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REFLECTIONS ON HOPE

*Erica J. Hashimoto**

Fighting for a more just society—a society that treats all of its members with dignity and respect—calls for courage, passion, and vision. People with those qualities who choose to work in the public interest will discover the joy of having a “job” that many days is exhilarating and rewarding and often is just plain fun.¹ There will also, however, be difficult days. Surviving those days and sticking around for the next day’s fight requires a somewhat irrational anti-cynicism in the face of overwhelming odds, a sentiment more commonly known as hope.

For those fighting in the public interest, hold fast to your sense of hope. It will sustain you as you stand next to your client at a sentencing hearing trying to explain to the judge that this young man has lived through things that nobody, certainly not a nineteen year old, should ever have to experience. You tell the judge that your client had no behavior problems at all until he found out that his father had contracted AIDS. And then immediately after his father died, his uncle was murdered by a shot fired at point-blank range. Then and only then did your client begin to get in trouble. You talk about the letter your client’s thirteen-year-old sister has written to the judge. She writes that her brother takes her to school every day and watches out for her and loves her more than anybody else. And, she writes in a young girl’s ungainly script with hearts drawn to dot the i’s, she knows that her brother has been convicted of selling drugs and must be punished, but more than anything else, she wants him to be released from prison before she graduates from high school so that he can be there to watch her get her diploma.

* Assistant Professor, University of Georgia School of Law. These comments were first presented at the University of Georgia School of Law as part of a panel on “Law in the Public Interest” held in honor of Professor Milner S. Ball upon his retirement. I appreciate the guidance, insight, and inspiration provided by Milner Ball; by my very demure co-panelists, Danny Greenberg, Aviam Soifer, and Steve Wizner; and by our fearless moderator, Russell Gabriel. I also wish to thank the members of the *Georgia Law Review* who worked so hard on this tribute to Milner.

¹ Thanks to Danny Greenberg for expressing this joy of public interest work so well at the Symposium.

You tell the judge that your client has learned his lesson and that he won't get in trouble again and that he is a person who can and will succeed. You ask, you beg, that he not be sentenced to more than five years in prison so that he can see his little sister graduate from high school. You put your hand on your client's arm and feel him shaking, and you know that he is scared, and you hope you have done enough. And then you hear from the judge: "Ten years."

On that day, and on the days like it that you undoubtedly will experience if you choose this work, you must have hope. Without hope, you would not wake up the next morning determined to continue the fight, and you would not make yourself go to the jail to tell your client that you will appeal his conviction and sentence. And if you didn't do that, you wouldn't hear him say, "Thank you for believing in me. It means a lot to me, and I'm not going to let you down. I will be the person you think I can be. I promise." And if you didn't hear that, you wouldn't be able to fight for your next client.

Sustaining the fight for justice requires hope. Milner Ball expressed this same thought years ago with characteristic eloquence. Commenting on Roberto Unger's *Politics*, Milner wrote:

My generation is tempted to think that the irony of innocence savaged and destroyed is a description of necessary reality. We grew to middle age through the assassinations of John Kennedy and Martin Luther King, Jr., the war in Vietnam, and the depressing acceptance of a political and religious fundamentalism that has installed William Rehnquist as Chief Justice of the United States and rendered Pat Robertson a candidate for the Presidency. We have found Marxism overtaken by necrosis and Western culture captured by self-absorption.

We are lured by the belief that serious commitment to a just world means that sooner or later our hearts will be broken. . . .

Other less classic temptations exist. One is the upbeat mythology of T. Boone Pickens, Lee Iacocca, the Hunt brothers, and J.R. Ewing: do deals and abandon

the realities of mass suffering for bold, unapologetic acquisitiveness. Another temptation is to give up and do nothing. . . .

If we refuse these temptations, it is because we catch glimpses of another, more authentic possibility. The facts yield no ground for optimism, and yet we snatch from them intimations of more and better.²

In the fight for justice, your heart very likely will get a little bruised along the way. There will be days when you want to scream, there will be days when you want to cry, and there will be days when you end up doing both. Part of what Milner's journey teaches us, however, is that even on those days, or perhaps especially on those days, it helps to look up and recognize those "intimations of more and better."³

Evidence of more and better is everywhere. If you are lucky enough to be a public interest lawyer, you will find it in your client who, sentenced to ten years in prison, thanks you with heartbreaking grace. And you will find it in the generosity of a client awaiting trial in an eight foot by ten foot jail cell who, when you go to visit him, tells you, "Go home. You work too hard. You shouldn't have to work so much." Certainly the Mother Teresas of the world inspire, but so do countless others whom we meet every day. Most are not perfect hero(ine)s, and they would never purport to be. Instead, they are full of the messy faults and idiosyncrasies inherent in being human. Yet they inspire with their efforts and struggles to make themselves and the world a better place. These are the people about whom Milner has written⁴—people like Judge Margaret Taylor, who presided over cases in the housing court as a judge in the Civil Court of the City of New York.⁵ Judge Taylor left a corporate practice at a large law firm because "[t]here was a difference between my clients and my belief," and she began working at Mobilization for Youth, a program that provided a

² Milner S. Ball, *The City of Unger*, 81 NW. U. L. REV. 625, 625 (1987).

³ *Id.*

⁴ *See, e.g.*, MILNER S. BALL, *THE WORD AND THE LAW* 7-72 (1993).

⁵ *Id.* at 24-38.

comprehensive set of services to poor young people in trouble.⁶ Ultimately, she ran as a reform candidate for the Civil Court. Once elected, she did everything in her power to carry forward the work she had been doing at Mobilization for Youth, seeking to ensure that poor people were treated humanely by the system. Her efforts ranged from making sure that there was toilet paper in the bathrooms to requiring that tenants be properly served before being evicted.

Evidence of more and better also is found in William Stringfellow, who served as “an advocate for the poor, for the urban underclass, for freedom riders and war resisters, for people deprived of elementary rights: children, women, blacks, hispanics, Native Americans, political prisoners, homosexuals, the elderly, the handicapped, clergy accused of heresy, women aspiring to priesthood.”⁷ While Stringfellow advocated vociferously on behalf of his clients, he did not believe that he was “called” to be a lawyer. Instead, he was “called to be human,” and so he advocated on behalf of his clients “not because the system of justice demands it but because, divested of self-interest, he could interest himself fully in his clients. He could receive them as gifts rather than as problems or bearers of problems.”⁸

Milner also embodies more and better. He has worked tirelessly to make the state of Georgia, the law school, and the country more humane and just. Virtually every justice-related initiative in Athens, Georgia owes something of its creation to Milner. And it was Milner who took law students to soup kitchens to help those students (and himself) understand the struggles of people living on the streets. He then built on those experiences from the soup kitchen, helping to create a thriving clinical program at the law school that in turn has touched the lives of thousands of people in the state of Georgia. And over the past three decades, Milner has touched innumerable students, helping them see the possibilities for a world that they have the power to shape.

⁶ *Id.* at 34.

⁷ MILNER S. BALL, CALLED BY STORIES 144 (2000) (quoting WILLIAM STRINGFELLOW, A SIMPLICITY OF FAITH: MY EXPERIENCE IN MOURNING 33–34 (1982)).

⁸ *Id.* at 143.

Above all, Milner has demonstrated a remarkable talent for reaching out to those around him, listening to them, and taking on their battles as his own.⁹ The ability to embrace and give voice to those struggles—to be Milner with all of his warmth and empathy—for so many years lies in his capacity to find and celebrate the beacons of hope shimmering in the world that inspire us to continue.¹⁰ Alice Walker captures that same sentiment: “I think it pisses God off if you walk by the color purple in a field somewhere and don’t notice it.”¹¹ For those entering or already engaged in the fight for justice, the lesson is the same: On the days you feel discouraged, look for purple. Look for Milner Ball.¹² Chances are you will find his spirit, with all of its glorious warmth, in the people who touch and inspire you.

⁹ See Aviam Soifer, *Hear Today, God Tomorrow?: To Be in but Not of the Law with Moses, and Milner Ball*, 41 GA. L. REV. 917, 917 (describing Milner’s talent for listening and hearing).

¹⁰ See, e.g., BALL, *supra* note 4, at 7–72.

¹¹ ALICE WALKER, *THE COLOR PURPLE* 167 (1982).

¹² If you are lucky, you might even find a purple-clad Milner Ball. See Soifer, *supra* note 9, at 921 n.18 (recounting a story of Milner running clad in the “most extraordinary purple Hawaiian running shorts”).

