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## Florida A&M University Law Review Induction Ceremony, 2016-2017

Chief Judge Frederick J. Lauten  
*Ninth Judicial Circuit*

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Dean Epps, Professor Grant, Editor in Chief Caitlin Frenkel, , Davidson Anestal, distinguished faculty, members of the Law Review, students and guests. Thank you so very much for that kind introduction and for the invitation to speak to you this evening as you celebrate tonight's prestigious event-the new member induction into Florida A & M's College of Law law review. I am honored to be here at Florida A & M law school and I am grateful to you for the invitation to speak today.

I began my practice of law in Orlando in 1979 at a time when no law schools existed in our region and one had to travel either to St. Petersburg or Gainesville to enjoy the benefits of a local law program. Now we have two accredited law schools in our region. Florida A & M enjoys a particular distinction of being located in the heart of downtown Orlando, in the midst of the legal action- so to speak- you are within sight of the Federal and State courthouses and are physically in the same neighborhood as the established Orlando law firms. Thus, you are in a unique position to benefit from being in the heart of the legal community and we the legal community are likewise able to benefit from all that a law school program has to offer including legal research, thoughtful and scholarly debate, internships, and classroom activity to name just of few of the benefits. These real benefits are the kind that only a law school located physically in a community can provide directly to that community. As an example, last evening I was honored to be here on a panel that discussed inequities in pay and other gender discrimination issues and I am certain I learned more

from the audience that I offered as a panel member. It was enlightening to hear the stories of your students about their life experiences with gender discrimination. The conversation was eye opening, thought provoking and moving. It was the embodiment of what a law school, especially this law school can offer to our region.

And you as members of law review, are in a **unique** position to benefit the community because your mission includes pursuing independent, rigorous, scholarly research in the law and recommending improvements and advancements in the law. You are provided this opportunity because of your lifetime commitment to rigorous, disciplined, academic excellence. Just to be accepted to law school you had to perform well in high school and college- to demonstrate high academic achievement as well as moral character. That earned your acceptance to a professional school, law school, where you had to start all over again and work diligently to be among those few invited to participate in the most significant extracurricular academic activity of law school-law review. I commend you on your achievement.

I know that being on law review is helpful to your future as a lawyer, that it looks good on a resume and sets you apart from other law students, and all that is true, but if you joined law review just to pad your resume, I think you will squander a wonderful and rare opportunity.

Why do I saw that? Because being a member of law review provides you the unique opportunity to critically study areas of law unburdened by the demands of a paying client to whom you owe certain duties- like the duty of loyalty and advocacy, even if you personally disagree with your client's position. When you practice law you have clients to whom you owe responsibilities, who are paying you to advocate for them or counsel them but not always to pursue what is the best option for society at large. As a member of law review you are free to pursue intellectual study independent of the restrictions of a paying client. This is a once in a lifetime opportunity... I believe it is more important than ever that society at large and attorneys in particular engage in thoughtful, complex examination of important social and legal issue and avoid loud, simplistic, banal, headline grabbing solutions to today's complex social and legal issues. I hope and I believe writing for law review will permit you to engage in thoughtful, deliberate, mature discussion of legal and social issues.

Will being on law review be easy? Probably not. Is there pressure on you to produce a high quality, engaging law review article, of course? Yes. Must you do this while also going to class and keeping your grades up- again yes-but great things are rarely accomplished with little effort, they require extraordinary effort- You have demonstrated that skill set throughout your lifetime and I challenge you to continue that

pattern by taking full advantage of your membership on law review. You are becoming members of a group that demands that you engage in exhausting research in your subject matter, that you examine legal or social issues from all points of view, that you cogently write about your topic and that you recommend improvements to the law. And you get to add your unique perspective to the examination of these issues and that is valuable to you as well as to your readers. Being on law review demands a lot from you but the rewards and the opportunity given to you are well worth the demands on your time.

And- more than any other law school endeavor, law review allows you to experience directly your law school motto. Your law school crest contains the latin words DOCENDO, DISCO, COGITO and SCRIBENDO. Translating the terms independently they mean to teach, to learn, to think, to write, but translated as a group -as I think they are intended to be translated- they state “ I learn by teaching; I think by writing”. One does learn by teaching, in fact good teaching requires that one master a subject matter and then enhance the learning process by dialogue and the exchange of ideas among the community of learners. And without question, good writing requires thinking carefully about a subject. You will experience both as law review members.

As I said, I believe there is intrinsic value in your law review experience but it will also serve you well as practicing

attorneys. You unquestionably will develop skills on law review that will be demanded of you as attorneys. So law review has its intrinsic value and a residual value as you enter the work force.

While practicing law in today's environment presents many challenges one of the exciting features of being a lawyer lies in the intellectual challenges it presents to practitioners.

Practicing law requires a life-long pursuit of knowledge. Not only do you have to master the law and facts of each client's case but to practice law at the highest level you have to learn as much as you can about the human condition since law is inextricably tied to human behavior. So to enhance your skills as a lawyer you need to understand literature, science, philosophy, and psychology. If you choose to be a trial lawyer, you need to master the art of persuasion meaning you should study theatre, salesmanship and public speaking. You cannot practice law today without being technologically proficient. You can't run a law firm without having skills in business and organizational structure. This list goes on and on, in short choosing law as a profession means you have chosen to engage in lifelong learning-which while it sounds daunting actually presents you with exciting challenges and the opportunity to grow emotionally, psychologically and intellectually throughout your life.

As rewarding as practicing law can be, today, the profession faces many challenges and if you will indulge me, I would like to address two of them.

The first is the paradoxical problem of having more law schools in Florida than ever and thus graduating more lawyers than ever before and yet having a discernable justice gap in our system. As of today there are over 100,000 (102,783) lawyers licensed to practice in Florida, of that number over 73,000 or 85% are located in Florida and in good standing eligible to practice law. Over 3,000 candidates sat for the bar examination this year and last. About 70% passed. So we are adding over 2100 attorneys to our ranks ever year.

Contrast those numbers to these statistics. About 80% of the poor and approximately 50% of people of moderate means do not have meaningful access to our civil justice system. Some estimates place at 80% the number of family court parties who are self-represented. In landlord tenant cases about 90% of landlords have lawyers but only about 10% of tenants have attorneys. In the World Justice Project's Rule of Law Index, the United States ranks 67<sup>th</sup> out of 102 countries on accessibility and affordability of civil justice. In the most recent year of available data, 96 million people qualified for legal assistance under federal guidelines. These statistics are just staggering for the wealthiest nation on earth!

Lack of access to civil justice is a fundamental flaw in the fabric of democracy. Lack of access contributes to distrust in our

justice system and puts ordered liberty at risk. We have procedural rules and a regulatory system built on the premise that there will be a lawyer for every client in every case-that these two attorneys will use all their skills and talents to advocate for their client, and that the truth will emerge from this battle of skilled attorneys. But that clearly is not the reality. If only one party or either neither party has a lawyer, then the adversarial system itself fails. As the next generation of lawyers you will be faced with this issue and challenged to solve the access to justice dilemma. Our own Chief Justice, Justice Labarga, has recognized the problem and created a commission to address this issue. The commission published its final report in June of this year and recommended that a **gateway portal** be created to serve as an online connector to law libraries, self-help centers, legal hotlines and legal aid organizations so pro se litigants can acquire needed information to assist in navigating our complex justice system. The Commission recommended that law professor and retired judges be allowed to serve as “emeritus attorneys” in some cases advising litigants on a pro bono basis, and that leftover funds from class action settlements be distributed to legal aid programs. Finally, the body recommended that a permanent commission be established to continue to study and address this issue. You can access the full report on the Florida Supreme Court’s website.

The second legal trend relates to technology and cascades into the issue of access to legal services. Internet-based legal products are the newest trend to impact the legal profession. Estimates place at over 1,000 the number of legal tech companies delivering legal services. About 40 of those companies have capitalization over \$55 million. In 2012 venture capitalists invested \$66 million in legal services technology companies. That figure increased to \$424 million in 2013 and over \$1 billion in 2014. Modria, an online dispute resolution company claims to resolve 60 million disputes a year online! Avvo claims 8 million hits a month on its website. I could go on and on with technological statistics but the trend is clear- technology will play a major impact on the practice of law during your lifetime. Whether it pertains to how you compete to obtain clients, how you conduct legal research, how you present evidence or most importantly the very structure and existence of our justice system as we currently know it, technology will play a major role in the future of the practice of law. It may be the single most important issue your generation of attorneys face.

These two challenges-access to justice and the impact of technology on our system of justice are but two of the major challenges you will face as you enter the legal work force. I am sure there will be others.

I wish I had the answers to the challenges facing you as lawyers in the 21<sup>st</sup> century- But I don't. What I do have is this-faith. I

have faith that you-today's FAMU law review members will bring to these significant and important legal challenges the discipline you have developed over your lifetime that resulted in your becoming law review members, as well as the skills that you will hone while on law review so that you- tomorrow lawyers- can address the challenges facing the 21<sup>st</sup> century lawyer- just as generations before you faced their own unique challenges. I am confident you can bring the leadership skills and the academic discipline needed to resolve these important issues. As lawyers we are the guardians of the third branch of government. We owe the citizens of our community, the organized bar and one another all of the skills and talents we possess to resolve these important issues so we can keep alive the hope that ordered liberty provides to citizens and most importantly so we can deliver society's most precious commodity-justice, and justice not just to some, not just to the wealthy - but justice to all. Thank you again for your kind invitation to speak tonight and again congratulations on your induction into FAMU's law review