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# LAWYERS DEFENDING AMERICAN DEMOCRACY



## A Call for Lawyers to Lead Action Plan and Toolkit

**GUARDIANS of JUSTICE**: *A Call for Lawyers to Lead* is an initiative proposed and developed by [Lawyers Defending American Democracy](#), a non-profit, non-partisan organization striving to galvanize the legal profession to defend democratic institutions, constitutional principles, and the rule of law. The goal of the initiative is to encourage lawyers to seek elected office or appointments to public sector roles, and to observe certain fundamental obligations in the process.

Lawyers bring unique values, experiences, and skills to the political landscape. For example, the Lawyer-Leader has consistently had a key role in contributing to the political and legal stability of the United States and to the existence of our long-lived Constitution. **GUARDIANS of JUSTICE** hopes to inspire a new wave of lawyers, who are firmly committed to democracy and the rule of law, to seek political leadership in our country at the local, state, and national levels.

This toolkit provides the following key information:

1. The ten fundamental principles that lawyers seeking office or appointment to government service should observe;
2. The history of lawyers as leaders in government and the decline of lawyers serving;
3. The current state of American democracy and the rule of law;
4. Resources for educating on and analyzing the state of American democracy, the rule of law and public opinion on these issues; and
5. Ways that bar associations can use and support this effort.

# **Lawyers Defending American Democracy – A Mission Devoted to the Legal Profession’s Role as Guardians of Justice**

Lawyers Defending American Democracy (“LDAD”) is a non-profit, non-partisan organization striving to galvanize the legal profession to defend democratic institutions, constitutional principles, and the rule of law. The organization was founded on the belief that the legal profession has a special obligation to protect the rule of law, to speak up when democracy is threatened, and to lead by inspiration and example.

This Initiative takes this belief one step further by encouraging lawyers to bring their unique skills, experiences, and dedication to our country’s fundamental values into elected office and key appointed roles in government at a time when these core principles are under unprecedented strain. LDAD commits to working with and providing educational resources to lawyers, including bar associations around the country, about the importance of this Initiative.

**GUARDIANS of JUSTICE** offers an opportunity to reach the profession in a shared goal of educating lawyers on their fundamental obligations to serve as guardrails in protecting democracy and the rule of law and promoting civic engagement and civil discourse, and to inspire action.

We invite the legal profession to join us and demonstrate to the country that we will defend the norms and principles of our democratic institutions and our justice system and remain steadfast to our historic role as guardians of justice.

LDAD will be a resolute partner in this process.

Thank you,

Scott Harshbarger, Chair of the Board

Lauren Stiller Rikleen, Executive Director

## **Acknowledgement**

Lawyers Defending American Democracy is deeply grateful to Sean Cailteux, a student at Georgetown University Law Center, for his dedicated and extraordinary work in preparing this Action Plan and Toolkit. His diligence, attention to detail, and creative ideas have made an important contribution to LDAD’s goal of encouraging members of the legal profession to better understand their opportunities and responsibilities as Guardians of Justice.

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## Introduction

“...there is a call upon the legal profession to do a great work for this country.”

-Louis Brandeis, 1911.

American democracy is under immense strain. In recent years, [experts](#) have ceased to rank the United States as a “full democracy” and instead label it a “flawed democracy” (alongside Greece, Israel, Poland, Brazil and others). While the explanation for this decline, or “democratic erosion,” is complicated and driven by many factors, it is clear that [Americans](#) and, more specifically, *American political leaders* increasingly lack a values-based consensus on the rule of law, constitutionalism, the separation of powers, and the proper role of the justice system.

Partisan disagreement has always existed and served as a sign of a robust and healthy democratic environment. But, perhaps more than ever in American history, political leaders today often do not share a critical common foundation: a dedication to certain bedrock notions embedded in our Constitution and interwoven throughout our political and legal systems.

Lawyers make up a very small portion of American society (.4% of the population according to data from the [American Bar Association](#) and [United States Census Bureau](#)). But, as explored in section I, lawyers have played a critical and often decisive role in American politics as elected officials. While law has not been and should not become the exclusive pathway into politics, it’s clear that lawyers often bring a unique set of skills and experiences to these governing roles which can make them effective leaders.

Also of significance, because of their knowledge of and implicit dedication to the Constitution, the rule of law, and bedrock democratic norms and principles, at critical junctures in our history, lawyers have led the way in ensuring the survival of our republic as we know it. As one [legal commentator noted](#), “...lawyers have unique skills that make them well-suited to govern, owing to their specialized training as advocates, problem solvers, and guardians of the rule of law, and professional commitment to the public good.”

This document intends to serve as a guide and a resource in encouraging lawyers to run for office or seek appointment to key governing roles with a commitment to protect American ideals. This includes taking a stand for our Constitution, the rule of law, and the foundational norms and principles of democracy.

**This initiative is non-partisan. The values *Guardians of Justice* hope to encourage and embolden are those so central to America’s identity that they supersede political affiliation. Indeed, these values should unite all Americans, regardless of partisan background or ideology.**

This toolkit includes the following 5 sections:

- **Section I** lays out the ten fundamental principles which this initiative strongly encourages the aspiring Lawyer-Leader to observe.
- **Section II** provides a brief overview of the role of the Lawyer-Leader in American history and the decline of lawyers serving in elected office and other public roles.

- **Section III** examines the state of America’s democratic institutions, the rule of law, and public consensus surrounding constitutional norms and values.
- **Section IV** provides a series of resources for education on and analysis of the state of American democracy, the rule of law, and the Constitution.
- **Section V** provides ideas for how state bar associations and other legal-professional-affiliated organizations can encourage lawyers to seek public service roles and, in so doing, provide support to help them understand and embrace the values articulated in this Toolkit as paramount to their service.

## I. The Fundamental Principles

These ten fundamental principles embody foundational values that Lawyer-Leaders should observe in their role as **GUARDIANS of JUSTICE**. Every Lawyer-Leader is strongly encouraged to adhere to these ten principles in defense of the rule of law, democracy, and the Constitution.

### *1. The preservation, protection and defense of the Constitution of the United States, the rule of law, and our democratic system of government*

American Constitutional principles, the rule of law, and our democratic system are inextricably interlinked. An attack on one is an attack on them all, and, right now, all of them are under assault. The preservation of all of these is paramount. A vocal, persistent, and sincere dedication to these values should be key to any person seeking an elected or appointed government role to help reverse the present course of our country.

### *2. Adherence to the separation of powers and insistence on adherence to a system of checks and balances within government*

The system of divided and dispersed powers among three co-equal branches of government is an essential basis for our democracy and fundamental freedoms. It is absolutely necessary that our government officials respect the boundaries of their own power, of their own branch of government, and other branches and institutions.

### *3. Support of truthful and fact-based media*

Leadership in the public sphere presents an extraordinary platform for the proposition, defense, and public exploration of ideas of great consequence. This opportunity comes with a responsibility to strive to tell the truth, the need to depend on media with a reputation for and dedication to fact-based analysis, and to correct oneself when it is later discovered that one spoke erroneously.

### *4. Insistence that public officials speak truthfully and make fact-based decisions*

Truth is a critical component of our justice system. Lawyers should bring this focus on the truth to elected or appointed roles. But it is not enough to merely ensure one's own commitment to truth and facts. Elected officials have a duty to hold each other accountable and to make sure that their colleagues and counterparts also strive to tell the truth and make decisions based on facts.

### *5. The protection of the integrity of our justice system and its employees at all levels from threats, false accusations, and other efforts that could endanger their lives or the lives of their family members*

The justice system risks becoming a largely political weapon, used by whoever is in power to unfairly target opponents. Lawyer-Leaders, having a special appreciation for the rule of law, fairness, and

impartiality, should strive to protect the integrity and non-partisan nature of the justice system, and be willing to speak out to protect the fundamental values of judicial independence.

*6. Engagement in civil discourse and encouragement of others to do so as well*

Americans increasingly complain of a lack of civil discourse. Civic debate all too often quickly devolves into vitriolic attacks and arguments ad hominem, and the anonymity of social media platforms only exacerbates this significant challenge. Everyone must do their part to promote civil discourse and engage in community dialogs in a civil and respectful manner.

*7. Fair treatment and non-discrimination, including respect for the rights and dignity of all individuals*

Non-discrimination and fair treatment for all is a fundamental American value. All Americans must be empowered to participate in society and in the political space. Lawyer-Leaders hoping to maintain the integrity of our republic must defend this principle.

*8. Support of the fundamental American principle that no person is above the law*

We are a country of laws, led by citizens elected to high office, not monarchs. Elected officials must commit to adhering to the law and never intend to openly flout it while hiding behind claims of official or executive privilege. Lawyer-Leaders must maintain their strict commitment to the laws that limit their own powers and use their platform to call out their counterparts who fail to live up to this principle.

*9. Acceptance of the results of elections at all levels of government while also supporting the right of aggrieved candidates to invoke the judicial process to challenge the results and corresponding obligation to respect the resulting decisions of the courts*

Election results should only be disputed over legitimate grievances based on well-documented discrepancies through the proper channels. Aggrieved candidates should seek resolution through the judicial process and remain committed to respecting the decisions the courts may make. Lawyer-Leaders should commit to responsibly conducting themselves should they lose an election. If they feel compelled to dispute the results in court, they must then accept judicial determinations. They should also speak out against those who attempt to manipulate or distort the electoral process to overturn an electoral result.

*10. A willingness to speak out against corrupt dealings in the furtherance of political power or the use of office or position and its accompanying powers, resources, title, or privileges to unfairly target political opponents or use the justice system for political ends.*

Elected officials, especially Lawyer-Leaders, are obligated to responsibly, ethically, and lawfully utilize the powers, privileges, and potential immunities of their office. Lawyer-Leaders must speak

out when elected or appointed officials abuse their powers and violate the constitution, or when powers or privileges are illegally granted to unauthorized individuals, or in the face of attempts to unlawfully target political opponents.



## II. The Lawyer-Leader in American History

The Lawyer-Leader is an essential figure in American history. From our nation's founding to the present day, lawyers serving in elected offices have guided the United States' trajectory and ensured that it remains true to its foundational principles – principles which were, in large part, written by lawyers. In fact, lawyers comprised [22 of 39 signers of the U.S. Constitution](#) in 1787.

Whether it has been forming our country, defending its principles and values, or guiding the evolution of our government, institutions, and Constitution, Lawyer-Leaders have been a necessary ingredient to our success. While the United States is not the only democracy to witness such a connection between lawyers and political activity, the extent to which this has existed is uniquely American. In the 1830s, [Alexis de Tocqueville](#) observed that American lawyers were “naturally called upon to occupy most of the public stations, ...fill the legislative assemblies, and ... conduct the administration...”

[A lecturer at Yale Law School](#) noted a similar tendency when he said “historically, lawyers have not only monopolized positions in the court system but have also dominated the political leadership of the United States. Since independence, more than half of all presidents, vice presidents, and members of Congress have come from a law background.” This dominance has often extended to appointed positions as well. As of 2016, 78% of Secretaries of State, 70% of Secretaries of Treasury, 69% of Secretaries of the Interior, and 100% of Secretaries of Homeland Security were former members of the legal profession.

At the state level, the same trend of dominance has often existed. From 1870 to 1950, around [45% of American governors](#) were former lawyers. In fact, during this period, nearly 40% of statewide elected offices, including both executive and legislative positions, were occupied by former members of the legal profession. In New York's case, this trend has been even more pronounced – from 1900 to 2000, [69% of the state's governors](#) were lawyers.

Throughout our history, lawyers have brought unique skills and values to political leadership. Before he became President, Abraham Lincoln developed and refined his rhetorical skills and deeply held principles in his legal practice. His character, honed by his career, carried him to the heights of the profession, as shown in his arguing for the defendant before the Supreme Court in [Lewis v. Lewis \(1849\)](#). Later, his ability to zealously advocate for a cause and to navigate incredibly complex policy dimensions made him the effective, world-changing leader he would become as President.

Lawyers often excel at oral advocacy, dealing with ambiguity and complexity, and staunchly but ethically representing others. Given that skillset, it is no wonder that lawyers, law professors, and former judges have often filled the ranks of the legislative and executive branches at the local, state, and national levels. It was, after all, the same skillset that elevated [William Howard Taft](#) to both the Presidency and later to becoming Chief Justice of the Supreme Court. These skills made it so that by the 1850s, 80% of the members of Congress were lawyers.

Skills alone are not responsible for the immense legacy of American lawyers who stepped up to serve their country. These individuals demonstrated extraordinary dedication to American Constitutionalism and democracy. For example, Abraham Lincoln refined his “[keen sense of justice](#)” through the practice of law which guided his actions during the United States' greatest crisis of

democracy – the Civil War. Many of these leaders have denied themselves political advancement or the advancement of their own agendas in order to preserve our democratic order and the rule of law. In choosing between the furtherance of political power and our nation’s fundamental principles, American Lawyer-Leaders have exemplified what it means to responsibly and ethically govern. Without them, our country would not enjoy the success and liberty it has for centuries.

But the intimate relationship between the legal profession and elected office has been in decline for at least the past 60 years. By 1960, only [60% of Congress](#) were lawyers, and in 2023, this number had fallen to 34%. Being a lawyer was once so inherently linked to political activity that in 1890 1 in every 265 American lawyers were serving as members of Congress. In 2025, that figure is 1 in 6900.<sup>1</sup>

A similar trend exists at the state level. In 1976, 22.3% of state legislators were lawyers, but by 2015 this figure had [declined to 14.4.%](#). Taking New York as a case study, in the 1968-69 legislative session, 75% of the State Senate and 56% of the State Assembly were lawyers. In 2024, these numbers had [declined to 30% and 29% respectively](#). Among statewide executives (excluding Attorneys General), only [34% had legal backgrounds](#) as of 2025.

The picture is not any better at the local level. Only 22 of America’s 100 largest cities have mayors with legal backgrounds,<sup>2</sup> and polling data suggests that as few as [2%-3% of public-school board members](#) are lawyers.

The decline of the American Lawyer-Leader has been driven by a number of factors. In particular, we have witnessed the rise of a professional political class composed of individuals who lack a prior career in something besides politics. [This phenomenon](#) in particular is key to understanding the decline of lawyers serving in elected office.

By training, lawyers hold a special understanding of the rule of law and the Constitution. They know the risks posed by verbal or other attacks on judicial independence and impartiality, attempts to weaponize the justice system or prosecutorial powers, and efforts to undermine the separation of powers.

Lawyers also know what it means to zealously and passionately pursue a particular outcome while not abandoning our foundational processes and procedures. This ability to balance one’s desired policy outcomes with a continued respect for rules and laws is what makes lawyers the kind of political leaders America needs right now.

It is likely no coincidence that the decline of the Lawyer-Leader has paralleled America’s slip into a crisis of democracy – one where the fabric of the rule of law is being frayed. We believe that this crisis can be solved by a resurgence of lawyers running for and serving in elected and appointed government roles who place their commitment to the Constitution, the rule of law, and the code of professional ethics ahead of their political views and loyalties. Only with such renewed dedication to the Constitutional and democratic foundations that have united our republic for so long can we find our way out of the present dilemma.

### III. The State of Our Democracy

American democracy is in crisis. It is natural in a free and open society for there to be substantive policy disagreements. This, naturally, has been the story of much of American history, with shifting parties and political coalitions assuming different sides of various issues in a civil struggle over the shape and direction of the republic.

But throughout most of that history, Americans have agreed on the procedure for making decisions. Bedrock democratic and constitutional principles have united the country irrespective of ideology in the process by which policy goals should be sought and achieved. This has ensured that even when a decision is made that is contrary to an individual or group's policy preferences, they abide by the process that effectuated that result.

If society maintains faith in the fairness and regularity of democratic procedure and the rule of law, people will be less dissatisfied with political outcomes that they disfavor. This is primarily for two reasons: 1) regimented and disciplined adherence to democratic rules and procedures ensures that all sides feel heard and that each contest is fair; and 2) a system that is fair and regularly observed assures the losing side that they will still have the chance to prevail on future occasions.

Unfortunately, Americans are losing faith in democracy and our institutions. A failure to uphold democratic principles and to pursue political objectives within the standard legal and constitutional confines of our society makes our system appear unfair, irregular, and lopsided. A [2024 Gallup poll](#) revealed that a record low 28% of Americans are satisfied with the way democracy is working – representing a precipitous drop compared to the 61% who responded affirmatively when Gallup first asked the question in 1984.

In 2023, the [American public's confidence](#) in the presidency, Congress, and Supreme Court declined. In fact, the public's confidence in all of these institutions was at or near all-time lows: only 8 percent of Americans reported feeling confident in Congress. An April 2024 survey by Pew Research Center reported that only [22% of Americans](#) trust the government to “do what is right.” The highest that this number has been in the past 40 years was 54%, in the wake of the September 11<sup>th</sup> attacks.

At the State level, democracy is also in decline. In its [2024 Compendium](#), LDAD outlined the growing threat posed to democratic norms and the rule of law in Alabama, Arizona, Florida, Iowa, Louisiana, Ohio, Tennessee, and Texas. Increasingly, State governments are passing and stringently enforcing laws that restrict ballot access, dilute anti-discrimination efforts, impair fact-based decision-making, suspend appropriate restraints on the exercise of power, undermine public confidence in public and private institutions, and erode systemic checks and balances. At both the federal and state levels, America's democratic culture is under assault.

With public officials [calling into question judicial authority](#), high-level officials being [unlawfully terminated or sidelined](#), and now public officials, [including the President](#), calling for the impeachment of federal judges on partisan grounds, the rule of law - the crucial foundation of American democratic governance - is at risk of becoming a façade where the line between law and politics has been completely erased.

On another front, [Congress' power of the purse](#) has seemingly been reduced with little resistance from Congress itself, and Constitutional safeguards which secure the independence of executive branch officials have been [illegally overridden](#). All of this and more has driven lawyers,

scholars, and average citizens to question if the United States is headed toward, or perhaps is already in, a [constitutional crisis](#).

This historic time in our country needs a non-partisan response from the legal profession and a commitment to support the norms and principles of democracy and the rule of law. Actions that undermine the Constitution, our rule of law, the separation of powers, and other norms of democracy are contrary to our history and traditions, and they should concern all Americans and all lawyers.

It is not the substantive policy goals of any individual or group which endanger the existence of our republic – it is the willingness to ignore the Constitution and the rule of law, and the abdication of the Constitutionally mandated separation of powers. Adherence to a fair process no longer unites us. This is a grave threat posed to American democracy.

It may be a legitimate policy end to want to reduce the size of the federal work force, for example, but *how* it is achieved is essential. Laws and procedures are necessary instruments if we are to continue living in a free, open, and fair society. No person, no party, no president is above the law and until the hegemony of the Constitution and the law are re-established, the United States will remain mired in a crisis of democracy.

This moment calls for lawyers to serve as Guardians of the Rule of Law. Our nation needs reinvigorated dedication to the Constitution, fair and predictable rules and procedures, and civil democratic debate.

This initiative does not prescribe or support any partisan leaning or set of policy preferences. Instead, it hopes to remind potential Lawyer-Leaders of the history and traditions of the United States, inform them of the present crisis, and encourage them to be part of the solution by bringing their unique values and skills as lawyers into elected office.

Below are a series of resources that can help inform and encourage lawyers to seek elected office, followed by ten principles which we believe are essential for Lawyer-Leaders to observe if they are to help America find its way out of this crisis.

## **IV. Democracy, the Rule of Law, and the Constitution**

Below are lists of resources on various subjects which may be instructive for lawyers interested in running for or seeking an appointment to government leadership roles, or for those encouraging other lawyers to do so. These resources include ways to stay informed of efforts to combat the assault on the rule of law and democracy, articles on the importance of lawyerly values in a democracy, and information on the current state of American politics.

### **The History of the American Lawyer-Leader:**

As detailed above, the American Lawyer-Leader is an essential character of American history. The following resources speak to this history, the importance of the Lawyer-Leader at key moments, and the decline of lawyers serving in elected office.

Lawyer Defending American Democracy invites additions to this list of resources by submitting proposed links to [Hello@LDAD.com](mailto>Hello@LDAD.com).

### **Lawyer-Presidents and the Founders**

Over half of American Presidents have been lawyers. The following resource gives a small glimpse into this history:

#### **[The Long History of America's Lawyer Presidents](#)**

This article tells the tale of the time Abraham Lincoln argued a case before the Supreme Court:

#### **[The Time Abraham Lincoln Argued a Case at the Supreme Court](#)**

This short piece on Justia described the legal career of William Howard Taft and his service as Chief Justice following his presidency:

#### **[Chief Justice William Howard Taft](#)**

John Quincy Adams argued before the Supreme Court on behalf of enslaved persons in the *Amistad* case:

#### **[John Quincy Adams and the Amistad case, 1840](#)**

In addition to the many lawyers who served as president, the majority of those who framed and signed the United States Constitution were members of the legal profession:

#### **[Data on the Framers of the Constitution](#)**

### **The Rise and Fall of the Lawyer-Leader**

This article, paying special attention to the New York State legislature, explores the history of the Lawyer-Leader and the decline of lawyers serving in elected office:

#### **[The Declining Presence of Lawyers in Elected Office: A Trend to Be Reversed](#)**

This law review article by a lecturer at Yale Law School fully details the historical dominance of the legal profession in American politics, the decline of the Lawyer-Leader, and reasons for this decline:

### [The Decline of the Lawyer-Politician](#)

Similarly, this article reviews the declining influence of the Lawyer-Leader and the negative implications this has for American society and politics:

### [Lawyers, Democracy, and Dispute Resolution: The Declining Influence of Lawyer-Statesmen Politicians and Lawyerly Values](#)

This piece focuses on the decline of lawyers in state legislatures across the country, paying special attention to the shift in Texas:

### [State Legislatures Have Fewer Farmers, Lawyers; But Higher Education Level](#)

The following piece discusses American Lawyer-Leaders with special attention to their service at the state level and as governors:

### [Lawyers and American Politics: A Clarified View](#)

The following two pieces explore the relationship between the legal profession and politics, the decline of the Lawyer-Leader, and reasons for these phenomena:

### [Declining Dominance: Lawyers in the U.S. Congress](#)

### [Politics Outside of Office: The Lawyer-Lobbyist](#)

## **The Current Crisis:**

The resources below attempt to show a full landscape of the kind of crisis the United States currently faces. To make clear why *Guardians of Justice* is so needed, it is important to understand how dire the present situation is.

## **Survey Data**

The following are a representative sample of available survey data on declining belief in American institutions, democracy, government, and Constitutional values:

### [Center for Politics Study: Partisan Desires Override Support for Constitutional Freedoms and American Values](#)

### [Record Low in U.S. Satisfied With Way Democracy is Working](#)

### [Historically Low Faith in U.S. Institutions Continues](#)

### [Public Trust in Government: 1958-2024](#)

## **Constitutional Crisis**

These articles, videos, symposia summaries, and think-pieces explore the current state of American constitutionalism and opinions as to whether we are currently experiencing a Constitutional Crisis. A good [general definition](#) for a Constitutional Crisis is “[a political conflict] in which branches of government clash, potentially breaching the system of checks and balances.” We recognize that the situation is evolving rapidly and some of the resources provided below may be out of date at the

time of reading. The most important information to be absorbed is in regard to the definition of Constitutional crisis, its parameters, and how it can be navigated.

[Experts Discuss “Democracy and the Rule of Law Under Pressure” at Symposium](#)

[Is the U.S. experiencing a constitutional crisis?](#)

[Is the United States in a Constitutional Crisis?](#)

[Are we in a constitutional crisis?](#)

[How is civil society responding to the US constitutional crisis?](#)

[Dangerous cracks in US democracy pillars](#)

[Legal experts warn of “constitutional crisis” as JD Vance and Elon Musk question judges’ authority over Trump](#)

[Is the Trump administration’s conflict with judges a constitutional crisis? What to know](#)

[Trump Defying Courts Orders is “Stress Test” for the Judiciary](#)

### **Crisis of Democracy**

These pieces detail the recent decline of democracy in the United States relative to other countries and the increasing decline in respect for the rule of law.

[Understanding democratic decline in the United States](#)

[The Erosion of Respect for the Rule of Law in America](#)

[Marching Towards Autocracy: How States are Failing Democracy – And What We Can Do About It](#)

[World Justice Project Rule of Law Index](#)

[International Institute for Democracy and Electoral Assistance Annual Reports](#)

### **The Importance of Lawyers in Politics, Lawyerly Values, and Defense of the Rule of Law**

These articles lay out the case for why it needs to be lawyers who help reinvigorate our politics with a dedication to our bedrock principles and common values. Lawyers play a special role in democracy, and they can bring their specialized skills and experiences into the political sphere to the benefit of American governance.

[Why Are So Many Politicians Former Lawyers?](#)

[The Lawyer’s Role\(s\) in Deliberative Democracy](#)

[The Rule of Law, the Lawyer’s Role as a Public Citizen, and Professional Identity: How Fostering the Development of Professional Identity Can Help Law Schools Address the Crisis Facing American Democracy](#)



[The Lawyer's Role in a Contemporary Democracy, Promoting Social Change and Political Values, The Lawyer as Catalyst of Social Change](#)

[2022 Samuel Dash Conference on Human Rights: The Role of Lawyers in a Democracy in Crisis](#)

[The Role of the Lawyer in the American Democracy](#)

[What Must Lawyers Do to Protect the Rule of Law?](#)

[Lawyers' Special Role in Preserving Democracy: More Important Today Than When First Described by a Great Chronicler of America](#)

More specifically, here is a series of law review articles on this same topic.

On Lawyers in a backsliding democracy:

[Lawyers in Backsliding Democracy](#)

[Complicity in the Perversion of Justice: The Role of Lawyers in Eroding the Rule of Law in the Third Reich](#)

[A Law Unto Oneself: Personal Positivism and Our Fragmented Judiciary](#)

[The Attorney's Duty to Democracy: Legal Ethics, Attorney Discipline, and the 2020 Election](#)

["This is Not Normal": The Role of Lawyer Organizations in Protecting Constitutional Norms and Values](#)

[Lawyers and the Abuse of Government Power](#)

[Ethical Quagmires for Government Lawyers: Lessons for Legal Education](#)

[A New Approach to Attorney Regulation](#)

[Lawyer Lies and Political Speech](#)

On protest lawyers and movement lawyering:

[Protest Lawyering](#)

[Movement Lawyers: The Tension Between Solidarity and Independence](#)

[Make an Impact](#)

## **On Democracy, the Rule of Law, and the Constitution**

It may be helpful to provide education resources about the importance of the rule of law, its relationship with democracy, and how it can be strengthened. The [rule of law is defined](#) as “a durable system of laws, institutions, norms, and community commitment that delivers four universal principles: accountability, just law, open government, and accessible and impartial justice.” The



pieces below enable the reader to better understand the rule of law conceptually in order to defend it and explain it to others.

[What is the Rule of Law and Why is it Fundamental To American Democracy](#)

[Democracy: The Rule of Law and Human Rights](#)

[American See Rule of Law as Key to Democracy, Oppose Abuse of Military and Justice Department](#)

[Democracy Playbook 2025](#)

[What is the Rule of Law?](#)

[The Doctrine of the Rule of Law; a Necessity to Democratic Governance](#)

[What is the Rule of Law](#)

[Overview – Rule of Law](#)

[What Exactly Is the Rule of Law?](#)

### **The Challenges and Strategies of Lawyers Seeking Governmental Positions**

Running for office is not an intuitive endeavor and lawyers may face unique challenges and obstacles in running for office. Some of the following articles highlight the challenges and obstacles lawyers might face as they seek election or appointment to public sector roles. Other resources below examine some solutions for overcoming these obstacles and strategies lawyers may employ in seeking elected office or public positions.

This report highlights the potential challenges lawyers face when seeking public office positions including a lawyer's past representation of unpopular or controversial clients, unfairly affecting their future eligibility for elected or appointed public role.

[NYSBA Report Looks at Challenges for Lawyers Who Want to Serve in Public Office](#)

This article highlights the role of ABA's formal opinion 509 that prevents lawyers with governmental confidential information from representing a private client if such information could disadvantage the third party involved. Such a rule prevents lawyers from shifting to public office while still working for past private clients, creating an obstacle for lawyers.

[ABA issues ethics guidance on how disqualification rules apply to current, former public lawyers](#)

In this interview, former Massachusetts Governor Deval Patrick reflects on challenges that lawyers can face in a governmental sphere. These challenges included a stark difference between legal training and campaigning, decline in partisanship, decline in public trust, law students avoiding public office positions, and more.

[Lawyers in Politics: a conversation with Deval Patrick](#)

Through interviews of Stanford Law School (SLS) Alumni, this article highlights common challenges faced when running for office, such as fundraising, name recognition, discrimination, and more. However, the article also shares resources for lawyers that have been developed at SLS including mentorship programs, training programs, women in politics group, and the Levin Center for Public Service.

[The Run for Office: JDs in Politics](#)

This article is a resource on the public service academies created by various state bar associations that provide a plethora of tools and support for lawyers interested in running for office.

[Through Public Service academies, bars encourage lawyers to run for office](#)

## **V. Ways to Support this Effort**

There are many ways that bar associations and other organizations can participate in this effort. Below are four suggestions.

### **1. Recognize Lawyer-Leaders**

While the number of lawyers serving in elected office has declined, there are still many prominent and effective Lawyer-Leaders serving throughout the federal and state governments. To help recognize these Lawyer-Leaders, their backgrounds, activities, and dedication to the rule of law, an effective step is for organizations to highlight these individuals. This step would help encourage Lawyer-Leaders already in office to maintain their dedication to the aforementioned fundamental principles, show how a legal background lends itself to public service, and hopefully embolden lawyers considering running for office or seeking a government appointment to move forward and do so.

Some bar associations have already taken this step. For example, the State Bar of Michigan highlights the Lawyer-Leaders serving in its state legislature and provides a report containing the background and details of each. An example of this annual recognition can be found [here](#). The Maryland State Bar Association also periodically releases profiles on the backgrounds and activities of its Lawyer-Leaders as shown [here](#).

### **2. Hold Lawyer-Leaders accountable**

It is not enough to elect officials who believe in defending the rule of law and the fundamental principles outlined above. Officials, including Lawyer-Leaders, must remain steadfast in their dedication to these principles throughout their terms of service. Organizations hoping to support this effort should help hold elected officials accountable and continually remind Lawyer-Leaders of their special relationship with and duty to defend the rule of law and the Constitutional foundations of our country.

Lawyer-Leaders that flaunt legal restraints, actively refuse to honor the separation of powers, ignore their oaths to the Constitution and to rules of professional responsibility, or otherwise undermine the democratic fabric of the United States must be publicly held accountable. This does not involve taking a partisan stance on an issue; it merely requires vocal, stalwart defense of foundational principles that should unite all Americans regardless of partisan creed. Organizations hoping to support this initiative should use their platforms to call on government officials, including Lawyer-Leaders, to desist from and resist rhetorical and real actions that undermine our Constitution and democracy.

### **3. Provide Resources on Running for Office**

Lawyers bring unique values and skills to elected office, but there is a lot to politics and running for office that is not intuitive and that requires adherence to campaign and conflict of interest laws. Bar associations and organizations aiming to support this initiative should consider

hosting events or providing resources on how to run for office. A number of bar associations already do this.

For example, the Arkansas Bar Association hosts an annual Public Service Academy that provides information and training on how to run for office. A sample of the program for the academy in 2024 and other details can be found [here](#).

While not explicitly aimed at running for elected office, some bar associations also offer general leadership training to lawyers. Such initiatives could be refined to focus on encouraging aspiring Lawyer-Leaders to adhere to certain principles as political leaders, such as those outlined above. An example of a general leadership initiative in this vein is the [Ohio State Bar Association's Leadership Academy](#).

A more general resource by the ABA on these kinds of programs is available [here](#).

#### **4. Stand Up for Democracy and the Rule of Law**

Now is the time to speak up for democracy and the rule of law. Lawyers have a unique duty to speak out in a time of crisis. As the American Bar Association said in a [recent statement](#):

“There are clear choices facing our profession. We can choose to remain silent and allow these acts to continue or we can stand for the rule of law and the values we hold dear...if the ABA and lawyers do not speak, who will speak for the organized bar? Who will speak for the judiciary? Who will protect our system of justice? If we don't speak now, when will we speak?”

Lawyers, bar associations, and other affiliated organizations can use their platforms to condemn attacks on the rule of law, to mobilize the legal profession to the defense of our country's most fundamental and essential values, and, most importantly, to speak truth to power. The ABA's [statements on recent events](#) are a potential model for other organizations to follow.

The institutions which are now under attack are essential to America's identity as a constitutional republic. As Guardians of Justice, we cannot afford to let them go quietly.

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<sup>1</sup> This figure was calculated using publicly available information on the educational and professional backgrounds of members of Congress and data on lawyer demographics from the [American Bar Association](#).

<sup>2</sup> This figure was determined by consulting information provided on the profiles of mayors on [Ballotpedia](#).