

# Colorado Bar Association President's Message to Members

## *What Have We Learned From 9/11 and Katrina?*

by Elizabeth A. Starrs



This month, we will commemorate two solemn anniversaries. It has been five years since the 9/11 terrorist attacks in New York and Washington and one year since Hurricane Katrina hit the Gulf Coast of the United States. What have we learned from these tragedies?

### September 11

The tragic events of September 11, 2001 forever changed us. In the aftermath of the terrorist attacks, many Americans began to feel the need to reaffirm what is important to us, and we resolved to stop taking for granted our lives, our country, and our freedom. We vowed to make time for the people and issues important to us.

Making resolutions is important—even if we don't keep the resolutions we make. When we resolve to change, we show we are in control of our lives and not victims of fate. It is from this that we derive the mental and emotional strength required to make it through difficult times.

But what if we had kept all those resolutions we made after the 9/11 tragedy? Where would we be today if we had continued to focus on life's priorities?

Shortly after the World Trade Center attack, Robert Hirschon, then-President of the American Bar Association, said that "as lawyers, we know that despite our vulnerability to terrorism, the rule of law is our strongest weapon in the battle against anarchy and human destruction."<sup>1</sup> He is right. The Rule of Law is central to everything the legal community stands for and, as we know from recent international events, poor governance and lawlessness lead to corruption and war.

There are many lessons to be learned from the events of 9/11. One important lesson is that we must be vigilant to ensure the Rule of Law is maintained.

### Hurricane Katrina

Four years after 9/11, Hurricane Katrina hit the Gulf Coast region of the United States. As a result of this natural disaster, many lives were lost and property damage was so extensive that Katrina is being ranked as one of the deadliest and most costly hurricanes in U.S. history.<sup>2</sup>

Just as distressing as the personal devastation that was caused by the storm was the resulting breakdown of the Rule of Law. It was the absence of police protection and the display of anarchy that was most disturbing in the aftermath of the storm. Americans thought we would never succumb to lawless-

ness in our country, where the Rule of Law reigns, and yet we did.

The 2005 disaster in the Gulf Coast had a serious impact on the lives and livelihood of lawyers. Some lost not only their offices and files, but also their clients.<sup>3</sup> The Fifth Circuit Court of Appeals had to move its courthouse temporarily from New Orleans to Houston.<sup>4</sup> In fact, much of the criminal justice system in the Gulf Coast states still has not recovered from the ravages of Katrina. A number of other legal issues have arisen: voting rights, eminent domain, victim compensation, insurance coverage, and price-gouging, to name a few.<sup>5</sup>

The Katrina experience shocked everyone and, once again, the American belief that we have control of our lives was shaken. Official statements that neither the attacks on the World Trade Center in New York nor the breach of the levees in New Orleans could have been predicted are now a matter of some debate.

Regardless of your personal view on "what went wrong" in either disaster, the ultimate result of 9/11 and Katrina was the loss of confidence Americans began to feel in our institutions. One of those institutions is the legal system.

### Our Challenge as Lawyers

Lawyers should be committed to the principle that society must be ruled by law, not by passions of the mob or the ambitions of powerful leaders. To paraphrase what Thomas Paine said more than 200 years ago: "In England, the king is the law; in America, the Rule of Law is king."<sup>6</sup> The judiciary is one of the three separate, co-equal branches of government, but the effectiveness of the administration of justice depends, in large part, on public confidence. One of our primary responsibilities as lawyers is to further the public's understanding of our system of justice and the important role it plays in a civil society.

As lawyers, we know that consistent legal systems enforced by fair and impartial courts are essential to our stability as a country. Without an independent judiciary, there is no democracy; without our laws, those directly affected by 9/11 and Hurricane Katrina—individuals and businesses alike—would have nowhere to turn to enforce their rights or to seek redress. Yet, the judiciary is under unprecedented attack from powerful special interest groups, politicians, and extremists.

Our justice system, though imperfect, is the best in the world. It is now more important than ever that we defend our system of justice and the Rule of Law in the face of fear and uncertainty created by these misfortunes and political oppor-

tunism. Disasters, whether a natural catastrophe or a terrorist attack, are inevitable. Conflict is inevitable. Our courts provide a civilized and effective form of conflict resolution. As lawyers, we play an integral role in making the resolution of conflict work. As lawyers, we have the obligation to defend the legal system and the judiciary from unwarranted attacks. Too often, dissatisfied litigants and disgruntled politicians attack the judiciary or the legal system when a judge rules against them. We cannot—and should not—stand by silently when such denigrations of the third branch of government occur.

As historian George Santayana said: "Those who do not learn from history are condemned to repeat it."<sup>7</sup> Let us take the lessons of 9/11 and Katrina and renew our commitment, not only to the Rule of Law, but also to our role in educating the public about the significance of the Rule of Law. We must be courageous. Recognizing attempts by the vocal few to marginalize lawyers and the judicial branch of government, we must

respond forcefully to unfair criticism of our profession, the legal system, and the judiciary. If not us, who?

## NOTES

1. Letter to Canadian Bar Association President Eric Rice (Sept. 14, 2001); available at [http://www.cba.org/cba/News/2001\\_Releases/2001-09-14\\_Hirshon.aspx](http://www.cba.org/cba/News/2001_Releases/2001-09-14_Hirshon.aspx).

2. See [http://en.wikipedia.org/wiki/Hurricane\\_Katrina](http://en.wikipedia.org/wiki/Hurricane_Katrina).

3. See Clark, "CBA President's Message to Members: The Sadness," 34 *The Colorado Lawyer* 4 (Nov. 2005).

4. See, e.g., "Displaced Court Returns," *The New York Times*, National Briefing (Nov. 23, 2005) (reporting that the Fifth Circuit Court of Appeals, which temporarily moved from New Orleans to Houston as a result of the hurricane, was planning to return to its home of nearly a century on Jan. 9, 2006).

5. See, e.g., <http://writ.news.findlaw.com/katrina/index.html>.

6. Paine, *Common Sense*, 1776.

7. Santayana, *The Life of Reason*, vol. 1, 1905-06. n

## COLORADO ACCESS TO JUSTICE RECOGNITION OF PRO BONO LEGAL SERVICES



The Colorado Access to Justice Commission recognizes the lawyers who are committed to providing legal services to indigent persons and/or organizations serving indigent persons.

On July 14, 2006, the Continental Divide Bar Association and Northwest Colorado Legal Services Project honored lawyers who had contributed many hours of *pro bono* services. In 2005, lawyers in the Fifth Judicial District ("J.D.") helped 178 clients and provided 575 hours of *pro bono* services, valued at \$94,527. Approximately 90 percent of local practicing lawyers contributed *pro bono* services.

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Seth J. Murphy  
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#### Participation Awards

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