

Remarks by Robert J. Grey, Jr. to the American Bar Association's House of Delegates

August 12, 2003

Chair Wells, Members of the House,

It is very nice to be standing before you today.

As with all of us who have an opportunity to lead, it is done so with the support of many people.

A while back, in a brief conversation outside of a meeting, a member of this House who is now a member of this board of governors, Governor Pauline Schneider, said, by way of suggestion: "Robert, it would be really nice if you and I were practicing together." Some months later, after further discussion, I am now proud to say that I am, in fact, her partner. And I have joined a wonderful law firm—the law firm of Hunton & Williams. One of the founders is a former president of this association, former Supreme Court Justice Lewis Powell. And I'm very proud to be a part of this organization. You recognized Hunton & Williams as a Pro Bono Award recipient in 1999. Their commitment to pro bono efforts and diversity has been unwavering.

I will also have the opportunity to work this year with a young partner in the firm. I think it is important that we share with younger lawyers the experience we have, whenever we can. I know President Carlton did, and others before him. So I would like to introduce her to you today, because I want you to welcome her as you have welcomed me: My partner, Lori Elliott, Hunton & Williams.

Now this journey you do not do alone. I want to recognize three other people that are in the Well of the House: Rachel Patrick, who helped Dennis and me understand the meaning of bar service; Mari Carmen Aponte, former White House fellow and a real stalwart in the beginning of diversity within this association; and Sandy Cloud, who Dennis mentioned earlier, as someone who said, "It is time for us as a profession to work on the important issues of the day." I want to thank them and ask that they stand as well.

I would like to conclude my thanks by sharing with you the lights of my life. Katherine Cabell has been a wonderful person and partner who has given me great support and love. But she didn't come alone. She brought two beautiful daughters and a very energetic mother. Katherine is my Katherine. Katherine and Margaret are her daughters. And her mother is Margaret. After I got through understanding all that, it was a lot of fun being around them. Please acknowledge their presence as well.

Long ago a house was built. Its structure spans two centuries and is a testament to the genius of its architects.

Within its foundation are the cornerstones of due process, the presumption of innocence, trial by jury, the attorney-client privilege and an independent judiciary.

Today, as members of the House of Delegates, as members of this association, we labor to strengthen the House of Justice so that it may stand strong against the changing tides of time and fortune.

We recognize that no house may stand long without repair. This is the work we do, and it is never finished. Under President Carlton, we have worked to strengthen the independence of the judiciary. And led by President Dennis Archer, we will work to ensure equality before the law.

Another task that calls for our attention is the jury system. We must re-energize our commitment to it and strengthen it. We must ensure that jurors have access to the necessary resources and are treated with the same respect as judges and lawyers, so that they may achieve a considered and fair result. We must consider jury composition, jury comprehension and jury culture. To plan for this task over the coming year, I will need your ideas, your support and your commitment.

While we work on the foundation of the House of Justice, let us remember that the house not only has a foundation but also has

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a door—a door through which those who seek justice must be able to pass, a door that for too long was closed to too many.

Great men and women—many of them lawyers and members of this association—have struggled to open this door. And we have taken heart from their struggle.

When Thomas Jefferson wrote that “all men are created equal,” the door was opened. When Susan B. Anthony and Margaret Brent made it clear that women were created as equal as men, the door opened wider. When Thurgood Marshall won *Brown v. Board of Education*, then everyone could use the front door. When Oliver Hill challenged massive resistance and reopened the public schools in Virginia, the door swung wider still. When ABA President Lewis Powell and his House of Delegates established the Legal Services Corporation, the door was opened even wider.

When Chesterfield Smith, a giant who, until recently, walked among us, said, “No man is above the law,” it was clear that everyone had to use the same door.

Because of their tremendous and untiring efforts, Dennis Archer and I, and many of you, were able to pass through that door and stand here today.

Now it is our turn to stand at the door.

While some would argue that it has been opened too wide, we say not wide enough. We will stand at the door. And we will keep it open. We must be strong for those who are weak. We must be the voice of those who have no voice. We must uplift those who have been downcast. We must defend those who we dislike and even despise.

For, by doing so, we stand in the footsteps of giants who held the door open for all of us.

We stand in the place of the Jeffersons and the Brents, the Marshalls and the Hills, the Powells and the Smiths.

Many times it is a difficult place, but it is always a place of honor. And we do not stand alone.

Yesterday, we honored Sandy D’Alemberte with the ABA Medal for opening the door to justice for those beyond our borders, when he helped found CEELI. But he did not stand alone. This association stood with him.

Today, a young Air Force lawyer, a former White House Fellow, a member of this association, stands at the door. Colonel William Gunn—an African American—has been chosen to be Chief Defense Counsel for those held at Guantánamo Bay. When asked by a reporter why he would take on such an unpopular task, Colonel Gunn replied that although he knows he could be perceived as the bad guy by virtue of taking this job, he saw it as a matter of integrity. He recognized that his team would do a great service to the nation by making sure that these were, in fact, fair proceedings.

Today, Gunn stands in the doorway, but he does not stand alone. We stand with him. No one should doubt his patriotism or commitment to his country. Nor should anyone doubt ours.

As Oliver Hill once reminded me, practicing law is not a popularity contest; it is about doing what is right.

You see, I was brought up to believe that some day we will all stand in a house not built with hands. And in that house we will be judged with both justice and mercy. Until that day, let us use our hands and minds and hearts to ensure that our current dwelling reflects both the justice and the mercy of that house.

My pledge to you, as president elect, is that I will labor with you and for you, every day.

We will keep this association in the center of the doorway, and together we will hold the door wide open.

We will not yield. We will not rest. We will not relent.

Indeed, we will not be moved, so that all who seek justice may enter.

Thank you very much.



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Robert J. Grey, Jr., is a partner on the regulated industries and government relations team at Hunton & Williams. The preceding remarks were delivered before the American Bar Association's House of Delegates on the occasion of Grey's election and installation as president-elect of the American Bar Association.

Luncheon Honors Lawyers Helping Lawyers Volunteers

On September 17, 2003, Chief Justice Leroy Hassell, Sr., of the Supreme Court of Virginia was the keynote speaker at a luncheon honoring Lawyers Helping Layers volunteers. The luncheon, which was attended by more than 60 volunteers, supporters and board members, kicked off a day of events marking organizational and programmatic changes in LHL. The luncheon was followed by a CLE and training session for volunteers and an open house at the group's new offices at 707 E. Main Street in Richmond.

During the training session Susan Pauley, LHL executive director, and Tracy Zody, a licensed clinical social worker from Richmond, discussed depression and its impact on the legal profession. LHL, which since 1985 has provided services to lawyers with substance abuse problems, is expanding its services to include mental and emotional disorders. It is currently recruiting for a mental health services coordinator.

LHL became a Virginia non-stock corporation in 2002 and is applying for 501(c)(3) non-profit status. It moved into its new offices, which it shares with The Virginia Law Foundation, in May 2003. LHL is funded in part by the Virginia State Bar, The Virginia Bar Association, the Virginia Trial Lawyers Association, and The Virginia Law Foundation.



Above: Lawyers Helping Lawyers Executive Director Susan D. Pauley and LHL Board President Charles G. Meyer III.



Above: Lawyers Helping Lawyers Board Member and Treasurer Bernard J. DiMuro (left) and Virginia Supreme Court Chief Justice Leroy R. Hassell, Sr.

Attention Local Bar Associations: National Health Care Decisions Week October 19–25, 2003

The Virginia State Bar's Senior Lawyers Conference invites all Virginia local bar associations to participate in National Health Care Decisions Week, which is sponsored by the American Bar Association. Bar associations are asked to assist with community programs on health care advance directives and organ and tissue donation.

October 19–25, 2003 is the week officially designated as National Health Care Decisions Week, but bars may participate by hosting programs at any time. The hosts of these programs will receive

up to \$500 reimbursement of materials and advertising costs for each program.

For more information about this program, contact Paulette Davidson at the Virginia State Bar by phone at (804) 775-0521, or by e-mail at davidson@vsb.org.

BOOK REVIEW

Northern Ireland: Can Sean and John Live in Peace?

Northern Ireland: Can Sean And John Live In Peace? (An American Legal Perspective), by Carol Daugherty Rasnic, BrandyLane Publishers, April, 2003, ISBN 1883911559, 352 pages (including index and appendices).

This book chronicles the 1998 Good Friday Agreement in Northern Ireland from the vantage point of the law. A professor of labor law at Virginia Commonwealth University, Rasnic lived and worked in Belfast as a 1998 Fulbright Distinguished Professor of Law. The amalgam of that experience and her dual-sided Irish heritage (Murphy from County Wexford, and Doherty from County Donegal) produced a natural interest in the events leading to that historic agreement.

Rasnic explains the causes of the conflict (religion and politics) and the legislative and judicial responses. Parallels between anti-Catholic discrimination in Ireland and American race discrimination are augmented with the author's interviews with principals in the process and her personal experiences of practicing law in the South and growing up in a small Southern town.



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ACBA Recognizes J&DR Judge

This year, the Arlington County Bar Association presented the 21st annual Robert J. Arthur Distinguished Service Award to Judge George D. Varoutsos of the Arlington County Juvenile and Domestic Relations District Court. Before assuming his current position, Judge Varoutsos was a practicing attorney in Arlington, specializing in civil and criminal litigation. He serves on the Arlington Criminal Justice Coordinating Committee and the Virginia Medical Malpractice Review Panel.



Arlington County Bar Association President C. Eric Gustafson (right) presents the award to Judge Varoutsos.

He is a past president of the Arlington County Bar Association.

The award was created in 1982 to honor a member of the association who has distinguished herself or himself professionally within the association and statewide.

IN MEMORIAM

David H. Boyd
Fairfax
January 1931–January 2003

Glenn Erwin Braswell
Alexandria
August 1943–June 2003

The Honorable Duncan M. Byrd, Jr.
Covington
April 1943–July 2003

Chris A. Christie
Virginia Beach
May 1943–May 2003

William Alfred Fioretti
Vienna
August 1947–June 2003

Dennis A. Flinn
Winchester
September 1910–April 2003

Romayne L. Frank
Newport News
May 1929–June 2003

Linda Williams Groome
Forest
June 1952–October 2002

William P. Heath, Jr.
Heathsville
July 1934–August 2003

Patricia Prestiy Holdsworth
Marshall
August 1951–April 2003

Edward McKinley Stowe
Danville
February 1958–August 2003

John Michael Kemp
Tawas City, MI
January 1944–May 2003

James H. Kemper
Phoenix, AZ
October 1938–June 2003

John Fielder Knowles
Alexandria
August 1928–July 2003

The Honorable Mell J. Lacy, Jr.
Oklahoma City, OK
February 1941–July 2003

Krista Danielle Latshaw
Richmond
January 1970–June 2003

Robert J. Macbeth, Jr.
Norfolk
September 1948–July 2003

William E. Michaels, Jr.
Washington, D.C.
June 1950–October 2002

Enos R. Pleasants, Jr.
Wilmington, DE
January 1926–March 2003

William G. Reynolds, Jr.
Richmond
March 1939–July 2003

Fred Kenneth Schwetje
Alexandria
March 1947–June 2003

LOCAL & SPECIALTY BAR ELECTIONS

Accomack County Bar Association:

Gordon Swanger Vincent, President
Thomas Long Northam,
Vice President
Gordon Swanger Vincent,
Conference Representative

Metro Richmond Women's Bar Association:

Stephanie Elaine Grana, President
Clair Agnes Harrington,
President-elect
Robin Jill Wells, Vice President
Julie M. Whitlock, Secretary
Anne Marie Cushmac, Treasurer
Julie M. Whitlock, Historian
Stephanie Elaine Grana,
Conference Representative

Address Change?

If you have moved or changed your address, please see the VSB Membership Department's page on the Web for an **address update form** at www.vsb.org/membership/.

First Milestones Plaque Dedicated

During the 2002–2003 bar year, the VSB asked its members for nominations of significant legal events or important legal figures who have played a major role in the evolution of the legal profession in the commonwealth.

A panel of attorneys and Virginia State Bar staff selected two milestones for commemorative markers. On September 17, 2003, a bronze plaque was presented by the bar to William J. Howell, Speaker of the House, in the Old Hall of the Virginia House of Delegates in the state capitol building—the location where Chief Justice John Marshall presided over the nation’s most celebrated treason trial in which former Vice President Aaron Burr was acquitted, in 1807.

The second plaque will be installed at the law school at the College of William and Mary to mark the founding of the first law school in America and the legal careers of George Wythe and St. George Tucker.

The project was funded by a grant from the Virginia Law Foundation.



Speaker of the House William J. Howell, Clerk of the House Bruce F. Jamerson and VSB President Jeannie P. Dahnk. (The plaque is at Del. Howell’s right. The bust is of Chief Justice Marshall.)

Mandatory Continuing Legal Education MCLE DEADLINE: October 31, 2003

Failure to complete 12 CLE hours including 2 hours in ethics/professionalism by October 31, 2003 will result in a \$50 non-compliance fee. (Part 6, Section IV, paragraph 19, Rules of the Virginia Supreme Court)

Check your MCLE Record on-line at www.vsb.org/mcle/mcle_record.html