

Back to the Future – It's About Leadership

The present is never only the present. It is one moment in a going concern. — Professor Hecló

In preparation for the Bar presidency, a good friend gave me the book, *On Thinking Institutionally*, in which Professor Hecló stresses how critical it is that today's leaders think broadly about enhancing their institutions, mindful of what has been important to leaders in the past. Leaders should see themselves as stewards on a continuum of those leaders who have come before and those who will follow. As stated by Dr. Hecló: "The present is never only the present. It is one moment in a going concern."

This principle — known in Latin as "usufruct" — applies to all institutions. All institutions are going concerns — whether The Florida Bar, the judiciary, or the legislature. This principle applies equally to our law firms, the government offices we work in, and the educational and not-for-profit entities we counsel.

I raise this point now to underscore that The Florida Bar is an institution with a rich history and purpose. For those privileged to serve in leadership, it is readily apparent that in leading the Bar, one builds on the foundation laid by presidents of the past and is mindful of one's responsibilities toward the future. Further, as with all great organizations, key work is done through leaders who add definition to a president's goals. In this regard, I want to briefly mention work of leaders who have served this year and to comment on the future. In identifying the matters below, I do so in no particular order.

Merit Retention Education Program. As in the past, The Florida Bar is endeavoring to take an active role in promoting balanced information regarding the merit retention election in November 2012, which will involve three justices and 15 appellate judges who stand for retention. The Bar's efforts are focused on building broad partnerships as symbolized by the



press conferences recently conducted in Tallahassee and Miami, which featured Gov. Reubin Askew, U.S. Senator and Gov. Bob Graham, National Bar Association President Daryl Parks, former ABA Presidents Steve Zack and Sandy D'Alemberte, Lazaro Mur, chair of the Florida Hispanic Chamber of Commerce, and leaders from the Florida League of Women Voters. The broad public support is encouraging and a salute to the fine work of the program's leadership team, including Board of Governors members Sandy Diamond and Sean Desmond (who is also president of the Young Lawyers Division of The Florida Bar.)

Grievance Review Commission. In May 2011, the Board of Governors authorized the formation of a commission to study particular issues relative to the Bar's grievance process. Building on the prior work of the Coxe Commission, 33 diverse commissioners from throughout Florida engaged in a detailed study culminating in recommendations submitted to the Board of Governors on May 18. I particularly appreciate the commission's examination of the Bar's efforts to promote regular com-

munications with judges who submit grievances and with complainants. I also appreciate their review of appropriate education opportunities for senior lawyers and the possible formation of a Senior Lawyers Section, which would have significant structural benefits to our membership. I salute the fine work of the commission and Chairs Edward Cheffy, Miles McGrane III, and Eugene Pettis, and Vice Chairs Greg Coleman, Jake Schickle, and Renee Thompson.

Minority Affairs Coordinator. Early this year, a new staff position was formed at the Bar, the Office of Diversity Initiatives. Former public Board of Governors member Arnell Bryant-Willis was appointed to this position and has been working to enhance minority initiatives across the state with a view to helping diverse members grow with leadership opportunities and responsibilities. The Board of Governors strongly endorsed this initiative.

Constitutional Judiciary Committee. This committee has taken steps to enhance education on the importance of an independent judiciary as a principle of constitutional integrity. Its Benchmarks program provides educational opportunities in this regard. Led by Rick Gross, I want to salute the committee's fine work and also note the contributions of Vice Chair Michael Napleone and members Richard Levenstein and Rick Davis. These leaders have organized the merit retention symposium scheduled for the Bar annual convention, featuring retired U.S. Supreme Court Justice Sandra Day O'Connor.

Review of Nonlawyer For-profit Referral Program. Nonlawyer for-profit referral programs are a growing phenomenon. Their impact on legal services and service to the public has

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been an issue of Bar concern. Governor Grier Wells led a comprehensive study of this issue involving leaders from across Florida and several significant public hearings. The fine work of this committee has been documented and submitted to the Board of Governors.

Cassedy Commission. In recognition of the superb leadership provided by Marshall Cassedy, who served The Florida Bar as executive director from 1961 through 1980, this commission was formed shortly after Mr. Cassedy's passing earlier this year. The commission studied appropriate ways to memorialize Mr. Cassedy's contributions. Commission members included Burton Young and retired Justice Major Harding as co-chairs, Marshall Criser, Reece Smith, David Shear, and Gwynne Young. The commission submitted its recommendations to Board of Governors at its meeting on May 18.

The Florida Bar Convention. I am indebted to Co-chairs Juliet Rhoulac and Lanse Scriven for their fine works in chairing the Bar's annual showcase event, The Florida Bar Convention. Convention programming, including child friendly opportunities, continues to expand and I want to commend their leadership. I hope each member will consider attending the convention.

Board of Governors Committees. The board's committees have again been extremely productive this year and I want to emphasize particular achievements.

Program Evaluation Committee. Led by Chair Jay Cohen and Chair-elect John Stewart, the PEC Committee reviewed multiple program initiatives including renaming the Judicial Independence Committee to the Constitutional Judiciary Committee. The name change received considerable scrutiny and was implemented to underscore that the role of the courts, in being independent of the other branches of government, stems from the constitutional placement of the judiciary as conceived by James Madison and Thomas Jefferson. In addition, the PEC Committee endorsed allowing a president to appoint on a periodic basis a government lawyer to serve the Board of Governors in a nonvoting ex officio capacity — similar

to the role fulfilled by representatives of the Florida Association of Women Lawyers, Cuban American Bar Association, and National Bar Association.

Legislative Committee. Led this year by Chairs Ed Scales and Ramon Abadin and Chair-elect Laird Lile, the Legislative Committee helped to successfully promote a mechanism for stabilizing court funding. In addition, it is noteworthy that again the budget for Florida's judicial branch was not reduced. Several from inside and outside The Florida Bar engaged in these efforts and I want to hail the fine work of committee leadership. Given the work of the last several years, The Florida Bar is well positioned to be a continued strong and credible voice for the courts.

Communications Committee. The Communications Committee worked extremely hard to broaden the Bar's institutional communications. Led by Chair Greg Coleman and Chair-elect Maryanne Morgan, several strategies were implemented. These include 1) weekly electronic legislative updates during the session (which combined the efforts of the Legislative and Communications Committees) and a legislative letter to membership discussing the Bar's legislative program; 2) modifications to the Bar's website including new social media and Facebook access; 3) development of a Web page for the Bar's Merit Retention Program; 4) regular president's videos of Bar programs including new job postings, recruitment opportunities, and free CLE offerings; 5) development of the "Clip Board" as an internal board newsletter on Bar programs and to highlight good works by individual governors.

Grievance Review Committee. The immense burdens on this committee were well led by Co-chairs Carl Schwait and Brian Burgoon and Chair-elect Michael Higer. In 2011-12, the committee will have reviewed 177 discipline cases and 179 Clients' Security Fund cases with the goal of ensuring fair, impartial, efficient, and just resolution.

Additional Committee Efforts. Cliff McClelland led a study by the Disciplinary Review Committee to examine various rule amendments including

rules on trust accounts. The Budget Committee, ably led by Chair William Schifino and Chair-elect Lanse Scriven, maintained a balanced budget and kept Bar dues level. Carl Schwait led the Board Review Committee on Professional Ethics Committee in conducting a comprehensive modification to the Bar's advertising rules.

Looking Forward

I opened by noting that the *present is never only the present...but one moment in a going concern.* In closing, I want to emphasize this point by noting that those leaders identified above, and countless others working in the Bar's sections and committees have demonstrated profound commitment to the future of our Bar and profession in Florida. Their collective efforts demonstrate that today's leaders must build on the foundations laid in the past. And I am grateful for their commitment.

In this regard, I want express my strong support for two dear friends who will soon take the helm of The Florida Bar. Gwynne Young is an exceptional person and an exceptional leader. Her deep sense of personal responsibility and strength of character are beyond compare. She is superbly qualified to be president of The Florida Bar, now the second largest mandatory state bar in the country. Gwynne will be joined by Eugene Pettis as incoming president-elect. I have admired Gene since undergraduate school. He has always been a force for good. Gwynne and Eugene, both blessed with extraordinary abilities, vision, and commitment, will make a superb team. I celebrate their great accomplishment in moving forward together in leadership.

As my parting written word, I wish to thank all who have helped and supported me. The opportunity to serve our profession in this manner has been profound, truly a singular privilege.

Godspeed to you, your families and your children, and to The Florida Bar. □

