

ABF FELLOWS AWARD

February 6, 2026

William C. Hubbard

I am truly honored to receive this award this evening, which I now share with many previous recipients for whom I have enormous admiration and respect. From last year's honoree, Myles Lynk, to previous recipients Steve Saltzburg, Jamie Gorelick, Dennis Archer, Helaine Barnett, Llew Pritchard, Phil Anderson, Bill Paul, and so many others, who have not only been leaders, but also dear friends.

Many of the past recipients have been role models not just for me, but for generations of lawyers. They exemplify our responsibility to be "public citizens" as called for in the Model Rules of Professional Conduct.

There are many other lawyers who are more deserving than I who may not have been recognized with this award, but who contributed mightily both to the ABF and to the broader system of justice.

One especially is at the top of my list. Bill Neukom was a mainstay of the ABF. He endowed the William H. Neukom Fellows Research Chair in Diversity and Law, a year-long residential appointment awarded to an outstanding scholar engaged in empirical sociological research on diversity and law.

And Bill conspired with Dave Houghton to establish the ABF's Hubbard Conference on Law & Education, the name of which is not deserved, but for which I am honored.

Bill said this about ABF: "The American Bar Foundation is the preeminent scholarly enterprise to investigate, research, and teach about the law and the rule of law and legal process."

His leadership was transformative. We shall miss him dearly.

Jeffrey Rosen, CEO Emeritus of the National Constitution Center, has written a brilliant book entitled, "The Pursuit of

Happiness.” In it, Rosen posits that these famous words of the Declaration of Independence do not mean the pursuit of pleasure or feeling good. To the founders, the pursuit of happiness meant the pursuit of virtue – industry, temperance, moderation, and sincerity. To the founders, the health of the republic would depend on the pursuit of virtue by its citizens and leaders. These are lessons important for the preservation of our Constitutional democracy.

At a time when institutions, norms, and guardrails, which have traditionally served to protect the rights of the minority against the power of the majority, defend due process and equal protection, and strengthen the rule of law more broadly – when these traditional protections are under attack, it is imperative that vital research go forward – research that proves the connection between a vibrant rule of law and the safety, security, prosperity, peace, and justice in our communities.

This research is foundational to the preservation of our Constitutional democracy in order to counter misinformation

and disinformation with truth based on facts. And I believe this research also supports the premise that virtues, such as order, humility, industry, sincerity, moderation, and justice, are key to the health of our nation and the survival of our democracy.

Drawing upon the words of Thomas Paine, we must not be summer soldiers and sunshine patriots in the defense of freedom and liberty. Inspired by our Founders, we, as lawyers, as public citizens, may not have the power of force, but we have the power of the Constitution and just laws. We have the power of ideas, truth, and virtue. What can any of us do? We must simply do the best we can in our space and in our time. When our individual deeds combine, they forge a path forward that pushes aside the forces of authoritarianism and inspires us to rekindle the spirit of liberty so eloquently described by Judge Learned Hand. Judge Hand spoke during what was billed as the “I am an American Day,” a naturalization ceremony in Central Park, just days before D-Day in 1944.

Before an audience estimated to be over a million people, including 150,000 newly naturalized Americans, he said: “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.” What is this spirit of liberty that Judge Hand described: “It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few....”

Ladies and gentlemen, let us all do all we can, every day, wherever we are, and with whomever we are with, to keep alive this spirit of liberty. Let us stand up for truth. Let us stand up for virtue. Let us stand up for the true spirit of liberty. Let us stand strong against authoritarianism so that those who have come before us from 1776 to today will not have sacrificed in vain. Let us honor those who have passed the burning torch of liberty to us by keeping that torch strong and bright. Let us do so with renewed determination and commitment.