

At the beginning of the semester I was an eager, idealistic, recovering cynic
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Introduction

“The bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding go out to meet it.”

Thucydides

At the beginning of the semester I was an eager, idealistic, recovering cynic that truly believed a clear vision of glory and success awaited me in my quest for social justice around the world. Some of this excitement probably came across as unrealistic in my first essay, but I have always been far from that and though my idealism may have reverted a bit towards the dark side of David Kennedy over this semester, it is only because I embraced a clear vision of the danger and frustrations that await me in my future career, but continue to press on. I stated early in the semester that one of my big picture goals was to eradicate fear. Just as one cannot love others without loving oneself (Quigley), I recognized that I could not begin to champion social justice effectively in the pursuit of eradicating fear if I myself worked in fear. Though I have accomplished and experienced many things throughout my life, I never came to terms with my own fear, the fear of failure. I always trained to protect others from what they feared to the utmost of my abilities without ever exploring this anxiety. In my prior experiences my fear of failure never became a detriment because it served to keep me awake, aware and alive. However, during my work with the clinic this semester this fear provided unforeseen difficulties, inhibited my ability to fully immerse myself in the role of a lawyer, and forced me to realistically assess my future role as a lawyer.

Unforeseen Difficulties

The first five or six weeks of my clinical experience were hell. Because I previously studied conflict in Latin America, felt deeply passionate about the topic and country our project involved, and showed up to the first team meeting late; I put an enormous amount of pressure on myself to demonstrate to my supervisor, team members and our clients that I was worthy of working on this project and would not fail them. I found myself not only consumed with working on the clinic to prove my own worth, but also because this was my first opportunity to work on real cases that pertained to real people struggling for justice in such grave circumstances. However, it was not the hard work that made my first experience so difficult. I have always worked hard. My problem was that this subconscious fear of failure and lack of confidence in my legal knowledge and skills clouded my mind. I spent too much time trying to completely understand the history, strategy and intricacies of our case that I became lost in the trees. I doubted my own thoughts, opinions and beliefs on matters and simply deferred to what others around me thought or believed. In short, I failed at assuming the role of a lawyer and taking on responsibilities early on because I was too busy trying not to fail. Luckily this tapered off somewhere in October once I realized that I was my own worst enemy.

After a team meeting where I received comments on my first attempt at updating a memo, I realized that this fear of failure inhibited my ability to communicate my questions and concerns, which clearly led to a memo that completely missed the mark. Once the assignment was clarified during this meeting, I felt a sweeping sensation of anger with myself and I finally snapped out of my insecure, tiptoeing, afraid to fail trance that I fell into in August. From this moment on I would

not hesitate to ask questions or state my mind. Through team meetings and discussions with my supervisor I gained a better understanding of the process involved in legal writing and learned from the comments and feedback instead of viewing them as failed attempts. The ironic part of this epiphany is that I never acted this way my entire life. Perhaps I overly pressured myself to do well because I knew that real lives were at stake. I allowed law school to get into my head so much that I doubted everything that I knew and suppressed the strengths that I did have.

Once I diagnosed my crisis, I was able to meet my fear of failure and find my strengths within the parameters of the project. I began to take on more of a leadership role in my team and establish parameters that allowed us to communicate and work more efficiently as a team instead of waiting for my partner to take the lead because I lacked confidence. I began to display my passion for the project through my hard work and knowledge of the subject matter and history of the Colombian conflict. Instead of concentrating on my self-proclaimed weaknesses, I believe I earned the respect of my partner through my strengths and communication and as a result we worked more efficiently at times. By increasing my own production I believe I motivated my partner to also increase his/her production. This was another enlightening moment because early on my partner intimidated me because he/she was a 3L and had a big firm job waiting. However, when I changed my mentality, I noticed that he/she also harbored a fear of failure, which also proved to be another unforeseen difficulty.

I have always prided myself as working well with others and my partner is a great person and very bright. But I envisioned a different and more collaborative working relationship. I was so excited about the project and truly wanted to dive in, but at the beginning our relationship was very cold and disconnected. My partner worked on his/her side of the project and I worked on mine. We divided up the work and hardly ever collaborated. I blame this primarily on myself, again for my

own fears and lack of initiative to take the lead or communicate effectively. For some reason I believed that because he/she had one more year of law school experience and had worked at a firm, then this was the way things were done; separate and piecemeal. In reality, I was projecting such a lack of ability and confidence at the beginning that he/she probably did not trust me. Once I began to assert myself our relationship became much more collaborative and resembled what I had first envisioned it might become. While these unforeseen difficulties allowed me to reassert myself as a person, they inhibited my transition in assuming the role of a lawyer while working with the clinic until late in the semester.

Role as a Lawyer

A pivotal reason I joined the clinic was the opportunity to gain practical experience working as a lawyer in the international human rights field. I was also fortunate enough to work on a federal criminal litigation case, which is one of the experiences I hoped to gain. But I feel that while seeking to eradicate the fears of humanity in my broad and all encompassing goals my failure to confront my own fear of failure and its afore mentioned fallout restrained my ability to fully immerse myself in the role of a lawyer throughout the project until much later in the semester. Such limitations emerged during my interactions with our litigation partners. Instead of taking the initiative and reaching out to the attorneys there throughout the semester, I allowed myself to be in the role of supporting student, which is perhaps where they may have wanted me, but in no way where I had to remain. Obviously, I do not pretend to believe that I could have swash-buckled on into their office and dictated terms to them on how our litigation strategy would unfold. But I do believe that I should have asserted myself more in order to tap into their expertise and learn from their collective experience thus involving myself more in the process. In my head I continually doubted my ability to add value to the litigation and therefore never put myself out there enough to

truly gain from the invaluable experience of working with these skilled lawyers. This is, once again, my own fault and due to my fear of failure and allowing myself to be intimidated, two qualities that do not bode well for anyone who intends to be a litigator.

Though I may have missed my opportunity to fully engage as a lawyer with our litigation partner, once I snapped out of my stupor I was able to gain invaluable insight into the process and strategy that goes into such sophisticated litigation through our team meetings, emails and conversations with my supervisor. Even though our litigation was riddled with limitations, I understood the value that such a process could have even in the face of “failure.” More importantly, my definition of failure was redefined. I did not directly or proximately fail in anything I did as long as the process allowed for some form of progress or answers for our clients. We never failed; we were simply misinterpreted. The unfortunate ending of our semester’s work actually worked quite brilliantly with my own evolution this semester because it was a prime example of the dangers of litigation, and having a clear vision of those dangers, as well as the glory, allows one to meet fear head on. And in Human Rights work, as in litigation, these two ends must be clearly envisioned.

My role as a lawyer involved in human rights work seemed distant for most of the semester, which I believe is a good thing considering how I squandered some great opportunities earlier on due to my fears. But I felt that my work as a human rights advocate came right before and during our client’s visit to the United States, and I feel that I took full advantage of that opportunity and was able to assert my skills during that time. Prior to the clinic I did not have any experience in human rights work, let alone international law. I had never organized or promoted a speaking event, radio interviews, or any similar involvement with NGOs prior to her visit. By reaching out to different segments of the community during the planning and organizational stages

I truly felt that I was connecting with a part of the human rights movement, such as other students, community members, activists and professors. I immersed myself in the role of organizer and collaborator during this short time and felt that I was able to build on advocacy skills that I never realized the importance of until those few days. Additionally, I realized that some of my strengths came through in these activities such as giving presentations, and connecting with and persuading audiences to value the importance of what (client) and our clinic were working for. During this experience I felt the most fulfillment because it demonstrated that there was support for what we were doing, though not always very educated on the issue. But most importantly, I was able to interact with one of our clients during this time.

Meeting and spending time with (client) filled me with confidence and brought me back to reality. In speaking with her about the realities of the (Country) conflict, her suffering and tapping into her strength, I was able to forget about my own fear of failure because it was no longer an option. All of my passions and ideals from the beginning of the year and my first essay returned, along with Quigley's sentiments. I no longer worried about the fact that I wasn't a lawyer and didn't have a clue which standard of review the (Circuit) might choose if we petitioned for a writ of mandamus. (Client) represented the struggle and personified the quote at the beginning of this memo that I had read so long ago. She knew that her speaking tour might result in great glory or danger, but went on it anyways because it was necessary. During the week that she was here I think I did the least amount of "legal" work, in law school terms, but felt the closest to a human rights advocate, which is the reason I joined the clinic in the first place. Spending time with (Client) allowed me to recall the reasons I came to law school and reminded me that while I may not have the best legal understanding or write the best memos, I still had many great things to offer and many skills that needed to be used in the struggle for justice. The final months of the semester were

a success primarily due to this visit and changed the perspective in which I viewed my future as a social justice advocate.

Moving Forward

As a proper historian, I truly believe that one cannot progress without studying and learning from the mistakes and experiences of the past. Therefore, the most influential and beneficial portion of my experience in the clinic has been the opportunity to attempt to work as a lawyer, fail, and recover and regain my true identity. What I have learned about myself during this process is the most important part of this semester's long journey because it allowed me to realize that to be a good attorney, litigator or human rights advocate I do not have to fit into this mold that law school, employers or anyone else attempt to frame. There is no perfect attorney or single route to achieving "success." I learned three fundamental things during my clinical experience.

First, just because I have overcome numerous physical, mental and emotional obstacles throughout my life does not mean that I am immune to fear. In fact ignoring or not realizing this fear resulted in the numerous unforeseen difficulties this semester. My fear of failure is not detrimental once I understand it and learn to control the tendencies that I have because of it. Especially when I realize that it is absurd to fear failure because it is necessary in the learning process. Second, I realized that I am much more comfortable working on cases or problems by myself rather than in teams at this point in my fledgling legal career. Perhaps this too will prove to be a deficiency in need of adjustment. But currently I feel as though I need to fully know what is going on with my cases and have all of the information and the ability to make strategic decisions. I put a lot of work into them and want the responsibility that comes with the ownership. That is a trait I have always had and I am beginning to embrace it again. Finally, I realized that my work

whether as an attorney, litigator, human rights advocate or freelance bartender must involve client contact and a close connection to the issues and facts. I learned this past summer at my internship and this semester at the clinic that I need to thrive off of the energy of interacting with others, especially those who I am trying to help. I need this connection in order to continually motivate myself and remind me why I am spending time away from my family. If I am reminded of the struggle I am involved in, I can justify the time I sacrifice with my daughter. In addition, I need to feel that I am having some immediate effect on those that I am working for, even if it is the simple process of just giving them someone to talk to and some form of hope that someone will take up their struggle and fight for them and with them. This is my passion and through this clinic I have been able to refocus that once again and map out the possible opportunities that I may have in the future.

From this learning experience I critically evaluated my weaknesses in the hopes of converting them into strengths, but more importantly I gained an insight into the type of lawyer that I want to become and the role that I hope to fulfill within the social justice movement. Working on criminal litigation I realized that some of my skills could be best served as a prosecutor. Our litigation project has demonstrated to me the deficiency that exists in our current criminal justice system in regards to victims and their rights. Victims are all too often a pawn or tool in the litigation and are not compassionately and properly taken into account during the criminal justice process. I believe that this project and semester with the clinic has allowed me to find a niche where I can amplify the voice of victims. More importantly, I believe that I can serve my long-term goal of beginning to eradicate fear through the prosecution of those responsible for heinous crimes and quelling patterns of impunity, corruption and injustice. Along these lines, I see my future role as a lawyer, much later on, as part of the International Criminal Court. I have

realized this semester that the independent criminal justice systems of each individual country are far behind the globalization of crime and criminal networks. The fact that horrific criminals can get away with massacres, murders, torture, forced disappearances and rape because one country's drug indictments are given precedent due to political leverage is a clear sign that an international system must be legitimized so that war criminals around the globe will be held accountable. I hope that my future as an attorney will coincide with the growth and legitimization of such a system. This is a pivotal moment in the global evolution of our societies and a chance to come together in the struggle against violence and injustice.

Conclusion

Recently, I overheard a dedicated social justice Boaltie trying to understand another law student's indifference to the plight of workers and the education system as a whole. As she tried to understand how he could be so apathetic, especially as a law student, he coldly retorted, "because I am here for the money and I know that I don't have to concern myself with social justice because someone else will do it." That comment spurred an intense reaction inside of me. The clinic experience has allowed me to hold true to my convictions and not assimilate into this grave indifference that, as Quigley highlighted, permeates the law school environment, even here at Boalt. The process of the clinic is only effective and transformative once one lets go of the inhibitions and fears that seem prevalent throughout the law school setting. I almost allowed myself to turn back with the current, but fortunately my interactions with strong and dedicated people this semester allowed me to rediscover my own strengths and assert myself as a lawyer. In my mind there is nothing worse than the indifference of those who have the opportunity and potential to do good things but consciously refuse to do so. For true bravery is exemplified less in battle, where one is spurred into action by training, discipline and instinct, than it is by people who

refuse to stand by and remain indifferent in the midst of injustice. At the beginning of the semester I described the eradication of fear as one of my ultimate goals in social justice lawyering. After this semester however, I have learned that such a clear vision can only be gained by consciously identifying and working through my own fears. While the entire experience may not have been easy, this semester with the clinic was evolutionary for me as a professional. Besides, few things that are easy are ever worthwhile. Bring on the danger and the glory.