

CHAPTER 3

Leadership

BUILDING YOUR LEADERSHIP TEAM YOUR DRIVERS, NAVIGATORS AND EXPLORERS

BARMAN

(to the tune of "Soul Man")

"Whereas, the Board of Governors of the Washington State Bar Association has recognized the need to institutionalize bar support and leadership in civil equal justice in Washington State, and continues to dedicate substantial resources to efforts to help expand access to the civil justice system..."

From June 28, 2000,
WSBA Resolution
Reaffirming a Civil Equal
Justice Crisis and Calling
upon the Judicial Branch
to Assume a Leadership
Role in its Resolution

Comin' to you
From WSBA
Leadership –
We got it all the way
When justice calls
We got somethin'
So don't worry I'm comin'
I'm the Barman, I'm the Barman
I'm the Barman, I'm the Barman

And that ain't all

When poor folks
Need legal aid
Your state bar
Won't let it fade
Us lawyers got
The right stuff
So lean on us, we're tough enough
I'm the Barman, I'm the Barman
I'm the Barman, I'm the Barman

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*From "The State's Greatest Superheroes: The Justice League of Washington vs. Supervillian Status Quo – When Indifference Strikes,"
written and produced for
WORKING TOGETHER TO CHAMPION JUSTICE,
Washington State's Fifth Annual Access to Justice Conference, September 2000*

But aren't legal services project directors the drivers, the navigators, the explorers — the ones who have led programs and communities through good times and bad? Didn't they get stuck with the "dirty work" of laying off staff, writing the grants, and fending off

the hostile political forces? Aren't they the ones with the skills and the lifetime professional commitment to equal justice for low income people? Why go looking for new leadership?

~ ~ ~

Legal services directors have 100% of the market share of low income people who need legal help. Unfortunately, they don't have the concomitant capacity to serve 100% of those who request their help. This is the never-ending struggle for the Equal Justice Community and it can only be overcome with new and continually replenishing leadership.

Leaders are the drivers, explorers and the navigators on your journey to equal justice, and leadership is the petrol for your Equal Justice Community engine. Don't leave home without them.

WHY NEW AND EXPANDED LEADERSHIP?

Picture a time when all members of society will accept the proposition that access to effective legal representation in important civil matters is a right inherent in our democracy – a right no less important than the right to counsel in criminal matters, or freedom of speech. Then, and only then, will we have achieved the promise that we are all working for. In the meantime, however, we must labor to build strong Equal Justice Communities that meet the needs of the diverse and multi-cultural client communities of the 21st Century, and which are owned and supported by the broadest spectrum of influential individuals and institutions. And in order to do so we must empower and seek the help of others to carry the torch.

We need to rethink our understanding and expectations of “leadership” as that term is used in our Equal Justice Communities. This requires a willingness to step out of the narrow confines of an LSC-defined culture to embrace leadership from other institutions. Historically, we have looked to strong, charismatic individuals to lead our legal services communities. We all know who they are. But in building an enduring and broad-based civil Equal Justice Community, we must move away from identifying leadership limited to specific strong individuals (which, in extreme cases has resulted in “cults of personality”).

Instead, the civil Equal Justice Community concept demands that traditional leaders affirmatively work to develop new leaders and plan responsibly for their own succession. The shift requires vision, perspective and generosity of spirit, and a commitment to develop the capacity of others to lead.

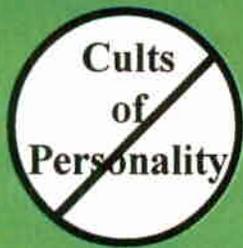
WHAT ARE THE OBSTACLES TO DEVELOPING NEW LEADERSHIP?

The optimal vision of an Equal Justice Community is one that has widespread and

“As the leader of this state's justice system, I believe it is the Supreme Court's paramount responsibility to ensure equal justice for all the people in our state.”

**Richard P. Guy, Retired
Chief Justice, Washington
State Supreme Court**

*The Equal Justice
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demands that
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**Think Bipartisan/
Nonpartisan**

"The role a state bar can play is one of attitude and presentation. That means supporting funding, supporting IOLTA, making the point wherever we can that we can't have the rule of law without advocates to support it."

**Jan Michels, Executive
Director, Washington
State Bar Association**

broad-based community support. But this can be difficult to achieve because many of the poor and vulnerable people who are helped or represented by the Equal Justice Community lack normal, traditional routes to broad-based community support precisely because they are indigent, vulnerable, isolated, or face unique barriers to full and effective participation in society. In view of this, it is essential that your community's equal justice efforts be embraced and supported by the unwavering leadership of powerful justice system leaders, institutions and partners such as the judiciary, the leadership of the legal profession, governmental and educational leaders, and the community at large.

Change is an absolute given in our society. The only debatable issue is how we turn and face inevitable and often desirable change. Do we embrace it as an opportunity on a good day, and as a chance "to make lemonade out of lemons" on a bad one? The Chinese pictograph for "crisis" is danger (wei) over opportunity (ji). We know that change can be extraordinarily difficult and painful. Here are some **examples** of barriers to changes in leadership that we have experienced:

- Trusting others to "carry the water"
- Letting others speak to champion clients' needs
- Taking the time to develop the "new" leadership
- Taking the time and money to develop the institutions necessary to support this new leadership
- Dealing with lack of personal recognition, a.k.a. ego and loss of identity
- Overcoming feelings that our personal/professional prerogatives and those of our institutions, and our power and credibility are being usurped, aka turf
- Confronting perceived feelings of loss of control

OVERCOMING OBSTACLES TO DEVELOPING NEW LEADERSHIP

(1) START BY REVIEWING THE EQUAL JUSTICE "MANTRAS" IN CHAPTER 2

(2) ADD SOME MORE

- ✓ THINK BIPARTISAN/NONPARTISAN
- ✓ INVEST IN PEOPLE: REAP THE REWARDS
- ✓ "SCHMOOZE" IS NOT A DIRTY WORD
- ✓ EQUAL JUSTICE IS A MISSIONARY ENDEAVOR:
 - PROSELYTIZE
 - INFILTRATE
 - EDUCATE
 - CONVERT AND EMPOWER NEW LEADERS!
 - TOGETHER, WE CAN GET A LOT MORE DONE

- A SHARED VISION IS AN EXPANDED VISION
- THE MORE YOU GIVE AWAY, THE MORE YOU HAVE

(3) THEN CONSIDER THE FOLLOWING STRATEGIES

(a) Identify Leaders Who Are *NOT THE USUAL SUSPECTS*

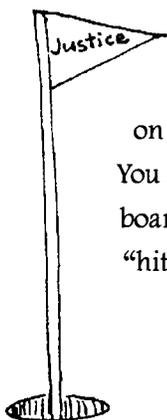
Whether you have an access to justice board/commission, are considering one, looking for new leadership on your program's board, identifying candidates for your bar's governing body, or looking for someone to testify before your legislature, it is essential that you identify and support the broadest possible array of civil equal justice champions. The key is to develop a community of known leaders, any one of whom is fully capable of speaking persuasively on behalf of your clients before any type of audience, from the most conservative to the more traditional. While there are many traditional supporters of legal services within the bar, the bench and the community at large, the challenge is to think out of the box.

(b) Expand the Base of Your Influence and Presence

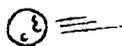
At the heart of any effort is the importance of direct personal communication going on over time. People are willing to take the time to invest in something – or even listen to a pitch – if it comes from people they have worked with and have come to know and trust. So, part of the effort must be to meet people where they are. Join the Rotary, the Chamber of Commerce, and other civic organizations. Participate, not only as an advocate for your issues, but as someone who cares to be engaged and involved. In doing so, you are banking the goodwill of those whom you may want to later recruit. It's a gradual process; it doesn't happen all at once; be patient.

(c) NEVER WRITE ANYONE OFF

Take the time to meet, know, and regularly talk with representatives of organizations that have been traditionally hostile.



Example: A program coordinator golfs annually with the head of the largest agricultural industry support organization. Another meets for lunch on a regular basis with the head of the landlord industry and board of realtors. You never know when testimony from such people before a legislative oversight board could come in handy – especially when others have set up an adversarial “hit parade” to make your program or justice community look bad.



Example: A regional coordinator reserves a day a week to have lunch with influential bench and bar leaders, and encourages her staff to do so also.

***Not the Usual
Suspects***

***“Schmooze” is
not a dirty word***

***Take the time to
meet, know and
regularly talk with
representatives of
organizations that
have been
traditionally hostile.***

***Never write
anyone off***

***EQUAL JUSTICE IS
EVERYONE'S
BUSINESS***

Consider:

Send a prominent judge or bar leader to the NLADA and ABA/NLADA Equal Justice Conferences

Consider:

Give an annual "Community Partnership Award" to a non-lawyer, company or organization that has done something special to support your equal justice efforts

Remember, EQUAL JUSTICE IS EVERYONE'S BUSINESS, and that means not only you, but your staff need to regularly meet with others to carry the message. "SCHMOOZE" IS NOT A DIRTY WORD! Take the time to attend local and state bar meetings, meetings of judges, court administrators and others involved in the legal system.

(d) Develop Personal Relationships

Your next step is to look for strategic opportunities to allow potential new leaders to get their toes wet.

Example: Migrant farm workers (some undocumented) needed help. The circumstances giving rise to the clients' claims were widely publicized through the local press and representation of these clients was potentially controversial. Staff made a client-centered decision and concluded that the clients' cause would benefit from the assistance of private counsel, and that the case could be a vehicle to educate key potential supporters about the complexity and compelling nature of this kind of representation and the plight of these clients. Staff asked a senior partner in a large law firm — an attorney who has served as the state coordinator for Republican presidential candidates — to take the case. After carefully reviewing the facts, traveling on his own dime to California with legal services program attorneys to meet the farm worker clients and their families, he agreed to co-counsel the case. The case came to an early and quite favorable settlement for the client class. In the process, this private attorney was moved by the plight of the clients as well as the adverse conditions under which the legal services program's attorneys provided quality services. He has since become one of the program's most articulate champions. He was recently appointed by the Supreme Court to a seat on the state's Access to Justice Board.

(e) Build leadership

There are many opportunities to involve the bar and judiciary as you build your Equal Justice Community, one unique to your own equal justice landscape. The best opportunities take strategic advantage of a common issue or problem that both the Equal Justice Community and the partners you seek are already working on. A bridge, connection or working relationship is created on the basis of this common effort, and the tentative strands of a connection are created for future work. Following are some factual **examples** of leadership building that work:

- Annual access to justice conferences, which prominently feature bar leaders, judicial leaders, county clerks, law librarians, members of the law school community, and so forth on the program

- Skits at annual conferences starring bar, judicial and justice system leaders
- Annual access to justice judicial leadership awards
- Annual civil equal justice community partnership awards that highlight non-lawyer individuals, companies or organizations – NOT THE USUAL SUSPECTS – who do something special to support the equal justice effort
- Soliciting bar and justice system leaders to speak on access to justice in local, state and national forums
- Asking bar and justice system leaders to chair committees and task forces
- Asking your state bar and state supreme court to adopt resolutions affirming their commitment to access to justice

Example: A major grower runs a reasonably acceptable migrant camp. She's got compassion, is willing to learn, and wants to help. With the active encouragement of private legal counsel who has been a quiet FOJ [Friend of Justice] for many years, her family donates \$20,000 to match a NAPIL fellowship to help abused children. Her family is honored at an Access to Justice Conference held in her home community, and receives the first annual Access to Justice Community Partnership Award. She vamps it up with the judges and other legal community members in the Access to Justice Conference skit, and nearly steals the show. She's deeply affected by the mission of the Equal Justice Community and the people she meets. She's an equal justice champion.

And, of course, don't forget THE USUAL SUSPECTS. Who are the other partners or stakeholders who have played a role in the Equal Justice Community, e.g., state and local bar associations, other service providers, the courts, funders? What significant events shaped your Equal Justice Community, e.g., a supreme court rule, establishment of a pilot pro se initiative, equal justice conferences? What is the history of your program? Who was involved in establishing it? Are those people around today? Are there former bar or judicial leaders (perhaps retired) who were champions of equal justice?

Example: In establishing the Washington State Bar Association's new Emeritus Attorney Program, staff asked a long retired state supreme court justice, who had been very supportive of civil legal services during his tenure, to speak at the first training for new Emeritus volunteers. He was so inspired by the potential of the program that he signed on as an Emeritus attorney and convinced

DON'T FORGET THE USUAL SUSPECTS

"Now, therefore, be it resolved, that the Board for Judicial Administration declares that the unavailability of civil equal justice services for vulnerable and low income people severely limits the administration of justice in Washington State, and joins with the Washington State Bar Association and the civil Equal Justice Community in their commitment to exercise leadership to expand public and private funding to levels commensurate with the need."

**From 10-20-2000
Board for Judicial
Administration Civil
Equal Justice Resolution**

A servant-leader moment: The bar president, a very successful trial lawyer who had effectively been gagged by his peers during the meeting, remarked wryly that he had never before been used solely as a demonstrative exhibit.

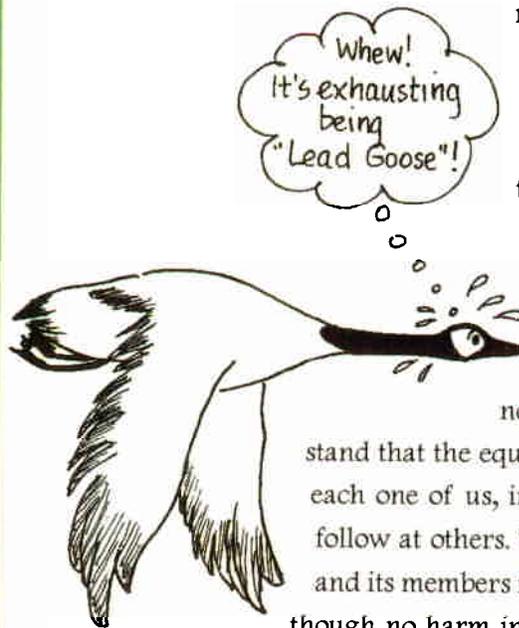
"Followership" is a temporary state in which a person contributes in specified and limited ways which fall within his or her comfort zone.

his brother, a retired attorney, to do likewise.

(f) Create "followership"

In the servant-leadership model, who leads and who serves, who follows and who serves the followers by leading, are fluid, like the leader of the flight of geese flying at the head of the "V" formation to break the wind's resistance. She makes flight

much easier for those behind; but this is exhausting work, so eventually she must fall back in the lee of the wind to rest, and another leader takes on the exhausting leadership role for a time.



An effective Equal Justice Community and its members must commit to the long haul, must fathom the notion that the vision might not be realized in our lifetimes, and must understand that the equal justice vision calls for a team effort in which each one of us, in turn, will need to lead at some times, and to follow at others. To stay focused on the mission, the community and its members must eschew ego, title and hierarchy as well (although no harm in utilizing these strategically for the purpose of furthering the equal justice mission!), and find nobility and reward in either and both roles.

Example: A favorite "servant-leader" moment came when the state bar president, the key leader in creating the state's Access to Justice Board, met with executive branch budget writers and legal services folk about funding for civil legal services for poor people. After the meeting ended, successfully, the bar president, a very successful trial lawyer who had effectively been gagged by his peers during the meeting, remarked wryly that he had never before been used solely as a demonstrative exhibit.

More people will volunteer to serve and follow someone else's lead than will step up to the plate as leaders. "Followership" is a temporary state in which a person contributes in specified and limited ways which fall within his or her comfort zone. In the early phases of establishing a broad equal justice vision and network, you will spend most of your time enlisting the support, aid, assistance, counsel and advice of others. The most important thing (besides enlisting the support) is reaching the point where the person whose help you are seeking sees a direct connection between her role and functions and the equal justice vision. Once this notion takes root, watch out! (See Chapter 8.) This step is essential because it takes you out of

the equation, as the person is now both leader and follower in the Equal Justice Community in his or her own right. Success is achieved when traditional leaders learn to step aside and trust others as they grow into equal justice leadership.

Example: After appearing in the Access to Justice Conference skit “East Side Story” (a parody of “West Side Story” with an equal justice vision theme), the Chief Justice of the state Supreme Court made overtures to the Access to Justice Board to plan a historic joint conference with the entire Equal Justice Community and the state’s judiciary!

Example: After meeting with the state’s Attorney General about the equal justice vision, the Attorney General carried a resolution in support of increased federal support for civil legal services for poor people to the National Association of Attorneys General (NAAG) for adoption during her term as President of NAAG. She also initiated an annual meeting to share information about significant legislative advocacy issues of mutual concern that affect poor and vulnerable people. She also gave a keynote welcoming address at the joint judicial/state bar/access to justice conference (“Celebration 2000”) in which the theme of the speech was the equal justice vision. Servant-leadership at its best.

In this chapter you have thought about the leadership you will need to address your vision and which can model the principles and core values needed to bring your vision to fruition.

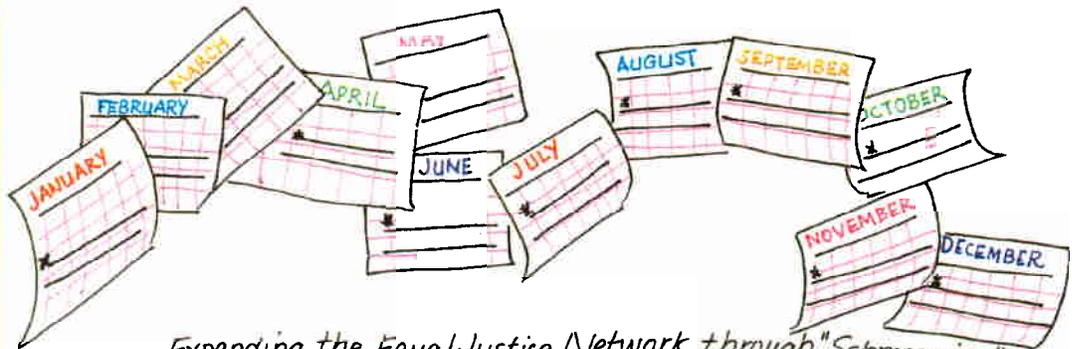
“If we do not actively support legal services for minorities, the poor and other persons who face difficulties accessing the system, the public will continue to question our commitment to the fundamental principle of Equal Justice under law.”

**Washington State
Attorney General
Christine Gregoire, from
her speech at
Celebration 2000,
September 14, 2000**

EXERCISES

- √ Identify a list of potential leaders in your Equal Justice Community who are NOT THE USUAL SUSPECTS.
- √ Make a list of those that you may already have written off as leaders.
- √ For each of the next 12 months, identify someone with whom you plan to SCHMOOZE.

Exercise: "Schmooze Is Not A Dirty Word"



*Expanding the Equal Justice Network through "Schmoozing":
Write ONE name on each page of the calendar of a
person with whom you will initiate contact.*

- √ What is the biggest obstacle you face in changing how things will be done in your Equal Justice Community? (e.g., Are there individuals who are perceived to have a stranglehold on how things are done? What are they holding on to and why? Are there communities of stakeholders who have value to offer but feel unable to do so? Who are they? How can they be empowered?)
- √ Now develop an equal justice mantra or mantras that illustrates how you can overcome that obstacle.
- √ Think of something that has worked to change how things are done in your Equal Justice Community.
- √ Develop an equal justice mantra that describes how you accomplished it.

REFERENCES TO PART II

- Resolution Reaffirming a Civil Equal Justice Crisis and Calling
Upon the Judicial Branch to Assume a Leadership Role
(Washington State Bar Association Board of Governors, June 28, 2000) page 115
- Civil Equal Justice Resolution page 117
(Board for Judicial Administration, October 20, 2000)

"If enough of us speak up, we will be heard. Our legislative effort...needs volunteers. The pledge of justice for all must be kept. Let's show our legislators they have constituent support for funding the third branch of government and providing justice for all. Now is the time!"

Washington State Bar Association President Jan Eric Peterson, using his *Bar News* column as a bully pulpit to advocate for increased civil legal services funding from the State Legislature