

**Remarks of
Joseph E. Lambert
Chief Justice of Kentucky (Ret.)
Louisville Bar Association
2008 William E. McAnulty Jr. Trailblazer Award
February 19, 2009**

Let me express my sincere appreciation to the Louisville Bar Association for giving me this William E. McAnulty, Jr., Trailblazer Award. The previous award recipients are all men and women with whom I am well acquainted, and it is an honor to have my name join theirs as an award recipient. As many of you know, Bill McAnulty and I had a friendship of more than thirty-five years. We were first-year law students together at the University of Louisville School of Law in 1971, and we were Supreme Court colleagues in 2006 and 2007. In between, we were close friends, and I admired him greatly.

When I became Chief Justice, I sensed that race-based distrust of Kentucky courts was on the rise. I determined that we should squarely face issues associated with race in courts, and do everything in our power to assure all citizens that we aspire to the standards set by Justice John Marshall Harlan in Plessy v. Ferguson where he said: "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law."

One of our first steps was creation of an Office of Minority Affairs at the Administrative Office of the Courts and employment of Ms. Priscilla Johnson as director. Since her appointment, Priscilla has been a vital link between the African-American community in Kentucky and executives and judges of the Court of Justice. Her work has been invaluable, and I am delighted that she continues in her important role.

Early in my tenure we created the Jefferson County Racial Fairness Commission. I asked my friend, Judge Bill McAnulty, if he would serve as chair and he agreed. The Commission immediately began to address claims of discrimination in jury selection, the allowance of bail, sentencing and probation. Among the original members of the Racial Fairness Commission, in addition to Judge McAnulty, were retired Circuit Judge Benjamin Shobe, then Circuit Judge Denise Clayton, then Chief Circuit Judge Thomas B. Wine, Chief District Judge William P. Ryan, and Chief Family Court Judge Patricia Walker FitzGerald.

From the work of the Racial Fairness Commission on the issues before it, there were many positive developments. Thereafter, we made a decision to have that Commission continue indefinitely rather than end at the conclusion of its original task. An active and outspoken member of the Racial Fairness Commission was Rev. Louis Coleman, Jr., and I recall fondly that Louis and I formed a close friendship.

When we created the Racial Fairness Commission, I did not believe, nor do I believe now, that any Kentucky judge purposefully imposed harsher release conditions or sentences on minority citizens based on race; nor did I believe, then or now, that there was purposeful discrimination with respect to jury service or other matters in the courts. Nevertheless, we all know that unconscious thoughts may influence behavior. I believed the best way to deal with any possible discriminatory behavior was to confront it head-on, and the Racial Fairness Commission was created to review discrimination claims and to serve as a constant reminder to judges, clerks, prosecutors, and others in authority with the judicial system that they must be vigilant to prevent any discriminatory behavior or disrespectful treatment of minority citizens.

To the minority community, the creation and continued existence of the Racial Fairness Commission was intended as our statement of policy that their concerns would be heard and addressed.

Another of our important initiatives was creation of KLEO. For years, Kentucky court officials recognized the need for greater racial diversity among participants in the Kentucky judicial system. I heard others say, and said myself, that we needed more African-American judges, prosecutors and defense attorneys in our judicial system. But for a long while it seems we failed to make the connection between law students and lawyers, between law school graduates and bar admission and service in the judiciary. Said otherwise, we seem not to have understood that you can't be a lawyer without first being a law student.

A few years ago, I learned of a scholarship program in Indiana from my friend, Chief Justice Randy Shepard, and I must tell you I had one of those "ah ha" moments where the clouds parted and I saw the light. From that came the Kentucky Legal Educational Opportunities Program (KLEO for short), a program designed to provide academic and scholarship assistance to deserving law students who are members of racial minorities or who are from educationally underserved backgrounds.

The KLEO program provides for intense preparation prior to the commencement of law school and annual \$5,000 scholarships to program participants. I am pleased to say that we now have more than 40 graduates of the KLEO program and that those young men and women are practicing law in Kentucky courts every day. Fifteen KLEO graduates a year may not sound like much, but it is what we could do at the time with available resources, and it is making a difference. Moreover, the message to the minority community in this state should be unmistakable. We want your sons and daughters to become lawyers and for them to take a place in the Kentucky legal and judicial system.

I appreciate your kind attention during this reflection on some of our accomplishments during my decade as Chief Justice. It was a great honor to serve the people of Kentucky and this recognition from the Louisville Bar Association is deeply appreciated.