

EMBARGO SEPTEMBER 23, 1999, 1:00 P.M.

**Opening Address of
Chief Justice William Ray Price, Jr.
to The Missouri Bar at the Annual Bar Conference
Thursday, September 23, 1999**

I am pleased to address you on behalf of the Supreme Court and the judges of the State of Missouri.

First, I would like to acknowledge the other members of the Supreme Court: Ann Covington, John Holstein, and Duane Benton, who preceded me as Chief Justice; Steve Limbaugh, Ronnie White and Mike Wolff, who will follow me. It is a pleasure to work with such talented and good people.

Second, I want to tell you about some of the administrative goals we are pursuing. Two years ago the Judicial Conference authorized the appointment of a committee to encourage the development of drug courts throughout Missouri. Today, there are twenty such courts located in sixteen counties across our state. We will continue to emphasize the particular value of providing treatment, not just punishment, to appropriate non-violent offenders and attempt to establish a continued and coordinated source of funding for that treatment. This summer the Judicial Conference also authorized the appointment of a committee to study various issues of jury reform to allow for a better trial for the litigants and a better experience for the jurors. The committee is made up of experienced trial lawyers and judges.

The Supreme Court is in the process of restructuring the Board of Bar Examiners in light of the increasing number of applicants to the bar and our Family Court Committee will initiate a special study in an attempt to eliminate barriers to permanent placement of children within the care of the courts. We also will continue to support the efforts of many of our lawyers in providing legal aid to the poor.

The automation of all of our courts will continue to demand a significant amount of attention. This effort, initiated by former Judge Robertson, has required the time and work of a great many of us in the judiciary and the bar. I want to thank all of you for your support and patience during the implementation of this project, especially those of you here in Jackson County.

With that being said, I can now turn to what must be the primary concern of all of us: “justice first.” These words were adopted a few years ago by the Missouri Bar in its Mission Statement. I am told that Rod Loomer, Ron Mitchell, and Larry Tucker each have some claim to credit for identifying these words, “justice first,” as symbolizing the heart and soul of our profession.

It is the idea of justice that separates us from all other businesses and occupations. We do not make something you can hold in your hand, that you can wear, or that you can eat. Justice is not a physical reality. Justice is an ideal that humankind has been seeking since the most ancient of times. Daniel Webster said,

Justice...is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored,

there is a foundation for ... security, general happiness and the improvement and progress of our race.

It is ironic, though, that as high as the ideal of justice is held by humankind, the knee-jerk level of respect for those who practice the law is not what we would want it to be. Ironic, but not surprising. Unlike products or services that people want, hardly anyone wants to need a lawyer. We are needed mostly in times of trouble or dispute, and I am afraid the emotion of the trouble or dispute rubs off onto us. Regardless of the quality of representation or adjudication, no one enjoys being in a lawsuit. In business, while lawyers are essential to the orderly conduct of transactions, we are nonetheless an expense. We come straight off the bottom line.

But, whatever the cause of our image problems, we must take care. If we lose the trust and support of the people for the rule of law not only will our profession perish, but our civilization will perish as well.

Often, we overlook the obvious. Without doubt, we are living in the greatest civilization in the history of humankind. Education, art, and health care are flourishing. So are charitable activities. All of these are supported by a free market economy that can only exist within the certainty of law. Goods and services can be bought and sold, money can be exchanged, people can plan for the future with confidence, but only because the rule of law has been so firmly established that we often don't even think of it.

The extent to which we enjoy personal liberties is also at an all time high. It has been said that a civilization can be judged by the extent of the individual freedom enjoyed by its citizens. No

civilization in the history of the earth has protected the individual rights of its people by the rule of law as we have; again, rights so commonly accepted that we often take them for granted.

I do not mean to sound like a Pollyanna. Certainly we face problems of every kind, each calling for further progress. But at no time has any civilization done more than ours to advance the quality of life of our people. Mostly as a result of law.

But continued advancement depends upon our upholding of the faith and support of our people in our courts and our lawyers. That, in fact, justice is not merely available, but routine, to each individual, rich or poor, black or white, plaintiff or defendant, prosecutor or accused. It is our job, collectively and individually, and despite all pressures to the contrary, to keep our focus on a system of law that seeks “justice first.”

In its most common sense, justice has been defined as “a steady and enduring will to render unto everyone his due.” It has also been said that justice is “honesty in action.” We cannot allow ourselves to be confused. Our calling is not to win for our client or ourselves at any cost, but to seek for our clients, with all of our abilities, their “due,” in truth and in justice. For if our client receives more than his or her due, someone else must have received less. We cannot allow that and maintain a system of justice.

I am pleased that the Missouri Bar has undertaken a serious commitment to advance the image of our profession by television and radio ads. For good or for bad, mass media and sound bytes are a real part of our world and they cannot be ignored. I want to thank Jennifer Bacon, Mike Gunn,

and all of the other members of the Missouri Bar Board of Governors, who decided that it was time for us to confront the problem of the image of our profession in a real and a meaningful way. But this can be only a part of the solution. The rest of the solution remains, where it has always been, with each one of us.

All of the advertising in the world is only as good as the impression each of us leave with our clients, their adversaries, our neighbors, and, in the end, even with each other. If our profession is justice, then we must act like it.

Judge Lawrence Cooke of New York said:

To determine the rights, property, life, civil duties of other people is sacred work.

Justice Felix Frankfurter of the United States Supreme Court noted:

From a profession charged with such responsibilities there must be exacted those qualities of truth speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have throughout the centuries, been described as “moral character.”

Because you are lawyers, the law will be judged by what you do. You cannot exist apart from the principles of your profession. Daniel Webster put it this way:

An eminent lawyer cannot be a dishonest man. Tell me a man is dishonest, and I will answer he is no lawyer. He cannot be, because

he is careless and reckless of justice; the law is not in his heart, is not the standard of his conduct.

We need to constantly remind ourselves of the great honor it is to be a member of this profession and the great trust that is placed in us as lawyers and judges. The public expects more from us because of this. We must act accordingly. Despite the many pressures that bear upon us, our focus must remain simple and true upon “justice first,” and we must show that dedication in what we say and in what we do, not just collectively as a profession, but individually as well.

end