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2009-01-07 H. Thomas Wells, Jr. ABA Presidential Speech

H. Thomas Wells Jr.

University of Alabama School of Law

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REMARKS SHOULD BE 8 MINUTES MAX.

**It's an honor to be here representing
the American Bar Association.**

**The legal academy is very much a part
of the ABA community. Your
involvement helps us serve as the national
voice of the legal profession on the
common core values that unite us.**

**One common core value is access to
justice. The bar is making a huge
difference in this area while we have a lot**

of work to do—as 80 percent of the civil legal needs of the poor in America go unmet.

When we talk about access to justice, we're talking about representing low-income renters who are evicted from their homes because the landlord got behind on the mortgage. Kids who are denied schooling because they're homeless and have no address.

That's why the bar fosters pro bono service, why we encourage financial contributions to legal services programs, why we're constantly lobbying Congress

for adequate funding of the Legal Services Corporation, why we support the crucial work you're doing at law school clinics.

Access to justice is one core value of the legal profession. Another core value is independence.

Supported by our ethics codes and disciplinary enforcement, we are an independent, self-regulating profession. And there's good reason for us to be vigilant. Just think of Enron, and the accounting profession. For all intents and purposes, the auditing side of accounting

is now a federally regulated trade. It can happen with the legal profession if we're not attentive.

On the flipside of an independent bar, it's equally important for lawyers to uphold the independence of our judiciary.

Fair and impartial courts are threatened in states such as Alabama, my home and the site of this past year's most expensive supreme court race. In such states, the system sets up its judges to rely on campaign contributions from interests that argue before the courts.

In this vein, the ABA has filed an amicus brief in *Caperton v. Massey*, a West Virginia case before the Supreme Court. The issue is whether receiving a \$3 million campaign contribution should have disqualified a justice from ruling on a case that was worth some \$50 million. *Caperton* offers an opportunity to help guide judges in deciding when, in the interest of justice, they should rule, and when they should step aside.

Diversity is a third core value of our profession. When gifted individuals 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.

That's why, among so many other things the ABA does in this area, we have worked hard on our diversity standards for law school accreditation. We've come up with standards that are fair, consistent with other professions, and informed by an open process and diverse input.

A final core value of our profession is the rule of law.

The ABA provides technical legal assistance to emerging democracies worldwide—about 40 countries in all. These activities provide wonderful opportunities for volunteers to share their expertise with lawyers overseas.

The rule of law, of course, 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.

With your help, we are heard on the rule of law's central place in our society.

Our members include folks like Gary Munneke from Pace University, who serves on our Board of Governors.

Like Steve Landsman from DePaul, who is leading our Section of Litigation's Access to Justice efforts.

Steve Salzburg from George Washington University, who was last year's chair of our Criminal Justice

Section, and Charles Ogletree, who chairs its juvenile justice committee.

Judith Resnik, who helped us promote the use of bipartisan nominating commissions for federal judgeships.

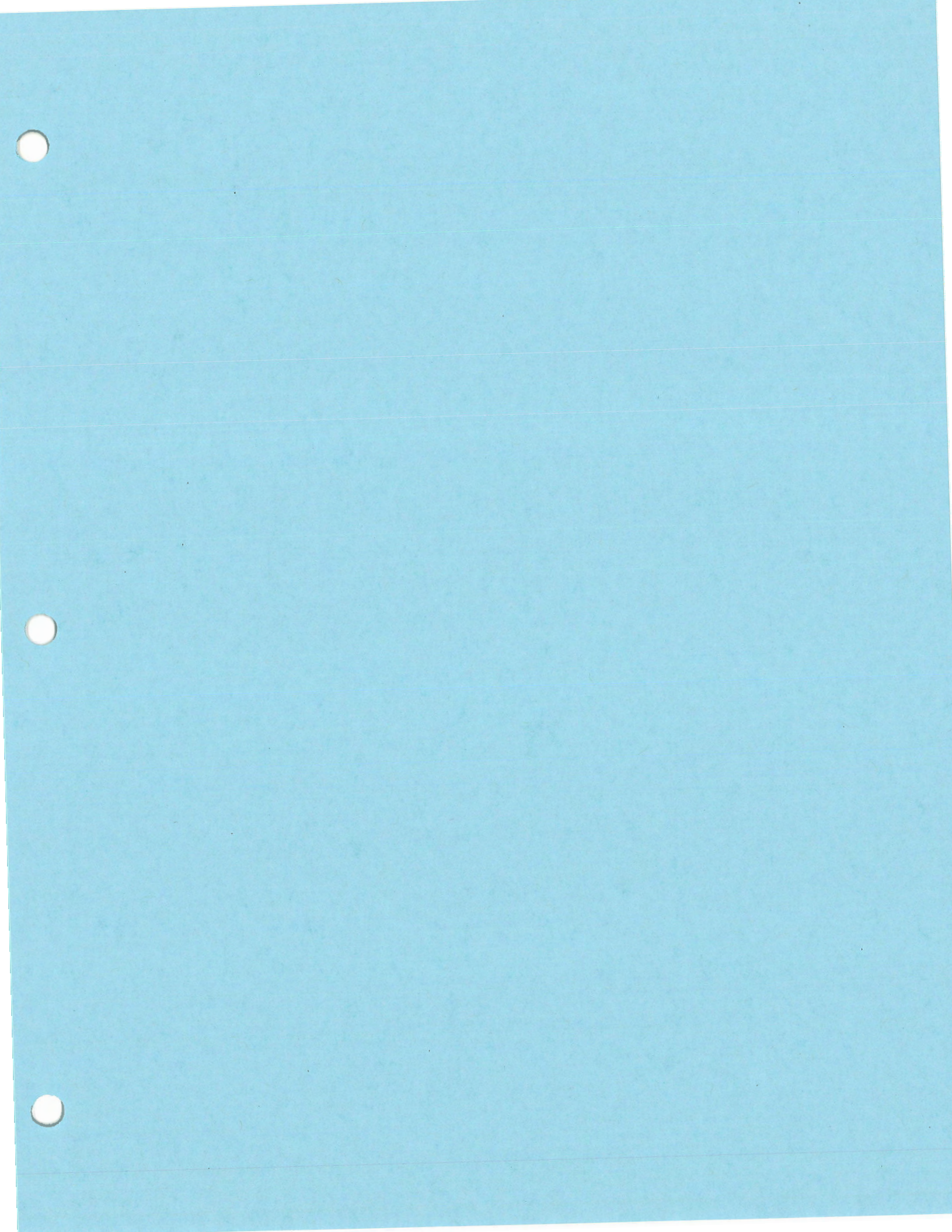
Bruce Green, who serves on our Standing Committee on Ethics and Professional Responsibility.

And Randy Hertz, who chairs the Council of our Section of Legal Education and Admissions to the Bar. Our Council members from the legal academy are too many to name, but I am happy to note

that Susan Prager was a hard-working Council member when she was at UCLA.

With invaluable assistance from the legal academy and affiliated organizations such as AALS, we are able to promote our profession's common core values.

Thank you for your important work, and best wishes for a successful conference.



*** It is an honor to be here representing the American Bar Association, the world's largest voluntary professional organization, and to see old friends and make new ones.**

*** Welcome to the profession in your new capacity in the legal academy.**

[Tommy: Do you want to tell a brief story about your favorite law professor, etc.?)

*** Our mission is to be the voice of the American legal profession. Law professors and instructors are very much a part of our community.**

*** If you are already a member of the ABA, I want to thank you for your support. If you're not a member, I hope we can count on your support so that we can fully represent the depth and breadth of our profession. Our law school group billing program should make it easy to join.**

*** Law professors contribute tremendously throughout the ABA leadership:**

*** We continue to collaborate with the legal academy and AALS on so many of our activities—whether they involve access to justice, independence of the bar and judiciary, diversity, the rule of law, or other core values of our profession.**

*** Law Students: The ABA also has a robust Law Student Division, which enables law students at ABA-approved law schools to fully participate as ABA members for a low annual membership rate (\$25). When your students join the ABA, they receive all the benefits of membership—including access to information on dozens of practice areas, career development, and mentoring with the best practitioners throughout the country.**

*** We need your support, and we need your involvement. Thank you for your time, and all the best to you.**