

Well on Our Way to “Doing Something About That”



By Marta-Ann Schnabel

Some years ago, I was in the midst of one of those hectic days that most professionals who also happen to be parents all encounter at some point in their career. A brief was due in one case, preparation for an upcoming trial was necessary in another, a client needed immediate attention, and some fool had scheduled a partners' meeting. The precarious balance of the day's activities was just about within reach when disaster hit: the babysitter was suddenly taken ill. Using the kind of snap decision-making skill that is so effective in lawyering (and so ill-advised in parenting), I chose to take my son to the office with me.

Jeff, who is now off at college, was a comparatively well-behaved child, so the day was not a complete disaster. A few crayon marks on the upholstery, perhaps, but nothing like the mess we discovered one Monday morning when someone's child visited the office with daddy over the weekend and had decorated all the walls with the certificate of service stamp. By the end of the day, I was even confident enough to admonish my child to sit quietly in my office while I attended the partners' meeting — a confidence, as it turns out, that was not merited. As soon as I was out of sight, Jeff wandered around until he found a familiar face — my new associate, who was hard at work in his own office. Entering and introducing himself in what seemed to be a very adult style, Jeff sat in the guest chair and began a conversation with his new friend. “What do you do for a living?” he asked.

This story comes to mind fairly regularly these days, as friends, acquaintances, law partners, even family, invariably want to know what I am doing with myself. “Do you practice any law?” they ask. “What takes up most of your time?”

Occasionally these inquiries derive from concern for me, but I think that they mostly reflect the fact that we at the Louisiana State Bar Association (LSBA) are not as effective as we should be in telling our members what it is that we do.

We say, for example, that we have been involved in the efforts to restrain the unauthorized practice of law through the regulation and monitoring of public adjusters, or that we are assisting in the restructure of the criminal justice system in Orleans Parish (and working toward improvement of the statewide system), or that we are actively involved in assuring that civil legal services for the poor are available and adequately funded, or that we provide information and assistance to our members about managing their law practices, or that we answer inquiries regarding legal ethics, or that we proactively monitor the impact of the Rules of Professional Conduct, including the rules regarding lawyer advertising, and provide information and recommendations for change to the Supreme Court.

We talk occasionally about the Client Assistance Fund and the committee that works tirelessly to assist members of the public who have been defrauded by lawyers and provide them with some minimal recoupment for what has been stolen from them, or our members who work on the Legislation Committee and must sift through hundreds of draft bills to determine the handful that are of interest and import to our members, or those who volunteer their time to present professionalism programs at the state's law schools, or the committees which focus on group and malpractice insurance coverage for our members, or those who provide interface between the legal and medical community, and every now and then we even talk about the group that

tends to those amongst us who suffer from addiction or mental illness.

But making these lists is far different (and far more coma-inducing) than coming to understand how much work all of this really is. Mind you, I don't claim to do it all. But it's a full-time job just keeping abreast of what is being done and trying to be sure that we can keep on doing it. Judging from the outpouring of positive responses I received to my last column, it appears that many of you agree that the purpose and goals of the organized bar remain important to you. I hope that you will also agree that, for the most part, our earnest efforts to reach those goals are well placed.

Now, I am not so gullible as to believe that a few e-mails, phone calls and letters constitute a mandate. Many in our profession are frustrated with what they witness in their colleagues, in their courthouse, or even on their televisions. *Why doesn't someone do something about that?* they wonder. Sometimes they wonder it directly at me, assuming that I am that “someone” who should be doing something. The “I'm pedaling as fast as I can” answer is not effective, I've found.

The truth is that nothing grinds more slowly than the advent of a good idea or even a push for change from within an organizational, societal or governmental structure. The disappointing part of my job is that it does not come with a grant of absolute power. (Indeed, there are days on which I believe that it does not come with the grant of *any* type of power — those are mostly the days when hate mail arrives.) I cannot don the dime-store crown nor wave the accompanying scepter that was so cleverly made a part of my induction and change the rules governing lawyer advertising or improve the delivery of indigent defense services provided

in Louisiana. I cannot magically conjure the money to create a Professionalism Center. I cannot instill an appreciation for our system of justice, nor an understanding of the basis for our profession's commitment to *pro bono* representation, in every law school graduate. So I am often frustrated, too.

Three particularly important events will have transpired by the time this column goes to press, however, which are the culmination of initiatives begun before the scepter was passed and about which we can proudly say, "Someone *has* done something about that." The "someones" include a myriad of folks who have devoted countless hours to their work for our profession, and particularly our two most recent past presidents, Mike McKay and Frank Neuner.

By the time you read this, the LSBA will have taken affirmative steps in protecting the public against non-lawyers who provide legal advice and charge contingency fees. With the support of a variety of other legal organizations, the

LSBA has sought injunctive relief against a public adjuster who has consistently failed to adhere to the practices authorized by the law passed in 2006 by way of curbing the unauthorized practice of law — legislation to which a number of those "someones" contributed. The LSBA and the Louisiana Bar Foundation will also have received the final report on the Orleans Parish indigent defense system which we commissioned from the National Legal Aid & Defender Association, using money raised in the advent of the hurricanes from lawyers and bar associations across the country. The report will assist in improving the Orleans system but also offers valuable recommendations regarding statewide reform. This report will also inform the work of the Right to Counsel Committee, chaired by Frank Neuner, as it sets upon the task of building consensus amongst the indigent defense community so as to propose sweeping changes in the state structure for the delivery of legal services to those charged with criminal offenses.

Last, but surely not least, a subcommittee, chaired by Larry Shea, of the Rules of Professional Conduct Committee will have produced a comprehensive recommendation for the revision of the Rules of Professional Conduct as they pertain to lawyer advertising. In September, the recommended revisions, modeled after the successful changes in lawyer advertising rules that have been introduced in Florida, were passed on to the Supreme Court task force examining these issues. There remains time to comment and discuss what changes can and should be made, but we are well on our way to "doing something about that" as well.

In short, I don't get much time to practice law these days. And, for this year anyway, it's because I'm trying to be one of those "someones."

Need some help managing your law office?

The Louisiana State Bar Association is coming to the rescue!

The Louisiana State Bar Association (LSBA) has established the Law Office Management Assistance Program (LOMAP, for short). The program is designed to assist lawyers in increasing the quality of the legal services they provide.

LOMAP's components currently include a Lending Library and other resources available online at the LSBA's Web site, www.lsba.org. More components are planned for the future. Questions or comments about LOMAP may be sent to Eric K. Barefield, ebarefield@lsba.org or call (504)619-0122 or (800)421-5722, ext. 122.

For more information on all LSBA programs, go to www.lsba.org.

