So, I come to you today as BASF’s 99th president in our 140th year. This is a humbling thing. I have served on the board under the leadership of such luminaries as Priya (of course), Arturo Gonzalez, Russ Roeca, Jim Donato, Nanci Clarence, Joan Haratani, and my long-longtime mentor Jim Finberg. This bar is loaded with inspiring, caring people. I am honored to walk in the footsteps of so many of my personal heroes and to have the privilege of working with my 2012 officers -- Chris Kearney, Stephanie Skaff, and Tim Moppin – as well as the amazing BASF staff.

In being installed as BASF’s 99th president today, I am certainly not the first Irish American to hold this position, nor the first woman, or first lesbian, or the first plaintiffs’ lawyer, and I’m not even the first lawyer to lead the bar from my firm, Lieff Cabraser Heimann & Bernstein.

But, I’m pretty sure I’m the first former lacrosse goalie from upstate NY. This may come in handy today, as that experience prepared me well should any of you feel the need to throw a dinner roll at the podium to get me to wrap it up sooner.

Kidding aside, today I am going to talk about three things that I intend to focus on in the coming year – (1) access to justice, (2) diversity, and (3) engagement and service by our bar.

Before I do that, I want to acknowledge that no individual gets to stand up here without a huge team in her corner, and I share this podium with the many people in my life who have encouraged me, paved the way, and always kept the wind at my back. A lot of those folks are in this room, so I hope you will indulge me in sharing a bit about myself as I recognize just a few of them.

First, it may come as no surprise to some of you that I come from a boisterous, patriotic, Irish American family, where I was the fourth of four kids. Growing up, I tended to be the little mascot of my older siblings for all sorts of shenanigans, and along with my parents they played a huge part in shaping me.
With me today from my family are my brother John and sister-in-law Piera, their son and my nephew Jay Dermody and his wife Lauren; my sister Patti and brother-in-law John, their son and my nephew Sean; my parents Catherine and Donal Dermody, who I should note devoted their lives to teaching – my mom to 4th graders and my dad to college kids – and who instilled in me a curiosity for the “why” of things; and of course my partner Billie Mizell, a woman of great patience and righteous champion of social justice, who is the love of my life.

Then, there is my professional family at Lieff Cabraser Heimann & Bernstein, with whom I’ve spent the last 17 years. I am unable to introduce everyone who is here, but I will note that sitting with my parents today are named partners Richard Heimann and Bill Bernstein, as well as my extraordinary administrative assistant Michelle Reardon. Richard, Bill, Elizabeth Cabraser, Bob Lieff, and our other senior partners, have taught me everything I know about being a lawyer, and I could not be more grateful for their influence.

We also have 3 other Lieff Cabraser tables today of my firm colleagues, including my entire San Francisco-based practice group and many of my firm’s practice group leaders. Their concern for each other and the world around them represent what is best in our profession.

I give a shout out to my chosen families at the Lawyers’ Committee for Civil Rights, the National Center for Lesbian Rights, and the Bay Area Lawyers’ for Individual Freedom. In addition, I am joined today by Lynn Dolce, child trauma therapist at SF General who took me under her wing when several of us in the bar wanted to start a child trauma therapy program at a school in the Bayview. Due to Lynn and her colleagues, Carver Hearts - at George Washington Carver Elementary School - is headed into its fourth year helping students, teachers, and families have healthier outcomes.

Finally, I want to acknowledge a few special guests from out of town: Senior Judge John T. Nixon, of the US District Court for the Middle District of Tennessee, and attorney Kim Robinson, all the way from South Africa. Kim and I were Judge Nixon’s law clerks in 1993-94. The three of us had a lot of adventures together, including a memorable road trip to Selma Alabama for the annual re-enactment of Dr. Martin Luther King, Jr.’s historic 1965 civil rights march over the Edmund Pettus Bridge. You could not pick two finer human beings to be in your corner than Kim Robinson and Judge Nixon.
So, when you see who has been shaping me all these years, it may seem inevitable that my focus in the coming year would be on access, diversity, and service. And I have a few things to say on each of these.

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In the next year BASF is going to remain steadfast in our commitment to securing appropriate funding for our court and courts across the state. California is regrettably part of a national trend of defunding state courts. In October of this year, the Economist ran an article about this trend. Among other examples, it described a court in Ohio that stopped accepting new cases because it could not afford to buy paper.

In Florida, because of a backlog in the civil courts, the State of Florida is estimated to have lost $9.8 billion in gross domestic product in 2009 alone, compared to a court system in Florida that costs only a small fraction of that lost revenue. The situation in the federal courts is not much better, with 99 federal judgeships currently remaining unfilled, causing backlogs and delay in many parts of the country.

In California, the economic realities of a recession and the shrinking state budget are staggering. But of all the things in the budget, the courts have been among the hardest hit, with a drop in court budget since Fiscal 2008 that is roughly 23%, and almost 30% if you include the loss of court budget due to realignments in court security funding.

What has this meant? For starters, widespread layoffs, staff furloughs, reduced clerks’ office hours, and courtroom closures across the state. The result is that business clients who need to resolve commercial disputes can’t move forward. Californians saddled with medical bills or other debts caused by the recklessness of others are left in a costly and uncertain limbo as trials are delayed. And people are experiencing dire consequences in a wide variety of housing and family law matters.

In fact, I can assure you that right now people are standing in lines at clerk’s offices around the state, just trying to file an order that will ensure they aren’t wrongfully evicted, or that they are protected from domestic violence by an abusive spouse, or that the conditions of their visitation with their own children are properly recognized.

But with the reduced hours of those offices, the lines are long and the clerk’s windows close at the scheduled time no matter who is still waiting, or for how long they waited or how much work they missed to do so, or how severe the consequences of them not getting their requests heard.
Recently, an agitated line of customers at the Contra Costa Superior Court began shouting for more open windows at the clerk’s office as the office hours were coming to a close. A few months ago, a woman in San Diego spent the night in her car outside the San Diego courthouse because the clerk’s window closed before she could get a restraining order and it was not safe for her to go home.

There are parts of the state where courts face the prospect of closing all civil courtrooms. We know that story well, because it almost happened here. This past year we were lucky to avoid almost certain catastrophe in San Francisco. Presiding Judge Feinstein sounded the alarm in June that the continuing budget cuts placed our court in jeopardy, and BASF mobilized the community to support a viable, short-term solution achieved by our court with the AOC.

But this work is not done.

Our Court Funding Task Force knows we have a big job ahead in the state budget fight in the coming year. We are committed to helping our court and working in partnership with bars around the state to ensure that our independent third branch of government receives appropriate funding to provide the access to justice needed in a free society.

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My second focus in the year ahead is diversity and inclusion in the legal profession. Our profession wields enormous influence in this society. But this influence is illegitimate if it is not inclusive of and does not empower the rich diversity of our community.

BASF has long been a champion of diversity in the legal profession, including in the areas of race, gender, sexual orientation and gender identity, and disability. For example, in 1988, BASF commissioned a study by the University of California which found that attorneys of color encountered profound disadvantages within this city’s legal workplaces.

The following year, in 1989, BASF issued voluntary goals and timetables on minority hiring and advancement and secured the commitment of 100 Bay Area law firms and legal departments to adopt those voluntary targets. Since 1989, BASF has issued a report every five years detailing our community’s progress toward those voluntary goals, as well as best practices and barriers to advancement. Over the past 20 odd years, the results have been mixed and we are not content with the status quo.
Our next report will be issued in 3 years. But in advance of that report, BASF, in collaboration with the Minority Bar Coalition, will be inviting a series of discussions about what it means in this decade to evaluate progress or lack thereof on diversity in the law. The results of these discussions will be reported out at a 2012 Diversity Summit later next year under the auspices of our Equality Committee chaired by: Paul Henderson, Miriam Montesinos, Vid Prabhakaran, and Quyen Ta.

Stay tuned.

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And finally, this brings me to service.

As the California budget problems reflect, we are living in tough times. Nearly 1 in 5 people in San Francisco struggles each day to feed themselves. And working families are falling deeper into need. In fact, roughly 40% of households currently served by the San Francisco Food Bank include at least 1 working adult.

Current federal guidelines that take into account geographic differences in the cost of living set $35,622 as the poverty level for a family of 2 adults with 2 children in San Francisco. $35,622. This poverty figure is particularly sobering when you consider that many people working in staff positions at San Francisco law firms, corporate legal departments, legal aid agencies, the courts, etc are in the salary range of the poor or nearly-poor.

In the last decade, California’s poverty rate has been growing 3x faster than our state’s population growth, and our State has the largest population of people in poverty in this country, as big as the entire population of Massachusetts. The point is, a lot of people around us are suffering.

Fortunately, lawyers in our San Francisco community have stepped up their efforts to assist others less fortunate. This leadership is reflected among the law firms and legal departments who have signed BASF’s pro bono pledge. If your firm or law department isn’t among those listed on p5 of the program as having signed the pledge and it wants to join this initiative, please let us know. Our Volunteer Legal Services Program can tailor a variety of direct services opportunities to your interests and abilities.
In addition, former BASF presidents Jim Brosnahan and Jim Donato are currently incubating a pilot project in conjunction with Mairi McKeever and our Volunteer Legal Services Program as well as Judge Mahoney at SF Superior Court which would make San Francisco the first right to civil counsel city for persons involved in legal proceedings regarding critical human needs such as shelter or child custody. We are going to need pro bono volunteers to assist with this project, helping unrepresented people on issues of the most primal importance, the custody of their own children.

I’m told by Jim Brosnahan that this right to civil counsel approach has been adopted by Ireland, which is good enough for me, but its correctness is undeniable. Moreover, this goes hand in hand with helping our courts, as unrepresented cases take longer and are more costly to the already stretched system.

In fact, thanks to the very strong support for pro bono from Presiding Judge Feinstein and our San Francisco superior court, the law and motion department is implementing a process by which lawyers appearing pro bono on a civil matter will be called ahead of any other contested matters on the law and motion calendar.

As you can see, engagement on behalf of the community is a proud tradition of our bar. It is built into our DNA. But in the coming year I am going to ask that we do more – for those in need, for a healthier community, for our weary and oversubscribed courts, and for our own collective expression of character.

Because we are all juggling so many demands, it can be hard to find the time to identify a worthwhile project to join. That’s where BASF is going to make it easy for you.

In 2012, we are sponsoring 5 Service Days, each of which would only require that you set aside just a few hours, on only 1 day, to help on a life-affirming project. These 5 opportunities are listed at page 4 of your program. They are modeled on the Dr. Martin Luther King, Jr. National Day of Service which mobilizes people from all backgrounds to work together to solve our most pressing problems.

I am delighted to announce that the Service Days initiative is being co-chaired by Doris Cheng (Walkup Melodia), Malcolm Heinecke (Munger Tolles), Terry Johnson (Howard Rice), and Wilma Wallace (Gap), and that each collection of service days will be hosted by various law firms, legal departments, and BASF sections, Boards or committees.
There are sign ups in the foyer as you exit or on the BASF website. I hope you will join host Farella Braun & Martel at our 1st service day, next month on the MLK holiday, at our medical-legal clinic in the Bayview.

So, next year, whether it’s by stepping up pro bono and volunteer efforts, increasing financial support of our charitable and community programs, or by joining one or all of our 2012 Service Days, I hope that you will help make a difference.

70 years ago, Billie Holliday sang, “Them that's got shall get, Them that's not shall lose,” and those words still ring true for too many people in our country today. It doesn’t have to be this way. We can do more and in the year ahead, we will.

Thank you and I look forward to working with all of you next year.