

BAR LEADERSHIP DURING A TIME OF CRISIS

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Being a bar leader is never easy, especially in challenging times. Although some bar associations have created guides to help leaders prepare for their leadership role, a comprehensive step-by-step playbook for how to lead a bar association in a time of crisis has never been written. In part, this is likely because the trajectory of a bar year is susceptible to numerous unpredictable current events and issues. Bar leaders are constantly balancing the interests of diverse members and the association—a balancing act between trying to identify and meet members' needs while also ensuring that the association sets and attains long-term

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goals that will keep it relevant and viable in the future. In the best of times, bar leaders strive to ensure that the courts, the legislature, and the bar are aligned in their thinking on critical matters—or at least not at odds with one another. In times of crisis, bar leaders must stay on top of trends and issues impacting members and the larger community and take on a prominent and needed leadership role.

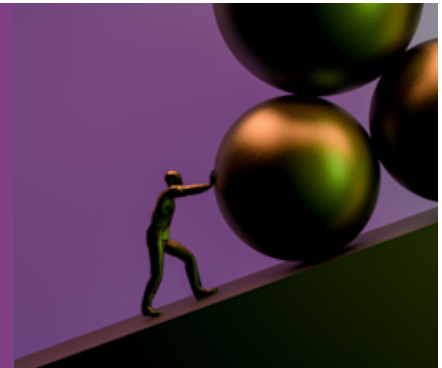
The authors of this article served as presidents of the Alabama State Bar, the Connecticut Bar Association, the Florida Bar, and the New England Bar Association, associations with members ranging from 10,000 to 110,000. This bar year started similarly to the way every other bar year begins. There was a long-range plan to evaluate where the bar association was excelling or falling short, ongoing criticism that the bar association was not doing enough for its members, and reevaluation, replacement, or creation of various programs, all designed to serve our members while protecting the public. Meetings were held to plan numerous in-person events: legal education programs for members, banquets, and awards dinners, to name a few. Significant time was spent planning in-person pro bono clinics, in-person summer camps, school programs, and trips throughout the state and nation; occasionally, even international trips were planned to educate our members while providing opportunities for socializing and networking.

The National Conference of Bar Presidents and regional conferences of bar presidents meetings provided great places to meet others in bar leadership

who were planning similar events and programs, obtain assistance navigating through issues, and brainstorm solutions to problems impacting bars across the country. These events also allowed bar leaders to develop relationships

Develop solid working relationships to keep the lines of communication open.

lessons were not enough to create a step-by-step playbook to help leaders through every crisis, there are tips that will help bar leaders lead going forward or during the next time of crisis. Here are some of them:



with other leaders from around the country for advice or just an opportunity to vent. By the end of 2019, most bar leaders across the country began to think they were well on their way to a seamless and well-planned bar year.

Then 2020 happened. What a year to be in bar leadership! The opportunities provided for leadership during a time of crisis were unlimited beginning in early 2020. Not only was there no advanced warning of the challenges afoot, there was also no playbook or chapter in any guidance material from any bar association to help bar leaders prepare or maximize the opportunities available to them because of the unique set of circumstances. There was nobody to call to gain insight because the challenges presented were unprecedented. Bar association staff and governing bodies were all personally challenged while having to manage the “new normal” being imposed on our members and the public at large.

While navigating through these turbulent times, crucial lessons emerged. While the

LISTEN FIRST

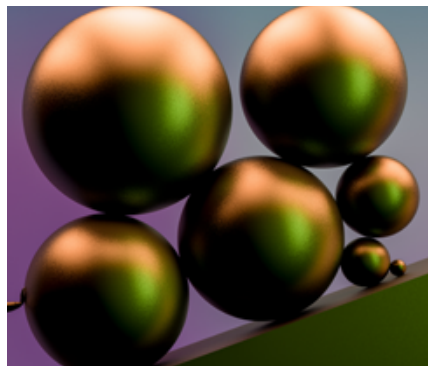
This is a good tip for leadership at any time but especially during a time of crisis. Develop a solid working relationship with the executive director of your association so that you can keep the lines of communication open. Talk to members, non-members, community members, as well as past presidents of your association and other associations. Listen to your governance board and ask questions about what they want or need.

The Alabama State Bar set up an interactive map of the state on its website, with a link to local court orders for each county and a place where members could submit questions. Providing this information on the website drove more members to the site, resulting in members knowing more about what the association was providing in terms of member benefits and resources to navigate the crisis.

The Connecticut Bar Association held a feedback session during its governance meetings to learn what leaders were hearing from their constituents

so they could tailor programs accordingly. The association also met with community members to find out what role it could play to help address the issues facing the public. This led to the creation of numerous initiatives that attracted non-members to the association and generated many media inquiries and free publicity for its events and programs.

In order to be nimble, Florida focused its decision-making on pertinent board committees and especially its executive committee. When that was not possible, the president, president-elect, and executive director spoke daily in order to make decisions. Any decisions made by leadership or by the executive committee were communicated in detail through a weekly e-mail update to the



An effective association must engage its members where they are: social media.

The Florida Bar is fortunate to have a brilliant communications staff, communications committee, and outside consultant. With this collaboration, it not only set up an information-rich COVID-19 web page for its members but also reached out to other stakeholders. They listened regularly to the needs of the judges, clerks of court, and their many section and committee leaders as well as to legislative leaders and the governor's office. Listening to that disparate group of stakeholders allowed the bar to better provide accurate, succinct, and timely information to its members.

PROVIDE INFORMATION TO YOUR GOVERNING BODY AS SOON AS YOU CAN

The Florida Bar ensured that its Board of Governors' voices could all be heard through different technological platforms.

Board of Governors, which in turn allowed them to provide feedback to the leadership as well as to their constituent members.

The Connecticut Bar Association held weekly conference calls with its section and committee chairs to update them on important issues and learn about issues members were facing. The calls were also used to brainstorm ideas or solutions to novel problems.

The Alabama State Bar had a biweekly informal video chat where it invited its Board of Bar Commissioners to exchange information, share best practices from around the state, and let the bar leaders know what the association office was doing in response to the pandemic. This reduced criticisms that often can arise from members who simply do not know what is happening at the bar headquarters or what the Bar is doing in response to the pandemic.

FIND CREATIVE WAYS TO KEEP YOUR MEMBERS INFORMED

The majority of your members use social media, and an effective association needs to engage its members where they are. The Alabama State Bar sought to improve the image of lawyers and had successfully done that through its More Than A Lawyer campaign, which highlighted the amazing things lawyers were doing in their communities outside of the practice of law. Part of this program was a weekly Facebook Live interview with lawyers from around the state who were giving back to their communities through volunteer service and work with nonprofits. When the pandemic began, the Alabama State Bar transitioned from talking to lawyers about their work in their communities to talking to lawyers about pandemic-related legal issues. The Bar interviewed lawyers on Facebook Live about employment issues, Paycheck Protection Program loans, business interruption insurance, mental and physical health during a crisis, and much more. These were broadcast live on Facebook and available for viewing later on both Facebook and its website. Links to the website were provided in the weekly e-mail blast to members. Many of these had thousands of views.

The Connecticut Bar Association created a COVID-19 website to provide information to its members and non-members on issues related to the pandemic and keep them informed about pandemic-related CLE courses. The Connecticut Bar Association waived the fees for all CLEs created to help attorneys navigate issues during the pandemic

and opened all COVID-related CLEs to all lawyers, even non-members. The website was linked to the bar association's social media accounts, so members were easily redirected to the bar association's website with the click of a button. The Connecticut Bar Association also began to collect video footage to create a documentary that will highlight all the work lawyers in Connecticut are doing to help the public during the pandemic.

Like the Alabama and Connecticut Bars, the Florida Bar heavily used multiple social media platforms, e-mail communications, and its dedicated COVID-19 web page to reach members. It informed members on executive orders coming from the governor's office, on state and national resources to assist them personally or professionally, on state and local judicial administrative orders, on the functioning of the bar as well as its sections and committee, and on CLEs treating topics ranging from mental health and wellness to working remotely to how to continue to develop business during the pandemic.

HAVE THE HARD CONVERSATIONS AND MAKE THE TOUGH DECISIONS

As the protests began after George Floyd's death, all bar associations had to take time to reflect on the history of the association and the leadership's own contributions to the continuation of systemic discrimination and implicit and explicit bias. The Alabama State Bar is located in Montgomery, Alabama, the birthplace of the Civil Rights movement. As with any association that is 144 years old, many lawyers have stories to share

about implicit and explicit bias they have experienced in the past, both by the association and by members of the association. When thinking through the appropriate response to the increasing attention to systemic racism in America, the president discussed a proposed statement with the chair and members of the Diversity and Inclusion in the Profession Committee. Through these conversations,

considered essential workers and therefore could return to work or reopen their law firms. These were core, fundamental financial issues to balance work with being responsible social citizens and staying at home unless your work was truly an essential service. Additionally, like many bars around the country, the Florida Bar struggled with the proper response and the proper statement during this time of

**All bar associations
must reflect on their
contributions to
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the focus shifted to what the bar association could do now about systemic racism, beginning with acknowledging that it exists, rather than focusing on the past. While the Alabama State Bar established a dedicated e-mail address where members could tell their story of oppression or racism in the profession so that the bar association could acknowledge the past, it also shared the results of the *Big Ideas Campaign* that the Diversity and Inclusion in the Profession Committee had presented to the governing body earlier in the year, focusing on the future and what the Alabama State Bar could do to reduce systemic racism in the profession.

There were so many hard conversations and tough decisions in this time frame. The Florida Bar dealt with confusing executive orders and, as a result, very distressed members who were uncertain whether they were

social unrest. As a unified bar, the Florida Bar leadership struggled mightily with a keen desire to speak out against the grave injustices happening around our country balanced with the narrow limitations that a unified bar must operate within when it comes to advocacy. Simply put, bar leadership made tough decisions that resulted in difficult conversations made tougher by the fact that the decisions often did not align with leaders' personal beliefs but were necessary to meet the requirements of the law and for the long-term betterment of the Bar.

The Connecticut Bar Association released a statement condemning the death of George Floyd and all forms of discrimination, but, more importantly, took action by creating a Policing Task Force to begin a conversation with the legal community, law enforcement community, and the public at large on issues

related to policing in the state. The Policing Task Force is made up of an even number of members from law enforcement, the legal community, and the public. The Task Force is working alongside a similar Task Force created by the Connecticut state legislature to address these issues, but the Bar has the ability and resources to develop recommendations outside the political arena. Additionally, the bar association partnered with the Connecticut Bar Foundation to create a speaking series on systemic discrimination and is advancing changes to the rules of professional conduct to deter attorneys from discriminating in the practice of law.

TAKE CARE OF YOURSELF

It is often said that you cannot fill someone else's tank if your own tank is empty. Association leadership can be stressful and time-consuming, even in the best of times. Navigating through a pandemic or a cultural awakening certainly does not diminish that stress. Set aside time for yourself, participate in physical activity, spend time with your family, find a creative outlet, and unplug on a regular basis. Find a peaceful place, both physically and mentally, and give yourself at least a few minutes there every day. Have a little fun. The problems will still be there the next day, but you will be better equipped to respond.

The Florida Bar, thanks largely to its Board of Governors and its president-elect, rolled out a confidential 24/7 lawyers' helpline that allowed all Florida lawyers to speak with professional counselors for free. This enhanced the multitude of free CLE programs on mental health and wellness

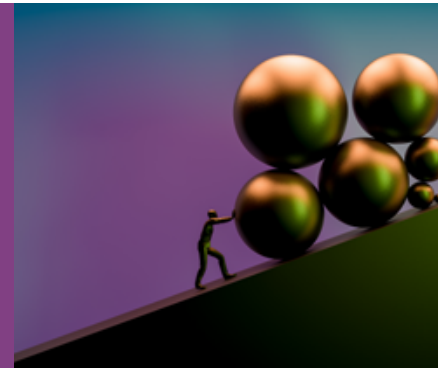
that were available to deal with these new stresses.

The Connecticut Bar Association created numerous wellness resources on its website and held a virtual Mindfulness Retreat to help members manage the stress and depression they are facing during these times.

Association leadership must set aside time to unplug and unwind on a regular basis.

without the overly critical eyes of members comparing the response of bar leader to that of their predecessors. Being flexible and open to changing trends and traditions, and trying out something new and innovative, is a must.

For instance, the Connecticut Bar Association created



The Alabama State Bar had refocused its Health and Wellness Committee in 2019, and it was already planning a series of continuing education opportunities to be presented around the state for free on mindfulness and wellness. These went virtual and were presented three times during May, along with a social media campaign and other activities to celebrate Health and Wellness Month. The Bar also dedicated an entire issue of its journal to mental health and addiction awareness.

BE CREATIVE AND THINK OUTSIDE THE BOX

The beauty of unprecedented crises is that without a guide or playbook to rely on, leaders are given the freedom to create their own rules without much criticism. Success in this effort allows leaders to blaze a new trail. Furthermore, without anything to compare the current situation against, leaders have the unique opportunity to try out new and interesting ideas and models,

a COVID-19 Task Force to address a broad list of issues facing the public and legal community. The Task Force is co-chaired by two former presidents of the Connecticut Bar Association who had experience in crisis management, along with a prominent young lawyer who assisted with national disaster relief efforts. The members of the Task Force included lawyers and non-lawyers representing major industries impacted by the pandemic and almost every bar association in the state. The Task Force worked with the executive and judicial branches on addressing legal issues during the pandemic and implementing technology to provide access to the courts. It worked with the Bar Examining Committee and local law schools on addressing the needs of law students and developed food drives and numerous pro bono clinics to help the larger community, including a clinic dedicated to helping small businesses. The Task Force created numerous

free CLEs to help members go virtual overnight and access funding and resources to keep their law practices open. The breadth and depth of the issues tackled by the Task Force, and the diversity of membership on the Task Force, was unprecedented but appropriate given the gravity of the issues being faced by the community and the dynamic nature of the crisis.

The Florida Bar leadership decided to view these challenging times as an opportunity—they were connecting with far more members than would be the case in normal times. The leadership pushed every opportunity for members to advance their technological skills, now driven by necessity. They improved communications with members. Realizing that members needed certainty, the Florida Bar made every effort to provide a road map to show members how the Bar would operate, how the courts would operate, and how their firms could operate. The communications on these critical topics were based on the best information available, with the understanding that the situation was in flux and ever-changing.

Florida made decisions 30 days in advance so that members could, at a minimum, plan on a monthly basis; members appreciated certainty for this 30-day period even if it wasn't the information they were hoping to receive.

Bar presidents are uniquely qualified to offer leadership in times of crisis.

Like Florida and Connecticut, the Alabama State Bar leadership looked for the opportunities in crisis. By e-mailing all orders from the Alabama Supreme Court and the governor to members shortly after they were released, the Alabama State Bar established itself as authoritative and a reliable source for accurate information. The president established a Bench and Bar COVID-19 Task Force to increase communication between the judges and the

lawyers and evaluate and make recommendations about court closures and resumption of hearings and trials. When it became apparent that the traditional format for an annual meeting would not be sustainable, Alabama went virtual with its annual meeting, offered a steeply discounted rate, and had the largest attendance ever recorded at an annual meeting. By continuing to offer ongoing communications and some normalcy to its members, the Alabama State Bar sought to be a port in the storm that was 2020.

CONCLUSION

In times of crisis, strong leadership is needed. Bar presidents are uniquely qualified to fill that role. Of course, good leaders cannot accomplish every task by themselves, especially during turmoil. If you have built a strong, diverse, and inclusive bar, there are many people who can share the load, provide valuable input into decision-making, and help you carry out your duties to the benefit of the members of your association, the profession you love, and the communities you serve. ■



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