



Alabama Law Scholarly Commons

H. Thomas Wells, Jr. ABA President
(2008-2009) Collection Speeches

H. Thomas Wells, Jr. ABA President
(2008-2009) Collection

2009

2009-01-27 H. Thomas Wells, Jr. ABA Presidential Speech

H. Thomas Wells Jr.

University of Alabama School of Law

Follow this and additional works at: https://scholarship.law.ua.edu/wells_aba_speeches



Part of the **Law Commons**

*** "This honorable court" story.**

"NO TIE"
HAWKINS

There's a reason I tell that story. With all my experience as a litigator, I rarely get the opportunity to appear before *one* chief justice, let alone dozens. So please forgive me if I'm just a bit nervous.

But I'm actually reassured by something profound: that, on behalf of the ABA, I'm here visiting with old friends and making new friends. I am grateful for that opportunity. And my ABA colleagues are grateful for this as well. That's because our friendships are

very much a product of the strong relationship between the ABA and the judges of America—and certainly between the ABA and the Conference of Chief Justices.

Our relationship endures not just with the ABA's Judicial Division and its current chair Barbara Lynn, a federal district judge from Dallas who sends her greetings and best wishes. Our relationship endures throughout the ABA's sections, divisions, and other entities, most of whom have significant

leadership involvement from the state court bench.

To fully represent America's legal community, the ABA relies on membership from America's judges. The Judicial Division is working on group plans that would make ABA membership more affordable for judges. The benefits ABA membership provides are priceless, and we want to extend them to as many members of the bench as possible. We appreciate your support and guidance in this area so that the ABA is truly the

voice of the nation's legal profession—
bench and bar alike.

Our members cherish the fact that the
ABA brings together lawyers and judges
to work on common goals. Working with
our executive director, Hank White, our
relationship with America's judges—
particularly with the Conference of
Chiefs—will certainly endure and grow
with my successors.

THOUGH SHE HAD TO LEAVE, I WOULD BE REMISS IF I DID
NOT THANK Justice Marshall, ~~thank you so much~~

for ^{HER} ~~your~~ friendship over the years. Thank ALL

OF you also for inviting me to speak at such a
prominent time on your agenda during

this, the 60th anniversary of the conference. Congratulations on reaching this impressive milestone.

We very much look forward to welcoming ~~you~~, Justice Marshall, at our House of Delegates meeting next month and to hear ^{HER} ~~your~~ remarks on the state of the state courts. I assure you of one thing: ^{SHE} ~~You~~ can certainly count on a receptive audience.

That's because the state of the state courts is very much on our bar leaders' minds. We stand ready to help—indeed, we *are* helping, and we want to do more.

ON BEHALF OF THE CCJ

^{HER}
~~YOUR~~ presence at our House of Delegates will help solidify the communication, cooperation, and collaboration between the bar and the bench on the issues of justice that face us.

Our diverse viewpoints in the bar give us strength and credibility. But that said, I believe we need to stay focused on the concerns *all* members of the bar share—our common core values.

We hold to our core values no matter what practice area we hail from. We hold to our core values no matter what

political party we belong to—or whether we identify as liberals or as conservatives.

Our profession's core values are consistent no matter what side of the bench we serve on. Whether we prosecute crimes or whether we defend people accused of crimes. Whether our clients are corporations or individuals—of wealth or limited means. Whether we're litigators or transactional lawyers. Whether we're family court judges, juvenile court judges, trial court judges, appellate court judges, or supreme court justices.

And, importantly, we hold to our core values in times of war and in peace, in prosperous times and impoverished times, in periods of calm and in periods of crisis.

Our common core values unite us as a profession. They inspire us to work together. And they enable us to make a difference as a profession.

For my term as ABA president, I am focusing on the common core values of:

*** 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 encompasses the other three values.**

Promoting the rule of law has been especially important this year as we've experienced a watershed election and are working with the new administration and Congress.

My colleagues and I are spending a lot of time with the ABA's Governmental Affairs Office in Washington. We are building on our relationships with

government officials so that we can advance our common core values.

The bar's governmental advocacy is 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.

This brings to mind another significant event we've been blessed with this bar year: the bicentennial of the birth of a model lawyer who became one of our greatest presidents.

The ABA, especially with Law Day, is celebrating Abraham Lincoln this year and emphasizing his contributions as a member of our proud profession.

I think 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.

I believe that phrase—"called to the bar"—is profound and appropriate. If

IRONY —
PRES - ALA
CHAIR, HOD, SC
SEC. - TENN
LAW DAY - GA
IS NOT
LOST ON
ME -

clergymen and women minister in the realm of the spirit, lawyers minister in the realm of justice.

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. We're grateful for those of you—and your predecessors and

colleagues—who have convened access to justice commissions.

Allow me a personal privilege to acknowledge my own Chief Justice Sue Bell Cobb for her establishment and support of Alabama's Access to Justice Commission, which is doing important work. As many of you know, the ABA's Division for Legal Services has a wealth of resources to support your commissions and to otherwise help identify issues and develop solutions to advance access to justice in your states.

Though we're making a huge difference on access to justice, we have a lot of work to do. We all know that 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—a workload that's getting greater with the financial crisis and the problems, such as foreclosures, that it's spawning.

Our commitment to access to justice is why the bar fosters pro bono service as a top priority, why we encourage financial

contributions to local legal services programs, why we're constantly lobbying Congress for adequate funding of the Legal Services Corporation.

And it's why the ABA and our partners in state and local bars were quick to mobilize last fall to educate the FDIC on the ramifications for IOLTA accounts resulting from the proposed financial bailout plan. With help from bar leaders in your states, we succeeded in getting the FDIC to ^{ESTABLISH} ~~restore~~ full insurance coverage for IOLTA accounts, which

support so many crucial access to justice initiatives.

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

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

Among the many ways we preserve our independence, we regularly examine

our standards for legal education and bar admissions—something for which all of you as chief justices play a central role.

We are grateful for the ample time you provided the ABA's Section of Legal Education and Admissions to the Bar to bring law deans together with you to collaborate on common concerns. The ABA appreciated the service last year of Chief Justice McGregor as chair of our Section of Legal Education, as we were in recent years with the indispensable leadership of Chief Justice VandeWalle and Chief Justice Shepard.

And, of course, we look forward to collaborating with Chief Justice Durham, both in her capacity as your new president, and as vice chair of the Section of Legal Education.

On the flipside of an independent bar, of course, is the independence of our judiciary.

We must continue to trumpet the notion that political influence has no place in our courts. Our judges should be—and, as important, should be perceived to be—beholden not to any

**particular constituency but to one thing
only: the rule of law.**

Justice O'CONNOR - yesterday -
Caperon. SCJI - amicus -
Bill Wershenberg met re:

**The recession and financial crisis have
made the issue more critical and timely
than ever. Hardly a week passes without
news of jurisdictions severely cutting
criminal justice, civil justice, or juvenile
justice programs due to revenue
shortfalls. It undermines our ability to
maintain courts as an independent
branch of government if they do not have
the resources they need to carry out their
work.**

(of fair and impartial courts.)

disqual-
project.
Grateful
for
assistance

This is the principal agenda item of the ABA's national summit on fair and impartial state courts May 7-9 in Charlotte, North Carolina. I thank those of you—and we're at ^{OVER} ~~about~~ 30 states at last count—who have already appointed delegations to this important and timely conference.

The fact that a clear majority of states have signed on to participate signals that the issue resonates throughout the country. And we are grateful to have the endorsement of our honorary chair, Justice Sandra Day O'Connor, who will

speak at the conference and share her well-known passion for these issues.

This will be a hard-working conference that will result in valuable action steps and follow-through. The state delegations will develop strategies to secure needed funding for their courts and ensure the courts' institutional legitimacy by promoting communication, cooperation, and collaboration among the three branches of government.

We're fortunate for the valuable assistance we're getting from the National Center for State Courts, under the

generous leadership of Mary McQueen.

Mary is joined by our hard-working commission members, several of whom hail from state supreme courts such as Chief Justice McGregor of Arizona, retired Chief Justice Kourlis of Colorado, retired Chief Judge Kaye from New York, and Justice Randy Holland from Delaware. The commission co-chairs are North Carolina Supreme Court Justice Mark Martin and Philadelphia attorney Ned Madeira.

We're also getting valuable support from the American Judicature Society,

**the Conference of State Court
Administrators, and the Council of State
Governments.**

**As officers of the court and as
concerned citizens, lawyers must work
with the public to support an independent
judiciary. An independent judiciary is
possible only when courts are—and are
widely perceived to be—fair and
impartial, when our justice systems are
effective, efficient, and—perhaps most
important—*equipped* to meet society's
needs.**

It is this core value that we will advance with the national summit in May, and I look forward to seeing your delegations there.

Meeting society's needs for justice factors into a third core value of our profession—diversity. This is a core value 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.

It is for these reasons that the ABA is convening a ^{NATIONAL} diversity summit in Washington, D.C., this June. The effort is chaired by North Carolina appellate

judge Jim Wynn and former Texas State Bar president Eduardo Rodriguez. The

summit will ~~focus on developing a~~ ^{SHOWCASE EXAMPLES OF} DIVERSITY INITIATIVES FROM ALL SEGMENTS OF THE PROFESSION, AND EXPLORE WHAT THE PROFESSION SHOULD DO TO ADVANCE DIVERSITY OBJECTIVES

AMONG THESE INITIATIVES ARE
PIPELINE PROGRAMS THAT PROVIDE
VALUABLE OPPORTUNITIES FOR LAW STUDENTS
OF DIVERSE BACKGROUNDS TO SERVE AS CLERKS FOR
STATE COURT JUDGES. WE ENCOURAGE YOUR SUPPORT OF THESE

Conference of Chief Justices

January 27, 2009

Page 26 of 29

~~business case for diversity that bar~~ PROGRAMS BY

~~leaders can take back to their~~
~~communities.~~

THE RESOLUTION
YOU WILL BE
CONSIDERING
AT THIS
MEETING

**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 more than**

40 countries. These activities provide wonderful opportunities for volunteer lawyers and judges in America to share expertise with their overseas counterparts 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, courts, and other parts of our justice system. By lack of access to civil justice. By the vestiges of racial discrimination and injustice that continue to plague us.

On these and other challenges, we must continue to stand up and be heard on our common core values. And we can

**do so only with collaboration and
cooperation between the bar and bench.**

**Let us answer our calling, work
together, and make a difference to
advance our profession's common core
values. Thank you, ~~Justice Marshall~~, and
thank you all for your support.**