

Speech by Judge Robert N. Jenkins, Sr. to Greenville Bar Association at a Luncheon honoring Summer Associates and their law firms. July 25, 2006

Mr/s. Presider, Mr. President, Officers, Members and to our special guests (the Summer Associates). I want to commend all sponsors of our special guests, and I salute the Summer Associates for their accomplishments. I am honored to speak to you on this occasion.

I want to take this occasion to speak on a topic of interest to us all, as members of the legal profession as lawyers, or 'wannabe' lawyers.

In the mind of the general public, lawyers are perceived as "doing well" for themselves, but not "doing good" for the public. This misperception has become an unfair reality for lawyers in general. As a group, and as individuals, you must do every thing you can to erase this misperception. And this is why the subject of my speech today is : "Doing Well" and "Doing Good". This is the present challenge that you face - at least in the minds of the general public. It is my hope that you will be challenged to always strive to "do well" and to "do good" because the reputations of all lawyers in general, hang in the balance. "Doing Well" means you have satisfied clients who have paid your fees, and you have accomplished your professional goals. "Doing Good" means you have satisfied clients, you have achieved your professional goals, while helping to solve a community problem without the expectation of compensation. In essence, you have contributed to the public good.

According to recent surveys conducted by the American Bar Association in 2002 after 9/11, the American Public is somewhat contradicting in their opinions about lawyers. On the one hand, they rate lawyers eighth in public confidence, which is well below doctors (who are rated first), and below the Congress. More than half of the respondents believed that lawyers know the law and want to serve their clients needs, and about three-fourth of the respondents were satisfied with the quality of the work done. Yet, at the same time, it was found that lawyers are not doing a good job of developing and maintaining good communications with their clients; that there is a general misunderstanding and mistrust of lawyers' fees, and that there needs to be more vigorous self-policing of improper conduct. The surveys also suggest that lawyers need to communicate better about their public service and pro bono activities. One recommendation from the survey is that law students should be taught about the lawyer-client relationships in law school, and taught that they have an affirmative obligation to talk to, and work with their clients to enhance the public's view of lawyers and our justice system.

What can you do to begin addressing this "doing well", "doing good" perceptual

dilemma? There are at least three things that immediately come to my mind that I would suggest.

First, all lawyers should become more involved in the Greenville Bar Association activities. This is an excellent organization. It has historically been blessed with excellent leadership. And it has represented you well. Secondly, the Greenville Bar Association should consider extending the annual law week service project to a year-round program. I believe this can be done by partnering with the local Center for Equal Justice Program. And thirdly, the bar should consider broadening the services it presently provide in that program to include non-legal services by selectively working with U.W. Programs, Dept. Of Juvenile Justice Programs and local Faith-Based Programs. Extended services could include one-on-one mentoring, educational tutoring, and creating shadowing matches for the youths from disadvantaged backgrounds. Many of these youths are either already in the juvenile justice system, or are at-risk of being placed in that system. The local Dept. of Juvenile Justice has what it calls an Auxiliary Probation Officer Program (APO). This program would be an ideal fit for most lawyers. Finally, I believe that whatever is done, should be consistently communicated to the broader community through a marketing awareness program with coverage of the services provided, spotlighting success stories of Greenville Bar lawyer involvement. This can be accomplished through better utilizing the regular publications of U.W. and Faith-Based Programs, as well as better utilization of the local media, without any monetary cost to the Bar. The weekly Greenville News, 'City People' Insert would be an excellent median for this coverage.

I believe these are the kind of things that would give a more positive perception of lawyers through the eyes of the average population. I believe these kind of involvements would publicly confirm the passion, that already exist among Greenville Lawyers for the betterment of opportunities for all classes of people in the Greenville Community. And this passion is especially true toward the youth population, as they are our hope for a better community.

As lawyers, and as 'wannabe' lawyers, you are the beneficiaries of an unparalleled heritage from the past. You must do everything possible to combat the lawyer bashing comments and counter the misperception of lawyers with the Truth. And the truth is, what you actually do with your time to help others who can't help themselves. Both as professionals and as individual attorneys, you should never lose sight of the respect you deserve for the role your profession has played in the progress of the history of our society, a role which extended beyond the courtroom. You must bring your individual and collective talents to bear to ensure equality and opportunities through your legal and non-legal pro-bono services to the disadvantaged populations of this community. When you begin to think of those who preceded you in this profession, you can't help but become imbued with the spirit, the virtues and the values which you are called upon to preserve, protect and perpetuate. The high self-esteem of your profession is grounded in the accomplishments of both South Carolina and American Lawyers, and how they responded to the social challenges of their time.

You see a lawyer in the philosophical forefront of our great country. You see him

with quill in hand, at Montecello and at Philadelphia, and in Washington, as he defined in writing the rights of American citizens. His name was Thomas Jefferson, and he was a lawyer.

You see him addressing the delegates of the Second Virginia Convention, exhorting the battle cry of the republic, "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!" His name was Patrick Henry, and he was a lawyer.

Where would America be today if these lawyers had only "Done Well", and did not "Do Well" and "Do Good?"

You see twenty-five lawyers among the fifty-six signers of the Declaration of Independence; you see them drafting the Articles of Confederation as leaders of the Constitutional Convention of the new states. Their legion include: John Jay, Alexander Hamilton, and John Marshall, and they were all lawyers.

Where would America be today if these lawyers had only been successful at "doing well", but not "doing well", and "doing good?"

You see a lawyer leading the country in war-time: at Gettysburg with tears in his eyes, rededicating our country to the principles of equal justice for all. His name was Abraham Lincoln, and he was a lawyer.

You see a lawyer speaking to us from his wheelchair, lifting our spirits, making us stronger with his inspirational philosophy, "The only thing we have to fear, is fear itself." His name was Franklin Delano Roosevelt. And he was a lawyer.

Where would America be today, if these lawyers had only been successful at "doing well", and not "doing well", and "doing good?"

You see a lawyer in the Criminal Courts of twentieth century America: at the bar of justice from Chicago to Dayton, Tennessee, breathing life into the Constitution and helping define and defend individual freedom. His name was Clarence Darrow, and he was a lawyer.

You see a lawyer crying out for the civil rights of her black brethrens and sisters, demanding equal justice for all: as we see her addressing the Democratic National Convention, as its keynote speaker and capturing the hearts and minds of those who heard her extolling the virtues of democracy and individual freedom in the halls of Congress. Her name was Barbara Jordan, and she was a lawyer.

You see them at the Bar of this great state, and on the highest judicial benches of our nation and state, reminding us all that justice is colorblind, and that all citizens of this great state and country, regardless of race, gender, creed or national origin, are equal

under the law. Their names are Justice Thurgood Marshall, Judge Mathew Perry and Justice Ernest Finney.

But not only that, we can look to our own rich history of the many present and former leaders of the Greenville Bar Association. The late Tommy Thomason was one such leader. I was proud to know him personally. He had unshakable integrity. He had compassion for the underclass population. He insisted that there be civility between lawyers. He loved the practice of law, as a service to people. He was widely respected and admired by his peers for his personal and professional achievements. The Greenville Bar Association now honors him and the qualities he stood for through The Tommy Thomason Award. This award is given to a deserving Greenville Lawyer. Each of you should strive to be deserving of this award.

I ask you, where would America, South Carolina or Greenville be if these lawyers had only "did well" but did not "do well" and "do good" with their talents? Today, you stand on their broad shoulders.

Shakespeare was right. The best way to establish a tyrant or to establish an undemocratic regime is, "we must first kill all the lawyers." Shakespeare really meant this phrase as a compliment to your profession. Ironically, it is now used as a basis for lawyer bashing jokes.

Your obligation to this nation, to this state, to this community, and to yourselves is to accept

Shakespeare's compliment as a challenge to you to always strive to "Do Well" and to "Do Good".

I am proud to be a member of your profession and the Greenville Bar. You call me Your Honor, to remind yourself of your own Honor. Every morning, when I go to work, I put on a plain black robe and strive to become something larger than myself, in a positive way. There is a touch of ceremony as I walk into the courtroom: "Please rise" says the Court Officer, in a formal kind of voice, for "His Honor, Judge Jenkins". And all present stand for a moment in silence and respect, to remind me and yourselves of what you really expect from me, the one you have chosen to wear the plain black robe of justice.

Now, the difficult work begins. As lawyers, you talk to me, arguing your views, pro and con. And sometimes this scene is made even more challenging when there is one, and sometimes both sides are pro se litigants. In any event, each believing that his view alone is right. Feelings run high, voices are raised, tempers are lost, manners are forgotten - but not by Your Honor. I must be a smoother of tempers, a referee among fighters, a cool guardian of the Rules of Court. I must be the protector of both sides and a partisan of neither. Both sides hope to sway me, and hope even more, that I cannot be swayed.

What do I think about sitting high and lonely at the bench? Is it only the law, or is there something more? Maybe I remember, within some deeper part of my mind, that all

that are written in the statutes or court rules are different ways of saying one simple thing: "We, the people, want fair play for every person." Maybe that is what keeps me strong, and clear, and calm, while angry arguments swirl around me.

Your Honor, you call us as judges. But it really is your own Honor, you mean. You have woven into that plain black robe, the ideals that make up the Honor of an American - your devotion to what is right and good, your determination to protect those who need your help. "Wear these black robes everyday", you tell us. "Never let us forget them."

I am proud and honored to have served your profession as a judge these past eleven years. I salute and congratulate your summer associates in choosing the law as their honorable profession. I challenge them today, as I remind you today, to always strive to "Do Well", and to "Do Good" for America, for South Carolina and for Greenville. Thank you, and may God bless.

(I have used published writings by Howard L. Nations, Lawyers Role in Democracy. "The First Thing We Do, Let's Kill All the Lawyers" Shakespeare's Tribute to Trial Lawyers; ABA Survey: Public Perception of Lawyers (2002); "We call him His Honor to remind us of our own", from John Hancock Advertisement Series, in composing this speech for Greenville County Bar Luncheon in honor of summer associates and their law firms. July 25, 2006, at the Poinsett Club, Greenville, South Carolina, 12:00p.m.)

Circuit Family Court Judge Robert N. Jenkins, Sr.