

# Unfinished Business

## Keep Advancing Our Profession



Julie I. Fershtman

My year as State Bar president has come to a close. It has been a year of action, travel, camaraderie, optimism, and communication. The Bar achieved a great deal over the past year. Here are just a few examples:

- Recognizing members' continuing need for accessible information to help manage their practices, the Bar has steadily improved its Practice Management Resource Center (PMRC). The PMRC expanded its range of offerings to include a new, free digital library; website improvements; and innovative programs such as two sold-out seminars on iPad technology.
- In response to the strong interest in mentoring programs, the Bar launched a Mentor Board.
- More than 200 lawyers and law students attended the Bar's four statewide pro bono fairs that brought pro bono service providers in direct contact with those seeking volunteer opportunities.
- Member programs and services expanded to include new discounts of particular benefit to solo and small-firm practitioners.
- Almost every Michigan law school has conducted the highly acclaimed Professionalism in Action program, which the State Bar initiated in 2009 in partnership with law schools to join incoming students with distinguished lawyers and judges in an effort to promote civility and professionalism.
- After decades of attempts for meaningful reform in indigent public defense, groundbreaking changes are finally within reach. Legislation is in progress.
- The State Bar and its staff received awards that were presented during my term

but based on years of past work. At a ceremony at the United States Supreme Court building with Justice Sonia Sotomayor in attendance, the Bar received the ABA's prestigious Grassroots Advocacy Award for its role in advancing access to justice by advocating for Legal Services Corporation funding. *Michigan Lawyers Weekly* named State Bar Executive Director Janet Welch its "2011 Woman of the Year." State Bar Director of Member Services and Communications Nancy Brown received the Michigan Historical Commission's 2012 Governor John B. Swainson Award.

- Working with the Probate and Estate Planning and Elder Law and Disability Rights sections and the Unauthorized Practice of Law Committee, the Bar conducted a series of statewide seminars to help protect senior citizens from the unauthorized practice of law and alert them about avoidable estate planning problems.
- The Representative Assembly approved a definition of the practice of law that could potentially help the Bar take greater action in its enforcement efforts against unauthorized law practice.
- Specialized business docket pilot programs, recommended by the Judicial Crossroads Task Force in its March 2011 report, are now in place in Macomb,

Kent, and Oakland counties, and courts statewide have instituted more specialty problem-solving courts such as drug and DWI courts.

### Unfinished Business

As only the fifth female president in the Bar's 77-year history, I want my parting column to convey the message that women must advance within our profession at a faster pace. Women are held back from greater advancement, it is widely believed, because they frequently occupy the role of caregiver for children or aging parents, or sometimes both. In that role, many women—and caregivers of *any* gender, for that matter—have found great difficulty striking a tolerable work-life balance. The end result is that our profession has been losing talented lawyers, and diversity within law firms and corporate in-house positions has suffered.

At the start of my presidential year, I asked the State Bar's Diversity and Inclusion Advisory Committee to look into this problem and offer suggestions and best practices. The committee formed a Caregiver Work Group, which issued a report last June. The report identifies several best practices gleaned from its review of existing literature and resources designed to help large and small law firms and in-house legal

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departments help lawyers handle work-life balance issues and maximize their ability to contribute in the workplace. You can find it on the State Bar's website at <http://www.michbar.org/diversity/>. I thank the Diversity and Inclusion Advisory Committee, co-chaired by Dean John Nussbaumer and Hon. Victoria Roberts, for accepting my request and the Caregiver Work Group, chaired by Rodney D. Martin, for its thoughtful, important, and timely report.

I sincerely hope the next few years bring positive developments for women in our profession. We can measure success by seeing more women in partnership and leadership positions within firms and bar associations. We can measure success by seeing more firms and businesses make accommodations, whenever possible, to help lawyers achieve a better work-life balance. In my view, helping women and caregivers succeed is really a *win-win-win* situation: lawyers win by remaining active in the workforce and serving clients; employers win by reaping innumerable tangible and intangible rewards associated with keeping talented lawyers who might otherwise leave; and our profession, of which diversity and inclusion are core values, unquestionably wins.

## Parting Words and Thanks

Like the conclusion of a memorable movie, my final column ends with credits to many people who have contributed, most of them behind the scenes, to a successful year.

I thank our executive director, Janet Welch, who is respected nationally for her vision, intelligence, and counsel. I thank the State Bar officers and commissioners for the camaraderie we shared during our meetings and the time they gladly volunteer on behalf of our profession. I thank and congratulate our incoming president and my good friend, Bruce A. Courtade; we will be well served under his leadership.

I thank the hard-working State Bar staff, many of whom expend extra hours to ensure that a program, initiative, or event succeeds. Members of the State Bar staff who deserve special thanks for going out of their way to help during my presidency are Candace Crowley, Marge Bossenbery, Nancy Brown,

Anne Smith, and Linda Novak. Linda Rexer, executive director of the Michigan State Bar Foundation, deserves special thanks for her counsel and help with my columns and blog; this year marks Linda's 25th year with the Foundation, and her heartfelt commitment to the profession and especially those with unmet legal needs is unmatched. I thank the State Bar sections, committees, and local and special-purpose bar associations for working closely with the State Bar and allowing us to be your ally and trusted resource.

I thank everyone in my law firm, Foster Swift Collins & Smith, for their support and for tolerating my time on the road. My mentors, who include Hon. Al Butzbaugh, the late Kim Cahill, Nancy Diehl, and Hon. Victoria Roberts, deserve special thanks for supporting my ascension within the Bar and providing guidance along the way. I thank my clients for their patience.

I thank my husband and daughter for recognizing the importance of my service to the Bar when travels throughout the state and the country frequently kept me away. Finally, I thank the many lawyers and judges who welcomed me during my travels, offered suggestions to improve the Bar, and sometimes let me know how one of my columns or speeches affected them.

## My Final Challenge

Please join me in helping to improve our profession. We can keep each other updated on substantive developments in our respective areas of practice. We can serve our clients or manage our courtrooms with integrity and honor. We can congratulate each other on our successes and console each other on our disappointments. We can serve the public through programs such as partnering with schools as visiting lecturers, teachers, or mentors. We can donate time to pro bono service or make annual donations to the Access to Justice Fund. We can mentor a law student or young lawyer. Through our collective words and deeds, we can create a forceful countercurrent against those who criticize or demean our profession. When we join forces, as we do through our bar association, we can make a powerful difference. We already have, and for that I thank all of you. ■

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