

The History—and Future— of a Partnership

The State Bar of Michigan and the Michigan State Bar Foundation



Julie I. Fershtman

Preface

The State Bar of Michigan and the Michigan State Bar Foundation have enjoyed good reputations in Michigan and throughout the nation. Serving on the governing bodies of both for several years has given me a close vantage point from which to confirm that the accolades are well-deserved. This vantage point also allows me to observe where their work intersects. Certainly, each organization has its own niche, but when the two combine forces, tremendous things happen. It is this rich history of collaboration that makes their combined impact even greater.

We are fortunate to have this degree of teamwork between our bar association and foundation, but few understand how unique we are. Some states have far less effective working relationships. Some are turbulent, forcing each to expend valuable resources—better devoted to beneficial work—to resolving their differences.

We can derive lessons on constructive collaboration by reviewing the partnership between the State Bar of Michigan and the Michigan State Bar Foundation. Accordingly, I have asked Janet Welch, executive director of the State Bar of Michigan, and Linda Rexer, executive director of the Michigan State Bar Foundation, to share with us how this partnership has worked over the years and its importance going forward.

In sharing this information with you, it is my hope that you will learn more about the activities and roles of the State Bar of Michigan and the Michigan State Bar Foundation. And by highlighting their relationship through this column, we can encourage continued collaboration for the benefit of the bar and the public we serve.

Building a Culture of Collaboration

By Linda K. Rexer and Janet K. Welch

Committed Leadership

It is appropriate that we should get this charge from Julie Fershtman, who is a model of building bridges to accomplish goals collectively. We start with this thought—not just to underscore that, even now, she is strengthening these bridges by devoting this President's Page to the importance of our continuing collaboration—but also to note that she is an illustration of its success. We have benefited from volunteer leaders like Julie and staff members who are deeply committed to the compatible missions of both the State Bar and the Foundation, and who understand and value the synergies collaboration creates.

Many outstanding Michigan lawyers have taken active roles in both organizations. The State Bar president and president-elect have ex officio seats on the Foundation board.

At present, three elected Foundation trustees are past State Bar presidents. Several others are or have been members of the State Bar Board of Commissioners, and nearly all have contributed to State Bar committees such as the recent State Bar Judicial Crossroads Task Force on which five Foundation trustees served. These formal connections are helpful in sustaining a partnership culture, but by themselves they cannot make that culture effective. That takes action, be it joint efforts or activities supporting common goals.

Shared Values

Access to justice is a priority for both organizations. The State Bar has elevated access to justice as a strategic goal for many years, and has long served as a model nationally for bringing talented staff in house to work on pro bono and other access to justice issues and organizing volunteer committees charged with enhancing access to justice. In 1998, the State Bar won the American Bar Association's prestigious Harrison Tweed Award for its access to justice work. The award confirmed the State Bar's approach to achieving goals through partnerships with others, including the Foundation. By then, the State Bar had established the Access to Justice Task Force, allocating key membership positions to top volunteer and staff leaders in both the State Bar and the Foundation. The State Bar had partnered with the Foundation and our state's civil legal-aid programs to produce and help implement a state plan for the delivery of civil legal assistance to the poor and begin the Access to Justice Campaign to increase resources for legal aid. The State Bar brought Foundation staff and trustees into its strategic planning committee assigned to consider access to justice issues.

Sometimes, joint efforts like these wane when leadership changes or time passes.

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“In the long history of humankind...those who learn to collaborate and improvise most effectively have prevailed.”

Dissension over strategy, resources, and credit undermines the collaboration. This did not happen in Michigan, in part because the cross-fertilization and coordinated staffing continued, reinforcing consistency and cooperation. Also, over time, working together fostered mutual respect for the knowledge and abilities each brought to the table. It is not unusual now for someone from either organization to assist the other in drafting materials, making presentations, and brainstorming solutions to emerging problems. Not every environment could sustain that approach, but our history of collaboration has created a level of comfort that often results in the total being more than the sum of its parts. For example, the State Bar and the Foundation have worked together to:

- Prepare information for the annual ABA Day to help Michigan's congressional delegation learn about the need for and impact of legal aid. Instead of writing separate letters to representatives, agencies, and others, both organizations sign joint communications related to this topic. They also help fund consultants and other experts for meetings or projects in areas such as access to justice or law-related education.
- Develop a statewide pro bono survey and plan a follow-up pro bono delivery assessment.
- Help lead the statewide Solutions on Self-Help Task Force to improve resources for the self-represented.
- Implement the State Bar's "A Lawyer Helps" program, which recognizes lawyers who provide volunteer services and gives them tools to continue to do so.

Multifaceted Partnership

Much of the collaboration between the State Bar and the Foundation centers around

access to justice, but the organizations work together in other areas as well. For example, because the Foundation administers Michigan's Interest on Lawyer Trust Accounts (IOLTA) program, the State Bar includes the Foundation in planning when trust accounts are involved. This collaboration increases awareness on both sides, whether it is assuring that the new Trust Account Overdraft Notification rule is consistent with IOLTA provisions or jointly authoring articles and cross-posting links on each other's websites. The result is stronger when these approaches are not fragmented and everyone works to promote the same key goals, such as the importance of protecting client funds.

The State Bar's larger organization is able to provide multifaceted help, such as designing donor recognition materials or processing online donations for the Access to Justice Fund, which is held by the Foundation. In turn, the Foundation's staff helps with such things as records of banks offering trust accounts or data management, and system designs to coordinate the State Bar's Pro Bono Circle of Excellence with the ATJ Fund.

Both organizations have also provided financial resources to each other over the years. The State Bar has supported staff for Justice Initiatives, including assisting the ATJ Fund, and has sponsored costs for ABA Day and many other meetings and programs. In addition to contributing to the cost of consultants or events, the Foundation has provided numerous grants to the State Bar and many of its current and former committees, including the Task Force on Assigned Counsel and the Children's Task Force; the Ethics, Communications, Law-Related Education, Constitutional Law, U.S. Courts, Plain English, and Medicolegal Problems committees; and the Family Law and Juvenile Law sections. This partial list illustrates that the scope of the connection extends beyond access to justice.

A Stronger Future

Collaboration is most productive when the parties involved see how their common interests intersect in multiple and deep ways. Indeed, an important key to the success of the collaboration of the State Bar and the Foundation is that it is dynamic rather than formulaic, allowing it to evolve and thrive. Charles Darwin said, "In the long history of humankind...those who learn to collaborate and improvise most effectively have prevailed."

If the staff or volunteer leaders of either the State Bar or the Foundation viewed the areas mentioned above as solely the province of one or the other or did not see their jobs as working together toward common goals, important opportunities for synergies would be lost. Sharing insights and perspectives has strengthened and deepened the quality of the product. It is a responsibility of leadership—both of us included—to support those who contribute to this partnership and to make clear that collaboration is a key value. We believe that leaders who fail to recognize the importance of collaboration will be left behind in an era when information flows from every direction at nearly the speed of light and change happens almost as fast. And we agree with Tom Stallkamp, CEO of MSX International, a global provider of collaborative enterprise services, who said, "The secret is to gang up on the problem rather than each other."

Kudos to the staffs of both organizations; without their selfless approach to partnering, these efforts would not be possible. It is inspiring for both of us to work with professionals who care less about who gets the credit than getting the job done.

We have focused on the State Bar and the State Bar Foundation, but are aware that equally effective examples of collaboration exist for local and specialty bars and their foundations, and for bar sections and committees, which also have many productive affiliations. The lessons are all around us. As Helen Keller said, "Alone we can do so little; together we can do so much." We are grateful to all who have helped effect that lesson in our work and elsewhere in the bar family. It will continue to position all of us for an even stronger future. ■