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Keynote Address

Co-Sponsored by: Baylor Law Women's Legal Society

As Immediate-Past President of the ABA, Judy Perry Martinez focuses upon members of the legal profession's special responsibility to fight injustice, especially injustice caused by laws and practices that are racist and unjust in word or effect. She also addresses the transformation occurring within the legal profession as a result of the pandemic and the need for lawyers to embrace change and innovation, including diversity and equity among our ranks, while also ensuring that people have access to essential criminal and civil legal services.

Judy Perry Martinez

Immediate-Past President, American Bar Association

Leah Teague:

This annual conference is co-sponsored by the American Association of Law Schools. It's become our tradition for a different law school to host each year, and that school's law review or law journal will publish some of the works from speakers each conference in a special leadership issue. So it's our honor and our privilege to be the host for this year. Another tradition of our leadership conferences is to invite the then ABA President to join us [00:00:30] to deliver remarks. Well, Judy Perry Martinez was scheduled to join us back in March in our in person conference and she would have then been president. We're scheduled a few months out now, and so now that we are in September, her official title is Immediate Past President of the American Bar Association, but we are just so thrilled that she's able to join us. I know how packed her schedule [00:01:00] still is.

It is her long years of service to the profession that gives her the perspective to share with us some challenges and opportunities. She has practiced in law firms. She has been part of in house counsel. She has volunteered years of service and leadership positions within the ABA, both at the board level, and then so many committees. Also, in our home state and in our own community. [00:01:30] I know that she is deeply

committed to public service and to pro bono activities to address access to important access to justice issues. I also know that diversity, equity, and inclusion initiatives are dear to her heart. Last week, as we were having a pre-conference to get ready for the next panel, the panel of our distinguished women leaders, and I was pulling up the website to share statistics from the ABA Commission on Women, [00:02:00] which I often over the years I've used as a resource, she shared with us that she remembers the day when she was sitting on the floor in her living room and manually compiling those statistics that all of us for so many years have been relying upon.

So she is dedicated not only at the high level, but no task is too small for her to roll up her sleeves and to get busy. So, Judy, we thank you for joining us, and I will tell you that at the end of this, we [00:02:30] will have just a few minutes for Q and A. So if you have a question you want to ask, please send that into the chat and then we will get that communicated to her. So, Judy, thank you again, and we ask you to join your perspectives on the challenges that the legal profession is changing and then the opportunities that we as lawyers have to make a difference in the lives of our clients and our communities.

Judy Perry Martinez: Well, thank you, Dean Teague. I am delighted to be here with all of you today. I was so [00:03:00] looking forward to being with you in person in March in the days when nobody thought twice about jumping on an airplane or running into a friend and grabbing coffee or doing those things that the American Bar Association and AALS and the Baylor Women's Legal Society or other organizations that law schools do to work literally shoulder to shoulder on the causes that inspire us and call us to get involved. [00:03:30] So while we miss gathering in person, one thing all our organizations and institutions are learning is the significant upside of remote events, both their reach and their opportunity to present for expanded engagement. What used to attract 100 or so are people at most of these types of gatherings, even webinars, now we know they can exceed multiple hundreds. And when the pandemic is over, I'm sure that [00:04:00] a lot of us will go back to some form of in-person opportunities and those will or remain always valued by all of us.

But we'll also be able to involve so many more people through the remote tools that we're all becoming more comfortable with, and I'm sure even more effective technology platforms will evolve. Our additional reach and extended influence is critical for a very, very important reason, [00:04:30] and that's the extraordinary amount of work we all need to do to make ours a more perfect union. Our organizations and institutions cannot do what needs to be done without the support and involvement of as many caring and dedicated people as we can assemble to do good. As leaders, we must insist on drawing from the richness and experience, intellect,

talent, and dedication that [00:05:00] only a truly diverse, inclusive, and equitable society can deliver. As members of a profession that falls far short of that aspiration, we have lots of work to do within our own ranks just on that score alone.

A recent ABA Report on Women Lawyers of Color put it best. "We have to make sure that nobody gets left out or left behind as they pursue a career of service in the law. [00:05:30] We need to persist in figuring out how to eliminate archaic constructs that write off or diminish people's worth based on factors, including race, ethnicity, gender, sexual orientation, sexual identity, and differing abilities. Only our dedication to a truly diverse and inclusive legal profession across practice settings on the bench and in the legal academy, its administration, and in the classroom will enable us as [00:06:00] lawyers and judges to achieve equal justice and liberty for all those whom we serve, those who have no voice, whether silenced by a knee on their throat, the lack of money in their pocket, their inability to flee danger or tyranny in their own land and come to our country for safety, or those who simply are not heard because the color of their skin, the limits of their body or mind, or the person they love are [00:06:30] different than those who make and enforce the laws."

Yes, it's sometimes that simple. Working separately each of us as lawyers and our organizations, where the bar associations, law firms, government agencies, corporate law departments, courts, or law schools can and do deliver valuable services and advocacy for so many whom we serve. But together, think about it, we are so much more. [00:07:00] We are a force multiplier for justice, equity, and equal justice for all, for diversity and inclusion in our profession and the justice system, for the independence of the judiciary, and a vibrant legal profession that strengthens competence in ethics and serves the legal needs of our clients and the public. The ABA is the largest voluntary association of legal professionals in the world and the choice lawyers make to join our ranks [00:07:30] sustain that important status. Our members include solos and lawyers from law firms of all sizes, transactional lawyers and trial lawyers, plaintiff and defense counsel, prosecutors as well as criminal defense counsel. We are in house and outside counsel, federal, state, and municipal and administrative agency counsel and judges.

And thank goodness we have among our ranks many talented law professors and thousands and thousands of [00:08:00] smart, committed law students and young lawyers. Given our diversity of backgrounds and perspectives, our members do not agree on everything but we all agree that a foundation of good lawyering is a deep belief and commitment to the rule of law. Lawyers throughout America and the world look to the ABA and the organized bars as champions of justice, protectors of democracy, and advocates for the rule of law at home and abroad.

[00:08:30] Our foundation is built on the policies adopted by our 600 member house of delegates, which represents bar associations across the 50 states and territories, along with ABA sections, divisions, and forums and other organizations. But with the involvement of our members, the ABA speaks for our constitutional values rooted in the authority of policies adopted by the house, values like an independent legal profession that is empowered to give confidential, unfettered advice to clients free from government overreach [00:09:00] and understanding that essential legal services, essential services in our community, include critical legal work that cannot always be done remotely, especially during a pandemic.

Another critical area for our work and indeed for our profession is the ABA's commitment to an independent, fair and impartial judiciary. Judges are at the front lines of justice and therefore can be vulnerable to attacks both personal against them and their families. [00:09:30] It is our responsibility as lawyers to explain and defend the role of the courts and the judicial process in our democracy. And the ABA also promotes judicial excellence and thus the independence of our courts through our longtime public service of evaluating nominees to lifetime positions on the federal bench. If we expect to earn and keep the public trust and confidence, and that we [00:10:00] as all lawyers in America who are a part of the justice system, that confidence and trust will flow from a healthy supply of essential criminal and civil legal services.

Our profession must evolve smartly and embrace change and innovation through thoughtful data driven regulatory reform, efforts that had been spearheaded at the ABA in recent years by numerous leaders of the bar, and specifically and critically leaders [00:10:30] in legal education. The fruits of such efforts are being born out most recently in Arizona and Utah and other jurisdictions, which are looking closely at their regulations to ensure that they promote access to justice for all. The legal academy and today's law students who will soon be tomorrow's lawyers have an essential role in these efforts of reform across the country. We also need everyone at the table [00:11:00] to achieve what for too many is a long overdue breaking of the silence regarding the truth about our legal system and society, the existence of persistent, overt and implicit racism.

As lawyers, we are a significant part of how the legal system has been able to exist as it does. We must pledge that not another day will go by without raising our voices, contributing [00:11:30] our lawyering skills, and making it more just than it was the day before. Each bit of progress will clear the path to justice for all. So let us not say that the job is too big or the problems of racism runs too deep. This is our torch as lawyers to carry. Lawyers have a special responsibility to fight injustice, [00:12:00] especially injustice caused by laws and practices that are racist and unjust in word or effect. It is our responsibility to fight injustice when police

inflict disproportionate force against Black men and women, when people lose their homes and livelihoods and have no one to advocate for them, when caseload's overwhelmed public defenders who are sworn to represent their clients.

When immigrants and asylum seekers at the border [00:12:30] are separated from their children and denied due process, when environmental injustices poison neglected neighborhoods and climate disruption threatens life as we know it, when judges are attacked because of what they are perceived to be, or what they proudly are, when the rule of law and human rights are threatened, whether domestically or on the other side of the globe, when government leaders abuse [00:13:00] their power, act illegally, and do what may be technically legal perhaps yet is not worthy of all that our country stands for, yes, lawyers have a responsibility to defend what democracy is all about. We rely on and demand the free exercise of our most fundamental right, the right that Blacks fought for 150 years ago and women's suffragists fought for 100 years ago, [00:13:30] the right to vote.

It is our duty as lawyers to give our full throated support to this bedrock of the rule of law and serve as poll workers and volunteer as poll watchers and be community champions of the right to vote freely and fairly. The ABA under the leadership of current ABA President Trish Refo is asking all lawyers and especially young lawyers and law students [00:14:00] to serve as poll workers at a time when elderly poll workers need to protect their health and are therefore not able to serve. We're calling this effort Poll Workers Esq., and the ABA is partnering with the National Association of Secretaries of State and the National Association of State Election Directors to bring lawyers to staff voting sites across the country. Please, please visit the website ambar.org/vote to learn how you as faculty, [00:14:30] practicing lawyers, and law students can participate.

So why are lawyers especially drawn to public service and community leadership, whether to support the work at the polls or otherwise? We are all bound up together in one great bundle of humanity. Those prophetic words were spoken in 1866 by Francis Ellen Watkins Harper at the National [00:15:00] Women's Right Convention in New York City. Harper was a freeborn African American native of Baltimore. First a poet then an activist. "We are all bound up together in one great bundle of humanity," she told the convention, "and society," she continued, "cannot trample on the weakest and feeblest of its members without receiving the curse on its own soul." Harper was speaking of the exclusion of Black [00:15:30] women's suffragists by White woman's suffragist. Still her warning that society cannot trample on the weakest and feeblest rings true for the soul of America today.

So my question to all of you and to myself is that, will we dare stop the trampling? Can we muster the courage to intensify our protection of the weakest and the feeblest? I know the soul of America will be freed of its curse [00:16:00] because of what lawyers across America and the ABA and beyond stand for and stand up for everyday. Lawyers believe in dignity. We believe that every person in our country is afforded constitutional rights. We do what we do because justice matters. Those are the values we must reinforce each and every day, time and time again, in every class, in every lecture, in every [00:16:30] student faculty led event, and in the hallways of our law firms. There's good evidence that this message resonates. According to the Before the JD Research, the number one reason students give for wanting to attend law school is that it's a pathway for careers in government and public service.

44% of students gave that reason, and they could list more than one. So the numbers don't add up to 100. The next highest [00:17:00] reason given at 42% is a passion for the work. 35% said that being a lawyer would help them be helpful to others, and 32% said a law degree would help them advocate for social change. That message definitely resonates with me personally. When I was in law school, I learned that lawyers are leaders who can advocate for social change at a grand scale or change lives for the better [00:17:30] one at a time. And I'm sure, I am certain, that every faculty member and practicing lawyer and judge at this conference has a similar outlook to share with the students who are attending today. The preamble of the ABA Model Rules of Professional Conduct lays out a lawyer's responsibility. Among them, among those responsibilities, is this telling passage.

"As a [00:18:00] public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by the legal profession. As a member of the learned profession, a lawyer should cultivate knowledge of a law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the [00:18:30] rule of law and the justice system, because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority." This statement underscores that as lawyers seek competence and excellence in our profession, we also uphold and promote the rule of law [00:19:00] and defend our nation in our values.

It's the job of every lawyer to nurture the future members of our profession and it's important for all of us to remember and reinforce for those who look to us as mentors that our profession is a calling to serve our communities and pursue justice for all anchored by our constitutional government and the rule of law. Involvement in the organized bar is a

fundamental way for [00:19:30] lawyers to learn leadership. I hope you here today who are on faculty and administration instill in your students the value of being a part of the profession through bar involvement. And I urge those law students here gathered with us to waste not another moment before engaging actively in the ABA law student division and take advantage of what that free membership has to offer. And lawyer leaders with us today, whether in government service, legal [00:20:00] aid, private practice, or in house or on the bench, understand the value that ABA membership and ABA and membership in any organized bar at all levels delivers.

If we together and individually hold fast to our values as lawyers and if we join together and join with others who share our understanding of the criticality of maintaining [00:20:30] the rule of law in our democracy and around the world, no matter how uncomfortable, risky, or sometimes lonely it can seem, I believe that our children's children will be told the truth about our time, that it was the lawyers who held tight to the principles that all of us are created equal, that we are endowed with certain inalienable rights, that among [00:21:00] these are life, liberty, and the pursuit of happiness, that justice was established and that the blessings of liberty were there for posterity because we, the lawyers, the lawyer leaders who are gathered here today made it our calling, not tomorrow, but starting today because we know that we are all bound up together in one great bundle of humanity. We need [00:21:30] all of you. And without you, we can't do this, but together we can. Thank you so very much for being here for this wonderful conference.

Leah Teague:

Thank you, Judy. Such wonderful words. And thank you for quoting from the ABA preamble and all of our leadership efforts that has become a foundation upon which we build. And it's interesting that there are so many, you'd expect it from law students, but so many practicing lawyers, [00:22:00] they're unfamiliar with that language. So I think that is part of the problem that we in law schools we can begin, if we emphasize that, if we start our students off with an understanding, this is who we are as a profession, then hopefully that will carry on into the profession. And speaking of, I think we may only have time for one, maybe two questions that are coming, but it's right in line with this. When you get to the practice, we all recognize and you will understand the pressures that are there, the time, the demands, [00:22:30] the clients, the senior partners, all of those things in the mind of, in particular, a younger lawyer, it makes it difficult for them to understand, where do I find the time?

Yes, this is who we're supposed to be, but where do I find the time? And then it's interesting when you jump ahead and when there are those who've been in practice for 20, 30, 40 plus years, as some of us have been, there's a point at which we recognize this isn't just about us. [00:23:00] This is

about giving back. So part of the effort of a leadership development program is to help our students learn that lesson earlier and be better equipped for those opportunities. So I think this is an opportunity for law schools and the bar to work better together. So do you have thoughts about how the bar association, bar associations and just practicing lawyers and law firms, how do we and law schools, how do we come up with some innovative programs or how [00:23:30] do we at least work together? How do we start?

Judy Perry Martinez: Well, I think one of the ways that we start is with an awareness and acknowledgement of how busy lives are, not only with regard to those who have families and little ones who are trying to create a lesson plan around what they're doing at home now, but also those who choose not to have children or don't have children and have busy lives of their own right. We have to be so respectful of that. [00:24:00] I think the lesson for all of us to work together is to help people understand that it doesn't have to be 100% all the time. And that whether you're talking about law practice or pro bono or community service of a different type, think about it as, I like to think about it like nutrition, it's not what you get in one meal, or it's not what you get in one day, it's what you get over a week's time that's so critically important.

And if you look at your practice of law, I think look at your pro bono [00:24:30] work or your community service work, even if it's handing out boxes of food right now, which is so critically important, as a way for you to get fulfillment, as a way for you to give back, you can somehow seem to work it in and fit it into your life. And to answer your question to me, what law schools and bar organizations and law firms have to do is to be aware of that challenge and to make sure that they're making it at least a bit more easy for people [00:25:00] to fit those things into their lives. Because with a fulfilled lawyer, I promise you will become a happier lawyer, a happier lawyer will become a more productive lawyer, and with a more productive lawyer will come clients who know that they are being served with competency and ethics and dedication and commitment.

Leah Teague: Oh, I so agree, and you're absolutely right. It's a value proposition, and I think it is important that until we figure out how to help [00:25:30] our lawyers see the value that is added, not just to them personally, but you're right, the health and wellness, will create benefits that will last well inside and outside their professional life. But also it's that this will help build their practice. This will help build their reputation and to gain skillsets through their volunteer work as well as their time. So speaking to that, again coming back to, [00:26:00] oh my goodness, the pressures on the practice of law and law firms, thoughts on how we begin to shift that value proposition and conversation about who we are as a profession and what should be valued in a way that allows partners to justify maybe some of

the time away from billable hours, at least while you're beginning to build some of this.

Judy Perry Martinez: I started with a law firm right out of law school in New Orleans where I'm born and raised. And I stayed [00:26:30] there for 21 years and then went into in house for a dozen years in the aerospace and defense industry. Went back to school for a year, and when I started thinking about what my next move would be, I had no other thought but that I wanted to back to that law firm because of their values, because of the way they had supported my pro bono work. I had done death penalty, capital habeas work, my bar work from my first year of practice, and that's where I want it to be. So the value proposition for law firms, the partners who [00:27:00] are in the audience, is understand what you're creating in terms of your value proposition to these talented, wonderfully dedicated law students who are coming into your ranks as law clerks or associates. And I'd say the same for judges, that you have that community of people you're building as clerks for leaders for our country for the future.

And for law students, I'd say to look in that same way to look at what that law firms going to offer you in that way. [00:27:30] It doesn't mean that you won't have to work really hard. It doesn't mean that you won't have to "prove yourself". But part of being in a community at a law firm is having everyone understand what you're about, having everyone understand your whole person and having everyone understand, again, that being a lawyer to you is about giving back. And if that is your commitment and if that is your goal and being a lawyer, [00:28:00] don't settle for anything less.

Leah Teague: If I remember correctly, your year back to school, that was with Harvard studying leadership, am I correct?

Judy Perry Martinez: That's correct. The Advanced Leadership Initiative, yes.

Leah Teague: Absolutely. So once again, a look back at leadership and how that fits with lawyering I think has led you to this true ownership that volunteering, giving back, it will feed our souls, all of us, and help us not only make a positive difference [00:28:30] in the lives of our clients but also within our communities. So with that, I cannot thank you enough. Now, you're not going away. You're going to be part of our women's leader panel. So we're going to transition and see you back in just a short moment. As we're making this transition, I do want to thank the Baylor Law Women's Society for co-sponsoring both this session and the next panel. And I also want to thank all of our sponsors for this [00:29:00] program. Any of you who've put together a conference or program you know it's impossible without the support of financially and other resources without the support of so many individuals. So we are, again, very grateful to all of our conference sponsors.