

## EXECUTIVE WOMEN OF DALLAS

*There is no greater honor than to be requested by your own to speak and therefore I am especially pleased to be able to share my remarks with you today. The justice system and lawyers are certainly much in the news, particularly in this community. I hope to comment upon some of the issues involving the court system and lawyers that are capturing attention and if time allows respond to any questions you may wish to pose.*

*May 1st saw the defeat of the so-called Robin Hood funding plan for public education in our State and I found that both predictable and understandable. I have yet to see an election at any level where voters were asked to pick but told they had little choice as to what to pick that proved successful--at least in a democratic society. And my perception was that the education plan was presented as a "do this" or else the court will shut down*

the schools. Now the legislature is attempting to pick up the pieces which is a circumstance I do not understand. With little variance, most elections these days are somewhat predictable because of sophisticated polling and pulse taking. I believe we have a good example in the Senate race to prove the point. I think the last week of the Senatorial Ads with Senator Krueger's ads for the first time focused upon just Kay Hutchison was not an accident. I believe Sen. Krueger's campaign was receiving information that his major competitor was Kay and that Senator Krueger may be in trouble. Why then did the supporters of the school funding constitutional amendment not have the sense that the amendment was going to fail, which it did by a large margin, and why did the legislature and State leaders not have a plan B. Watching the news you get the sense the amendment failing came as a big surprise and a big disappointment. I believe it was a big disappointment. I do not believe it was a big surprise.

*But where do we go from here? Is it back to the Courts? Possibly. But what will happen remains to be seen as the legislature again begins to tackle the problem of funding. What I see about all of this that is the most disturbing is that there has evolved a "government by non-action" or a shifting to the judicial system of the responsibility for making all of the hard decisions. I use to hear a lot like you do about the interference of the courts in the governance of the State or city--mental health facilities, prison facilities, redistricting, housing, education, everything is in the Courts. But over the course of time I have sensed a disturbing trend. Sometimes I believe that elected officials would rather abandon to the Courts the hard questions so they can respond to constituents: I did not want to do that -- the Court is making me. Many of the decisions that really need to be made are hard and unpopular. So its just politically advantageous to not make them.*

*Examples: Housing in Dallas for low income people. There is no question that Dallas is a basically segregated city and that there is a great need for the development of housing around the city in areas where amenities exist. However, the placing of low income housing around the city is very difficult. I sometimes sensed that it was preferable from a political standpoint not to make a decision at the elected level, knowing that a federal judge would do the dirty work. Or in Dallas' case you could get your lawyers to advise you that the big, bad court would rule against you so the poor, defenseless council had no alternative but to agree with whatever the court would dictate. At some point we need to let our elected officials know that their inability to solve problems in such a way that a court could not step in is unacceptable political leadership. And political leaders have to start showing more leadership and willingness to make unpopular decisions.*

*Another example, school financing. The funding system in Texas is unacceptable. There were schools which could not operate because the community had insufficient tax base to raise money sufficient to support a worthwhile public education system. As a result in some areas of the State the children were being denied a meaningful education. No one would deal with this issue until the Court is presented with facts which cannot be ignored. Rather than faulting the legislature that for years avoided the tough issue of how do you raise money in this State for education when there is no legal, statewide method of doing so, the legislature and the public fault the "court" that finally presents the legislature with no alternative but to face the issue. And it remains to be seen if a solution is found or whether again the easy way out is to stand still and let the Court devise the solution.*

*No one wants to deal with the hard question of a State income tax. Even Lt. Gov. Bob Bullock has backed off his support for a state income tax.*

*We could afford such luxury during the boom years. Now we have to face reality.....the need for a statewide, equitable, efficient source of funds for public education. The educational issues are hard issues, but for the future of the State they need to be addressed. The quality of the public school system is pervasive as an influence on the economy of the State. Inadequate educational facilities lead to loss of people resources, increase in crime and other social ills burdening society and all the other effects we can witness.*

*My basic message here is that when you hear the Courts blamed for activism or intrusion where they do not belong...Stop and examine what the elected leadership has done to solve the problem at issue and whether*

*abdication to courts to make the hard decisions is not a too prevalent tactic in today's world. Politicians who are too concerned about maintaining their jobs.*

*Racial issues are prevalent in our society today and certainly the Courts continue to be looked to for solutions to injustice or perceived injustice. Many racial issues are so-embroiled with economic issues that they are even more difficult and compromise comes hard. We have mentioned the challenge of placing low income housing around a city like Dallas which is in large measure segregated. Low income residents of the City are principally minority. So the issue of the economic impact of the placement of low income housing in upscale neighborhood is definitely an economic issue but it quickly becomes a racial issue also.*

*The public education issue is racial in overtone. 80% of DISD is minority. The poorest areas in the State are Hispanic. In fact they are the*

*poorest in the nation. The State's poor population grew at a rate three times the national average and in some pockets that statistic is 70% the national average. You should not be surprised that much of the poverty growth are in heavy minority pockets of the State. So the burden on poor school districts is even greater and the population most impacted is the minority population. Why do we think racial issues will die down? For example, how do we think all of the efforts by business and in the white community to attempt to improve the schools will succeed when we fail the ultimate test. We won't put our kids in the public school!!!!*

*There is an old expression--familiarity breeds contempt and we all know what it meant. It was the codification of a principle we are all too familiar with--with our families sometimes we tend to be at our worst or show characteristics we won't share with those with whom we are not as familiar. But, with respect to racial harmony, lack of familiarity breeds contempt. Until*

*we find ourselves together building relationships, building trust and interdependence, the races are going to continue to have difficulties. I predict until we do a better job of melding in our churches, our schools and our neighborhoods, racial tensions will continue at the top of the priority list. We do better already at our jobs but we have to make progress in these other areas. The necessary continued requirements by the Courts for progress frequently has the effect of hardening feelings and slowing the process and in my view the ultimate benefit of a society whose wealth is diversity and who pulls together against common enemies.*

*The justice system is under scrutiny for the Rodney King episodes. The justice system is under scrutiny for the events in Fort Worth. The justice system is under scrutiny for its very makeup because of the few minorities who serve in the judiciary. And if we are honest, we cannot deny that things go wrong, they cannot be explained away and changes need to be made.*

*We still have all white juries trying cases which significantly impact the rights of minorities. We undeniable still have a justice system that does not provide justice for all as provided by the Pledge of Allegiance. One justice for the rich, one justice for the poor. One justice sometimes for minorities, one for whites. We had a telling conversation this week about whether to have a debate about whether the justice systems in this nation have two standards for publication in a national legal magazine. The consensus of the group considering this issue with little discussion was that such a debate would spark little interest. Why? Because most people who look at the statistics concede -- justice for all does not exist.*

*Issues of discrimination are near and dear to the hearts of women executives like yourself-- the sense that glass ceilings still exist, that sexual harassment continues, that networks which by their nature are not friendly to women are real. No question improvement is occurring. I was told*

yesterday that the California Bar will this year most likely elect a woman president for the first time ever. The state that supposedly stands for equal rights. But I have been proud that Texas jumped that hurdle first and that Florida and California, the first and third largest bars in the nation, Texas being number two, have followed close behind. Times are improving but issues still remain. Achievement for women at the highest ranks is still not the norm but the exception. And again issues of discrimination are more and more recognized as seated in economic concerns--minimizing the number who are able to participate in the slicing of the pie.

Where else do we hear a lot today about the Courts. The law and religion. A preacher in Dallas is challenged by suits charging that he is ripping off the helpless and defrauding them with prayer cloths, etc. Abortion clinic protestors have become synonymous with terrorists and the courts have been the refuge for the besieged. The Branch Davidian

compound became a sight for speculation about legal responsibilities and legal rights. The ongoing debate continues surrounding the attempt to once again criminalize abortions or to once and for all guarantee the freedom of the individual women's right to decide for herself whether she will have an abortion. Questions about what can be taught or done in public places or public schools are presented frequently to the courts.

The law and religion make for interesting mixture but the mixture tends to evoke the strongest of emotions. The underlying theme in most of these cases is the insistence of more self-determination. And the more I think about these issues, the more self-determination makes the most sense. Legislating religion or morality we gave up on a long time ago. Remembering that fact appears to offer the most effective solutions to these problems once the easier cases are disposed of. For example, if a preacher is committing fraud and it can be shown, even if he is a preacher, he should

be stopped. But if we just think people are ignorant or stupid for giving their money for a blessing, that is a different matter. No one should not be able to oppresively require a student to participate in religious activities against their will, but if a student on his or her own chooses to express him or herself in religious terms, that should not be prohibited. Where science determines the facts, the law can effectively govern. However, when science cannot determine the facts and decisions vary based upon religious belief, then government should not act. I do not mean to make very complex, emotional issues too simplistic. But some of these issues do not need to be as complicated as they have become if people deal with each other with respect and even reverence.

As you can see being a part of the legal system places you at the heart of the most critical issues of our time. I am for one proud to be a lawyer. And I am proud of the legal system in this country. For all its faults and

needed improvements, we have the best legal system in the world, the best the world has ever known. Working with lawyers--believe it or not--is rewarding. I see the best and the brightest and its reassuring. I have enjoyed my year at the helm which is about to be over. I look forward to a less public life, a return to the full time practice of law and a greater opportunity to attend some of the functions I have had to give up with all my travels--functions like this lunch. Thank you for having me today, congratulations to our new officers and best of luck to all of us as we face the challenges of the year to come.