

"We Take Care of Our Own"



Bruce A. Courtade

"We Take Care of Our Own" is the first song on Bruce Springsteen's 2012 *Wrecking Ball* album. The powerful music video, with lyrics, is available at <http://www.youtube.com/watch?v=-x8zBzxCwsM>. In part, "The Boss" wrote:

I've been knocking on the door that
holds the throne
I've been looking for the map that leads
me home
I've been stumbling on good hearts
turned to stone
The road of good intentions has gone
dry as bone

Where're the eyes, the eyes with the
will to see
Where're the hearts that run over
with mercy
Where's the love that has not forsaken me
Where's the work that'll set my hands,
my soul free
Where's the spirit to reign, reign over me
Where's the promise, from sea to
shining sea
Where's the promise, from sea to
shining sea
...Wherever this flag is flown
We take care of our own

The views expressed in the President's Page, as well as other expressions of opinions published in the *Bar Journal* from time to time, do not necessarily state or reflect the official position of the State Bar of Michigan, nor does their publication constitute an endorsement of the views expressed. They are the opinions of the authors and are intended not to end discussion, but to stimulate thought about significant issues affecting the legal profession, the making of laws, and the adjudication of disputes.

It is—as are many of Springsteen's best songs, in my opinion—both a plaintive cry for justice and a statement of his personal ideal of what America at its best should be. At the ABA Annual Meeting I recently attended, it was offered as more of a challenge: Do we—the organized bar—take care of our own?

It is not as easy a question as it might appear. To answer it, we first need to define "our own." Then we need to determine what we are doing to take care of them. I've spent a great deal of time pondering these questions during my SBM presidency without ever connecting those thoughts to the Springsteen song until the ABA challenged me to do so. My conclusion? After spending roughly 20 years working on various State Bar committees and the last 9 years serving on the Board of Commissioners, I am convinced the SBM does a very good job of taking care of its own, but there is still much work to be done.

Who Are "Our Own" and How Are We Taking Care of Them?

I believe two groups constitute "our own" and, at the risk of upsetting some readers, I will address them in what I perceive to be reverse order of importance.

The most obvious group is our members. While the State Bar continues to do remarkable work for its members, the challenge becomes greater all the time as the pace of change within the profession accelerates.

Nonetheless, the programs and services offered to our members border on mind-boggling. I will not restate them all, but direct you to the list available online at <http://www.michbar.org/programs/>. Bookmark that link and return to it often, because the depth and breadth of our membership services programs are constantly changing as

Bar staff and leadership identify and offer new programs to our members.

Most members need insurance; SBM offers access to Blue Cross/Blue Shield, Liberty Mutual, Long-Term Care Resources, and our long-time insurance provider, the Paul Goebel Group. Many members need computers and office supplies; SBM offers discounts at Best Buy and Staples and 10–30 percent off all Dell products. We need to deliver documents to opposing counsel and others; SBM has discounts on FedEx and UPS. We need to look professional in court or when meeting with clients; SBM offers discounts at Jos. A. Bank and Brooks Brothers. We need advice on starting or running our law practices; SBM offers the Practice Management Resource Center, which allows us to learn about and test hardware and software programs that make us more productive and efficient. We need up-to-date and convenient information about developments in the law; SBM provides the nationally acclaimed e-Journal as well as legal research through Casemaker, a free search engine that provides an alternative to pay-for-use services. We need to know about events happening around the state and country that might impact us; SBM provides NewsLinks (<http://www.michbar.org/programs/newslinks.cfm>), the SBM Blog, and twitter feed alerts to hot-off-the-press news of interest. We need someone to monitor proposed legislation and changes to court rules that affect our practices, our ability to make a living, and our clients' rights and interests; SBM's legislative watchdogs make sure we know what is being proposed and, when appropriate, see that our voices are heard in the Capitol, the governor's office, and the Supreme Court.

In normal times, our State Bar might be justified in resting on its laurels with this rich menu of services provided for annual dues below the national average, but these

are not normal times. As proof of this undeniable fact, consider a few numbers:

- **43,090**—the number of SBM members as I write this column. This is a net increase of 632 attorneys in Michigan since last year.
- **5**—the number of law schools in Michigan: Michigan State University College of Law, Thomas M. Cooley Law School, University of Detroit Mercy School of Law, University of Michigan Law School, and Wayne State University Law School. Five is also the number of Cooley campuses in Michigan (Lansing, Auburn Hills, Grand Rapids, Ann Arbor, and Kalamazoo).
- **55 percent**—the passage rate of those who took the July 2012 Michigan bar exam.¹
- **\$168,800**—the average debt load for 2012 graduates of the Thomas Jefferson School of Law in San Diego, California, the law school which, according to *U.S. News & World Report*, had the highest average debt load for students who incurred debt while in law school (and 98 percent of the school's students incurred debt).² Locally, Detroit Mercy graduates averaged \$130,166 in student loan debt; Cooley grads, \$122,395; U-M students, \$120,136; MSU, \$114,438; and Wayne State, \$80,482—a veritable bargain.³
- **\$44,000**—the median income for first- and second-year attorneys in private practice in Michigan according to the *2010 Economics of Law Practice Survey*; the mean income for all first-year associates in private practice is \$44,775.
- **56 percent**—the number of 2012 law school graduates nationwide who reported finding full-time employment in the legal profession within nine months of graduation.⁴

If these numbers do not give you pause, you are either no longer practicing law or have cashed in your winning PowerBall ticket and don't have to worry about where you'll find your next client. You clearly are not one of the newest among our profession trying to figure out how to pay your \$120,000 law school debt (plus whatever undergrad debt you had) and those other

pesky bills like food, gas, clothing, and rent or mortgage while making \$44,000 a year and facing even more competition for work and clients when the next wave of law school graduates joins the profession.

The State Bar must continue to serve as a watchdog for the profession, providing a 10,000-foot view of what is happening so we all can chart appropriate courses. But beyond that, we (Bar members and the Bar itself) must make sure we offer programs that take care of the newest members of our ranks who happened to graduate from law school during the worst economic times in recent memory. And we must not lose sight of the fact that the same economic pressures affect not just new attorneys, but those who have been practicing for decades and now face uncertainty as they approach the time when they hoped or expected to wind down their practices.

It is more crucial than ever that members communicate to the State Bar what they want and need in order to accomplish their professional goals. If, in the course of your practice, you become aware of a program or service that could benefit you or other attorneys, pick up the phone or send an e-mail to your local commissioner, Representative Assembly member, or SBM staff. Many of the programs and services the State Bar offers came about from comments and suggestions from members.

The second—and most important—group making up “our own” is the one about which Roberts P. Hudson, our first State Bar president, wrote so persuasively that his words remain prominently displayed on the walls of the SBM building in Lansing: “No organization of lawyers can long survive which has not for its primary object the protection of the public.”

The State Bar takes these words seriously and offers numerous programs with the primary objective of protecting the public. Among the most obvious are:

- The SBM has long advocated laws protecting the public. In this regard, I am proud of the fact that during my presidency we were able to celebrate enactment of legislation creating the Indigent Criminal Defense Commission—a vital first step to living up to the constitutional mandate that anyone charged with

a crime and facing the threat of imprisonment has the right to be represented by competent counsel.

- The SBM's Character and Fitness Committee ensures that bar applicants meet the minimum ethical requirements imposed on those who wish to practice law in Michigan.
- In conjunction with the Attorney Grievance Commission, SBM members voluntarily serve as Attorney Discipline Board panelists, charged with regulating our profession and weeding out those who dishonor our system and threaten the public. In addition, SBM staff provides administrative support to the AGC and ADB, allowing those independent agencies to perform their vital roles in protecting the public.
- SBM staff prosecutes select cases of the unauthorized practice of law. The Board of Commissioners authorized four prosecutions at its last meeting.
- The SBM's Ethics Helpline provides members with a quick, confidential resource to help them avoid inadvertently violating our rules of conduct—rules designed to protect the public.
- Michigan's Access to Justice program is nationally recognized as a model program, including talented State Bar staff who support access efforts such as increasing pro bono services and working in partnership with our state's legal aid providers and the Michigan State Bar Foundation to expand resources for legal aid through the Access to Justice Fund (to which lawyers have donated more than \$12 million to date).
- The SBM and its members not only protect but also serve the public every day in ways too numerous to mention. From pro bono service on nonprofit boards to the organized bar's role as advocate for a twenty-first century court system through its timely *Judicial Crossroads Task Force Report*, lawyers throughout Michigan selflessly offer their time, talents, and intellectual and economic treasures to serve the public above and beyond what is seen by our sister professions.

We see this in formal SBM entities like the Judicial Qualifications Committee, which acts without fanfare to vet candidates for gubernatorial appointment to judicial office. We see it in the efforts by men and women from around the state—like my good friend Lori Buiteweg—who devote hours of service teaching middle- and high-school students about the importance of our Constitution and the rule of law on which it is based. And we see it in the actions of people like Lauren McGill, an attorney from Detroit recently honored by the Incorporated Society of Irish American Lawyers for her dedicated service as a volunteer at Sts. Peter & Paul Church on Jefferson Street in downtown Detroit, where she welcomes homeless neighbors with food, shelter, and warmth of climate and compassion.

As I hope the aforementioned makes clear, the State Bar of Michigan does, indeed, take care of our own and defines “our own” more broadly than those who fancy the organization to be nothing more than a trade association. We are much more—and our state and profession are better for it.

Final Thoughts

Jon Falk is a legend for those who follow University of Michigan sports. He has been the football team's equipment manager for 40 years, having been hired by Bo Schembechler, and recently announced he will retire at the end of this football season. I have known “Big Jon” since I was a freshman at U-M in 1980.

One of my favorite Jon Falk stories concerns a discussion he had with Bo shortly after the old football coach announced his retirement from the university to accept a job with the Detroit Tigers. When Bo came to work out at U-M's facility that day, he was surprised to see his locker had been cleared out and his name tag removed. He reportedly stomped down to see Big Jon and demanded to know what was going on; he was, after all, the winningest coach in school history—and *the man for whom the football building was named*. After listening to Schembechler's harangue, Big Jon responded by quoting Max Mercy from the film *The Natural*: “They come and they go, Hobbs. They come and they go.”

Big Jon's retort to the legendary coach not only revealed the immense goodwill he generated during his many years of service to the man, but also reminded Schembechler that even legends are not irreplaceable; when it comes time to step aside, it is best to do so with grace and the understanding that the organization to which you devoted your time and effort will continue on without you.

Make no mistake: I am *not* comparing my one-year term as State Bar president to Bo Schembechler's tenure at U-M. I am not deluded enough to believe that anything I accomplished during my presidency is legendary (although my record for the most e-mails reminding me that my President's Page column is *still* overdue may be akin to Cal Ripken's consecutive-games-played streak and—for the sake of *Bar Journal* Editor Linda Novak and her successors—is one I hope will stand the test of time). Rather, I recount Jon Falk's pinprick to Schembechler to let you know that I understand by the time you read this column, Brian Einhorn will likely already have been sworn in as the 79th State Bar president, the new Board of Commissioners will be in place, and the organization I had the good fortune to lead for a short time will carry forward and prosper without me—and for that I am immensely grateful.

I am likewise grateful to the 99 men and women with whom I have had the honor of serving during my 12 years on the Board of Commissioners. They have come from all over the state, practiced in large firms, in solo shops, or served as in-house counsel; were litigators or municipal attorneys, probate lawyers, or prosecutors or defense attorneys; were young, old, and in between; represented plaintiffs or defendants or (mostly) those who wanted to be neither a plaintiff nor a defendant, but simply sought the best available legal advice and counsel. They were Republicans and Democrats. They were (or became) judges, an attorney general, and even a governor. Most importantly, they were all dedicated professionals, outstanding attorneys who felt the call to give back to their profession and to the public. And they were role models and friends I never would have met had I not had the chance to be a member of the Board of Commissioners. I thank

every one of them for their service to our bar and for their support and friendship through the years.

I also want to thank my co-editors in chief, Janet Welch and Linda Rexer, not only for being sounding boards for these monthly columns, but for their sage, practical advice about issues facing Michigan attorneys, our profession, and our society.

And words alone cannot express the immense gratitude and undying love I feel toward my wife and daughter, without whose support I would not be writing this column. They are my inspiration, and my goal every day is to make sure nothing I do disappoints or embarrasses them. I hope my SBM service over the past 12 months has met this goal.

Finally, I want to thank you, the members of the State Bar of Michigan, for welcoming me as I made my way across the state for the past year, for your notes and calls concerning these columns (most of which were kind), and for affording me the great honor and privilege of serving as your 78th president. You have renewed my faith in our profession, reminded me we are at our best when we focus on being a healing vocation, and treated me as one of “your own.” I hope you feel that I have served you well and discharged my duties honorably. ■

ENDNOTES

1. SBM Blog, *Michigan's July 2012 Bar Passage Rate Takes Big Dive, To [Near] Record Low* (October 31, 2012) <<http://sbmblog.typepad.com/sbm-blog/2012/10/michigans-july-2012-bar-passage-rate-near-record-low.html>>. All websites cited in this article were accessed August 26, 2013.
2. US News & World Report <<http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/grad-debt-rankings>>.
3. *Id.* While some of this debt is subject to loan forgiveness programs like the College Cost Reduction and Access Act of 2007, the Michigan delegation to the ABA recently heard from Patrick Sweeney, a 3L at Washington & Lee Law School in Lexington, Virginia, that the programs' promise of loan forgiveness for every year of public service has led to a situation in which the inadequate funding for Legal Services Corporation and public defender jobs leaves many law students unable to connect with plans that qualify for the debt relief programs. To learn more, see <<http://www.finaid.org/loans/publicservice.html>> and <http://www.equaljusticeworks.org/sites/default/files/ejw_ccraa.pdf>.
4. See ABA, *2012 Law Graduate Employment Data* <http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/law_grad_employment_data.authcheckdam.pdf>.