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2009

### 2009-06-19 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.

June 19, 2009

Origin	Correspondence	Date	Rcvd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL fax	<b>Christian Charriere-Bournazel</b> <b>Ordre des Avocats a la Cour de Paris</b> Ltr written in French -- (translation attached)	6/18	6/18	<i>Forwarded to CPR, Intl Law and Practice, Intl Liaison Office and Ctr for Human Rights as an FYI</i>	
AL	<b>Roberta D. Liebenberg, Chair</b> <b>Commission on Women in the Profession</b> Ltr - Commission appreciates TW's support	6/9	6/17	<i>NRN</i>	
IL	<b>William C. Vickrey</b> <b>Administrative Director of the Courts</b> <b>Judicial Council of California</b> Ltr - thanks for initiative in convening the national summit - Fair and Impartial State Courts	6/10	6/18	<i>NRN</i>	
AL	<b>Margaret H. Marshall, Chief Justice</b> <b>Supreme Judicial Court</b> <b>Boston, MA</b> Ltr - National Summit was a success thanks to TW organization and commitment	6/9	6/15	<i>NRN</i>	
email	<b>John Corcoran, President</b> <b>Law Council of Australia</b> cc: to Kash Sullivan Ltr - unable to attend Annual Meeting	6/16	6/16	<i>Forwarded to Kash Sullivan as an FYI</i>	
IL	<b>Gary Locke</b> <b>The Secretary of Commerce</b> <b>Washington, DC</b> Ltr to express strong support for a U.S. Pavilion at the 2010 Shanghai World Expo in China; hopes ABA will also give the Expo its support	6/10	6/16	<i>NRN</i>	
IL	<b>Erin L. Springer</b> <b>Alston &amp; Bird LLP</b> Ltr - the firm declines invitation to participate in LSD Career Fair	6/11	6/16	<i>Forwarded to Law Student Division</i>	

# CORRESPONDENCE LOG

**H. Thomas Wells, Jr.**

June 19, 2009

Origin	Correspondence	Date	Rcvd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL	<b>Joseph D. O'Connor, Chair Commission on Law and Aging</b> Ltr – request that TW highlight the Commission's 30 <sup>th</sup> anniversary in ABAJ President's Page or on the ABA website	6/10	6/16	<i>OP will respond.</i>	
IL	<b>Emily Petty Director of Scheduling for Attorney General</b> Ltr – Eric H. Holder unable to attend 2009 Pro Bono Publico Awards luncheon on 8/3/09	6/11	6/22	<i>NRN. Pdf sent to Ira on 6/22/09</i>	

ORDRE DES AVOCATS

A LA

COUR DE PARIS

*Le Bâtonnier*

Monsieur le Président de l'  
A.B.A.

Par fax : 00|312 988 51 00

Paris, le 18 juin 2009


N/Réf. : CCB/VN/MCS

Monsieur le Président,

Je vous prie de bien vouloir trouver sous ce pli copie de la lettre  
que j'adresse à Monsieur le Premier Ministre camerounais.

Je vous en souhaite bonne réception.

Je vous prie de croire, Monsieur le Président, à l'assurance de  
mes sentiments bien confraternelles et cordiaux.

*Très amicalement*  


Christian Charrière-Bournazel

P.J. : 1

**ORDRE DES AVOCATS**

A LA

**COUR DE PARIS***Le Bâtonnier*

**Monsieur le Premier Ministre  
Chef du Gouvernement  
Monsieur Ephraïm Inoni  
Yaoundé  
Cameroun**

Paris, le 18 juin 2009

N/Réf. : CCB/VN/MCS

Monsieur le Premier Ministre,

J'ai été alerté par plusieurs de mes confrères, avocats au barreau du Cameroun, sur la gravité de la situation dont ils souffrent à un point tel que la profession d'avocat se trouve singulièrement menacée dans son existence même dans votre pays, comme l'a d'ailleurs dénoncé récemment, par une lettre du 1<sup>er</sup> juin à vous-même, Monsieur le bâtonnier de l'Ordre des avocats au barreau du Cameroun, mon confrère Eta-Besong Junior.

En effet, une loi n°2009/004 du 14 avril 2009 qui prétend porter « organisation de l'assistance judiciaire » dispose en son article 49, que de simples auditeurs de justice seraient autorisés à représenter, postuler, plaider devant les juridictions au même titre que les avocats régulièrement inscrits au barreau et ce en contradiction avec la loi n°90/059 du 19 décembre 1990 portant organisation de la profession d'avocat et l'arrêté du 12 avril 2005 portant homologation du règlement intérieur de la profession d'avocat au Cameroun.

Cette circulaire institue d'ailleurs la notion « d'avocat professionnel » en sorte que, comme vous l'a fait observer à juste titre Monsieur le bâtonnier du barreau du Cameroun, cette circulaire laisse penser qu'il existerait plusieurs catégories d'avocats et ce en contradiction formelle avec la loi du 19 décembre 1990 ouvrant ainsi la porte, à l'intrusion de non-avocats dans « la sphère de compétence » réservée aux avocats régulièrement inscrits au barreau.

L'assistance des avocats deviendrait « exceptionnelle », « uniquement lorsque la complexité du contentieux en question requiert une telle assistance ».



La réduction du champ d'intervention de l'avocat ne saurait se concevoir. Cette circulaire constitue en elle-même une atteinte manifeste au libre exercice de la profession d'avocat au Cameroun.

Le 20 avril 2009, vous avez signé une lettre circulaire n°002 relative à la « constitution de services d'avocats professionnels dans le cadre de la défense des intérêts de l'Etat en justice », qui remet purement et simplement en cause la liberté de l'honoraire de l'avocat puisque la possibilité pour les avocats de solliciter des honoraires de leurs clients en règlement de leurs prestations est subordonnée à la condition préalable de la validation du ministre chargé de la justice !

L'intrusion du pouvoir exécutif dans la relation qui unit l'avocat à son client, de surcroît couverte par le secret professionnel, constitue une atteinte au libre choix de l'avocat par son client et aux droits fondamentaux de la personne.

Je partage pleinement la lettre de Monsieur le bâtonnier du barreau du Cameroun du 1<sup>er</sup> juin 2009 à vous-même et la résolution du Conseil de l'Ordre du 30 mai 2009 vous priant de vous saisir du retrait de la lettre circulaire incriminée.

Plus grave encore, a été également porté à ma connaissance le fait pour plusieurs avocats camerounais, de faire l'objet de véritables persécutions judiciaires, difficilement justifiables.

Tel est le cas de Madame Chantal Tchoumba, détenue depuis quatre années environ à la prison de Douala sans jugement au motif, dit-on, de qu'elle n'aurait pas reversé à un client des sommes qu'elle aurait recouvrées ; de Madame Lydienne Yen Eyoun dont le passeport a été retiré par les autorités policières sur instructions du garde des sceaux, et ce depuis plus d'une année, en sorte qu'elle ne peut sortir du territoire camerounais et ce au motif qu'elle aurait perçu des honoraires « exorbitants » dans le cadre d'une procédure de recouvrement de créances au profit du ministère des finances..., tel est encore le cas de Monsieur Etienne Abessolo qui a été condamné le 11 juin 2009 à une peine de quinze années d'emprisonnement ferme pour avoir accepté de se charger d'une affaire non contentieuse.

Qu'il s'agisse des poursuites ou des décisions de condamnation rendues, elles constituent autant d'atteintes gravement préoccupantes au libre exercice de la profession d'avocat et ne peuvent rester sans réponse.

J'ai enfin appris que le 13 juin 2009, s'est tenu à Douala un Conseil de l'Ordre extraordinaire avec pour ordre du jour l'évocation des atteintes récurrentes à l'exercice professionnel prises par le gouvernement camerounais et sur la nécessité d'une prise de position sur la condamnation prononcée par la cour d'appel du littoral contre maître Etienne Abessolo.



Le 15 juin 2009, à la demande de Monsieur le Ministre de la Justice, garde des sceaux, le bâtonnier du barreau du Cameroun et le Conseil de l'Ordre ont été reçus à la Chancellerie.

Cependant, les avocats y auraient été insultés par le Ministre qui les aurait traités « *d'irresponsables, d'agités, d'extrémistes, de complices de voleurs* ».

C'est ainsi, que mes confrères ont décidé de suspendre le port de leur robe.

Je me dois de vous indiquer que les avocats du barreau de Paris font leurs les protestations du bâtonnier du barreau du Cameroun, ainsi que les résolutions du Conseil de l'Ordre et les légitimes protestations de mes confrères du Cameroun. Au-delà de la présente lettre, j'ai l'intention de me rendre sur place, ou de me faire représenter par un membre du Conseil de l'Ordre de Paris, afin de marquer notre solidarité à nos confrères.

Je serai heureux de pouvoir, à défaut de vous rendre visite, saluer les autorités judiciaires et législatives de votre pays.

Je vous prie de croire, Monsieur le Premier Ministre, à l'assurance de ma haute considération.



**Christian Charrière-Bournazel**

**Mastronardi, Kay**

---

**From:** Munoz, Veronica  
**Sent:** Monday, June 22, 2009 10:27 AM  
**To:** Mastronardi, Kay  
**Subject:** RE:

The batonnier of Paris is protesting the Cameroun government's attempt to create new categories of lawyers, for those without degrees or formal training, to pass as legitimate lawyers. The government also wrongfully imprisoning people without charges or trial or sentencing them to 15 years in prison for a civil dispute. Also, its has revoked passports of citizens for no reason.

This letter is supporting the legitimate lawyers of Cameroun.

Veronica

P.S. When will we know whether all appointments have been officially notified? When will I be officially notified so I may contact my new appointees? Thanks.

---

**From:** Mastronardi, Kay  
**Sent:** Friday, June 19, 2009 11:56 AM  
**To:** Munoz, Veronica  
**Cc:** Curd, Beverly; Englehart, Katy  
**Subject:**

Hi Veronica,

Could you help us translate the attached letter faxed to ABA President from Christian Charriere-Bournazel, Ordre des Avocats a la our de Paris.

Thanks,

Kay Mastronardi  
Office of the President  
American Bar Association  
321 N. Clark Street  
Chicago, IL 60654  
T: 312.988.5104  
F: 312.988.5100  
[mastronardi@staff.abanet.org](mailto:mastronardi@staff.abanet.org)  
[www.abanet.org](http://www.abanet.org)



**RECEIVED**

AMERICAN BAR ASSOCIATION

JUN 17 2009

**Commission on Women  
in the Profession**

321 North Clark Street  
Chicago, Illinois 60654  
Phone: (312) 988-5715  
Fax: (312) 988-5790

E-mail: abacwp1@abanet.org  
Website: www.abanet.org/women

June 9, 2009

H. Thomas Wells, Jr., President  
American Bar Association  
1901 6th Avenue North  
Suite 2400  
Birmingham, AL 35203-2618

Dear Tommy:

Thank you for your kind letter of June 2. The Commission greatly appreciates not only your participation in the fundraising reception held in Chicago for the Women of Color Research Initiative, but also your unflagging support for and commitment to the efforts to improve diversity in the profession. I regret that I was unable to attend the Chicago reception because of a Court hearing but look forward to seeing you soon.

Once again, thanks for your invaluable assistance to the Commission.

Kindest personal regards,



Roberta D. Liebenberg

/eb  
cc: Veronica Muñoz  
Melissa Woods

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Office of the President  
 JUN 18 2009  
**RECEIVED**

**Judicial Council of California**  
**Administrative Office of the Courts**

455 Golden Gate Avenue ♦ San Francisco, California 94102-3688  
 Telephone 415-865-4235 ♦ Fax 415-865-4244 ♦ TDD 415-865-4272

RONALD M. GEORGE  
 Chief Justice of California  
 Chair of the Judicial Council

WILLIAM C. VICKREY  
 Administrative Director of the Courts

RONALD G. OVERHOLT  
 Chief Deputy Director

June 10, 2009

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

Dear Tommy:

Thank you for your letter following up on the successful national summit on "Justice as the Business of Government: The Critical Role of Fair and Impartial State Courts." I appreciated the honor of serving on the committee that you appointed.

The severe financial crisis facing the international community, the nation, and the State of California threatens the public's access to their courts. Thus, your initiative in convening the summit with participation by all three branches of government could not have been more timely or relevant. It has helped to reframe the issue as not the courts' problem, but as a problem and responsibility of all—the government, the bar, and the public. We are indebted to you for your vision and leadership.

Sincerely,

William C. Vickrey  
 Administrative Director of the Courts

WCV/tc/el

cc: Hon. Ronald M. George, Chief Justice of California and Chair of the Judicial Council



MARGARET H. MARSHALL  
CHIEF JUSTICE

SUPREME JUDICIAL COURT  
JOHN ADAMS COURTHOUSE

RECEIVED

JUN 15 2009

June 9, 2009

Dear Tommy,

The National Summit was indeed a successful meeting, thanks to your organization and commitment. I write to thank you for all you have done to help state judiciaries during your tenure as President of the American Bar Association. With leadership like yours from the bar, the goal of administering justice in a fair and impartial way is surely more attainable.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Margaret H. Marshall", with a long horizontal flourish extending to the right.

ONE PEMBERTON SQUARE, SUITE 2200, BOSTON, MASSACHUSETTS 02108-1735



Law Council  
OF AUSTRALIA

*From the Office of  
the President*

JOHN CORCORAN

president@lawcouncil.asn.au

Mr H Thomas Wells Jr  
President  
American Bar Association  
321 North Clark Street  
Chicago IL 60654-7598  
United States of America  
Email: [abapresident@abanet.org](mailto:abapresident@abanet.org)

Dear Tommy,

Thank you so much for your invitation to join you in Chicago as a distinguished guest of the ABA. I have previously enjoyed this experience and am aware of the magnificent way the ABA looks after its international guests.

I apologise for the delay in responding to your kind invitation, but despite my best efforts to alter my arrangements, I have commitments in Australia which will prevent me from attending your annual meeting.

I very much regret this both personally and from the point of view of the Law Council, which has such a strong relationship with the ABA. However, I hope to catch up with you again before the end of your presidential term and I wish you well with the annual meeting.

Kind regards.

Yours sincerely,

John Corcoran

15 June 2009

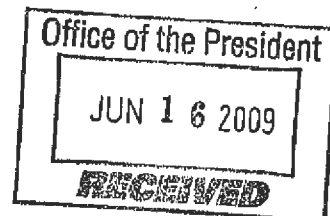
cc: Ms Kathleen Sullivan



THE SECRETARY OF COMMERCE  
Washington, D.C. 20230

June 10, 2009

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



Dear Mr. Wells:

I am writing to express my strong support for a U.S. Pavilion at the 2010 Shanghai World Expo in China. I hope the American Bar Association will also give the Expo its support, as time to establish a U.S. Pavilion at the Expo is running out. The Expo offers an outstanding opportunity for U.S. companies and organizations to participate in a World's Fair in one of the most important centers of global commerce and cultural exchange. From May to October 2010, the Expo will be attended by an expected 70 million visitors, including an anticipated 60 million from China.

The United States is committed to protecting and improving the environment, and the Expo's theme of "Better City, Better Life" is an opportunity to focus the world's attention on these important issues. I believe it is crucial for the United States to be present along with the other 180 nations participating in this major global event. It will provide a venue to showcase American business, culture, and values in China's most dynamic city, and to foster an even stronger friendship between the American and Chinese peoples. The U.S. Pavilion will also demonstrate America's commitment to retaining its leadership in the Asia-Pacific region and to a forward-looking, positive relationship with China.

The Department of State has authorized Shanghai Expo 2010, a private organization, to raise funds to design and build the U.S. Pavilion. If you have any questions, please contact the organization's representatives, Nick Winslow or Ellen Eliasoph. Mr. Winslow can be reached at (626) 584-1660, or by e-mail at [nick.scott@earthlink.net](mailto:nick.scott@earthlink.net). Ms. Eliasoph can be reached at (202) 662-5777, or by e-mail at [eeliasoph@cov.com](mailto:eeliasoph@cov.com).

I hope that you will consider this important endeavor.

Sincerely,

Gary Locke

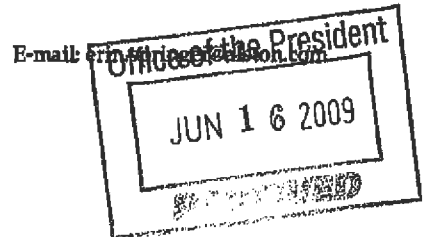
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June 11, 2009

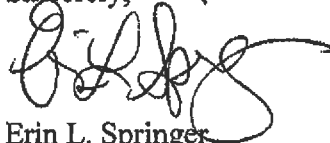
American Bar Association  
Attn: Mr. H. Thomas Wells, Jr.  
President, American Bar Association  
321 North Clark Street  
Chicago, IL 60654-7598

RE: ABA Law Student Division Career Fair

Dear Mr. Wells:

We have received your invitation to participate in the ABA Law Student Division Career Fair. Alston & Bird must respectfully decline your invitation, but we sincerely hope that you will have a successful program.

Sincerely,

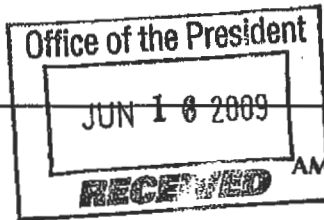


Erin L. Springer  
Director of Attorney Hiring

ELS:jbj  
ADMIN/20470480v1

*Copy sent to Carol Simmons*

*LS D*



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June 10, 2009

Tommy Wells, President  
American Bar Association  
321 N. Clark St.  
Chicago, IL 60654-7598

Dear Tommy:

I have been privileged to Chair the American Bar Association Commission on Law and Aging for the past three years. The Commission was established in 1979, and this year is celebrating its thirtieth anniversary.

I know you are well aware of the good work of the Commission, and the esteem of which its professional staff is held, both within the ABA and in elder law communities across the country and indeed throughout the world.

It is our hope to highlight this anniversary to the ABA membership, and to request that persons so inclined recognize the Commission's hard work by appropriate donations to the Fund for Justice and Education. To that end, we would respectfully request that you recognize the work of the Commission and this anniversary with a mention in your ABA Journal President's Column, or if that is not possible or appropriate then on the ABA website.

Charlie Sabatino, our Staff Director and I have taken the liberty of drafting a statement (enclosed/attached) to provide the basis for you to give this recognition if you feel it is warranted. This is only a draft, and we are sure that you can improve upon it.

We greatly appreciate your consideration. Let me know if you have any questions whatsoever, or have your staff get in touch with Charlie with any questions they might have of him.

All the best,

Joseph D. O'Connor

## **Commission on Law and Aging 30<sup>th</sup> Anniversary!**

Thirty years ago, the ABA had the foresight to create a task force to anticipate the coming legal, policy, and practice challenges of an aging society. The fruit of that task force was the creation of a multi-disciplinary commission in 1979, known today as the ABA Commission on Law and Aging. This year, under the leadership of chair Joe O'Connor, the Commission is celebrating 30 years of cutting-edge research, education, and technical assistance on a vast array of federal and state law and aging issues. It is a stellar example of ABA's vision, energy and leadership in carrying out some of its core goals by improving the knowledge and skills of members of the legal profession, increasing public understanding of the legal process, and working for just laws and a fair and accessible legal process for elders. Our Commission includes ABA members as well as professionals from other aging related disciplines.

The Commission reached its full stride under nine years of chairmanship by ABA legend John Pickering beginning in 1985. John continued to stay involved in the Commission's work thereafter as liaison and special advisor until his death in 2005. The work of the Commission's professional staff of six attorneys today includes extensive partnership with other disciplines, researchers, and advocates. Examples include collaborations with the Alzheimer's Association to improve Medicare policy, with the American Psychological Association to produce guides to capacity assessment, with other ABA entities to advance emeritus attorney pro bono projects, with university based research centers to conduct elder abuse research, and with AARP to improve guardianship law and practice. The Commission staff attorneys are recognized across the country and internationally as leaders on the legal issues facing seniors at all levels of society.

The Commission has also been successful in leveraging the ABA's core support with substantial outside funding; sixty percent of the Commission's budget derives from grants and contributions. Like other ABA entities, the Commission is now faced with a greater strain on outside support than ever before. Yet, as the graying of society continues, the need for the Commission's forward-thinking work will only increase. Members can best help celebrate the Commission's anniversary through a designated contribution to the Fund for Justice and Education. With much optimism, I look forward to seeing another 30 years of Commission leadership in the field of aging, as it carries out its mission -- to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of elders.

To learn more about the work of the Commission on Law and Aging, see [www.abanet.org/aging](http://www.abanet.org/aging). To contribute financially, visit the ABA Fund for Justice and Education at [abanet.org/fje](http://abanet.org/fje) and specify the Commission on Law and Aging for your donation.

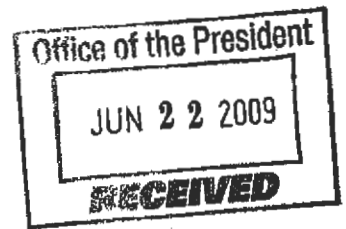




Office of the Attorney General

Washington, D. C. 20530

June 11, 2009



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

Dear Mr. Wells,

Greetings from the Office of the Attorney General. Thank you for your kind letter to Attorney General Eric H. Holder, Jr. inviting him to attend the American Bar Association's 2009 Pro Bono Publico Awards luncheon on August 3, 2009, in Chicago Illinois.

Unfortunately, it will not be possible for the Attorney General to be with you for this event. The Attorney General asked me to express to you his personal regrets, and he thanks you for your understanding.

Thank you again for the invitation.

Sincerely

Emily Petty

Director of Scheduling for the Attorney General