President's Message: United We Stand - By Emmett Harris

Thursday, July 17th, 2014

As I took the oath of office at Rusty Duncan I remembered the line from the Robert Redford movie, ?The Candidate,? where, to his surprise, he has been elected, looks at his handlers, and asks: ?What do we do now?? Here are my suggestions for some answers to that question.

First of all, I give another salute to my predecessor, Mr. Bobby Mims. I watched and learned from him during his presidency as he sacrificed countless hours and miles navigating your association through occasionally challenging seas. He was and is a remarkable and diplomatic leader. Thanks to him we now have a newly minted agreement and relationship with the National College of DUI Defense and its excellent Mastering Scientific Evidence seminar in New Orleans.

High on our to-do list is our legislative effort. We have added a new member to our team. Patricia Cummings is our new addition to the legislative arena. You had a chance to meet her at Rusty, and I?m sure you saw what an extraordinary asset she will be leading and personifying us in the legislature.

We have created a new committee, the Listserve Committee, which will be chaired by Past President Bill Harris. This committee will formulate a specific structure to improve the quality and service of our listserve. It will also monitor and deal with questions or complaints concerning the use of the listserve by our members.

We are looking at new ways to reach out to law schools and attract new lawyers to our membership.

Here is what I think we do next. This may be a very good time to think about who we are. What is our purpose? What are we supposed to be up to? Our bylaws (our constitution) say:

**Article II?Purpose**

The purpose of the Association **shall be:**

- To protect and ensure by rule of law those individual rights guaranteed by the Texas and federal Constitutions in criminal cases;
- To resist the constant efforts which are being made to curtail these rights;
- To **encourage cooperation between lawyers** engaged in the furtherance of these objectives through educational programs and other assistance;
And through this cooperation, education, and assistance to promote justice and the common good.

Did you catch that phrase **to encourage cooperation between lawyers**?

Are we encouraging cooperation between lawyers engaged in ensuring individual constitutional rights? How so? Are we encouraging cooperation or engaging in competition between lawyers?

Now, we are all fighters. We do not suffer any deficiency of ego. We do not lack self-confidence. There are now over three thousand of us in this association spread across this huge state, from multi-storied firms in big city buildings to modest one-lawyer offices in small towns. We will inevitably have different views on particular issues, and we practice in an adversarial arena. There is an element of combat in what we do, and the deck is always stacked against us to some extent.

The public, from which our jurors come, is not inclined to embrace the presumption of innocence. It is not inclined to embrace our client’s right to remain silent. It is inclined to hold that silence against our client. It is not inclined to place the burden of proof on the state. It is not inclined to respect what we do as advocates for the accused.

And what is the health of those constitutional rights the curtailment of which it is our purpose to resist? How about the constitutional scholars who teach that our Constitution is no longer of any value, was written by a bunch of pre-industrial revolution slave-holders and should be abandoned? You can put that in the curtailment column. How about the steady erosion of the Fourth Amendment and the exclusionary rule? And how about the difficulty of arguing the issue of ‘expectation of privacy’ in our cyber world?

Yes we are all fighters, and we had better be. There are, indeed, constant efforts to curtail constitutional rights. The answer to what we do now is that we continue to fight... but for Pete’s sake, not with each other! Let’s re-embrace that important part of our purpose and enthusiastically, energetically, encourage cooperation between our brother and sister lawyers. We do not have the luxury of fighting ego-driven turf wars within our association. We do not have the luxury of using our association merely as an arena for self-promotion. We will not let it be said that we took our eyes off the ball because we were scuffling around in the mud fighting with each other. Rather let it be said that we were united in the pursuit of our true purpose. We must always fight, but we must fight united as those who are dedicated to promoting justice and the common good.

It is a high and humbling honor to be your president. I encourage each of you to dedicate yourselves to the noble purpose of this association. United we will stand. Have a wonderful fun year rediscovering the joys of encouragement.

Emmett Harris
President

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