

Justice Lisabeth Hughes Abramson, Supreme Court of Kentucky

2008 Law Day Address

May 1, 2008

Good morning. Today we acknowledge and celebrate the admission of many new lawyers to the Kentucky Bar. We also celebrate the 50th anniversary of Law Day, a national commemoration first established by President Eisenhower to acknowledge the rule of law that has governed our country since its infancy. By now, the new lawyers among us, like their predecessors, have spent much time studying rules and legal concepts. Civil and criminal rules, the rule against perpetuities, evidentiary rules are lodged in their weary brains along with constitutional law, contracts, and property principles, not to mention administrative law, family law and much more. So what do we mean when we celebrate the “the rule of law?” What part of the seemingly endless fabric of law does the “rule of law” refer to? Quite simply, all of the above and much more.

The 4th of July, the birthday of our nation, is a day John Adams called our country’s “day of deliverance.” Law Day, in my view, celebrates what our founders chose to do with our deliverance and our independence. They chose to build a country founded on laws adopted by democratically elected representatives of the people, administered by members of the executive branch, and upheld and enforced through the work of lawyers and an independent judiciary. The rule of law is not an abstract concept lacking practical significance. It is the very foundation of the United States of America, the one abiding concept that assures that current and future generations will enjoy the freedoms and rewards bestowed on our ancestors. The rule of law refers to government by the people, not a monarch or dictator, to a government of laws that are clear, fair, and publicized, and to a government with courts that are readily accessible for consistent, competent, and efficient enforcement of the law.

As Americans we know that our system is not flawless, but when wrenching scenes of human rights violations, political oppression, and unspeakable poverty affecting millions of people appear on our television and computer screens in our safe American homes we instinctively know that our country is different. Our confidence in this difference can be mistaken by some for arrogance, and indeed, on more than a few occasions our country’s leaders have exhibited arrogance. That idea of American superiority is most definitely NOT what I am referring to --- rather it is the quiet confidence and comfort that we as average Americans feel when we view ourselves as immune from many of the ills that affect much of our planet, particularly developing countries. You may think that this belief in the strength of our country is primarily attributable to the tremendous success of the American economy over the previous century, that our security derives from our economic success. However, examples from all over the world have shown us that economic prosperity rarely occurs without the rule of law. Indeed, the American dream of peace and prosperity was realized only because the firm foundation of law has always provided a stable environment in which the dream could be nurtured.

Of course, our history, proud as it is, is also tarnished -- tarnished by discrimination, our own Civil War, and the decades it took to adopt Civil Rights legislation. Moreover, individual economic prosperity has never been guaranteed as evidenced by the Depression that my parents experienced, and as evidenced by today's headlines when too many Americans find themselves living below the poverty line. With complete self-awareness of those serious flaws, we still know that those scenes of horrid oppression, violation, and poverty broadcast from some other parts of the world will not be replicated here in our country. And whether we know it or not, the source of our confidence in our difference and our perceived immunity is our own, internalized belief in the existence and future survival of a society premised on the rule of law.

Collectively, most of us and our fellow citizens have always lived under the rule of law and we expect to continue doing so. Late in the year 2000, as Americans, we knew that the orderly processes of law would result in a Bush or Gore presidency and that regardless of the outcome, the millions who disagreed with the ultimate decision would not be rioting in the streets or plotting to overthrow the government. Several decades earlier, the American civil rights movement promoted a message of non-violence - a recognition of the need to change laws, not overthrow the government. This movement's most famous leader, Dr. Martin Luther King Jr. wrote in his letters from the Birmingham jail in 1963.

"I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law."

That well-expressed sentiment speaks volumes. In America, even those who have suffered from our national failings have internalized a respect for and confidence in the rule of law as the one means to fairness and justice.

So, you say, as a new lawyer, that is all well and good Justice Abramson, but I am not headed for some lofty public role in this community of ours, this nation and Commonwealth. I am not planning on being a judge or legislator and I definitely do not aspire to be Governor or President. I am going to be writing wills in Paducah, practicing tax law in Louisville, representing families in divorce and custody matters in Somerset or Covington, closing real estate transactions in Pikeville, or perhaps defending criminal cases in Bowling Green or Lexington. I am going to practice law, make a living, and give back to my community in some way. I don't anticipate making the history books and maybe not the law books either.

Well, I, as a member of the Kentucky bar for almost 28 years, have two responses. First, no matter what you think now, some of you will enter public life and serve locally, statewide, or maybe even nationally. Second, each of you, by virtue of being a lawyer is in effect a guardian of the rule of law, a keeper of the flame if you will. As you guide those elderly parents through legal preparations for the care of their mentally handicapped adult child, prosecute that crime that has shaken your community, prepare legal documents to protect that business person's life's work, assist in the enforcement of

environmental laws that protect neighborhoods, represent the grievously injured and those who have been unjustly accused or sued, as you do all of this you are bringing the rule of law to the lives of ordinary citizens. Their own internalized belief in our system has caused them to seek your counsel and advice. Be aware that the practice of law is not always easy. Hold onto your legal compass and let your polestar, your guiding principle, be the rule of law. If you do so, you will fulfill your role as a guardian of the law and you will have done your part in assuring both respect for and a continuation of the rule of law as the foundation of American society.