

Spring 2002

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Recommended Citation

Berry, John (2002) "Michael D. Franck Award for Professional Responsibility Acceptance Speech," *South Carolina Law Review*: Vol. 53 : Iss. 3 , Article 5.

Available at: <https://scholarcommons.sc.edu/sclr/vol53/iss3/5>

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MICHAEL D. FRANCK AWARD FOR PROFESSIONAL RESPONSIBILITY ACCEPTANCE SPEECH

JOHN T. BERRY*

This is probably the toughest speech I've ever made. I must first give thanks to God for me being here. I looked through the entire *Bible* to try to figure out something that we all could agree upon no matter what our faith. I found it in *Proverbs*. It says, "don't talk too much."¹ I know that this is the first time that the award has been given where we have a timetable by which we have to get on a boat and leave. So now you can be guaranteed that I will not start in kindergarten and work my way up through my life. I want to thank the selection committee, and I want to thank President Hirshon very much for this award. I look forward to your presidency very much. As a member of the House of Delegates, I've had the chance to observe first-hand your leadership. We are extremely lucky to have you. I must however, amend one statement that you made concerning my accomplishments. I did nothing single-handedly. The incredible professional response to the Value Jet crash was a direct result of many members of the staff that worked with me in Florida and who are sitting in this room today. I thank the National Organization of Bar Counsel (NOBC) president, Barbara Rea. You are a wonderful leader of our organization. You are a gracious southern lady. You are a tremendous leader for us and we appreciate you very much in the NOBC. I thank the Association of Profession Responsibility Lawyers (APRL). I believe the APRL and the NOBC are lawyers who together are working for a better profession. I thank Burnell Powell for the wonderful words that you had to say and for your leadership in the American Bar Association (ABA). I hope it's true about the old cliché that you are known by those who you associate with and whom associate with you. I have associated with the best.

As I look out at this audience I am truly humbled. I am humbled because I know the tremendous work that you do in making this a more competent profession and a profession of greater integrity. I also remain humble because of my affiliation with the National Organization of Bar Counsel. They will not allow you to be anything else but humble, and they have reminded me throughout the day today to keep that same attitude, or else. As many of you may know I've made a few recent career changes: Discipline Counsel, Law School Director of Professionalism, and now Executive Director of the State Bar of Michigan. A few years ago I made the decision to broaden my experience in the profession. I wanted to be able to learn as much as possible about this profession and all its component parts and then help to unite us all. I may not be the smartest person around, but I hope I've learned as much as possible from the smartest in our profession in the various segments of our

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1. *Proverbs* 10:19 (New Living Translation) ("Don't talk too much, for it fosters sin. Be sensible and turn off the flow!").

profession. There's a lot of people here who can write better than I can, speak better than I can, and have more political influence. I hope however, no one cares more about this profession than I do. This profession has given me my living and the opportunity to serve.

There's a song in the movie *Pocahontas*² that explains my desire to walk in the shoes of as many people in our profession as possible. The song is called *Colors of the Wind*,³ and it says, "But if you walk the footsteps of a stranger, you'll learn things you never knew." As I have walked in the footsteps of bar counsel and professors in law schools, and now am working as an executive, at times I notice that we talk about others as if they really do not understand our profession. But we've got enough enemies of this profession outside of our profession to divide us. We need to do more to unite and join together, to find a common bond in healing our profession. We all must remember that it is a privilege to practice law. I am very blessed by my family and my wife Barbara. If there is any person that deserves an ethics award, it is she. She is absolutely unequalled in her belief of doing the right thing for the right reason. I thank her for her influence, and I thank her for putting up with all of the work that I have done. Many times when you get awards like this, it is just because you spend a lot of time, you go to a lot of places, you meet a lot of people, and you are on a lot of committees. I hope that in part this award was given based upon the heart and the soul of what we in the National Organization of Bar Counsel feel about our profession. I hope it is based on always expecting the best of those in the profession and who serve in it.

Jay David is my stepson. I couldn't love a person any more than him, as a stepson or my own son. I got the choice to pick him, and I did very well. He is a wonderful young man, and Sheila, his wife, is a marvelous young woman. My family, faith, and the NOBC have been there for me, always. I'm going to talk a little bit more about the NOBC in a minute, but for now let it be known I have never been associated with a group of human beings that I have more respect for and care more about. They are not just prosecutors. They are not people out to cause lawyers trouble. They care deeply about this profession. They hold the Bar to a high standard. Rightfully so. We all know it's tough to pass a bar exam. I can guarantee you that at the age of 53 my staff in Arizona figured there was no way I was going to pass a Bar exam. With God's help I did. It should be as tough to have the integrity required to practice law. And that is what the National Organization of Bar Counsel stands for.

I want to speak of Michael Franck and his wife Carol Franck. I respect all they have done. Their example is my guide. When I took over the job as Executive Director of the State Bar of Michigan, my desk was completely cleaned out—I thought. About two weeks later I found a card at the very back of my desk—"Michael Franck, Executive Director." I have learned more about what an incredible man that man was by talking to the leaders of that state and by talking to his staff. Just sitting at the same desk daily reminds me of the standard he set.

2. POCAHONTAS (Walt Disney Prods. 1995).

3. VANESSA WILLIAMS, *Colors of the Wind*, on POCAHONTAS (Hollywood Records 1995).

You learn about people when you know and talk with people that know them best, and work with them on a day-to-day basis. And talking about staffs, for those of you that are here from the Florida Bar, I will never stop missing you. I think you are an incredible staff. The Michigan Bar will soon be challenging Florida. Get ready! Right now, I truly believe the Florida Bar is the best bar in the nation. I trained there, I learned there, I made every mistake possible there, and I continue to try to learn from them. The Arizona Bar has an incredible group of people as well. We turned things around under some tough circumstances. It's a wonderful state. I loved it. It is great to have representation from the University of Florida Law School here. They want to train people and educate them on the practice of law but also to make sure they are special people when they come out of law school.

Now, a little more on Michael Franck. Michael Franck has the esteem of all within this room and of those who worked for him. Even more importantly he was loved by his family. Talk to Carol. Now he was somewhat gruff. Well, actually he was very gruff. He demanded much, and he gave much. He didn't back down. He told leaders things that they didn't want to hear. There are too many people in leadership positions that are there to survive and want support from others whether it is right or not. Not Michael Franck. Carol Franck has been a most gracious person to me. The first time I called her I was just in competition for the job of Executive Director of the State Bar of Michigan. I asked her about the job. She didn't know me from Adam, but she treated me like somebody special. She even gave me the advice of the exact directions of how to drive Barbara from the airport to give the best and nicest view of Lansing. That was some of the best advice I've ever received. She has been a tremendous supporter of all Michigan stands for, and she is a leader in her own right.

I have to mention Ray Trombadore. He received the award earlier this year. Another man that is somewhat gruff at times. No, gruff most of the time. He demanded much and gave much. A man I care very much about. I worked real hard to just get a slight sign of approval or support from that man and eventually got it. That was a special feeling. When Ray Trombadore said, "Job well done," you knew you deserved it.

I want to mention a couple of people in the National Organization of Bar Counsel as examples of dedication to our practice: obviously, the officers I've worked with, like Bill Smith who's an inspirational leader of our organization. Scott Davis, president of our organization, recently got hit by an automobile while riding a bicycle. He was very close to death. As they put him through an MRI right before emergency surgery, he talked to his wife about the fact that he had a trial the next day and what to do about the trial to make sure everything was taken care of. Well that's the kind of people that I have worked with in my career. Service to others is their first priority.

Gene Shipp of the D.C. Discipline Office is a hero of mine. He gives to the profession because it's something he wants to do and because he cares about making sure the right things are done. I look around this room and I see executive directors, presidents of bars, bar counsel, respondents counsel, lawyers, professors, practicing lawyers, and non-lawyers. It is a reflection of the best of our

profession—the whole group, the whole gamut. I'm humbled at the fact that, if we join together, we truly can make this a better profession.

I have just a few final observations. The first is a quote from a previous ABA President, Jerome Shestack. Trying to trap him into an answer a reporter asked, "Well is your profession in good shape or is it in bad shape?" He said, "The profession is not good enough yet." I truly believe that was about the best answer you could give. I'm proud to be a lawyer. I'm proud of what we do. I'm proud of what we've done. I'm proud of what we're going to do. I, however, am not proud of some of the things that we do, and that's what we're here in this room to try to correct. We must put moral principles as the linchpin to all we do. However, we cannot let our discourse of MDP, MJP, or the complex changes in our profession cause us to lose sight of just the privilege to practice law. I'll talk more in Vancouver on the substance of this profession and thoughts about where the profession is headed, but today is not a time for that. It's a time for thanking you. A time for thanking you for giving me the opportunity to work with you, to learn from you, to share with you about this profession and how much it means for all of us. There's a quote from *It's Not Too Late To Teach College Students About Values*,⁴ by Arthur Schwartz, and he said that "the significant presence of principled people and shared standards all have the power to reshape a person's character." I would add, "or at least their actions." I am not a cynical person. I believe we can make a difference, if we gather together with shared principles, and we stand up for those principles by confronting those who would dishonor our profession.

There was a famous politician recently accused of lying under oath. I am not here to say what the discipline should have been. I'm not here to talk about the facts of that case. It was the reaction by many to those allegations that concerned me the most. Several people said to me, "Well even if it occurred, that's something to be expected. Even if it occurred, it's so widespread that it's not that important. Even if it occurred, we should just not make a big deal about it." You know better than that. I know better than that. Sometimes we don't use the "significant presence of principle people and shared standards"⁵ to let other people know that we expect better. We demand it. And doggone, it *is* achievable. That's what Michael Franck was about. He never let us forget it. He was on our case day-in and day-out to do the right thing and to say the things that people needed to hear. That is why I am so moved by receiving this award. Together we can make the profession so much better. I thank you so much for this award for my service to this profession and to all those who have made it a career to maintain the integrity and commitment of our profession. It is 6:00—time to celebrate!

4. Arthur J. Schwartz, *It's Not Too Late To Teach College Students About Values*, CHRON. HIGHER EDUC., June 9, 2000, at A68.

5. *Id.*