

Our Profession is Worth the Investment



By Marta-Ann Schnabel

My father was just 9 years old when he and his family emigrated from Germany to this country. One Saturday morning, a scant few months before Hitler ordered the invasion of Poland, my grandparents, my father and my uncle left their well-appointed, middle-class home in Hamburg on the pretext of a day trip out of the city's harbor. They carried a picnic basket stuffed with pictures and cash. They wore an extra layer or two of clothes, most of which were heavily hemmed so as to hold pieces of gold and silver. Their route was circuitous, secretive, probably immensely expensive, but they arrived in Amsterdam unharmed and were able to book passage to the United States.

Daddy was perhaps too young to fully understand the experience, as he never spoke of fear or disappointment. He acknowledged that his family had left a very comfortable life — my grandfather owned a chain of apothecaries in Hamburg and my grandmother was reasonably well-known as a writer about matters pertaining to music — but only occasionally expressed remorse at what he had left behind. When he did so, it was mostly to bemoan the scarcity of pastry shops and accomplished butchers in this country. Quality wurst and cream puffs were never in sufficient supply here as compared to his fond memories of the Hamburg of his childhood . . . but the Schnabel family's obvious obsession with food is a separate topic altogether, and one that is doubtless better suited to the periodical of some other discipline.

My own childhood was peppered with my father's descriptions of his assimilation into American society. Where other children begged for their fathers to retell the story of the championship football



One Saturday morning in October 1938, a scant few months before Hitler ordered the invasion of Poland, my grandparents, my father and my uncle (in photo) left their well-appointed, middle-class home in Hamburg on the pretext of a day trip out of the city's harbor.

game, I often refused to go to sleep without at least one story about the boarding house that my grandparents managed (and then ultimately purchased) in Hartford. My favorite stories, though, were about my father's first year in the public school system, where he attended class every day, despite the fact that he could not understand a word of English. Well-intentioned neighbors even insisted that he

join the local Boy Scout troop. He had no idea what he had been invited to do, but went willingly until he arrived at the meeting and encountered a roomful of young men in what he considered to be "brown shirt" uniforms. He fled in fear, and it took a great deal of effort to explain to him that Hitler Youth did not exist in America. In the end, my father never received formal instruction in the En-

glish language; instead, his teachers, classmates, even his troop leaders, worked with him relentlessly until — as he explained it — one day he just *understood*.

In short, my father always felt a tremendous gratitude and loyalty toward his adopted country. He had a deep and abiding respect not only for the sanctuary his family was given, but also for the fundamental components of our culture and our system of government. As an outsider, I think, he was far better able to appreciate much of what we take for granted. He felt that it was an honor and a privilege to be an active citizen. I was well into my adolescence before I realized that his views cast him as a bit of an eccentric. For example, one of my most vivid memories of my father is of his annual lecture on April 14. He would insist that I sit with him as he wrote a check to the IRS so that he could explain that the opportunity of democracy carries with it the responsibility of participation and contribution. We cannot take enfranchisement seriously, he would say, unless we invest in it.

Mind you, in my adult life, I have never been quite able to muster my father's patriotic sentiments on tax day. I file extensions; I grumble and curse and complain. My husband, the poster child for the National Taxpayer's Union, has spent the last 20 years (far longer than my father had influence over me) delivering quite a different set of lectures, replete with references to Adam Smith and the virtues of the free market which can only function without regulation and bureaucracy.

Still, there is something about the purity of my father's viewpoint that has stayed with me all these years. By the time I came along, he was no naive rube. He'd been educated in a couple of the finest universities in the country, done a stint as an officer in the U.S. army, horrified his family by marrying a gentile, and uprooted himself and his young wife on a periodic basis in pursuit of his career. Yet, having experienced tyranny, he was a true believer in shouldering the responsibility necessary to preserve participation.

And so am I. When I took office in

June, I gave a short speech that touched just a bit on this theme within the context of our profession. I feel quite certain that nobody noticed, as they all applauded rather enthusiastically — proof, perhaps, of my daughter's perspective that I droned on for far too long for anyone to actually have been listening. So this article is my way of trying again, this time perhaps more directly.

Last year's disasters, while testing our endurance to near capacity, seem also to have brought out the best in us. An evacuee myself, I marveled as the LSBA staff and my colleagues in the bar mobilized to assist our members, local bar associations, law schools, legal aid providers, the governor, the Supreme Court, the Attorney General, even the Legislature in virtually all pertinent aspects of the crisis. What emerged, in my view, was the picture of a working bar association that is very different from the image that many of us hold. Indeed, it's a picture that those who choose not to participate would have trouble even conjuring in their imagination. A picture of committed professionals making hard choices to serve the system of justice and the public good rather than just narrow self-interest.

With the experience of what we can be and what we can do fresh in our mind, I believe that it is time for us as a profession and an association to make the conscious choice that we will continue on that path. Historically, some have viewed us as simply a bloated "trade association" with no consequence or value. Others, perhaps those who hold a worldview akin to my father's, recognize that we are members of a privileged profession that has been granted the benefit and respect inherent in self-regulation — with the expectation that we will take our responsibility for steering the course of justice in this state rather seriously.

I think that we have come to take our privilege for granted. Perhaps more disturbingly, there are signs that the public, the Legislature, even the courts, are losing confidence in us as self-regulators in Louisiana. We are busy tending to our families and our law practices, so we often leave the knotty issues facing the

profession to others. We raise our heads in protest and anger only when we disagree with the result of a hard choice made by others. We feel imposed upon, interfered with, but impotent. "Why doesn't somebody do something about this?" we ask. Well, as Daddy said, democracy — or self-regulation — carries with it the responsibility of participation. An active and meaningful bar association does not come without a price, both in volunteer participation and in dues dollars.

Right now, we are rather like New Orleans was before Katrina. There are few visible signs of levee failure at the LSBA: we have a small percentage of very active and dedicated members who — if they stretch themselves — can cover the work and, when rallied, another small percentage can be relied upon to help. Our staff-to-member ratio is the smallest in the country, but the staff is nonetheless dedicated and admirably effective. And because we raise about 60 percent of our annual income outside of the dues structure, we can just about cover what it costs to do what we do. We have to recognize, however, that the LSBA levees are pretty much at capacity.

I was reminded of my father the other day when I met with a lawyer who is actively involved in a number of LSBA committees and is a former chair of the Louisiana Attorney Disciplinary Board. "\$265 in annual fees — \$100 to the LSBA and \$165 to Discipline — is a bargain in exchange for the privilege of practicing law," he said.

Living in post-Katrina New Orleans, I can tell you that there are few bargains to be had. My firm, a four-lawyer shop, has struggled through unproductive exile, lost clients, displaced opposing counsel and closed courts, just as other firms in affected areas have. Every expense feels outrageous. But, as I devote the majority of each day now to matters that are not fee-generating, I remind myself that our profession is worth the investment.