

Michael N. Ungar
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Introduction

Ever since I was a little boy, I've been fascinated by the space program. You're looking at one of those enthusiasts who watches nearly every launch on the NASA website. Just ask my wife. I was one of those crazy people who, just last February, when we happened to be in Florida for a long weekend, awoke at 3:30 a.m. to travel to the beach to witness a night shuttle launch. But alas, when, at the appointed hour, the sky didn't light up with that magical glow, signaling a successful launch, I learned shortly thereafter that the mission had been scrubbed due to weather.

Why do I tell you this? Because, as we know, the shuttle program is coming to an end. Thus, the chances that NASA will be selecting me to lead a shuttle mission are dwindling fast. So, I've chosen to captain a rocket ship of my own. But instead of calling my rocket ship Endeavour or Atlantis, my spacecraft will be called . . . the CMBA.

I am so fired-up about becoming the President of this great bar association, words can't even begin to describe it. And I must tell you, as I stand before you, I have those same goosebumps that I have every time I watch a shuttle launch.

Here's the analogy. Just a few years ago, standing at this same podium, President Hugh McKay uttered his famous "*tear down that wall*" line, with a powerful argument for the unification of the 2 outstanding bar associations that, with more than 200 years of combined history, had served our legal community so well. In other words, Hugh's vision inspired both the space craft and the mission. Next came the dogged pursuit of unification by his successors, bar Presidents Kerin Kaminski and Steve Gardner, who constructed our space shuttle in meticulous fashion.

But would it fly? That challenge was left to President Mike Brittain, who test fired those rocket engines and made sure the flight plan, also known as our strategic plan, was carefully prepared and in place.

Next, the CMBA space craft was transported to the launch pad, where it was fueled and readied for launch by President Mary Whitmer. But, at the last moment, we had to scrub the mission because we lost our pilot, Executive Director Larkin Chenault, who hit that eject button when he departed to become director of the Connecticut State Bar Association.

We now have a new pilot. His name is David Watson. He has already proven himself to be a fantastic leader. And we have an amazing flight crew -- my fellow Officers -- of whom I could not be more proud: Barbara Roman, Carter Strang, Jon Leiken, and Al Vondra -- I can hardly wait to climb into the cockpit with them for what is going to be one amazing ride! Our “*mission control*” for this launch or, if you will, our Executive Committee, also includes, in addition to the officers, Colleen Cotter, Frank DeSantis, Bruce Hennes, Julianne Kurdila, Judge Lauren Moore, and Jill Okun -- all proven leaders in our bar community.

In keeping with my space theme, the mothership, of course, is our Board of Trustees, who will, I know, navigate the year ahead for us with thoughtful advice and counsel. And, as must be in place for any successful mission, our ground support will be provided by our outstanding staff, our section and committee chairs and vice chairs, as well as all of the fine members and volunteers who support our efforts. I look forward to working together with all of you as we prepare to blast off.

Now, some of you might be wondering to yourselves, gee, do I really want to be on a space shuttle where Ungar is at -- or even near -- the controls? Does he have the right stuff? Fair questions. Twenty-six years ago, when I graduated from law school, my sister Edie questioned whether I had the right stuff to even become a lawyer. This is what she gave me as my graduation present. [[click for picture shown](#)]. And with the help of modern technology, I can easily alter this to posit the same question to those gathered here today. Am I the right person to lead this mission? [[click for revised](#)

[picture](#)] I can promise you this -- I'm going to roll-up my sleeves and spend the next 12 months of my life proving to you that I am.

Mark your calendars. My next appearance at the CMBA's annual meeting will take place 12 months from now. And just before I turn the gavel over to our next President, Barbara Roman, I will enumerate the accomplishments of my administration. But only you will be the judges to tell me whether the inaugural flight of the CMBA shuttle was more than just a vision, and, in fact, a success.

Welcomes

Before I outline some goals for the coming year, I want to personally welcome to our 2010 annual meeting -- the largest in the history of our bar -- our distinguished judges, public officials, colleagues and friends. Thank you all for being here. I am humbled by your presence.

I must also honor the two reasons why I am able to stand before you - my parents, Bud and Marcia Ungar. Mom and Dad, thank you for inspiring me in every aspect of my life.

I want to also thank 2 very important women in my life, my daughters, Katherine, a Sophomore at the Ohio State University, and Sarah, a Sophomore at the Cleveland Heights High School. I am so proud of both of you.

I also want to acknowledge my sister and brother, Edie and Dan, and their spouses, Steve Shafron and Marcie Ungar, as well as my sister-in-law and brother-in-law, Anne Warner and Mike Makuch. And yes, if you notice a certain similarity between my sister-in-law, Anne, and my wife, Deborah, it's because they are, indeed, identical twins from Pelham, NY, . . . who both married lawyers named Mike from Ohio. They are also the daughters of my wonderful in-laws, Jono and Nancy Warner, who traveled from New York to be here. And thanks as well to my aunts, uncles, cousins, nieces, nephews and good friends who are here today. Your presence means a lot to me.

Of course, I've saved the best for last. I spent 7 years during college and law school in Boston, and loved almost every minute of it. But, without a doubt, the best thing about those 7 years is sitting

at that table right over there. I met my incredible wife, Deborah, at Boston University School of Law, and ever since the time she entered my life, things have been really, really great. Deborah -- for all you do, for everything you are, and for all that you mean to me . . . thank you.

I also want to acknowledge and thank my partners at Ulmer & Berne, my wonderful professional home for almost a quarter of a century. Two of my partners, former Presidents Marvin Karp and Isaac Schulz, have been my mentors for years, and are another huge reason why I stand before you today. Likewise, to my managing partner, Kip Reader, and all of my other partners who have had a profound impact on my career -- to all of you, my heartfelt thanks.

I must also mention another person who is here today. Nearly everyone knows that, for the last decade, my assistant, Missy Crick, runs the show at my office. With diplomacy, calm and humor, Missy keeps me on task and able to meet the demands of my jobs -- both of them now.

Lawyers make a difference

Ladies and gentlemen, as we all know, one of the mandates of our profession is to advance our system of justice, and the rule of law. On November 21, 1945 -- decades before the advent of 24 hour news or the internet -- the world's media was captivated by the words of Justice Robert H. Jackson, who had taken leave from the United States Supreme Court, to lead the prosecution of the allies' case against the Nazi leadership at the Nuremberg trial. It was the first time in history that the leaders of a sovereign nation were tried for war crimes. The eloquence and power of Jackson's opening statement was praised throughout the world. Jackson's opening words bear repetition: *“That 4 great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that power has ever paid to reason.”*

Jackson made clear to the world that the trial would be fair. Said he: *“We must never forget that the record on which we judge these defendants today is the record on which history will judge*

us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well.” As the Nazi defendants glared at him, Robert Jackson told the tribunal: *“We have here the surviving top politicians, militarists, financiers, diplomats, administrators and propagandists of the Nazi movement. Who was responsible for these crimes if they were not?”*

On a much lighter note, while we thankfully do not often prosecute or defend war criminals in the courtrooms of Cleveland, there is no doubt about the key role played by lawyers who can, and must, lead by example, while making a difference in our society. That is the calling of our profession.

As President Obama has so eloquently stated: *“When you choose to serve -- whether it is your nation, your community or simply your neighborhood -- you are connected to that fundamental American ideal that we want life, liberty and the pursuit of happiness not just for ourselves, but for all Americans. That is why it’s called the American dream.”*

When I recently had the good fortune to attend the ABA’s bar leadership institute in Chicago, they showed us -- the incoming class of bar presidents from around the country -- an inspiring video on how bar associations are making a difference in their communities. I’m confident I wasn’t the only one who asked for permission to share it with colleagues during his/her speech. Here’s why: [\[BLI video included here\]](#) So what is in store for the coming year? With the inspiration of that video fresh in our minds, here are just a few highlights of my aggressive agenda for the coming year:

CMBA Task Force on Judicial Excellence

First up, judicial excellence. Ohio Supreme Court Chief Justice Moyer made it clear that we, as lawyers, need to pay close attention to, and care deeply about, the quality of our bench. His untimely passing must not allow us to deviate from the commitment of our profession to do precisely that.

In this regard, I believe that our bar association is already on the right track. The evolutionary -- indeed revolutionary -- efforts of our bar's Judicial Selection Committee and our support of the [Judge4yourself dot.com](http://Judge4yourself.com) initiative are gaining traction with voters.

When I had the privilege of chairing our Judicial Selection Committee several years ago, I was impressed by the caliber of many of the candidates that came before us. There is no doubt that, over the years, our bar has generated a significant number of qualified individuals who have gone on to distinguish themselves. By the same token, and all too frequently, it appeared that some of the candidates had no business whatsoever running for judge. As I witnessed this, I vowed that, if ever privileged to lead this bar, I was going to do something about it. It's now time for the legitimate concerns and grumblings about this issue within our bar to stop -- and for the action to begin.

Today, I formally announce the creation of the CMBA Task Force on Judicial Excellence, to be co-chaired by Judge Tim McMonagle, a distinguished, highly-respected veteran of our bench, and by Jim Robenalt, a highly regarded partner at Thompson Hine and both a founder and a moving force behind the ground breaking Judge4yourself program.

We've been working together on this project for months now, and much conversation has already taken place with leaders in our community, many of whom have responded with: "*It's about time that the bar association did something about this.*" That certainly makes me happy. I am also pleased to be able to report that, since this effort will be more marathon than sprint, I have already secured the commitment of my successors, Barbara Roman and Carter Strang, to this significant undertaking, so it will not die when I depart a year from now. Barb and Carter -- thank you for that commitment.

My charge to our task force on judicial excellence is relatively straightforward -- and highly challenging. It is to answer the following questions:

- Are we attracting the best qualified candidates to run for judge in northeast Ohio? Are we as an organized bar -- with a vested interest in judicial excellence -- taking appropriate measures to identify and encourage qualified candidates to run?

- If not, why not? What are the root causes of the problem?
- What, realistically, can be done to address the problem? In light of current events, including sea–changes in the political landscape in Cuyahoga County, are there potential windows of opportunity for our bar association to work with the political parties in pursuit of these objectives?

A couple of weeks ago, my friend, Jim McCrystal, forwarded an interesting tidbit of information. Two Hundred years ago tomorrow, June 5, 1810, the first court proceeding of record in Cuyahoga County, Judge Ruggles presiding, took place in a frame building on the north side of Superior, probably just a few yards from where we now sit.

We’ve obviously come a long way since that time but, as my managing partner always likes to say, if we’re not moving forward, then we’re moving backwards.

To be clear, the majority of our judges serve the interests of justice well, and are highly worthy of our respect. Let’s move forward together to be sure that we are sending only excellent candidates to the bench.

Generation of business and referral opportunities for our members

Let us now turn our attention to a favorite subject of mine -- growing our respective practices. Cleveland has a world class orchestra and art museum, and everybody knows it. Likewise, our city has a well deserved reputation as a center for world class health care, and everyone knows that too. Our city is a world class law town. But does everybody still know that? I’m not so sure, and it’s time for this bar association to lead the way in getting the word out.

In his March 2005 President’s Page, Cleveland Bar Association President David Kutik, observed as follows: *“Having been involved in cases all across the country, I can say without reservation that the quality of lawyers in Cleveland matches the quality of lawyers anywhere.”* David was right then, and he’d still be right today.

But, it would be naive to ignore the fact that there has been structural upheaval in our profession. 2009 was a watershed year for the legal marketplace. Law firms and lawyers, including those right in our own backyard, suffered through a year of severe economic turmoil.

It's my belief that our bar association has a role to play here. Simply by becoming President, my personal client list just grew by 6,000 + new clients -- namely you, the members of this association. My job as President -- a big part of my job -- is to be the cheerleader-in-chief for our members and do everything possible to generate business opportunities for you and your law firms, be they big firms, small firms or solo practices. And I plan to do just that. I've got just a couple of preliminary examples to share with you.

First, our newly - elected Vice-President, Carter Strang, will be leading a distinguished task force -- being formed as we speak -- designed to explore ways to attract more complex, multi-district litigation to Northeast Ohio. Carter and I have been plotting our strategy on this for a couple of months now. If we're successful, this will advantage Cleveland's excellent plaintiff's and defense bars, not to mention all of the collateral economic benefits that accompany attracting more of this kind of work to our region. I've already spoken with a number of our federal judges about this initiative, and we will keep them fully informed of our efforts, since it obviously will affect their dockets.

Also, we will examine our lawyer referral services to ensure that we are delivering the biggest and best bangs for our membership. As I speak, we are pursuing opportunities to work with the Greater Cleveland Partnership, our region's largest chamber of commerce and nonprofit economic development organization, and the Council of Smaller Enterprises, its subsidiary, as well as other pro-business organizations to generate business and referrals for our members. Stay tuned.

Fiscal health and membership -- they go hand in hand

Speaking of revenues, the fiscal health of our association is akin to the solid rocket propellant for our mission. I will watch the finances of this organization like the proverbial hawk. Those who know me will not be surprised to hear me say that. It's in my blood.

The biggest source of that fuel, of course, comes from you, in the form of your membership dues. To that point, let me be clear: We do not take your membership in this organization for granted.

There was a time when every lawyer in greater Cleveland automatically became a member of our bar association. Not so anymore. There was a time when law firms paid for 2 or 3 bar memberships for each of their attorneys. No longer the case. Thus, we must earn our membership support every day, so that when the CMBA dues statement arrives once a year, it's put into the "*pay this*" file instead of the "*circular file*."

My big, audacious goal for our bar association is to become and remain indispensable to our members. So, what will this value proposition look like?

For starters, let me assure you that gone are the days when we say, "*This is what we are offering. What'll you have?*" Instead, as you'll soon see, we will be asking you what we can do better and what you value in your bar association membership. Everything will be under review, from our CLE programs and publications to our networking events.

Speaking of membership, as you've heard, our Board of Trustees wisely created a new officer position -- Vice President for Membership -- reflecting the vital importance of that activity. Jon Leiken will be the first to serve in that position. As you'll soon see, he is assuredly the right person at the right time.

Here's just a quick example of something new we've been working on together. You've all seen those Capital One commercials, with the slogan, "*What's in your wallet?*" Well, we're going to put something meaningful in your wallets. [[click for image of new CMBA membership card](#)] Folks, I present to you the new CMBA membership card that you will soon receive. Not only will it signify

your membership in this outstanding organization, but we're going to give you plenty of reasons to pull it out and use it at businesses, restaurants and shops all over town -- because those businesses are going to provide significant discounts on their goods and services -- just because you're a member of the CMBA. By the way, we're not talking about run-of-the-mill discounts you get just for having a pulse. We're talking about saving you and your firms and businesses money at establishments lawyers regularly patronize. On your tables is a list of some of the businesses that have already agreed to be part of our new MVP program. This is in its infancy, and that list will grow, so be sure to check our website for updates.

I also promise that we will sharpen our focus on communicating with you over the coming year. We will embrace technology and new media. If you haven't visited our website recently, please don't wait any longer. It's never been easier to navigate and has plenty of useful information.

Never have we been more mindful of the fact that we must appeal to 6 different segments of our membership: gen-x'rs, gen-y'rs, millennials, boomers, our members approaching retirement, and those who've retired. Actually, I've heard associations with memberships like ours differentiated into just 2 categories: "*The facebook generation vs. the facelift generation.*" Either way, watch for new and improved communications, and please let us know how we're doing.

Mental health

Our interest in you doesn't stop once you become a member. Let me be perfectly blunt. We care about our members' wellbeing, and that includes your mental health, something that all too often is cited as the cause for grievances against lawyers. With an outstanding program slated for this fall and headlined by Justice Eve Stratton, our mental health task force, ably led by my friend, Jeff Pollack, is hard at work ensuring that we offer relevant resources and assistance to our members in need.

Lawyer discipline

Speaking of professional conduct, as a profession we simply cannot accept misconduct by our peers. Let's face it -- as a result of the misbehavior of just a few, recent local headlines have not been flattering for our profession. [slides were shown of headlines regarding lawyer conduct] As the preamble to the Ohio Rules of Professional Conduct make clear, to the extent that we, as lawyers, meet the obligations of our professional calling, the occasion for government regulation is obviated. I cannot stress this enough. Self-regulation helps our profession maintain its independence from government interference. And if we don't do a good job, we invite exactly that.

Fortunately, we have an excellent Certified Grievance Committee comprised of a solid group of smart, dedicated, hard-working lawyers who are committed to the cause. We owe them a debt of gratitude for what they do for us, much of it unheralded. As the make-up and operations of certified grievance committees come under review, you have my vow that ours will continue to serve our profession well and that there will be a high degree of emphasis, focus and accountability in this area.

Pro bono

There's no doubt that a commitment to pro bono is in our culture. Now, we must make it part of our DNA. Working closely with Colleen Cotter, the dynamic and effective Executive Director of the Legal Aid Society of Cleveland, we will work to make sure that pro bono opportunities are injected into this bar association at every level, starting with our sections. Why? Because too many of our less fortunate Clevelanders continue to have basic legal needs that remain unmet. We hold the key to helping them.

When you contribute to the Legal Aid Society of Cleveland, you get a thank you letter quoting Martin Luther King, Jr., who said: "*Injustice anywhere is a threat to justice everywhere.*" That is a threat to all of us, and we need to work together to eliminate it.

Women in the law and diversity initiatives

Some day, one of my successors will not have to discuss diversity because it won't be an issue. Unfortunately, that day has not yet arrived. Five years ago, President Kelly Tompkins stood right here and challenged our bar association. He queried: *“Why would the organized bar not do all that it can to ensure the progression and success of women in law? With 3 daughters, how can I not take these observations to heart? How can I hold a position of leadership and stand silent?”* Kelly's words really grabbed me. As the father of 2 daughters, the answer is I can't, and I won't.

Moreover, and let's be honest about this, we continue to face serious challenges on the diversity front. I have already tasked myself and others with the responsibility for reaching out to the Norman S. Minor Bar Association, the largest organization of African American lawyers in Ohio, to develop more meaningful relationships and to ensure that our diversity programs and initiatives do not simply pay lip service to the cause, but are truly relevant and effective.

Get involved in our 3Rs program

Back to my shuttle theme. Did I mention those solid rocket boosters? In this case, it's our Foundation, now transitioning from the noteworthy leadership of outgoing President Rick Manoloff to incoming President Frank DeSantis. Our Foundation continues to achieve many great things and I can't finish this speech without calling attention to just one of them. Our award winning 3Rs program -- which we sponsor in proud partnership with Dr. Sanders and the Cleveland Metropolitan School District -- simply could not continue to thrive without the hard work, innovation and dedication of Mary Groth, our Director of Community Programs, and the hundreds of attorneys who take time from their busy lives to volunteer. If you're not already involved in our 3Rs program, I hope you will say today's the day to sign up. Sign-up cards are on your tables. I've been involved since its inception, and the feeling I get when we head into those classrooms, where eager high school students await us, is

indescribable. If you still need a bit more convincing, just check out our website, where we've posted some inspiring testimonials from students and teachers.

One more word about the bar foundation. If you haven't already done so, please join me in becoming a foundation fellow. I know of no finer cause, and you can be 100% certain that your contribution will be put to good use.

Conclusion -- Preparation, Opportunity and Making a Difference

Ladies and gentlemen, a few weeks ago I had the pleasure of addressing a crowd of several hundred highly energized Cleveland high school students gathered at the Justice Center. Most were beaming ear to ear because they had just successfully completed the Cleveland Mock Trial Competition that we co-sponsor. In my remarks, I suggested that, as they pursue their dreams and goals in life, they bear in mind the inspirational message found on Judge Lauren Moore's website:

“Success is where preparation and opportunity meet.”

The opportunities that await this bar are right in front of us and our new leadership team stands prepared to capitalize on them.

Speaking of inspirational words, for at least the last 20 years, the first thing you would see when you enter my office is a large poster of President John Fitzgerald Kennedy, piloting his sailboat Victura. At the top appear his words: *“One man can make a difference and every man should try.”*

Let those be our watchwords for this year and the years that follow.

Thank you.