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*REMARKS AT OPENING SESSION*

By H. Thomas Wells, Jr., Esquire  
*President of the American Bar Association*

**President Ramo:** The first time I ever addressed this body I came as President of the American Bar Association, and as I recall, Tommy, I came from a week in which the Congress was doing something shockingly, I don't exactly remember what it was, to tell you the truth, and it happened to be something that was not on my agenda as President at all.

It is my complete personal delight to introduce to you the current President of the American Bar Association, Tommy Wells. Let me tell you a little bit about what it means to be President of the ABA.

The ABA is the largest professional organization in the world. When Judge Leval speaks of a wild rumpus and looks at this august group, I cannot imagine what he would call an ABA meeting in which all 400,000 people participated, which is what it seems like very often when you are the President.

The American Bar Association is, like our organization, a volunteer organization. It has programs all over the world. It also has to deal, as a matter of everyday work, with all of the special-interest groups that deal with the law, those for and against positions that the ABA takes, and it also has been the prime supporter of legal services for the poor in this country. It interacts with law schools, which is of particular relevance to many of you sitting here.

In all of those things this year, Tommy Wells has handled whatever has come to him with aplomb, with grace, and with great intellect. Additionally, at the same time he has moved forward his own programs, which were promoting the core values of the legal profession, access to judges, the independence of the bar, diversity in the rule of law, never once missing a step as he saw coming the issues that are faced in our country right now by the economic situation, which has put an enormous burden on the legal-services programs of our nation, and upon all of the lawyers as well.

It is an honor for me to introduce our fellow member of The American Law Institute, the current President of the American Bar Association, Tommy Wells. (*Applause*)

**President H. Thomas Wells, Jr.:** Thank you, Roberta. I really appreciate that introduction. I have to admit it is a better one than I got when I appeared back at my alma mater at the University of Alabama several years ago when I was asked to address the student government association, and the young woman who introduced me, at least I hope she got it wrong, she said I was a man who deserved no introduction. (*Laughter*) Perhaps she got it right.

I do want to thank you, Roberta, for the invitation to come up and speak briefly to The American Law Institute, which I was honored to be elected to in 2004, and to tell you a little bit about what's been going on with the American Bar Association this year.

It has been interesting, as all of you know. Our term runs from August to August. I have been on the road since January of last year as President-elect up till now something north of 300 days, which means four days plus on the road every week. At this point in my term, it is pretty evident why the term is only one year. I'm not sure anyone could survive two and, at this point, I do believe I see a light at the end of the tunnel; I'm just hoping it's not an oncoming train.

As Roberta indicated, I am this year, as President of the ABA, trying to focus the association and indeed the profession on what I have referred to as "common core values." I believe these are values that unite us as a profession, that inspire us to answer our call to the bar, and that enable us to make a difference as a profession.

As I have outlined these common core values, and they are certainly not exclusive or unique to me, I have seen them as, first, access to justice; second, independence, and by that I mean both independence of the bar and independence of the judiciary, which are inextricably linked; third, diversity; and fourth, the rule of law.

Let me tell you a little bit about what's been going on with access to justice. As most of you know, access to justice in this country has always been a goal that has never quite been achieved. Unfortunately, the problem we have with access to justice is only now more than ever, with the economic crisis, being realized by people, not only people of limited

means and people of moderate means but people who thought a couple of years ago they were of relatively affluent means.

There have been reductions in the interest on lawyers' trust accounts, which, as many of you know, in many states are used to fund legal services. Indeed, we had our own IOLTA crisis with the Federal Deposit Insurance Corporation when they were proposing a rule to only insure at full rates non-interest-bearing accounts. I am happy to say that the American Bar Association led a group which, I think, included virtually every state and local bar association in states that have IOLTA, and there are 37 that have mandatory IOLTA, to make the IOLTA monies the only interest-bearing accounts that got a full federal guarantee. Without that, we would be in even deeper trouble than we are right now.

We have also, as the ABA and the organized bar, been lobbying on Capitol Hill for adequate funding for the Legal Services Corporation. I am happy to say that, in this particular budget that is in effect now, we were able to achieve a \$40 million increase, from \$350 million to \$390 million. That is still woefully underfunded, and we just got back from lobbying, last month, with several hundred bar leaders from across the country, asking for at least a \$435 million appropriation for the Legal Services Corporation. I am proud to say that in support of the \$435 million appropriation, we were able to secure a letter signed by every president of every state and territorial bar association in the United States, as well as by all the bars of color in the United States, a very remarkable achievement if you think about it.

So we have access-to-justice issues.

We also have issues dealing with the independence of the bar. Let me give you one example. For those of you who don't know, those of you from Connecticut probably know this, those of you outside Connecticut may not, but the Connecticut Governor, in response to the budget crisis in Connecticut, came up with a rather unique idea. She was simply going to appropriate to the general fund the money in the bar's client security fund. For some reason, the Connecticut bar and the American Bar Association didn't think that was a great idea, and together we were able to not only defeat that but, as I understand happened just last week,

Connecticut passed legislation not only defeating that but making that impossible in the future under Connecticut law.

So we have issues going forward with an independent bar.

Independent judiciary is the flip side of the coin of an independent bar, and we have been working this year hopefully to improve fair and impartial courts in the United States. Let me give you one example. We just concluded a national summit on fair and impartial state courts in Charlotte, North Carolina. We were fortunate to have the cooperation and cosponsorship of the National Center for State Courts, led by Chief Justice Margaret Marshall of Massachusetts, who serves as the President of the Conference of Chief Justices. We obviously were looking to bring together delegations from as many states as possible. We were hoping for 18 to 20; we ended up with 34 states and three territories represented, almost all led by a chief justice, including representatives of the legislative and executive branches of those states.

These interbranch delegations were there to try to break down interbranch barriers and barriers to collaboration so that we can ensure the adequate funding of the third branch of state government. We were very fortunate to have, as our honorary chair and keynote speaker, retired Justice Sandra Day O'Connor, who, as most of you know, is somewhat passionate about the issue of judicial elections and merit selection, and suffice it to say no one left that conference with any doubts about where Justice O'Connor stood on that issue.

The third common core value that we are trying to promote this year is diversity, primarily diversity in our profession. When talented women and men of diverse backgrounds face systemic barriers to entering law school, to passing the bar exam, or to rising in the ranks of our profession, it is not just a lack of opportunity for those individuals, it is a lost opportunity for the legal profession as we strive to serve an increasingly diverse society. In order to try to assist in this, the ABA is convening a national summit on diversity here in Washington, D.C., next month where we hope to be able to explore best practices for lawyers, firms, and bar associations in trying to work on the seemingly intractable problem of increasing diversity in our profession.

The last area that I think is a common core value one could argue actually subsumes the first three, and that is the rule of law. The American Bar Association's Rule of Law Initiative is currently operating technical legal-assistance programs in over 40 countries today as we sit here. I myself have made a trip to Mexico; fortunately, it was in January before anyone was sniffing in Mexico. And I have an upcoming trip to Doha, Qatar, on the Arabian peninsula where our Rule of Law Initiative, we call it ROLI, is active. I am looking forward to seeing President Ramo there, who will be in Doha at the rule-of-law conference there.

Our World Justice Project, begun last year under the leadership of President Bill Neukom, is continuing. It is also doing what we intended it to do, which is spin itself out as an ABA entity to be a freestanding World Justice Project.

So here we are, in interesting times. You know, as we stand here, and I am sure you can tell by my accent I am from Alabama, it turns out that I am not the first ABA President from Alabama, I'm actually the third. The second is here with us, my law partner, Lee Cooper, who was ABA President 12 years ago, but I actually have been thinking back more to the first ABA President from Alabama, someone named Henry Upson Sims. You see, as the old Chinese curse puts it, he led in interesting times.

Henry Upson Sims was President of the Alabama state bar in 1917 and 1918, which were, of course, America's years in World War I. Just to kind of complete the double he was working on, he became ABA President in 1929-1930. Some days I feel like I am channeling the spirit of Henry Upson Sims. (*Laughter*) I want you to know that Mr. Sims's contribution to the stock-market crash of '29 has been greatly exaggerated. (*Laughter*)

But the bar is trying to respond to this economic crisis, these interesting times of our own. We are trying to respond with our services to the public, with trying to increase access to justice. We are trying to respond with our services on policy. One example is our task force on financial-markets regulatory reform that we have offered as a resource to Congressional draftspersons as they look at increasing regulation.

And we are responding with services to the profession. Recession resources are available on our website, and we are going to have a caucus at the end of next month to begin looking at other things that the organized bar can do to help lawyers in these unfortunate economic times.

All in all, what we are trying to do at the American Bar Association is uphold our motto: defending liberty and pursuing justice. I thank you for the opportunity of being with you this morning, and I look forward to the proceedings. Thank you. (*Applause*)

**President Ramo:** Well, I was wondering who was responsible for economic things these days, Tommy. You'll be hearing from me.