

Simulation at NCBP Annual Meeting challenges bar leaders to connect, respond to a crisis

September 22, 2026

American Bar Association Center for Bar Leadership

Build relationships and coalitions before there's a problem.

The bar might not always be the right organization to take the lead.

Time is of the essence—and there might not be enough for extensive discussion and deliberation.

Those are just a few of the lessons learned firsthand during a rule of law crisis roleplay simulation exercise at the [2026 National Conference of Bar Presidents Annual Meeting](#). The exercise was led by Carl Smallwood, a past NCBP president and current executive director of the [Divided Community Project](#) at [The Ohio State University Moritz College of Law](#), along with the [ABA Center for Bar Leadership](#), [ABA Center for Human Rights](#) and Melissa Hooper, Executive Director, UC Law San Francisco's [Center for Constitutional Democracy](#). The project was funded by [The Carter Center Rule of Law Program](#).

Attendees, who included sitting judges as well as NCBP members, were assigned roles as leaders of organizations in a fictional state called Sierra. Along with mandatory and voluntary state bars, affinity bars, and metropolitan bars, the fictional groups represented included a judges' association, the chamber of commerce, the state affiliate of the [ACLU](#), an interfaith alliance, and a conservative group.

At mixed tables, attendees were tasked with working together to produce a joint statement and both short- and long-term actions in response to a highly charged scenario that escalated further as Smallwood circulated throughout the room and delivered updates. Here's a quick synopsis of the scenario:

- Sierra's legislature passes, and its governor signs, a bill that would make major cuts to its judicial system.
- A judge issues a preliminary injunction enjoining the governor and executive officers from taking any action to implement the portions of the bill that would make cuts.
- The governor and his social media account criticize the judge and potentially inflame public sentiment.

- The judge’s street address and court schedule are circulating in online forums. The judge is threatened by voicemail, her son is threatened outside his high school by a stranger, and two people sit in a car outside the judge’s house all day.

Different roles, different perspectives

Many attendees, both during and after the roleplay, expressed that their specific role profoundly affected how they viewed this scenario and what the best response would be.

In a sentiment that many bar presidents could likely relate to, one person said, “Look, I just became president, I have a practice to run, and now I’ve just waded into this issue.”

Someone else, playing an ACLU representative, said she was “perplexed” by the challenge of balancing freedom of speech and the public’s right to information against the threat to the judge and her family.

Many or even most tables found it difficult or even impossible to craft a statement that everyone at the table—including those representing bar associations—was comfortable endorsing. Those portraying presidents, volunteers, and executive directors from mandatory bars pointed out *Keller* restrictions against expressing political views; at one table, someone representing a voluntary bar said they, too, would find it difficult to sign on to any statement, for fear of upsetting members.

In fact, for many tables, drafting the statement, and refiguring as the situation intensified, became more occupying and central than the subsequent tasks of coming up with concrete actions.

What is the role of the bar?

More so than other roles, those representing bar associations tended to suggest steps that would take additional time, such as holding a meeting of the bar’s executive committee—which became a problem as the issue quickly escalated on social media. Several attendees noted that by the time a bar could respond, it would be too late.

During the debrief, many participants expressed appreciation for all the organizations and roles represented at their table and said that even if the bar has to play a different, more limited role when it comes to issuing statements, its role is still important—and so are its relationships with other organizations that perhaps can say more. Here are a few observations shared during the debrief:

“We have a responsibility to bring the temperature down and meet people where they are.”

Perhaps this scenario could be addressed not as a rule of law issue but as a family issue,” this attendee added.

As much as bars are restricted in what they can say, judges are even more so. “We need you to talk for us,” said one attendee who is a judge. Even if lawyers and bar associations can’t talk about the politics of an issue, the judge said, they can talk about the judicial process and why it’s important that it be able to work how it’s supposed to.

“If we can’t say it, it doesn’t mean we can’t do it.” If a state bar can’t be out in front on an issue, said one attendee, it can still help coordinate other organizations, including local and affinity bars, that might be more able to respond.

There’s often pressure on bar associations to “jump in and do something,” said a mandatory bar attendee, but sometimes, its best role is “assembling people who can settle unrest” and supporting other organizations that do choose to make a statement.

A few attendees noted that a different group, such as the chamber of commerce or interfaith alliance, might be better positioned than the bar to speak to the broader public because many community members trust local business leaders and clergy more than they trust lawyers.

Another participant suggested that maybe the solution was to build a “core statement,” and then each organization could append some language of its own. Even if consensus can’t be achieved toward the core statement, she added, “If three out of four people agree, at least that’s something.”

‘How do I get you all at the table?’

Among the most consistently expressed lessons learned was that “relationships matter”—and it takes time to nurture them, especially when it involves building bridges among organizations that disagree on many points.

“In real life, how do I get all of you at the table?” one attendee asked, noting that the scheduling aspect alone might take too much time, given the speed of social media. Several people noted this is why it’s important to build relationships before there’s any crisis. One attendee said her bar has a vice president of affiliate relations specifically tasked with maintaining connections with other groups. Other attendees said their bars would love it if the state bar reached out—again, before there’s a crisis.

Several participants declared their intent to return to their bar and start making connections, especially because members know people on both sides of the aisle. One attendee said they

would make a matrix of key relationships; for example, who knows the governor?

The overwhelming sentiment was that this exercise helped bar leaders think differently about other organizations in their local area and how to make new connections or reestablish ones that have gone dormant.

“Our biggest hope is that everyone will go back home and do something with what they’ve learned from this exercise,” Smallwood concluded. “Please don’t just go back home and be the bar president.”

