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Nancy Allf, State Bar President, will introduce you.

Other principles:

Nancy Allf, President, State Bar of Nevada

Bruce Beesley, President-elect

Kathy England, Vice President

Rew Goodenow, Immediate Past President

Chief Justice Mark Gibbons, Nevada Supreme Court

Kimberly Farmer, Executive Director, State Bar of Nevada

Thank you, Nancy, and thank you all for waking up so early and fitting me into your agenda as the warm-up act to Jay Foonberg's road show. Jay, as you know, wrote the ABA's bible for small-firm and solos years ago, "How to Start and Build a Law Practice," and it's still a best seller. He's been a great friend, supporter, and leader of the ABA, and we appreciate him dearly. People like Jay—how they help

the ABA help our members to be better lawyers—are a big reason I've been an ABA member for so many years. I'm sure you'll enjoy his presentation.

Actually, I've been doing a road show of my own. Today marks my 104th day on the road this year. My travels are helping me prepare to lead the ABA starting in August.

In the coming months, I want to meet with as many groups as possible so I can hear your ideas on how we can best focus our efforts and work together. I'm encouraged by recent efforts to improve

collaboration between the ABA and our state and local bars. And I'm especially looking forward to working with your president-elect, Bruce Beesley, and the other bar leaders who will serve with me during my presidency.

As a national organization—and the world's largest voluntary professional association—the ABA brings together bar associations and individual lawyers from across the country—and around the world—to share best practices, to network, and to strengthen our national voice for the profession.

One principle is guiding me in preparation for my leadership year: As much as our diverse viewpoints in the bar give us strength and credibility, we need to stay focused on the concerns *all lawyers* share—whether we practice business law or criminal law, whether we practice in Nevada or New York or Alabama, for that matter. Our common core values unite us as a profession and inspire us to work together.

There are four common core values I'm focusing on. They are:

*** First, Access to Justice,**

*** Second, Independence—and by that I mean independence of the bar *and* independence of the judiciary, which are linked,**

*** Third, Diversity,**

*** And, fourth, the Rule of Law, which really encompasses the other three values.**

In my travels, I'm finding that virtually *all* bars, and many sections within those bars, are concerned about and working hard to promote access to justice, independence, diversity, and the rule of law.

Articulating and uniting on our common core values will be especially relevant during what is likely to be *the* watershed event of the upcoming bar year: the November elections and transition to a new administration.

The experts in our respective fields of law can weigh in on the crucial issues our candidates are debating, especially those that involve our common core values as lawyers.

I, for one, intend to spend a lot of time in Washington with the ABA's Governmental Affairs Office making

inroads with the new administration and Congress—so that we can advocate on our common core values.

Aside from the issues, the bar plays a more fundamental role—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.

Think of Florida and Ohio as the most extreme examples. Whatever you say about the process, it's ultimately *the rule*

of law that keeps elections disputes in the courtrooms and out of the streets.

One element of the ABA's election standards calls on bar associations to encourage lawyers to serve as election judges and to otherwise lend their legal expertise, time, and talent to the process.

You'll soon be hearing about the ABA's election-related resources that we're rolling out in August. They'll help bar associations encourage and help lawyers across America serve and strengthen the election process. This is a valuable way for lawyers to do pro bono

and public service while promoting free and fair elections, which are a core aspect of the rule of law.

The elections are just one way our profession makes a difference. 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 bar year: the bicentennial of the birth of one of our greatest presidents—who also happened to be a model lawyer.

The ABA, especially with Law Day, will be celebrating Abraham Lincoln in

2009 and emphasizing his contributions as a lawyer.

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 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."

I think about this story—about Lincoln's honesty and ethical behavior—when I stop to consider something I've long cherished about being a lawyer. The profession we share with Lincoln is much more than a job or a trade. In the South, we say lawyers are "called" to the bar.

Think about that for a moment: "Called to the bar." I believe that phrase is profound and appropriate. If clegymen and women minister in the realm of the spirit, lawyers minister in the realm of justice. My sister-in-law ministers in both—she's both a nun *and* a lawyer.

Our profession is, indeed, a calling. We minister justice, and our mission is public service. This call to the bar unites us on our common core values of access to justice, independence, diversity, and the rule of law—and they enable us to make a difference as a profession.

For our common core value of access to justice, the bar is making a huge difference. Most recently, for instance, the ABA as the national voice of the legal profession has been urging Congress to increase funding for the Social Security Administration, to ease the

unprecedented backlog of disability claims. This, we believe, is an access-to-justice problem for citizens who must wait years to get their claims adjudicated and receive the benefits they desperately need.

Also in our national role, the ABA develops universally respected access-to-justice standards that are implemented at the state and local level. These standards cover pro bono programs, public defender resources, and death penalty representation. Our resources for lawyers ultimately help victims of

domestic violence, provide due process and fair treatment to people in our immigration system, and give a voice to those who don't have a strong voice in our system of justice.

And when disaster strikes, the ABA's Young Lawyers Division is always on hand to staff legal assistance hotlines, in conjunction with state bars and FEMA. We mobilized our members most recently in the flooding of Iowa and surrounding states.

As many of you know, 80 percent of the legal needs of the poor are unmet—

despite the combined efforts of legal aid-funded programs, other government and private funding, and pro bono. I'm happy to see on your web site that Nevada's Access to Justice Commission is active. The ABA encourages the efforts of state access to justice commissions throughout the country, and our Division for Legal Services—our flagship entity on access to justice—is ready to assist you.

At the federal level, the ABA and our state and local bars continually lobby to ensure continued funding of the Legal Services Corporation. I know that Nancy

Allf and Maren Parry were representing Nevada with us in Washington last April for ABA Day, our annual lobbying activity on behalf of legal services and other core issues of the profession. This was the first year the ABA pulled together something remarkable: A letter of support for LSC signed by all 50 state bar presidents. We appreciate your participation in ABA Day in Washington, and we look forward to working together on legal services funding and other access to justice issues.

Another core value of our profession that emerges time and again is independence—independence of the bar and independence of the judiciary.

As just one current example, the legal community is working hard to protect the attorney-client privilege.

We're standing up to Justice Department and other federal agency guidelines that have operated to coerce corporate targets of federal criminal investigations into waiving the privilege. It's encouraging that the government modified its guidelines in response to a

broad coalition including the ABA, state and local bar associations, and even the U.S. Chamber of Commerce, but the changes haven't gone far enough.

We've determined that legislation is the only viable way to resolve the issue at this point.

The ABA and our allies are urging lawmakers to support Senate Bill 186, the Attorney-Client Privilege Protection Act, which is getting widespread support on both sides of the political aisle. A similar bill passed the House of Representatives in November. The attorney-client

privilege is a core aspect of an independent bar, which ensures that our clients' rights under the rule of law are preserved.

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, a common core value that we must always work hard to maintain.

In fact, our profession has now done so for 100 years, as we're celebrating the

centennial this August of the ABA's first ethics code.

There's good reason for the bar to celebrate—and to stay vigilant. We don't need to look too far back in history to reflect on the consequences of being lax. Just think of Enron, and the accounting profession. For all intents and purposes, the auditing side of accounting is now a federally regulated trade.

And it can happen with the legal profession if we're not attentive. Every now and then, like weeds cropping up in a garden, some state legislation proposes

that attorney discipline be removed from the supreme court. As lawyers, nationally and collectively, we must preserve our independence by demonstrating that we both set and adhere 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 uphold the independence of our judiciary.

When politicians castigate judges for opinions that are legally sound but politically unpopular, it's not just a personal attack on those judges. It

weakens our profession's foundation, the rule of law.

There's also the growing, stubborn partisanship in many state judicial elections and in the nomination and confirmation process for our federal courts. As lawyers, we must continue to trumpet the notion that politics has no place in our courts. Our judges should be—and should be perceived to be—beholden not to any particular constituency but to one thing only: the rule of law.

If past is prologue, judges and our judiciary will again become a political football this election season. The ABA, through our Standing Committee on Judicial Independence and Division for Bar Services, will continue to help our partners in the state and local bars respond vigorously and quickly to attacks on our judiciary.

Judicial independence doesn't stop with defending against attacks. As important, we must 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 the 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—a value that the ABA and our state and local bars are taking seriously. It's important to keep us strategizing about these issues for a simple reason: 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.

And as a profession, we must be vigilant in ensuring that our laws and courts are accessible and fair to everyone, especially to those from groups that have historically been mistreated or neglected.

The ABA's Diversity Center provides nationally regarded resources on pipeline

programs, opportunities for minorities in the profession, and broader issues of justice. We also have resources on diversity through our Commission on Women and Commission on Sexual Orientation and Gender Identity. I hope the ABA will have the opportunity to partner with you in your diversity 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 to newly emerging democracies in the former Soviet bloc, Latin America, Africa, Asia, and the Middle East. Our Rule of Law Initiative is operating such programs in 47 countries—primarily funded not by membership dues but by grants from USAID and other sources. 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 by Admiral Tim Keating, who's now Commander of the Pacific Command, when he visited the ABA Board of Governors in 2006.

When Admiral Keating was asked what the military 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 ensuring national security in these extraordinary times while preserving the liberties that form our society's bedrock.

Our rule of law is threatened by inadequate resources for public defenders and counsel in capital cases. By lack of

access to civil justice. By the vestiges of racial discrimination and injustice that continue to plague us.

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

We focus on our common core values because the ABA's motto is *Defending Liberty, Pursuing Justice*.

We should look to an ancient principle to help us become even better defenders of liberty and pursuers of justice—to 400 B.C. and the constitutional principles of

ancient Athens. As you know, many of our most cherished values come to us from the ancient Athenians, principles like freedom of speech, freedom of association, and participation in government by the governed.

But there is one ancient principle that is sometimes overlooked. The 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.

The Athenians called this principle parrhesia. We could do well to inject a

little more parrhesia into our profession today. Parrhesia rises above mere rhetoric or politics. Conservatives and liberals, Republicans and Democrats, business lawyers and criminal lawyers and human-rights lawyers alike can find common ground on the core values 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, and that's "lawyer."

As lawyers, particularly in the heated environment of an election year, we must

answer our shared calling—to stand up, speak out, and work together on issues involving access to justice, independence, diversity, and the rule of law—our common core values. Not to make a dollar, but—like President Lincoln—to make a difference.