

# May It Please the Soul: On the Practice of Law and Vulnerability

Camilo A. Romero

*“People fail to get along because they fear each other; they fear each other because they don’t know each other; they don’t know each other because they have not communicated with each other.”*

*Dr. Martin Luther King, Jr.<sup>1</sup>*

## Introduction

Our current global moment—pandemics, protests, poverty, politics—calls us to question our current local moment, as advocates in the law and as humans on this planet. The latter I cannot resolve within the word limit of this article. On the former I can report some good news along with some bad news. The good news is advocacy is as essential as ever. To create the society of peace and justice that brought us (or at least me) to the study and practice of the law, our advocacy is necessary. The bad news is that traditional advocacy is not sufficient. To create that harmonious society, we wish for the generations that follow us, we must make ourselves uncomfortably intimate. We must become proximate and vulnerable advocates.

I begin in Part I by introducing the practice in proximity from a personal perspective. In Part II, I illustrate the practice in vulnerability through a model of storytelling from a community perspective. Finally, in Part III, I offer lessons learned to help create a culture of advocacy rooted in proximity and vulnerability for lawyers and law students.

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1. The Rev. Martin Luther King, *Advice for Living*, EBONY 112 (May 1958).

As one piece of a collection, this article places us in a moment of COVID-19 distance while problematizing the common view of millennials as disconnected and self-absorbed.<sup>2</sup> Contrary to popular belief, the millennial generation's greatest contribution may, in fact, be our capacity to be proximate and vulnerable with others.<sup>3</sup>

### I. Proximity: Presence of Body

*"The life of the law has not been logic: it has been experience."*

*Oliver Wendell Holmes<sup>4</sup>*

After law school, I moved to Chocó, located on the Pacific coast of Colombia, to work with the National Farmworker Congress. Chocó is a magical land rich in natural resources that is mostly Black, mostly Indigenous, and mostly invisibilized. I chose to work there to return to my family, to be proximate to the forgotten.

My family is mostly mestizo, mainly from Bogotá, and has been spared violent displacement. My family's story took a different course than that of the families with whom I was now working, yet our lives were connected. I knew our differences were minimal and cruelly circumstantial. To someone who may encounter us in a job line or redress petition, we were the same.

One day at the Quibdó "malecón," food carts scattered as the sky opened to sun showers.<sup>5</sup> A sinewy boy ran by me in fluorescent plastic sandals as I sat uncomfortably on a stack of beer crates trying to coax a bar of cellular service. He turned back, damply flip-flopped in my direction, then silently stood next to me. I was shielding the phone screen from the leaks in the zinc roof and now wondered if I needed to shield it from curious eyes too.

"Que hubo, pela'o?" I asked curiously. No, nothing, he mumbled. Where are you headed? Oh, well, I'm not so sure . . . I'd like to go far, like Medellín."

2. See, e.g., Jean M. Twenge et al., *Egos Inflating Over Time: A Cross-Temporal Meta-Analysis of the Narcissistic Personality Inventory*, 76 J. PERSONALITY 875 (2008) ("Thus, almost two-thirds of recent college students are above the mean 1979-1985 narcissism score, a 30% increase. The results complement previous studies finding increases in other individualistic traits such as assertiveness, agency, self-esteem, and extraversion.").
3. Eunike Wetzel et al., *The Narcissism Epidemic is Dead: Long Live the Narcissism Epidemic*, 28 PSYCH. SCI. 1833 (2017) (debunking, in essence, the Jean M. Twenge studies in finding "small decreases both in overall narcissism and in its leadership, vanity, and entitlement facets. Importantly, these decreases already started between the 1990s and the 2000s and continued more strongly in the late 2000s and 2010s. Our study suggests that today's college students are less narcissistic than their predecessors and that there may never have been an epidemic of narcissism.").
4. OLIVER WENDELL HOLMES, JR., *THE COMMON LAW* 1 (1923).
5. Chocó is often recorded as the wettest place on earth. *Chocó*, ENCYCLOPEDIA BRITANNICA (Feb. 2, 2021, 1:02 pm), <https://www.britannica.com/place/choco-department-colombia>.

I was asking where he was going in this downpour. He was answering where he was going in this life. I made room for him on the crates and put my phone away. He asked me where I had come from. He had seen me around and wondered what I was doing here, because nobody comes to Chocó.<sup>6</sup>

And, to the nascent dismay of this boy, nobody leaves Chocó. I told him about our human rights work. He knew those Quixotic windmills. To regain his enthusiasm, I invited him to join me at our next movie night.<sup>7</sup> “Listo!” he squealed. What else could I offer this boy? What could I offer his family, wherever they were? His world was too small for him already at such a young age. He was searching for a way out—just like so many in this region, in Colombia, in the world.

My family sought a way out, and has struggled to acquire a new language, a new citizenship, and a new sense of home. That search and struggle continues for countless others. Considering the current moment, is that search worth the struggle?

The rain stopped, and the boy left as quickly as he had arrived, hopeful and happy to have met someone from far away. I did not reveal that I spoke English, that I have family in the U.S., that I hold dual citizenship, that I work as a lawyer. To do so would be to further separate myself from him and his expectation of me. I would no longer be the peculiar, tall guy who could be approached on a rainy day and plays basketball by the airport. I would be the “licenciado” authority figure who could be approached by appointment and could pay for taxis<sup>8</sup> at the airport.

Proximity, in this case, felt double-edged, a fulcrum between hopefulness and helplessness. When the distance between experiences is so vast, the proximity can be jarring, even exploitative. Could my presence in body be taken not as solidarity but as an expression of “savior mentality”?

I would like to believe that the nature of my work (and my own personal nature) would remove such doubts, but the fact remains that I have privileges that many seek and few attain. Those privileges as advocates must be thoughtfully acknowledged, with oneself and those with whom one communes, to develop trust and truly be proximate. Indeed, this is where proximity makes way for vulnerability. In sharing our own story—its insecurities and incongruities—trust is strengthened and so is our advocacy partnership. In this way, the pretense and expectations assumed in the titles and privileges

6. The region’s poverty indexes are among the highest in the hemisphere, *Why Colombia’s Pacific Coast is So Poor*, THE ECONOMIST (Feb. 2, 2021, 1:09 PM), <https://www.economist.com/the-americas/2019/08/29/why-colombias-pacific-coast-is-so-poor>.

7. We held weekly showings of cultural movies such as “Abuela Grillo” on the wall of the water tank, weather permitting. ABUELA GRILLO (The Animation Workshop 2009), [https://www.youtube.com/watch?v=AXz4XPuB\\_BM](https://www.youtube.com/watch?v=AXz4XPuB_BM).

8. As opposed to “rapimotos.” *Rapimoto*, LA RAPIMOTO (Mar. 6, 2012), <http://larapimoto.blogspot.com/2012/03/rapimoto.html>.

are subsumed in mutual aid and acceptance. Bearing witness. Breaking bread. Being present in body.

## II. Vulnerability: Presence of Spirit

*“Until you make the unconscious conscious, it will direct your life and you will call it fate.”*

*Carl Gustav Jung*<sup>9</sup>

Daily prayer is the reason I am whole and healthy, according to my grandmother and her rosary. She is probably right. I do not doubt faith, much less hers. Faith is an intention of spirit.<sup>10</sup> Our spirit is powerful and boundless. It is typically unconscious and sometimes misaligned with what the outside world expects from us. Our spirit is our highest, most naked self. It is what connects us to every other life form in this universe, and I say so knowing I cannot cite legal precedent.

Where proximity is presence of body, vulnerability is presence of spirit. As advocates for a more wholesome and inclusive society, we cannot just be proximate. We must also be vulnerable. We must show our full self. We must communicate our trauma. We must reveal our “othered” side, that which we tend to hide from others, that which makes us human.

No amount of advocacy can ever redress what has been taken through addiction or make whole the victims of forced displacement. The law provides remedies, but it cannot heal. Healing comes from within. And no matter how zealous the advocate, the insides of others (and our own) are hard to reach. Likely my most helpful role as an advocate is to be silent, to receive, and to hold. No solutions have to be offered. Indeed, most times no solutions are truly possible.

During the peace talks in Havana, Cuba, between the Armed Revolutionary Forces of Colombia (FARC) and the Colombian state, a group of fellow young advocates and I observed the negotiations.<sup>11</sup> We left the island with heavy hearts but high hopes. The process seemed to exclude those most affected by the generations of violence. But we felt we did not need to depend on one process to bring about the peace we wished to live. So, we gathered in Chocó to put our hopes into action.

We named ourselves ReGeneración Colombia<sup>12</sup> and launched our “Cuál es tu Paz?” children’s book project. Our goal has been to educate and empower

9. Attributed to C.G. Jung, however it is unclear as to the actual source, see *Of Those Who Do Not Toil in Blindness*, SECONDAT (May 25, 2011), <http://secondat.blogspot.com/2011/05/of-those-who-do-not-toil-in-blindness.html>.

10. For title clarity’s sake, I use soul and spirit interchangeably.

11. The story of how we made this happen can be shared after my time here is done.

12. Visit and join us at [www.regeneracion.co](http://www.regeneracion.co) and [www.facebook.com/regcolombia](http://www.facebook.com/regcolombia).

young Colombians to tell their stories, in their own words, so that they may be read and felt by the generations that follow us, so that the violence within us will never be repeated.

Luisa Gil, a member of our founding group, is from the Urabá region of Colombia. Luisa's father, Isidro, served as secretary general of the food and beverage workers union (known as Sinaltrainal) in the town of Carepa. Isidro and the workers fought hard to have their union be recognized and were to begin negotiating their collective bargaining agreement with the beverage company (known as Coca-Cola). Isidro and the union had received threats for their advocacy, including from company management. On the morning of the first meeting, Isidro was at the factory gates welcoming workers when armed paramilitaries confronted him. They asked for his name, shot him twice in the forehead, and told the rest of the workers that they must resign from the union or face the same fate as their leader.<sup>13</sup> Luisa's mother, Alcira, filed a wrongful death complaint for the murder of her husband.<sup>14</sup> Soon after, she was also killed by paramilitaries.

Luisa is now an orphan.

Justice would never truly be possible. No advocacy could bring her parents back. Luisa's story would be one of loss, rage, and trauma.

The story Luisa tells in our first book confirms those feelings and, at the same time, celebrates the feelings of resilience, forgiveness, and peace. In answering the question that weaves through each volume—"Cuál es tu Paz?"—she shares her peace: knowing her parents fought for justice and feeling their love through her grandparents, who raised her. Indeed, she recalls moments of cooking at a "paila" with her abuela, her connections to a greater peace.

Our effort as ReGeneración to tell stories—our stories—feels redemptive and fulfilling. If a young woman like Luisa could find peace after her ordeal, then really anyone ought to be able to find peace. Except Luisa's younger sister, Laura Gil. Laura has not found her peace. She does not anticipate finding it or it finding her anytime soon. In fact, she chose not to join ReGeneración. Through the Gil sisters, I came to understand that each of us may live through the same experience yet feel something totally different. Each person is their own world of feelings, thoughts, and stories, some conscious and others not.

Luisa's story is valuable and worth being told. Laura's is just as valuable and worthy of being told. To honor these stories and this reality, we undertook a different type of process: story-healing workshops.

13. This story is one example of collusion between corporations and right-wing paramilitary death squads which is rarely prosecuted as a crime. For a longer discussion of the history of paramilitaries in Colombia, see Deborah Sontag, *The Secret History of Colombia's Paramilitaries and the U.S. War on Drugs*, NY TIMES (Sept. 10, 2016), <https://www.nytimes.com/2016/09/11/world/americas/colombia-cocaine-human-rights.html>.
14. Complaints filed in international, federal, and state courts as well as global corporate campaigns to expose "Coca-Cola Asesina" and "Stop Killer Coke" are recounted in MICHAEL BLANDING'S *THE COKE MACHINE: THE DIRTY TRUTH BEHIND THE WORLD'S FAVORITE SOFT DRINK* (2010).

Through our “*Cuál es tu Paz?*” Story-Healing Workshops, we seek to recognize, address, and heal trauma through intergenerational creative storytelling. The goal is to have us know and feel one another, thereby beginning to change the narrative of the “other” being the enemy. The goal is to recognize that you and I are not others but part of the same family—that our kinship means we belong to one another.

We do this through the tool of sociodramas, in which a group of individuals shares, selects, and spontaneously performs a situation common to the group’s experience. The sociodrama method fosters a nonjudgmental forum that permits the resolution of conflicts among people who may not know or even care for each other.

To begin our sharing, I would lead by example and share a conflict that I carry, a trauma that may not be visible but is an important part of me. That conflict is my grandmother’s cancer. She has stage 4 metastatic breast cancer. While she has been battling the illness and the side effects of its treatment valiantly, the prognosis is “treatable but not curable.” My grandmother is the person I am closest to in this life. I fear she will not be with me much longer. I fear my nieces will not know their great-grandmother the way I have. The long hair you see on my head is for her, since she has lost most of hers. I hope to soon donate mine for a wig that she can wear.<sup>15</sup> I have no control over the cancer. I wish I did. It hurts me to know that life will someday soon not include her physical presence.

After sharing my conflict—my vulnerability—I prompt the participants to look inside for their conflict(s). Try not to think but to feel. Listen to your heart, maybe close your eyes, and gently ask yourself what hurts, what you wish you could change. At the end of each sociodrama performance, we cheer the performers, and pause for a moment of reflection. What did we feel? What resonated with you? Sometimes the response is immediate. Sometimes it is gradual. Sometimes there is none. Any of those responses is perfect. I share that their stories are important because they help each of us recognize that we may share similar conflicts, ancestries, peaces.

If time permits, I explain why, at the beginning of the workshop, I ask them to share where their grandparents are from. Trauma is generational. And so is its healing. The trauma I carry within has likely been carried by those that came before me. I am my ancestors.<sup>16</sup> Likewise, the healing I cultivate within me can be inherited by those who come after me. I am my descendants. We are a “re-generation” today of our yesterday and tomorrow, hence our name “ReGeneración.”

Vulnerability softens the barriers we place around ourselves and allows us to receive one another with compassion. My hope is that each story-healing workshop fosters introspection, community, and agency. My hope is that my

15. But she gripes that she would rather be bald than see her grandson looking like a hippie.

16. “Soy los que ya no son” from the poem “All Our Yesterdays.” 3 JORGE LUIS BORGES, *OBRAS COMPLETAS* 106 (Carlos V. Frías, ed. 1989).

proximate and vulnerable advocacy is helping to fulfill potentials, including my own.

Bearing your fears. Breaking your judgments. Being present in spirit.

### III. Advocacy: Valuing our Vulnerability

*"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel."*

*Maya Angelou*<sup>17</sup>

Advocating with body and spirit is a practice, a profoundly uncomfortable and gratifying one. As advocates we are uniquely positioned to lead by example, not just for others in the legal profession but for others enduring this current moment, which is reminding all of us how fragile and brief life can be.

How do you wish to live your life? How do you wish to practice your advocacy? What is your peace? I suspect we each would feel most fulfilled living in a healthy community where peace and justice are not just memorialized in governing documents but practiced in earnest by all. But we are not there yet. That is why each of us, in our own way and from our own place, must advocate in this life for that future life.

This future is one that recognizes the intersectionality of our identities and of our insecurities. We can continue to construct this future by slowing our tendency to judge others and ourselves. Judgment separates us from one another and from our genuine selves.<sup>18</sup> Judgment impedes justice. For the legal profession, this may sound antithetical. We are trained to believe there is right and wrong, rational and irrational, lawful and unlawful. These lines are a fiction. They are figments of an arcane imagination that the human condition can fit neatly into subjective categories. Laws and their enforcement are necessary to forge collective well-being from individual interests (just look at the current moment),<sup>19</sup> but justice is not found in judgment. Justice is found in healing.

How can we create opportunities for healing in our practice?

In the courtroom, the Trial Lawyers College has instructed thousands of litigators on how being vulnerable allows for connection to the jury and improves their client's chances of prevailing.<sup>20</sup> Through the method of

17. Or maybe not. See Rebecca Seales, *Let's Save Maya Angelou From Fake Quotes*, BBC NEWS (Nov. 13, 2017), <https://www.bbc.com/news/41913640>.

18. BRENÉ BROWN, *DARING GREATLY: HOW THE COURAGE TO BE VULNERABLE TRANSFORMS THE WAY WE LIVE, LOVE, PARENT, AND LEAD* (2012).

19. For more on social relations during times of crisis, see Colleen Flaherty, *Social Scientists on COVID-19*, INSIDE HIGHER ED (May 26, 2020), <https://www.insidehighered.com/news/2020/05/26/social-scientists-covid-19>.

20. This program was founded by renowned trial lawyer Gerry Spence after discovering the value of vulnerability in defending the damned. TRIAL LAWYERS COLLEGE, <https://www.>

“psychodrama,” trained psychodramatists lead groups of attorneys through personal introspection that explore conscious and unconscious trauma. These deep dives bring to the surface emotions that may never have been acknowledged for fear of judgment by self or others. In the streets, the Movement for Black Lives has mobilized thousands of advocates toward connection of the current moment to the generations of struggle for Black liberation.<sup>21</sup> Through the convening of consciousness-raising trainings, Black<sup>22</sup> advocates co-lead collective reflections that explore joy as power and healing as resistance. These self-centering sessions bring to the foreground feelings that fuel a sense of worth and resilience. In the fields, El Teatro Campesino has inspired thousands of communities to name their condition in speaking truth to power.<sup>23</sup> Through dramatic arts, migrant workers give voice to their social dynamics despite often not sharing a common spoken language. These popular education activities bring clarity of cause to the dispossessed.

Despite quarantine, ReGeneración’s work continues. We have reached thousands of everyday people of all ages to tell their story of conflict and peace. In the past weeks, we have traveled safely (observing social distancing, mask-wearing, and hand-washing practices) to several U.S. states and territories. We have sought to be proximate to a defining moment in history—the coronavirus pandemic—at a time when proximity can be deadly. We have sought to be vulnerable in a defining moment in history—the Black Lives Matters protests—at a time when vulnerability can be deadly.<sup>24</sup>

In legal practice, we can narrow the divide we perpetuate between ourselves and those with whom we work.<sup>25</sup> The type of work we devote ourselves to reflects our values (and sometimes our debts). Ask who may be observing you and imagining their possible futures in you. Assess how your relationships develop once you begin to listen for others’ feelings and share yours, without judgment or expectation.

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triallawyerscollege.org (last visited Feb. 11, 2021).

21. This movement was founded by a wide and deep coalition of abolitionists to march toward an anti-capitalist future of kinship where Black is beautiful and in charge. THE MOVEMENT FOR BLACK LIVES, <https://m4bl.org> (last visited Feb. 11, 2021).
22. And Black Indigenous People of Color (BIPOC).
23. This program was founded by Luis Valdez and the United Farm Workers to build community and power among migrant workers across language and culture. EL TEATRO CAMPESINO, <http://elteatrocampesino.com> (last visited Feb. 11, 2021).
24. This summer, we conducted “Trauma & Resilience” interviews in Puerto Rico to begin to tell the stories of the island that has been battered by hurricanes, undermined by corruption, shaken by earthquakes, and taken for granted as usual in the current moment.
25. Caroline Bettinger-Lopez et al., *Redefining Human Rights Lawyering through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 GEO. J. ON POVERTY L. & POL’Y 337, 363 (2011), [https://repository.law.miami.edu/fac\\_articles/267/](https://repository.law.miami.edu/fac_articles/267/).



In legal education, we can broaden the definition of professional and personal ethics in clinical lawyering and doctrinal instruction.<sup>26</sup> In fact, we can choose to reward emotional intelligence rather than just the logical.<sup>27</sup> The knowledge we use and create reflects our values.<sup>28</sup> Ask who may be reading your work and imagining farther horizons for themselves. Assess how your faculty meetings develop once you begin to listen for others' feelings and to share yours, without judgment or expectation.<sup>29</sup>

Steps like these can also help alleviate the sobering levels of depression, addiction, and suicide within the legal profession.<sup>30</sup> Advocacy need not destroy us. Advocacy ought to nurture us. What matters is that advocacy please our souls.

Proximate and vulnerable advocacy brings the world closer to justice and healing. This practice allows us to recognize our humanity and the contradictions that come with it. No matter our story, on a fundamental level, we seek human connection. In acknowledging our own brokenness, we connect ourselves with creation and the "good trouble" of justice.<sup>31</sup>

### Conclusion

I came to the law with low expectations. As a young Colombian immigrant family, the law had always been part of the problem, not part of the solution. The law was the means for those in power to keep it and make those of us without it to feel justified in our lack. Our current moment is laying bare painful truths like these. The status quo the law tends to protect is fissuring and exposing the structural flaws of society as we have known it. This presents a unique and daunting challenge to each of us as members of society and as advocates within it. To create a future of more joyful truths and healing, a more proximate and vulnerable advocacy is essential. By being present in body and spirit, we begin to remedy trauma that the law alone cannot. We begin to remedy our own trauma and discover that our advocacy may please the soul.

26. Nathalie Martin, *The Virtue of Vulnerability: Mindfulness and Well-Being in Law Schools and the Legal Profession*, 48 SOUTHWESTERN L. REV. 367, 368 (2019), [https://digitalrepository.unm.edu/law\\_facultyscholarship/759](https://digitalrepository.unm.edu/law_facultyscholarship/759).

27. Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the "Heart" of Lawyering*, 87 NEB. L. REV. 1 (2008).

28. Angela P. Harris, *Toward Lawyering as Peacemaking: A Seminar on Mindfulness, Morality, and Professional Identity*, 61 J. LEGAL EDUC. 647, 651 (2012).

29. Yes, I am being facetious (but it is a worthy experiment, at least, if you have tenure).

30. Lizzy McLellan, *Lawyers Reveal True Depth of Mental Health Struggles*, LAW.COM (Feb. 19, 2020), <https://www.law.com/2020/02/19/lawyers-reveal-true-depth-of-the-mental-health-struggles/?sreturn=20200704165257>.

31. We all share a universal family tree and a common bond highlighted by recently transitioned advocate and hero, U.S. Rep. John R. Lewis. See John Lewis, *Together, You Can Redeem the Soul of Our Nation*, N.Y. TIMES (last visited Feb. 11, 2021), <https://www.nytimes.com/2020/07/30/opinion/john-lewis-civil-rights-america.html>.