

Mr. Kahlil D. Parker
President, The Bahamas Bar Association

Remarks: Ceremony for the Presentation of Graduates, Class of 2021, EDLS
Saturday, September 25th, 2021

Mr. Attorney General, Madam Principal, Faculty & Staff of The Eugene Dupuch Law School, Family & Friends of the Graduates, and, finally, to our Graduates good afternoon.

I am grateful for this opportunity to share a few thoughts with you as you embark on the next phase of your professional journeys. Law, as you will come to learn, is a peculiar profession. The practice and demands of the law, left unchecked, will come to permeate your existence, beyond commercial pursuits. This speaks to more than questions of work-life balance, and instead to the fact that as attorneys we stand as guardians of the social contract upon which modern western liberal democracies are founded. As I have had occasion to say previously, and will undoubtedly say again, lawyers are the canaries in society's proverbial coal mine, entrusted with the solemn duty to call out governmental overreach, judicial misconduct, police brutality, and the undermining of the Rule of Law and the Administration of Justice.

To quote US Vice President Hubert H. Humphrey, in a 1965 Speech, *"There are not enough jails, not enough policemen, not enough courts to enforce a law not supported by the people."*

By this quote, Humphrey expresses the fundamental fact that the Rule of Law, the Administration of Justice, and Society itself is principally a voluntary exercise. We have agreed to organize ourselves into a liberal democratic nation of laws, and everyday we recommit ourselves to the pursuit of justice, peace, and the wellbeing of our fellow citizens and visitors. As attorneys we are trained, and best able, to see beyond the horizon to the risks attendant upon the disregard for, and undermining of, the rule of law and the administration of justice.

As attorneys, therefore, we are called upon to be more than tradesmen or practitioners, we are called upon to be actively engaged in our democratic experiment. The emphasis on legal aid in your education and training is a reflection of the fact that, as attorneys, we appreciate that reasonable access to legal services is a fundamental human right. It is hoped that as you approach your full, rich, and wildly successful professional careers, you will take every opportunity to provide *pro bono* services and support to those in need, which is not only a hallmark of a great attorney but a fundamental element of a truly fulfilling practice.

The modern lawyer must embrace continuing legal education as a way of life. Although, I am sure this may not be the ideal moment for you to hear this message, it is important that you approach your careers with a continued thirst for knowledge. Like the rest of society, the practice of law is experiencing a period of accelerated change and transition both in terms of service consumption and delivery. The lawyer's relationship with their firm, colleagues, clients, and the Court is evolving at a pace that would have recently been considered far fetched.

It is in moments like these, periods of flux, where we are in the greatest danger of losing touch with the fundamental imperatives of justice and the Rule of Law. The temptation to fully commoditize the practice of law, disregarding the inherent social function of the lawyer, is great, and yet must be resisted. We must still be focused on human rights, social justice, equity, and the Rule of Law. We must still call out and challenge injustice and corruption, no matter how uncomfortable or personally dangerous it may be to do so. Because it is more dangerous for us to say or do nothing.

We are on a perpetual journey as a profession, as the law does not evolve of its own volition, it takes dedicated, creative, volunteer and activist attorneys to advance the law, and thereby society. A topical example of this is the ongoing litigation concerning the interpretation and application of Article 6 of our Constitution, which provides that: *“Every person born in The Bahamas after 9th July 1973 shall become a citizen of The Bahamas at the date of his birth if at that date either of his parents is a citizen of The Bahamas.”* To some the meaning of this provision is pellucidly clear on its face, others consider its interpretation to be informed by other, more overtly discriminatory, provisions of our Constitution. And yet still, there are those who question the moral justification of any caveat on the citizenship entitlement of a human being born on any of these rocks and cays. This case, whatever the ultimate outcome, demonstrates that the prevailing legal orthodoxy at any time can be subjected to challenges seeking to affirm fundamental human dignity.

As a nation comprised of a citizenry the majority of whom are the descendants of formerly enslaved persons, we must necessarily have a unique perspective on the law. For us the law must always be a means to a just end, as opposed to an end unto itself. The law is a product of those who craft and enact it, it is a creature of their perspectives, proclivities, and prejudices. It must therefore always be subject to active engagement, critical analysis, and ready challenge. There is indeed something unique about Caribbean jurisprudence, there is an invisible thread that unites us, a thread that is an echo of long fallen chains that once consigned us to servitude and silence.

That justice is blind is a clarion call to the advocate to remain ever vigilant that no distorting fingers be applied to her scales. It is a charge I give to you, as lawyers young in the law, to remain alive to the fact that justice remains a work in progress, that it requires something deeper from you than legal analysis, argument, and application.

It is a charge to build something even better than that which we have left to you.