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Good afternoon. We had a wonderful session this morning on increasing diversity in the bar by focusing on educational pipeline issues. And yesterday evening—meeting with high school students brought in by Charla Long's Center for Law, Justice & Society at Lipscomb University--I was reminded once again of why I love my profession so much. We used a short DVD and

**discussion guide called "Choose Law,"
produced by the ABA's Young Lawyers
Division. If you've ever had the
opportunity to talk with young people
about what lawyers do, you know what
I'm talking about. If you haven't, I
encourage you to do so. The Choose Law
materials are easily accessible on the
ABA's web site at www.abanet.org/yld.**

Thank you all for coming out here this afternoon. I also want to thank Lipscomb University and Charla for her invitation and efforts to bring me here—even while fighting pneumonia at one point, I understand. And thank you, Allan, for bringing in the Tennessee bar to our events and discussions. You, too, had some health issues while planning for my

**trip, and we're all glad to know you're
doing better.**

**I hope this isn't the start of some sort
of trend. I guess I'll know if the
invitations from our other state and local
bar friends start to dry up.**

PEN.

**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. 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,**

*** Defending the independence of the
bar and the judiciary,**

*** Encouraging diversity in our
profession,**

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

**As lawyers, 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**

*NOT
MANY
JOBS
ARE DESCRIBED
AS CALLING.
SISTER
LYNN*

**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 when disaster strikes, as it has most recently in Southern California, the ABA and our Young Lawyers Division are always on hand to staff legal-assistance centers and hotlines.

One of our top priorities involving access to justice is legal aid funding.

Working closely with our state and local bars, we are always the first ones in

**Washington to advocate for adequate
funding of the Legal Services
Corporation.**

**It's crucial that we do so—and it's
great if you've ever participated in our
lobbying efforts. As many of you know,
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 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 ~~to~~ 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, and I know you've had some intense issues on this topic here in Tennessee, which I want to learn more about.

But first I'd like to share with you a little about the difference we've 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.**

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. If we won't make the case, nobody else will.

Judicial independence doesn't stop with defending against attacks. As important, we need to ensure that our

**judiciary is competent and accountable to
standards of professionalism and ethics.**

The ABA's 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. As I mentioned this morning, 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. We recognize that a diverse profession cannot and will not exist without sufficient diversity at all points along the educational pipeline. We had a productive, informative meeting this morning where I learned what's going on here locally. I will make similar trips to learn what our colleagues across the country are thinking, and what they are doing, about this crucial core value of our

**profession, and to shine a spotlight on
their efforts..**

**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. And I understand that the Lipscomb Center for Law, Justice & Society conducts similar programs.

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.

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~~^{GUANTANAMO}
detainees.**

**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 serve 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: DEFENDING LIBERTY
PUSHING 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—whatever area of the law or area of the country we practice in—we need to stand up, speak out, and work together, not to make a dollar, but to make a difference. I look forward to hearing your ideas and to learning from

them so that we can make a difference

together. Thank you.