



Reginald M. Turner

It is a Privilege to Serve You

Service to lawyers, judges, and the people of Michigan as your State Bar president has been my dream for many years. My desire for the role began in earnest in 1984, when I was a wide-eyed first-year at Michigan Law School. I was among a small group of students selected to have lunch with then-State Bar President Dennis Archer. Of course I had heard of him, and I even had vague knowledge of the function of the Bar. The two converged in this articulate, nattily attired barrister. Archer spoke in quiet, thoughtful tones of professionalism, diligence, duty, service, and honor. He answered our skeptical, occasionally impertinent questions with patience and candor. In response to one of mine, which expressed some bewilderment regarding the route to success in practice, he replied that the most important influence on my career would be my adherence—in the real world—to the values he described. He was right.

The most respected lawyers distinguish themselves by breathing life into the Lawyer's Oath:

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Michigan;

I will maintain the respect due to courts of justice and judicial officers;

The views expressed in the President's Page, as well as other expressions of opinions published in the *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.

I will not counsel or maintain any suit or proceeding which appears unjust, nor any defense unless it is honestly debatable under the law of the land;

I will employ, for the purpose of maintaining the causes confided to me means that are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless, or oppressed, or delay anyone's cause for lucre or malice;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in this state.

With these powerful words, we pledge to support the constitutions of our nation and state, to respect our courts and judges, and to practice law with integrity, civility, and concern for both paying and pro bono clients. I have seen this oath come alive daily in the work of countless lawyers and judges, making me proud to be among these guardians of the public welfare, promoting the rule of law.

It is not always easy to remain faithful to these principles but in large measure we do. Economic pressures, client demands, and the faster pace of society and practice often create the temptation to stray from the righteous path. The overwhelming majority of our colleagues never yield to illusory enticements to

cut corners, however. They understand from the outset, or soon learn with experience, that our profession is very special. It is endowed with public trust. The lawyers I know are nothing like those depicted in situation comedies and barstool humor. They are passionate about our roles as officers of the court, defenders of liberty and justice, and servants of the public.

The State Bar of Michigan is our collective effort to fulfill these roles. Our first president, Roberts P. Hudson, opined that "[n]o organization of lawyers shall long survive which has not for its primary object the protection of the public." Fortunately, we are empowered by statute and court rule to promote enhancements in the justice system to benefit our fellow citizens. The Michigan legislature established the State Bar in 1935. The Revised Judicature Act today provides:

Sec. 901. The State Bar of Michigan is a public body corporate, the membership of which consists of all persons who are now and here licensed to practice law in this state. The members of the State Bar of Michigan are officers of the courts of this state, and have the exclusive right to designate themselves as "attorneys and counselors," or "attorneys of law," or "lawyers." No person is authorized to practice law in this state unless he or she complies with the requirements of the Supreme Court with regard thereto.

Rule 1 of the Supreme Court Rules Concerning the State Bar of Michigan likewise provides:

The State Bar of Michigan is the association of the members of this state, organized and existing as a public body corporate pursuant to powers of the Supreme Court over the bar of the state. The State Bar of Michigan shall, under these rules, aid in promoting improvements in the administration of justice and advancements in jurisprudence in improving relations between the legal profession and the

public, and in promoting the interests of the legal profession in this state.

Pursuant to these mandates, the Bar has adopted the following Mission Statement and Basic Goals:

The State Bar shall aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interest of the legal profession in this state.

Basic Goals

In accordance with Supreme Court Rules, the State Bar of Michigan shall support and improve:

The efficiency of the justice system

Laws, rules and jurisprudence

The independence of the bench and bar

The professionalism and competence of the bench and bar

Access to justice for all

The public service of the bench and bar

Public understanding of and respect for the justice system and profession

The openness of the profession

Member interests and a high-quality professional practice and life

The position of the State Bar of Michigan as the representative of the profession

Adopted by the Representative Assembly on April 27, 1996.

As a "unified" bar association, we represent all of the lawyers of the state. Accordingly, those entrusted with bar leadership must endeavor to be truly representative, and avoid conflict-ridden pursuits extraneous to our function in the justice system. That principle became law in *Keller v State Bar of California*, 496 US 1; 110 S Ct 2228; 110 L Ed 2d 1 (1990), in which the United States Supreme Court held that mandatory bar dues may not be used for activities of an ideological nature that fall outside of the bar's areas of responsibility.

The Michigan Supreme Court codified the *Keller* principle in Administrative Order 93-5:

The State Bar of Michigan shall not except as provided in this order, use the dues of its members to fund activities of an ideological nature that are not reasonably related to:

Whether the issue is public policy or resource allocation for programs, Bar leaders have a duty to ask how members will value the actions we take.

The regulation and discipline of attorneys; Matters relating to the improvement of the functioning of the courts, judicial efficacy and efficiency;

Increasing the availability of legal services to society;

Regulation of attorney trust accounts;

The education, ethics, competence, integrity and regulation of the legal profession.

The State Bar diligently strives to follow AO 93-5. Our Public Policy Committee examines each legislative or other potentially ideological proposal initially to determine if it fits within the order. If not, we drop it from our agenda or refer it to our voluntary sections, regardless of whether it is a matter on which committee members have strong views.

Even if the Bar were not constrained by law, it would be prudent for us to seek consensus on difficult issues because we are strongest when we are united in purpose. Whether the issue is public policy or resource allocation for programs, Bar leaders have a duty to ask how members will value the actions we take. Not that we must poll on every issue. We are chosen by our peers to make decisions. But as the great U.S. District Judge Damon Keith has often reminded us, we are "appointed, not anointed."

With our representative role squarely in mind, two years ago at the beginning of Thomas Ryan's presidential term we embarked on a quest for consensus on the future direction of the Bar. As we welcomed our new executive director, John Berry, we began a strategic planning process designed to maintain our core values and focus our resources in the areas most relevant to our members and the public. We also recognized the need to improve our relationship with the Michigan Supreme Court. We received tremendous cooperation from Chief Justice

Corrigan and from Justice Clifford Taylor, our liaison to the Court, in the planning process, and we continue to work closely with them to build a better bar association.

We began by asking our members what they believed to be important and they eagerly responded. They want the Bar to help them be more effective and efficient lawyers. They want us to address public policy issues that are central to the administration of justice, not unduly divisive, and on which the Bar can achieve significant impact. They support our Justice Initiatives, which include Access to Justice and Open Justice. They want sound fiscal management of the Bar's resources and cost-efficient services to lawyers and the public. The Strategic Plan we adopted in that process includes all of those concepts. It is divided into five areas of emphasis: Public Policy; Image and Identity; Human Resources; Fiscal Resources; and Structure and Governance.

Like Tom Ryan and my predecessor, Bruce Neckers, I will skip the traditional "presidential agenda." Our board of commissioners and our capable staff executives work together as a leadership team, and we are devoted to the Strategic Plan. I pledge that I will work very hard as your president to continue our successful implementation of the Plan. I will also work to ensure that your trust and confidence in our leadership is fully justified.

Thank you for the opportunity to lead. I am very grateful to American Bar Association President-Elect Dennis Archer for his inspiring mentorship. I appreciate the advice and support of my late colleague, Past President J. Thomas Lenga. I will miss Tom, especially during this year. I respect and admire the dedication of all of the commissioners and officers with whom I have served; they have helped prepare me to serve you better. ♦