

**Remarks of Supreme Judicial Court Justice Fernande R.V. Duffly
American Bar Association's Commission on Women in the
Profession Annual Meeting
2015 Margaret Brent Women Lawyers of Achievement Award
August 2, 2015**

When I immigrated to this country at the age of six, I spoke no English, which was challenging for a talkative child. Talk of America permeates my earliest memories growing up in the Netherlands, my parent's first stop as refugees fleeing an anti-Chinese political regime in Indonesia, where I was born.

My parents came to America because they believed that, here, anyone who worked hard enough could achieve their dreams. As author Claire Messud writes, where we came from "there ceased to be room, or words, or air; only here was breathing possible." I stand here because of my mother Kiong Tien Vandenberg, who is here, and my father Bastiaan. I also thank Paul, my husband of 46 years, who never questioned my choices.

Our daughter Kate arrived after speaking about diversifying college theater programs; Mieke and Tom also promote diversity, through performance, education and food. My nephew Bastiaan, a rising 3L, is committed to equal justice, as is Kate's husband, attorney Zack Duffly. This is for them and for all our children.

My parents left most of what they had behind, they expected that my father would find work when they arrived in Oregon in 1956. They did not expect to arrive in a deep recession or that he would lose his job at the lumber mill, which soon closed. My father bought a bus ticket with their last few dollars and traveled down the California coast until he found a job in Oxnard, at a frozen food plant. But there was no money left and my parents had no way to travel to that town. Mary Eastman ran a nursery school from her home, where my younger siblings stayed free of charge. Mary was a member of the church that sponsored us, locating housing and providing food; she later became a missionary to Indonesia. Mary gave us her car so that we could continue our journey.

We traveled at night, stopping at a park by day so my father could sleep, until we reached the small agricultural community that would remain our home until his death.

After years of hard work and financial struggle, my family achieved modest success. We moved across the tracks to a house with four bedrooms, which we shared with my mother's parents who had recently joined us.

For me, the measure of our success came in the form of a car my father bought for my use when I turned 16. I drove friends to school and the beach in that car, and you can imagine how much I loved it.

One day, the local paper reported that a family traveling through town searching for work became stranded when their car broke down. The next day, the paper reported that an anonymous donor had delivered a car - my car - with the title and an encouraging note.

I did not then fully appreciate the lesson of this act of generosity, an act that would be repeated in many forms by my parents over the years, but I came to understand and eventually embody their principles:

Follow your dreams, be willing to work hard to achieve them; if you don't succeed, try again, and again; accept help when you must; when you do succeed, remember that no success is achieved alone, and the help you received is a debt that must be repaid.

I could stop here. My father lived long enough to see me sworn in as a judge on the trial court, and my mother was present when I became the first Asian American Justice of our Supreme Judicial Court. I saw what a powerful tool for change a law degree could be, and thank my partners at Warner & Stackpole for giving me good assignments and supporting my interest in becoming a judge. I am grateful to them for the opportunity to serve as a judge and act as a role model to young lawyers.

Without these mentors, and teachers before them, I would not be receiving this most humbling recognition.

But the story cannot end here, because despite my personal success, our profession remains stubbornly immune to our individual and collective efforts to diversify it.

Although my law school class was over 80% white male, I believed it would be only a matter of time before our profession would be fully diverse, and law partnerships, public interest positions, law schools and the judiciary would reflect our nation's diversity. In well over three decades since graduating from law school, and despite increasing percentages of women and people of color who have earned law degrees since then, there has been only glacial progress.

NALP's June Bulletin reports that only 17% of equity partners are women and only 5.6% are racial and ethnic minorities. Last month the New York Times reported on a study that showed 95 percent of elected state and local prosecutors across the country are white, and 79 percent are white men.

I have an immigrant's love of this country and an American lawyer's deeply felt obligation to protect the individual rights and responsibilities our Constitution guarantees. What I am therefore most grateful for are the opportunities I have had to use the power of my role, as lawyer and judge, to speak out, mentor and teach, and to collaborate with others, including those in this room, to change these unacceptable statistics.

I thank the American Bar Association for honoring me with the Brent award, and each of you for your commitment to this work, for every time you have hired and advanced a woman and person of color; considered whether implicit bias may have caused you to overlook a candidate; for your mentoring and participation in programs that teach leadership skills; for changing your firm's employment practices.

I thank my colleagues on the Supreme Judicial Court for their support. I especially thank my friends at the National Association of Women Judges, National Asian Pacific Bar Association, the ABA's Commission on Women in the Profession, Catalyst and the Consortium for Advancing Women Lawyers, for using your collective voices and for never, never, never giving up.