

**Karen J. Mathis**  
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**Press Conference Remarks**  
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Hello. My name is Karen Mathis. Thank you for being here today.

On Tuesday, at the close of this annual meeting, it will be my great honor to become president of the American Bar Association.

Today, let's talk about a vision for the coming year, and also to discuss an issue of great concern to me in the House of Delegates: preserving the attorney-client privilege.

The focus this year is on service, particularly to the youth of America—those at great risk of falling into the criminal justice system.

America's youth is our most important asset—our future is in their hands. Yet many young people face problems that are getting wider, deeper, and more complex.

We see this in the growth of girl gangs and the dramatic rise of adolescent girls in the juvenile justice system, in foster children released to the streets at age 18 with little preparation for life, in the numbing failure of courts and schools to assist “status offenders,” such as truant students and difficult-to-parent children.

As lawyers, we can use our unique skills and vantage point to play a new role in helping our nation's most at-risk youth. The ABA can “connect the dots,” by facilitating schools, doctors, police, courts, foster care providers, youth serving organizations and government agencies in their efforts to work collectively.

We can work with policymakers to change the law. We can work with courts, to help youngsters before their lives slip hopelessly off course. We can include and listen to the voices of youth.

The ABA can assist in “adding capacity,” directly supporting programs and the lawyers that already are making a difference. We can showcase programs that work, and we can encourage our members to support these activities and to reproduce them in their own communities.

During my time in Hawaii, I've had a chance to see what happens when people who work with youth at risk join forces.

On Wednesday, 35 stakeholders met at the State Supreme Court building, in a meeting hosted by Supreme Court Justice James E. Duffy Jr.

There are some amazing programs here in Hawaii: a girls' court run by Judge Karen Radius, that specializes in helping young, at-risk women. A program to help foster teens create their own personal support networks so they won't get lost when they turn 18. And many, many others.

But the potential is greater when we do "connect the dots." Presidential Commission Chair, Dwight Smith, asked those attending to raise their hand if there were five people in the room whom they didn't know. Virtually every hand went up.

And when we asked if the attendees could use more direct help from concerned lawyers, a light bulb went on. The answer was, "yes, we can."

There is a large military community in Oahu. I grew up in an Army family, and I'm deeply worried about the strains our military families are undergoing in this time of significant world conflict.

Many youngsters are growing up with one or both parents deployed overseas, and their families are facing great personal, financial and emotional strains. We need to make sure the children of these service families do not become unintended casualties.

To help include the military community in my focus, I recently appointed General David Hague, United States Marine Corps retired, to the ABA Commission on Youth at Risk. This commission, which will spearhead this initiative.

A second major initiative we call the Second Season of Service.

The legal profession in the United States is facing a massive movement of lawyers who will be leaving the full-time, active practice of law: as many as 400,000 over the next 15 years.

Like baby boomers in other fields, lawyers are reinventing retirement, and many of us are wondering what we will do with "the rest of our lives." "Active retirement" describes lawyers with plenty of energy and experience to offer. Lawyers departing from full-time practice are entering a Second Season of Service. We are the fortunate heirs of the "greatest generation." It is our turn now to be the "giving generation."

Our communities still need us as we leave full-time practice, and baby boomer lawyers represent a potent combination of talent and available time. If each retiring lawyer gives 50 hours of volunteer service, one work week for a typical lawyer, we will have a 2 million hour resource for good each year!

The ABA is uniquely able to assist in this transition, and we will bring all of our resources to channel this talented group's attention back into the communities that need it. We will create the Atticus Network, an online resource for lawyers entering active retirement to help them identify community organizations that need their help.

The ABA is also addressing the impact of these retirements on lawyers and the legal profession. We will produce products and services to help lawyers, law firms, law schools, and the court system address the retirement of a significant number of lawyers. Every Section and Division in the ABA is being asked to produce a product to help lawyers meet the needs of retiring baby boomers.

Our last initiative concerns promoting the rule of law. As Justice Kennedy so eloquently warned on Saturday, “there’s a jury that’s still out” in much of the world, that has yet to accept Western ideas of democracy, or of a just legal system.

In September, the ABA will host a presidential conference on the rule of law, co-sponsored by the International Bar Association. This two-day event will be held in Chicago this September. This symposium will bring American bar leaders together with their peers from more than 100 nations. Working groups will examine topics that include human trafficking, women’s rights, economic development, corruption, independent judiciaries, the, corporate responsibility, and the environment.

Turning to the House of Delegates, many important issue will be discussed. I to address one issue: Attorney-client privilege.

Attorney-client privilege has been recognized for 500 years in the Anglo legal system and for centuries by the American system. Its goal is to protect people, by creating a zone of safety where they can confide their legal problems and get needed sound advice.

Because lawyers counsel their clients on how to comply with the law, lawyers are our first line of defense against corporate misconduct or blunders. We need to know that we can seek legal advice without fear of it hurting us when we decide what to put in our wills, how to treat income on our tax returns, how to structure a small business.

Two resolutions being before our House of Delegates address specific issues regarding the attorney-client privilege in the corporate context, both tied to the growing practice of tying cooperation with government investigations to threatened penalties should those investigations reveal potential wrongdoing. One deals with audits, the other with providing legal representation for employees during an investigation, and both recognize the legitimate needs of government investigators and regulators.

What they oppose is the government using the hammer of enhanced penalties to coerce targets of investigations into waiving their right to communicate with their lawyers in confidence.

The ABA Task Force on Attorney-Client Privilege has identified a pattern of regulators and prosecutors at all levels of government and across the regulatory spectrum who take the approach that if one does not waive these rights, one is uncooperative, and thus fair game for harsher treatment.

This approach is counterproductive, and in the long run it threatens to harm us all. I will speak in the HOD to reverse this very damaging erosion.

Thank you, and I'm happy to take any questions.