

American Bar Association Young Lawyers Division
The Affiliate

Defending Liberty and Pursuing Justice: An Interview with 2010–2011 ABA President Stephen N. Zack

By Blake R. Laurence

The son of a Cuban mother and American father, ABA President Stephen Zack is focused on promoting access to justice, civics education, and Hispanics' legal rights, including immigration, voting, and treatment within the court system. He also will focus on a disaster preparedness program for the ABA and the legal profession.

The Affiliate: What advice were you given as a young lawyer before you got involved in the ABA?

Zack: Get involved in bar activities and bar associations. You will meet many of the same people you will be with for the rest of your professional life. I've developed friendships that have lasted a lifetime from my involvement in bar associations, particularly in the ABA.

The Affiliate: When did you first become involved in the ABA?

Zack: When I was President of the Florida Bar, Jack Harkness, who was the Executive Director and a close personal friend of mine from college, said, "You should go to the BLI [Bar Leadership Institute] meeting." And I said, "What is BLI?" Jack told me, "It's something the ABA puts on, and you'll be a better officer for it." He was right.

BLI is a two-day leadership and training event sponsored by the ABA Division for Bar Services and the ABA Standing Committee on Bar Activities. I went to a BLI meeting and, from then on, got involved in the ABA.

The Affiliate: How much time do you spend participating in law-related activities?

Zack: I would say that almost all my hours other than those devoted to my family relate to the practice of law in some way. It may be too narrow a focus for some, but most of my friends are lawyers, most of my interests relate to the law, and the law is both my profession and my hobby. So, I enjoy it—all aspects of it. Everybody has their own things that they want to do. Some people collect butterflies and some people elect to be involved in the church or synagogue, and I really enjoy the bar.

The Affiliate: What is it like becoming the first Hispanic American ABA President?

Zack: It is a great privilege as well as a great responsibility. Today, Hispanics are the largest and fastest growing minority and one whose legal rights have not been generally focused on. The appointment of Justice Sonia Sotomayor highlights the importance of Hispanics in the law and in our society. I hope to reach out to the Hispanic community and show the ABA's concern and involvement in Hispanic issues.

The ABA recently published a report on immigration reform, which was researched and written by a legal team of more than 50 people working more than 10,000 pro bono hours. This report does not support or oppose immigration, but rather, looks at how the current system is ineffective. When you talk about the value that the ABA offers both to our profession and society, this is a good example of what only the ABA can do. This report is a perfect example of that.

The Affiliate: What do you want to accomplish during your term as the ABA President?

Zack: I want to focus on access to justice. There's no more important an issue facing our society or profession. We cannot establish the rule of law around the world and lose it at home. The rule of law begins with access and 80% of Americans have no access. The underfunding of the justice system must be addressed by our profession and our society if we are to maintain our fundamental liberties.

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Civics is part of this process. Justice Souter, during our Annual Meeting in August 2009, challenged the ABA to promote civic education, and the ABA said it would meet that challenge to deal with the lack of understanding of our constitutional system. In his speech to the ABA, Justice Souter gave a statistic that three out of every four high school graduates thought the three branches of government were Democrat, Republican, and Independent. Justice Sandra Day O'Connor, who has focused on civic education for many years, has said that the knowledge of our Constitution and our obligations under the Constitution is not passed through the gene pool. Every generation has to learn it anew, and I personally experienced that when I came from Cuba in 1961. I learned that I did have rights when my family came to the United States, but we also had obligations.

***The Affiliate:* Do you think Americans understand their rights?**

Zack: They understand their rights a lot more than they understand their responsibilities. Members of the ABA are uniquely suited to go into the high schools and teach students about those responsibilities. There are lots of things we can do as an association that we must do, because there's nobody else to do it if we don't.

***The Affiliate:* What is another goal that you would like to accomplish during your term as ABA President?**

Zack: Another initiative is disaster preparedness. We are developing a long-range plan for dealing with man-made or natural disasters before they happen.

***The Affiliate:* Why does the ABA need a Disaster Preparedness Program?**

Zack: If there is a dirty nuclear bomb, for example, and a suspension of habeas corpus by the President of the United States, the first group that will be asked about its position will be the American Bar Association. After Hurricane Katrina, lawyers from all over the country wanted to come to Louisiana to help, but the U.S. Supreme Court said this was the unauthorized practice of law and did not allow attorneys who were not barred in Louisiana to help.

The ABA has since passed a resolution that has gone through the Conference of Chief Justices. The "Katrina Rule," as it is often called, is the "Model Court Rule on Provision of Legal Services Following Determination of Major Disaster." It was adopted by the ABA in February 2007, and it is a rule that an individual state's highest court would have to adopt in order for it to be implemented. Once adopted by the court, the rule provides a framework for enabling out-of-state lawyers to provide pro bono services in another state in which there has been a major disaster. So far, nine U.S. jurisdictions have adopted a version of the Model Court Rule, but we need to have all the states approve it.

We need to know what to do when jails are unusable or when documents have been destroyed. All those things happened during Hurricane Katrina.

Living in Florida, I have experienced a number of hurricanes, and we know there will be another one, and we need to be prepared for it. The ABA Young Lawyers Division is ahead of everybody else in the ABA with their contract with FEMA. We need to step up our efforts and honor our obligations to our members to be prepared for that eventuality.

***The Affiliate:* Do you have any advice or tips for young lawyers who aspire to become the President of the ABA?**

Zack: The most important thing to know is that there are many good things you can do. When I first started practicing law, a senior attorney told me that the practice of law by itself as a stand-alone is not a problem. As a matter of fact, we are seeing lawyer burnout—not in 20–30 year lawyers; we've seen it in the first five years of practice. Why? Because it's not enough just to go to work and put your hours in and leave and go home. You need to have something that expands your mind, expands your vision, and gives you an opportunity to take a breath of fresh air and do something that is good for society.

Appointment of Young Lawyers: Being involved in the bar is important for lawyers' well-being, both emotional and professional. Now, if a young lawyer wants to be a leader in the bar, it is a road that is not that difficult to walk. Each ABA President has many appointments that young lawyers can qualify for.

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The advice I have is: you've got to ask! You have to find out what interests you and apply for that position.

There is an old story about the guy who always wanted to win the lottery. Every day he'd pray to win the lottery, and after 50 years he just couldn't understand how come he had not won the lottery. He was beseeching the Lord: "Why? I've been a good person! Why haven't you let me win the lottery?" And all of a sudden there's a voice from heaven that said, "Well, meet me half way—buy a ticket."

You buy a ticket in the ABA by applying and doing a good job. If you apply for a position and get the position and do a good job, leadership will find you because there are so many issues to face in our profession and our association needs fresh talent.

***The Affiliate:* How do you feel that your background growing up for a time in Cuba and coming over to the United States has played in your development as a lawyer?**

Zack: Well, I think that in many ways it was critical. I didn't realize it at the time, but in retrospect I recognize how important it was. There's no way to describe what it feels like as a 14-year-old to be taken off a plane, taken away from your family, put into a room where you have no rights at all, and left wondering whether you will ever see your family again or what's going to happen to you. There is a feeling of helplessness and a sense that this situation is wrong and that somebody should do something about it.

What I was looking for at the time is the very essence of the ABA motto of defending liberty and pursuing justice. There was never a moment after that time that I did not want to know my rights. Therefore, I naturally progressed into the law, and I never wanted to be anything else but a lawyer.

***The Affiliate:* Why did you have to leave Cuba?**

Zack: Our family business was taken over by the government and members of my family were going to be put in jail. The first time my family attempted to leave Cuba we were caught and put under house arrest for several weeks before we finally were able to leave the country.

From that experience, I learned the importance of the law in protecting the fundamental rights of all persons.

***The Affiliate:* What is one thing that people might not know about you?**

Zack: I like to cook. I have collected recipe books and like to experiment with a recipe that I've never made before. I will have friends over to enjoy a good bottle of wine while we cook up something that usually comes out somewhat questionable—and sometimes unidentifiable. But, by the time we finish, we've all had a great time.

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