

# Tipping point

## It's no longer politics as usual in U.S., says Primerus founder

By Tom Kirvan

In today's society, nothing touches a nerve quite like "politics," a subject that can stir emotions and cause clashes of the kind that rival the Hatfield-McCoy feud in the late 19th century.

Back then, the embers from the Civil War were still smoldering, as Union and Confederate supporters attempted to make peace with each other after a four-year conflict that claimed more than 620,000 American lives.

Today, in many respects, America is just as deeply divided, even if the battlefields are far different and the casualty toll is tallied by the number of fractured families, lost friendships, bruised egos, hurt feelings, and heated face-to-face encounters.

The quicksand that dots the current political landscape – and all those before it – serves as the principal reason Primerus has taken a non-political, nonpartisan approach since its founding in 1992, according to Jack Buchanan, founder and president of the organization.

"During our 33-year history, Primerus has refrained from advocating any 'political' position except those stated or inherent in our 'Six Pillars' and consistent with our founding principles and the oath we all took for the privilege of practicing law in this country, 'to protect and defend the U.S. Constitution,'" Buchanan declared. "Accordingly, we have refused to support any political party, political cause, or political candidate. We have remained silent on all these issues and will continue to do so, unless and until, as we did in 1992, the duty to stand up and speak out requires us to do so."

Which begs the question: When should Primerus, as an organization, stand up and speak out? The Primerus Editorial Board recently answered that question in the context of two distinct tragedies that took place within the span of two decades in the 20th century.

"When does silence on political issues stop, and a free ride to the concentration camp begin?" asked Buchanan. "When should the German people have stopped saluting 'Heil Hitler' and started speaking out against the Führer's atrocities? When should CBS and news anchor Edward R. Murrow have stopped their silence about the disgraceful abuses of Senator Eugene McCarthy and his deplorable Red Scare tactics?"

In tracing the origin of Primerus, Buchanan said the alliance of law firms was founded 33 years ago with three primary reasons in mind: (1) To help restore the tarnished reputation of the legal profession; (2) To help educate the public on how lawyers and the justice system protect our cherished inalienable rights; and (3) To help clients find the right lawyer, with the right skills, in the right location, at the right price.

"Every attorney licensed to practice law in this country takes a sworn oath that includes a promise to uphold the U.S. Constitution and laws of the state in which they are admitted to practice," Buchanan explained. "Additionally, the oath typically includes a commitment to faithfully discharge the duties of an attorney and officer of the court, conduct oneself with integrity and civility, and abide by the rules of professional conduct."

In addition to the above oath, Primerus requires, as a condition of membership, that all its members adhere to the highest standards of the profession and the Six Pillars of Primerus, according to Buchanan.



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"Primerus firms are characterized by their commitment to the Six Pillars, which include Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, Civility, and Community Service," said Buchanan.

And yet, in this day and age of turmoil and uncertainty, Primerus expects even more from its members and the legal profession at large, said Buchanan.

"Every attorney and every judge in this country, given the sacred responsibility placed upon us to protect our Constitution and the rights and freedoms granted to all of us in America, have the duty to put aside their political bias and personal interests, and loudly speak out against the wrongs they know are being committed by those entrusted with the responsibility of leading this nation," Buchanan stated. "Failure to do so is a serious dereliction of duty and a grave violation of the sacred oath we took for the privilege of practicing law in America. It also would be a serious violation of the Six Pillars of Primerus, an essential condition for membership in this organization.

"For these reasons and because Primerus has taken on a major role of influence in the American and international legal communities, our Editorial Board has decided that it must speak out loudly when it anticipates or sees clear danger to the U.S. Constitution and the cherished freedoms guaranteed to every American by that tremendously important document," Buchanan said.

In the wake of the ongoing attacks against the rule of law and freedom of speech, Buchanan insisted that "the time has long passed when the roaring sound of silence remains an option" for members of the legal profession, whatever their political stripe.

"To members or others who object to Primerus expressing what they perceive to be a political point of view because it is not the organization's place to do so, then Primerus says to them, with all due respect, you are shortsighted," Buchanan said. "Are you unable to acknowledge and respect the various points of view of others? Is 'stop speaking' the only alternative when you disagree with the spoken opinion of others? Or is your only consideration the bottom line? Are you concerned that your clients, who may not care about protecting the U.S. Constitution and our cherished liberties to the degree that they should, may not retain you because you belong to an organization that stands up for these principles? If these are your reasons, then we cannot do much about addressing the kind of objections that pale in comparison to the threats to our system of justice."

If, on the other hand, "you feel that an article Primerus publishes is inaccurate on the facts, is not 'fair and balanced' as Fox News likes to say or is in any way incomplete or distorted in its content, then those are fair criticisms that should be addressed," Buchanan indicated.

"That can be done by Primerus correcting the error in the next publication of our Paradigm magazine or Weekly newsletter, or by the critic writing an op-ed piece expressing his or her points of view in a subsequent issue."

In the pursuit of fairness and objectivity, Primerus invites feedback, whether "good or bad, favorable or unfavorable," according to Buchanan.

"It is healthy to speak out and not to be gripped in the jaws of fear and silence," Buchanan said. "If you do not speak out now when bad things happen, you may not be able to do so in the future when the doors slam shut on your freedom."

