



David Boies Calls on Lawyers to Speak Out Against Personal Attacks on Judges in Controversial Cases

James Podgers

Only days after ruling that California's Proposition 8 ban against same-sex marriages violates the U.S. Constitution, a U.S. district court judge in San Francisco already has been subjected to personal threats against him, David Boies said in his keynote speech to the Opening Assembly of the 2010 ABA Annual Meeting.

Boies, one of the lead members of the legal team that challenged Proposition 8, said the threats against U.S. District Judge Vaughn Walker in *Perry v. Schwarzenegger* are the latest example of a deeply worrisome trend. He noted that judges in other controversial cases also have often received threats.

"Those attacks are increasing in frequency and intensity," said Boies at the official opening of the annual meeting in San Francisco. "We must speak out against the attacks against judges who make unpopular decisions."

Boies described the ruling, which is widely expected to be appealed and eventually wind up in the U.S. Supreme Court, as an important step in affirming the rights of gays and lesbians, who he described as perhaps the last group still subject to "state-sanctioned" discrimination in the United States.

"We have seen legal barriers to state-sponsored discrimination eliminated one at a time, but we still have a ways to go," said Boies. The U.S. district court's action earlier this week "took an important step toward eliminating that state-sanctioned discrimination against our gay and lesbian citizens."

The ABA's policy-making House of Delegates will take up a recommendation—that the association urge states to eliminate barriers to same-sex marriage -- when it begins a two-day session Monday. The measure supports marriage equality, proponents say. The Section of Individual Rights and Responsibilities is the lead sponsor of the recommendation.

Boies, who is chairman of Boies, Schiller and Flexner, made his comments about the marriage equality issue toward the end of his Opening Assembly speech, in which he praised the rule of law as a cornerstone of American culture. "The rule of law is the essential guardian of liberty, equality and the protection of individual rights that Thomas Jefferson wrote about in the Declaration of Independence," Boies said.

In addition to calling for elimination of discrimination against gays and lesbians, Boies called for making discovery less expensive and burdensome for parties without significant resources, changes to help jurors decide complex cases more effectively, and more funding for the courts, including judicial salaries.

"We must bring the rule of law to its full fruition in the United States," Boies said. "And when we do, we will have achieved the goals and rhetoric of our founding fathers."
