



Noblesse Oblige

"Nobility has its obligations."¹

In considering the topic for my last *Bar Journal* article as State Bar President, it occurred to me that I would be remiss if I did not publicly express my sincere appreciation for the opportunity to have served in this position and for the invaluable assistance provided by so many committed attorneys and staff. Because of the hard work and personal sacrifices of the officers, both present and past, Board members, and especially Executive Director John Berry and our State Bar staff, I am confident that our association is well situated to better serve the members and to deal with the abundance of issues that will face our profession in the future.

We should all be grateful for the vision and fortitude of a number of past-Presidents, most notably Al Butzbaugh, Tom Ryan, Bruce Neckers and Reginald Turner, in renouncing the so-called "Presidential Agenda"² and obtaining assistance and input from our members in developing the Strategic Plan.³ No longer will the task list for our staff be annually augmented with new initiatives and programs, which now cannot be added to our agenda without careful reconciliation with our Plan Goals⁴ and the budget.

Our Strategic Plan required review and reconsideration of the first three-year cycle following implementation in 2001. In conjunction with the June Board meeting, the

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Executive Committee of the Board of Commissioners met with John Berry, our Division Directors and General Counsel, and consultant Dadie Perlov of Consensus Management Group, in order to conduct an assessment of our success in achieving the Plan objectives. Additionally, we examined the goals originally prioritized under the Plan in order to identify which have been accomplished, which need further effort, and whether any should be replaced or re-directed. The group also decided that we should evaluate the success of our staff management structure developed under John Berry.⁵ On balance, I am pleased to report that we have been quite successful in achieving a great majority of the priorities set by the Plan, especially in the following areas:

Fiscal

- Achievement of an annual financial surplus for each fiscal year under the Plan.
- Expanding non-dues revenue sources.
- Neutralizing the expense of the annual meeting.⁶
- Prohibition of unfunded programs/initiatives.
- Improvement in the amount of surplus in both the Administrative Fund and Client Protection Fund, while at the same time reducing the level of debt.

Programs and Services

- Partnering with I.C.L.E. to provide Michigan Law Online, a research service for members "at their desks."

- Implementation of an inter-active Public Policy Resource Center providing current information to members regarding legislation, court rules, administrative orders and State Bar positions.
- Reinstatement of the Upper Michigan Legal Institute for Northern Michigan lawyers.
- Institutionalization of the Open Justice Commissioner Committee.⁷
- Development of member programs and services in the area of law office management.⁸
- Enhancement of e-journal and the State Bar website.

I am particularly proud of the successful efforts of the commissioners and staff in the following additional areas: the establishment of a dues exempt Emeritus Membership status for retired lawyers. We averted proposals for court rule amendments reducing parties' briefing times in connection with the Appellate Delay Reduction program initiated by the Court of Appeals.⁹ The highly acclaimed Access to Justice Campaign acquired contributions and pledges of almost \$4.5 million for civil legal services for the poor in Michigan. We have also achieved successful results in dealing with various UPL infractions.

Furthermore, our relationships with sections, committees, and local Bars have been improved by virtue of our Section Summits and the annual Bar Leadership Forum, not to mention the hard work by our general counsel and staff in promulgating amendments to our bylaws and rules to allow greater flexibility in dealing with legislation, court rule

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changes and other public policy matters of importance to our members. You may rest assured that future Bar leadership remains committed to the full implementation of the goals of the Strategic Plan¹⁰ and to enhancing the value of State Bar membership for all of us.

In early August, I attended the National Conference of Bar Presidents, the ABA Annual Meeting and the House of Delegates in Atlanta, where I met and spoke with many Bar officers and executives from around the country. Although we face virtually all of the same issues, I could identify no association that has had greater overall success in dealing with the many challenges with which we have been confronted in recent years. I can say with confidence that the State Bar of Michigan is now a leader on a national level in comparison to other Bar associations.

The opening ceremonies of the ABA Annual Meeting featured a decided Michigan influence, first in the remarks of retiring President Dennis Archer, followed by the keynote speech delivered by our own Michigan Governor Jennifer Granholm. Her highly inspirational address encouraged lawyers everywhere to strive to promote and exemplify the nobility of our profession. In these times, when lawyers are so often vilified, the competition for business and our numbers constantly increasing as areas of practice seemingly diminish, that may seem a tall order. Listening to the Governor's address, however, caused me to reflect upon my tenure with the State Bar, first as a member and then Chair of the Representative Assembly, then as a Commissioner and officer, and I realized that the colleagues I have encountered throughout that process have shown again and again that they truly personify that ideal.

One of the truly great benefits derived from being the State Bar President is the opportunity to meet and develop relationships with exceptional lawyers and judges throughout the state. The principled and dedicated service that so many consistently provide to the public reflects the highest ideals of our profession and has re-ignited my pride in being a lawyer. This is especially exemplified by the contributions of the officers and commissioners of the State Bar. My experiences with them have been genuinely gratifying and I am fortunate to have been afforded the

privilege of serving in their company. For that honor I will be eternally grateful. I can only hope that the rest of us will be motivated to follow their example and to exhort others to endeavor to assure that the nobility of our profession is preserved. ♦

FOOTNOTES

1. Duc de L'vis, *Maximes et Reflexions*, 1812; a comment intended in a different context, but apropos when applied to maintaining the nobility of our profession.
2. Historically, each year at the June Board meeting the President-Elect would announce her/his agenda of projects for the forthcoming year. Seldom could these well-intended initiatives be accomplished within a year, thereby leading to an ever-increasing stock of programs that had to be budgeted and staffed year in and year out.
3. The Plan can be accessed through e-journal (scroll down and hit home page), or through the State Bar website by going to "SBM general information," then go to "Reports & Forms," and then to "State Bar of Michigan Strategic Plan."
4. Based upon information derived from member inquiries, sections, and special committees drawn from throughout Michigan, various goals were identified and prioritized under six primary areas: (1) programs and services; (2) public policy; (3) image and identity; (4) human resources; (5) fiscal resources; and (6) structure and governance.
5. The Bar accepted the bid of a Grand Rapids consulting firm, which is currently in the process of performing an assessment of our key management personnel. This will be of great benefit to the Executive Director in identifying strengths, issues to be addressed, and charting the future direction of our Divisions and staff management.
6. A goal of the Plan was to achieve a revenue "neutral" annual meeting, i.e., revenues would cover or exceed expenses. Historically, the annual meeting costs, including labor, were in the hundreds of thousands of dollars. For 2003, net expenses were approximately \$25,000—or less than \$1 per Bar member. We have budgeted direct net expenses for 2004 at break even, and hope to accomplish that goal.
7. Our Open Justice Task Force was sun-setted by its terms in 2003. The board then institutionalized the program adding it as our fifth Commissioner Committee, which has since been co-chaired by the Hon. Cynthia Stephens and Richard McLellan.
8. Development of these programs has been delayed largely due to limited financial resources as the result of only having obtained one-half of the dues increase recommended by the Representative Assembly for 2003. It is a priority for the next Bar year.
9. See my article "Back to the Beginning—A Rare Opportunity," *Michigan Bar Journal*, January 2004, p 12.
10. In order to accomplish our goals, especially our members' desire for law office management programs, not to mention ethics and professionalism initiatives and pursuit of UPL infractions, it is

critical that we obtain the balance of the full dues increase recommended by the Representative Assembly for 2003. Although the Supreme Court declined our request this year for 2004–05, I expect that the Board will renew that request early in the next Bar year.