

ATJ Opening
Chief Justice Cornelia A. Clark
January 21, 2011

You might be wondering why I wrote to more than 200 of my friends asking you to give up a valuable day in your professional life to come here and listen to the 5 of us ask you to give up even more. For 2 years this Court has spoken loudly and clearly about our belief that helping those with unmet civil legal needs is vital to protecting the broader public good. As we start this important day I would like to remind you how and why that is true.

I believe that a community is only as strong as the justice it provides to its weakest citizens. Justice is a concept that most of us in this room think we understand. If asked to define it, however, our responses would likely be as varied as the number of responders. Justice is not the guarantee of a particular outcome in a particular case. But at a minimum it must be a guarantee of equal access to the *rights* and *protections*, rather than merely the *risks* and *disadvantages*, of a civil legal system that today is complicated, costly, and slow.

I believe that a nation or a state that lays claim to being just has the responsibility to make justice available to all, regardless of their resources and their status in society. We are not there. You know the numbers. More than 35 million Americans are still living below the poverty level, and another 10 million have incomes that are less than 25% higher than that level. At least 40% of these Americans have a legal problem of some kind each year. Low-income Tennesseans are no different. 70% of low-income Tennesseans experience some type of legal problem each year. One million Tennesseans need legal counsel. But with slightly less than 22,000 licensed attorneys in the state, and far fewer participating actively in pro bono programs, most of those low income individuals have limited or no access to legal counsel. They feel shut out from the legal system. They do not turn to the system for solutions because they believe the system will not help them.

I believe that, as attorneys, we are the people who should care the most about whether all persons receive justice. Why must we care?

First, we must care because we are part of a profession which imposes on us the responsibility to help others as a condition of enjoying the privilege of our right to practice law. In our own preamble to the Code of Professional Conduct, the Tennessee Supreme Court has set high expectations for giving as a part of one's

professional life in the law: “A lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service, and engaging in these pursuits as part of a common calling to promote justice and public good.” And also: “A lawyer is a ... public citizen having special responsibility for the quality of justice.” We in the law are especially privileged, and we must give especially generously in return. That is a promise we made when we took our oaths, and it is one we must keep every day.

Second, we must care because the people who need our help are those most at risk and most underserved in our society: children, victims of domestic violence, the elderly, the physically or mentally challenged, veterans, those who do not speak or understand our language, and others who have no place else to turn when they are facing critical legal problems. How can we not want to help them?

Third, we must care because the problems faced by these persons affect the most critical aspects of their lives - income, employment, adequate housing, personal safety, access to health care, sometimes even life itself—the most basic guarantees in a land of plenty.

Finally, we must care because we know if we don't, no one else will. Some of you have heard me tell the story about how, in the darkest hours of the Civil War, Abraham Lincoln was asked about the failures of the Army and his own inability to find a general who could lead the Union to victory. Lincoln's response was that it was important to find, not just anyone, but the person who understood what leadership really involved. He said, “Many leaders can take people where they want to go. But great leaders, they take people where they need to be.”

In this room today are the undisputed leaders of the *perpetual*, *punishing*, but *pivotal* fight to provide truly meaningful and effective access to the *principles* and *processes* of our civil justice system. We must persevere because many people around us, even some of our elected legislators, our executives, and our judicial officers, are not yet fully aware of the crisis we face. We must care because we need every heart and every mind we can commandeer. Together, we must *push* them or *pull* them, *finagle* them or *finesse* them, and *educate* and *encourage* them until they arrive where they need to be in the fight for access to justice.

Is this an impossible dream? I hope not. I am, after all, a child of the Beatles, and John Lennon taught me to “Imagine” when he said: “You may say I'm a dreamer, but I'm not the only one. I hope someday you'll join us, and the world will be as one.” On behalf of my Court I thank you for joining us today on the journey to where we need to be.