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I. Welcome and Tribute

Welcome to the 141st meeting of the House of Delegates. This house is a central organ in the enduring institution we call the American Bar Association. We are a cross-section of America's lawyers. The decisions that come out of the informed deliberations of this 534 member house reflect the sentiments of the legal profession in this country.

The work of this house matters not just to our profession, but also to the broad community, which depends on the rule of law.

Let me give just three examples:

Six figure law school debt can have a crippling effect on young lawyers. We adopted a law school debt forgiveness resolution in 2003, and last September Congress passed the College Cost Reduction and Access Act.

At the last Annual Meeting we adopted a state secrets policy because we thought judges could -- and should -- review highly sensitive materials in camera before deciding whether to shut down litigation. We are pursuing legislation on that subject as we speak.

This House has spoken out for habeas corpus, due process and effective counsel for detainees. The ABA is amicus in the Supreme Court of the United States in the case of *Boumediene v. Bush*, which was argued last month. We are also lobbying before Congress for new legislation to restore these rights.

II. Work the Association Does Well

In addition to this important broad reach advocacy, the Association does many other things very well.

Let me offer just a handful of examples.

- A. Our federal courts are a bastion of a free and fair government based upon checks and balances. The evaluation of nominees for federal judgeships by our Federal Judiciary Committee helps assure competent, high-integrity lawyers on the federal bench.

- B. Law schools are the source of talent for our profession. The learning experience they provide must be rigorous.

In 1952, the Department of Education recognized the Council of the Section of Legal Education and Admissions to the Bar as the accrediting agency for U.S. law schools, and the Council has played this role ever since.

- C. Our justice system cannot do its job unless a) it is populated by ethical lawyers and judges, b) it affords due process in criminal proceedings, and c) it is accessible to all.

The ABA plays a crucial role in the first regard by means of our Model Rules of Professional Conduct and Model Code of Judicial Conduct, secondly by means of our Criminal Justice Standards, and thirdly by our Standards for the Provision of Civil Legal Aid and 10 Principles of a Public Defense Delivery System.

- D. It is largely through state and local bar associations that lawyers improve our profession and promote the rule of law.

The ABA contributes to the work of those associations through our Bar Services Division. We act as a clearinghouse and as consultants on a broad range of programmatic, financial and management matters. Our goal is to help state and local bars be successful.

- E. Legal aid, public defender, and pro bono programs deliver legal services to the neediest in our communities -- in the criminal system, in the civil system, and in the immigration system. The ABA provides technical assistance to scores of those programs to help them be efficient and effective providers.

Many developing countries do not have the rule of law but are eager to lay that foundation. Since 1990, with the fall of the Iron Curtain, the ABA has provided technical legal assistance in such countries. We now have about 350 staff and volunteers in 40 countries across five continents working with citizens in those countries to design and build systems of justice.

III. Now, let me tell you about some highlights from the fall.

- A. On Saturday night, November 3, in the midst of Supreme Court deliberations on whether he could stand for re-election, General Pervez Musharraf -- in a lawless and self-serving gesture -- announced a state of emergency in Pakistan. He suspended the constitution and insisted that all Supreme Court justices and High Court judges take a loyalty oath to him. The 13 justices and 34 judges who refused were placed under house arrest. How dare he?

On Monday morning, November 5, the lawyers of Pakistan dressed in their traditional professional attire – black suits, white shirts and black ties

– and went to work expecting to be arrested as protesters. They were not disappointed.

Lawyers across this country, through their local and state bar associations and through the ABA, protested as well. On very short notice we organized a demonstration in Washington, D.C., on November 14. Over 700 lawyers and judges marched to the steps of our Supreme Court in a show of solidarity with our brave colleagues in Pakistan. We made three demands: restore the constitution in its original form; re-instate the judges; and release the protesters who were arrested only for protesting the Saturday night decree.

In late November, at a gathering of 45 national and multinational bar associations in Paris, a demand letter based on our “three R’s” was unanimously adopted and sent to Islamabad.

Next we drafted a petition based on those three demands and in a few weeks time gathered nearly 13,000 signatures of ABA members. Chair Laurel Bellows, President-Elect Tommy Wells, Acting Government Affairs Director Denny Cardman and I presented that petition to the Pakistani Ambassador to the United States. He promised to send our petition and signatures to his government.

We have received an unsatisfactory written response from President Musharraf – which he waved at journalists during his so-called “charm offensive” in Europe last month.

Our demands have not been met. The constitution which Musharraf propped up in late December has been stripped of essential provisions, many judges remain under house arrest, and protesters remain in jail.

Without the rule of law, Pakistan is destabilized, more vulnerable to terrorism, and its economy is suffering. Under these conditions, we are concerned about whether free and fair elections are possible.

We will continue to look for opportunities to encourage a return to the rule of law in Pakistan.

- B. Our work to increase federal judicial salaries is another fall highlight. Since 1992 – the last year in which federal judges received a pay increase – judicial pay has declined in real terms by almost 11%, while pay for the average American worker has increased by almost 19%. In order to attract and retain our best and brightest as federal judges, there must be a reasonable compensation scheme that reflects the demanding and important work they do.

The ABA is part of the coalition that has gotten bills passed by the judiciary committees of both houses calling for a 30% salary increase. We are pressing for passage of the legislation in the near term, legislation which is long overdue.

- C. Another highlight is our work to restore the attorney client privilege. The privilege and the work product doctrine are essential to an independent bar. Astonishingly, the federal government has challenged the privilege and the doctrine for several years. How can we advise a client without knowing the facts? What client will give us all the facts if we cannot ensure confidentiality?

The ABA is leading the effort to pass legislation that will clarify and reinforce these essential guarantees. Good legislation is moving forward in both houses.

D. A final highlight is goals-based management.

Successful enterprises plan and execute based on a small set of clear, coherent goals.

The ABA could get more done with the benefit of such goals-based management. But we have a long list of goals that have been adopted on an ad hoc basis over a number of years.

The Long Range Planning Committee of the Board of Governors has been drafting and testing a new set of goals and objectives. The current discussion draft is on your desks. We invite your comments in order to bring to the House in August a sound work product for your consideration.

IV. We have lots of opportunities to make progress this spring. I will mention just a handful.

A. Diversity in law schools, in the profession, and in our communities is a high priority of this Association, and it should be. Because of the hard, smart work of our Goal IX entities, good progress has been made, but we still have a long way to go to achieve true equality.

In order to accelerate the rate of progress, we will need imaginative thinking and collaboration.

Accordingly, we will have a Goal IX Summit this spring of all of our diversity entities to find common cause and identify opportunities for collaboration.

B. Secondly, much is changing and at a rapid pace in legal education and in the practice of law. But there is not very good communication between

legal educators and practitioners, and there seems to be a lack of collaboration.

We will sponsor a Legal Education Summit this spring with law school deans, law firm managing partners, and general counsel. Each institution has much to learn from the others. Surely there are mutually beneficial opportunities in the areas of CLE, adjunct teaching and investment, among others.

- C. ABA Day in Washington, D.C., in April will be bigger and better. Our priorities this year will be the attorney client privilege and funding for legal services.

The Litigation Section and the Young Lawyers Division are meeting concurrently. Some of our state delegations will bring leaders from other disciplines. Our clients care about the Attorney Client Privilege. The entire community should care about access to justice.

And it seems time for the ABA to get behind an appropriation for the Legal Services Corporation that will begin to move toward full funding. In 1981, the last year that LSC was considered “fully funded,” the appropriation for LSC was \$321 million – that translates to \$732 million in today’s dollars. While the need for legal services has grown significantly over the last 27 years, again this year the administration proposes to fund LSC at only \$311 million. We need to change the debate and insist on a “catch up” in LSC funding.

- D. May 1 is the 50th anniversary of Law Day – an ABA invention designed to focus the nation’s attention on the importance of the rule of law.

This milestone event deserves special recognition. We are planning a high-visibility event in Washington, D.C., around the theme of the separation of powers, featuring leaders from the three branches of federal government.

At the same time we are encouraging every state bar, in cooperation with local bars, to organize multidisciplinary rule of law sessions where leaders from a dozen disciplines can design programs, for example, to improve access to civil justice for poor people, to support merit selection of judges, or to bring civic education into primary and secondary school curriculums. There are a host of opportunities for multidisciplinary programs to advance the rule of law.

We should make the most of Law Day 50.

- E. Finally, this association launched the World Justice Project last year. The Project is a multidisciplinary and multinational movement to advance the rule of law in this country and others. We now have 11 cosponsors, including international associations for public health, education, business, and engineering. They all care about the rule of law. We have raised \$6 million, have a challenge grant that will take us to \$7 million, and expect to meet our \$8 million target this spring.

The scholars program, featuring Nobel quality work, is well past the halfway mark.

The multidisciplinary outreach meetings on 5 continents and in 5 pilot states have been well attended and have produced widespread agreement that the rule of law matters, and it matters materially to all disciplines.

Our rule of law index – the first comprehensive such index – has been tested and improved for a year and is now ready for the field. We are going into Chile, Columbia, India, Nigeria, and the U.S. this month for our first set of evaluations. The point is to produce facts upon which governments and civil society can rely when investing to move up the continuum of the rule of law.

In July the World Justice Forum in Vienna will bring together 450 – 500 leaders from 15 disciplines and dozens and dozens of countries to discuss the rule of law and why it matters to all disciplines, as well as to design programs to be undertaken “back home” to advance the rule of law.

The Project is rapidly demonstrating its value, and we expect it will evolve into a stand alone enterprise in 2009.

These are only a few highlights of a busy and productive year. We have more work to do. It is important work. There is lots of it. Onward.