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**I want to thank my law partner,
Danny Markstein, for inviting me here.
Thank you to all the conference
organizers for your hospitality, and to all
of you for welcoming me here today. It's
a shame my dear departed mother wasn't
here. She is the only one who would have
suggested that introduction wasn't
overstated.**

As president-elect of the ABA, I have my work cut out for me as I prepare to lead our organization next August. As most of you know, the ABA has practice sections, committees, and other groups that cover just about every area of the law. ABA sections range from business law to criminal justice to antitrust to administrative law to health law to

**human rights law, and everywhere in
between.**

**And, of course, we have 28,000
members nationwide in our Section of
Real Property, Trust, and Estate Law. I
hope you're all familiar with that
section—if you're not already members of
it and enjoying the many resources it
provides.**

One thing I plan to do is promote membership in the ABA at every opportunity. We currently have 413,000 members nationwide—somewhere between a third and a half of all practicing lawyers—and we want to increase that percentage of the profession significantly. We need your support to advance our educational programs and our advocacy for the profession and our

system of justice on *a national scale*. So, if you're already a member of the ABA, I thank you. If you're not, I ask you to join us.

Keeping all our members under one umbrella while encouraging us to pursue our unique professional interests is quite a responsibility, and a rewarding one at that. We're also an open organization and

welcome ideas and participation from all members of our profession. In the coming months, I want to meet with as many groups as possible so I can hear your ideas on where we might focus our efforts.

One principle is guiding me: As much as our diverse viewpoints in the bar give us strength and credibility, we cannot lose sight of the concerns all lawyers share.

These are the common core values of our

profession. As I see them, they are

fourfold:

*** Enhancing access to justice for all,**

*** Defending the independence of the**

bar and the judiciary,

*** Encouraging diversity in our**

professional ranks,

*** And promoting the rule of law.**

**I have said before that it's easy to
make a dollar, but it's difficult to make a**

difference. Our profession is a common calling, dedicated to public service. The call to the bar unites us on these common goals—goals that enable us to make a difference.

When it comes to our goal of enhancing access to justice, the ABA is making a difference. We set standards for pro bono assistance, for public defender resources, for death penalty

representation. We provide resources for victims of domestic violence, for people languishing in our immigration courts, for others without a voice in our system of justice.

And legal aid funding is one of our top priorities. Working closely with our affiliated state and local bars, we are *the leading organization* that consistently advocates in Washington for adequate

funding of the Legal Services

Corporation.

It's crucial that we do so. One of every two eligible clients who seeks assistance from a federally funded legal aid program is turned away because there isn't enough staff to help. And despite the combined efforts of Legal Services Corporation-funded programs, other government and private funding, and even pro bono

efforts, 80 percent of the legal needs of the poor are unmet.

The preamble to our Model Rules of Professional Conduct actually instructs us lawyers to make access to justice a core value of our profession. It states that we (and I quote) "should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor,

cannot afford adequate legal assistance.

Therefore," the preamble concludes, "all lawyers should devote professional time and resources *and use civic influence* to ensure equal access to our system of justice for all those... who cannot afford or secure adequate legal counsel."

If access to justice is one core value of our profession, another is independence—

**independence of the bar and
independence of the judiciary. I'll get to
our judges in just a bit, but first I'd like to
share with you a little about the
difference the ABA has been making in
protecting a core aspect of an
independent legal profession: the
attorney-client privilege.**

**In recent years, Justice Department
guidelines have operated to coerce**

corporate targets of federal criminal investigations into waiving their attorney-client privilege. Responding to concerns raised on Capitol Hill by the ABA, state and local bar associations, and other groups, the government modified its guidelines, most recently in the Justice Department's McNulty Memorandum. But the changes haven't gone far enough.

These government policies are not just an attack on business lawyers and their corporate clients. It undermines what all lawyers do, and it's a threat to everyone who counts on the right to full and frank legal counsel.

The ABA and our allies are making a difference in this area. We're urging lawmakers to support Senate Bill 186, the Attorney-Client Privilege Protection Act,

which is getting widespread support.

Senator Specter's bill would preserve the

government's ability to obtain the factual

information from companies that it needs

to enforce the law. But it would bar

federal agencies from pressuring

companies to waive their attorney-client

privilege or work-product protections.

And it would keep agencies from

undermining employee legal rights in return for receiving cooperation credit.

Independence of the bar doesn't only involve preserving the attorney-client privilege. Through our ethics codes and disciplinary enforcement, we are a self-regulating profession. The accounting profession used to regulate itself—until Enron. As lawyers, collectively, we must preserve our independence by setting and

**adhering to the strictest standards of
ethics and professionalism.**

**That's a hallmark of the independence
of the bar, and we're making a difference.**

**But it's equally important for lawyers to
work actively to uphold the independence
of our judiciary.**

**A fair, impartial, qualified, and
independent judiciary, free from political**

or other intimidation, is the hallmark of our judicial system.

When politicians criticize judges for opinions that are legally sound but politically unpopular, it's not just an attack on those judges. It weakens our profession's foundation, the rule of law.

And the growing, stubborn partisanship in judicial election and selection should concern everyone—

lawyer and nonlawyer alike—who counts on impartial, independent, and highly qualified judges to rule solely on the merits of cases, free from political pressure or influence.

If past is prologue, as we approach the national political campaign season, judges and our judiciary will again become a political football. As lawyers, we need to prepare ourselves to respond vigorously

and quickly to attacks on our judiciary.

Working with our partners in the state

and local bars, the ABA is making a

difference in helping lawyers advocate in

this regard. We provide sample talking

points and other background material for

public outreach on why judicial

independence is so important to our way

of life. If lawyers won't make the case,

nobody else will.

**Judicial independence doesn't stop
with defending against attacks. As
important, the ABA works to ensure that
our judiciary is competent and
accountable to standards of
professionalism and ethics. Our Model
Code of Judicial Conduct is the national
standard. And our Standing Committee
on Federal Judiciary, which is universally
respected by both parties, helps ensure**

that federal judicial nominees meet the highest standards of competence and professionalism.

Diversity is a third core value of our profession. When gifted women and men of diverse backgrounds face systemic barriers to entering law school and climbing the ranks of our profession, it's not just a lack of opportunity for them.

It's a lost opportunity for all lawyers as we're called on to serve an increasingly diverse society.

For more than 20 years, one of ABA's operating principles has been to promote full and equal participation in the legal profession by traditionally underrepresented groups, including women and people of color. There are enormous reserves of talent and creativity

and energy and strength in our diverse communities, with riches that can only improve and enhance the law and our service to the public.

We also recognize that a diverse profession cannot and will not exist without sufficient diversity at all points along the educational pipeline. Almost 40 years ago, the ABA's Fund for Justice and Education founded the Council on

**Legal Education Opportunity—or
CLEO—to expand opportunities for
minority and low-income students to
attend law school. Today, CLEO is one of
the most comprehensive resources for
diverse students interested in law and for
legal employers seeking the superb
quality of CLEO alumni.**

**While we can claim some measure of
success on increasing diversity in the**

pipeline, we also acknowledge that progress has too often seemed to move at glacier speed—or even regressed in some areas.

But we will not allow ourselves to get stuck. We will take action that will make a difference—one student at a time, if needed. We will spotlight and support existing projects, and we will replicate and build upon successful pipeline

diversity initiatives. Our efforts will not only benefit the diverse students and the professions that receive them. We all benefit when we equip more American students to better compete in our global society.

Diversity . . . access to justice . . . and independence of the bar and the judiciary

**factor centrally in a final core value of
our profession: the rule of law.**

**Since soon after the fall of the Berlin
Wall, the ABA has provided technical
legal assistance on rule of law issues to
developing countries and newly emerging
democracies in the former Soviet bloc,
Latin America, Africa, Asia, and the
Middle East. These activities provide
wonderful opportunities for volunteer**

lawyers in America to share their expertise with lawyers overseas who look to our system as a model, and they strengthen our international ties as our world becomes more global by the day.

That said, I believe our own country has room to improve when it comes to some of the principles we espouse. There are some, for example, who view the Bill of Rights as an obstacle to be overcome as

**opposed to the embodiment of our most
precious liberties. Folks like former
Assistant Secretary of Defense for
Detainee Affairs Cully Stimson, who
attacked the lawyers who provide pro
bono representation to terrorism
detainees. at Guantanamo**

**Fortunately, many in the bar rose up
in response to these remarks by pointing
out that these lawyers are upholding one**

of the oldest and greatest traditions of our profession and our country—that even the most despised or underprivileged in our society are still entitled to adequate representation.

The rule of law is a common core value of our profession, and the bar is making a difference:

When lawyers provide legal services to the poor and support organizations that do so, we're advancing the rule of law.

When lawyers advocate for policies and legislation that serves the common good, we're advancing the rule of law.

When lawyers hire, mentor, and recommend a diverse array of talent to perform in our profession, we are advancing the rule of law.

When lawyers engage in professional activities that help us do a better job, we're advancing the rule of law.

When lawyers take up the causes of unpopular clients, and when judges make proper but unpopular decisions, we are advancing the rule of law.

ABA motto is Defending Liberty, Pursuing Justice
We can look back, actually way back,

for a principle that we could use today to become defenders of liberty and pursuers

of justice. We can look all the way back to the Athenian constitutional principles of 400 B.C. Most of you know we can trace some of our greatest liberties back to those constitutional principles, liberties such as freedom of speech, freedom of association, and participation in government.

However, there's another Athenian principle that has been forgotten. In

addition to freedom of speech, the ancient Athenians believed that every citizen had not only the right, but the duty, to stand up and speak out in the face of injustice or when there were attacks on liberty.

We need to adopt that principle. The ancient Athenians called that principle parrhesia, p-a-r-r-h-e-s-i-a.

Parrhesia rises above politics.

Conservatives and liberals, Republicans

and Democrats alike can find common ground on the core ideals that shape the rule of law and the legal profession's role in it. Whenever I'm asked if the ABA is conservative or liberal, I respond that only one "L" word defines us: . . . "lawyer."

As lawyers—whether we're trust and estate counsel or whether we practice in any other area—we need to stand up,

**Speak out, and work together, not to
make a dollar, but to make a difference. I
look forward to making a difference with
you. Thank you.**