

**Remarks as Prepared  
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Fellow bar presidents, distinguished panelists, representatives, and guests – good morning (2:00 in the morning!) from Phoenix, Arizona. I am very grateful to speak with you at a momentous time for the United States, and in so many respects, for the rest of the world, as we gather today to talk about the rule of law.

Here in America, the rule of law has been at the forefront of the news in recent weeks. In November, Americans turned out in record numbers to elect a president and other governmental leaders at the national, state, and local level. We did so under pandemic protocols and expanded voting rights policies that in many states employed innovative, demonstrably safe and secure methods of voting, including early voting and vote by mail.

These elections, and countless others throughout our nation's history—and indeed throughout the democratic world—enable our citizens to determine through the democratic process the individuals we entrust with making our laws, enforcing our laws, and nominating and confirming independent judges to interpret our laws. All Americans, particularly those of us who are lawyers, are proud of our elections as a foundation of the power of law and not of men. And we are proud of our nation's revered tradition, going back more than two centuries, of the peaceful transfer of power from one elected president to the next.

On January 6, that tradition came under violent assault from American citizens who attacked our Capitol building and everything for which it stands.

America and all free nations aspire to governance through the rule of law, rooted in free and fair elections. Despite the mayhem of January 6, which resulted in five deaths, including of a law enforcement officer and more than 200 law officer injuries, our system of laws and independent courts prevailed. The rule of law prevailed.

The rule of law produced a presidential election that was freely and fairly conducted.

The rule of law enabled claims of impropriety to be thoroughly and openly investigated, not only by courts but by an independent news media.

The rule of law allowed dozens of lawsuits challenging the election results to be carefully and openly considered by independent courts, including the highest court of our land, the U.S. Supreme Court.

Our states, following established law and transparent procedures, investigated claims of irregularities, conducted audits and recounts, and certified results. Our Electoral College met and voted in accordance with the will of the American people. And Congress, as set forth in the U.S. Constitution and federal statute, reconvened the very day of the Capitol assault to affirm the vote, leading to the inauguration of our new president on January 20.

In the weeks since the Capitol assault, the rule of law has ensured due process, in open court proceedings, for those charged in the rioting. We are engaging in a national discussion about the threat of domestic terrorism and whether current laws and law enforcement measures are sufficient, or if new laws are needed. Important civil liberties and our nation's security will be debated—and then decided by lawmakers and elected officials accountable to voters.

And as all of us are aware, our now former president was impeached after open debate and voting by our House of Representatives, and his trial, as we speak, is being conducted openly in the U.S. Senate. Both the impeachment and trial have been carried out by elected officials, according to procedures established by law, transparently for our citizens and the world to bear witness and freely debate.

The events of the past several months have been a national, high-profile civics lesson, showcasing the rule of law, and what lawyers do to establish and deliver justice. Regardless of which president is in office, there is never a shortage of these lessons, and lawyers will continue to do their essential work every day in the courtroom, in the boardroom, and in government.

At the American Bar Association, we stand for the rule of law in which citizens and the government are held to account and where laws are administered fairly and without regard to privilege.

We stand for a judiciary that is fair, impartial and independent. We have obligations to protect the judiciary, by both educating the public on the role of the judiciary, and guarding against political and, sadly, physical attacks on judges and the judicial branch.

America's lawyers advance the rule of law by defending the legal rights of immigrants to our borders and advocating for changes in our asylum laws. We deliver free legal services to vulnerable populations devastated by the pandemic shutdowns and resulting threats of housing evictions, foreclosures, bankruptcies, domestic violence, and many other challenges.

Through the ABA Rule of Law Initiative and other projects throughout our Association, we partner across the world with universities, bar associations and law societies to foster not only robust pro bono and public interest lawyering, but also help nations and local communities develop democratic, legal, and judicial systems.

The American Bar Association's voice as the world's largest voluntary organization of lawyers is a beacon for human rights, monitoring trials involving human rights abuses and showcasing the plight of human rights advocates like Nasrin Soutodeh in Iran. The ABA's support for President Biden's decision to re-commit to international bodies such as the UN Human Rights Council and World Health Organization lends credence to the need for international cooperation and problem-solving under legal frameworks. And we will continue to be outspoken for American support and engagement in a fair and just International Criminal Court.

In the United States, we are expanding our work on racial justice, addressing inequities today that are deeply rooted in our nation's shameful history of slavery, inequities that the pandemic and shutdowns intensified. The ABA recently launched the Legal Education Police Practices Consortium with currently 52 law schools, which will engage faculty and students on projects that advance the conviction that those charged with authority to implement laws must do so in a fair and equitable manner to all.

The events of the past year have highlighted many other, broader issues with respect to the rule of law. Questions are being asked regarding privacy and digital rights, and how they should be protected within a rule of law system. While topics such as criminalization of speech have been discussed in the offline world, how should they be addressed for online speech? What do rights to education and information mean in a globally connected community? These are issues of both local and international concern, and our bar associations and legal communities have a critical role in resolving them.

We must also stand vigilant and guard against the implementation of emergency laws and regulations that do not serve carefully tailored, and temporary, public health and safety goals but instead are enacted as an excuse to stifle independent voices, restrict civil liberties, or repress peaceful dissent. And we must always draw a clear distinction between peaceful protests—a cornerstone of liberty protected by the rule of law—and criminal acts.

It is more important than ever that those of us with a common commitment to the rule of law come together and protect and strengthen our legal institutions in service to the rights of all to justice, fairness, and equity. This is why gatherings such as this are so essential.

Let me close with a famous quote from President Theodore Roosevelt in 1903, as true today as it was then: “No man is above the law, and no man is below it; nor do we ask any man’s permission when we require him to obey it.”

It is my honor, my duty, to stand with all of you in solidarity as we continue to advance the rule of law everywhere.