

State Bar President Inaugural Address
Bill Hebert
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Thank you, Mr. Chief Justice. And thank you to the distinguished members of the Bench, the Bar, my family, my friends and my colleagues.

I want to thank Howard Miller for his leadership and service to the Bar this past year. Howard brought his keen intellect, his sense of humor, and a wonderful gift for story-telling to all of the knotty issues we addressed during his tenure on the Board and during his year as President. Thank you, Howard, for your incredibly hard work. I am certain that Shirley is glad to get you back.

Congratulations to Judge Keith Davis, who is about to be sworn in as President of the California Judges Association. The best wishes I can convey would be that you preside over an uneventful year.

Like so many Californians, I moved here from someplace else. I was born and raised in Iowa City, Iowa. People often ask me why I left Iowa. And I tell them: I was 18 before I learned that we were all -- free to go.

I would like to take few minutes to tell a story about another young man who wanted to leave Iowa, but for very different reasons than I did. His name was Bradley Hylton.

Hylton was younger than me by about 15 years, but he looked a lot like me at that age: same height, same build, same color hair. Hylton was staying in an apartment in a complex near Iowa City with his friend, Daniel Coop, who had taken Hylton under his wing. Coop wanted to get out of Iowa because he was wanted for sexual assault of a minor. And Hylton was along for the ride.

While staying at the apartment, Hylton and Coop noticed that an old man, the property manager who collected the rents, had an office at the apartment complex. Hylton and Coop figured the old man probably had some money in that office, and they knew he had a car. With some money and a car, they could probably get pretty far away.

On Friday morning, July 20, 2001, my father Don Hebert left for work. My father had retired, but got his license as a real estate broker. He was 70 years old, but liked and needed to work. He sold the occasional house, did the occasional

appraisal, and managed a run-down apartment complex that was owned by an old friend and business partner.

Hylton and Coop were waiting for my father. Hylton went inside the office while Coop waited outside. After awhile, Hylton came out with about \$70 in cash, some credit cards, and the keys to my father's car.

My dad's business partner found his body that afternoon. I never learned exactly what happened in my dad's office that day. I know that there was a struggle. Coop's girlfriend later showed the police where he and Hylton had disposed of a plastic bag with rope and some duct tape in it. But that's about all I know.

Hylton's murder of my father left my mother, and his wife of 44 years, a widow. I did not understand the true meaning of grief until I stood at my mother's side in those difficult days right after he died.

My mother, my brother, my sister and I soon came to know and admire the homicide detectives who were working to find my father's killer. With a little bit of luck, and some quick thinking by a suspicious security guard at a local

department store where Hylton and Coop used my father's credit card, the police had them both in custody even before my father's funeral.

After the arrest came the prosecution. The Johnson County Iowa prosecutor, Pat White, made my family feel like he was our lawyer, not just the State's lawyer. He patiently explained what was happening in the prosecution of Hylton and Coop. We had utter trust and confidence in his skills as a lawyer and his humanity as a person.

My mother never completely overcame her grief, but she got by. She relied upon her faith in God, her family and her friends to get through her ordeal.

I'm not telling this story to make you feel sorry for me or my family. Sadly, I have learned that there is nothing particularly unique about us or our story. Ask any of the judges here. They see the grief caused by these crimes every day, affecting thousands of families every year. The judges will tell you that you would be surprised at how many prospective jurors tell the same story during voir dire: that someone close to them, a close friend or close relative, has been murdered.

You might be wondering what happened to Hylton and Coop. About a year after my father's death, I got a call that Hylton was going to confess to the murder. I went back to Iowa City to attend the hearing where he confessed, and made a statement of apology. He was 26 years old.

Just as I had developed respect for the County Prosecutor, I had tremendous respect for Hylton's own defense lawyers, who allowed him to confess. They didn't stand in the way, but they respected their client's wishes to clear his conscience.

At the end of the hearing, as the deputies were taking Hylton back into custody, my mother approached him. Let me tell you that if the deputy sheriffs in Dallas had moved as quickly in 1963 as these Iowa deputies moved to block my mother from approaching Hylton, then Lee Harvey Oswald would be alive today.

But my mother didn't try to assault Hylton. She just said to him: "That was a brave thing you did, Mr. Hylton."

Hylton got the maximum penalty in Iowa for murder. Life in prison. They could never connect Coop directly to the murder. Hylton wouldn't implicate him or

put him inside the office that day, so Coop spent a few years in prison for other crimes and was released on parole.

After the hearing when Hylton confessed, the County Prosecutor met with us. He gave my mother a letter Hylton had written to her before the confession in which he apologized. This letter of confession started a brief exchange of letters between my mother and my father's killer about his past life and his life in prison.

My mother let us read some of those letters. I did not find, as I thought I would, the soul of a cold-blooded killer. He was just a very lost young man.

In one letter he wrote: "I wish I could say that . . . changing my plea was difficult, but the hardest part was getting people to understand why I was doing it. Once I set things in motion, it was like I was being led through what I needed to do. I'm not trying to belittle what I did, but as I have come to understand, doing the right thing is easier than committing the wrong thing, so this change that has occurred in me, is hard for some people to grasp."

I've talked a little bit about the lawyers who worked on the prosecution and defense of this case and how I developed respect for their kindness and skill. I appreciated these skills when my family needed them most.

The chance to help people through troubled times is the reason so many of us became lawyers. It is the defining trait of a good lawyer. Because lawyers are involved in so many of the major events of our lives, a good lawyer can guide us through those events, whether bad or good: the lawsuit to recover for injuries in a car crash, the divorce, the bankruptcy, the writing of a will, the lawsuit that overturns an unfair business practice or nullifies a law rooted in bigotry or hatred.

I think of the lawyers I know. I know the lawyers who give service every day at the Legal Aid Society of San Francisco and the Public Interest Law Project in Oakland. I think about my wife, Lori Schechter, who has given hundreds of hours of pro bono service on issues relating to the rights of minors and children.

Up to now I've been talking about lawyers working as lawyers. But as you look around, what do you see but lawyers engaged in our community outside of the narrow confines of the law.

In his speech Thursday, Justice Anthony Kennedy remarked that he believed lawyers should be statesmen in their own communities. And that when he was growing up in a small town in California, lawyers were the community leaders, and active in civic affairs.

It is true that so often lawyers are invited to serve on the boards of their churches and temples and schools, and so often they do.

I think about the lawyers I know. My partner Kathy Fisher, after seeing her friends die of AIDS, was at the forefront in the fight against discrimination of AIDS victims. My partner Arne Wagner and his wife, a doctor, run a medical clinic in rural Kenya, called Matibabu. It was the only secular medical clinic in Africa to get a PEP-FAR grant under the Bush administration and it is the medical clinic that provides health services to President Obama's grandmother. And it delivered these services long before she was President Obama's grandmother – back when she was just another grandmother.

I think about my partner Rodney Jacob and his involvement with Ateneo, a charity devoted to helping the poor in the Philippines. I think of Ed Calvo, whose family started the Calvo Cancer Foundation in Guam. And I think about Jim

Quadra, who sits on the San Francisco Board of County Bond Oversight Committee and making sure public money is spent for the public good.

Yesterday I heard about Retired Superior Court Judge Jack Mandel, who in his spare time started an afterschool mentoring and tutoring program for at risk youth in Santa Ana. The kids' grades go up and they stay in school. Colleges have heard about his program and this year 13 colleges will recruit from his program. This is the kind of civic engagement that makes us proud to be lawyers.

As lawyers and members of the Bar, we could all take as examples the public members of the Board of Governors: Laura Chick, Jeannine English, Bill Gailey, Gwen Moore, Richard Rubin and Dennis Mangers. None of them are lawyers. All of them are incredibly active in the civic life of our State.

And I'm proud of my involvement in the State Bar, because the Bar has helped to promote just the kinds of things I've just been talking about: community service, promoting diversity in the professions, promoting pro bono services for the poor, pushing for access to justice, and granting scholarships for deserving law students. As one example, you should all read a report by the Commission on Access to Justice, issued just last week, entitled "Improving Civil Justice in Rural

California” that offers real solutions for providing legal services to the poor in our rural areas. The State Bar is and will continue to be a leader in ensuring access to justice for the poor. The same qualities that I admire in good lawyers, I find and admire in the State Bar.

Let me return for a moment to Mr. Hylton. Would the involvement of a mentor in Mr. Hylton’s life at an early point, someone like Judge Mandel and not a criminal like Daniel Coop, have made a difference? Could Mr. Hylton have avoided a lifetime in prison? Would things have been different for me, for my mother, for my family?

I don’t really know. But maybe, just maybe, our involvement in our communities and the lives of our young people might make a difference down the road. And if we can’t do it ourselves, then we should strive to find ways to support the people who do.

A few years ago, Jeff Bleich noted that whenever a Bar President gives a speech, there is one question on everyone’s mind: “How much longer is he going to go on?” And in many cases, the question is preceded by an appeal to the divine

creator, as in “My God, how much longer can he go on?” I’m glad to tell you, not much.

There are some people I need to thank and recognize. First, I want to thank the tremendously talented executive staff at the State Bar with whom I’ve had the pleasure to work this past year: Starr Babcock, Bob Hawley, Peggy Van Horn, Colin Wong, Presiding Judge of the State Bar Court Jodi Remke and Russell Weiner. Their energy and enthusiasm for the work of the Bar never ceases to amaze me. And of course Judy Johnson, our Executive Director without peer, who has presided over ten years that have been the Golden Age of the Bar.

Next, I want to thank my fellow third year board members: Rex Heinke, Paul Kramer, Michael Marcus and Patti White. It has been a privilege and an honor to work with them these past three years. You won’t find a smarter, more collegial group of lawyers.

The next year will bring any number of challenges, but we are fortunate to have a group of third-year and public members who are ready to address them and I wish to thank all of them for their willingness to serve. Governors Jim Aguirre, Joe Chairez, Jon Streeter, Angela Davis, Michael Tenenbaum and the California

Young Lawyers representative Micha Liberty will be joined by public members George Davis, Laura Chick, Jeannine English, Bill Gailey, Gwen Moore and Dennis Mangers.

Next I must thank my law firm, Calvo & Clark, for letting me do this. I hope I can repay the favor someday.

I must mention my daughter Nicole and my son Jordan. Every night when I come home to see you, it makes my day at work worthwhile.

But the greatest thanks are reserved for my wife, Lori, whom I love without reservation and who is ever present in my dreams of our present and future together.

In closing, I'd like you all to think about this. Someday, somewhere, not so long from when we leave this conference in Monterey, men and women will be meeting with other like-minded people. They will be people just like you and me, and they will be trying to make a difference in our society. It could be in a small apartment where they are meeting with the poor and disenfranchised. Or it could

be under the granite archways of the State Capitol in Sacramento. And great ideas are going to be exchanged. My parting advice to you is: Be there.