

# Taking up a Cause: Why New Lawyers Should Consider Practicing Civil Rights Law

By Cory Morris



Unlike any other profession, when you become a lawyer you have the privilege and duty to advocate for those in need of representation—those deprived of their most basic liberties—and a lawyer can change the world with a single lawsuit.

Usually the brunt of ill-founded jokes, lawyers and, more specifically, those attorneys who fight to protect civil liberties, remain a steadfast check on government oppression and an overzealous executive. “The irony of the ‘kill all the lawyers’ proposition is that the quotation actually reflects the system-preserving characteristics of the legal profession and the knowledge that lawyers are a barrier against insurrection.”<sup>1</sup> But lawyers have difficult jobs, suffering from disproportionate rates of substance abuse and mental illness,<sup>2</sup> and often do not derive personal satisfaction from their work. Job prospects and student loan debt aside, perhaps focusing on the difference lawyers can make in our clients’ lives and our potential to make positive change in the world can help ameliorate some of the problems fresh lawyers face. Believe in something, become principled, and fight for a cause.

Law school orientations rarely talk about an epic case of landlord’s rights or a case determining where the jurisdiction of a multinational trust lies but, instead, orientations to the legal profession emphasize the decisions that impact our freedom, privacy, liberty rights, and due process and the pursuit of happiness.

*Brown v. Board of Education*, *Griswold v. Connecticut* and *Chaplinsky v. New Hampshire* impact our everyday lives. The struggle for civil rights is far from over. For example, irrespective of your position on the matter, the Federal Bureau of Investigation’s pursuit of an Apple iPhone has caught the attention of a nation: on one side, the government, while, on the other, everyday privacy rights and the negative liberty implications of a Court order.<sup>3</sup> Indeed, we should be wary of the dangerous precedent the government is trying to set and its implications for free speech, freedom from government compulsion and negative liberty interests.<sup>4</sup>

Think about why it is you became a lawyer, what it means to be an officer of the Court and your oath to uphold, protect, and safeguard the constitution.

## Righting Wrongs and Protecting Civil Liberties

Morris Dees, founder of the Southern Poverty Law Center, is a hardened advocate fighting against hate groups. Bringing the Ku Klux Klan (KKK) to its knees, again and again,<sup>5</sup> Dees helped dismantle the KKK and his organization continues to monitor and fight hate groups. A living legend, “Dees decided to sell his successful book publishing business to start a civil rights law practice that would provide a voice for the disenfranchised.”<sup>6</sup> That legacy continues today, forty years later, litigating cases that have far-reaching impact.

Myron Beldock once said “[p]ower is easily misused by those in power. You either roll over or you fight back.” Although a general practitioner, Mr. Beldock is most remembered for his representation of individuals in high profile cases,

including George Whitmore, Jr. and Rubin “Hurricane” Carter and one of the Central Park Five defendants. Although he had a vast career, it is these cases that the *New York Times* mentioned when Mr. Beldock left us at eighty-six years old.<sup>7</sup>

“In the city of New York, in 1964, a destitute young black man named George Whitmore Jr. confessed to three murders he did not commit.”<sup>8</sup> Claiming he was physically beaten into confessing, Whitmore held onto his innocence.<sup>9</sup> After two trials and three years of incarceration, Beldock took the case.<sup>10</sup> He carefully scrutinized the rape victim and called alibi witnesses.<sup>11</sup> He made clear that Whitmore was the only black male in the identification lineup.<sup>12</sup> “Coerced confessions by Mr. Whitmore became instrumental in the 1966 Miranda decision by the Supreme Court, which required the police to advise suspects of their rights to remain silent and be represented by a lawyer.”<sup>13</sup> Furthermore, coerced confessions “were also decisive in the 1965 repeal of capital punishment in New York State except in the murder of police officers.”<sup>14</sup>

Advocating for Whitmore and others, Myron Beldock epitomized what it meant to take unpopular cases, to fight, and to win. “He was a hero to many civil rights leaders, who called him a crusader for justice.”<sup>15</sup>

## Fighting Official Misconduct

News headlines are rife with police misconduct, racial inequality and protests. Whether it is the public’s right to know, representing whistleblowers, or suing a state actor accused of violating someone’s constitutional rights, representing people who are faced with the overwhelming opposition of the govern-

ment is vital to our system of law. The Federal Government and the Department of Justice may either be incapable or unwilling to step in on our behalf. “Federal prosecutors chose not to levy charges against U.S. law enforcement officers alleged to have committed civil rights violations in 96 percent of relevant cases from 1995 to 2015.”<sup>16</sup> From botched and unscrupulous criminal prosecutions to the failure to prosecute cases, it is often the private bar that is responsible for remedying misconduct and freeing the innocent. Indeed, “[a]bout 40 percent of the 2015 exonerations involved official misconduct, a record. About 75 percent of the homicide exonerations involved misconduct.”<sup>17</sup> This is coupled with astounding facts that fly in the face of everything we are taught: should it not be that ten guilty persons go free rather than one innocent person suffer? “Researchers found that 149 people were cleared in 2015 for crimes they didn’t commit—more than any other year in history.”<sup>18</sup>

Civil Rights Attorney Ron Kuby stated that “[c]ondemning so many to unconstitutional imprisonment is an incalculable human loss. Those who argue that this price must be paid are not the ones who pay it.”<sup>19</sup> As officers of the Court, lawyers shoulder that burden. When choosing a practice area, think about what matters most in your life and the issues discussed in this article. Few can legitimately argue that other legal causes in life are more compelling than these.

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## Endnotes

1. David Barnhizer, *Princes of Darkness and Angels of Light: The Soul of the American Lawyer*, 14 NOTRE DAME J.L. ETHICS & PUB. POL’Y 371, 402-03 (2000) (external quotation marks omitted) (referring to the William Shakespeare quote).
2. See Interadmin, *17 Statistics on Drug Abuse Among Lawyers*, INTERVENTION STRATEGIES (Jan. 7, 2014, 10:00 AM), <http://interventionstrategies.com/17-statistics-on-drug-abuse-among-lawyers/>.
3. E.g., Katie Benner & Eric Lichtblau, *U.S. Says it Has Unlocked an iPhone Without Apple*, N.Y. TIMES, Mar. 29, 2016, at A1.
4. See e.g., *Obergefell v. Hodges*, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2584, 2635 (2015) (discussing, at length, the concept of liberty and negative liberty as it existed in the 18th century).
5. J.R. Moehringer, *Church Wins \$37.8 Million in KKK Suit*, L.A. TIMES, July 25, 1998, <http://articles.latimes.com/1998/jul/25/news/mn-7055>.
6. *Our History*, SPLC SOUTHERN POVERTY LAW CENTER, <https://www.splcenter.org/our-history> (last visited Mar. 31, 2016).
7. Robert D. McFadden, *Myron Beldock, Civil Rights Lawyer Who Fought for Lost Causes, Dies at 86*, N.Y. TIMES, Feb. 1, 2016, <http://www.nytimes.com/2016/02/02/nyregion/myron-beldock-civil-rights-lawyer-who-fought-for-lost-causes-dies-at-86.html>.
8. *George Whitmore Jr. dies at 68; exonerated in three N.Y. murders*, L.A. TIMES, Oct. 20, 2012, <http://articles.latimes.com/2012/oct/20/local/la-me-george-whitmore-20121020>.
9. *Id.*
10. McFadden, *supra* note 7.
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. Lucy Nicholson, *Police avoided federal civil rights charges in 96% of cases over 20 years—report*, REUTERS, Mar. 15, 2016, <https://www.rt.com/usa/335602-police-civil-right-charges/>.
17. Matt Ferner, *A Record Number Of People Were Exonerated In 2015 For Crimes They Didn’t Commit*, HUFFPOST POLITICS, Feb. 3, 2016, [http://www.huffingtonpost.com/entry/exonerations-2015\\_us\\_56ac0374e4b00b033aaf3da9](http://www.huffingtonpost.com/entry/exonerations-2015_us_56ac0374e4b00b033aaf3da9).
18. *Id.*
19. Ronald L. Kuby, *A System for Courts to Redress Wrongs*, N.Y. TIMES, Apr. 23, 2011, <http://www.nytimes.com/2011/04/24/opinion/l24habeas.html?hpw>.

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