

President Ramo: Twice in the history of the International Bar Association, an important member of the Council of the ALI has been the President. Once was Reece Smith, well known to us, and now David Rivkin has just completed an enor-mously distinguished term as the President of the International Bar Associa-tion.

I don't think anyone in this room would have any sense that other than the world has changed in the sense that as we see in horrible ways and wonderful ways, that we are all on the same planet, united in every way in terms of the air we breathe and it seems like the communications that we have with one another.

Having a legal part of that in which lawyers, judges, and scholars from all over the world speak together is more important now than I think it has ever been in the history of our world and more possible now. And I was very honored when David Rivkin, one of our Council members, was elected President of the International Bar Association, and I'm very honored to have him speak to us today.

David? (*Applause*)

Mr. David W. Rivkin (NY): Thank you very much, Roberta, for that very warm introduction, and congratulations on your outstanding term as our President. It's really been an honor to serve on the Council with you, and thank you again for inviting me to speak today.

Let me give you just a very brief introduction to the International Bar Association because everyone's practice these days involves international issues in one way or another. We have more than 100,000 members from about 170 countries.

In addition to individual members, we have, as members, bar associations and law societies, about 200 of them from around the world. They form the Council of the IBA, which sets our governing policies. And it is an opportunity for lawyers around the world to share their best experiences, best practices, and to set governing ethical and other standards for lawyers around the world.

We operate through 77 committees focused on business-law issues and public- and professional-interest issues, and we also have a very active and independent Human Rights Institute that issues reports and sends study groups and otherwise works to maintain human rights throughout the world.

Since its founding in 1947, the IBA has been dedicated to the promotion and the preservation of the rule of law throughout the world. Today, as we face many new challenges to the rule of law, it is important to remember that it is neither a new concept nor one that's rooted only in the tradition of a few countries. The rule of law is instead an ancient and a universal concept. As early as the fifth century B.C., China developed the philosophy of legalism—a political system based on laws. In ancient Greece, Plato wrote, "Where the law is sub-

ject to some other authority and has none of its own, the collapse of the state . . . is not far off.”

When I had the honor of visiting the Mexican Supreme Court last year as IBA President, I saw on its walls a statement by Cicero that said, “We are servants to the Supreme Court in order to be free.”

Indeed, in Islamic law, the concept of justice is paramount. The Quran says, “And if you judge, judge with justice between them. Verily, Allah loves those who act justly.”

The Jewish Prayer Book recites, “We dishonor You when we dishonor our society: For our failures of justice, Adonai, we seek forgiveness.”

And at a Vatican conference on human trafficking and corruption at which I had the honor to speak last year, Pope Francis proclaimed, “Justice is the first attribute of society.”

The IBA promotes the rule of law through many projects, far too many for me to mention in just the 10 minutes that I have. But let me mention a few.

As IBA President, I joined Daw Aung San Suu Kyi in addressing the inaugural conference of the Independent Lawyers Association of Myanmar, which the IBA’s Human Rights Institute had worked to form.

I also oversaw the conduct of training for Cuban lawyers on the basics of international business law so that they and their economy can join the rest of the world.

Our Judicial Integrity Initiative, which I initiated as IBA President, published an enormously useful report on the types of corruption that arise in judicial systems and the manner in which such corruption occurs. The report found, after a global survey of our members and judges and others around the world, two forms of corruption that bothered our members and those who responded.

First, transactional corruption like bribery and similar acts, which were found principally to be of concern in the emerging world. But also political interference and undue interference in judicial decisionmaking, which respondents around the world from developing and developed countries found to be a problem.

Building from that base, the initiative is now undertaking many projects designed to have a practical impact in reducing corruption in judiciaries where it occurs. This includes promotion of the IBA Judicial Anti-Corruption Compact, which has been signed by the Chief Justice, other judges, and lawyers in Mexico, Uganda, Ghana, and other countries.

We are also working with a number of judicial and other organizations in developing a system for certifying judiciaries that have in place systems to properly prevent corruption from occurring.

The IBA's Presidential Task Force on Human Trafficking issued a seminal report on the impact of corruption on human trafficking. The report makes vividly clear that human trafficking could not occur without corruption, and it proposes concrete steps that governments, private companies, and NGOs should take to prevent further human trafficking.

The Presidential Task Force on the Independence of the Legal Profession issued an important report on the essential criteria of an independent bar and why an independent bar is so essential to democracy.

The IBA has also published a groundbreaking report on the justice and human-rights issues that arise from climate change. Many of our committees have continued to work on those issues, and indeed, it was central to my presidency.

All of these reports are available on the IBA's website, and I encourage you to read them. No matter what your area of practice, you'll find them illuminating. And of course, there continues to be the work of our 77 committees in many different ways, promoting the rule of law, promoting better understanding of these areas of practice.

I also want to draw to your attention that the IBA has adopted a Practical Guide for Business Lawyers on Business and Human Rights. The guide explains the UN guiding principles on business and human rights, which are now recognized as the global standard for businesses, and that includes law firms. No matter what your practice area, we have to advise our clients in a manner that assists them in avoiding human-rights impacts through their activities and that promotes their, and our, integrity.

Because those who want to rule autocratically know that they have to intimidate and remove lawyers who will use the rule of law to oppose them, lawyers have been under attack around the world—in China, Turkey, Venezuela, Egypt, Pakistan, and elsewhere. As IBA President, I used the power of the office to speak directly to those who suppress lawyers and freedom. Indeed, I remember speaking to the Vice Minister of Justice in China and worrying about whether I was going to be able to leave the country.

But all of us have the power to do so, as individuals, collectively, or through our bars, and we have to do so. Now the fight to protect the rule of law has moved to the United States. Fortunately, lawyers have been up to the challenge.

I've heard from so many nonlawyers in recent weeks that the scenes of lawyers at airports, following the travel ban, brought home to them the role that lawyers play in society more than anything else has in recent memory. Indeed, the dean of a major law school recently told admitted students that they may be the first generation of lawyers who will not be subject to lawyer jokes. (*Laughter*)

We all have to build on this. We all have to do a better job explaining to the general public the important role that we play in defending everyone's liberties, the time and expense we commit to defending those who cannot afford us, and in making the law more fair and just for all.

Indeed, each of us builds the rule of law every day when we draft a contract, structure a transaction, or resolve a dispute. So please write a piece in your local newspaper or social media. Speak at your place of worship or at a local school about the rule of law and what it means in daily life and protections to all of us.

We also have to preserve the reputations of all lawyers, because publicity about one lawyer who has crossed the line harms all of us. By all means defend your clients' interests, but do so in a way that respects the ethics and the morality that we expect of one another. The law does not give us an excuse to turn a blind eye to what we know is right or wrong.

Today, more than ever, the role of the lawyer is not just to advise on the strict interpretation of the law. It should be instead the role of a wise counselor. In the words of Ben Heineman, a wise counselor is a lawyer statesman—a lawyer statesperson, rather, who asks first—very important. A lawyer statesperson who asks first “is it legal?” but also asks “is it right?”

In this respect, the IBA has engaged with the OECD in an important project to explore the proper ethical rules for lawyers in light of the disclosures of the Panama Papers. That joint task force is considering the proper balance between the public and private interests in fighting corruption, which, of course, we all share, and also our professional interest in preserving attorney-client privilege and professional secrecy so that we can properly serve our clients.

Let me close with a story that is meant also to work as a tribute to President Ramo in two ways, for her lifelong dedication to justice and also her profound interest in Native American law.

Native Americans tell the following legend about human nature. A chief is speaking to a young child. He tells the child that in him, as in every person, there are two wolves fighting with each other, one good and one bad. The child asks, “Which one will win?” The chief answers, “Whichever one you feed.”

So I ask that each one of you feed your good wolf to help us fulfill our role as protectors of democracy and of the rule of law.

Thank you once again. (*Applause*)