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2009-02-06 H. Thomas Wells, Jr. ABA Presidential Correspondence

H. Thomas Wells Jr.

University of Alabama School of Law

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CORRESPONDENCE LOG

H. Thomas Wells, Jr.

February 6, 2009

Origin	Correspondence	Date	Rcvd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL	Richard F. Flickinger Ligonier, PA Ltr – re diversity issues	1/26	2/2	NRN	
IL	Carlos F. Lucero, Circuit Judge US Court of Appeals for the Tenth Circuit Denver, CO Copy of letter sent to Hon. Robert Henry re: ABA International Rule of Law Initiative Conference, Loja, Ecuador	1/30	2/4	NRN	Hank White Rob Boone
IL	Angela N. Hanks Black Law Student Association University of Maryland Ltr – requests greeting letter for commemorative booklet	1/29	2/5	OP will draft response	
IL	Governor John E. Baldacci Chair, JAG Board of Directors Alexandria, VA Ltr – requests ABA be a sponsor of the upcoming JAG National Thought Leader Event, scheduled for Spring, 2009 in Washington, DC	1/29	2/5	OP will respond	
email	Teresa Heinz, Chairman Heinz Family Foundation Ltr – requesting ABA to participate as a nominator in the Heinz Awards	2/4	2/4	NRN	

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RICHARD F. FLICKINGER
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LIGONIER, PENNSYLVANIA 15658
www.ligonierlaw.com

January 26, 2009

Thomas H. Wells, Jr., President
American Bar Association
321 North Clark Street
Chicago, IL 60654-7598

Re: Diversity

Dear Mr. Wells:

I enclose copies of my letter of August 26, 2008 and the response of your special assistant on November 14, 2008. From the response, I conclude that my letter was either not read or not comprehended. I will therefore address my position more succinctly:

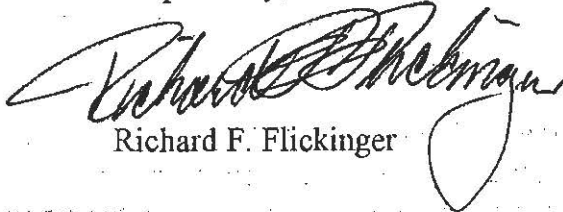
I assume you will agree that diversity is not based on an individual's abilities or character, but on a person's identity and status as a member of a group.

Why is a person's color more important than his integrity? Why is a person's gender more important than her character? Why is a person's identity and status as a member of a group more important than that person's qualifications?

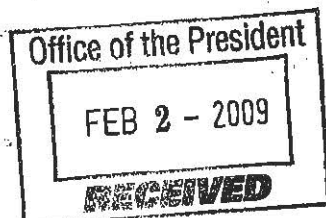
Do you find it acceptable that 95% of black persons voted for a black candidate for president? Would you find it acceptable if 95% of white persons voted for a white candidate?

How do you justify your emphasis on diversity?

Respectfully,

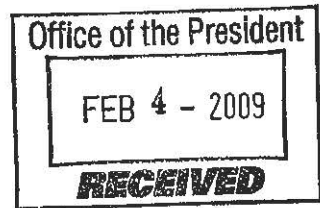

Richard F. Flickinger

RFF/mjr



**United States Court of Appeals
for the Tenth Circuit**

CARLOS F. LUCERO
CIRCUIT JUDGE



1823 STOUT STREET
DENVER, COLORADO 80257
303-844-2200
FAX 844-2201

January 30, 2009

VIA U.S. MAIL and E-MAIL

The Honorable Robert Henry, Chairman
Committee on International Judicial Relations,
United States Courts
Room 2421, U.S. Courthouse
200 Northwest 4th Street
Oklahoma City OK 73102

Re: ABA International Rule of Law Initiative Conference, Loja, Ecuador
Dear Robert,

I was in Ecuador on the first three days of this week participating at a conference attended by appellate and trial judges as well as practicing attorneys and post-graduate students at the School of Law of the National University of Loja. The conference was organized and hosted by the Rule of Law Initiative of the American Bar Association (ABA), financed in part by the United States Department of State, and under the most capable leadership of Michael McCullough, whom you and I met in Washington last month.

Ecuador is in the incipient stages of transition to the adversary system of justice under the new Constitution of 2008 and I cannot stress enough how critically important it is for us in the United States and in the federal courts in particular to lend a helping hand both to the country of Ecuador and to the American Bar Association as it undertakes the most important work of aiding in this transition. I found the University officials as well as all participants to be extremely grateful for our assistance, and particularly receptive to the expertise provided by the project.

It was impossible for me not to reflect upon and regret the benign neglect with which the United States has met its responsibility to Ecuador and the hemisphere in extending a helping hand to our neighbors in developing the rule of

The Honorable Robert H. Henry
January 30, 2009
Page 2

law and stable democracies in the region. I cannot stress enough how important it is for us to seize the present opportunity to provide this long needed assistance and training for the Ecuadorian judiciary. It is in the interest of the United States that we do so.

The conference, including the participation by United States representatives, was conducted in Spanish. The nature of the hands-on training does not readily lend itself to the use of translators. Participants asked many questions, and while Ecuadorians do not have the right to a jury trial, the audience was hungry to understand the American system of justice, and quite proud to be adopting what they call the "accusatorial and oral tradition" of justice. This integration is at such an early stage of evolution, that they have not yet identified a word that encapsulates the process of arraignment. We settled on "audencia de declaration de culpabilidad o inocencia."

The ABA has organized a competent staff in Ecuador, and Michael McCullough is continuing to identify Spanish-speaking American participants to aid him in these ongoing programs. As noted in Washington, I will be assisting him in these efforts.

Thank you for getting me involved in this program. Michael would like to organize an Appellate Justice program, and other continuing teaching seminars in the coming months. I hope that you will be amenable to joining one of the delegations so that you can observe for yourself the fine work that is ongoing. With Michael's help, I will provide the translation. He is remarkably fluent. Can't be in the genes.

Warm regards,



Carlos F. Lucero

CFL/sm

cc: H. Thomas Wells Jr., President, American Bar Association ✓
Michael McCullough, Rule of Law Project, ABA

BLSA



President
Sabrina Johnson
Turner

**UNIVERSITY OF MARYLAND SCHOOL OF LAW
BLACK LAW STUDENTS ASSOCIATION**

January 29, 2009

Vice President
Jessica Hurtado

American Bar Association
H. Thomas Wells, Jr, President
321 N. Clark Street
Chicago, IL 60610

Treasurer
Ryan Saunders

Dear President Wells:

Parliamentarian
Nancy Oyedele

The Black Law Students Association (BLSA) at the University of Maryland School of Law will hold its 34th Annual Scholarship and Awards Banquet on Saturday, February 21, 2009 from 7 p.m. – to 12 a.m. at the Radisson Plaza Lord Baltimore in Maryland. This year's theme is "**Intellectual Relevance.**"

Secretary
Angela Hanks

I am writing to you to ask that you write a greeting letter for our commemorative booklet this year.

BLSA annually honors local high school and law students, as well as faculty, and other members of the legal community who have demonstrated exemplary leadership and/or have rendered invaluable services to our community. This year's theme illustrates BLSA's mission to recognize and support such leaders and their priceless efforts to advance the community.

If possible we would like to receive your letter no later than February 10, 2009 so that we will have time to place it in our commemorative booklet.

I will be available to answer any questions or concerns you may have regarding the booklet or purchasing tickets for the banquet. I can be contacted at the number listed below or via email at ahank003@umaryland.edu.

Thank you for your continued support. We look forward to hearing from you soon. We wish you and your staff a wonderful Black History Month.

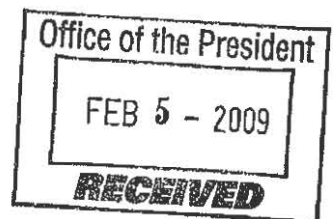
Sincerely,


Angela N. Manks

Journal Committee Chairperson
Black Law Student Association
University of Maryland School of Law

500 West Baltimore Street
Baltimore, MD 21201

Phone: 248-910-6372
E-mail: blsa@law.umaryland.edu





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JAG WEBSITE
<http://www.jag.org>

January 29, 2009

Ms. Karen J. Mathis
President
American Bar Association
321 North Clark Street
Chicago, IL 60610

Dear Karen:

I am writing to you today in my role as Chair of Jobs for America's Graduates (JAG), as well as Governor of Maine, a former Member of the United States Congress - and especially as a concerned citizen and parent.

In the U.S. today, 7,000 young people drop out each day of the school year. On the education front, that data alone is alarming, but consider how that statistic will spill over, impacting our communities, our workforce, and our economy.

In today's workplace, only 40% of adults who dropped out of high school are employed. Each year's class of dropouts will cost the country over \$200 billion during their lifetimes in lost earnings and unrealized tax revenue.

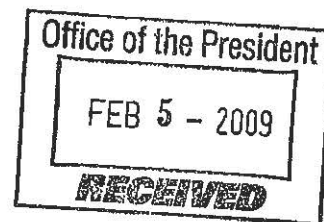
Even more importantly, the recession is resulting in sharply rising unemployment among teenagers nationwide, in general - over **four times** that of the overall rate!

As a proven leader in **dropout prevention** for at-risk youth, JAG has effectively taken on the challenge of getting tens of thousands more of our nation's at-risk young people through high school and into postsecondary education and meaningful jobs with good career potential. The outcomes sum it up best: While the **average graduation rate in the nation is just 68 percent, the graduation rate for the JAG Class of 2007 was 94 percent!**

One immediate action we hope you will take to positively impact education and workforce policy at the federal and state level as the new Obama Administration and new Congress begin their work is to be a **Sponsor of the upcoming JAG National Thought Leader Event, scheduled for the Spring of 2009 in Washington, DC.**

The event, dedicated to the exploration of how proven, scalable, cost-effective solutions at the federal and state level like JAG can be applied more broadly to close the achievement gap in graduation and employment for minority youth. The timing is aimed at the precise time when the new federal leadership will be focused on such solutions

We will be reaching out to the new Administration to join us, which we are pleased to report, includes long-time JAG partners and advocates, JAG Board member **Arne Duncan**, Secretary of Education; Board member and former Board Chair **Governor Tom Vilsack**, Secretary of Agriculture; and Board member and former Chair **Governor Janet Napolitano**, Secretary for Homeland Security. We are also delighted to report that **President Obama** is well aware of JAG's success and was fully supportive during his time in the Illinois legislature, which continues to fund the JAG program today. Vice President Joe Biden is also a strong supporter. He comes from the state that started it all: Delaware, where the JAG program has been in place for 30 years.



Our previous two *National Thought Leader* events included **Marc Morial**, President of the National Urban League, the leaders from the three Congressional minority caucuses (the **Black, Hispanic, and Asian Pacific American Caucuses** that we expect will co-Host the event with us), including **Representative Mike Honda, Representative Danny Davis** as well as **Representative Buck McKeon, and Senators Tom Carper and George Voinovich**. The highest federal level of education was represented as well, with **U.S. Education Secretary Margaret Spellings** on the panel. Last year's event also included the **National Council of La Raza** and the **Bill & Melinda Gates Foundation** as co-hosts.

Of all the underserved youth in the nation, minorities are the most vulnerable population today for dropping out. Within the JAG program, however, the academic and employment gains for this population have been some the greatest of all the youth we serve. **I therefore hope you will show your organization's commitment to improving outcomes for minority youth by joining JAG as well as governmental and business leaders as a \$10,000 Sponsor of this very special event.**

As you have successfully led your company, we hope that you will **add your name to the list of companies, individuals and groups who are ready to lead the way in 'moving the needle' on this issue.** Your support will help to drive broader public investment in proven solutions for bringing a larger and more diverse pool of talented young people into the workplace, equipped with the academic credential, the drive and the opportunity to lead the way for future generations.

Press will be invited to pose questions at the end of the session and to be briefed on the results.

I have asked Ken Smith, President of JAG, and Barbara Wolf, Senior Vice President, to be in touch with you shortly to discuss your participation in this very important event. In the meantime, please feel free to call Ken or Barbara at (703) 684-9479 with any questions or ideas you have.

With gratitude for all that you do,

Sincerely,



Governor John Baldacci
Chair, JAG Board of Directors

cc: Mike D'Ambrose, Chair, JAG Resource Development Committee
Ken Smith, President, JAG
Barbara Wolf, Senior Vice President, JAG
Brittany Brewer, Program Manager, JAG

JB re TL Event Support

ABA President

From: Teresa Heinz [newsletter@heinzawards.ccsend.com] on behalf of Teresa Heinz [theinz@heinzoffice.org]

Sent: Wednesday, February 04, 2009 8:24 AM

To: ABA President

Subject: A Message from Teresa Heinz - A Call for Nominations

The Heinz Awards

HEINZ AWARDS FOUNDATION
2009 CALL FOR NOMINATIONS
NOMINATIONS
FEBRUARY 4, 2009

Dear Mr. Wells,

I am writing to ask you to participate as a nominator in the Heinz Awards, which celebrate the memory and spirit of my late husband, U.S. Senator John Heinz (Jack to his friends and John to his colleagues).

John Heinz was an extraordinary person. He loved public service and was deeply honored by the opportunity to serve. In addition to being a dedicated and accomplished public servant, John was distinguished by intangible qualities of mind and spirit, including intellectual curiosity, love of people, informed optimism, willingness to take risks, passion for excellence, belief that he could make the world a better place, and stubborn determination to make it so. Above all, he possessed a contagious, effervescent joy for life.

Since the program began, five awards have been awarded each year to honorees. However, to celebrate the 15th anniversary of the Awards, the 2009 Heinz Awards will honor Jack's long-standing commitment to the environment by awarding up to ten \$100,000 awards in lieu of the traditional five awards. At this unique time in history, when the environment is even more important to our lives, our economy, our national security and our future than ever, it is only fitting that we focus in our 15th year on this singular and critical topic. My goal is simple to celebrate those guardians of our future who value the importance of our natural resources, who work to remove toxic chemicals from our air and water, who are concerned about the health of all of our citizens, and who are creating the policies and the technology that will ensure a totally sustainable planet for future generations.

For these reasons, concern for and commitment to the environment will be the theme for 2009. The 15th annual Heinz Awards will honor those who are working in unique and innovative ways to address the intersection of the environment and one of the existing five Heinz Awards categories: **Arts and Humanities, Environment, Human Condition, Public Policy, and Technology, the Economy and Employment.** This approach will highlight the work of some of our country's most thoughtful, innovative, effective and extraordinary people who are the next generation of thinkers, doers and leaders.

2/5/2009

I would like your help in identifying these individuals.

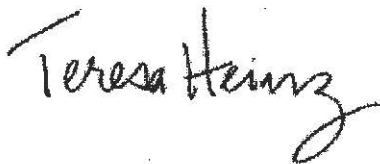
I hope you will accept my invitation to serve as one of a select group of anonymous nominators from across the United States who will determine the pool of candidates from which the Heinz awardees will be selected. As a nominator, please keep in mind our interest in honoring a diverse set of extraordinary Americans who are, through their passion and accomplishments, providing a window into the future.

I would ask that your nomination(s) be provided by March 6th. I would also ask that your participation in the program remain confidential and that you refrain from discussing your nomination(s) with anyone. Award recipients are contacted once they are chosen.

In keeping with the environmental theme, nominations and related materials will be paperless. Nomination forms and program criteria are attached here: 15th Annual Nomination Materials. You may also make a nomination electronically at: 15th Annual Online Nomination Form or by email to nominator@heinzoffice.org. If you have any questions regarding the nomination process or the program, feel free to call Kim O'Dell, the director of the Heinz Awards, at (412) 497-5787 or email her at kodell@heinzoffice.org. More information about the Awards can be found at www.heinzawards.net.

Honoring people whose work and character reflect the excellence and vision of John Heinz has given me great pleasure over the years, and I'm confident it will do the same for you. I hope that you will be able to participate and we look forward to hearing from you.

With regards,



Teresa Heinz
Chairman, Heinz Family Foundation

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