

A Healing Profession

What follows is the gist of the keynote speech I delivered on September 12th at this year's Annual Meeting. Entitled "A Healing Profession," it carries within it not only words of expression but emotions swirling in and out of my life during one of the most difficult weeks of all our lives.

There are many thoughts and feelings that have flooded my heart and mind since September 11, 2001—so many, that attempting to write an article this month has been a series of one aborted attempt after another. Finally one connecting idea emerged: my love of this country and my love of this profession. Both our country and profession are covered at times with warts and incredible imperfections, but both on balance are a model to the world. Our profession has been at times the greatest of healing professions and with our concerted efforts can be more so.

Edward Burke said, "The only thing necessary for the triumph of evil is for good men [and women] to do nothing." As a nation, we have spoken loudly and clearly that we will not stand by and allow evil to triumph. As a profession, we have championed the rule of law, not force, and a respect for individual life and liberty. We are rededicating ourselves to that effort. Yes, we are embarking on a difficult military, economic, and social battle as a nation. We will be defined as a society as well, not just by succeeding in those areas, but by our resolve to maintain our democracy's emphasis on the rule of law and respect for individual liberty. Only a few of us as lawyers will be directly involved in our war against terrorism, but every one of us will have a direct impact on the continuing battle over the future of our profession and democracy. As an eternal optimist, I like our odds on both fronts.

If anyone had any doubt as to whether or not we should have held this meeting in light of yesterday's tragic events in New York and Washington, D.C., your doubts will be removed forever after honoring today's distinguished award winners—people who have dedicated their lives to the rule of law. Today was the day they should have been honored and today is the day they were honored. We thank the award winners very much for all that they've given to the state and to the profession.

Now I understand that when a few of you found out that John Berry was speaking rather than Robert Kennedy, you politely asked whether or not you could get your money back! There is, however, very good news about John Berry speaking for all concerned: the first is for Charles Toy. Chuck, one of our commissioner members, was assigned to take Mr. Kennedy around. Upon learning that I was going to be the speaker, he realized that he was not going to have to clean up his car. He told me he was extremely pleased.

Second, from your standpoint, I come a lot cheaper than the speaker who was going to be here, and at a time of financial belt



John T. Berry

The speech that follows shares with you my personal experiences and observations about the best in our profession and a bit of the worst. It stresses the good and focuses on how we have been a healing profession and will continue to be so. There is a song by Lee Greenwood that contains the great line, "I'm proud to be an American, where at least I know I'm free." I'd add, "I'm also proud to be a lawyer, where at least I know I can help to protect freedom."

On three different occasions, I've been present at events where standing ovations were given to firemen and policemen who help protect us all from obvious dangers. It is unlikely that many similar standing ovations will be given to lawyers who give their life's energy protecting us all from many less obvious dangers. From me to you, however, I wish to express my thanks to you for helping keep in place a democracy worth fighting for.

In the upcoming months and years, we at the State Bar will do all we can to help you perform your important service to our society.

Share your thoughts/concerns
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tightening, there are board members who think this is a great day for us all.

The third is for me: I don't very often have the privilege to speak to you as your executive director, and to share with you from my heart some experiences that I've had in over twenty years of looking at our profession. Judge Doctoroff asked me to make this speech uplifting—don't make it maudlin, he said. There are going to be some serious parts, but the purpose is to be uplifting, to share both the bad part of the profession and the good of the profession, and to remind us that we are a healing profession.

I received an award recently from the ABA. When I received the award, I said I wanted to look through the Bible and find a quotation that everybody could agree with, no matter what your faith. I found it—it is a very short verse from Proverbs that says, "don't talk too much." I will follow that proverb!

To begin talking about our healing profession, I want to read a quote to you from a famous Greek poet: "In our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God." It went on to say: "to tame the savageness of man and make gentle the life of this world." Let us dedicate ourselves to that, and say a prayer for our country and for our people.

Our lives are in the business of healing the pain. I have seen lawyers who have done a great job of that, and I have seen lawyers who have added to the pain. When I talk today about my observations about mass disasters, I'm going to share both with you. For those moments in time when it sounds like I'm going off the deep end on the negative side, hang with me till I get through the process. There is a happy ending!

Last night the President made the statement that the United States is the brightest beacon for freedom in the world, and I would say to you that the fuel for that beacon is our reverence—our reverence for individual life and individual liberties. And that we as lawyers—our calling, our profession—are dedicated to that very effort.

Let me share with you a little bit about my experiences with the Valujet crash in

Florida—most of you remember that crash, that episode in which the Valujet plunged into the Everglades. At that time I was in charge of the Florida Bar's regulatory system and as such we had a mass disaster plan. I will explain my observations from that. But I want you to understand something before we get to that point.

What I want you to understand is that before that event—just like before yesterday—I viewed the world in a different way. I viewed the world in many respects like a lawyer. I talked about whether or not a lawyer has constitutional rights to solicit business and whether or not the lawyer has constitutional rights to certain forms of advertising. I became a different person after looking in peo-

ple's eyes and seeing what happened to people emotionally during a mass disaster. I learned how much our profession could either help heal people in that process or add to the pain. I was a different person, and I want to share part of that with you because I hope it makes you a different person as well. If, in the next three days, we can sit around the table and forget talking about our work, and we can share the pain of yesterday, and we can grow together to help the pain of our citizens in a way that we have never done before—this will be the best meeting we have ever had.

Now I want you to do an exercise for me. Just for a moment think of the person in your life who means the most to you, the one who you love the most. Just for a moment, really think about them. Remember the happiest of times that you've had with them and how much they mean to you. Think about the fact that they might be away from you for a while and very soon you expect that they're going to return to you and that your life together can go forward.

Then imagine that the phone rings. The voice at the other end tells you that the plane that person was on has crashed in the Everglades. They tell you that the death that

they went through was an extremely painful and fear-filled one—smoke on board, the crash went into the Everglades, and the plane exploded. Then imagine that in all your pain and agony, you're suddenly whisked into a hotel somewhere with all of the other victims relatives and people surrounding you trying to give information and help and trying to explain what is going on.

That's what happened in the Everglades in the state of Florida. When I woke up that morning and I saw what had occurred, I was in that hotel within hours. We had investigators there, we had people to tell everyone that lawyers were there to help with the process, not to make it worse. We were there to protect the families from the very few law-

yers that would try to use this event just to make money. We shared with them and learned with them through the entire process. Now, what did I see during that process?

Imagine again that this was you, not some client of yours. Imagine it was YOU—there were lawyers whose families suffered, one from Georgia whose wife had died. Think that during that process within days you received dozens of letters from people soliciting business from you. Though small in number, lawyers were attempting to get to you—they tried at the hotel to get you to sign up. Telephone calls came to you from lawyers who said they just wanted to help by putting on a seminar at the hotel, and of course accepting business at the end of the seminar.

As I said, the purpose of this speech is not to be maudlin, the purpose is not to say how bad the legal profession is. The purpose is to emphasize that what we do as a lawyer has a dramatic effect on our society and our profession and that we need to heal rather than hurt. What happened during that time period was that we helped prevent the small minority from adding to the pain. We prosecuted those who did, we got to the press before the press got to us and we helped make it a positive event. We got to the victims after

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and talked to them about what lawyers would do to help, and not to hurt. I'm going to tell you that at the conclusion of that process, along with the pastors, and the rabbis, and the preachers, and the social workers, red ribbons were passed out to my staff and to me. That red ribbon denoted the care and concern of every lawyer in the state of Florida. It went to every person in our bar. It is one of my most precious possessions.

For once in our career we got hundreds and thousands of letters from lawyers saying that we were all on the same page—the bar association, the public, the lawyers, the clients. We were happy to be marching behind the same flag, to be able to be a healing profession. My life was never the same since and it never will be again. Yesterday is another example of how the worst things that happen in society can help us to grow. Look at the best things—our democracy is going to sur-

vive this atrocity. We're going to go forward with lawyers being able to protect the rights of individual citizens.

I called a friend of mine last night who lives in New York and he does bar work also. I said, "Bob what's your observation as to what happened last night?" Bob said he's 42 years of age and a rough and tumble kind of guy who wouldn't possibly want to show a tear to anybody. He's one of the most decent human beings I have ever known. And he said, "I can't tell you what last night meant to me. I'm a New Yorker from day one. The towers were a symbol to me. They were my town. They were stability. They were what I counted on. When they went down," he said, "the impact that it has had on me was tremendous." He said, "I'm not going to let the SOBs control my life and we're going to work even harder to make this profession a better one, the regulation of our profession better, and we're going to gather our strength and we're going to go forward."

William Douglas is quoted as saying the law is not a series of calculating machines where definitions and answers come tumbling out when the right levers are pushed. Actually, when I went to law school that was how I viewed it. I wasn't pushing all the levers, if you will, but in many ways we came to that kind of approach to the law. What I've learned from [the] ValuJet [crash], and what we'll learn in our reaction to our most recent pain, is that the public is looking to experts who can help them. They are also looking for caring people in their professions.

I promised a short speech, and it's almost over. I'd like to tell you that concerning our profession, the president of the ABA once was asked what's the state of your profession? Is it good or is it bad? He said it's not good enough and we aren't good enough. What a great answer by a president! We need to be able to make sure that those people who are incompetent get out of the practice of law. We need to make sure that we are all held

accountable to the highest ethical standards. We are, in my opinion, the greatest profession in this country. And we do healing in a way that even doctors would never be able to accomplish. There's a quote that says "no system of justice can rise above the ethics of

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those who administer it" and that's you, and that's me. And that's why I'm proud to see those people who received the awards they received today. They are a positive answer to those who would destroy our democracy.

I'll conclude with another quote from a lady who was a victim's advocate. Her husband had died in the Lockerbie incident, and she devoted the rest of her life trying to help victims and lawyers who help victims. She said there's a quote that she's lived by all her life that lawyers need to think about in reference to our careers. It's often attributed to Ralph Waldo Emerson and it's titled "Success"—"To laugh often and much. To win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition"—and this is the part that's important—*"to know even one life has breathed easier because you have lived. This is to have succeeded."*

Today is the day—as everyone on this podium has said—just to gather together both as a country and as a profession and see the greatness of this country and see the positives of this country. I've considered it one of the greatest privileges of my life to be your executive director, and when I got asked to make this presentation, I thought about what I could say to you. What I've tried to convey is [from] 20 years of experience of looking at the best of our profession, and the worst. This is the best profession in the world. I think we all should be proud of it, but we all need to make it much better and by doing so, we will all be better for it. Thank you. ◆