

After Miers Nomination, President's Columns Suddenly Seem Extremely Important

By Clifton Barnes

"Who is Harriet Miers?" That headline was used in countless articles and Web sites across the nation last October after President Bush nominated her for the Supreme Court.

Journalists, lawmakers and other interested parties set out to find the answer to that question. That led to her writings while the first female president of the Dallas Bar and the State Bar of Texas. Suddenly, those president pages that sometimes are low priority and may be hurriedly written to meet deadlines seem extremely important.

Darlene Hutchinson, the communications director at the Dallas Bar, received an onslaught of calls from the media and senators and groups set to oppose or support the nomination of Miers. They wanted to find out what was important to Miers back when she was bar president in 1985, Hutchinson said.

They asked for Miers' president's pages and other writings from both the Dallas Bar and the State Bar of Texas, where she served in 1992-93.

There sometimes is the perception in the bar world that the president serves for a year and then fades into obscurity. This particular scenario - while high profile - points out the need for bar staff to be organized and able to get information quickly. You never know when there is going to be interest in the words of past presidents.

Communicators also say that this should be a wake-up call to bar leaders to take what they write in bar publications seriously and give it higher priority. Some presidents who allow staff to ghost write their columns may re-examine that practice while others who don't allow staff input may re-examine that practice.

Dan Cirucci, who is associate executive director for communications and public affairs at the Philadelphia Bar, has helped more than 30 bar leaders with their columns, first at the New Jersey State Bar Association and then in Philadelphia.

He says bar staff should help polish president's columns from the start with a view toward posterity.

"(President's columns) are actually very important," Cirucci says, adding that nine times out of 10 bar leaders need communicators' help in producing their columns. "These columns are not 'what I did on my summer vacation.' They need to be topical, informative, substantive and engaging."

But they aren't often politically revealing, which proved to be a frustration for those looking into Miers' background.

“President's Opinions (the name of Texas’ president’s page) are generally project-oriented, action-oriented, and/or organization-oriented. If they reflect personal philosophy or priority it is in that context,” says Kelley Jones King, editor of the *Texas Bar Journal*, the publication of the State Bar of Texas. “You will seldom be able to tell where people stand philosophically on political issues in (president’s columns), especially those written in mandatory bar states.”

Known for encouraging attorneys to do pro bono work, Miers, in one column, supported the Texas Bar board’s pro bono policy which rejected mandatory pro bono but adopted aspirational goals.

“The real issue is how to provide more services of better quality to the poor who need them. While the debate concerning the real issue will continue, we cannot afford all-consuming, continuous, unproductive, unduly divisive, distracting and self-flagellating discussion of the concept of mandatory pro bono to drain all of our time and resources,” she wrote.

That’s just about as opinionated as Miers got in her columns. In other columns she dealt with diversity, and working with specialty bars, and educating the public to lessen lawyer bashing, and protecting the public and profession from unethical behavior by lawyers.

“With large memberships of individuals with varied backgrounds and views, presidents’ priorities are generally service to the profession and the public,” Jones says. “Presidents’ pages share that vision.”

In addition, while presidents have their own ideas they’d like to implement, bar leaders may find that their agendas are controlled by circumstances that arise or existing long-range and strategic plans, Jones says. “Most bar association priorities are on a continuum and should be viewed as such,” she said.

That explanation didn’t satisfy the media and others who looked for clues as to how Miers would rule as a Supreme Court justice.

Miers, who has served on and chaired several American Bar Association committees and was once an ABA delegate, did encourage the ABA, which supported abortion rights, to have a neutral stance on abortion or to at least first put it up for a vote among the full membership. Still, conservatives and liberals alike were critical.

The Washington Post quoted Miers from an interview she did with the *Texas Bar Journal* where she vowed to be inclusive of women and minorities, and wanted to increase the number of female and minority lawyers in the bar’s leadership and in law firms throughout Texas. Some took this to mean that she would likely vote in favor of affirmative action and quotas once on the Supreme Court.

David Brooks, columnist for *The New York Times*, was critical not so much of what she wrote but how she wrote it. He said that the President's Opinion column from the *Texas*

Bar Journal "is the largest body of public writing we have from her, and sad to say, the quality of thought and writing doesn't even rise to the level of pedestrian."

He blasts her columns as wordy, cliché driven and often written in the passive voice. "Surely the threshold skill required of a Supreme Court justice is the ability to write clearly and argue incisively," Brooks wrote.

Did Miers get any help writing and editing her column? That's not clear. What we do know is that president's columns are read and are around forever and thus need to be well-written.

"They need to sound and feel friendly... somewhat like a chat among friends, but each column should stick pretty much to one single topic," Cirucci advises. "It's also good if the columns are not predictable and not repetitive."

The column needs to motivate members without being preachy, he says. "A simple call to action works best. Tell them, specifically, what you want them to do," Cirucci says. "Don't leave them wondering: 'What does our leader think? What does he/she really mean? What does he/she want?'"

Some Republicans and Democrats might argue that Miers' columns left them wondering.

Criticism - along with demands for more recent writings as President Bush's attorney, which The White House declared were confidential - finally led Harriet Miers to remove her name from consideration as a Supreme Court justice.

Perhaps there was a bit of foreshadowing in a March '93 *Texas Bar Journal* column she wrote titled "What we have here is A Failure to Communicate." In it she writes about an article she read that "describes some of the best and brightest among our nation's people as deeply divided along political and philosophical lines with an inability to engage in civil dialogue."

(Barnes, a freelance writer, editor and Web developer, was director of communications of the N.C. Bar Association from 1987-2002.)