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2009

### 2009-05-27 H. Thomas Wells, Jr. ABA Presidential Speech

H. Thomas Wells Jr.

University of Alabama School of Law

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**Independence—both independence of the bar and independence of the judiciary—is a common core value of the legal profession, a value we all share. And, as such, it has been a primary focus of my ABA presidency.**

**Earlier this month, the ABA's National Summit on Fair and Impartial State Courts in Charlotte, North Carolina, helped us strategize on garnering support for independent state judiciaries and justice systems, especially during the economic crisis. I am happy to see so many of you who joined us or otherwise supported our efforts at the Summit, and I assure you that our activity has only begun.**

**The National Center for State Courts has been a valuable partner in our efforts to produce the Summit and sustain our efforts. Chief Justice Margaret Marshall, the chair of the National Center and the President of the Conference of Chief Justices, will address you in a few moments. Justice Marshall spoke eloquently at the Summit, referring to the robust collaboration between the ABA, the National Center, and the Conference of Chiefs.**

**Today's program is further evidence of the strength and importance of the relationship between us. Like our summit on fair and impartial state courts, our discussion very much involves you as leaders of your**

**state judiciaries. Today's topic goes a step further, as 21st century realities impact your supreme courts as regulators of lawyers and law firms.**

**Clients of all types crisscross the U.S. and the world in the conduct of their business. Their legal needs do not recognize borders. More and more U.S. lawyers and firms practice abroad.**

**In addition, we have seen a significant increase in the number of non-U.S. lawyers and firms here in the States. They hire our lawyers, and we hire theirs. Law firms worldwide face ever increasing economic pressures.**

**Other countries have recently responded by changing their rules that govern the practice of law. Australia, Canada, and England and Wales permit lawyers to practice in partnerships with non-lawyers and in business structures that provide legal and other services. Australia now has publicly traded law firms. Other countries are contemplating similar changes. Over the decades the ABA and the Conference have considered these issues in groups such as the Commission on Multidisciplinary Practice.**

**We are here today to learn more about these developments. And in doing so, we must be responsive to change without diluting the**

**core values of our profession that ensure ethical conduct and accountability.**

## **INTRODUCE JUSTICE MARSHALL:**

**The Honorable Margaret H. Marshall is the Chief Justice of the Massachusetts Supreme Judicial Court.**

**A native of South Africa, she graduated from Witwaterstrand University in Johannesburg in 1966. In 1966, she was elected as President of the National Union of South African Students, and served in that capacity until 1968 when she came to the United States to pursue her graduate studies.**

**She received a master's degree from Harvard University, and her J.D. from Yale Law School.**

**Chief Justice Marshall was an associate, and later a partner, in the Boston law firm of Csapler & Bok, and was a partner in the Boston law firm of Choate, Hall & Stewart.**

**Before her appointment to the Supreme Judicial Court, Justice Marshall was Vice President and General Counsel of Harvard University. First appointed as an Associate Justice of the Supreme Judicial Court in November 1996, she was named as Chief Justice in September 1999, and began her term in October.**

**Chief Justice Marshall is the second woman to serve on the Supreme Judicial Court in its over-300 year history, and the first woman to serve as Chief Justice.**



**The American Bar Association Center for Professional Responsibility and  
Standing Committee on Professional Discipline &  
Georgetown Center for the Study of the Legal Profession Present**

**The Future Is Here: Globalization and the Regulation of the Legal  
Profession**

**Recent Global Legal Practice Developments Impacting State Supreme Courts'  
Regulatory Authority Over the U.S. Legal Profession**

**ABA Center for Professional Responsibility**

**Donald B. Hilliker**, Chair  
Center for Professional Responsibility Coordinating Council

**David S. Baker**, Chair  
ABA Standing Committee on Professional Discipline

**Jeanne P. Gray**, Director  
ABA Center for Professional Responsibility

**Georgetown Center for the Study of the Legal Profession**

**Carole B. Silver**, Executive Director and Visiting Professor of Law

**Milton C. Reagan**, Co-Director and Professor of Law

**Jeffrey D. Bauman**, Co-Director and Professor of Law

**2009 Conference Planning Committee**

**Carole B. Silver**, Executive Director and Visiting Professor  
Georgetown Center for the Study of the Legal Profession

**Laurel S. Terry**, Professor of Law  
Penn State Dickinson School of Law

**Arnold R. Rosenfeld**, Of Counsel  
K&L Gates

**Richard Van Duizend**, Principal Court Management Consultant  
National Center for State Courts

**William P. Smith, III**, General Counsel  
State Bar of Georgia

**May 26 - 27, 2009  
Fairmont Hotel  
Chicago, IL**

## PROGRAM

### Tuesday, May 26, 2009

5:30-7:00 p.m.      **Registration and Welcome Reception (Regent Room)**

### Wednesday, May 27, 2009

7:30-8:30 am.      **Breakfast (Regent Room)**

8:30 --8:45 am.      **Welcome and Introduction (Crystal Room)**  
Henry F. White, Jr., *Executive Director, American Bar Association*

H. Thomas Wells, Jr., *President, American Bar Association*

8:45-9:00 am.      **Opening Remarks**  
The Honorable Margaret H. Marshall, *Chief Justice, Supreme Judicial Court of Massachusetts*

9:00-10:30 am.      **International Regulatory Developments that have the Potential to Impact U.S. Lawyers, Law Firms and Clients**

Experts from around the globe will present an overview of recent global legal practice developments. They will highlight the advent of publicly traded law firms in Australia, the United Kingdom's adoption of alternative business structures for law firms and similar initiatives in Europe and Canada.

#### **Moderator**

The Honorable Gerald W. VandeWalle, *Chief Justice, Supreme Court of North Dakota*

#### **Panelists**

Laurel S. Terry, *Professor, Penn State Dickinson School of Law*

Steven Mark, *Legal Services Commissioner, New South Wales*

Russell Wallman, *Director of Government Relations, Law Society of England and Wales*

Jonathan Goldsmith, *Secretary General, Council of Bars and Law Societies of Europe*

10:30-10:45 am.

**Break**

10:45-Noon

**Context and Relevance: Understanding the Forces Behind These Developments and How They Affect U.S. Clients and Lawyers**

Panelists will explain why, from their perspectives, the United Kingdom's Legal Services Act and Australian changes are relevant to U.S. clients, lawyers, and regulators. Using hypothetical scenarios they will provide their views about the context of these developments including the global nature of clients' needs and lawyers' services, and the realities of 21<sup>st</sup> Century law practice.

**Moderator:**

The Honorable Randall T. Shepard, *Chief Justice, Indiana Supreme Court*

**Panelists:**

James W. Jones, *Chairman, The Hildebrandt Institute; Managing Director, Hildebrandt International*

Frederic S. Ury, *Partner, Ury & Moskow, LLC*

Susan Hackett, *Senior Vice President and General Counsel, Association of Corporate Counsel*

Stephen Denyer, *Global Markets Partner, Allen & Overy LLP*

Carolyn B. Lamm, *ABA President-elect; Partner, White & Case*

Noon-1:15 pm.

**Luncheon (Regent Room)**

**Introduction of ABA Past President Michael S. Greco:**

Milton C. Reagan, *Co-Director, Georgetown Center for the Study of the Legal Profession*

**Luncheon Speaker:**

Michael S. Greco, *ABA Past President; Partner, K & L Gates*

1:15-2:30 pm.

**Responses and the Future: Where Do We Go From Here?  
(Crystal Room)**

Panelists will share with the attendees some of the ongoing U.S. dialogue about the implications of these global developments and their significance for the U.S. lawyer regulatory structure. They will also offer suggestions about how the courts can fulfill their regulatory mission in a changing global environment.

**Moderator:**

The Honorable Christine M. Durham, *Chief Justice, Utah Supreme Court*

**Panelists:**

William P. Smith, III, *General Counsel, State Bar of Georgia*

Anthony E. Davis, Partner, *Hinshaw & Culbertson LLP*

Larry E. Ribstein, *Professor, University of Illinois School of Law*

Theodore J. Schneyer, *Professor, University of Arizona School of Law*

Steven Mark, *Legal Services Commissioner, New South Wales*

2:30-2:45 pm.

**Break**

2:45-4:15 pm.

**Group Discussions**

Group and room assignments and break-out questions are in your conference materials. Attendees will be separated into pre-assigned groups led by a facilitator and will be asked to discuss particular aspects of these global developments. Each group will also have a reporter.

**Facilitators:**

Milton C. Regan, *Co-Director, Georgetown Center for the Study of the Legal Profession*

Jeffrey D. Bauman, *Co-Director, Georgetown Center for the Study of the Legal Profession*

Arnold R. Rosenfeld, *Of Counsel, K & L Gates*

Carole Silver, *Executive Director, Georgetown Center for the Study of the Legal Profession*

**Reporters:**

William P. Smith, III, *General Counsel, State Bar of Georgia*

Robert E. Lutz, *Chair, ABA Task Force on International Trade in Legal Services*

Richard Van Duizend, *Principal Court Management Consultant, National Center for State Courts*

Ellyn S. Rosen, *Associate Regulation Counsel, ABA Center for Professional Responsibility*

4:15-4:55 pm

**Reporting on Group Discussions (Crystal Room)**

The facilitators will join a moderator to comprise this panel, and will briefly summarize their groups' discussions.

**Moderator:**

The Honorable Margaret H. Marshall, *Chief Justice, Supreme Judicial Court of Massachusetts*

4:55-5:00 p.m.

**Closing Remarks**

The Honorable Margaret H. Marshall, *Chief Justice, Supreme Judicial Court of Massachusetts*

\*\* Please join us at 5:00 p.m. for the 35<sup>th</sup> ABA National Conference on Professional Responsibility Welcome Reception. The reception will be held in the Moulin Rouge Room, located on the lobby level.