

Swearing-In Speech
John Van de Kamp
President, State Bar of California
October 9, 2004 – Monterey, CA

Mr. Chief Justice George;
Members of the Judiciary;
Fellow Members of the Board of Governors;
And Fellow Members of this independent Conference of Delegates:

I'm honored by the confidence the Board of Governors has in me to take on this responsibility.

I do not intend to disappoint them, the some 200,000 members of the State Bar of California, nor the public that we all serve.

To tackle this responsibility – which I regard as close to a full-time job – requires time, good health and, as a pro bono effort, the means to get through the year. Through some planning and good fortune – all three are now in place. (That's not to say that I won't be a wreck by the end of the year.)

In that respect, I owe a special thank you to my law firm Dewey Ballantine – which has been very supportive – to my wife Andrea and to my daughter Diana – for their forbearance – now and in the coming year.

Robert Redford's movie *The Candidate* ends with his election. At the end he asks – “What do I do now?”

Today, Presidents of the State Bar pretty much know what they're going to do because the Board over the last three years, beginning with its President Karen Nobumoto, followed by Jim Herman and Tony Capozzi, has developed a long-range

roadmap for the State Bar – a comprehensive plan which was completed and adopted in Fresno just a month ago – at last!

What does our unified Bar do? Since its statutory creation in 1927, the Bar has administered the admission process for lawyers, regulated their professional conduct, provided public protection through its discipline operations, worked to enhance the administration of justice, sought to advance the cause of accessibility to justice for all people, and provided support for the professional development of its members.

So much for generalities.

The Bar performs most of its functions in an effective manner – others need improvement.

Let's start with the Admissions process. It's tough. I don't have to remind you how tough. It protects the public because it's tough and sets standards for competency and ethics. And it's well run.

Then there's the Discipline system. It takes more than 75% of our dues money. It has recovered from the shutdown. Its staff has more experience. With a recovery that was aimed at giving nearly exclusive priority to the most serious cases, it now must use the full range of sanction alternatives. Fine-tuning is in order.

One of the Bar's recent success stories has been the Lawyers Assistance Program – where lawyers with alcoholism, substance abuse or mental health problems can, with absolute confidentiality, voluntarily admit themselves to long-range therapeutic programs before becoming a discipline statistic; or if disciplinary investigation or proceedings are pending, attorneys may (with some exceptions) participate in the State Bar Courts diversion program and continue to practice with the condition that the

attorney's participation in the program is carefully monitored for a substantial period of time. The purpose – to help lawyers reorder their lives and protect their clients. In many ways it serves as a preventive measure against malpractice and future claims against our Client Security Fund – which all California lawyers fund to protect clients from aberrant attorneys.

And then there are areas where we will continue to give attention.

We will continue to support the Courts – adequate funding for an independent judicial system is vital to our society. It's vital to law enforcement. It's vital for civilized dispute resolution. And it's vital for protection of our constitutional rights. And in Chief Justice George – who I fortunately voted for in 3 confirmation hearings – we have a leader who fights hard and effectively for the third co-equal branch of our state government – the judiciary.

This year the Assembly and Senate will lose 10 lawyer members who are termed out (names such as Burton, Johnson, Sher and Vascencellos).

We need more legislators in Sacramento who understand the needs of our Courts.

We need men and women who have the analytic skills to work through and solve some of our knottiest problems.

We need legislators who will make equal justice a reality.

Where does the State Bar need to improve? There are 3 areas I'd like to touch on today that fall within the Board of Governors' plan. They are greater access to justice, greater inclusiveness in our membership and improved member benefits.

Access to Justice. Equal Justice under the law is a pipedream unless our citizens can use our justice processes. With poverty levels hitting new highs in California, with legal service funding at stagnant levels, with funding pressures affecting the courts themselves, the justice system is more and more out of reach.

The self-help centers – now aided by the online Law Help California program – holds promise. We need more self-help centers and attorneys to help staff them.

But there's no substitute for traditional live face-to-face lawyer representation.

To make that possible we're going to need greater funding for legal service programs and a renewed commitment by California's attorneys to pro bono programs.

The Bar stands ready to work with the Courts, the Legislature, the Governor and legal aid programs to find new funding sources. The \$10 million a year provided in our state budget is better than nothing – but it's a figure that could easily be quadrupled and still leave unmet needs.

Some major law firms have made deep commitments to pro bono work; others have not. I call on every firm in the state to evaluate its policy on pro bono activity and to support pro bono work by its partners and associates. The Bar will work with you to provide contacts to local legal aid providers. I'll be checking on our progress as I get around the state during the year.

Billable hours are important, but put the access to justice issue in this light:

“Where Justice is denied, where poverty is ignored, and where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rule and degrade them, neither persons nor property will be safe.” (Frederick Douglass, 1886)

What do I mean by greater inclusiveness? In our last Bar demographic survey, we found under representation in the Bar for Latino/Hispanic and African-American attorneys. Each group constituted less than 4% of the Bar membership. And yet as we all know, the Latino/Hispanic population in the state has grown by leaps and bounds. What does this mean? It means that the Latino/Hispanic and African-American communities are not being served as well as they should by those who best understand their language and/or culture – those who can identify with and know best those communities. The same holds true for the gay and lesbian and transgender communities.

The Bar’s demographics will not change overnight, but if we don’t start now the issue will confront the Bar 10 years from now.

What can we do? There’s no magic pill. But we need to organize a concerted effort by the State Bar in conjunction with every local bar association in the state to better educate high school and college students of color about the opportunities in law. We need to work with those promising students of color and guide them into and through law school, through the Bar exam, and as they enter practice. This is not something that can be done from afar – it has to be done on a personal one-on-one level. To accomplish this requires support from within the Bar and from our law schools.

Let me ask you this. How many of you in this room have gone to your local high schools and/or colleges to talk about what you do as a lawyer? Not enough. Go. At the very least you'll be heightening interest in the law as a career.

And then there are the glass ceiling issues affecting women lawyers. We must address those, too. We will work to shatter those ceilings.

Last but not least on my list today is the area of member benefits. For too long now our members have looked at the Bar as the disciplinarian. A letter from the State Bar is like a letter from the IRS saying, "I'm here to help you." We will continue to operate a discipline system. But those of us on the Board also realize that better trained, happier lawyers are consistent with the public protection that we are duty bound to provide.

And so in the next year we aim to make life for California lawyers better by providing tangible value for their membership by:

- (1) Finding out from members what they need and what the Bar can provide, especially in the area of professional development.
- (2) Providing Malpractice, Life and other insurance products at cost-saving rates.
- (3) Providing a one-stop Member Service Center where answers to all types of Bar and practice questions can be provided; in short, to begin the process of convincing lawyers that the first call to make when looking for assistance is the State Bar.
- (4) And we must increase public awareness of what lawyers do.

Unlike one of my predecessors, I will not try to ban lawyer jokes. They're part of our culture and we should have some fun with them. I like stories like the story

about the criminal defense lawyer in Texas who found several loopholes in the Ten Commandments.

But I do expect to honor the lawyers amongst us who are making major contributions to their communities – on a regular basis – and to see to it that the news gets beyond the legal press to the mainstream press. We cannot afford to hide the good things we do under a rock.

In the same vein, we aim to use the electronic media to reach the larger community with information about the law and its processes, and the good that lawyers do. I've just recorded a series of public service announcements that are going out to every radio station in California.

What's the point of all this? Even our own *Bar Journal* has reported that lawyers are increasingly unhappy about their lives and their work. A lot of that has to do with how they are perceived.

The fact of the matter is that lawyers and the legal profession are part of the glue that holds this society together. We helped create our constitutional rights – we help write the laws – some of our lawyers become judges – we counsel and advocate on behalf of our clients on issues that range from house purchases and tax matters to matters of life and death, and we do it through a civilized system built on due process standards as opposed to bloodshed and violence.

People should know what lawyers do and lawyers should be active in and proud of their profession.

I have some 11 months in this job. Much of what will be accomplished this year will come as a result of the work of those with whom I've worked over the past

years – with the staff under its excellent Executive Director Judy Johnson and the Board of Governors who have given so much of their time. A special thank you today to a man who has gone up and down this state tirelessly in a productive effort to make the State Bar relevant to its members and our colleagues in local bar associations – State Bar President Tony Capozzi.

I leave you today with the urgency of the upcoming 11 months staring me in the face, with this lesson from Albert Camus:

“I shall tell you a great secret today. Do not wait for the last judgment. It takes place every day.”

Let’s go to work and let’s have some fun.

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