

1
2 AMERICAN INNS OF COURT
3 ANNUAL MEETING
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10 Friday, June 3, 1994
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14 SPEAKER: THE HONORABLE JANET RENO, U.S. ATTORNEY GENERAL
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18 Ballroom
19 Hyatt Regency Hotel
20 400 New Jersey Avenue, N.W.
21 Washington, D.C.
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P R O C E E D I N G S

(1:07 p.m.)

MS. RENO: I thank you for this warm welcome, but it is I that should be applauding you, applauding you for caring so much about a profession that I love, for caring so much about a service that I love, for doing so much to restore civility, to restore this sense of professional advocacy that I so prize in the law. This has been one of the most exciting efforts that I have seen in the legal profession in the time that I have practiced law, and to all of you who have put in so many hours and who care so much, know that there is one lawyer in America that is deeply, deeply grateful to you for a magnificent job well done.

I do love the law. I love lawyers, but I hate greedy, indifferent lawyers who do not care. Somehow or another we all will have to work together to make the law what it should be. What is it? What can we do?

If you have never walked around the building that houses the Department of Justice, do so some day and look at the inscriptions on the walls. On the east side, high above the street, is a statement the length of the building. "The common law is derived from the will of mankind, issuing from the people, framed by mutual confidences, and sanctioned by the light of reason."

1 Too often I think that we forget where the law
2 comes from. Too often we forget people and that people
3 are the flesh and blood of the law. Even the best
4 advocates sometimes get caught up in the form and in the
5 case in which they are involved. They forget the clients.
6 They forget the impact. As we all try to make the law a
7 more noble profession, I think we must begin with the
8 people that we represent and never ever forget the people.

9 But in so doing, as we must learn to trust
10 people and believe in people even more than we do, we must
11 understand that there are those who err and we can never
12 ever forget that the law is a mighty shield against
13 tyranny, against oppression, against bigotry.

14 Sometimes we take things for granted. Sometimes
15 we take our rights for granted. Sometimes we think that
16 the process is going to be fair, but I will never forget
17 for as long as I live being asked by the Governor of
18 Florida to go to another jurisdiction in the state to
19 reinvestigate the case of James Joseph Richardson, a man
20 who had been prosecuted, convicted and sentenced to death
21 21 years before for the poisoning death of his seven
22 children. He had always maintained his innocence. His
23 death penalty had been set aside by the Supreme Court
24 decision. He had spent the last 21 years in prison for a
25 crime he claimed he did not commit. Many people believed

1 him.

2 After a careful investigation, we concluded that
3 the evidence had been insufficient to charge him
4 originally, that with the passage of time and the death
5 and incapacity of the witnesses, it was clearly
6 insufficient now, that he was probably innocent and that
7 he should go free. I will never forget leaving that
8 courthouse and turning and looking over my shoulder at a
9 man walking out of jail for the first time free in 21
10 years and understanding the awesome might of the law, the
11 flaws of the law, and the awesome duty we have as lawyers
12 to make the law real for all people.

13 But to make the law real for all people, we have
14 to put it in language that people can understand. We have
15 to simplify the law so people will understand it. We have
16 got to use small, old words. Instead of words like "pro
17 bono," we can say we have got to help other people. We
18 have got to make the law a process that people can use, a
19 process that can enable people to be self-sufficient so
20 that they do not have to come to lawyers except in extreme
21 circumstances. I would not be standing here talking to
22 you if the income tax laws of this country were a little
23 bit more simple and you could file a Social Security
24 return with a part of your income tax.

25 (Laughter.)

1 MS. RENO: I look at regulations implementing
2 the Americans with Disabilities Act and industries
3 affected by that act are terrified by these regulations.
4 We can put those regulations in terms that people can
5 understand, that do not terrify them, that make it easy
6 for them to comply, and make the law a lot realer for an
7 awful lot of people.

8 We have got to understand that even as great
9 advocates, even as great trial lawyers, oftentimes we will
10 not win the battle in the courtroom. For 15 years I
11 served as the chief prosecutor in Dade County, Florida. I
12 watched my prosecutors go to court, come upstairs jubilant
13 after a great victory after a conviction as charged. I
14 would turn around five years later and find the defendant
15 that they had convicted sentenced to 15 years now out in 3
16 committing another crime because we had not gone forward
17 to try to make sure there were enough prison cells in
18 Florida to house people for the length of time the judges
19 were sentencing them.

20 Or we prosecuted somebody, got him convicted,
21 sent him to jail, knowing that he had a drug problem, and
22 turned around and watched him leave jail without drug
23 treatment walking right back into the cycle of crime and
24 drugs that had brought him there in the first place
25 because we just thought we were winning the victories in

1 the courtroom.

2 The same applies to the public defender. The
3 public defender, who wins the great motion to dismiss, who
4 prevails on a motion to suppress and turns and watches his
5 client walk out of the courtroom free, too often neglects
6 the fact that that client is in a greater prison of crack
7 addiction than he will ever be serving time behind bars
8 and he has a responsibility I think to reach beyond just
9 the arena of the courtroom and become an advocate for
10 finding drug treatment for that client.

11 In terms of civil rights enforcement, I watch
12 great victories won. I watch equal opportunities
13 provided. I watch educational opportunities ensured. I
14 see barriers broken down to equal housing opportunities.

15 Then I turn and look at what the civil rights
16 law means to a 6-year old growing up in a high crime area.
17 What good is all the enforcement in the world going to be
18 unless we give that 6-year old a chance to grow up and
19 live and not be shot down at age 13 as part of the youth
20 violence that is spreading across this country?

21 I look at the opportunity for equal education
22 given to a young man going to college, but what good will
23 it do for a child who has not been given the basics of
24 education when he is first born, who is not given the
25 health care to have the best mental condition possible so

1 that he will never even consider college as an option?

2 We have got to reach beyond the narrow
3 boundaries of the courtroom and make the law real for all
4 people.

5 I have watched us win the battle in the civil
6 arena. We think we have won the great verdict, but then
7 we watch the costs add up, and we give the check to the
8 client and it is almost nothing. If you had given the
9 client the option of the pain and suffering of the
10 litigation versus that check, they would have turned and
11 walked away.

12 One of the cases that impressed me most as I was
13 in law school was Casen v. Baskin. I still remember that
14 it was in 1 Southern Second. It was one of the first
15 great decisions about the right of privacy. A young woman
16 in Palatka, Florida and her father litigated the case of a
17 citizen of the neighborhood who brought an invasion of
18 privacy suit against Marjorie Kennon Rollins for
19 describing her as having the voice of a canary or
20 something like that. The person was determined to have a
21 right of privacy by the Florida Supreme Court. She got a
22 dollar's worth of damage.

23 I went to see that lady and litigated against
24 her about 10 years ago, the lady who had won that right of
25 privacy action. I said, Ms. Cate, I am so proud to meet

1 you. I just admired that decision so much. She looked at
2 me and she said, that litigation and everything I did for
3 that woman did not do her any good at all, and if I had
4 had any sense at all and had been any older, I would never
5 have put her through it.

6 We all have a responsibility to remember the
7 people behind the Constitution. We have got to learn to
8 do it the best way. I was always puzzled, as I proceeded
9 through the legal profession, to see so many instances in
10 which good negotiation skills were required. Certainly as
11 a prosecutor in a major metropolitan area, negotiation is
12 key and yet law school had not taught me to negotiate. I
13 now watch the remarkable continuing legal education
14 programs that focus on negotiation skills, and I am
15 resolved that we must do more, certainly more in the
16 Department of Justice, to make sure that everybody is
17 trained as well as possible in the art and skill of
18 negotiation so that we can understand how it can truly be
19 applied as a remarkable skill and a great tool to help
20 achieve justice and to make a difference for people.

21 One of the disappointments that I have had as a
22 lawyer up until at least just recently was that lawyers,
23 as Chesterfield Smiths would say, oftentimes go down their
24 own little pig trails and they do not talk to doctors and
25 social workers and engineers and teachers often enough.

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1 They win the battles in the courtroom. They put together
2 a transaction, but they too often do not become a part of
3 the community and join with others to reweave the fabric
4 of society around neighborhoods, around children and
5 families at risk to make a difference.

6 It is so exciting now to see doctors and lawyers
7 starting to talk together, to see the American Medical
8 Association having a remarkable forum on family violence,
9 to see lawyers and social workers and police officers join
10 together with teachers to see how we end violence, how we
11 resolve conflicts without knives and fists and guns. One
12 of the great challenges of lawyers in this next century in
13 the legal education arena is how we bring people together
14 in graduate school, in professional education to make sure
15 that we have a vision beyond our profession.

16 But most of all lawyers have got to figure out
17 how to make people more self-sufficient. This nation is a
18 nation that waits for the crisis to occur. We do not move
19 in and help an 8-year old child who is truant, whose
20 family is just beginning to fall apart. If we took that
21 child to court, the court would claim that the evidence
22 was insufficient to prove abuse and neglect and that the
23 child could not be declared dependent. We wait until the
24 child is using crack, having been totally unsupervised,
25 totally ignored, and we adjudicate that child delinquent,

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1 or we wait until that child is beaten by the crack-
2 involved mother who has reached the end of her ropes until
3 we adjudicate that child dependent. We have got to figure
4 out how we put lifelines through communities that enable
5 that child and that family to be retrieved and saved
6 through prevention and not through litigation and through
7 crisis reaction.

8 Where do we begin? Look at what the law does in
9 terms of how it tangles people up. Welfare is a classic
10 example. There are so many women I saw on welfare, single
11 parents raising children, bright women who dropped out of
12 high school, but wanted to be somebody, could be somebody.
13 But they would go get a job with their at that time
14 limited skills with the hope that they could go back to
15 school, and they would lose their welfare benefits and be
16 worse off than if they had not gone to work in the first
17 place. They would try a little bit harder and maybe work
18 two jobs, and then they would lose housing subsidies and
19 be worse off than if they had not gone to work in the
20 first place. The law simply tied them in knots.

21 That is the law, a welfare law with regulations
22 passed by Congress, and all of us as lawyers have got to
23 do our level best to make sure that the laws of this
24 Congress and of state legislatures are enacted in ways
25 that people can understand and that promote self-

1 sufficiency. I think it is well that we start learning
2 about legislation. There were few law school courses on
3 legislation and how to structure it so that people could
4 be accessible to the law. Indeed, we must.

5 Look at the remarkable job that you are doing
6 for so many Americans by improving the quality of the
7 practice of law, yes, improving the civility of lawyers,
8 improving the professionalism.

9 But, ladies and gentlemen, something of deep
10 concern is happening in America. There are more people
11 making less money with more children in that category than
12 in a long time, and there is a greater and greater group
13 of people living in poverty, most of them children or
14 single parents with children. The poor and the working
15 poor are perhaps the most rapidly growing segment of our
16 society, and yet the American Bar Association estimates
17 that between 70 and 80 percent of the poor and the working
18 poor do not have access to the law much less to the
19 courts. The law is worth little more than the paper it is
20 written on for those people and we have to change that.

21 We have to change it by new and innovative
22 approaches. It would be heresy 10 years ago, but we must
23 think of a category of community advocates who gain a
24 4-year degree in what AFDC is all about, what WIC is all
25 about, landlord-tenant issues, issues that poor people

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1 face day in and day out. Although I went to Harvard Law
2 School, I do not begin to understand. That 4-year college
3 degree in community advocacy could serve this nation so
4 well and provide better advocacy to so many people. These
5 would be people that did not have to make \$100 an hour.
6 These are people who could serve their community with
7 distinction and make a difference.

8 But most of all, lawyers have got to think in
9 terms of service, not just of making money. You represent
10 the best of lawyers. You serve day in and day out your
11 colleagues in the profession because you care. Somehow or
12 another we have to make all American lawyers care about
13 their community, about their nation, about their state,
14 and about the people in the community.

15 About three weeks ago a Washington law firm went
16 to an elementary school here in the District. I had
17 adopted that elementary school a while back. I had gone
18 there about once every two weeks to help teachers to read
19 to students, to work with students. I arrived at that
20 elementary school in the afternoon that Saturday
21 afternoon, and I had never seen anything like it. It was
22 like a hurricane had gone through there. Senior partners
23 were on ladders. Paralegals were carrying paint buckets.
24 The kids were so excited, the students at the school, that
25 they could not stand it. They were painting straight

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1 lines. They had not messed up. People we planting plants
2 outside. It was one of the most exciting undertakings
3 that I had ever seen.

4 If that law firm can go make such a difference
5 in that school in one day, think of what American lawyers
6 can do if each American lawyer participated in some
7 activity such as that, adopted a block, became an advocate
8 for a school, became an advocate for one grade, became an
9 advocate for one child at risk. We could make such an
10 extraordinary difference.

11 But in the process lawyers, like everybody else,
12 must not forget their ultimate responsibility, and as we
13 talk about civility and excellence and professionalism, we
14 must remember that we cannot forget our families. If you
15 had told me in 1960 that I could not go to law school
16 because I was a woman, I would have been very angry. I
17 would be even angrier now, but somehow or another we ought
18 to be able, both men and women, to attain our professional
19 goals while at the same time putting family and children
20 first in the practice of law. As we look at how to make
21 the law human and real for people, let us talk about how
22 to make it human and real for us, not in the terms of some
23 magical number of billable hours that have nothing to do
24 with flesh and blood but only with dollars, but how we
25 make it human for families and children who care about us,

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1 how we put them first, how we spare time for them, not
2 spare time but give them the time that they deserve.

3 It is an exciting time for American lawyers. It
4 is an exciting time to be part of the profession and you
5 give me so much hope in the direction that this profession
6 is moving, and I look forward to walking with you all the
7 way.

8 (Applause.)

9 (Whereupon, at 1:28 p.m., the speech was
10 concluded.)

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