

An Historic Presidency

Dennis W. Archer becomes first African American to lead the American Bar Association

APPING over 30 years of bar work, Michigan's Dennis W. Archer assumes the presidency of the American Bar Association (ABA) this month in San Francisco—a historic milestone because he is the first African American, the first person of color to be elected to the highest office of the association. A man who rose from humble beginnings to achieve national, state, and municipal leadership positions, Archer has long been an active force in the organized bar, serving in over 40 different capacities on various sections, task forces, committees, and assemblies of the ABA alone. “The American Bar Association, after 125 years, will begin anew by affirming for all to see that it is fully committed to diversity,” Archer said in an interview in his Detroit office. Interestingly enough, the president-elect Robert Grey from Richmond Virginia is also an African American.

Born in Detroit and raised in Cassopolis, Archer grew up with a strong work ethic instilled by his parents. His first job at the age of eight was as a caddy for a local golf course. He worked his way through college and earned a Bachelor of Science in Education from Western Michigan University and went on to teach learning disabled children in the Detroit Public Schools from 1965–70. Archer earned his law degree from the Detroit College of Law, now Michigan State University Detroit College of Law in 1970. He then worked as a trial lawyer and a partner in several Detroit firms. Archer served as president of the Wolverine Bar Association (1979–1980), the National Bar Association (1983–1984), and the State Bar of Michigan (1984–1985). In 1985, Gov. James Blanchard appointed him an associate justice of the Michigan Supreme Court. He was elected to an eight-year term the following year. From 1994 to 2001 Archer served two four-year terms as mayor of the city of Detroit. Under his leadership the city went through a major economic revival that has earned him national and international respect. Last year, he was president of the National League of Cities. Since leaving the mayor's office, Archer was elected chairman of Dickinson Wright PLLC, a 200-person Detroit-based law firm with offices in Michigan and Washington D.C. He is married to Trudy DunCombe Archer, judge of Michigan's 36th District Court. They have two grown sons.

The following are excerpts from an interview with Dennis Archer in Detroit in May.

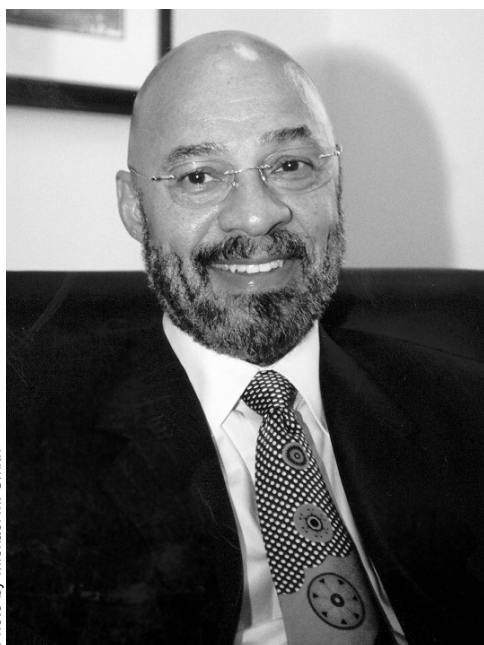


Photo by Michael M. Smith

Dennis W. Archer

Sixty years after the ABA lifted the bar against African Americans, the organization is going to have the first African American as president on August 11. Would you share some of your reflections about this?

...I stand on the shoulders of a lot of outstanding men and women who were not permitted during their time to be members of the American Bar Association, to serve, to just be a member, let alone being a committee or a section chair or being an officer. I think about Constance Baker Motley, Thurgood Marshall, Leon Higginbotham. I think about Damon J. Keith, Wade McCree, Otis Smith—who could have contributed and helped shape the discussion regarding equality and equal opportunity. I think our society would have been so much further ahead if they had been permitted to be members and then to have fully participated in the great discussions of the time. Having said that, I was delighted that when I became president-elect of the American Bar Association, I had two people walking down the aisle with me—one was Mrs. Thurgood Marshall and the other was United States Senator Hillary Rodham Clinton. Senator Clinton was the first chair of a woman's Commission on Opportunities in our profession. They walked with me, along with all the present presidents that were there for the occasion, the National Bar Association's executive director, the members of the House of Delegates who were also past presidents of the American Bar, and lawyers of color. It made a significant entrance and a brand new start with my coming in as president-elect. I look upon this as a unique and satisfying opportunity to represent an outstanding organization that is rich in history in serving our profession, but whose tarnished past has been shined brightly by Robert Grey and myself being elected to these positions.

At the April conference on Racial and Ethnic Fairness in the Legal System in Detroit, I heard that "diversity is a reality in the ABA and Dennis Archer is the reason why." Could you tell me what you've done to promote diversity and why is diversity important?

I went to my first American Bar Association Annual Meeting in San Francisco in 1972. I went because the then incoming chair of the section, Harry Hathaway, invited me to come out by virtue of another Michigan lawyer John Krsul. Harry Hathaway wanted to demonstrate that the American Bar Association's Young Lawyer's Section was open to everyone who wanted to participate and become active and so I was appointed vice-chair of a committee. The committee happened to be civil liberties and civil rights. In any event, as I looked around I saw some outstanding lawyers from all over the United States but the only other lawyer of color who was there at the Young Lawyer's Section meeting was from the United States Army. At the time, I think he was not even ranked. He was there to recruit for the army JAG Corp. He was not there to participate in the work of the section. So, I was the only one there. My

wife was not a lawyer at the time and it just seemed to me having left the annual meeting of the National Bar Association in Miami, Florida where I saw all these outstanding men and women who happened to be African-American, how something was wrong with that picture of the American Bar Association. And so I started at that Annual Meeting becoming a very skilful advocate trying to convince the association that there were many lawyers of color—Hispanics, Asian Americans, Native Americans, and African Americans who would participate in the work of the bar if they were given an opportunity and invited. A number of things that concerned lawyers of color needed to be addressed and I think part of the comments you've heard resulted from their watching what I've done... I was on the task force to put together a special committee. We invited all the Bars of Color—they were Asians, Hispanics, Native Americans, and Blacks. Then I was on the task force that held hearings around the country to find out why it was that law firms were not hiring lawyers of color, why they had no associates and why they had very few, if any, partners. Why there were no law school deans of color, why no law school professors of color, why weren't there law clerks of color to judges and justices who happen to be white? So, we asked a lot of questions and as a result of that, a goal nine of the association, in terms of their priorities of how they spend money and what they focused on, was passed. What they said was "we want to enhance the opportunities for minorities and women in our profession." I chaired the first commission on opportunities for minorities in the legal profession. The name has since changed. I chaired the minority counsel demonstration program, which was designed to have corporate America utilize the services of minority-owned law firms and minorities in large corporate law firms. I've been a very passionate spokesman on behalf of diversity.

And you ask, why is diversity important? The social scientists and the demographers started writing about this phenomena that they called the browning of America back in '82 and '83. And it was their opinion based upon the relaxation of immigration rules and birth rate, that people of color, by the year 2056 would be the majority of the people living in the United States. So with that, you're talking about the new consumer for entities, whether it's fast food, whether it's McDonalds or BurgerKing, or whether you're talking about the cars that are manufactured or clothing that is produced. Anything that sells, that somebody needs to buy, people of color are going to be the predominant purchasers of those goods and services. Wanting to receive market share, corporate America decided that they wanted to have a track record that began early, that respected and embraced people of color. So corporate America, which filed 68 amicus briefs on behalf of the University of Michigan made it very clear that they believe diversity is important. So, from those two perspectives, that's probably why people have those opinions about me because I brought corporate America to the table to utilize the services of lawyers of color whether in large law firms or in their own minority-owned law firms.

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I read in the August 2000 issue of the *Michigan Bar Journal* that you had a “burning desire” to be the president of the American Bar Association. What do you hope to achieve as ABA president?

Well, I've got four bully pulpit issues. They come from four of our immediate past presidents. Bill Paul who was president from 1999 to 2000 had diversity as his bar year issue. Following that year, in 2000–2001 Martha Barnett had the death penalty and having a moratorium on it so that people on death row could be assessed to determine whether or not they really needed to be there—if there was DNA evidence, rule them in, rule them out, etc., make sure that they had competent counsel, and that all their rights were protected. The following year, 2001–2002, Bob Hirshon had a year that was devoted to seeing if we could not find a way to provide loan forgiveness for law graduates who had an interest in serving in a legal services community to provide legal services to those who live below the poverty level. These lawyers do not make a lot of money and sometimes our students are graduating between \$60,000 to \$90,000 in debt. If we could find a way to reduce their loan for each year that they practice in the legal services arena then Bob thought that that was important and so did the bar. This current president, A. P. Carlton is dealing with the issue of judicial independence and the fair compensation for judges and I agree with both.

So, those are my four bully pulpit issues. I have three national presidential programs that I am going to actively pursue. One is a summit on Lawyers of Color that will take place in Washington D.C. about the third week in October. Chief Executive Officers, Chief Operating Officers, general counsel, and managing partners of firms will be brought in and we will share with them why its so important for lawyers of color to have equal opportunity and we're inviting the National Bar Presidents of each of the minority Bars in some of their offices. Why?—because we need to fill the pipeline up with talented young people... Even back during the time of segregation, teachers could teach where there were segregated schools or integrated schools, but it was very tough for lawyers, because lawyers no matter how bright they are, no matter how high they graduate in class, were not hired by white law firms—not given the same equal opportunity to compete. So, we are woefully underrepresented in our profession and we need to encourage young people in junior high and high school to start thinking about the profession of law and for them to understand that one person can really make a difference. You can pick up an outstanding woman or outstanding man of color of any particular ethnic group who's a lawyer and talk about what they've been able to do and so we encourage young people to do that. The same thing for women. A conference will take place in April or May of next year in New York... While the glass ceiling has been broken, if women put their hands up along the edges, they will still get cut... I believe that we can demonstrate the economic value that women overwhelmingly bring to the consuming market and to try to enhance the respect for women and

their intellect and give them every opportunity to start talking about succession and progression whether it happens to be in our corporate settings, non-profit settings, our law firms, large or small. The third would be the celebration of the 50th anniversary of *Brown v the Board of Education*. The actual date is May 17, 2004.

Does the ABA have any plan in place should affirmative action be ruled unconstitutional?

I think that the American Bar Association will continue to find ways to ensure that students of color are able to be admitted into our colleges and universities, into our professional schools and, I'm optimistic that the case will not be lost and that one of the two cases that is being argued before the United States Supreme Court will be won.

You've taken a leading role in the area of asbestos litigation—what's the status of that now?

Presently there are members of the United States Senate Judiciary Committee, namely the chair Senator Hatch from Utah, the ranking minority leader Senator Leahy from Vermont, and two other United States senators, Christopher Dodd, a Democrat from Connecticut and Senator Mike DeWine from Ohio who happens to be Republican. The four of them have been working with the manufacturers, the insurance companies, the American Trial Lawyer's Association, and the AFL-CIO to see whether or not they can come up with an approach that would help solve the problem as it relates to asbestos. They've been looking presently at a trust fund and they're hopeful. They're working toward it seems to me a resolution that hopefully will be introduced within several weeks. The desire is to get it passed before the summer recess and so there's been a lot of discussion in the paper, but I don't think any of it would have moved had it not been for the American Bar Association adopting medical standards... The issue of asbestos was one that was hurting the victims who settled for little or no money because they weren't injured, but when they got sick (because asbestos is a progressive disease) they were being told there's no money because “you've already settled.” When they got really sick and really needed the money and considerably more money, there would be none there for them. And then on the other hand, you had companies who wouldn't be able to pay them anyway because they were going bankrupt because of so many people who were becoming plaintiffs to protect themselves from the statute of limitations. If you're told that, “look it is the statute of limitations and the statute of limitations is three years and if you don't file, and become a plaintiff you may not recover anything.” Well, anybody is going to want to say something is better than nothing.

Has the ABA lost some of its influence regarding the appointment of federal judges?

No, to the contrary, previous critics, namely the Republican party, members of the Senate Judiciary Committee on the Republican Party, and some past presidents of the United States who happen to have been Republican were sounding critical of the American Bar's Federal Judiciary Committee. Today, members of the Senate Judiciary Committee who are Republican are saying the American Bar Association's Federal Judiciary Committee is doing an outstanding job. The President of the United States, every time he talks about the Federal Judiciary Committee lifts up the name of the American Bar Association—how fair we are, what a great job that the Federal Judiciary Committee is doing. On the other hand, the Democrats are now saying the Federal Judiciary Committee is not doing its job. I would say to you I believe that there's not been any loss of integrity, any loss of contribution in the fair evaluation of nominees who are considered by the President for article 3, federal judgeship.

Could you comment on the law as a profession: Are lawyers doing enough pro bono work for example? Should they be doing more?

I've been traveling around the country now for over a year. I started my traveling by way of invitation to different bar associations and law schools shortly after becoming president-elect nominee in February of 2002. I will tell you that I am just amazed and enormously proud at the contributions that lawyers of America make to their respective communities. You ask about pro bono work—let me start internationally. We have a program in the ABA... where lawyers, judges, and law professors, over 5,000 pro bono since 1991, have gone to Central Europe, Bosnia, and other countries at the request of those governments to help them to develop new criminal law procedures, new environmental law issues in setting up courts and laws. The same thing is true as it relates to the international law section of the American Bar working with the United Nations going into countries like Rwanda and others to help, at their request, to develop new constitutions, new areas of the law where they want to implement what we have by way of a democracy here. When you come back home, I don't believe there is a non profit or volunteer organization—whether its trying to find a cure for Alzheimer's, Aids, kidney disease, March of Dimes, etc. that does not have a lawyer sitting on the board. You go into any children's organization—Boys and Girls Clubs, Girl Scouts, Boy Scouts, you'll find a lawyer there. You go to your place of worship, whether it's a mosque, synagogue, or church, and if they have some kind of entity to promote or to work within for its betterment you'll find the lawyer sitting on its board. Then of course you've got law firms all across America including our law firm that believes in giving back and we have a pro bono lawyer—a lawyer dedicated to

pro bono that causes all of us to get involved. For those of us who are too busy, we write a check to Access to Justice here in Michigan. I would say to you that the lawyers are doing a very fine job in giving back to their community. Having said that, despite all the work that they're doing, 80 percent of the legal needs are unmet and that's the reason why I also believe that it is important for lawyers to continue to give back. We've got 1,050,000 licensed lawyers in the United States but everybody doesn't practice. I think it would be very helpful if lawyers whether they practice or not, would give of their time to engage in pro bono work because a lawyer that helps a person whether it's to deal with an issue of eviction from where they live, or foreclosure on a house that they were buying, or trying to deal with a car that is in the process of almost being repossessed, what you do is you deal with that person's frustration, anxiety, perhaps anger, and worst yet, rage. I suggest to you that lawyers of America engaged in pro bono work have reduced the number of scenes that we watch on television periodically where somebody is going to their place of employment because of their anger, rage, because they've been fired, laid off, or whatever. If they have seen a lawyer to find out what their rights are, the lawyer can walk them through and talk to them and let them know whether or not what has occurred is right or wrong. And even when they go into court and, sometimes when they lose, by explaining to them what occurred they uplift the rule of law and when they do that they reduce the rage and they reduce the likelihood of people committing acts of rage. So, I'm very proud of our profession, there's more yet we can do but I want to say this, I know of no other profession that takes an oath that says we will help and represent the oppressed and defenseless. As I drive down the streets of America, I don't see anybody saying if you can't afford to have health services or get your hair cut or whatever we'll do it free—lawyers do that.

Are there any aspects of the law profession that you find troubling?

Not really. I could go back in the past and say what I find troubling in terms of cases like *Dred Scott*, *Plessey v Ferguson*, or *Korematsu v United States*. We go through ebb and flow. Before September 11 you would read periodically with some intensity about people of color being racially profiled—stopped cars, stopped here or there walking down the street, now it seems the focus is on those who come from the Middle East. It doesn't make it right. We have an obligation to treat people with respect and dignity... When police officers in performing their duties step over the line and unreasonably detain someone or unreasonably hurt someone, or whether they didn't treat them with respect or dignity—that causes a lot of bitterness. When people see that, especially children, they grow up with that on their mind and that does not help us. Those are some of the things I see. Some of our laws are sometimes unfairly used against people who are not in a position to defend themselves.

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Would you like to comment on the Patriot Act One and now proposed legislation—Patriot Act Two?

The American Bar Association looked at Patriot Act One and Patriot Act Two. We've already commented and to the credit of the president of the United States and his Attorney General, they have modified some of the regulations on the enemy combatants, military tribunals, and the like because the American Bar Association believes that the constitution is to be respected by everyone and we remind the president or the attorney general, whether we're in peace or in war that what makes this country so great is the respect for the rule of law in our United States Constitution.

Are you worried about our civil liberties?

No, I'm not worried about it because the American Bar Association at the end of the day will weigh in. If there was no American Bar Association then I would be exceedingly concerned about it because then there would be no one to stand up for the rights of others whose rights are being trampled upon and not respected. If it wasn't the American Bar standing there, there would be the Hispanic National Bar, there would be the National Bar, there would be the Asian Bar, the Native American National Bar. Lawyers will stand up. Please remember that old cliché that is often used against lawyers but they don't understand the context, "first thing you do is kill all the lawyers." Well Shakespeare wrote that but, it was in the context that if you want tyranny and if you want to destroy a democracy the first thing you do is kill all the lawyers because the lawyers will stand up for what is right.

You've held many leadership positions and achieved much in your life so far, what motivates you to do all these things?

I've had a lot of outstanding mentors who have done even more than I've even dreamed that I could possibly do. Thanks to the likes of Damon Keith who's been a mentor. George Crockett Jr. who is the former judge of Recorder's Court, a United States congressman whose campaign I was privileged to run to become a congressman the first time he ran. Otis Smith who is the first person of color to serve on the Michigan Supreme Court and was the first person of color to be vice president and the general counsel of General Motors. You think about the likes of Judge Leon Higgenbotham, Con-

stance Baker Motley, and Justice Thurgood Marshall. These are people that I've met. These are people that I've admired and they made a contribution. If you consider the fact that Justice Thurgood Marshall as a lawyer won 29 out of 32 cases that he argued before the United States Supreme Court. When you consider how he had to ride in or out of different towns where he was representing litigants in the back seat or even in the truck, sometimes when spending the night in peoples' homes he had to sleep on the floor because of the potential of bullets being shot through windows. These are huge sacrifices that lawyers of color have made in an effort to provide equal opportunity for everyone whether Hispanic, Asian-American, Native-American, or African-American. So, these folks are very inspiring and then you read about people who are in business. Like Ken Chenault with American Express, Parsons at AOL Time Warner, Reginald Lewis at Beatrice Foods before he died early in his life, and Robert Johnson who owned BET before he sold it to VIACOM. These are people who did a lot of outstanding things and so I've watched, and my adrenaline runs very high. I've always wanted to try to give back, to make a difference in life. That's why I spent approximately five years on the Michigan Supreme Court and eight years as Mayor of the City of Detroit—my way of giving back to the community.

What qualities would you say are essential for a person/leader to achieve success in public service?

Whether its public service or in the private sector, I think integrity, honesty, ethical habits, good work habits, and respect for everyone with whom you work with. When I was mayor, I recognized that I could not work behind every counter and be mayor. I couldn't be a police officer or fire fighter. In my office where I am chairman of my law firm, I can't be an administrative assistant, a paralegal, or a person who cleans the office. I can't be everything. You need everyone with whom you work—whether it's to keep your office clean or to file the papers or type or do whatever it happens to be. You need to have respect for those with whom you work and have the privilege of leading. And if you show them respect and dignity and treat them in that manner then you wind up with a group of people who are willing to work with you and to follow. And so you need to have all of those ingredients. Then you need to recognize that there is somebody greater than all of us and, I do. I don't wear my religion on my sleeve but I find that by reading the Bible I find peace and am able to remind myself that at the end of the day somebody is going to ask "what have you done my good and faithful servant?" I want to have a lot to tell that person when they ask. ♦

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