

Remarks of PBA Incoming President Andrew F. Susko
PBA Annual Dinner
Philadelphia, Pennsylvania
June 21, 2007

Justice Ron Castille, Justice James Fitzgerald, President Judge Kate Ford Elliot, Chief Judge Donetta Ambrose, Chief Judge Yvette Kane, Judge Midge Rendell, Attorney General Tom Corbett, distinguished judges and guests, family and friends, my sisters and brothers at the Bar, it is an honor and a privilege, and I stand humbly before you and proudly accept the gavel of leadership of this great Pennsylvania Bar Association.

We speak at the Pennsylvania Bar Association of upholding the honor and dignity of the Bar – upholding the dignity of our noble legal profession. We share the belief that individual lawyers are guardians and protectors of the profession. That belief is embodied in the oath of office we took when we first became members of the Bar of the Supreme Court of Pennsylvania.

Our obligation to be stewards of the profession is the highest duty we have. Fidelity to the rule of law is a duty greater than the duty we owe to our clients. While this core concept is as old as our profession, it is no less important today; let us collectively rededicate ourselves to embracing it again. I cannot state this point better than past PBA President, Marvin Comisky, did in 1971, at the 75th Diamond Anniversary of the Pennsylvania Bar Association when he stated, and I quote:

“Let me be blunt – Seventy-five years ago, typical lawyers were much more their own person than most of us are today. We were not nearly so much the prisoner of our clients ... we were consulted and respected and our clients accepted our advice. No client, and no client’s interests, stifled our independence. We said what we thought on every issue. We were looked up to in our community, because we had character and courage, and because we valued our independence more than our income. Put to the choice, we chose quickly and we chose the right, no matter what the cost to ourselves. We were the popular champion, and frequently the only champion, standing beside the poor, the despised, and the persecuted.”

We debate, from time to time, at the PBA whether we are a trade association or a professional organization. While our Association must and will act to protect our trade as attorneys, let us never forget that we truly are a profession, a profession that aspires to the highest ideals of what being a lawyer is all about. These ideals include: fidelity to the rule of law; improving the profession and protecting our justice system; and demanding professional excellence and the highest ethical standards so that we are the best lawyers we can be. Let us follow the lead of many of our local county Bar Associations that proclaim as their defining purpose to “uphold the honor and the dignity of the Bar.”

Being guardians of our profession includes protecting and defending our justice system and our judges. Every day, across this great Commonwealth, hard working judges discharge their duties openly, honestly, and with fidelity. Does this mean that every judge is perfect? The answer is no, but overwhelmingly our judges in Pennsylvania, federal and state, are fair, competent, and decide cases before them impartially. When the well being of a child or child custody is at issue, when a criminal charge is levied, when a mortgage holder brings a foreclosure action or an eviction is threatened, when medical care for a terminally ill patient is at issue, judges are expected to and do make these difficult decisions wisely and fairly.

This November, voters in Pennsylvania will go to the polls and vote for judicial candidates for our Appellate and trial level courts. Know this, the organized Bar, if it stands for anything, must and will stand for the principle that competent, qualified, and experienced judges, rated as “recommended” by our Judicial Evaluation Commission should be retained.

When we speak of judicial independence, we mean fair and impartial courts. Independence, meaning freedom to decide the case based on the facts and the law presented ... independence to follow the rule of law, not independence from the rule of law ... independence to reach the right decision under the law despite public pressure or outcry, despite political pressure or threatened reprisal, and despite financial consequence or intimidation.

To illustrate the importance of an independent judiciary, I want to share a story with you that was related to me by a retired Justice of the Polish Supreme Court, Teresa Romer. Justice Romer wanted to be here tonight, but is participating in a judicial conference in Poland and could not attend. I first met her Honor at a PBA Labor Law Section Dinner here in Philadelphia when she, and other judges from Poland, were our guests of honor. Justice Romer first became a judge in Poland in the late 1950's. Poland has a proud history of fierce independence. Even though it fell under Soviet Union Communist domination, as a vestige of its independence, judges were not required to become members of the Communist party. Although most judges did, Judge Romer never joined the Communist party.

Many of you will recall the marches in the streets of Warsaw in 1981 led by the charismatic labor leader Lech Walesa. The world stood transfixed during this politically-charged, intense moment in history when hundreds of thousands of Polish citizens stopped working and took to the streets. While the world waited, the legal question of whether there could be a “Solidarity Union” and whether that union would have the right to strike in Communist Poland was assigned to Judge Teresa Romer, then a trial court judge. Now, there was no doubt how the Communist party wanted the case decided, but Judge Romer held fast to her independence and integrity and, despite great personal risk, she ruled that workers had the legal right to unionize and had the right to strike. The rest, as they say, is history. Why do I share this story with you tonight?

Let us never forget that when we talk of judicial independence, having fair and impartial courts is vital to the rule of law, vital to our three-branch system of government, and absolutely essential to an orderly society that all lawyers must protect.

Fair, impartial and accessible courts. Meeting our obligation as stewards of our profession, and striving to attain its highest ideals, includes ensuring the accessibility of our justice system. Tonight I want to talk about “accessibility of our justice system” and the organized bar’s role in improving accessibility of our courts. Lawyers and judges are justifiably proud of the core principle of our profession, that we all are governed by, and accept, the rule of law. Faithful execution and enforcement of the rule of law protects the civil rights we all enjoy.

I grew up in a southern town, Huntsville, Alabama, in the 1960s, a turbulent time in the South. When we talk about civil and equal rights, we think of Brown v. The Board of Education, a landmark legal decision that fundamentally altered the civil rights struggle for generations to come. But what we, as lawyers, know is that the dream of civil and equal rights for all, a dream we all agree to, that we all share, a dream that is embodied at the conclusion of our nation’s “Pledge of Allegiance,” a dream of “liberty and justice for all,” that dream does not have full meaning and cannot be fully realized when those less fortunate than ourselves do not have meaningful access to the justice system.

National estimates conclude that 80% of the working poor see their legal needs go unmet. An estimated one in every two people, who actually have the wherewithal to present themselves to a community-based legal aid facility, are turned away because there is no available attorney to represent them. A recent survey of Pennsylvania lawyers revealed that, in response to the question: "Have you ever accepted a pro bono referral?," 48 % answered "No." A working family in Pennsylvania, with two wage earners working at the new minimum wage earn less than \$30,000 per year, they cannot realistically access the legal community for services without assistance.

So tonight, I am issuing a simple call to the organized Bar, a call to action, a call for all Pennsylvania lawyers, young and old, urban and rural, large firm and solo, plaintiff and defense, to do what many lawyers have been practicing throughout their entire career in pursuit of the highest ideals of our profession, namely take a case for someone who cannot afford it and always try to maintain one active pro bono case in your inventory.

It is in this way that we at the organized Bar can begin, through our collective effort and spirit, to improve our justice system by improving the accessibility of our court system for all Pennsylvanians.

Let us never forget the enormous power and energy of a simple idea. When that idea inspires individual action, and individual action leads to collective consensus, then, working together, we can make a powerful, positive, difference. We will be judged not by the number of programs we institute at the PBA or the detail of that programming, but rather by the seeds of hope that we sow, beginning tonight, for our next generation of lawyers. I invite you to share this vision and act with me at the PBA to better the profession and our justice system.

Our continuing challenge, at the PBA, is to build the bridge, the pathway, to effective collective participation by lawyers at the Bar. We build this bridge when we seek to better the profession through practice improvement initiatives, when we call for respect and fair treatment of our judges and justice system during the upcoming retention elections, and when we improve the accessibility of our courts. All lawyers in Pennsylvania have reason to be excited about and engaged in the future of our profession.

And when we talk about the future of our profession, we are talking about our young lawyers and young lawyer leaders like Bill Higgins, Ryan Blazure, Justin Goldstein, Jennifer Clark, Mike Hayes, and Chuck Eppolito, to name a few. I believe that an important measure of the health of our noble profession is the extent to which younger lawyers are actively engaging in their profession.

A word to the young lawyers, invest in yourselves, become actively involved in the great work your local and state Bar Associations. You are the stewards of your own professional development. And to our seasoned lawyers and law firms, encourage young lawyers' active participation and support of their own professional development.

We are truly fortunate at the PBA to have a tremendous resource available to young lawyers and to the organized bar, and I am talking now about our PBA Past Presidents who are with us here tonight. I would ask all PBA Past Presidents and their spouses to stand at this time and give a wave when I call your name: Jerry and Helene Bogutz; Al and Michele Massey; Tom and Leah Cooper; Bob and Betsy Fiebach; Cathy Stevens; Leslie Miller; Janie Belden; Marvin and Penina Lieber; Tim and Janet Carson; Mike And Yalta Reed; and Bill and Christine Carlucci. Please join me in showing our appreciation for their years of dedication and service to our profession and the Bar.

Thank you all very much for coming tonight and please enjoy this great band and what I know will be a terrific party. Good night and God bless you.