

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPEECH GIVEN BY ATTORNEY GENERAL JANET RENO

Cleveland, Ohio
Monday, September 30, 1996

Speech given by ATTORNEY GENERAL JANET RENO to the Cleveland Marshall College of Law, 2001 Euclid Avenue, Cleveland, Ohio, at 5:00 o'clock p.m., on Monday, September 30, 1996, and the proceedings being taken down by Stenotype by LORRAINE J. KLODNICK, RMR-CRR, and transcribed under her direction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ATTORNEY GENERAL RENO: It is a great honor for me to be here today because I have seen the product directly of Cleveland Marshall. One of the most important things to happen to me at the Department of Justice was to have Carl Stern agree to leave the media and come serve as the head of our office of public affairs. His knowledge and the law which he said he gained only with those of Cleveland Marshall and the opportunity to go to law school at night, as I recall, and his knowledge in the media I think has helped open the Department of Justice and make it more credible.

At the same time we have Emily Sweeney

15 and even yourself, your Honor, all examples of
16 the law school meant to serve an area of
17 community, all examples of law school that looks
18 at people and says how can we work together to
19 solve problems.

20 I love lawyers. And I love the law and
21 it has been the most wonderful profession I ever
22 could have pursued. But I don't like greedy,
23 indifferent lawyers who don't reach out and care
24 for others. Fortunately, they are few and far
25 between. Especially in these three and a half

3

1 years that I have been Attorney General, I have
2 continued to be impressed with lawyers across
3 this country who do so much in their practice
4 and so much in their pro bono efforts to make
5 sure that justice is accessible to all
6 Americans. I continue to marvel at the law and
7 what it can do for people.

8 I continue to remember the time when I
9 as a prosecutor was asked to do an extraordinary
10 thing, to go and reinvestigate the case in
11 another jurisdiction of a man who had been
12 prosecuted, convicted and sentenced to death for
13 the poisoning death of his seven children 21
14 years before. The death penalty had been set
15 aside by a Supreme Court decision. That man
16 had been in prison for 21 years for a crime he
17 said he did not commit. I concluded that the
18 evidence was insufficient to charge him that he
19 was probably innocent and that he should go
20 free.

21 As I look back over my shoulder at that
22 old courthouse and watch that man walk out of
23 the courthouse a free man for the first time I
24 again understood that the law can make mistakes,
25 but it ultimately can protect the innocent. And

4

1 as I watch today as people with disabilities
2 gain new access to so many opportunities because
3 of the Americans with Disabilities Act and the

4 opportunities that lawyers have provided, I
5 again marvel at the wonder and magnificence of
6 the law.

7 But we still have challenges and I
8 think the challenge that you will face in the
9 coming 100 years that we in the legal profession
10 must prepare for is how do we encourage the
11 lawyers of America in their role not just as
12 adversaries, not just as advocates, but how do
13 we encourage lawyers in their role as
14 peacemakers and problem solvers? I would like
15 to share with you a few suggestions. I think
16 first and key to developing this capacity in all
17 lawyers is learning to communicate, to listen
18 carefully, to not judge until the discussion has
19 been held.

20 I think it is important to speak with
21 small, old words. You have no idea what it's
22 like to go into the Department of Justice and
23 have this title, that title, this name, that
24 name, all of which the average person doesn't
25 begin to understand the meaning of. It has been

5

1 a challenge to try to persuade people to use
2 small words. Use words that people can truly
3 understand. Learn the art of communication.
4 Learn the art of looking directly at the
5 person. Learn the art of listening. And in
6 that we can do so much to resolve conflict and
7 dissolve problems.

8 I think it is imperative upon all of us
9 to simplify the language of the law. We don't
10 have to carry forward some of these words that
11 even we have to look up upon occasion. We can
12 talk about the rights that are essential to us
13 all in words that everyone can understand.
14 Explain to our clients, explain to the people we
15 serve just what their remedies are and do
16 everything we can to make them self sufficient.
17 I think there's the tendency on the part of some
18 lawyers to sit down with the client and make it
19 as mysterious as possible so they'll be sure to

20 have to come back again.

21 I think that one of the most
22 extraordinary challenges that lawyers face today
23 is to learn the art of negotiations, the art of
24 resolving conflict without trial, the art of
25 resolving conflict, if necessary, by mediation.

6

1 An exciting thing is happening in this country.
2 Wherever you go, people are talking about how do
3 I learn to negotiate? How do I resolve that
4 conflict without so much fuss and cost and
5 litigation?

6 This summer I have participated as part
7 of my pro bono service with the Department of
8 Justice in a community dispute resolution
9 program with the D.C. public schools. It has
10 been remarkable to see 20 teachers at a time
11 there on their own day off learning how to teach
12 kids to resolve conflicts without knives and
13 guns and fists, to go to the Air Force Academy
14 and find it to be the first service academy with
15 an entire force in negotiation, to watch what
16 lawyers around the country are doing and
17 learning to negotiate, learning to use mediation
18 and arbitration, if necessary.

19 We at the Department of Justice have
20 announced an alternative dispute resolution
21 initiative. I was amazed how difficult it was
22 to get it passed. People said you don't want us
23 to be trial lawyers. That's basically what we
24 are. I said, you can't be a good negotiator if
25 you're not a good trial lawyer. You have to be

7

1 absolutely prepared to go to trial if you're
2 going to negotiate successfully. One is not
3 exclusive of the other.

4 It took a while, but now it's catching
5 on because we're teaching lawyers across the
6 country in the Department of Justice how to
7 negotiate, how to value the case, how to
8 communicate, how to get to yes quickly and

9 without wasting the taxpayers' money.

10 We have appointed a senior counsel who
11 has developed a training program. We are
12 working with US Attorneys' offices across the
13 country and I just would commend to all of us if
14 we are going to go into this next century as
15 peace keepers and problem solvers, each of us no
16 matter whether we be Attorney General or first
17 year law student, can benefit from enhanced
18 training in negotiation and resolving disputes.

19 But in part we will still face dispute
20 and conflict and sometimes hatred as a result of
21 that dispute and conflict. And lawyers must
22 renew their responsibilities by committing
23 themselves once again to speak out against the
24 hatred, the divisiveness that sometimes divides
25 this nation.

8

1 In Billings, Montana in 1993 some
2 person defaced temples, threw rocks in windows
3 of a Jewish family's home. The entire community
4 of Billings rose up and stood with their Jewish
5 friends at the temple, stood guard with their
6 home, put Hanukkah candles in their windows and
7 stood up against violence and the hatred that
8 came with it. That hyper bigotry was not seen
9 again in Billings.

10 Haters are cowards. When you stand up
11 they often back down. Lawyers have a special
12 responsibility to stand up to the haters of the
13 world and speak out against that hatred and that
14 bigotry. But there are others that are not
15 motivated by hatred, but by confusion and we
16 must as lawyers speak out for the diversity that
17 has made this law school and this university
18 great, that has made this nation great.

19 My father came from Denmark when he was
20 12 years old to Racine, Wisconsin. He spoke not
21 a word of English and people laughed at him
22 about his funny clothes. He never forgot that.
23 But he also never forgot that some teachers
24 cared and four years later he was the editor of

25 the high school newspaper and subsequently he

9

1 was a reporter for the Miami Herald 43 years
2 writing beautiful English. It is imperative
3 that we all, the Department of Justice and our
4 law schools and everything that we do, reach out
5 to appreciate the magnificence and diversity of
6 this nation and let no one remain behind.

7 We talk about affirmative action and
8 all of us at one time or another have been the
9 beneficiary of affirmative action. The fathers
10 call the local prosecutor so their son could get
11 a job, affirmative action in a law school
12 diversity as a goal, to help achieve inclusion
13 of all Americans in the processes that we hold
14 dear.

15 One of the great strengths of this law
16 school I've already alluded to is its commitment
17 to community, to reaching out and involving
18 itself in the community and as you listen to the
19 graduates and as I met leaders from the
20 community today, it's like a hall of fame of
21 Cleveland Marshall Law School.

22 But it is imperative that lawyers
23 involve themselves in the community. Some
24 lawyers do it beautifully. Others say, well,
25 I'm a lawyer and I'm too busy to get involved.

10

1 We can be involved in our community. We can be
2 involved in helping city managers and helping
3 others structure systems that can make a
4 difference. We can work with bankers to figure
5 out better financing methods. We can volunteer
6 in our schools. Each of us can make a
7 difference in the community. We've got to
8 figure out how we make our services available to
9 everyone in the community so that they will
10 truly feel they have access to justice for all.

11 I think one of the arenas in which we
12 are less the problem solver and more the
13 adversary, sometimes to the detriment of our

14 clients, is in the criminal justice arena. I
15 have seen as a prosecutor too many prosecutors
16 feel they've won their case when they get the
17 conviction. They don't wait to see what
18 happens. If he's sentenced to three years, they
19 don't pay any attention to the fact he may be
20 out in one because of overcrowded prisons or
21 that he had a drug problem and he didn't get
22 drug treatment in prison.

23 All of us as prosecutors and public
24 defenders have a responsibility to solve the
25 problem that caused the crime in the first

11

1 place, whether it be in terms of the drug
2 addiction that fueled the crime or whether it be
3 in terms of lost opportunities to drop out,
4 through inability to get a job. We have got to
5 turn our attention as much to the problem as to
6 the process that we have become so adept in
7 using.

8 But it applies in other areas. Legal
9 services lawyers will sue the city to improve
10 public housing, but it won't help unless we work
11 with the city to figure out how to finance the
12 improvements that are so necessary. We have got
13 to make very sure that the Constitution is not
14 just a paper with written words on it. We have
15 got to make sure that the Constitution is a
16 living, breathing document with meaning and
17 there are too many instances in which judges
18 have had to issue injunctions requiring certain
19 things whereas the person responsible or the
20 government responsible turns around and says,
21 but we don't have the money.

22 If we sit down and figure out how we
23 make that injunction real, then we've really
24 done our duty. If we sit down and figure out
25 with public housing administrators for the

12

1 public housing unit that we've sued how to
2 reduce the vacancies, enhance the building,

3 provide for preventive maintenance, save money
4 and work together, we can do far more. But we
5 have got to get to problem solving, not just the
6 process of the law.

7 But as we focus on community, as we
8 focus on problems and how we resolve them, as we
9 focus on how we end conflict, we have got to
10 remember that in Cleveland, or in my case Miami,
11 or even the small towns that surround Cleveland,
12 all are in a different context in this world
13 today with high speed transportation, with
14 modern technology.

15 We have now situations where a man can
16 sit in his kitchen in St. Petersburg, Russia, and
17 steal from a bank in Cleveland. We have hackers
18 that can cause problems around the world and we
19 have people coming back and forth across our
20 borders that bring to us the clear realization
21 that crime has become international in its
22 impact and then we look at the environment and
23 see what events halfway around the world can do
24 to our environment. We look at the issues of
25 migration and realize how locally they come in

13

1 all their aspects. We look at customers and
2 understand the nature of it in terms of its
3 local impact and it is imperative that as we
4 look at our communities, as we look at the law,
5 we make sure that we adjust the law to the
6 international world in which we live. It is
7 important if you have a hacker in Argentina
8 invading a computer system in this country that
9 you have laws that will match -- that will bring
10 people to justice.

11 Now we have a strange situation where
12 the hacker in Argentina can bust into a
13 university system in this country and we can't
14 do anything about it because the case -- the
15 matter is not a crime in Argentina. We have got
16 to, if we're going to serve all our people,
17 develop systems throughout the world that make
18 the law real clout in the world in terms of its

19 impact on us.

20 That leads me to technology. I met
21 your web master. He said he got dressed up in a
22 suit for me. And I was so impressed with him
23 because he talked my language, or at least so I
24 could understand it. It is so important that we
25 as lawyers make sure that we do not let

14

1 technology control us, but that we ensure that
2 the people, all the people control technology.
3 And that is going to be a great challenge for us
4 as we come to understand the language of
5 cyberspace and the impact of cyberspace.

6 We have issues to confront in ensuring
7 people's privacy while at the same time
8 providing for protection against those that
9 hack. I am convinced if we work together we can
10 address this problem, but it is going to be
11 imperative in these next ten years that lawyers
12 devote their attention at every level of the
13 issue to how we use these marvelous tools of
14 cyber time, while at the same time ensuring the
15 constitutional protections and the privacy
16 interest that we have always held so dear.

17 In the Department of Justice we have
18 organized to try to address these issues. We
19 need to do much more as I think the entire legal
20 profession must do if we are truly to be problem
21 solvers, if we are truly to reduce the conflict
22 that besets this world.

23 But none of this will be helpful unless
24 we give access to justice to all Americans. The
25 American Bar Association estimates that between

15

1 70 and 80 percent of the poor and the working
2 poor in America do not have access to a lawyer
3 or to the courts. As we watch a nation that has
4 seen in the last 15 years more people fall into
5 the class of poor and working poor, it becomes
6 more imperative than ever that we focus our
7 attention on how we construct a legal system

8 that can make the law real for all Americans.

9 If there are sizeable segments of this
10 population that cannot get to a lawyer, then the
11 law is worth a little more than the paper it's
12 written on for these people. You may say,
13 that's not my problem. But if you have an
14 increasing number of people who feel they have
15 no access to justice, no way to get into the
16 door, they become angry and disenchanting and
17 they are the people that turn against the law we
18 hold dear.

19 How do we do it? I've already used the
20 word pro bono and I got mad at myself for doing
21 it because one of the things we've got to do is
22 make sure lawyers volunteer their services.
23 We've got to use words again that people
24 understand and I've never tried to convince the
25 average person what pro bono means when you can

16

1 say, here, I want to help. We can do so much.

2 But, again, I find frustrations. When
3 I got to Washington there was no pro bono policy
4 or offers to help in the Justice Department
5 because people said, well, the federal
6 government doesn't do that. Public service
7 lawyers can't do that. Government lawyers can't
8 do that. And I said, hogwash, we ought to be
9 able to do this. It has been a very trying time
10 working through the ethical procedures,
11 addressing the issues, but it is possible to do
12 it and we have now developed a pro bono
13 initiative in which I have announced a voluntary
14 goal of 50 hours of community or legal services
15 on the part of every lawyer in the Department of
16 Justice.

17 We have reached out to other general
18 counsel and to other agencies to expand it.
19 Yes, it was difficult, but we went to the D.C.
20 Bar to address issues of licensing, to address
21 issues of waivers that would give them the
22 authority to supervise Justice Department
23 lawyers who might not be admitted to the D.C.

24 Bar. Don't take no for an answer. It is
25 possible to do public service and to still reach

17

1 out and do more for the communities that you
2 care about.

3 The Legal Services Corporation, as I
4 suspect from my comments with many people
5 earlier whom I've had a chance to meet, there
6 are maybe advocates here of Legal Services
7 Corporation, it is imperative that all of us as
8 lawyers fight to maintain that great
9 institution. It has done so much. They can do
10 far more and we must fight as hard as we can to
11 maintain that institution as a viable source of
12 friend and great legal services.

13 I would challenge the Cleveland State
14 University and the Cleveland Marshall College of
15 Law, particularly in their spirit of community,
16 to consider another concept. If I walk in to a
17 public housing project today, there may be
18 several lawyers volunteering from the community,
19 but on the table will be Welfare issues and what
20 to do about Welfare reform and what to do about
21 the vacant lot and what to do about the
22 automobile that has been stuck outside the
23 vacant lot for a long time and all these lawyers
24 won't know a thing about it because they
25 practice some other kind of law.

18

1 There will be on rare occasions a very
2 shrewd person who will have been acting in the
3 community, will be a community organizer and say
4 this is what you do about this, this is what you
5 do about that. What about a degree, a four
6 year degree of community advocate that would
7 permit a person to serve an underserved
8 community licensed by state law, focused upon
9 specific issues of the community needs. I think
10 it could be done.

11 I think you could have city officials
12 working with the law school and Cleveland State

13 University to design programs that help people
14 understand the city's bureaucracy so they can
15 cut through it on behalf of so many people who
16 get stymied in it, but unless we give people
17 access to the law, our agreements of what the
18 law should be will never be realized.

19 Finally, the group of people most
20 underserved in America by lawyers are our
21 children. Our children come to have protection
22 and they become involved in litigation when they
23 get charged as delinquent or they get considered
24 dependent. But for the vast number of children
25 at risk in our nation who are out there who have

19

1 not yet been brought into the system because of
2 crisis, they have no voice and no access to the
3 law. How we do that requires creativity on the
4 part of so many lawyers, but again, if you focus
5 on community in terms of building community and
6 reweaving the fabric of community around
7 children in the family at risk, we can make a
8 difference.

9 I started off by talking about problem
10 solving. As I come back to it, I think the
11 great problem this nation faces is too often for
12 too long we have forgotten and neglected our
13 children. And we see too many children at risk
14 today as lawyers, we are intent upon problem
15 solving. We must join with doctors, with school
16 teachers, with other professionals to develop an
17 agenda for children that can provide protection,
18 that can focus on the problem of domestic
19 violence so children are brought into the world
20 in a nonviolent world, that can focus on
21 parenting skills, they can focus on how we
22 provide health care for children, just
23 preventive health care.

24 Something is wrong with a nation when
25 it pays its football players in six digit

20

1 figures and pays school teachers what we pay

2 them. Something is wrong with a nation that
3 says to a 70 year old person you can have an
4 operation that extends your life expectancy by
5 three years then turns to the child of a working
6 poor person and says, sorry, you make too much
7 money to be eligible for Medicaid and you don't
8 have health insurance and you can't get
9 preventive medicine here.

10 We have to develop a system that
11 provides sound, safe education for children in
12 the early years. We've got to strengthen our
13 teachers in the public schools so they have time
14 to teach and are free of bureaucracy, so they
15 challenge our young people. We have to be
16 creative and bold and suggest that if the hours
17 of 8:30 to 3 are so important then what are we
18 going to do about our children who are on the
19 streets from 3 to 7 before the parents get home
20 from work. We're going to have to make sure we
21 focus on truancy prevention and that we teach
22 our children how to resolve conflicts without
23 knives and guns and fists.

24 I've been Attorney General for a little
25 over three and a half years. Some of these

21

1 problems sound daunting, but I have watched
2 lawyers at work in their communities across this
3 nation. I have watched other Americans at work
4 and never, ever have I believed so profoundly
5 and so deeply in our ability to solve a problem
6 as I've watched people come together to use the
7 law to do what's right.

8 In this next century of the Cleveland
9 Marshall law school I know you will lead the way
10 in doing what's right.

18
19
20
21
22
23
24
25

CERTIFICATE

I, Lorraine J. Klodnick, do hereby
certify that as such Reporter I took down in
Stenotypy all of the proceedings had in the
foregoing transcript; that I have transcribed my
said Stenotype notes into typewritten form as
appears in the foregoing transcript; that said
transcript is the complete form of the
proceedings had in said cause and constitutes a
true and correct transcript therein.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

— — — — —
Lorraine J. Klodnick, Notary Public
within and for the State of Ohio

My commission expires June 28, 1997.