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2009

### 2009-04-07 H. Thomas Wells, Jr. ABA Presidential Speech

H. Thomas Wells Jr.

University of Alabama School of Law

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\* **It's great to be here in Dallas to see old friends and make new ones.**

\* **One long-time friend is Judge Lynn. Thanks for her distinguished leadership of the ABA Judicial Division this past year and for her leadership in putting on this important program.**

\* **Thanks to Dean Attanasio for having us here, and to the SMU law school staff for their hard work.**

\* **Thank you all for being here today to learn about and share your views on this important topic.**

**\* For years, the ABA has worked on raising awareness and finding solutions involving issues of racial and ethnic bias in our courts. As early as 1991, our policy has enabled the ABA to support studies and measures that address justice-system bias based on race, ethnicity, gender, age, sexual orientation, and disability, and the extent to which bias may affect litigants, witnesses, attorneys, and all those who work in the judicial branch.**

**\* The ABA's efforts were amplified in the aftermath of the riots following the Rodney King verdict in 1992. The ABA**

**Council on Racial and Ethnic Justice was formed at that time, and still works to raise awareness of racial bias in the justice system and work on remedial efforts.**

**\* The Council works collaboratively with other ABA entities that have a stake in these issues, such as the Judicial Division, the Criminal Justice Section, the Section of State and Local Government Law, the Section of Individual Rights and Responsibilities, and many others.**

**\* One of those other groups in the ABA is the Standing Committee on Legal Aid and Indigent Defendants, known as SCLAID. Many legal aid clients and indigent defendants, of course, are people of color and other diverse backgrounds. SCLAID is working on standards to guide courts in assuring that litigants with limited English proficiency are provided with qualified interpreters so that they can fully understand and participate in proceedings.**

**\* Perhaps the most dramatic challenge to the ABA to address the problems with**

**crime and punishment in America came from Justice Anthony Kennedy during his speech at our 2003 Annual Meeting.**

**\* Justice Kennedy's concerns were numerous:**

**\* The sheer number of people locked up in the U.S. as compared with other civilized nations.**

**\* The costs and length of incarceration.**

**\* The federal sentencing guidelines and mandatory minimum sentences.**

**\* The importance of judicial discretion in sentencing.**

**\* The dehumanizing experience of prison and the importance of rehabilitation.**

**\* And, especially important for us here today, the disproportionate impact of incarceration on minorities.**

**\* Nationwide, more than 40% of the prison population consists of African-Americans. About 10% of African-American men in the mid-20s are behind bars. And in some cities, more than 50% of young African-American men are under the supervision of the criminal justice system.**

- \* Justice Kennedy's call to action resulted in an ABA Commission that studied these issues and recommended reforms, every one of which supports our governmental lobbying and other advocacy efforts. We have had some successes, but we have a long way to go.**
- \* The ABA believes that one way to resolve the issue of bias in our courts is to ensure a more diverse legal profession.**
- \* To that end, the ABA is convening a national Diversity Summit in June.**
- \* For at least the past three decades, the legal profession has grappled with**



**diversity issues, yet true diversity and inclusion eludes the practice of law.**

**\* It's time to go beyond talking about the problems, and call the legal profession to face up to the challenge and determine “what’s next?”**

**\* The summit will bring together leaders from private practice, corporate counsel, judiciary, academia, government, public interest and bar associations to address questions such as:**

**\* Why have some attempts to promote diversity achieved success, but not others?**

**\* And what concrete steps does the legal profession need to take to move diversity from rhetoric to reality?**

**\* I'm gratified to be here to support your efforts in grappling with the difficult issues that our distinguished panelists and speakers are covering here today.**

**\* I'm sure I have a lot to learn and pass along as well—especially from my dear friend and predecessor Dennis Archer.**

**\* As Justice Kennedy noted, there is a crying need for America's lawyers to involve themselves in this national conversation.**

**\* The ABA advances the conversation—among ourselves in the bar and with policymakers—only with your support.**

**\* For those of you who are ABA members, know that your backing helps our efforts on these and so many other important conversations.**

**\* If you are not an ABA member, I encourage you to join us and add to the strong voice of the legal profession on these crucial issues.**

**\* Again, thank you—all of you—for taking time from your busy schedules to be here today.**