

Dear God, My Tether is Broken!

By Nancy Richards-Stower

The thing I loved about the law was that it tethered me. It made me feel safe, or at least gave me the potential of safe. Predictable. When you know what is coming, you can prepare. Whether that is for the best or the worst, the preparing provides some control, some security, some freedom to protect what you love. I love my family, my country, my globe, my universe.



Coming of age, when all things were possible and, dare I say it, young (a young president, a young civil rights movement, a young environmental movement, a young gender equality movement, a young sexual revolution), there was always plenty of time to work hard to fix what was wrong. Back then, the law made this certain: once the cog advanced forward, that was the new starting point. The goals of equality and justice were gaining with every little tooth in that cog. Women, making up over half the world would gain respect, power, and political savvy. Women and men would end wars, we would advance people of all races and ethnicities, end poverty. We would save the environment, capture energy and warmth from the sun, and produce water out of the desert air. When people saw how we advanced folks in the US were plowing ahead making better lives, they would want that

for themselves and would copy us. Dictators would fall in the face of individual women and men demanding all the good life could offer, and generously share their talents and wealth to make it so.

There would be time and sustenance for music and art, and those with the colorful palettes of talent would be supported, and we would aim higher and higher towards all things beautiful. Even most religions said so. We could learn. And, the law was the tether: always forward, never backward. Overturned precedents were overturned to advance the rights of the living. *Plessy v. Ferguson*, "separate but equal," was smashed into the pile of evil and pain which it had created by the liberating *Brown v. Board of Education*. Separate is not equal.

I speak only of my own lifetime. I am 71 and can't believe it. When I was a little girl, 71 was "almost dead." Perhaps I am. But the dissonance of crazed megalomaniacs has somehow sanded down those cogs and we have slipped backwards in important places.

In accountability and honesty, for one. I recall when government, private, and religious agencies empowered by good will to make us safer and have better lives attracted the talented who used their short time on earth to improve the conditions for which their agencies were created, and to pave a smooth path to the future. Government service was highly honored.

Judges seemed to be fair. The handful of Judge Horribles in my 40-plus years of practice have been thankfully few. I kept the faith that when more diversity hit the courts, those judges born of privilege and their as-

sumptions as to what was "plausible discrimination" eventually would be informed by a judge of different color or gender who personally experienced the uncomfortable lull in conversation, when she walked into an all-male professional assembly. Or whose first (and last) county bar association meeting in 1979 began with a recognized bar leader preceding his remarks with a sexist joke. Or whose first multi-party-complex litigation had the state court judge ask her among her six male colleagues, "What's a rose like you doing among thorns like these?" Then again, those were less direct than those male firefighters who urinated in my female client's boots.

But mostly, the law helped me keep the faith that motivated my life of what I meant to be a life of service in the advancement of my country. Then the earthquake: a bedrock of democracy – count all votes and hold a recount of all votes if the results are unclear – fell with *Bush v. Gore* (5-4). The bedrock of voting rights, the holy beacon of democracy, fell (5-4) in *Shelby County v. Holder*. Two hundred years of history (real and judicial) shot out of the Supreme Court (again, 5-4) in *Heller*, where "militias at the ready" was twisted into permission for crazed white supremacists to walk down American streets during demonstrations with AK-47's strapped to their insecure bodies. And then an amoral, uneducated, and uncaring-in-history became president and refused to let go, and nearly half the country became addicted to his special brand of Kool-Aid. And then came his (HIS!) judges. That's what he called them. And *Dobbs v. Jackson Women's Health Organization*, the 6-3 opinion (Chief

Justice Roberts had to run to catch up with the runaway Trump-made majority) granted the white-male-"Christian"-dominated governments in the United States the right to order a woman to give birth to a baby she doesn't want or can't safely carry to term. Oh, by the way, all three Trump appointees lied and otherwise misbehaved in their confirmation hearings. All three knew their playbook. They would join the anti-choice team. Their nominations and confirmations were well-funded.

To paraphrase James Carville, "It's the courts, stupid!"

Can any lawyer reading this deny that we would be held in contempt if we whined, shouted, insulted, and cried like Kavanaugh did at one of our motion hearings, or if we filed the totally unsubstantiated garbage "voting fraud" lawsuits that lawyers filed all over this nation? I have spent sleepless nights wondering if I placed quotes in the right place of a brief for fear of violating my duty of candor to the court. Why? Because I think (and thinking makes it so, right?) that all sitting judges in New Hampshire will reject the dark clouds sweeping the country and hold up the law in all its deserved light and glory. Then, I can get my tether back, at least in New Hampshire.

Nancy Richards-Stower, a political activist and member of the New Hampshire Bar since 1978, had her solo employee rights law office in Merrimack for over three decades. She currently operates that NH/MA practice remotely from Maine. She invented, owns, and operates Trytosettle.com®, an online settlement service.

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