



Sea Changes Revisited

A little more than two years ago we were in deep trouble. The disclosure of significant overruns in our building renovation process was the catalyst for sweeping Sea Changes. In the past two years, we have come to grips with difficult and important realities. I am pleased to be able to report that we are a stronger, more responsible and effective organization as a result.

Under the capable leadership of our current senior staff and a highly engaged Board of Commissioners, lawyers in this state can be assured of two very important things: that they will be listened to in a more disciplined and focused way than ever before, and that the financial information available to the Bar and its members will be accurate, timely and understandable.

Understanding that the building problems were symptomatic of a need to evaluate our entire system, we faced the issues:

- We identified failures within top-level leadership—staff and elected members—and made necessary changes; under tight scrutiny, we completed the building. Notwithstanding the serious budgeting failures in the planning and early implementation stages of the project, the end result is a functional and attractive building capable of serving the needs of Michigan lawyers for many years to come. The building is being used more extensively and with greater member satisfaction than ever before.
- We engaged the services of two of our most respected former presidents, Bob Webster and George Googasian, to conduct a thor-

ough review of the dimension and causes of the difficulties associated with the building so that we could report candidly and completely to all lawyers in Michigan. The conclusions of the Webster/Googasian report were not pretty, but they confirmed that we were on the right track in corrective measures already taken, and prompted us to embark on other significant actions which assure that the behaviors that led us to difficulty in the first place will not be repeated in the future.

- Three CPA lawyers now sit on our Fiscal Committee and help guide the board by reviewing all accounting policies and procedures. Budgets are very carefully prepared, reviewed, and enacted by the Board of Commissioners. The last two budgets have recognized the fiscal limitations of the organization and were constructed so that we will spend no more than we take in. While the budget cuts have been painful for all, they have been necessary. We expect to end fiscal year 2002 having spent less than we have earned in member dues and ancillary income, thus breaking the traditional pattern of automatically dipping into reserves as inflation erodes the purchasing power of fixed membership dues.
- Under the able direction of our retained consultant, Dadie Perlov, we adopted a strategic plan that will guide the organization through the year 2004. It was vital to the continuation of our organization that we redefine our mission and vision. As a part of that process, individual presidential agendas are no longer present. In eight powerful pages our strategic plan establishes attainable goals for our future.

The strategic planning process has guided us throughout this year. Every aspect has now been assigned to a particular staff member and Board of Commissioners committee. We have determined, with measurable goals, what success will look like. On an annual basis (with regular reports at each Commission meeting) we will know whether we are

accomplishing the important goals of the organization. No longer will the vision and direction of the organization change from year to year.

With newly committed Commissioners, a new executive staff, a balanced budget, a strategic plan, and a functional building for this and future generations of lawyers, the organization has been able, for the past year, to begin to implement goals to reach our vital strategic future direction. A few important ones:

1. *Committee Structure.* Frankly, the Bar's committee structure was broken. A Rube Goldberg assortment of more than 45 groups was on the books, but no one had taken a careful look at the work of the committees for years. By September 1 there will be no more than 30 committees, each with a defined purpose, accountable for and consistent with an identified strategic goal of the State Bar of Michigan.

2. *Relationships.*

a. Relationships were broken. Our relationship with the Supreme Court, our chief regulatory agency, was distant at best. Under the able direction of Chief Justice Maura Corrigan, officers and staff have met monthly with the Chief Justice and our liaison Justice, Clifford Taylor. The entire executive committee and the entire court have met virtually every quarter for the last two years. Because the Bar represents the views of a disparate membership, we sometimes express viewpoints not necessarily shared by all members of the Court, but we are committed to a respectful and productive dialogue about the important issues facing lawyers and judges in Michigan. From the Bar's standpoint we could not ask for more.

b. *The Attorney Grievance Committee.* The same can be said for the Attorney Grievance Commission. For some reason, there had been no relationship between

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the Bar and the Grievance Commission for several years. We now are working cooperatively to develop a diversion program for lawyers in need of assistance.

c. *State Bar Sections.* We are working with our sections as they continue to be a most valuable resource to our members. Time and again during the strategic planning process we found that lawyers believe that they need help with daily practice issues. They look to the State Bar of Michigan to be a learned intermediary between the tremendous amount of information available today and the lawyer attempting to practice with the highest professional standards. The State Bar staff and the Board of Commissioners cannot manage the task alone. We need tremendous assistance from our substantive sections and from the Institute of Continuing Legal Education. We know that the highest functioning sections are providing good service and value for their money. We have met twice with the sections in an effort to develop changes that will facilitate the Bar's ability to help sections so that they can better serve Michigan lawyers. The plan will not be produced overnight, but the sections, staff, and board are working hard to enhance the ability of the sections to do their job.

A good strategic plan is an essential tool for organizational success, but even the best strategic plan cannot anticipate all events and unpredictable needs of the organization that inevitably arise.

- The Chief Judge of the Michigan Court of Appeals announced a fundamental problem associated with delay in its opinions. In response to the impressive leadership the court has shown on this issue, the State Bar immediately formed a task force, which will soon present a report to the Board of Commissioners. The report will be supportive of many of the court's efforts to eliminate delay and will offer other suggestions

for constructive change aimed at the problem. This is an important effort, one we must be involved in, but not one explicitly contemplated in the 2001 goals of our strategic plan.

- One year ago none of us gave any thought to the possibility of the establishment of military tribunals and new exceptions to attorney-client confidentiality, but within a very short period of time our Representative Assembly was a leader in reaffirming support for the fundamental importance of the attorney-client privilege. It advocated a number of restrictions on the original military tribunal proposal that have since received broad support nationwide and acceptance by the Department of Justice.
- Appointed counsel fees have been a matter of national discussion, and Michigan is at the forefront. The issue is not in our strategic plan in a direct way but we took up the fight, and the Representative Assembly passed the 11 factors of Criminal Defense services in April.
- The Court of Appeals decided, and the Michigan Supreme Court granted leave on a case that raises the most serious questions

about the unauthorized practice of law that have been presented in many years. The State Bar, charged by the Supreme Court and Legislature with responsibility for the enforcement of the unauthorized practice of law, will have an unexpected role to play in explicating and clarifying the issues from the perspective of the profession as a whole.

In other words this is a year like all others because events happen and issues arise on which lawyers must speak. We have done so this year and will continue to do so in the future—even though each of them cannot be individually anticipated. But after more than two years of intense and often grueling work we are bearing the fruits of our efforts. We have a balanced budget and the ability to respond to issues as they happen. We have clear direction and renewed commitment to our central mission. While there will always be much more to do, the organization is poised to lead and to serve. Michigan lawyers should know that their organization will address important issues in the best interests of the public and the profession. Because the leadership of the Bar is no longer required to expend its energies watching the financial affairs of the organization or to stretch itself so thin that nothing is done well, more can be expected of the organization on important issues facing the justice system of this state. ♦

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