

**REMARKS OF LINDA A. KLEIN
PRESIDENT OF THE AMERICAN BAR ASSOCIATION
ADDRESS TO THE ABA HOUSE OF DELEGATES
MIAMI
MONDAY, FEBRUARY 6, 2017
REMARKS AS GIVEN**

Good morning. Thank you all for being here in service to our profession and our country at this critical time. By representing all practice areas and settings across our great nation, you are the collective voice of all lawyers. Your work throughout the year and your presence here is vital, especially now.

Last night, unfortunately, the Patriots came from behind to win the Super Bowl. But here in Miami, football history means one thing: the 1972 Dolphins. That team did what no team has done since: 17 wins and no losses. That was a defining season.

So – here we are, as lawyers, in the city of the Miami Dolphins, facing our own defining season.

What defines the American Bar Association at this critical moment? It is our commitment to the rule of law, due process, and access to justice. With these foundations, our country has weathered every crisis: civil war, world wars, economic depressions and social unrest.

There's been a lot of talk about protecting our borders. Let me tell you what the most important border is: It's our Constitution and the rule of law it embodies. We as lawyers are called upon to protect it. As Winston Churchill put it, "Never give in. Never, never, never, never!"

Make no mistake, personal attacks on judges are attacks on our Constitution. Let us be clear. The independence of the judiciary is not up for negotiation.

As lawyers, we are trained to be thinkers and leaders – in our profession, in our communities and in our society.

So, lawyers – let's lead! Let's lead by promoting and protecting the rule of law. Let's lead in our communities. Let's lead together, in this, our defining season.

For a nation based on the rule of law, nothing is more important than the impartiality and integrity of our court system. A fair and impartial judiciary is a proud hallmark of American democracy.

Despite the urging of our bar association, Congress has been extremely slow in filling vacant judgeships. Today, there are more than 100 empty seats on our federal courts. This is a real threat to the rule of law in America.

The ABA does not advocate for or against individual judicial nominees. Rather, we evaluate their qualifications. The ABA's independent Standing Committee on the Federal Judiciary conducts extensive peer reviews of each nominee's integrity, professional competence and judicial temperament. The committee does not consider a nominee's philosophy, political affiliation or ideology.

We will continue our vital role of vetting every federal court nominee, as we have done since the Eisenhower administration, because it is essential that our courts are led by the most qualified judges.

We want the Senate to have all the information it needs to make an informed decision on each nominee for lifetime appointments to the Supreme Court and every federal court.

It is vital that our judiciary remains independent and free from political pressure — independent from party politics, independent from Congress and independent from the president of the United States himself.

There are no “so-called judges” in America. There are simply judges – fair and impartial. And we must keep it that way.

Another pressing justice issue is immigration. Every nation has a right to protect its borders. But we are concerned about significant portions of the executive orders recently issued. They jeopardize fundamental principles of justice, due process and the rule of law.

The Supreme Court has held that many fundamental rights apply to all “persons” within the United States, regardless of citizenship or status. We must avoid sweeping bans based on religion or national origin. We oppose detention, except in extraordinary circumstances, such as a threat to public safety or flight risk.

And we insist on the right to due process and legal representation – including hearings before impartial immigration judges. Under the rule of law, we owe due process to all, including those who face deportation.

We are very proud of lawyers from around the nation who flocked to airports where immigrants were detained. It is important that lawyers represent their clients’ interests – even unpopular interests – without fear of retaliation or persecution.

Faced with these serious concerns, the ABA has acted – and acted quickly.

On Friday, the Law Practice Division Futures Committee and the ABA Center for Innovation accelerated a project to coordinate the volunteer efforts of lawyers responding to the president’s travel ban. Working with the American Immigration Lawyers Association, they helped set up a website in one afternoon, with links to relevant law, habeas resources, how-to-help guides and volunteer forms.

This is not a one-time project. The groups documented their work in a new ABA Guide to Rapid Website Deployment, for use in future emergencies. The website is live now at www.immigrationjustice.us. The groups worked together and completed the project in less than half a day – during this Midyear Meeting and at zero cost. Please use this valuable resource.

Thank you to everyone involved. Great work! This is a new model that will enable us to respond to events quickly – so the association and our members can make a difference.

Another critical issue we face is adequate funding for the Legal Services Corporation. Our commitment with state and local bars to LSC is stronger than ever. The LSC provides hope and help to hundreds of thousands of Americans every year. It is a bipartisan necessity.

Reforming criminal justice should also be bipartisan. Thank you to the lawyers who helped inmates through the Clemency Project 2014. They ensured that many men and women convicted of low-level, non-violent federal offenses received fair

sentences. Of the more than 1,700 men and women granted commutations, more than half were supported by the Clemency Project. ABA members and other volunteers – backed by policies adopted by this House – made that happen.

Together, we have to make something else happen. We must educate the public about the importance of preserving the rule of law and what it means to their lives. That's the true purpose of Law Day. How appropriate that this year's theme is the 14th Amendment?

Most Americans have no idea what the 14th Amendment is and how it protects them. But we do. Please make Law Day, May 1, a priority in your community to help educate the public about the rule of law.

In August, I appeared before you and laid out some priorities for the coming year. At the top of that agenda was improving access to justice for military veterans, to protect those who protected us.

Over the past six months, our Veterans Legal Services Initiative – chaired by Dwight Smith and retired vice admiral Nan DeRenzi – has worked hard to mobilize lawyers on behalf of our nation’s veterans. These brave men and women, who served at great peril to sustain our nation, have earned our attention. Without them, there would be no rule of law. We owe them a great deal.

We asked you to help them – and you responded. Around Veterans Day, nearly 100 pro bono events helped veterans. Let’s do it again on Memorial Day.

And the ABA received a generous donation from The Jones Day Foundation to create a new online resource that will match veterans with pro bono lawyers across the country. We’re launching VetLex.org this spring.

Here in the House of Delegates today, you can continue to help veterans by supporting Resolution 118. Following multiple meetings at the VA and the Justice Department in Washington, I know that Resolution 118 will help remove barriers that prevent veterans from getting the services they need.

Our work with veterans is changing people’s lives. And here's another way the ABA is changing lives – this time, for young lawyers.

In December, the ABA filed suit against the U.S. Department of Education. This an issue of fairness. Lawyers and others were promised that their student loans would be forgiven if they dedicated 10 years of their new careers to public service. Many young lawyers made life-changing decisions based on this promise.

And then the Education Department told some lawyers that their jobs no longer qualified for loan forgiveness – nine years into the 10-year program. That was unfair, a betrayal of not just a promise, but a violation of the law – one passed by Congress and signed by President George W. Bush to encourage public-service work. That’s why the ABA sued on behalf of these public-spirited young lawyers.

Our lawsuit is also a stand for access to justice. We want young lawyers to become public defenders, prosecutors and city attorneys. We want them in rural counties where lawyers are scarce, or serving immigrants, or children in foster care, or low-income litigants who can't afford representation.

We should encourage those choices. We thank the Ropes and Gray law firm for their pro bono assistance.

The horrifying spate of violence involving citizens and police strikes at the heart of our justice system. The Task Force on Building Public Trust in the American Justice System presented its report Friday to the Board of Governors. Immediate past president Paulette Brown and I created the task force last July.

Hundreds of hours of work went into the report, including interviews with prosecutors, public defenders, police officers, police chiefs, academics and others. The task force identifies serious challenges that we, as lawyers, must help solve. America must come to grips with the lack of public trust, and lawyers must lead.

I urge you to read this report, at ambar.org/publictrust, and act in collaboration with the ABA. Bring your community stakeholders together, have conversations, exchange ideas, and take action. State and local bars are critical to the solution.

We are grateful for the pro bono efforts of task force chair Ted Wells and his team at Paul Weiss, Monique Dixon of the NAACP Legal Defense and Education Fund, prosecutor Kevin Curtin and Judy Perry Martinez, who worked especially hard to produce this excellent report.

As we work on these important issues, we never forget that the American Bar Association is a member organization, and we must always be relevant to our members. Without them, none of this is possible.

In recent weeks, the public has gotten a closer look at what our profession does – for immigrants, for refugees, for people with problems. The public is seeing the value of lawyers.

The ABA has been working with state and local bars to educate the public on what we do – on the value of lawyers in resolving everyday legal problems.

We will formally roll out our Value of Lawyers program next month, when we will share videos and other tools that you can use to help connect lawyers with the people who need them. Here is the first in a series of videos we are creating that can be branded for your state or local bar. [30-second video]

Isn't that great? Thank you so much to our Communications Division and – particularly producer Julie Brown – for her hard work on it. We want to tell your stories. Please share them with us for future videos.

While you are helping clients, here's what the ABA can do to help you. ABA Blueprint is the answer to the question I heard from lawyers over and over again when I crisscrossed the country on my listening tours last year. They asked: How can I keep doing what I love – practicing law – when so many administrative tasks get in the way?

ABA Blueprint is a one-stop shop for lawyers – a suite of services that helps lawyers manage the business side of practicing law. It is aimed mainly at solo practitioners and small-firm lawyers. That's three out of every four law offices.

We want to partner with state and local bars on this exciting project. Talk to us about **abablueprint.com**.

We are also starting a pilot program in April with the State Bar of Montana – dual membership in both the State Bar and the ABA for one discounted price. If it succeeds, we will expand it to other states and bar associations. Our profession is stronger when we work together.

But so many lawyers do not know all the things that the ABA and its 3,500 entities do. We're now spreading the word on Twitter with the hashtag ABADidYouKnow.

You can follow me

@LindaKleinLaw or find these messages on the ABA website. Please help us spread the word.

We look forward to seeing you in August at the Annual Meeting in New York City. For the first time, we will actively involve the local legal community in our programming and events, making it possible for local lawyers, even non-members, to experience the ABA.

We will hold panels at law firms that have generously donated their offices to showcase New York's world-class legal community. We're calling this CLE in the

City. This fresh format has brought several sections back to the Annual Meeting, and I thank Mike Byowitz for chairing this tremendous effort.

So, how do we meet the challenges of our defining season? We meet them together. Like America, the ABA's strength is its diversity, and we need every member's contribution.

Let's remember that incredible Dolphins team: Bob Griese didn't do it alone. Larry Czonka didn't. Mercury Morris didn't. The Miami Dolphins were a great team. They worked hard and they worked together.

It takes more than a quarterback – or an ABA president – to make a great team. We have a great team at the ABA with our incredible staff, this House, our sections, our Board of Governors, our officers, and our members.

We have great presidents and officers coming up. Thank you to all and a special thank you to my husband and teammate, Michael.

This is the ABA's defining moment. To show our relevancy to our profession and the public. To hold power accountable. To insist on fundamental respect for our laws and the people they protect.

At the ABA, we work together. We protect the rule of law. We defend the Constitution. We are lawyers. We took an oath and these are our values. We will never give in. Never, never, never, never.