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2008

### 2008-06-09 H. Thomas Wells, Jr. ABA Presidential Speech

H. Thomas Wells Jr.

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**As president-elect of the ABA, I have my work cut out for me as I prepare to lead our organization in August. As many 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 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. That section used to be called Real**

**Property, Probate, and Trust Law, or known by its initials: R.P.P.T., which many of us liked to pronounce as "Ripitee." Even though the name has changed, many of us still refer to the Section of Real Property, Trust, and Estate Law as Ripitee.**

**Among other resources on title law, Ripitee offers an online CLE course on title transfer and title insurance. I've been told that some members of the section who are from LandAmerica were instrumental in developing that program.**

**The Section of Real Property, Trust, and Estate Law is the natural home for those of you who are lawyers—or perhaps even those of you who aren't lawyers but *work* with lawyers. The ABA also is involved in real property issues through our Forum on Affordable Housing and Community Development Law.**

**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 this support to advance our educational programs, 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—and you're a lawyer—I ask you to join us. And if you're not a lawyer and you have an interest in these issues, you can join us as an associate or introduce your lawyer colleagues to us.**

**One thing we're preparing for during my leadership year starting in August is**

**likely to be *the* watershed event of that year: the November elections and transition to a new presidential administration.**

**Lawyers play a central role in ensuring that our elections are free, fair, accessible, and accurate. That's why the ABA has a Standing Committee on Election Law, which has developed standards for how elections should operate.**

**We're calling on bar associations to encourage lawyers and other citizens to serve as election judges, poll watchers,**

**and to otherwise offer their time and talent to the process. Serving and strengthening the election process—wherever we're needed this November—is a valuable way to perform public service.**

**I often say that it's easy enough for us to make a dollar ... but it's a lot harder to make a difference. This brings to mind another significant event during the upcoming year: the bicentennial of the birth of one of our greatest presidents—who also happened to be an excellent trial lawyer.**

**The ABA will be celebrating Abraham Lincoln in 2009 and emphasizing his contributions as a member of our profession. One of the stories I'm sure we'll tell time and again is the one involving Lincoln when he did some legal work for a man named George Floyd. Floyd sent Lincoln \$25 for his services. Lincoln replied to Floyd with a note that said, "You must think I'm a high-priced man. You are too liberal with your money. Fifteen dollars is enough for the job. I send you a receipt for \$15 and return to you a 10-dollar bill."**



**Aside from the November elections and Lincoln's bicentennial, the other areas I'm planning to focus on deal with what I call the legal profession's core values.**

**One of those values is enhancing access to justice, especially for those who can least afford it. The ABA sets standards for pro bono assistance and for public defender resources. 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.**

**Most recently, as you can imagine, the people who are being hurt by the subprime lending and mortgage foreclosure crisis are the focus of many of our efforts. These topics are being covered in programs and activities by our groups that work on real property, affordable housing, business law, and pro bono activities.**

**Another core value of the legal profession I intend to focus on is the need for a fair, impartial, qualified, and independent judiciary, free from political or other intimidation.**

**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.**

**There's a final core value of the legal profession I want to talk about: the rule of law.**

**Since soon after the fall of the Berlin Wall, the ABA has provided technical legal assistance to newly emerging democracies in the former Soviet bloc, Latin America, Africa, Asia, and the Middle East. We operate such programs in 47 countries. 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.**

**Our rule of law activities have other benefits: They strengthen our profession's international ties as our world becomes more global. And they remind us here at home that we must promote and cherish the rule of law at every opportunity.**

**This point was made clear during a visit in 2006 to the ABA Board of Governors from Admiral Tim Keating,**

**who's now Commander of the Pacific Command.**

**When Admiral Keating was asked what he needs most from the organized bar, he didn't hesitate in his response: "Rule of law," he said.**

**Admiral Keating's reasoning was simple: The bar's rule of law training overseas is far preferable to armed conflict.**

**I would add that the rule of law is not only an overseas issue. We have our own rule of law dilemmas here at home—questions, for example, about habeas**

**corpus for Guantanamo detainees, about torture, about surveillance.**

**About inadequate resources for public defenders and counsel in capital cases.**

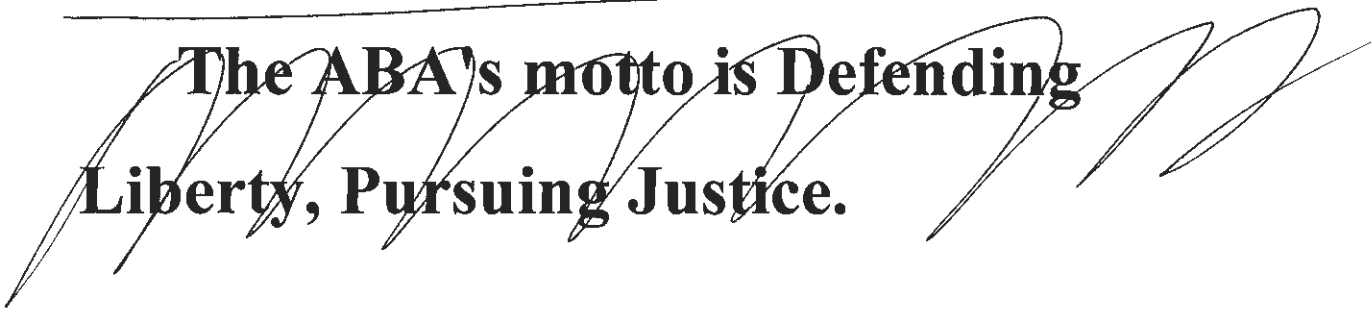
**About lack of access to civil justice.**

**About the vestiges of racial discrimination and injustice that continue to plague us.**

**On these and other difficult matters, lawyers will continue to stand up and be heard on the rule of law's central place in our society.**

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**The ABA's motto is Defending  
Liberty, Pursuing Justice.**



~~face of injustice or when there were~~  
~~attacks on liberty.~~

~~The Athenians called this principle~~  
~~parrhesia. We could do well to inject a~~  
~~little more parrhesia into our profession~~  
~~today.~~ <sup>THE RULE OF LAW</sup> ~~Parrhesia~~ rises above mere

rhetoric or politics. Conservatives and  
liberals, Republicans and Democrats alike  
can find common ground on the core  
values that shape the rule of law.

Whenever I'm asked if the ABA is  
conservative or liberal, I respond that  
only one "L" word defines us: ...

"lawyer."



**Lawyers will continue to stand up,  
speak out, and work together on these  
issues. Not to make a dollar, but—like  
Abraham Lincoln—to make a difference.**