

President Levi: It's a great pleasure to welcome Hilarie Bass, who is the President of the American Bar Association, to the ALI. Welcome.

When you read her biography, you're filled with admiration and exhaustion. She's done so much. She's not only President of the ABA, she's also President of her firm, Greenberg Traurig. She's been head of the Litigation Section. She does a lot of trial work and pro bono work, and she's very interested in the condition of women within the legal profession and also wishes to address legal education.

So you're welcome to—I'm just about to transition out as Dean at the Duke Law School, but if you want to take that over— (*Laughter*)

Well, actually, we have somebody. But you could be next in line or maybe just do that on the side. Welcome. (*Applause*)

President Hilarie Bass: Thank you.

Good afternoon, and thank you so much for giving me a few minutes, on your very busy agenda, to just bring you up to date about some of the things that we're doing at the American Bar Association.

First and foremost, let me thank ALI for continuing to invite the ABA President to each of your Annual Meetings. It's a critically important partnership, and we very much appreciate the opportunity to briefly address you.

So, obviously, there is much work to be done, but the ABA is focused on accomplishing quite a bit, and I wanted to take a few minutes and just update you about some of what we're doing. So you just heard about the focus on the future of legal education, and we appointed, this year, a commission of real thought leaders in this area. And the goal here is really trying to realign what our legal educators focus on, what we're testing in our bar licensure, and what our legal employers are expecting as far as basic competencies of their law grads.

Because I think if you read any newspaper over the course of any month, you see article after article about real challenges for our system of legal education, whether it's the lowering bar-passage rates, the high level of debt, or the perception that legal employers do not want to hire first- and second-year law grads based on the fact that they don't think they can really capably solve client problems. These are challenges we really need to address.

If we want to continue to ensure that the best and brightest of our undergrads have an interest in pursuing this profession, we need to ensure that this makes sense, that our system makes sense. And so we've got an incredible group of people—David Wilkins from Harvard, Richard Susskind from London, Trish White from Miami, Blake Morant from G.W. The list goes on and on.

These are real thought leaders in the field, and they're focusing on things that we think will really help set the path for the future. What are the compe-

tencies of a lawyer who's going to be practicing in 2050? And once we identify those competencies, how should that affect what they're being taught in law school?

Does the bar model, the bar licensure model really work? We now have more than 25 states using the same exam, and yet we have 25 different cut scores. We know those cut scores have disparate impacts on diverse law grads, and yet we have no testing to show the validity of those cut scores actually creating better lawyers by virtue of having higher cut scores.

These are all issues this profession really needs to be focusing on. And what's so unique about the American Bar Association is we have the ability to bring all the stakeholders into one tent. So we're working with the bar examiners. We're working with the bar associations. We're working with the chief justices, trying to get everyone talking to one another, to focus on how can we make this model better?

You also heard my interest in diversity. Obviously, being a woman lawyer in Big Law for over 30 years, it would be hard for me not to have a unique focus on that issue. But of particular focus this year is the fact that women are leaving the profession in droves.

What we know is for more than 30 years, women have been going to law school in about equal number with men. But by the time we're age 50, about half of us have left. We're down to about 25 percent of the total of practicing lawyers. We used to anecdotally assume that women were leaving five to 10 years of practice because they had their children or whatever. What we now know is, in fact, many of those women come back from maternity leave. They become partners. They gain expertise. They gain clients, and yet they are still finding our profession so inhospitable that they are choosing to leave.

And this is not simply a change in practice setting. This is not Big Law to small. This is women who were saying: "I've had it. I've done my 20. I can't take it anymore. I'm out."

So this talent drain, which sadly is even more of a drain for diverse lawyers, is something that we really need to focus on. And so this year, we're doing a longitudinal study really looking at why are these women and other diverse lawyers choosing to leave the profession? And is there anything we can do, as legal employers, to try and stem that tide?

We're hoping to have some specific recommendations done by the end of this year, and we'll be happy to share them with you.

But there are some other things that we're really focused on. One, of course, that continues to be a major priority for the American bar is our focus on continued funding for legal services. As many of you know, this administration took the position that legal services should be completely zeroed out of the budget.

Thankfully, as we do every year, more than 300 lawyers came to ABA Day on the Hill back in April. Every single state was represented. We talked to every member of Congress, and because of this ongoing effort, we are happy to report that, in fact, Congress has put forth a budget which has an increase of \$15 million for legal services. It's hardly what we need to narrow the justice gap, but it is a start, and it's a whole lot better than having it zeroed out. So this is an ongoing process, which, of course, we will continue to make a priority of the American bar.

We are also working, in a very focused way, on trying to increase public confidence in the justice system. We have a task force on building public trust in the American justice system, in which we really focus on expanding a number of worthwhile projects that we've been working on for a number of years. Among them is dealing with implicit bias in the justice system.

Another, basic public education, decisions about arraignment after a police shooting, explaining to the public the grand-jury system. Much of the lack of confidence in our justice system comes from a lack of understanding about how it works, and so the American Bar Association, through its Public Education department, is really working on trying to narrow that gap.

One other thing that we're really focusing on this year, and we're hoping to bring some principles to the House of Delegates this summer, is the allocation of fees and fines. As many of you know, we have really created a system in this country where we are incarcerating people because they are poor. People who are found to have violated civil penalties end up having fees and fines asserted against them, which ends up putting them in jail basically, purely because of their inability to pay.

So what we're going to be bringing to the House, and what I know that the Chief Justice is also working on, is the concept that there must be a determination of the ability to pay before people are thrown in jail for failing to pay a fee or fine.

The last thing I'll focus on is our Innovation Center. The Innovation Center was created two years ago with the real focus on using technology to attempt to minimize the justice gap. We know we can't continue to do things as we have done them before and hope that the 80 percent of the people in this country who don't currently have the ability to pay for a lawyer are really going to get the help they need.

So whether or not it's the idea of having an online system for dispute resolution, for small claims, that will prevent a low-income person from having to take a day off of work and a cross-town bus only to be told that, "Oh, you can't settle it. You have to come back six weeks from now and do the whole thing again" for what to them is a critically important \$800 claim, we have to figure out a better way to do this, and we know that we can. And technology gives us that flexibility.

So we are working on a number of different apps, whether it's a legal checkup app that we can make available for free to every citizen in this country, through a series of basic questions and answers, to help them determine whether or not the problems they have in their daily life are legal in nature and whether or not there is a resource that can help assist them.

There are so many processes and practices that we believe technology can really make an impact on, and we're looking to that as a basis to try and narrow the justice gap. So I look forward to working with ALI in the future, both as a member, but also to work as working with the American Bar Association to focus on some of these critically important issues.

I know you have a full agenda. So thank you again for giving me a few minutes to bring you up to date. I very much look forward to working with you in the future. (*Applause*)