like too much candy on Halloween, too much unity gives us our own little social tummy ache.

That's where we come in. The lawyers. The judges. The *only* people preventing Key's Land of the Free, Home of the Brave from becoming Huxley's Brave New World. It's our duty to challenge the periphery of unity—or the *perception* of unity, as is more frequently the case

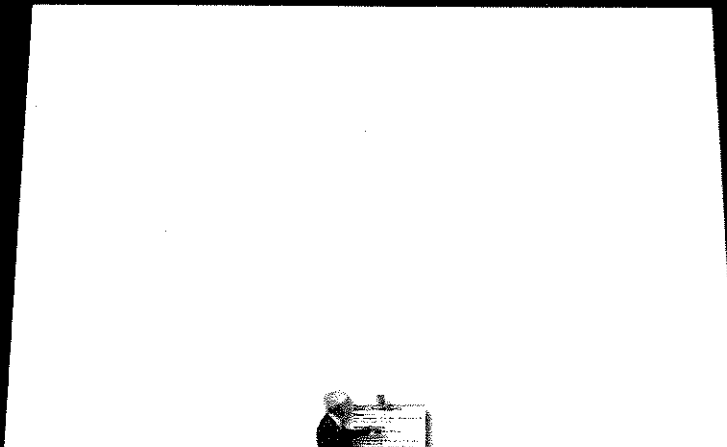
in this Our Year of the Media. We fulfill our duty by taking and hearing cases and causes that defy the grain of unity to the point where they're as pleasant as a tabby getting stroked from arse to eyes. We do so with passion, frequently paying substantial personal tolls before the dust settles and ink dries.

Young lawyers are particularly well suited for this task. For starters, we've got nothing to lose. If we go down fighting the good fight, then there's still plenty of time to land on our feet, perhaps even on the cushion of a book deal. Conversely, we've also got the most to gain—or to protect, depending on how you look at it. If we let our guard down long enough for the perils of over-unification to take root, then we'll be dining on its bitter fruit longer than most others on this earth right now.

Unity is wonderful when employed appropriately, as in the case of our new bar association. Young lawyers are fortunate to have this enhanced support behind our practices. Because of it, we're stronger and better able to fulfill our constitutional mandates.

Give me a dose of this kind of unity any day. ■

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