

## Budgets shrinking, state courts need boost



Joan Lukey is the first woman president of the American College of Trial Lawyers. (Aram Boghosian for The Boston Globe)

By [Jenifer B. McKim](#)

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Ropes and Gray law partner Joan Lukey is the first woman president of the American College of Trial Lawyers, an invitation-only, 5,000-member group of lawyers from the United States and Canada that aims to improve ethics and standards among trial lawyers.

At a time when state courts are struggling with shrinking budgets, Lukey talks about her goal to strengthen access to justice. She recently spoke with Globe business reporter Jenifer B. McKim.

### **Lawyers have just about as controversial a reputation among the public as journalists and politicians. Why?**

I find it troubling that people think of lawyers the way so many of them do. This is the profession that has been trying to preserve justice since the beginning of democracy. The vast majority of lawyers are incredibly honest and hard-working. Lawyers do more community service than any other profession.

### **What do you hope to do as the new president of the American College of Trial Lawyers?**

Our state judiciaries are in jeopardy. They have voluntarily taken some budget cuts, and now they're being subjected to enormous additional cuts.

### **Why does this matter?**

For the vast majority of residents and citizens, if they are going to have any intersection with the law, it is going to be in the state courts. If they or a family member have a criminal matter or a juvenile matter or there is a custody issue or they are attempting to adopt, all of that falls within the purview of the state courts. State courts affect almost everybody.

### **What's the situation in Massachusetts?**

It's bad. The judicial budget was already down to the bare bones when the judiciary was told that it would have to sustain additional cuts. What happened in Massachusetts is an example of the human impact caused by slashed budgets.

When money for translators and court reporters was cut, that meant there weren't enough court reporters to cover all the trials. I for one don't feel comfortable relying on a tape recording. And people who can't speak English, or who speak it minimally, are thrust into a courtroom, which can be frightening even for someone who does speak English. Is it going to take some terrible tragedy before we realize how important the judiciary budget is?

### **So are you lobbying for more money?**

At this point, we are just trying to prevent further cuts. We are trying to make it clear that there comes a point when justice is in jeopardy because the court system doesn't have the staff to keep the courts running properly.

### **What else do you hope to do?**

The costs of litigating have become too high. There's a well known phenomenon within the law called the vanishing jury trial, and a major contributor to that problem is the increasing cost of discovery.

The thrust of the effort is for a single judge to manage a case from beginning to end. Instead of allowing unmonitored and unlimited discovery, the judge will work with the attorneys to determine what is really needed. Saving the jury trial system by reducing costs is important because most lawyers believe the American jury trial system is not only the bedrock of our judicial system and our democracy, it defines what makes America different.

## **Why did it take 59 years to have the first woman lead the American College of Trial Lawyers?**

Historically there have not been a lot of women fellows, or members, in the college. To be eligible for election to fellowship, one has to be in active trial practice for a minimum of 15 years and must have tried a significant number of cases. It hasn't been easy in a number of jurisdictions to find women who meet the criteria, but that is changing.

## **Do you think being a woman will make a difference in your leadership?**

I am pushing particularly strenuously for diversity, with regard to both women and minorities. As a woman, I can look the male fellows in the eye and say, 'tell me what you are doing to identify the women who are qualified now and who will be qualified in three years.' They take it seriously.■

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