



Marta-Ann Schnabel with her husband Kevin O'Bryon, son Jeff and daughter Sara, and Mädchen (Maddie).
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These Are Not Normal Times

Every lawyer experiences a defining moment, an event — however brief or fleeting — which somehow frames his perspective on the profession. Mine occurred shortly after I had ascended the ranks from law clerk to lawyer. The senior partner sent a memo tasking me to track down a judgment that should have been signed by the district court judge but which the court runner had been unable to dislodge from the

clerk's office. Despite what I considered to be exceptional diligence, I was forced to return and explain that the judgment was simply nowhere to be found. I was prepared to launch into considerable detail about the effort I had undertaken so as to assure him that I was no slouch, but he was not interested in any explanations. "What do we do next?" he asked, cutting me off. I told him I had no idea what to do next and waited expectantly for instructions. "Well," he asked, "do

you want to be a lawyer or not?"

As it turns out, I did very much want to be a lawyer, so I figured out what to do next. In the 25 years since that question was asked of me, I have been reminded of the lesson it holds on countless occasions — but perhaps never so strongly as now, in the midst of preparations for taking on the mantle of LSBA President.

In normal times, the next 1,800 words or so would be the handiwork of the editor-in-chief of the *Louisiana Bar Jour-*

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66th LSBA PRESIDENT

nal, who is traditionally tasked with “interviewing” the incoming President. He would write either a feature article or, if the interview was particularly animated, he would edit the transcript into a “question-and-answer” format for publication. The reader would be treated to information about the President’s family, his career path, his plans for the association.

These, however, are not normal times. While we mustn’t let the events of August and September 2005 overtake us, neither ought we move forward as though everything is the same as it was. That said, it is simply difficult to be very compelled by my own story (or even the wonders of my supportively stoic husband and law partner, my two spunky teenage children, my quirky immigrant parents, and my stern-but-endearing mentors) in the company of the tales that the storms have spawned. *Everyone* has a story, even those who do not live in the parts of the state we have come to call “the affected area.” And each story is breathtaking, if not heartbreaking. Each story, too, at its core, illustrates the essence of our humanity and the endurance of our spirit. In comparison, as my kids like to say, “I’ve got nothing.”

Still, as I learned as a pup, it is my job to be thinking about what next to do. The answer seems to lie in looking both forward and backward, in retaining the basics of our traditions, but jettisoning those trappings that, under the circumstances, seem less significant. Hence the decision to omit the glossy personal profile and substitute the markedly less glossy, first-person commentary. To be fair, my family — particularly my 18-year-old son — balked at the prospect of sitting for the cover photo, so it looked for a while as though all tradition would be abandoned. We just aren’t the Family Portrait types, he explained, hoping to appeal to my sense of humility. Besides, even with the progress made in the last nine months, my home conjures more the flavor of *Field and Stream* than *Successful Lawyer House and Garden*. The day the editor rejected my suggestion of a FEMA trailer as a backdrop was a particular low ebb. In the end, however, it was too much

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of a strain to find a suitable substitute image. We like to think of Lake Pontchartrain as the centerpiece of what we ended up with.

The Challenge of “Recovery”

It goes without saying that the 2005-06 bar year did not work out as expected. My predecessor in office, Frank Neuner, had barely chaired a Board of Governors meeting before his carefully crafted initiatives were washed aside. In their place came chaos and crisis. Frank deftly presided over a year of quick reaction and difficult decisions. He did an amazing job, working tirelessly to keep the association running and to support our members, while at the same time assisting the courts and the justice system. Few can match Frank’s stamina and commitment.

The 2006-07 bar year, which launches this month, looms as a different type of challenge for which I hope my stores of stamina and commitment are sufficient. Gone is the adrenaline of crisis. In its place is “recovery,” the infinitely more mundane step-sibling of those wenches Katrina and Rita. And “recovery” can be even more anxiety producing than crisis, bringing with it, as it does, the startling realization that the changes wrought by crisis cannot be wholly undone. Experts who have studied catastrophic events claim that “recovery” is not the same as returning to a former status. Communities, businesses and individuals who have been most successful in “recovery” are those which have accepted the premise that it is not possible to turn back events and return to the way things used to be.

In short, we are forever marked by that from which we are recovering. Such a marking is not tragic, however. It is an opportunity to re-frame what we are about, without totally abandoning what we were. It is perhaps no small irony, then, that the first woman to be elected to preside over this association is to be the shepherd of “recovery.”

“What Do We Do Next?”

The gender of the president notwithstanding, it appears that our numbers have not changed significantly. As of this writing, we do not have a complete return on annual lawyer registration forms, so we do not have statistics on how many of the approximately 19,000 Louisiana lawyers have chosen to move elsewhere in the country. However, initial indications are that the exodus of last August and September was short-lived and that the majority of lawyers have come back to Louisiana to rebuild their practices.

Thus, the first priority for the LSBA has been to help in the reconstruction both of individual lawyers’ practices and of the justice system as a whole. We have opened space at the Bar Center in New Orleans to practitioners who need meeting rooms, computer access, or even just a desk. Working with local bar associations, we have helped to fund similar facilities in the other affected parishes. We have worked with the Supreme Court and others in state government to assist in formulating new, temporary or disaster-specific rules intended to assist lawyers, the public and the courts — for example, the suspension of mandatory CLE in 2005,

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the establishment of pro bono reciprocity rules, the suspension of prescription, the effort to curtail the unauthorized practice of law under the guise of “public adjusting,” and the long slog toward providing adequate funding for our criminal justice system. The LSBA worked with the American Bar Association Young Lawyers Division to create and sustain a Call Center which continues to provide civil legal assistance to disaster victims. Partnering with the Louisiana Bar Foundation, we have facilitated the distribution of grant money and other donations to the most needy of our colleagues.

In the midst of all this activity, we have not lost sight of the fact that virtually no entity in south Louisiana survived Katrina and/or Rita unscathed, and that the Louisiana State Bar Association was no exception. Even as we undertook to ascertain what repairs to the Bar Center were necessary (only a new roof, as it turns out), we were also forced to make immediate and emergency cuts in expenses to avoid a serious deficit. One-third of our employees had to be laid off. The emergency has passed, at least for the moment, but we cannot move forward without taking the time to evaluate the services and programs we offer within the context of our current resources and priorities. This evaluation process has already begun at the Board of Governors level and is likely to take most of the year to complete. Like most post-hurricane cleanup, this promises to be a painful endeavor, but one that will greatly assist



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us in years to come.

Looking forward — planning for what should be done next — we intend to launch a new and comprehensive program directed at assisting our members with law office management issues. More than half of the lawyers practicing in Louisiana are solo or small practitioners. Many of them face considerable challenges in establishing or re-establishing their practices post-Katrina/Rita. In 2004, as the result of the hard work of the Practice Assistance and Improvement Committee, the LSBA sent each of its members a Practice Aid Guide, which included practice and management forms in both printed and digital format. This year we will build on that undertaking and hope to make the LSBA the “go to” source for law practice management information and guidance. Combined with Fastcase, the legal research engine available free to all members, this initiative will make the LSBA a “virtual partner” in the day-to-day practice of the majority of its members.

As important as it is to address the post-Katrina problems facing lawyers, we would be remiss if we did not direct

some energies to a broader view of issues impacting the profession. Joining with other state bar associations across the country, as well as a task force established by the American Bar Association, we will take some time to study the impact and implications of what appears to be a nationwide trend toward the erosion of the attorney-client privilege. We will also continue our collaboration with the judiciary to promote a public understanding of the importance of judicial independence. And, of course, our commitment to ensuring public access to both the civil and criminal justice system will continue — with renewed vigor, I might add, given the disturbing limitations in the systems that were churned as the result of the storms.

Last year was tough, and this year may even be tougher. I’m going to need a lot of help and a lot of input. Most of all, I am at once humbled, proud, gratified and overwhelmed to find myself in this place at this point in history. It’s not easy to decide what’s the next thing to do.

As it turns out, though, I still very much want to be a lawyer. So I’ll figure it out.