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A good deal of my speaking appearances these days are before practicing lawyers and bar groups. But I must say that I appreciate the opportunity to meet and talk with law students. Soon after I became the ABA President Elect, I had the opportunity to speak at the law school commencement at Suffolk Law School in Boston, and just last month I met with student leaders and Dean Patty O'Hara at the Notre Dame Law School.

It's not only because you're the future of the legal profession. That goes without

saying. It's also because—and this is important—you're an integral part of our profession—our peers.

At the ABA, we recognize law students who join the ABA as *full members* of the ABA.

Frankly, I wasn't smart enough to join the ABA when I was a law student, and I didn't think to get involved in the Young Lawyers Division, either. But looking back, I wish I had. My daughter, who practices here in Birmingham, is active in the Young Lawyers Division and in the Section of Labor and Employment Law.

And my son, who also practices in Birmingham, is active in the ABA's Tort Trial and Insurance Practice Section.

I trust that those of you who are ABA members value the practice-related information and networking resources that membership provides. I thank you for your support and involvement. We need the support of every member of our profession—lawyers and law students alike—to help us fulfill our mission as the national voice of the legal profession on the core values that unite us.

I'd like to discuss those core values with you in a minute, but first I want to say how good it is to be back here in Birmingham. A good deal of travel is one of the requirements of the presidency of the ABA, and I've sure gotten my fill over the past year.

This week, in fact, my wife Jan and I returned from a week in London representing the ABA at the Opening of the Legal Year, a glorious ceremony at Westminster Abbey. And this Saturday, we leave for another week-long trip to the International Bar Association's annual

conference in Buenos Aires. So far this calendar year, I have been on the road for over 170 days, and I didn't take over as President until August.

Wherever I travel, I hope to do Alabama proud, as Lee Cooper did a decade ago when he was president of the ABA. Lee, who's my law partner here in Birmingham, got me involved in the ABA. I'll always remember his leadership advice when I was preparing to chair the House of Delegates:

Finish your term with more friends than you started with, he told me.

Now since I'm here among friends, I thought I'd point out that Lee Cooper wasn't the first ABA president from Alabama, or even from Birmingham. That distinction belongs to Henry Upson Sims a real property lawyer of national renown.

Until recently, my knowledge of Henry Upson Sims was mostly relegated to a faded portrait that was found in storage in the Jefferson County Courthouse. The presiding judge, Judge Scott Vowell, showed it to me with a not-so-subtle

suggestion that I foot the bill for a restoration.

As president of the ABA in 2008, I think about Henry Upson Sims because—as the old Chinese curse puts it—he, too, led in interesting times. He was president of the Alabama State Bar from 1917 to 1918—America's years in World War I. And he served as president of the ABA from 1929 to 1930.

Following in his footsteps, and especially given recent headlines, I want to assure you of one thing: Any connection between Henry Upson Sims

and the stock market crash of 1929 has been greatly exaggerated. Now with the financial stresses, it may be a long time before the ABA elects someone else from Alabama!

Interestingly, according to an account in Time magazine, Sims presided over a particularly heated debate at the ABA—one that reminds us that it's nothing new for political and social issues to appear at the ABA's doorstep. Can you guess what the issue was? It was Prohibition.

After some debate at the 1930 annual meeting, the convention ultimately

deferred resolution of the issue until after the November elections—and, I'm quick to point out, safely after Sims' term ended.

For those of you who are students of rhetoric and presentation skills, Sims' address to the delegates provides an important lesson. According to the account in Time, he appeared "sad eyed." And here's something else: He assured his audience that [quote] "visions of social strife are but phantasmagoria of morbid brains."

Aside from my hope that I never turn a blind eye to social strife, I assure you that I avoid using the words phantasmagoria and morbid brains in my speeches.

One thing is certainly not phantasmagoria: The ABA's practice sections, committees, and other groups cover just about every area of the law. One of those, actually, is the Criminal Justice Section, which this year is being chaired by my law partner Anthony Joseph. We call him A.J., and he practices white collar criminal defense. I

promised A.J. I'd mention him here for a very good reason: He's a graduate of Cumberland. And he sends his best wishes.

With our range of activities, we bring together lawyers and law students from across the country to share best practices, to network, and to strengthen our national voice for the profession.

One principle guides me: 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.

These common core values of our profession resonate whether you're a lawyer on Wall Street or a lawyer on Main Street. Whether you practice corporate law or criminal law.

Our common core values *unite* us as a profession. They *inspire* us to work together. They *enable* us to make a difference as a profession. And as you launch your careers, I encourage you to pay attention to these common core values.

The ones I'm focusing on 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.**

Promoting the rule of law will be especially important this year as we face a watershed election three weeks from now and an inevitable change of administrations in Washington.

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 with the ABA's Governmental Affairs Office in Washington 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.

One defining aspect of our rule of law is that we're blessed to live in a society in which election disputes are handled by judges and lawyers in courts of law and not by generals and mobs in the streets.

How can we make a difference in this area?

First, there's a large, unmet need for official poll workers on Election Day, and lawyers and law students are perfectly suited for this task. Our legal training and expertise makes us practical, analytical, attentive to detail, and able to craft solutions to disputes.

I understand that the deadline for applying to be a poll worker at precincts throughout Alabama is Oct. 20. You can contact the county parties if you're interested in applying.

If you can't take time away from your classes, you can also serve with the Election Protection Project, a program of the Lawyers Committee for Civil Rights Under Law co-sponsored by the ABA. Volunteer lawyers and law students nationwide are staffing voter-assistance hotlines and doing other valuable work to protect and expand the right to vote.

Information on the Election Protection Project and other ways the bar can get involved are brought together on the ABA's recently launched voter web site, www.abavoteinfo.org.

The elections are just one way our profession makes a difference. Lawyers can at times be pretty good at making a dollar. But we are at our dead-level best when we are making a difference.

Our profession is much more than a job or a trade. Here 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 from Cullman, Lynn McKenzie, 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. Still, we have a lot of work to do. As some of you know, 80 percent of the civil legal needs of the poor in America go unmet. And for half of all phone calls that legal services fields, the person can't be helped because there's not enough staff to handle the workload.

When we talk about access to justice, we're talking about kids who are denied schooling because they're homeless and

have no address. Folks who are kicked out of their homes, even though they're current on the rent, because the landlord got behind on the mortgage. We're talking about service men and women fighting to get their jobs back after serving overseas.

That's why the bar fosters pro bono service as a top priority, why we encourage contributions to local legal services programs, why we're constantly lobbying Congress for adequate funding of the Legal Services Corporation.

In addition, we develop 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 and home foreclosures, 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.

Most recently, 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.

And when disaster strikes, as it did most recently with the Gulf Coast hurricanes, the ABA's Young Lawyers Division is always on hand to staff legal assistance hotlines, in conjunction with state bars and FEMA.

That's access to justice.

Another core value of our profession is independence—independence of the bar and independence of the judiciary.

If we adhere to the basic tenets of an independent profession, lawyers will remain, in Alexis de Tocqueville's words, "the most powerful existing security against the excesses of democracy."

Through our ethics codes and disciplinary enforcement, we are a *self-regulating* profession, independent of any regulatory body. Self-regulation is a common core value of lawyers that we must always work hard to maintain.

In fact, our profession has been doing so for 100 years. We recently celebrated

the centennial of the ABA's first ethics code.

I'm always proud to point out that this code was based on the first *state* ethics code. Anyone here know which state that was? It was Alabama's. I recently mentioned our state's distinction to a colleague and friend from South Carolina. He didn't miss *a beat* in teasing me that Alabama had the nation's first ethics code for lawyers because we had such a need for it.

Of course, an ounce of prevention is better than a pound of cure. There's good

reason for us to celebrate the centennial of our ethics code—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, some state legislation proposes that attorney discipline be removed from the bar or from the supreme court. This would be a disaster

for the public and the rule of law. Our system counts on lawyers to exercise sound judgment, independent from government interference, which we all know would become politicized under state regulation.

All that said, to preserve our independence, we lawyers owe something to the public. We must demonstrate that we both set and adhere to the strictest standards of ethics and professionalism.

The code is crucial—rest assured you aren't expected to take the MPRE for nothing. But aside from our written

standards, adhering to the strictest ethics and professionalism often boils down to our own, individual choices of how we conduct ourselves.

Here's an example: Before law school, I served as a captain in the Air Force. Then, fresh out of law school, I was assigned to the Air Force General Counsel's office in the Pentagon. Though this office is based in the Pentagon, it's generally a civilian office.

The general counsel, a civilian, encouraged the few of us in our office who were captains not to wear our uniforms.

His reason had nothing to do with informality or comfort. He knew that we were frequently called on to give advice to generals and others who far outranked us. Through this symbolic gesture, he wanted us to have the ability to say "no," unfettered by any obvious difference in military rank.

In essence, he was promoting something that's priceless: our professional independence as lawyers.

Independence is a hallmark of any professional, but especially of lawyers. Therefore, be always faithful to your

**integrity as a person, on the one hand,
and your ethics as a professional, on the
other.**

**Do not view the ethical rules as a
hindrance or a limitation; view them as a
commitment that you have chosen to
make.**

**Serve your clients not by being a mere
"technician" who does only his or her
client's bidding, but by being an
independent advocate and advisor who
can say "no" to a client when "no"
should be said.**

That's the crux of an independent bar. On the flipside, 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.

Diversity is a third core value of our profession—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.

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 over 40 countries. These activities provide wonderful opportunities for volunteer lawyers in America, and in some cases, law students, 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.

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 also 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 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 to make a difference.

Make a difference by committing yourselves to ethics and integrity.

Make a difference by always being independent and willing to tell your clients "no" when "no" is the answer.

Make a difference by promoting the independence of the judiciary and explaining this concept to the pundits, the politicians, and the general public.

Remember that judges face hard decisions and cannot always defend themselves.

Make a difference by working to diversify our profession.

Make a difference by treating your call to the bar as a ministry—a ministry

for the rule of law, and a ministry that includes pro bono work for those whose access to the courts is limited.

Make a difference by voting and working to ensure that others can exercise their right to vote.

And, finally, something I haven't yet touched on—make a difference by remembering to have *fun*.

Some of the most fun I've had as a lawyer has been getting to know and work with my colleagues in the ABA and other bar associations. Those of you who have been active in the student bar, in the

ABA Law Student Division, or other student organizations know what I'm talking about.

Involvement in the bar broadens your experiences. It broadens your network. It broadens your understanding of your practice area. It broadens your understanding of people.

Bar involvement supports the profession's ability to advocate for independence and the rule of law and the other values that define us. And—when the volunteer work or meetings are done—there's nothing more fun than

socializing with your peers and their families.

Thanks for your time today.