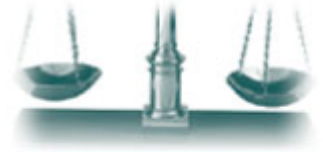




WASHINGTON STATE BAR ASSOCIATION

Working Together to Champion Justice



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First, Let's Bless All the Lawyers Rendering Service and Exercising Responsibility

by Ron Ward, WSBA President

Thank you for the privilege and the opportunity to serve as the 114th President of the Washington State Bar Association, the first African-American lawyer to so serve in our history. I consider this the pinnacle of service to the profession, and I'll do my best to honor the tradition of those who have gone before me in this capacity.

Lawyers Render Service

I have chosen as my presidential year theme Lawyers Render Service, in tribute to Fred D. Gray, lawyer for Rosa Parks and Martin Luther King Jr., giant of the civil rights movement, first African-American president of the Alabama State Bar, American hero.

The chief thrust of my service will be in the areas of the court funding effort, access to justice, diversity, and the continued enhancement of member benefits.

Some believe the job of the Bar president and the Board of Governors is primarily to be a manager and an administrator. I agree that management and administration are important. It is why our Bar Association under the stewardship of Jan Michels, our gifted executive director, is an acknowledged leader in the country among state bar associations in the area of member benefits, reciprocal licensure, law-office-management assistance, the Lawyers' Assistance Program, and finance; and why it will be a leader in technology and online legal research. Jan and her staff crunch the numbers and flesh out the myriad details, so that we who serve can make informed policy decisions and maintain good stewardship of our responsibilities to our Association.

The president and the Board of Governors, however, comprise a POLICY-MAKING body of leaders. Good policy is the result of a multifaceted effort on the part of all of us. In Washington, we have been blessed with dedicated governors who are possessed of a great work ethic, and a wealth of talent, ability, insight, and experience. Their accomplishments, in conjunction with those of the staff, speak for themselves.

Substance, meaning, and accomplishment, however, do not occur in a vacuum. We need you — each and every one of you. The Bar Association needs you. Management and administration are cooperative, collective efforts, not the product of one person's brilliance, or the fruit of an autocracy.

For me, the primary role and function of bar leadership transcends management and administration. It is more than just the bloodless exercise of the operational functioning of just another trade association. A president and the Board are the face of the Bar Association. They are a symbol of us all. They are leaders. They exhibit vision. They have the ability to communicate and to execute — with the fervor, with the credibility, and with the necessary charisma — to persuade and to get people from all areas of the profession, the Legislature, the sections, the business community, the courts, governmental entities, and all walks of life, to coalesce with regard to the great issues and challenges our legal system and our society presently confront. But this is not exclusively about who the president and the Board are, but who WE are, and who WE want to become, for the betterment of all of our constituents.

During this year, you may not agree with everything I have to say, but understand that in all things I will strive to appeal to the highest level of our collective character, culture and calling, not the least common denominator. For me, the core values of this profession are truth, honesty, integrity, and service. If you deem me too idealistic, too altruistic, or even foolish, bear with me. The thoughts that follow are my vision of us: Lawyers.¹

In Shakespeare's *Henry VI, Part II*, in response to Cade's description of his reign as king, Dick says: "The first thing we

do, let's kill all the lawyers." 2 He was wrong. First and foremost, let's bless all the lawyers.

Lawyers have a special place in the hearts and minds of their fellow citizens and their communities. We have been given the gift of being allowed to practice law. It is a special and noble profession. With this special profession come a special responsibility and the requirement of a very special commitment. We — above all — are leaders, and we are an example for our clients and for our society.

I termed the practice of law a profession. It certainly requires business and management skills, but what it requires most is recognition of the distinct difference between the tools of our trade and the essence of our calling. Most attain a level of competence with regard to the tools of the trade. I want to talk to you about the essence of our calling.

Have you ever paused to reflect on how most lawyers are looked on by those around them — in their offices, in the courts, in the town halls of their communities, in the forums of our democracy? Despite all of the sometimes ignorant, uninformed, and even mean-spirited "lawyer jokes," we are viewed as advocates, teachers, leaders, guardians, and protectors; in other words, as a profession which ultimately renders SERVICE. Service is the hallmark of this profession. Service to our clients, to our profession, and to our community. It is embodied in the very oath of an attorney, which we take on entry into the profession.

Lawyers ultimately should strive not to be selfish, but selfless.

Exercising responsibility

We have responsibilities. People look to us — above all — to be responsible.

In a time such as now, when war and rumors of war are in the air, people are looking to lawyers to see how they should react and to gauge what is THEIR responsibility. We cannot succumb to hysteria in the face of terror, or fear, or war talk. We have a special obligation to remind people not to yield to wholesale trampling of individual rights in the name of expediency, or jingoism, or politics.

Those rights have been earned dearly by the sacrifice and shedding of blood of many generations before us. If we too easily cede these freedoms for the crisis of the moment, where do we draw the line in the future, and how do we ever get them back?

Pardon and look benignly on dissent. Dissent is the sound of freedom. You cannot claim to love liberty and democracy — I mean the REAL thing, not just the words — unless you are willing to listen to the voices that question a tune everyone else is marching to — whether you agree with those voices or not.

People have a certain image of lawyers. Be PROUD to be lawyers. Be THANKFUL to be lawyers. Lawyers, by any standard, make a good living. A good living is part of the gift. But it is a present — not a right, not a privilege.

Lawyers need to know that whatever their practice area, make no mistake about it — when people walk into your office, they are entrusting you with responsibility for their affairs, for their well being, for their legacy, in some cases, for their very lives. This fiduciary entrustment is the most deadly serious business imaginable. People do — AND SHOULD — expect the very best of you in terms of your competence, your civility, and your humanity. And you should be ready to provide this. NO LESS.

Diversity as a strength

We as lawyers have a special obligation to lead in resisting bigotry fostered by fear and ignorance about those of a different color from us, who dress differently from us, who have different beliefs, who speak a foreign language, who are immigrants, who are naturalized citizens. With the exception of Native Americans/the First Nation of this country, all of our ancestors were foreigners when they arrived on these shores.

When will diversity become a true reality for us? There is a tendency for people to say of diversity: "We've done that. Let's move on to the next thing." I'm here to tell you, we haven't done that. Yes, we desire as wide a participation as possible for people of color, for gays and lesbians, for the disabled, and for women. However, in so doing we need to continue to strongly note that diversity without allusion to race is an oxymoron. We cannot lose sight of the goal to facilitate the ongoing presence of voices at the table that for too long have not been heard. Those for the most part have been the voices of persons of color. Women in this society have broken through the glass ceiling, but they can still bleed to death on the protruding shards of glass. We have made substantial progress, but we must continue opening doors. The playing field is not yet level, and no amount of self-delusion or denial will make it so. Only work, candor, and collective will are going to make it so.

Former President Bill Clinton stated that diversity is a strength, not a weakness. It is a significant advantage in the global marketplace, and a source of social and cultural creativity at home, without which we lose our special vibrancy and our special stability. Diversity is a touchstone, a connection to let us know our possibilities. It is the visible, tangible

actualization of not just our American commitment, but our very presence — and the conviction that we all matter; that we all have a say; that we are a community. On this infinitesimally small speck of a planet in the vast universe, we are all in this together. We are all going to rise, or we all fall together. TOGETHER. Diversity is a vision — not just of who we are, but of who we want to become. People will continue to turn to lawyers to continue the job of ensuring complete equality in our society.

People turn to you!

LAWYERS — In times of turmoil and crisis, PEOPLE TURN TO YOU.

Whether it is financial upheaval involving our largest economic institutions — corporations, banks, accounting firms, the market, Enron, WorldCom, wherever the problem arises — they turn to you. Obtaining compensation without fee, for thousands of victims of the tragedy of 9 11; they turn to you. Ensuring that the innocent do not become victims of the death penalty because of a lack of due process or a system gone awry; they turn to you.

People turn to you to do all you can, individually and collectively, to ensure independent and stable funding for a court system that has the potential to grind to a halt. The justice system has been chronically under-funded. It has not been accorded the attention and priority appropriate to its crucial role in our society, except when another unfunded mandate is heaped on its already overburdened shoulders. Washington is 50th out of 50 states in the percentage of funding apportioned from the general fund to the trial courts. This is not something of which Washington citizens and Washington lawyers can be proud. In the area of the trial courts; in the area of preservation of the independence of the judiciary; in the area of increasing demonstrably less-than-adequate judicial salaries (given the magnitude and gravity of the decisions judges make on a day-to-day basis involving property, liberty, and life and death); in the area of indigent criminal, civil, and dependent representation — there is much for us to do.

People turn to you to ensure continuance of a full-service system of legal services for the poor. The majority of legal-services offices serving 1.2 million low-income residents have closed in Washington state because of a lack of funding. The remainder are in dire jeopardy. Nearly one million poor people in Washington with civil legal causes of action went unserved last year. The implications for lawyers in the state are plain, particularly with regard to our efforts and our involvement in pro bono cases and in educating and re-educating the public and our Legislature on the need to properly fund legal services.

Access to justice in this country is not a privilege of the well-to-do, but a right of us all. The stability and indeed the very existence of our system and our society are dependent on preserving that right — FOR ALL. And people are going to turn to you for its preservation.

People turn to you to ensure the preservation of fundamental rights in our civil justice system that have been part of the underpinnings of democracy in our society. "Reform" has been defined as: "To improve by removing defects or correcting errors." "A change for the better."³ Under this definition, what is euphemistically referred to as "reform" these days is emphatically not. Contemporarily, "reform" is the rubric being used in an attempt to establish a double standard in the American legal system, i.e., a discriminatory one that applies to injury/negligence victims who seek redress in the courts, and another for everyone else. One of the most hallowed traditions in democracy and the American legal system is equal protection of the law. It is a legal standard. It is not based on partisan political cant, or dogma of various and sundry types. It applies to ALL elements of society. Anytime fundamental principles such as trial by jury, due process, the right to freely contract, and equal protection of the law are threatened or contravened, by whatever the artifice used, lawyers and bar associations must speak up — politics, or ideology, or economics notwithstanding. If we don't, who will? We cannot risk relevancy suicide by stating "we don't have a dog in this fight," not when the ultimate victims are fundamental rights and the justice system.

Our obligations

Dennis Archer, Immediate Past President of the American Bar Association, stated:

In the practice of your profession in your career, remember why you went to law school and recognize your obligations:

- Cherish the majesty of the law and the freedoms we have;
- Promote pro bono activities and the representation of the less privileged;
- Be dedicated to examining the law and improving the delivery of justice;
- Be a voice to help shape and improve the law for the public;
- Practice with professionalism and professional courtesy to your fellow lawyer and to the courts;
- At all times be conscious of your image and the imagery of the profession;
- Recognize and embrace your leadership role in our society and fulfill that commitment honorably.

Particularly with regard to our leadership role, the man has a point. We have a special ability to speak to the hearts and minds of our fellow lawyers and our fellow citizens about the issues that matter to us all.

In the practice of your profession in your career, demonstrate: CHARACTER, INTEGRITY, PROFESSIONALISM, AND

PERSONAL RESPONSIBILITY.

How can you help this society? GET INVOLVED. As a lawyer and as a human being, keep your head up — stand up — speak up — and speak with your actions!

Law is a powerful vehicle for change. But even more powerful is an activist lawyer. He or she is the catalyst.

When you walk out of the courtroom or your office, whenever someone looks on you, learns what your profession is, becomes privy to how you go about it in your daily practice,

ASK YOURSELF — How am I going to appear?

ASK YOURSELF — In addition to making a buck, will I also make a difference?

ASK YOURSELF — In addition to being successful, will I also be significant?

ASK YOURSELF — Am I going to be someone people can believe in, trust in, even strive to emulate, or just someone else in this society that they hold in contempt?

How are you going to safeguard this special legacy with which you have been gifted?

You do that by being a professional — by being responsible — by rendering service — by touching someone else. There are people out there you don't even know, who are waiting — BECAUSE THEY NEED YOU — and the SERVICE you are capable of providing.

The question is not whether we can; it is whether we will. We can and we will, because, working together, there is nothing we cannot change for the better.

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ENDNOTES

1 These thoughts are derived from a number of sources, including immediate past president of the American Bar Association Dennis Archer, an anonymous letter to the editor of The Seattle Times, and myself.

2 Act IV, Scene ii, line 71.

3 Webster's II New Riverside Dictionary, Berkley ed. (1985).