

# Kimberly M. Cahill

## 72nd President of the State Bar of Michigan

It is the mid-60s. A young girl about five years old is in an elevator with her mother on their way up to the courtroom. The mom is chatting with people. The girl is a little sleepy, having been woken up early. The babysitter could not come that summer day, and so she had to tag along with mom to work. She has a book and is prepared to sit quietly in the back of the courtroom while her lawyer-mother argues the case. The courtroom appears to be a fascinating place to the child—the judge, lawyers, policemen, court reporter, and witnesses are a slice of life, nothing to be afraid of. As the years go by, it's only natural that she starts her young working life running errands in her mom's office, filing reports, picking up and dropping things off and the like. Although she dallied with the notion of becoming a writer for a while, at college, it becomes clear to her that a career in the law is what she's cut out for. With a B.A. (1982) and a J.D. (1985) from the University of Michigan, she joins mom in the family firm in Center Line, focusing on real estate, probate, estate planning, and family law.

Starting from a back row seat in the courtroom, Kimberly M. Cahill now finds that she's at the forefront of a 38,000 member organization dedicated to improving the administration of justice and promoting the interests of the public and the legal profession in the state. As the 72nd president of the State Bar of Michigan, she comes to the job rich with leadership experiences. She has been a State Bar commissioner since 1997 and has chaired many, many committees. From 1999 to 2000, she led the Representative Assembly, the final policy-making body of the Bar. She served recently as the statewide chair of the Bar's Access to Justice Campaign Committee that works to assure funding for legal services programs throughout Michigan.

She is also very active in her own community. She was president of the Macomb



*Left to right: Dana M. Warnez, Florence Schoenherr-Warnaz, and Kimberly M. Cahill are partners in their family law firm in Center Line.*

County Bar Association from 2001 to 2002 and a founding member and immediate past president of the Macomb County Bar Foundation. She was also president of both the Macomb Women Lawyers Association of Michigan (WLAM) in 1989 and the state WLAM in 1996. "I always call Macomb County the world's biggest small town. Everybody knows everybody here. It's very family-oriented, and there are a lot of family firms and a real sense of connection," Cahill said. "When you walk into the 37th district court in Warren and Center Line, you see a lot of the same people over and over again. You're in the same circle, and it really helps

you to develop a great sense of community." The following is an excerpt from a recent interview with Cahill:

**The Detroit area has the most lawyers per square mile in Michigan. What is it like for a small firm there?**

It is really competitive. You have to constantly be looking at not only how your practice skills are developing, but also be aware of business issues. That's one thing that I never learned anything about in law school. Every attorney has to look at his or her bottom line and ask, "Is my practice growing in this area? Am I competitive with my peers?" That's

why it's so important to have that sense of community, so that you can call the person two doors down and ask, "Are you noticing that it is really slow?" Or, "I have an awful lot of this type of work. What are you noticing?" So far in my career, people have been very honest and upfront with me. I don't know if it's that way in other communities, but it is in Macomb.

Since I have been practicing, I've found there are so many things that you need to know now that you didn't before. When I walked into the office in 1985, we still had rotary dial phones. The library was mostly on paper, and there were so many things you had to keep up with. I think one of the really important things that the Practice Management Resource Center (PMRC) is going to do and that the Bar is going to continue to have to do is help members—because the vast majority of members don't work for a big firm that has somebody who takes care of all that. So I think we have to be cognizant of the person in Mason or in Center Line and the person who's in Ishpeming, and tell them what we are going to do to help them be competitive. I'm not anticipating that we're going to make them as technologically competitive as one of the large firms like Dickinson or Dykema or Miller Canfield, but we should at least be able to provide them with information so that they can get out there and feel like they're competing. We should do that for small firms, but we should also help them to the point where they say, "Maybe I can't do all of this by myself. Maybe what I really need to do is to go out and hire a tech consultant." I think a lot of small practitioners just get frustrated. They have that whole aspect of "how do I run this business" on top of "how do I practice law." They are two very different kinds of skills, and I think that a lot of people go to law school not expecting to have to juggle both of those things. A lot of attorneys out there want to do X. They just want to be involved in estate planning. They don't want to figure out how to run an office. That's an area that's going to continue to be a challenge for attorneys to coordinate.

### Are there issues in the law that you are passionate about?

I'm passionate about access issues and making sure that people have access. I think

that's crucial. I think that everybody who comes into the courthouse should have a shot at equal resources and equal opportunities. I also think a lot about the compensation rate for criminal defense work. We've got to figure out a different way to handle that because the system doesn't work. There's no ability in the criminal arena a lot of times to negotiate and to settle as there is in the civil or the family arena. It's impossible for lawyers to provide an adequate defense at the rate that some of them are being compensated. It's just impossible. So what we're doing is, we're setting up the system not to work. We don't have an effective advocate on both sides. It's not going to work, and it's not really fair to put the burden of providing

criminal defense on the backs of the private bar. When you compensate attorneys at 1976 rates, that's what you're doing. You're setting yourself up for a system where people who take those cases are either very new attorneys who want to develop those trial skills and experience, or they're somebody who says, "It's my pro bono responsibility to provide some service to the community, and so I am willing to come in and take four or five felony case appointments every year," knowing that the compensation isn't going to begin to cover the cost of those cases. Part of the problem is with the funding mechanism. Prosecutors get funded, and you don't see any prosecutors working for the 1976 rates.

## Comments about Cahill

As a practitioner, she is an exceptionally bright, capable, and professional attorney. Kim always gets the job done! But even more importantly, Kim is above all else, a wonderful human being. She brings a joyousness and enthusiasm to every aspect of her life, including the practice of law, that is the envy of those around her. The glass is always half full for Kim—a truly wonderful quality—and she constantly inspires others to walk through life in a more positive manner. Kim will be an extraordinary leader for the membership of the State Bar of Michigan. She leads by example, never asking another to do something she was not willing to do herself. I am confident that her marvelous communications skills and deep personal commitment to the law will inspire others to likewise dedicate themselves to the improvement of the law, the administration of justice, and the ideals of public service. You go, girl!

Hon. Tracey A. Yokich, Sixteenth Judicial Circuit Court, Mt. Clemens

Kim is creative, good-hearted, and one of the smartest people I know. She can juggle a dozen complex projects, articulate why each is important, motivate others, and keep smiling all the while. If she takes something on, you can stop worrying; the work will get done, on time, and be of excellent quality. And, she has a wicked sense of humor!

Kim is direct, trustworthy, and full of energy. She will embrace the toughest challenges and work well with others to find solutions. As Bar president, Kim will keep sight of the larger goal of serving the public.

Dawn Van Hoek, State Appellate Defender Office, Detroit

I have known Kim for approximately 20 years. Before I was elected to the bench, we were fellow practitioners in Macomb County and fellow members of the Macomb County Bar Association. I had the privilege of swearing her in as president of the Macomb County Bar Association in 2001. During my tenure in the Family Division, she regularly appeared before me where her reputation of working her heart out for her clients was clearly evident. She is an asset to the entire legal community and based on her work ethic, she will be a great president of the State Bar, greatly enhancing the stature and reputation of the State Bar of Michigan. It is truly my privilege to know and be associated with Ms. Cahill.

Hon. Peter J. Macerani, Chief Judge, Sixteenth Circuit Court, Mt. Clemens

I am so excited that she is taking on this role. I have not been to the State Bar Annual Meeting in about 15 years, and I'm coming to this one! I'm a former president of the Macomb Bar, just as Kim is, and we are very, very proud of her. Her dad is looking down from heaven with this great big smile on his face—just like her mother, who is here, will be doing on September 14. Kim is just a fantastic human being, good to the core.

Lori J. Finazzo, Bowman and Finazzo PC, Mount Clemens

## Are there any new initiatives to deal with this?

There are a lot of different proposals. The State Appellate Defender Office and the Bar are working together right now on a study that would make things more uniform—so that you would get compensated adequately no matter which county you worked in. That would guarantee some minimum standards for training and the availability of other resources like experts. Often, it's not just the fact that the compensation rates are different, but that the prosecutor's office might have a full-time investigator. If you are going to go out and do that kind of work as a defense attorney, you have to hire an investigator. They'll have an expert available and a medical examiner. You're going to go out and hire a doctor, and there are very little monies available for that at all. I know that in some counties in Michigan, certain members of the criminal defense bar have actually brought suit. There's an ongoing case in Wayne County, a constitutional challenge that says that constitutionally it is not fair to do this, and it's a shame to see it come to that, but if that's the way we shine the light on the situation, then I guess that's the way it has to go. I'm hoping that one of the things we can do this year is continue to talk to the public about how important it is for both sides to be adequately represented. For the system to work, you have to have that, and you have to be willing to fund it.

## Bearing in mind that there are no presidential agendas anymore, what do you see as issues to address here at the Bar?

One of the most important things that we can do is continue to convince our members that we're here to provide service for them. Tom Cranmer has been talking to our members, and when he mentions a program, he often gets blank looks. It's a four-step process. We have to ask our members: "What do you want? How can we provide it to you? How are we doing in terms of providing it to you?" We also have to market the programs that are available because I think that when people come in and experience the programs, I think that they're happy with them. Look at how much people like the *e-Journal*. They like to have the cases right there, and they like

*Left to right: Florence Schoenherr-Warnez and daughters Kimberly M. Cabill, Pamela M. Cabill, and Dana M. Warnez in Hawaii, February 1999.*



to be able to choose how they receive them. Our members also love the section listservs and the section publications. So the real issue is getting out there and saying, "We have something here for you. Let's find out what it is that's going to work for you."

## What about the role of the Bar in the public sphere—for example, working with school kids and educating the elderly about wills and trusts?

I think that public education is something we are going to continue to have to do because I don't think that the average person knows very much about the courts and the judicial system. I think they are afraid of it! I think that the district court judges who take their courtrooms into the schools are doing a great service. Some of them do it because they want it to be a lesson about drug and alcohol use, and while that's very important, I hope the bigger thing is that kids of that age say, "Look at all the different people who are here. Look at all the different roles that are here; this isn't scary, this is interesting." And so they decide that maybe they want to be a lawyer or a judge or a police officer, a court reporter or a witness, somebody testifying about something. We have to continue to provide that at all levels of life. We have to say to seniors, "Don't be afraid of probate, be afraid of people who want to take your money. Understand what probate means for you. Get your estate planned the way you want it and quit worrying about it." Public education is a big component about what we need to do.

## The Bar has raised awareness about access issues. What about other programs?

There's a general perception in the legal profession that if we don't go out and raise money to provide legal services, like Access to Justice does, then nobody else will do it. But I think that we figure, oh, consumer protection, well, somebody else will do that. And we're realizing, no, not in certain areas. If you

want to control and shape the message that people hear, you have to be involved in creating it and putting it out there. I did enjoy doing a seminar two years ago in St. Clair Shores on wills and trusts for the elderly. But that's something that you have to do incrementally. It's all about building people's trust in the profession, and I think you can only do that one attorney at a time. I don't think you can go out and change the minds of people who believe that courts are rigged and courts are fixed and lawyers are fat cats who don't care about people. But what you can do is expose them to an attorney who's going to help them with a problem or who's going to help their mom or dad or their grandma with a problem, and you build on that and go on. I'm hoping that's one of the things that our members will really think about—how they are going to matter in their community. What are they going to do? Are they going to take a pro bono case? Are they going to speak at a school? Are they going to volunteer in a program? Are they going to do something? You have to do that in the community; otherwise, you don't matter.

## The last word: How will you be working for our members?

What they can count on from me is a slightly different perspective because of the way I practice and the community I practice in and the size of the firm I practice in. What they can count on is for me to make sure that the voice of that smaller firm, the smaller-town attorney, gets heard here as well as the larger firms. There really is a perception in the profession that the Bar is just full of large firms and that the benefits go to the large firms. As much as possible, I want to try and dispel that and show people that there is something here for every member. We've just got to find out what it is for you and make sure you get it. ♦

*Naseem Stecker is a staff writer for the Michigan Bar Journal. She can be contacted by e-mail at [nstecker@mail.michbar.org](mailto:nstecker@mail.michbar.org).*