



A Strategic Listening Tour

The Upper Peninsula of Michigan is a remarkable place. I have heard such praise for many years, especially from previous presidents of the State Bar of Michigan. Now I know why so many people feel this way. "The U.P. Swing" is a time-honored tradition in which the president, the executive director, and a small contingent of Bar leaders trek to and through the paradise north of the Mackinac Bridge. The trip has increased in importance in light of the Bar's Strategic Plan. To make the plan effective, Bar leaders need to understand the issues faced by Upper Peninsula lawyers and hear their concerns about the work of the Bar.

This year's contingent included Executive Director John Berry, Director of Programs and Services Lisa Allen-Kost, and Commissioners James Erhart of Petoskey, Ronald Keefe of Marquette, and Thomas Rombach of New Baltimore, the chair of the Bar's Representative Assembly. We began our journey on September 30, three days after we took the oath of office at the Annual Meeting in Grand Rapids. Our experiences confirmed that many of Michigan's best qualities are shared in the north and the south, and that there are wonderful attributes unique to the "State of Superior." Moreover, our travels and our conversations with our colleagues crystallized the relevance and importance of the Bar's Strategic Plan.

Lawyers in Escanaba, Ironwood, and Marquette have a lot in common with those in similar sized practices in Detroit, Lansing,

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and Grand Rapids, but there are significant differences. Many of the lawyers we met in the Upper Peninsula expressed great pride in the collegiality that develops when lawyers see each other again and again, knowing their trial opponents and the officiating judges both personally and professionally. On the other hand, lower population density, longer distances between population centers, and harsher weather conditions create challenges those of us in larger cities to the south do not experience. Upper Peninsula lawyers, like those in many outstate areas, need a wider variety of legal and practical skills to serve clients when the next town is many miles away, particularly when that town and the road to it are regularly covered by several feet of snow.

On an overcast Monday morning, John, Lisa, Tom, and I headed north with great anticipation, prepared to listen and learn. Our tiny plane taxied up to the Chippewa County Airport just seconds ahead of dense, dark clouds coming swiftly over the heavy forest. The rain came and went as Jim Erhart drove us to Sault St. Marie, where we picked up Ron Keefe. Grade-school lessons on the history of the Soo Locks came flooding back as we toured the fascinating mechanical wonder and marveled at the ingenuity, drive, and bravery of those who made it possible. I have been to the more famous Panama Canal, where I took a military helicopter ride along its entire length. Although it is one of Theodore Roosevelt's great achievements, the Panama Canal is less sophisticated than the long complex system that brings massive freighters carrying the cargo of commerce from the Atlantic Ocean to the higher levels of the Great Lakes.

The Ojibway Hotel, the site of our first meeting, is just steps away from the Soo Locks. Lawyers from the 50th Circuit and the Alger-Luce-Schoolcraft County Bar Associations greeted us warmly. When we finished lunch, 50th Circuit President James Riggle began our discussion. He described

the ill effects of funding cuts for civil legal services programs, and he warned of the potential problems that could develop from a federal mandate for program consolidation. The changes are purported to reflect Michigan's relative loss of poverty population compared with other states, but the real number of poor families has not decreased significantly. The result is that Michigan programs have had to reduce services to a population that is already underserved.

John Berry, Lisa Allen-Kost, and I briefed the members present on the Bar's Access to Justice programs, which address these issues in several ways. First, we have raised over \$2.5 million in cash and pledges from lawyers, judges, justices, law firms, and corporate donors to fund legal services through our Access to Justice Development Campaign. The first grants went out this year, and Legal Services of Northern Michigan was among the recipients. Second, the Bar's Legal Services Advocacy Steering Committee has worked collectively with like committees from the American Bar Association and other state bars to help maintain federal funding for legal aid.

Finally, the Bar encourages and monitors the work of the State Planning Body responsible for making recommendations on program services and structure. Under our Strategic Plan we are less involved in planning the nuts-and-bolts of service delivery, instead providing more technological support and leaving planning to those better equipped to guide these decisions.

We also discussed pending legislative proposals for court reform that would create a statutory alternative to the assignment of probate judges into circuit court. Chippewa County Probate Judge Lowell Ulrich described his experiences and the effects of recent changes in the 50th Circuit. Most of those present tended to agree that the new proposal for permanent concurrent jurisdiction will provide flexibility that might obviate the need for a constitutional amendment

to merge probate and circuit courts. This will be an important topic for discussion at the next meeting of the Board of Commissioners, which will consider the proposals in light of the recommendations of our 21st Century Courts Committee.

After lunch we pointed our rented RV south and west, bound for Escanaba and dinner with the Delta County Bar Association. The lawyers who joined us generously gave their time and their views on the issues facing our profession. Kenneth Penokie, the Director of Legal Services of Northern Michigan, spoke eloquently about the need for better funding for civil legal aid. Several members complimented the Bar for the Strategic Plan's increased focus on member services to assist lawyers in the day-to-day management of their practices, to help them serve clients better and keep costs down. They urged us to improve health and liability insurance options to address geometrically increasing premiums. We discussed the staggering impact of these escalating costs on small firms and particularly on sole practitioners. Lisa Allen-Kost and Tom Rombach offered suggestions for relief, and Lisa described the Bar's constant efforts through its Member Services Committee to find long term solutions to this problem.

As we left dinner the high winds and lightning caused us to beat a quick path to the Days Inn. When we assembled on Tuesday morning, we learned that our scheduled lunch with the bars from Dickinson and Iron Counties would likely be canceled. Although there was little evidence of foul weather in Escanaba, we saw plenty as we got closer to Iron Mountain. The storm we only glimpsed the night before had swept inland as a mini-tornado, cracking huge evergreens cleanly off their trunks and damaging homes and businesses in a mercifully narrow trail through Dickinson County. The resulting power outages doomed our lunch meeting, but we were far more concerned about possible human casualties. We were relieved to hear that, miraculously, there appeared to be no serious injuries.

We left Iron Mountain and headed north. With a little extra time on our hands, we decided to detour along the Lake Superior shoreline to the Lake of the Clouds, after a

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brief visit to the historic Iron County Courthouse in Crystal Falls. We climbed to a scenic overlook where we could see the Lake of the Clouds and Lake Superior below. For a brief moment, we almost forgot we were lawyers wearing wing-tips and white shirts with ties. We remembered those things very clearly, however, when we heard the cheerful tones of John Berry's cell phone. We sheepishly looked around to discover that all of the campers and hikers on the overlook were staring at us. Fortunately, they were so happy not to be us that none of them spoke a word. They just smiled knowingly and went on enjoying the spectacular view.

Jarred back to reality, we hit the road for Ironwood and dinner with the Gogebic-Ontonagon Bar Association. We had a wonderful meal with Bar members and their spouses in a quaint restaurant just over the Wisconsin border. Our dialogue sounded familiar themes as we extolled the virtues of the Strategic Plan and the members voiced their desire for more practical support from the Bar. They wanted specifics, and were very pleased to hear of the Bar's work on electronic filing and improved low-cost computer research tools, both of which will be very useful in the Upper Peninsula for obvious reasons.

The following day, we drove to Houghton and lunched with leaders of the Copper Country Bar Association. Our discussion, like all of them, was very collegial and very helpful to our understanding of the needs of northern Michigan lawyers. In this case we got a bonus as Tom Rombach recruited a new member to fill a Representative Assembly vacancy.

Marquette was the last stop on our journey. The lawyers of the Marquette County Bar Association were out in force to greet us. We were told that Ron Keefe had used a "carrot-and-stick" approach to boost attendance but we were afraid to inquire about the details. In any event, we engaged in one of our liveliest discussions. One lawyer spoke poignantly about limited resources for indi-

gent criminal defense. She urged us to take a more active stand on this issue. We told her about Bruce Neckers' thoughtful writing on the need for more effective observance of the Sixth Amendment right to counsel, and we described the Bar's participation in a task force on the subject.

On Thursday, we returned to the Lower Peninsula better educated about our Upper Peninsula colleagues and their practice lives and concerns. Much of what we learned is consistent with the information we garnered from surveys and focus groups during the strategic planning process. We were gratified to know that our necessarily limited samples of lawyers' opinions in 2001 provided a sound basis for prioritization of programs and services in the Strategic Plan. We also returned to our offices with increased determination to do everything in our power to implement the Plan faithfully, because lawyers and the public need the State Bar of Michigan to fulfill its core functions of promoting improvements in the administration of the justice system, serving our members, and protecting the interests of the citizens of Michigan.

I thank all of the Upper Peninsula lawyers and their spouses for their gracious hospitality. I also thank all of the members of our group, and especially Commissioner Jim Erhart, who drove over a thousand miles in an unwieldy rented motor home to make this trip possible.

As we approach the end of 2002, please remember to support the State Bar of Michigan Access to Justice Development Campaign. Your gift will assist Michigan families with vital legal services that will help keep children safe, keep elders secure, and eliminate the need for self-help remedies that offer no real solutions. Your voluntary contribution may have very low after-tax costs because of available federal tax deductions and Michigan tax credits. Many opportunities will be presented to you between now and the end of the year to participate in this year's campaign, and I urge you to act on one of those opportunities. Thank you. ◆