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2009

### 2009-02-16 H. Thomas Wells, Jr. ABA Presidential Speech

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**Chair Hubbard, it is my honor to serve as ABA president during your first occasion to preside over this House. It's with the leadership and hard work of you and your talented team that we shape and express our ~~united~~ voice for America's legal profession.**

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**Hopefully, you won't have issues like I did when I was occupying that perch for the first time. That was in Seattle, and we were still experimenting with electronic voting. When they set up the software, it only registered percentages of votes, not number of votes, and we a particularly**

contentious issue where the <sup>Computer</sup> screens said  
the vote was 50% for and 50% against.

Immediately, I looked out and at one floor  
microphone <sup>to the left</sup> was Peter Langrock, and at  
another floor microphone <sup>on the right</sup> was Les Jacobs.

So I literally found myself between a  
Langrock and a hard place! I wish you  
better luck!

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There's someone else I'd like to  
recognize—my wife, Jan. Without her  
love and friendship and support, I could  
not serve the ABA throughout the year. I  
thank you, Jan, and the ABA thanks you.

**We're meeting under special circumstances this week. Four days ago, we marked the bicentennial of our greatest lawyer-president, Abraham Lincoln. Today, as we celebrate President's Day in a town that shaped our society of laws, we will be privileged to hear about Lincoln the lawyer from another great lawyer, my friend, Walter Dellinger.**

**For Law Day in May, the bar will celebrate Lincoln's Legacy of Liberty. When we meet next in August in Chicago, we will be in the Land of Lincoln.**

We are grateful for the recent gift to the ABA from the Illinois State Bar Association—a replica bronze bust sculpture of Abraham Lincoln, the Prairie Lawyer. Last month, the ISBA donated the original to the citizens of Illinois, and it's housed in the state Supreme Court in Springfield. Thanks to the Illinois Bar, visitors to the ABA's Chicago headquarters will be forever reminded of Lincoln's model for our profession.

Thanks to Jack Carey, ISBA President

Bob Clifford, Ill State Delegate

Lincoln defended liberty and pursued justice. Since his time, we have come a

long way. During my youth, my current hometown of Birmingham was a symbol of injustice and repression for ~~so~~ many.

But thanks to the lawyers and nonlawyers who led the movement for civil rights, and the courageous federal judges who upheld those rights, Birmingham and other Southern cities today are ~~thriving~~ symbols of peace and hope.

Our first Board of Governors meeting this year was in Birmingham, and it was fitting that at that meeting, the Governors heard a presentation on the Birmingham Pledge – written by a Birmingham lawyer

– with a request that they add their names to the Pledge, and they did.

In your materials is a request for you to sign the Birmingham Pledge, a personal commitment to remove prejudice and treat all people with respect. It has more than 117,000 signatories from throughout the world. Please join me and the Board of Governors in signing the pledge and demonstrating our commitment—especially our legal profession's commitment—to equality and justice. For your convenience, you may leave the

**completed forms at your tables, and we will pick them up and send them in.**

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**When we last met six months ago in New York, the world was the same.**

**And the world was different.**

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**In August, we left our meeting fully committed to—and working hard on—our common core values of access to justice, independence of the bar and the judiciary, diversity, and the rule of law.**



**Today, we remain fully committed to—and are still working hard on—our common core values.**

**Then as now, the ABA and our partners throughout the bar are advancing our profession's core values every day—through programs, projects, research, legislative advocacy, and—of course—our day jobs as lawyers and judges.**

**But we also know that the world has changed since we last met. In August,**

**America's lawyers were mobilizing. We were preparing ourselves with election-**

**law materials and pledges to volunteer at the polls in the event there would be a contested presidential election. The outcome at the time was well in doubt.**

**Today, the election results are well known, and thankfully we avoided any widespread problems. But America's lawyers were prepared.**

**~~And~~ today, we have a new president and a new Congress. Your ABA leadership has had productive outreach with the Obama administration to express our profession's common core values and**

**to identify ways we can work together on them.**

**Of course, there's one more big difference between then and now.**

**In August, everyone anticipated a cloudy economy, yet nobody was talking about bailouts or a wholesale financial crisis. Even the Dow closed that week at well over 11,000.**

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~~**In August, the Task Force on Financial Markets Regulatory Reform was part of the Business Law Section. Today, it's an Association-wide entity, led**~~

**by the former general counsels of the SEC  
and the FDIC.**

**There is no question we have been  
called to lead in turbulent times. Many of  
America's lawyers are afflicted by the  
downturn through layoffs and reduced  
business.**

*Despite all this, there is*  
~~There has thus been~~ **no better time to  
boost our membership development  
through the efforts <sup>led by</sup> of our president-elect,  
Carolyn Lamm, our Standing Committee  
on Membership and its chair, Trish Refo,  
and our executive director, Hank White.**

It's during times like these that our members can take excellent advantage of Association resources. Our programs, publications, and activities connect lawyers across the country to share best practices on career and professional development, <sup>practice</sup> ~~law firm~~ management, and substantive practice issues.

I am reassured that there is no better time for lawyers to use these resources and get involved.

I am also reassured that we will continue to work together to advance our profession's common core values. That we

**will meet our challenges with the skill and devotion we have always demonstrated as lawyers who make a positive difference in our society.**

**A typical opportunity presented itself in November. The ABA and our partners in state and local bars quickly mobilized to educate policymakers on the ramifications for IOLTA of the proposed financial bailout plan. With a unified voice and plenty of energy and talent, we convinced the FDIC to ~~restore~~ full insurance coverage for IOLTA accounts.**

*PUT ON A FULL COURT PRESS AND*

*grant*

**This was a success for our core value of an independent profession. More important, it was an inspiring victory for our core value of access to justice and all the related initiatives IOLTA supports.**

**Even with this victory, however, IOLTA and other investment sources of income for access to justice programs are being hit hard.**

**This is especially troubling at a time when our services are needed most. When in so many cases, all it takes is a simple intervention from a legal services or pro bono lawyer to help someone remain in**

**their home during a foreclosure, to help them secure unemployment benefits, or to untangle other consumer-related problems.**

**This is why it's more important than ever for those of us with the means to do so to expand our already generous commitment to fundraising for legal services and other access to justice programs.**

**It's why we must continue providing and encouraging pro bono services for people of limited means.**



**We hope to have your participation October 25-31 in the National Pro Bono Celebration, organized by our Standing Committee on Pro Bono and Public Service. And we're grateful for everyone's efforts in the bar in joining President Obama's national call to service.**

**One of the signature platforms in advancing our core value of access to justice is our steady, strong, and respected voice in Washington for legal services funding.**

**We look forward to seeing our state delegations at ABA Day on Capitol Hill, April 21-23. ABA Day is a magnificent show of force where we reinforce our efforts throughout the year to promote legal services. And it also showcases our profession for what it is—not a trade that lobbies for self-serving policies, but a profession committed to improving the society we serve.**

**On the criminal side of access to justice, the spiraling national economy and resulting budget cuts are adding to the harm inflicted on public defense**

**systems, which have been underfunded for years.**

**That's why the voice and work of groups such as the ABA's *Standing Committee on Legal Aid and Indigent Defendants* are more critical than ever.**

**We provide benchmarks with our universally respected standards of indigent defense systems and public defender caseloads.**

**We identify alternatives to prosecution and incarceration to reduce need for public defenders.**

**And we educate policymakers who would single out the legal profession for funding indigent defense systems.**

**Indigent criminal defense is a broad public responsibility, mandated by the Constitution. All of us—lawyers and all citizens—have a stake in ensuring that public defenders and assigned counsel have resources comparable to those of prosecutors.**

**The economy is also front-and-center as we advance our core value of an independent judiciary.**

**The recession and financial crisis have made the issue of fair and impartial courts 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 the ability to maintain courts as an independent branch of government if they don't have basic resources to carry out their work.**

**This is a principal theme of the National Summit on fair and Impartial**

## **State Courts May 7-9 in Charlotte, North Carolina.**

**Almost 40 state supreme court chief justices have appointed delegations. And we are grateful to have the endorsement of Justice Sandra Day O'Connor, our honorary chair, who will share her well-known insight and passion for these issues.**

**The state delegations will develop strategies to secure court funding and ensure the courts' institutional legitimacy by promoting communication and**

**collaboration among the three branches of government.**

**We're fortunate for the valuable assistance we're getting from many organizations, especially the National Center for State Courts. And we're grateful for the work of the commission co-chairs—North Carolina Supreme Court Justice Mark Martin and Philadelphia attorney Ned Madeira—and their talented commission colleagues.**

**I'm sure you'll hear more about this topic from Chief Justice Margaret Marshall of the Massachusetts Supreme**

**Judicial Court, who is special-ordered to speak at 11:45 this morning. I had the honor to speak on behalf of the bar at the Conference of Chief Justices' Midyear Meeting last month. Chief Justice Marshall, who is president of the Conference of Chiefs, will share with us her views on the state of the state courts—a crucial topic for every one of us in this room and the lawyers we represent.**

**Meeting society's needs for justice factors into a third core value of our profession—diversity. I've said before**



that when gifted women and men of diverse backgrounds face systemic barriers to entering law school and climbing our profession's ranks, it's not just a *lack of opportunity* for them. It's a *lost opportunity* for <sup>OUR PROFESSION</sup> ~~all lawyers~~ as we're called on to serve an increasingly diverse society.

And as a profession, we must ensure 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 ~~I've asked~~  
the ABA <sup>is</sup> ~~to~~ conven<sup>ing</sup> a national diversity  
summit in Washington, D.C., this June.  
The effort is co-chaired by North  
Carolina appellate judge Jim Wynn and  
former Texas State Bar president  
Eduardo Rodriguez. We deeply  
appreciate their work along with that of  
our planning committee.

The summit will showcase examples of  
diversity <sup>PROGRAMS</sup> ~~initiatives~~ from all segments of  
the legal profession, and it will explore  
what we should do to advance diversity  
objectives.

**When we talk about diversity, we focus not only on the traditional areas of race, ethnicity, and gender. We also mean lawyers and citizens of varying sexual orientations and gender identities, as well as those with disabilities.**

**As such, we congratulate the ABA's Commission on Sexual Orientation and Gender Identity for its successful first year. And we're proud to have the Office of the ABA President co-sponsor the Commission on Mental and Physical Disability Law's Second National**

**Conference on the Employment of  
Lawyers with Disabilities in June.**

**A goal of the conference will be to promote the diversity pledge developed by the Association of Corporate Counsel. We will ask for commitments from law firms, corporations, and other legal employers that they will provide opportunities for lawyers with disabilities.**

**The bar's work on diversity, access to justice, and independence of the bar and the judiciary factor centrally in a final core value of our profession that we work to advance: the rule of law.**

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**The World Justice Project continues apace to reinforce the importance of the rule of law as an indispensable ingredient of thriving communities of opportunity and equity.**

**The ABA's Rule of Law Initiative provides technical legal assistance to some 40 emerging democracies worldwide.**

**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. 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.**

**That's why we work day in and day out to advance our common core values.**

**We hold to our core values no matter what our practice area is. No matter what our political outlook is. No matter who are clients are.**

**We hold to our core values in times of war and in times of peace, in prosperous times and impoverished times, in periods of calm and in periods of crisis.**

**This is the crucial work we do.**

**Regardless of the challenges that face us—indeed, largely *because* of those challenges—our work enables us to answer our proud calling as lawyers and make a difference as a profession.**