

# Sea Changes



Bruce W. Neckers

*Full fathom five thy father lies;  
Of his bones are coral made;  
Those are pearls that were his eyes;  
Nothing of him that doth fade,  
But doth suffer a **sea-change**  
Into something rich and strange.*

William Shakespeare, *The Tempest*  
Act I, Scene II (Emphasis added.)

Yes set in a permanent squint, faces sculpted into deep creases by wind and driving rain, they are forever marked as seafarers—those whose survival depends on their ability to negotiate storms and waves that threaten to overwhelm their very existence. Meeting nature at a place in their souls, sailors are the embodiment of this era's trendy catch phrase "sea change"—undergoing through the practice of their profession, a transformation, in Shakespeare's words, "into something rich and strange."

The phenomenon is certainly familiar to the old-time lawyers among us. Astounding

changes have occurred in our profession, where the scope and breadth of what lawyers do has expanded beyond our imagination but at the same time has caused us to jostle up against professional specialists whose worlds were once quite separate from ours. The last decade has brought e-mail, the World Wide Web, local area networks, cellular telephones, and fiber optic cable from the periphery of our lives into the very center of our workplaces. Elbert Hubbard says, "The world is moving so fast these days that the person who says it can't be done is generally interrupted by someone doing it."

Because our profession is undergoing "sea changes," so must the State Bar of Michigan.

Like every successful corporation and profession, lawyers must deal with a global economy, an information explosion, and the collapse of traditional boundaries between jurisdictions within states and even countries. It is as if we have been thrust into a foreign culture. The language has changed; the customs are different. Our only certainty is that it will continue. Our lawmakers are considering legislation to establish a Michigan Cyber Court. The State Bar of Michigan, in

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conjunction with the Washtenaw County Circuit Court and the State Court Administrative Office, is undertaking a pilot project to allow electronic filing of all court documents. Competition for business that we once felt was securely and exclusively ours presently comes from lawyers in other states

or from nonlegal professionals. Like the expelled refugee, we have no home so we are prohibited from a return to our former comfortable home.

Under Tom Ryan's presidency, State Bar leadership realized that a sea change was necessary for the State Bar to carry out its intended

purpose effectively in the future. Enter Dadie Perlov. Dadie runs a New York City consulting firm, Consensus Management Group. A true expert on professional associations in general and state bars in particular, she is a 72-year-old dynamo who has studied our organization like no one else—including interviewing over 220 of our members in focus groups. In a hard-hitting, challenging report dated July 20, 2001 and posted on the State Bar's website, she made proposals for fundamental, far-reaching changes.

On August 15 and 16, a remarkable group of 25 State Bar of Michigan members and staff met under Dadie's leadership to respond to her report. At the conclusion of the meetings, the group made recommendations to the Board of Commissioners. On August 30 the Board of Commissioners addressed the recommendations at a special meeting and adopted a plan that will drive the State Bar of Michigan's structure, governance, staffing, and budget for the next three years. Its immediate impact will be felt when the budget is adopted at the board's September 14 meeting.

Some of the changes will be extensive—involving groups, programs or organizations long thought to be “sacred cows.” Some will cause furrowed brows and questions from our members. However, the guiding principle behind all changes will be adherence to our core responsibilities as a profession and association, and the need above all to be responsive to members’ wishes, hopes, and desires for what the State Bar should be and *do* to provide high quality services to its members.

The changes are essential. Think about a small home with rooms added and renovations made to meet the changing whims and needs of its occupants... a room here, a wall knocked out there, a den becomes a bedroom. These are the types of changes we have all encountered—structural changes without a plan. At some point, the structure becomes dysfunctional, in need of a complete overhaul. It was my belief, after years of close observation, that the State Bar of Michigan was mired in such a structure—one developed on an ad hoc basis over 30 years. Any attempt to understand our staff organization was nearly impossible. The central management group consisted of 15 people; there were 30 job titles in the organization.

Our problems, however, were not limited to staff organization. State Bar presidents followed behavior modeled by their predecessors and annually established a “president’s agenda.” Each spring the incoming president was expected to announce an agenda for the next 12 months. There was no requirement for consultation, no required impact statement, and no requirement for consensus building. Simply, there was no requirement at all.

The president announced what he or she intended to accomplish—often based on his or her feelings and opinions about what constituted the most pressing issues. The individual presidential initiatives were well-intentioned and worthy. Many recommended public policy changes to address today’s complex issues. However, public policy change takes more than one year to accomplish, often requiring the addition of staff, even entire divisions—a room here, a wall there.

The Bar still struggles with projects left by presidents who long ago retired from their

presidency. The president’s agenda left staff confused and its elected bodies—the Board of Commissioners and Representative Assembly—disempowered. When times got tough, those left with the responsibility for an unfinished agenda, one which lacked a consensus investment, were simply unable to finish the job. More fundamental still, because the board and staff had no common agenda, there was no way to measure success or failure. This is not a criticism of anyone, but in our earnest efforts to be responsive to an ever-widening range of issues, we had constructed an increasingly unlivable and unaffordable home in desperate need of top to bottom renovation.

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Luckily, Winston Churchill was correct when he noted, “Difficulties mastered are opportunities won.” Churchill also observed that it is impossible to leap a chasm in two jumps, something that is important to keep in mind as the Bar seeks to remake itself into an entity more responsive to and representative of its membership.

The Bar has been fortunate to have Tom Ryan at the helm during this momentous period. During Tom’s presidency he wisely allowed the agenda to be dictated by the challenges and opportunities of the year. We are blessed with a new executive director who has a well-deserved national reputation in lawyer ethics and a passion for effective management. We hired a general counsel with broad and well-respected governmental experience. We reorganized staff and developed a coherent division director system. We addressed cost overruns on the building renovations by asking Bob Webster and George Googasian to study the issue and report. There were to be no holds barred. The Webster/Googasian report rightly criticized the board and the former executive director. Even before the re-

port was issued, we made numerous changes including the functional restructuring of our financial committee by appointing three lawyer/CPAs to assist us in analyzing the financial structure of the organization.

By August, the foundation had been laid for grappling with the profound changes recommended in Dadie Perlov’s report. The Board of Commissioners, as stated before, adopted a strategic planning document that—for the first time in memory—sets a common, uniform agenda that will guide the Bar and focus its resources over the next several years. The president’s agenda is no more; the members’ agenda is front and center.

The current legal environment presents lawyers and the organization that represents them with clear opportunities to recognize the sea changes occurring around us, and to make a fundamental course correction so that we can better serve our members, the justice system, and the public. The strategic plan establishes goals in all of the important Bar endeavors including program, public policy, fiscal resources, and structure and governance. The Bar must now prioritize the goals, establish a budget, and place accountability upon staff and the board for implementation of the plan.

Like a ship encountering rough seas in the middle of the ocean, the State Bar of Michigan must ride atop the waves of progress or risk being swept under. As a profession we are aiming, as the Bard would say, for greater richness, although for a time it may feel strange. For some the change may be painful but the foundation upon which the strategic plan is adopted is to

- promote the professionalism of lawyers,
- advocate for an open, fair, and accessible justice system, and
- provide services to members that enable them to best serve their clients.

As we keep in mind that there are no shortcuts to any place worth going, I encourage you to join me in what promises to be an exhilarating and rewarding voyage as we chart a new course for the State Bar of Michigan. The result promises to be a much more effective and relevant organization. Along the way, you might even experience a sea change of your own, and discover new ways in which the State Bar can help you and your practice. ◆