

Acceptance Remarks
U.S. Senior Circuit Judge
Frank M. Coffin

On Presentation of the
Maine Bar Foundation's
Howard H. Dana, Jr. Award

1997 Annual Meeting
Maine State Bar Association
Holiday Inn, Portland, Maine
January 17, 1997

Thank you, President Dondis. As my old friend, the late beloved Carl McGowan of the D.C. Circuit, once said on a similar occasion, this is pretty heady incense, but it won't hurt if I don't inhale too deeply. David, I am honored to be present as you set sail on your maiden voyage as President of the Maine State Bar Association.

I cannot fully express the depth of my feelings in so being honored by the Maine Bar Foundation in my own state with this very special award, special not only for its vital purpose but special also because it bears the name not of a venerable departed soul but rather the name of someone in the fullness of his powers with many years of devoted service lying ahead. The Foundation itself is living up to its name, for it is an increasingly critical solid core of support for cutting edge law-related public service. I think of the close association between the Foundation and Ed Muskie, when he chaired the Legal Needs Commission some years ago, and take pleasure in being given opportunity to carry on where he left off.

An added bonus for me is that this evening's keynote speaker is my cherished and highly respected colleague, Judge Lynch. I am proud to share the platform with her before this audience.

In accepting this award, I am really representing many other Mainers. For I view it as given to me to signal the unprecedented, broad scale communal effort, involving people from the Chief Justice and other judges to court personnel, to public interest legal providers, to private lawyers, to those giving shelter to victims of domestic violence and community action centers -- an effort to salvage, restore, and rebuild our structures and processes for unclogging the arteries of justice for our disadvantaged.

My own involvement started when I began writing and speaking on the theme of Alexander Hamilton, who wrote in one of the Federalist Papers, No. 82, that our system of justice, federal and state, was ONE WHOLE. (He capitalized every letter.) I soon became simultaneously convinced of the dominant position in the entire justice spectrum of state courts and ashamed of the low level of support of our own courts, near the bottom in terms of numbers of judges, compensation, staff, and equipment and near the top in terms of workload and performance. It was then that Chief Justice Wathen decided to put me into harness, working once again with my own neighbors and friends.

Working over the past year with judges, lawyers, providers, committees, and task forces in an ever widening effort has drummed into me once again that here in Maine anyone who is deeply enough motivated, spends enough time and energy, and likes working with his fellows can make a difference. And what a difference so many are making!

In fighting to stave off disaster, we have created new structures; we have sought new ways to involve volunteers helping pro se litigants; we have taken new technological initiatives; and we are now seeking help from our embattled legislature, not through embargoed general appropriations but less traditional sources of income and changes in some of our traditional ground rules to accommodate those who give limited legal services.

In all of this the bar of Maine stands in a pivotal position. We cannot succeed without its support and even leadership. This is not lightly undertaken. For our lawyers are not those you read about -- bloated with excessive fees, arrogant, available only to the highest bidder. Many of them are in smaller cities, towns, and rural areas. A great percentage of them already give generously, making our Volunteer Lawyers Program and our IOLTA program near tops nationally.

But they sense that should our legal aid safety nets crumble, they will be the ones standing in the rubble, picking up the pieces. They also know how unique our profession is, being the anointed doorkeeper of the House of Justice, a vital component of the third branch of government, a position unlike that held by any other profession.

I talked recently with attorney Ron Mitchell, a Joplin, Missouri, lawyer, who recently headed up the Missouri bar when it successfully led a campaign to secure greater support from the legislature for legal services. I was interested in what made them do this. His answer was very simple: "Our country was founded to achieve equal justice. There is no constitutional right to health care. There is a constitutional right to justice and we should make every effort to see that it is realized. Even lawyer haters will agree with this. And legislators will see that this relieves them."

And so, in accepting the Dana Award, I invite all of you to share in fighting the good fight to deserve it.