

UpFront

By Mike Eidelbes

Chief Justice, SBM President Welcome New Attorneys During Virtual Swearing-in



It went well in May, so why not give it another go in November?

Sure, the men and women who recently passed the Michigan bar exam would probably prefer a more traditional swearing-in ceremony—one family members and friends could attend in person to celebrate their achievements and congratulate them on the culmination of their journeys to becoming lawyers. But with nationwide COVID-19 infection rates skyrocketing, such gatherings violate both state law and common sense.

On Monday, November 30, nearly 60 prospective attorneys took part in a virtual mass swearing-in ceremony via Zoom. As was the case during the first virtual event in May, Michigan Supreme Court Chief Justice Bridget McCormack presided over the event.

“This pandemic has made more change possible in our court system in many decades,”

McCormack told the participants. “I still hear from lots of folks who say they can’t wait to get back to normal, but normal wasn’t that great for too many of our neighbors.

“You are not committed at all to the old normal. You’re arriving at a moment where you have an enormous opportunity to build a brand-new normal.”

The participants represented all five Michigan law schools and nearly 20 other institutions from coast to coast. Though it was the second group of attorneys to be sworn in virtually, it was the first to pass the bar exam online.

“Legal innovators... are exactly what our profession needs,” said State Bar President Rob Buchanan, who made the motion to Justice McCormack presenting the candidates for swearing-in. “I’m confident that there are more innovators here today ready to be sworn in as new Michigan attorneys.” ■

SBM’s Welch Honored With 2020 NABE Peer Excellence Award

State Bar of Michigan Executive Director Janet Welch was selected as the recipient of the 2020 Peer Excellence Award by the National Association of Bar Executives. The honor is given to an NABE member who has made significant contributions to the organization.

Welch is the second SBM executive to earn a NABE award; Philip Spelman, the Bar’s director of communications from 1973–1989, received the group’s E.A. “Wally” Richter Leadership Award in 1988.

In 2006, Welch became the first woman to head the State Bar of Michigan. She joined the SBM as its general counsel in 2000. Under her direction, the organization has grown to more than 45,000 members and led the charge in legal innovations including the 21st Century Task Force and the Judicial Crossroads Task Force, which both focused on ways to modernize the judicial system. ■

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Supreme Court Chief Justice Bridget McCormack's Remarks During November's Virtual Swearing-in

Remarks have been lightly edited for clarity.
—Ed.

This is an incredibly challenging, but also exciting, time to join the legal profession. One sentence from the oath that you are about to take catches in my throat every time I read it: "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed."

Our justice system has to work for everybody, and the success of our democratic institutions depends on people trusting that it works for everybody. And we sometimes have fallen short; eight out of ten people in Michigan can't afford lawyers for their legal problems, and that means many of those have to figure out how to navigate our justice system on their own or give up. We have the best legal aid programs in the country here in Michigan and the best lawyers here in Michigan that do countless hours of pro bono work, and Michigan Legal Help is the best resource for self-represented litigants in the country. I'm absolutely positive of all those things.

This pandemic has made more change possible in our court system than in many decades, and the Michigan bench and bar have stepped up to become a national

leader in adapting our systems of justice to meet this moment. The accomplishments are too many to go into here, but we truly are leading the nation in what we are getting done in this pandemic in our courts. But we've been working in emergency mode, responding quickly to keep our courts open virtually, and we have to make sure that we're not simply applying new Band-Aids to a system that needs to be fundamentally rethought.

Bill Gates said the first rule of any technology used in a business is that automation applied to an efficient operation will magnify the efficiency. The second is that automation applied to an inefficient operation will magnify the inefficiency. The pandemic has provided fertile ground for change, but we have to make sure we're changing all of the right things.

Our court system has been largely unchanged since its founding, which pre-dates our country's founding, and it all revolves around litigation conducted by attorneys representing parties and therefore the statutes, the court rules, the norms, and the processes that govern what we do were all born... with the idea of represented parties, no technology, and low caseloads in

mind. Our structures, procedures, and attitudes within the courts and the bar are understandably anchored in that paradigm, or they have been.

I still hear from lots of folks that they can't wait to get back to normal. But normal wasn't that great for too many of our neighbors.

If all we do is expand the use of technology to the system we had before, we won't solve some of its most fundamental challenges. That's where you come in. I believe Michigan is poised to build on the success we have seen in the last seven months to be a national leader in delivering an accessible justice system to everyone. In redesigning courts as a service, rather than a place, in reimagining justice centers that help people solve problems in new and diverse ways, you are not at all committed to the old normal. You are arriving at a moment where we have an enormous opportunity for building a brand new normal and you show up with new skills and better skills, new ideas and better ideas that will be critical to what we build. You can lead us in truly serving the cause of the defenseless and the oppressed in that new normal.

Welcome. I am so glad you are here. ■