

All material from *The Colorado Lawyer* is copyrighted by the Colorado Bar Association and cannot be reproduced without permission. This article is being reprinted with permission. ©1996 Colorado Bar Association, 35 *The Colorado Lawyer* 23 (July 1996). All rights reserved.

Colorado Bar Association President's Message to Members

An Agenda

by Miles Cortez

In my first year criminal law class, Professor Sowle zeroed in on me for what seemed the umpteenth time. Rather than let him once again demonstrate to my classmates that his intellectual bouts with me were the mismatch of the twentieth century, I resolved simply to beg off this particular morning by responding with what some had used effectively in other classes: "Sorry, sir, I'm unprepared today." Even when I offered up this default, Sowle couldn't resist the urge to inflict further professorial pain on the uninitiated: "That's quite all right, Mr. Cortez. Sometimes I find the uninformed mind quite refreshing." That terror-inducing remark presaged one of the longest hours of my law school education, where my classmates and I confirmed it's no fun to engage in the battle of wits unarmed. It is true in scouting, and it is true in life: *Be Prepared*.

In most organizations and in public life, a person assuming leadership has previously informed (or warned) the membership or constituency of the new leader's vision of what is to be accomplished during the upcoming tenure, with some blueprint for how the program is to be carried out. But the process of becoming CBA president, unlike many state bars, mercifully involves neither campaigning nor the manufacture of platforms.

Instead, during a year of something of an apprenticeship as president-elect, my predecessors and I had the opportunity to watch, listen, think and learn about the profession to which we have devoted our working lives. In short, we had a year to prepare. From a period of reflection emanates the agenda to which the new president intends to adhere; most of it is created by events and evolution, a little by the president's individualized take on the priorities at the time.

Two events, one beginning and one recently completed, serendipitously helped my planning process. First, 1997 marks the centennial year for the Colorado Bar Association, an historic event indeed, and a time for organizational retrospection and introspection. Second, the CBA recently completed a fairly extensive survey of its membership. Although the results contain no earth-shattering revelations, they are quite instructive about what you, the members, think the CBA is doing well or could be doing better and, perhaps more significantly, what you want the CBA to be doing in the days ahead.

I have taken to heart your messages and tried to assemble a plan for my brief stewardship that will move us forward on the successful programs, try to avoid some mistakes of the past, and offer up a couple of new ideas for implementation. Here's what is happening and what I'll try to get the CBA to do about it between now and June 30, 1997.

PROFESSIONALISM AND CIVILITY

The monkey is still squarely on our backs. No matter how much we have complained about declining professionalism and incivility among lawyers in the recent past, and notwithstanding persistent efforts to do something about these cancers in our professional body, they remain the principal sources of discontent today. It is far and away the predominant request of the membership: please do something to improve professionalism and make lawyers stop being jerks when dealing with each other and people throughout the legal system.

Had they simply requested peace in the Middle East and a cure for the aging process, the task might have been simple. The problem is pernicious because, as Pogo aptly observed, "We

have discovered the enemy and the enemy is us." This is an age where others are to blame, never ourselves. Chronic problems don't lend themselves to quick fixes. But we won't run up the white flag of surrender simply because a problem long in the making will take dedicated re-engineering of our professional personas to defeat.

Revitalization and re-invigoration of our standards of professionalism, and a steady growth in adherence to them, is but a first step in this rebirth of a noble profession where men and women act, and treat each other, as ladies and gentlemen. The fitting theme of this year's CBA convention, to be held September 26-29, 1996, in Vail is "Taking the High Road." This drumbeat will not stop this year, nor the next, and I implore each of you to start doing your part today and every day.

LAW AND TECHNOLOGY

The practice of law, and the legal system of which it is part, is in the midst of technological change that will dramatically transform how we do things over the next five years and beyond. Mossbacks beware! Fortunately, our membership is visionary to the point that it asks the CBA to smooth the transitional path. The most repeated request in the survey for tangible assistance was the CBA's facilitation of practice enhancements that will ensure that the membership remains on the cutting edge of innovation in an increasingly competitive environment.

The 1996-97 budget contemplates significant increases in equipment and personnel costs to further this effort through education, training and outreach programs. While many Colorado lawyers, in large firms and small, have already distinguished themselves locally and nationally as trailblazers in this process, the goal is to provide the knowledge and resources to *all* members so that no one desiring to remain current will be left in the dust.

PROMOTE IDEALS

Promoting the ideals of justice for all and improving our system of justice are also part of the plan. The great traditions of our bar need to be preserved and protected at a time when they are under increased attack; they must be nurtured and advanced in a difficult atmosphere of animosity and ignorance.

Independence of the Judiciary

This year we celebrate the thirtieth anniversary of Colorado's adoption of a merit selection system for state judges. This accomplishment, and the quality of justice that it has engendered, cannot be taken for granted. Certain elements regularly concoct efforts to return judicial selection to the world of politics, a sorry state of affairs that prevails in several sister states where the profession would love to follow the Colorado system.

Chief Justice Anthony Volland of the Colorado Supreme Court is leading a charge, which we will vigorously support, to educate and inform Coloradans throughout the state on the fundamental need to preserve the independence of the judiciary to ensure quality justice and achieve the benefits of a separation of powers.

Legal Services to the Needy

Our commitment has not and will not waver. The challenges continue to be new sources of funding in the face of parsimonious legislatures and an increasing need for volunteers. Those unable to afford quality legal services are not limited to the truly indigent, who traditionally have been the beneficiaries of our *pro bono* services. A widening gap between the "haves" and "have nots" has created a greatly expanded population unable to afford private lawyers at today's prices.

At the very time there are millions of working people unable to afford expensive lawyers, there is a large and rapidly expanding group of unemployed or underemployed lawyers (many of whom are recent law school graduates) longing to practice their chosen profession rather than sell clothes at Foley's in order to survive. What's wrong with this picture? When will the obviously relevant economic factors become operative? The CBA needs to address these developments by helping its members reach a public hungry for good lawyering at a more reasonable cost.

THE IMAGE OF LAWYERS

It comes as no surprise that our members bemoan the poor image of lawyers, repeated and reinforced on a daily basis in every form of media. To expect the bar association, or some public relations agent, to rectify this demoralizing situation is unrealistic and futile. It is senseless to repeat how we got here, or observe that the media will continue to dwell on the negative or the sensational no matter what good deeds we perform. Our profession is not alone in this predicament, but we suffer from the fact that our misdeeds seem to be more highly profiled.

One thing we can do is externalize our good deeds. We have shone best when we actively participated in the vanguard of social improvement, such as our willingness to be leaders in the quest for civil rights. Our history of volunteerism and goodwill too often has a decidedly insular bent to it. Our good deeds in the community at large, not just within the system of justice, demonstrate who we are and set citizenship examples that brand us as leaders who can make a difference.

Roberta Cooper Ramo, the ABA's current president, has taken inspired steps to address the devastation of domestic violence, a societal rather than a narrowly legal problem. She's on the right track. Domestic violence, child abuse and the steady disintegration of the family are a plague that need our actions, not mere observance. Our members can do much materially to assist a number of public and private organizations whose mission it is to stem this horrible tide. In doing so, we show our character and abilities in the most noble of ways, and have a positive impact on society as a whole.

This year, the CBA will pursue avenues to get much more active in community involvement where we can provide valuable resources. In the process, the image of lawyers, as reflected by deeds rather than words, can only benefit.

THE CENTENNIAL

A select group of bar leaders will comprise a Centennial Committee that will explore ways to celebrate our rich history. Ideas being considered are a traveling display that we will make available throughout the state, and a pictorial and narrative publication. The celebration will culminate with a first (at least in recent memory): the centennial CBA convention is planned for Denver in August 1997. The reasons for this revolutionary idea are many, and will be the subject of much more discussion early next year. Suffice it to say now that the 1997 convention, which will culminate our 100th year, may be the most memorable and best attended convention ever.

This is a condensed version of the road map I intend to follow. While the president's office is entrusted to me, I'll do my best to ensure I don't interfere with the consistent, dependable, exemplary work of the CBA's professional staff, the fine people who watch the volunteers like me (with styles and idiosyncrasies that run the gamut) come and go and still manage to keep their sanity while performing their jobs extraordinarily well. I look forward to getting the job done and having some fun.