

Chief Justice Wallace Jefferson  
Texas Supreme Court  
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I grew up in a military family, on the west side of San Antonio, the 5<sup>th</sup> of six children. Three kids to a room in a modest home. My father dropped out of the University of Wisconsin and joined the Air Force during the Korean War. He and my mother traveled across the country, from base to base. Roxanne was born in Nebraska, Darrell in Massachusetts, Lamont in California, me and Celeste in Washington state, Leah in Guam. Hearing John Lewis this morning reminded me of a story when Lamont, now a prominent lawyer, was an infant in the late 1950s. The Jefferson family was denied lodging because of their skin color. They were sent to a Negro neighborhood to knock on doors to see if some good soul would take them in. My dad was serving his country. When he tells this story, there is no anger in his voice. Just disappointment. But also pride, because black families opened their doors when the hotels would not. The military sent soldiers like my father to college – he earned his bachelor’s degree from Puget Sound in Washington and his Masters from St. Mary’s University in San Antonio. He became a Captain. I did not know, as a 4-year-old, what a monumental achievement that was... until sitting in the back of the family van as we approached the guard at Lackland Air Force Base, the soldier stood at attention, and saluted my dad. He served his country. And six young children grew to appreciate the boundless opportunities we enjoy in America.

My father’s generation is slowly coming to a close. Now a retired United States Air Force Major, he sometimes reflects on his journey and marvels at the position his son now enjoys as President of the nation’s Chief Justices. He symbolizes the patriotism of the veterans who fought to preserve, to protect, to defend our way of life. What saved him and his family – what saves us all, is the rule of law. It is a rule derived from people of good will, who participate

vigorously in our republican form of government. It is advanced by you in the contracts that you write and in the courts where you work. It is embodied in the oath your judges take to rule impartially for the weak in our society as well as the strong.

But, today, the rule of law is in jeopardy. IOLTA funds, which are subject to Federal Reserve interest rate (now 0-.25%) have plummeted in recent years. We projected a \$37 million dollar deficit in Texas in 2009 before the Legislature valiantly responded with \$20 million in general revenue. The prospects for another infusion this year are slim. The result? Without help, Texas will have to close legal aid offices, fire lawyers, refuse services to people who have the legal right (the rule-of-law right) to remain in their home but who lack any realistic way to enforce it. Veterans of our armed forces face life in the streets; families who suffer from domestic violence will have nowhere to turn. The rule of law is an empty slogan when it is banished from our halls of justice.

In New Hampshire, civil trials suspended; right here in Georgia, no ability to apy for the supplies courts must have to move their dockets. Idaho and Iowa, Arizona and California face hiring freezes, periodic courthouse closures, budget reductions that delay civil and criminal trials. There is no light at the end of the tunnel. The fiscal crisis has become a structural crisis that will change fundamentally how justice is dispensed in this great country.

While it is all the rage to talk about monetary solutions, we must talk today not about the hindsight, but the foresight of 2020. How will we handle the herds of pro se litigants in the coming decade who will pack our courts because they cannot afford legal representation? How will we ensure that our children, youth and families receive the legal advice they need so that our next generation is housed and clothed? What will we do to prevent those who are innocent from languishing in jail? I am optimistic. Many of our states have formed access to justice

commissions to address the crushing needs of our poor citizens, partnering with legislatures and the private sector to align lawyers with the indigent. Others have created commissions on children, youth and families. Terry Tottenham, President of the Texas Bar, has launched Texas Lawyers for Texas Veterans, bringing much needed help to these patriots. Most promising of all, Steve Zack has formed the ABA's Task Force on Preservation of the Justice System, which has already identified several practical solutions to address the budget crisis in the states. Bill Robinson has already pledged to continue this noble cause in the next administration.

And I am here to tell you that the Conference of Chief Justices will stand shoulder to shoulder with you to defend our legal system – the envy of the world. We are working with our friends on Capitol Hill. We support legislation, currently pending in Congress, that will intercept federal income tax returns so that the fees and restitution ordered by courts will be available to states for rule of law initiatives to strengthen the rule of law. You have been our partner in that effort; and I want especially to thank your own Bill Wisenberg who has been a great ally in that cause. Ladies and gentlemen, my fellow members of the bar, a young family has been sent to your neighborhood. They are tired and are seeking a refuge in the rule of law. Will you open your doors to them?

Thank you.