

Charles W. Kettlewell Legal Ethics Advisor Award Address April 16, 2010, New Orleans

*Jeanne P. Gray**

I want to thank the Association of Professional Responsibility Lawyers (APRL), Lucian Pera, its president, Mark Harrison and Ellen Pansky, for this magnificent award in recognition of our dear friend, colleague, and mentor, Chuck Kettlewell. I receive this honor with deep gratitude and humility. I feel privileged to be in the company of Chuck's family, Marilyn, Chad, Colleen, and Susan Kettlewell, and surrounded by all of you, my friends and colleagues, who have shaped the contours, relevancy and importance of professional responsibility law. I also am grateful to mark this occasion as the first time that I have been with APRL in April—and while it is not APRL in Paris—it is far better for you have summoned me back to New Orleans, a legendary city of enormous pride, courage and resilience. And the city that was the site of the historic 1983 Kutak debate on the passage of the Model Rules of Professional Conduct that went late into the night. And it is where several of us learned that in New Orleans, it is the Mardi Gras that “rules”—when our efforts to return to the House of Delegates debate after a brief dinner break were thwarted by the commanding passing parade!

As I reflect on my career, there were turning points and events that foreshadowed my path. In some respect, I have to acknowledge the role of Richard Nixon. In the early days, when I was still young enough to be awake after 10 PM, I recall returning from my evening law school classes to watch the Watergate Hearings and being mesmerized and riveted by history in the making. It was only years later as my career unfolded, that I realized that Watergate was the pivotal moment in American history that launched the modern era of professional responsibility law. As my life unfolded, I got to meet some of the iconic figures of that era, Hillary Clinton, who was the first chair of the ABA Commission on Women in the Profession, the great Sam Dash who served for many years on the ABA Ethics Committee, and the incomparable Father Robert Drinan, who shared his brilliance with the ABA through decades of service. And today I was in the company of the unrelenting Bob Woodward, who, along with Carl Bernstein, revealed our President's duplicity and dispatched our nation on a crusade to reform ethics in our government and in our profession.

So how did I have the good fortune to arrive at the doorsteps of the American Bar Association in 1980 as a “teenage lawyer.” My fascinating journey began in

*Associate Executive Director, Public Services Group, American Bar Association.

1978 when the distinguished Robert DeGiacomo, the first Bar Counsel of Massachusetts, hired me as an Assistant Bar Counsel despite my youth and inexperience. In my two years with the Massachusetts Board of Bar Overseers, Dan Klubock, Jim Bolan, Bonnie McLeod, and Dermot Meagher, people known to many of you, taught me how to be a lawyer, showed me how to advocate before the Supreme Judicial Court, encouraged me to oppose the reinstatement of Alger Hiss even though my moral compass told me otherwise, and inspired in me an abiding commitment to legal ethics.

My ABA launch occurred when Robert DeGiacomo tossed me from the nest of the Board of Bar Overseers and shipped me off to Chicago to be the Regulation Counsel for the newly-established Center for Professional Responsibility. He was convinced that a few years in Chicago would liberate me from my cloistered existence in Massachusetts, since I had never left the state to attend college, graduate school, or law school. Robert was right about the liberation, but a little off on his timing—for thirty years later I continue to have the “best gig” in America, if not in the world, in professional responsibility law.

What inspired me to stay for so long were the people and the causes along the way. It began with Mike Franck, a quite intimidating if not gruff personality, who taught me the importance of national policy and the power of a unifying voice. Peter Moser, a man of principle and spirit, who, while sparring with George Kuhlman about ethics opinions over many decades, showed us how to champion the unpopular cause in the public interest. Ray Trombadore, whose calm and enlightened bearing, helped us reform lawyer regulation. And my friend, counselor, and mentor, Mark Harrison, who helped me stay the course, and who, for three decades, has commanded the portrait in his closet to age—for he has not!

And of course there was that guy who I met at the elevator, my daughter Brett—soon to be a “real” lawyer, and my twin sons Sean and Brendan—who kept winning the Illinois History Fair year after year.

Now my thoughts flow to the courage, resilience, integrity, and service of the remarkable Chuck Kettlewell, who we are here to honor and in whose name I proudly accept the Legal Ethics Advisor Award. I do so with the recognition that Chuck and I were on a shared journey with many and one that allowed us to blaze the path of a new field of law.

Those early days were very exciting, with the Kutak Commission in full swing with its radical ideas of “mandatory pro bono, written fee agreements, and nonlawyer investment” and with a spirited and tenacious Chuck Kettlewell leading the loyal opposition of the National Organization of Bar Counsel.

Now we all know that Chuck was from Ohio—one of those challenging swing states that often confounds with its sweeping diversity and polar views. Chuck embraced all of the challenges and diversity of his great state as he struggled with the pressing question of our time, and one reflected upon by many of us, “Is there life after bar counsel?”

What Chuck did in those early days was almost heretical—if not heroic. He left a secure and prominent position with the Ohio Supreme Court disciplinary

system to forge out on his own in a field that many still considered as being in its infancy. Chuck knew that it was his providence to transcend from prosecutor to defender and counselor, where the errant lawyer, the struggling law firm, and the dispossessed law graduate found a true champion in his wise counsel, his great negotiating skills, and his humanity—to the point where you the adversary wanted to ally with Chuck because of that expectation of fellowship, adventure, and camaraderie, which involved camp fires, sailing trips, and “yes” high wire girls on trapezes.

And in those days the “Prairie Fires” became rampant—as Chuck initiated his friends, family, and colleagues to a new frontier in the practice of law, for it was the dawning of professional responsibility law as a true practice endeavor. When Chuck achieved standing and success in his new venture, with grace and generosity he mentored and counseled the many who followed in his footsteps. And he was an educator for over twenty-five years, for he knew that our children are our future.

I would be remiss if I did not at least add a postscript about APRL, the organization for which Chuck was truly the founding father. If it were not for the demise of “Wang” at the ABA, where everything went into the black hole of cyberspace, I could have documented with precision the chatter and intrigue regarding the birth of the name “APRL.” When Chuck finally sent me the chosen name of the new organization—the Association of Professional Responsibility Counsel and, thankfully before we went public, I dutifully and wisely circulated it around the Center for Professional Responsibility for comment. Suffice it to say, a very perceptive Mary Devlin quickly loomed in my doorway and quipped—“APRC” what an apt name for a bunch of hard-charging, male-dominated lawyers. Needless to say, the call went forth to Chuck who, in quick order, fixed the almost grand faux pas.

In closing, I remember the early “glory days” and the final “challenging days” of Chuck’s life, and remember his perseverance and his enlightenment, and know that it was a life well-lived with the love of his family and the admiration of his many friends and colleagues. And how fortunate were we, to have been within his reach and to have known his strength and his joy.

This award has been such an extraordinary moment in my career and in my life. The only thing that would have made it perfect is if Chuck could have been here with us. Chuck—this honor is for you.

Now on to the “Prairie Fires.”

