

From the President...

Insuring Justice, Fairness and due process for all

I am honored and excited to have been chosen as ACDL-NJ's president for 2010-2011. But my excitement emanates from my desire for this organization to make a difference in our criminal justice system. In the overwhelming crush of our everyday professional lives as N.J. criminal defense lawyers, it is an occupational hazard that we can lose sight at times who we really are: The protectors of the rights of all to fairness and justice by seeing to it that the oft times most despised in our society are treated fairly. Over a generation ago Martin Luther King reminded us that "[i]njustice anywhere is a threat to justice everywhere." This Organization must bear witness to the enduring fact that if our criminal justice system cannot respect the rights of accused, in reality no citizen's rights are safe. And sadly, in this supposedly progressive state, there remains injustice to correct.

None other than Winston Churchill told us that: "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any country. A calm, dispassionate recognition of the rights of the accused and even of the convicted criminal, ... tireless efforts towards the discovery of curative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man; these are the symbols which, in the treatment of crime and the criminal, mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue within it."

I need not preach to the converted. These are difficult times for justice, fairness and due process. But I am committed during my Presidency to prodding this Organization to be out front in the fight to keep our courts fair and the playing field level. Too often our judges, prosecutors and court personnel assume guilt where none exists. Too often even one who may have committed an offense, is overcharged and threatened with a full scale assault on his or her liberty. There is indeed a great deal to do to be the watchdogs of an AOC that suggests its purpose is fairness and integrity. We bear witness to the fact that in the face of large dockets, fairness and integrity to one organization may distort into the right to a smooth assembly line or integrity in the sense that your case, like so many others, will not be closely scrutinized for flaws.

From these considerations I hope to see ACDL invigorate more lawyers to join our ranks, to step back and take stock of who we are and what we must be. I look forward to our upcoming project to detail abuses in municipal court – where most of our citizens come in contact with the justice system– and sadly, often encounter a thumb on the scale of justice. We need to be vociferous to a populace that may not appreciate the regularity where the innocent are charged – or even convicted. I look forward to a robust organization that can regularly train defense lawyers in the most relevant cutting edge techniques, an organization that can mentor new lawyers and an organization – through our improved Listserv- respond to the needs of any member, hopefully in minutes.

I invite any ACDL member, or any criminal defense lawyer to contact me with concerns, ideas, or anecdotes. For our Municipal Court project I hope we can hear of instances of miscarried justice to right, or systememic abuse to confront. I look forward to a year of highlighting the overarching role that criminal defense lawyers play in ensuring justice. I look forward to working with all concerned to see to it that anyone caught up in NJ's criminal justice system is treated fairly and with respect.

Bill Buckman/ September 2010/ wbuckman@whbuckman.com