

The Intersection of Drive and the Legal Profession



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This issue of the *Michigan Bar Journal* includes the annual notice of State Bar elections for the Judicial Tenure Commission, Representative Assembly, Board of Commissioners, and Young Lawyers Section Executive Council. Nominating petitions must be submitted between April 1 and April 30.

During my inaugural address, I detailed three expectations of our members: take care of yourselves; treat others the way they want to be treated, even when they don't reciprocate; and keep giving back to the profession through pro bono work and Bar leadership.

Now is the time to think about your potential for Bar leadership, realizing volunteer positions at the State Bar level are typically preceded by experience in local, affinity, or specialty bar work. Now is a good time to express an interest in leadership before Bar organizations take their summer breaks so you will be well-positioned when they kick off in the fall. In hopes of inspiring you, I asked members of our Board of Commissioners why they spend their valuable time working for the Bar and why they commend you to do the same. Their reasons fell into a few categories.

The views expressed in the President's Page, as well as other expressions of opinions published in the *Bar Journal* from time to time, do not necessarily state or reflect the official position of the State Bar of Michigan, nor does their publication constitute an endorsement of the views expressed. They are the opinions of the authors and are intended not to end discussion, but to stimulate thought about significant issues affecting the legal profession, the making of laws, and the adjudication of disputes.

Improving the profession

"Being involved in local and State Bar activities allows you to have a say in the process of improving the delivery of legal services to the public."

— Larry Nolan, President-Elect, District E

"We have the task of being the stewards of our legal system. Doing this in a vacuum without input or exchanging ideas and opinions with others in the profession limits the ability to consider all perspectives on any particular matter. We have an obligation to support our profession by helping each other."

— Shauna Dunnings, District E

"Participating in Bar activities is an excellent opportunity to shape the future of the constantly evolving legal profession. Working in conjunction with so many dedicated volunteers helps to ensure that the needs and expectations of the public we serve are met."

— Brian Shekell, District H

"Make a difference! Do something for the public and our profession."

— Jules Olzman, District I

"Serving makes volunteers aware of emerging issues facing our profession and provides opportunities to shape solutions and improvements to the profession. It also brings together lawyers with differing perspectives and levels of expertise from all parts of our state and all areas of practice. This diversity of experience enhances my understanding, competence, and enjoyment in the practice of law."

— Dana M. Warnez, District D

"Involvement in the State Bar of Michigan is one of the best ways to share information

and keep the standards of the legal profession at a high level."

— Robert Gardella,
Commissioner, District E

"Selecting a few Bar activities to work with and trying to do well in them should be each lawyer's aspiration to help make the profession the best it can be."

— Greg Ulrich, District H

"Being involved allows for an opportunity to make a difference. It also gives the opportunity to work with and meet dedicated colleagues from around the state."

— Andrea Irons, District D

Networking and learning from others

"Participation in Bar activities has broadened my network immensely while allowing me to give back to the community in a way unique to our capabilities as lawyers."

— Mark Jane, Chair,
Young Lawyers Section

"I am extremely thankful for the friendships and relationships that I have been able to develop with some of the best and brightest lawyers from across the state and country. If you truly want to be the best, get involved and give back to your community."

— Hon. David A. Perkins, District H

"It is important to participate in bar associations to stay updated about our profession [and] meet and learn from the other participating lawyers' experiences and opinions. The discussion strengthens each lawyer's individual knowledge, which in turn helps our profession overall."

— Krista Licata Haroutonian, District I

"I can attest to being thoroughly impressed with the quality and character of

the attorneys and judges with whom I have had the pleasure of serving. This has been an excellent opportunity to provide meaningful input on issues affecting lawyers and judges statewide. In addition, the networking and leadership skill building is exceptional."

— Joseph McGill,
Representative Assembly Clerk

Inspiration

"As a litigator, it is common to have a tough day; opposing counsel and clients can be difficult. Bar involvement takes me back and reminds me why I became a lawyer: to make a difference for my community."

— Jennifer Grieco, Secretary, District I

"I have gained an enormous appreciation for the professionalism and dedication of so many members of our profession. Seeing colleagues from all over the state engaged as servants of the profession inspires me."

— James Heath, District H

"Bar association activities continuously inspire and reenergize me to give all that I can to my profession, the communities, and public we serve."

— Hon. Maureen McGinnis, District I

"I highly recommend that all should be involved at some level."

— Hon. Clinton Canady III,
Commissioner, District E

Serving others

"It is a way to help better serve the public."

— Hon. Michael J. Riordan, District H

"I have found it to be extremely important for my own personal and professional growth, along with satisfying my ability to give back to the community and make a difference in the profession that is the most integral process that affects the rights of common everyday people. It allows me to make a long-term difference in the world."

— Erane Washington, District G

"I have always believed in the concept of giving back to the community. In addition, I have always believed in the State Bar of Michigan's mission statement of protecting the public. Serving is one great way of ensuring the mission statement is carried out. Moreover, my overriding concern as a member of the Bar and, more importantly, as a commissioner, is to make a difference in society."

— Richard J. Siriani,
Commissioner, District I

Show me the money! (or not)

Did you notice not a single commissioner said he or she does Bar work because it pays well? As you know, it is a volunteer job. Could it be that people, as exemplified in the quotes above, are actually motivated by intrinsic reward—because they enjoy what they do, and what they do brings them joy?

Provocative author Daniel Pink, a Yale Law School graduate, used 50 years of behavioral science to overturn conventional wisdom about human motivation in his book, *Drive*.¹ Pink explains, "Rewards can deliver a short-term boost—just as a jolt of caffeine can keep you cranking for a few more hours. But the effect wears off—and, worse, can reduce a person's longer-term motivation to continue the project."² Grimly, he avers that goal setting (e.g., for employees³) can induce unethical behavior. "[S]ome people will choose the quickest route there, even if it means taking the low road."⁴

Pink says proof of his theory that people are motivated more by intrinsic rewards like solving problems and advancing the greater good is evidenced by the phenomenon known popularly as the information age, asking whether an economist of 20 years ago would have ever predicted the fall of the encyclopedia industry to the hands of tens of thousands of people writing articles *for fun* (he's talking about Wikipedia, of course).⁵ As further proof, he points to legislation in four states enabling "low-profit limited liability companies," dubbed L3Cs,⁶ whose primary aim is to offer significant social benefits.

Although he is a lawyer, Pink does not focus on the legal profession in his book. But many of the points he makes apply

to volunteerism in the legal industry and explain to a surprising degree where our profession is now and where it will go in the future.

"During the twentieth century, most work was algorithmic.... Even when we traded blue collars for white, the tasks we carried out were often routine.... routine white-collar work is disappearing,"⁷ Pink wrote. "[Y]our cousin the CPA... faces competition not just from five-hundred-dollar-a-month accountants in Manila, but from tax preparation programs anyone can download for thirty dollars."⁸

And so it goes with the legal industry. Online legal forms, briefs, information, and even advice, all posted by nonlawyer individuals and faceless entities, are ever-burgeoning on the Internet.

"So we have a choice,"⁹ Pink tells us. "We can cling to a view of human motivation that is grounded more in old habits than in modern science. Or we can listen to the research, drag our business and personal practices into the twenty-first century, and craft a new operating system to help ourselves, our companies, and our world work a little better."¹⁰

With the help of my esteemed fellow commissioners, each of whom I thank for their contributions to this article, I will do my best following this month's release of the 21st Century Practice Task Force report to help us craft a legal operating system that better serves the public! ■

ENDNOTES

1. Pink, *Drive: The Surprising Truth About What Motivates Us* (New York: Riverhead Books, 2009).
2. *Id.* at 8.
3. Minimum billable hours, for example?
4. *Drive*, p. 49.
5. I graduated from the University of Michigan with an economics degree many more than 20 years ago and readily confess nothing like Wikipedia was ever contemplated in any of my classes.
6. Is it just a coincidence how similar this sounds to L3Ts—limited license legal technicians, who are being established now in four states to deliver legal services for less money and lower profits than traditional lawyers? I think not!
7. *Drive*, p. 28.
8. *Id.*
9. *Id.* at 79.
10. *Id.*