

From the Desk of the Chairperson

By Michael S. Khoury



By the time you read this journal, my term as Chair of the State Bar of Michigan Business Law Section will be coming to an end. It has been an exciting year, and I have been honored to serve the Section in this role. As I have also heard from many former chairs, people also tend to relish the title of "Former Chair."

In looking back over the year, I hope you have seen ongoing progress in service to the Section membership; this has been the legacy of each chair that has served before me. We each try to add something new to the Section while preserving the best of what has come before us.

In thinking about the prior year, one event has stood out in my mind. At the Annual Meeting in September 2007, the Section was privileged to give the Stephen H. Schulman award to Vernon Hampton of Dickinson Wright, and Charles McCallum of Warner Norcross & Judd. While I have only recently had the privilege of getting to know Vern Hampton, I've known Charlie McCallum for many years through both this Section and the American Bar Association Business Law Section, of which Charlie is currently the Chair.

Charlie's comments at our Annual Meeting discussed the theme of professionalism. With his permission, I am reproducing an abridged version of the text of his remarks.

* * * *

Professionalism: What Is It?

By Charles E. McCallum¹

I am honored and proud to receive the Schulman Award, and humbled to join the ranks of the other awardees. When I spoke at the Annual Meeting Luncheon of the ABA Section of Business Law last month, after my predecessor had handed me the gavel, I outlined two major themes the Section would be addressing during my year as its Chair: the globalization of the business law practice, and professionalism in the practice of business law. A number of Section members have since come to me and expressed support for a renewed emphasis on professionalism.

What Is Professionalism, Anyway?

The essential attributes of professionalism define an important set of obligations that are correlative to the privileges and status we enjoy as lawyers. If we

fail in those obligations then we lose, our clients lose, and society loses. Those attributes are, for most of us, a good part of the reason we entered the practice of law. They are the elements that give us the greatest satisfaction with our professional lives.

I believe that there are seven key attributes of any profession, and in particular of the legal profession:

1. Dedication to serving clients before self
2. Dedication to serving the public interest, improving the law, and improving the profession
3. Devotion to honesty, integrity, and good character
4. Passion for excellence
5. Practice in context
6. Development of a specialized body of knowledge and skills, freely shared with other professionals
7. Independence and self-regulation

- **Serving clients**, helping others, is at the core of our professional being. Good lawyers daily subordinate their personal lives to the needs of their clients, not simply to log on more billable time but for the satisfaction of being needed, being wanted, and being appreciated. I have suggested that the motto of the legal profession might well be the Latin word *servimus*, which means "We serve." The best lawyers are compulsive about client service. They can't help themselves.
- **Serving the public interest** is also an essential part of our professional lives. It is because of our duties to the public that we may not knowingly assist a client to commit a crime or a fraud, nor knowingly mislead a tribunal or another party in the course of a representation. We are, as declared in the Model Rules of Professional Conduct, "public citizens," with a duty to seek to improve the law, to improve the profession, and to improve access to justice.
- **Good character** is prized among us. We value honesty and integrity and want them to be our reputation. We want to be trusted, and we want to be able to trust our peers. We want our word to be our bond.
- **Excellence** is, for most of us, a lifelong goal. The ranks of lawyers are filled with overachievers and perfectionists. "Good enough" is not often heard from a good lawyer.
- **Context** is also important to us. We aspire to be more than simple technicians. We want our work to be meaningful and useful to the client, and in order for it to be so, and for us to see it as such, we have to understand the overall con-

text in which our services are rendered, the “big picture.” Indeed, our professional responsibilities require that we not turn a blind eye to the context in which our assistance is sought.

- *Specialized knowledge and skills* are the tools of our profession. Lawyering is an exercise of the intellect and interpersonal skills. We are by nature problem-solvers, and we enjoy not just the solution but the exercise of reaching that solution. We appreciate and admire good writing, sound reasoning, skillful advocacy, and adroitness at negotiations.
- *Independence and self-regulation* of our profession define a final characteristic of lawyers, a fierce independence. We have chosen our profession in part because it allows us to, indeed mandates that we should, exercise independent professional judgment on behalf of our clients. We adhere to a code of professional ethics, and insist, through self-regulation, that other lawyers do so as well.

The Risks to Professionalism

There are risks to professionalism. I will talk about two of them: misplaced priorities and loss of moral compass.

Misplaced Priorities

I tell my children that money is a good measure of a man’s wealth, but a poor measure of his worth. To a considerable degree, justifiable criticism of lawyers has arisen out of misplaced priorities, with the desire for money or fame distorting priorities and causing lawyers to lose sight of their duties...to the client, to the public interest, to the law, to the administration of justice.

I don’t mean to imply that there is anything wrong in making a good living, indeed, in making a lot of money in the practice of law. But it cannot be our primary focus. As David Maister, a keen observer of the practice, has said, “Being a professional is neither about money nor about professional fulfillment. Both of these are consequences of an unqualified dedication to excellence in serving clients and their needs.” Maister likes to ask lawyers why they do what they do. If one of the answers is not “I like helping people,” he then knows he is talking to a professional in trouble.

A recent report of a New York City Bar Task Force notes the danger in misplaced priorities:

Another change in the profession...has been its evolution toward a more competitive, bottom line orientation, with client relationships often in play and critical to the compensation of partners. This environment creates pressures on law firms and lawyers to acquiesce in questionable

client conduct rather than place the client relationship at risk by pressing unwelcome advice.

It is a matter of emphasis. Law firm consultants, and some law firm leadership, have been facilitators of the misplacement of emphasis.

Loss of Moral Compass

There is a moral dimension to the practice of law. This is recognized when the Model Rules of Professional Conduct say that lawyers are guided by “personal conscience” and must exercise “sensitive professional and moral judgment.”

The pursuit of money is not the only thing that can cause loss of one’s moral compass. A desire for recognition and excessive pride verging on hubris can also tempt a lawyer to detach himself from his moral grounding. Some lawyers are openly cynical about lofty motives and embrace the notion that to do the right thing may not be smart. But the great majority of lawyers do believe that honesty is the best policy. We should not be shy and hesitant to admit that belief, but proud to proclaim it.

What Should We Do?

David Maister observes that professionalism is “predominantly an attitude, not a set of competencies. A real professional is a technician who cares.” True professionalism, he says, implies “a pride in work, a commitment to quality, a dedication to the interests of the client, and a sincere desire to help.” How can we recharge it?

The first thing we can do is individually re-commit to the ideals of our profession. We should talk about those ideals with others, especially young lawyers. In addition, I suggest that every lawyer:

- *Become a volunteer.* Any number of community organizations would benefit from our services. Pick a place to volunteer that is of interest. Perhaps it is a church. Or a school board. Or an arts group. Or an animal shelter. I once counseled a young lawyer who said, “You know, I don’t really like symphony music or art museums. How can I be a volunteer?” I asked him what he did like, and he said that he liked to fish and hunt. I suggested that the local chapter of Trout Unlimited would likely welcome a young lawyer willing to take on the job of, say, revising their bylaws.
- *Get active in the organized bar.* As to this I am here preaching to the choir. But while all of you participate actively in the work of the organized bar, I would venture to guess that many of your colleagues do not, and that, in some cases, firm management actively or passively discourages it. Active involvement in the work of the organized bar gives us unparalleled opportunities to meet and know other outstanding professionals. It enriches your

life. It is an activity that permits us to serve clients, society, the law, and the profession.

The goals defined by the seven professional attributes I have discussed are lofty ones. Some scoff at lofty goals. But no one ever attained greatness by aiming low.

* * * *

Charlie's remarks remind all of us about the privilege we have to serve our clients and society as a whole, as well as the responsibility that entails. I hope that each of you considers the themes expressed by Charlie in your everyday practice, and I wish each of you the best of luck.

NOTES

1. Partner, Warner Norcross & Judd LLP, Grand Rapids, Michigan. Chair, ABA Section of Business Law. Former Chair, ABA Standing Committee on Ethics and Professional Responsibility. Former Chair, Business Law Section of the State Bar of Michigan.