

The Real Diehl Nancy J. Diehl

70TH PRESIDENT OF THE STATE BAR OF

Nancy J. Diehl, the 70th president of the State Bar of Michigan, is the first Bar leader in recent memory that is presently an assistant county prosecutor. Recently she was promoted to Chief of the Felony Trial Division in the Wayne County Prosecutor's Office where she oversees general trials, homicide, auto theft, major drugs, and the Child and Family Abuse Bureau that she established earlier in her career. In fact, she became a nationally sought after speaker and trainer on domestic violence and child abuse investigation, prosecution, and related issues. Diehl has also co-authored four booklets for children that are still requested nationwide. A range of topics are covered in titles like: *It is Good to Tell the Truth*, *Kids Go To Court*, *Kids and Secrets*, and *Sometimes it is Sad to be at Home... What is a Kid to do about Domestic Violence*.

With an upsurge of gun violence in Detroit this year, along with dwindling funds to fight crime, Diehl and her boss, Wayne County Prosecutor Kym Worthy, have their hands full. Becoming president of the Bar at precisely this time will require some serious juggling and fine management skills. Diehl is more than up to it, and has complete trust in her management team to follow through when she is not there.

Her determination, combined with a direct, down-to-earth style, marks Diehl as a very strong leader—one who is dedicated to her profession. Her efforts have been well appreciated. So far, she has received over 20 awards, and had the distinction earlier this year of being the first recipient of the Detroit Metropolitan Bar Association's Champion of Justice Award. She says she is also very proud



Nancy J. Diehl receives the Champion of Justice Award for outstanding leadership in ensuring the rights of victims from Jim Heimbuch, president of the Detroit Metropolitan Bar Association.

of being a 1999 winner of the Leonard Gilman Award, when she was recognized as an outstanding practitioner in the area of criminal law.

Diehl is only the third woman to lead the Bar. She started her legal career in 1978 after graduating from Wayne State University Law School. In 1981, she became a trial prosecutor in Detroit's Recorder's Court. Three years later she was appointed special assignment trial prosecutor in Circuit Court. She advanced to later become Director of the Child Abuse Unit from 1987 to 1994, and then as Deputy Chief of the Child and Family Abuse Bureau in 1994. In 2000, she was appointed Chief of the Projects and Training Division, and currently heads the Felony Trial Division.

Diehl has served on numerous boards and committees, especially those that relate to children and families. She is on the Governor's Task Force on Children's Justice and

has served on its executive committee since 1995. She has also devoted a chunk of her time to State Bar work. She has served on various committees and was a member of the Representative Assembly from 1992 to 1996 and has been on the Bar's Board of Commissioners since 1996.

The following is an excerpt from a recent interview with Nancy Diehl.

What should our members know about you?

I love to laugh. In fact, people recognize my laugh from down the hallway and know where I am by just following the sound. I believe that if you love what you do, you're going to do your best with a positive spirit. I love what I do. I'm extremely proud not only to be a lawyer but also to be able to lead our membership. It's just an amazing opportunity. I'm thrilled.

Which qualities in your mind are necessary or helpful for lawyers to have?

The most important quality a good lawyer has to have is integrity. When I say integrity I am speaking about "reputation." As much as the world has changed and keeps changing, the importance of a good reputation continues to be an enduring quality for success in the legal profession. People know that you are someone they can trust and your word is your bond. Nobody has to worry about or have doubts about what you say. They may not always like what you have to say, but at least they know you're being honest.

What's it like being a woman prosecutor?

It has changed tremendously from when I first came into the prosecutor's office back in 1981. There had not been many women

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there before me and when I arrived in the trial division there was only one other woman. They used to joke that whenever anyone called the Prosecutor's Office and couldn't remember the assistant prosecutor's name they wanted to speak to, but said it was a woman, Nancy Diehl got the calls! In the early days there was some thought that women should do certain jobs, and since I was the woman, I should do the child abuse and sexual assault cases. In 1984 I was made a special assignment prosecutor and sent to Circuit Court where I was the first woman to ever handle felony trials. The office sent me to show the judges that a woman could try a case. Today in our office you are just as likely to see a woman trying a case as a man.

During the course of your career as a prosecutor why have you concentrated so much on child abuse and family issues?

When I was asked to do these types of cases I didn't mind, in fact I appreciated the opportunity to help children. As a special assignment prosecutor I had handled cases that were a little more difficult, complex, high-publicity kinds of cases, and cases of sexual abuse of both adults and children. When the boss decided he wanted a child abuse unit, he asked me to head it up. I had the experience, and everybody at the office figured that a woman had to do it, so there it was. I certainly never was opposed to it because I saw that it was extremely important, but I can't say that I sought it out—it was sort of brought to me.

When I started dealing with children in the legal system there was nothing in place to take care of their special needs. Children were treated basically like adult victims. It

was now my responsibility to create procedural change for the children who had to come through the system. And, that's what I went about doing.

You've traveled all across the nation to spread your knowledge. What do you talk about?

It's all about child abuse investigation and prosecution—how you investigate a case of child abuse, either sexual or physical. How you prosecute that case in court, how you deal with children as witnesses, and preparing children for court. I have done an extraordinary amount of training on the appropriate manner of interviewing children. Interviewing children is a real specialty. Then of course, child abuse got me into domestic violence, because it became clear if you are going to protect children you have to protect moms. To keep kids safe, you have to keep moms safe. And that just flowed into other issues of violence in the home.

How do you balance things? You see so much that is ugly out there, yet you can make a difference.

The first thing I say to new prosecutors is that you can never personalize your work.



What I mean by that is if you ever thought about these things in terms of this was your daughter who was abused, or your niece or your sister—if you thought like that, it would drive you crazy. You would not be an objective advocate. What I suggest is not to focus on what has happened, you can't undo what has happened, but to focus on ways to prevent things in the future. I can't undo what happened to the young child, but I can help them get the help they need. I can help punish the person who abused them; I can hopefully make their future brighter. And, in focusing on that, I feel that I am doing good work.

I'm going to tell you something. Dealing with the kids—that's the best job in the office. Because no matter how terrible the situation they've endured, these kids like to come in and laugh and talk. They've got their lives ahead of them, and I know if I can intervene, I can make a difference in their future. So, I enjoy them individually, in terms of treating them with respect and listening to them. They would let me know that what I was doing was worthwhile. So, I never really had an issue causing me overwhelming trouble in terms of all the violence I had to deal with.

In your opinion what has the Bar achieved in the past three or four years that our members can be proud of?

Our members can be really proud of our Access to Justice Campaign. That's one of the most important things we are doing as lawyers. Lawyers should be proud that we're giving back to the community in terms of raising money for civil legal aid for those who cannot afford it, and certainly the pro bono efforts also. All the lawyers in the state trying to do good things for the community—I think that's a great part of what the Bar has been a part of.

What needs to be done?

I think one of the good things the Bar has done in the last few years is to really become very focused in terms of what we can do best for our members. We can't be everything to all people. We have to be focused. Spending the time in talking to our members and coming up with a Strategic Plan for the future was very important. It helped us to focus on what's most important to our members and

also gave us the ability to determine where we could spend our limited resources. So we have done some good things there and I think one of the things we learned from talking to our members is that the members want help from us in certain areas. Lawyers want help at their desks. We've been able to help them with publications like the e-Journal that's been around for a number of years. Lawyers are saying, "wow! that is wonderful and we don't have to pay anything extra for this service, just be a member of the State Bar." We have the SBM newsletter, which highlights legal news around the state. The Public Policy Website is fantastic. You can go on that website and find out what bills are before the legislature that deal with areas of interest. Find out how the sections are voting, what they think about it, what the Bar's position is, and how to contact your legislator. Fantastic. Michigan Law Online, that's the most recent. Lawyers want more. Hopefully, we're going to be able to give them more.

What is going to be your focus as president?

There's going to be two. One aspect will concentrate on our members and continue

About Nancy Diehl

She is a wonderful lawyer, a very good manager. The people who work for her are very loyal because she's fair. They know she's good and knows what she's doing and they also know that she cares about people. I've known her for many years, originally on a professional basis, but over the years we've grown to be good friends. I think she will be an excellent leader. The thing about it is no matter how much she achieves or no matter how much acclaim she gets, she's always just down to earth, friendly, and always caring.

Hon. Mary M. Waterstone
Judge 3rd Circuit Court, Detroit

I've known Nancy probably for 27 or 28 years. . . . Not only do I like Nancy Diehl, I really respect her and part of the reason is that she's really a professional—that her doors are always open. You can come to her and discuss issues with her. And even though when we're in court and it's an adversarial system—you never feel that she's an adversary. She can talk to you. She can reason with you and she can try to be objective. It's not a personal thing with her. She's doing her job and she's doing it well and that's what people appreciate and that's why her reputation is as good as it is. She's got a good reputation because she is ethical and she is hard working and she is fair.

Samuel J. Churikian—a sole practitioner in Detroit

She is an excellent leader, hardworking, driven, compassionate, she cares about the work that she does. She wants her people to be equally compassionate regarding what we do. She is a dynamic speaker and leader—someone I'm proud to say I've had the opportunity to work with over the last 10 to 15 years. . . . it's a difficult place to be when you're a woman and a leader. People tend to take traits that are accepted generally in men and make them negatives in women. But for me it's always been a fantastic relationship.

Jerry Dorsey, IV
Wayne County Prosecuting Attorney's Office

with all the things that I just mentioned. Keep that help coming and to continue thinking of other ways that we can provide help to members. On the other side of it is the focus on the community and what lawyers can do to help the community make things better. As proud as I am of Access to Justice, I would like to see more lawyers contributing money to ATJ and engaging in pro bono activities. It's one of the most important things we can do as a lawyer. Read the rules of professional responsibility and you will see that we are in fact required to give of ourselves, and certainly many of our lawyers do. I just want to make sure that we do even more because there is such a compelling need. And the need is not only on the civil side.

I have to say as a prosecutor what I'm also aware of is the fact that we are not paying fairly for the representation of accused individuals. In our state, a criminal defendant has a right to counsel. But if you believe in that right and you believe in the presumption of

innocence, then you should also agree attorneys need to be fairly compensated for the work they do. There are lawyers in this state who've not received an increase in compensation in over 30 years. And, there are lawyers who are appointed to represent children involved in abuse and neglect cases and delinquency cases that need to also be fairly compensated for their work. So, you are going to hear a lot about this. Because, if we want to ensure justice, we need to make sure that those lawyers are fairly compensated.

What's your message to our members?

It's a privilege being a lawyer, but along with privilege comes responsibility. We have a wonderful group of lawyers in this state and I would say to them, keep up all the good work—and do a little more. ♦

Naseem Stecker is a staff writer for the Michigan Bar Journal. She can be contacted by e-mail at nstecker@mail.michbar.org.

