

Longing for the Past; Looking to the Future



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ur world has changed drastically in the last six months, and along with it, our legal system. Seemingly overnight we went from bustling law offices to kitchen tables; from packed courthouses to Zoom hearings. It left us scrambling for solutions, and longing to get back to “normal.”

But even amid this disruption, we should recognize that the last six months have given us a remarkably clear picture of what the future looks like. So rather than simply longing for the *old* normal, I suggest we should also be looking *forward* to a *new* normal, and devoting our energies to making it a *better* normal.

American author James Lane Allen (1849–1925) said that “[a] diversity does not build character, it reveals it.” And years later, Warren Buffett famously said that “[o]nly when the tide goes out do you discover who’s been swimming naked.”¹

In March, the legal community was put on full display. And that’s a good thing. Much like our own families, where our strengths and weaknesses were revealed as we locked down together, the strengths and weaknesses of our justice system were also

revealed. As a result, many adapted to the challenges and even took advantage of the opportunities this crisis has laid before us.

Since the early days of the pandemic, the Michigan Supreme Court, the State Court Administrative Office, and the State Bar of Michigan have been collaborating on ways to make the essential functions of justice administration, including the practice of law, work in a pandemic environment. And despite some understandable fits and starts, work it has. Virtual courtrooms were created, lawyers who spent most of their waking lives in the office became productive from their basements, and we have embraced technology like never before.

“In three months, we have changed more than in the past three decades, and now that we know innovation is possible, we have a unique opportunity to create long-term and much-needed change for our justice system,” Michigan Supreme Court Chief Justice Bridget McCormack told a U.S. House Judiciary subcommittee in June.

She’s absolutely right.

We have all long known that the justice system is far from perfect. Indeed, the State Bar of Michigan was created to be an ongoing force to make it better:

The State Bar of Michigan shall, under these rules, aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in this state.²

And the State Bar’s 21st Century Practice Task Force was created to:

...take an in-depth look at a precedent-based system, steeped in tradition and reliant on a model that, while possessing

many redeeming virtues, in many ways did not reflect the modern world in which lawyers operate today.³

The State Bar and the 21st Century Practice Task Force certainly stepped up as innovative leaders, looked to by others around the country for help and guidance.

But the pandemic revealed that there was (and is) still much work to be done. It has been an accelerant for innovation, and the Bar has seized on this opportunity.

Among the many efforts of the State Bar during this crisis are:

- The development of new tech resources and training for Michigan lawyers
- Strong support of State Court Administrative Office initiatives on remote hearings and practices
- Collaboration with bar associations throughout the U.S. and world on the impact of the pandemic on the practice of law, and delivery of services to lawyers
- Creation of a Race and Justice Forum as a platform for information and informed, disciplined discussion

Don’t get me wrong. There has been much loss, sadness, and painful disruption during these trying times. I, for one, cannot wait to move about freely again, and, hopefully, see masks and social distancing become a thing of the past. But I also see this as a time of transition that has accelerated the pace of changes that were inevitable, and I am looking toward our future.

When I was sworn in last year at this time, I had a clear vision of how things should go. That vision included working with many of you, in person, at Mackinac, at our annual event, and elsewhere. Well, as they say, the best laid plans...

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...I am confident we will remain resilient and proactive in meeting the challenge of continuing the transition to a *new* normal, and making it a *better* normal.

Instead, we were confronted with unprecedented adversity, and, thanks to a rock-solid foundation, the State Bar has responded with unprecedented vigor.

As I conclude my tenure as president of this great organization during these remarkable times, I implore us all to separate wheat from chaff, save the good of the past, and embrace the remarkable opportunities that have revealed themselves during this fierce

storm. Remote video hearings and depositions may not be the best way to go for all matters, but before the current crisis they were not even a viable option for the many matters for which we now recognize them to be the best option. The same is true for the many other innovations this crisis has accelerated into our daily practices. I am proud of the way the State Bar and our entire profession have been responding to the

pandemic and all of its challenges, and I am confident we will remain resilient and proactive in meeting the challenge of continuing the transition to a *new* normal, and making it a *better* normal.

I am grateful for the opportunity I've had to serve you and the people of our great state, and I look forward to seeing you soon—in person. ■

ENDNOTES

1. Frankel, *The 100 Best Warren Buffet Quotes*, *The Motley Fool* (August 30, 2019) <<https://www.fool.com/investing/best-warren-buffett-quotes.aspx>>. All websites cited in this article were accessed August 31, 2020.
2. *State Bar of Michigan Strategic Plan 2017-2023*, SBM (renewed July 24, 2020), available at <<https://www.michbar.org/file/generalinfo/pdfs/strategicplanreport17.pdf>>.
3. *Envisioning a New Future Today*, 21st Century Practice Task Force, SBM (July 18, 2016), available at <https://www.michbar.org/file/future/21c_WorkProduct.pdf>.

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