

**REPORT TO THE BOARD OF GOVERNORS:  
RECOMMENDATIONS FROM THE 2007 SPRING SUMMIT  
OF THE  
STATE BAR OF CALIFORNIA**

In recognition of the importance of providing an optimum path for the integration of recent law school graduates and the newest members of the State Bar of California (SBC) into the profession, it was determined to devote considerable resources to focusing on this unique membership cohort. CMG (the Consensus Management Group (see Addendum E) was retained to help design and facilitate the 2007 Spring Summit, geared to identifying the most critical needs of this group, how SBC might respond to those needs, and to consider how best this group, which now numbers over 38,000, could contribute to the overall purpose and work of the SBC.

A diverse group of individuals closely connected to these issues was invited to participate:

- Young lawyers already on a leadership track
- Lawyers 5 to 10 years out of law school
- Law school faculty
- Representatives of the ABA Young Lawyers Division
- Executives of California county and/or city bar associations
- Young lawyers from state minority or specialty bars
- Bars with long-standing, successful young lawyers programs
- Managing partners from the corporate sector
- SBC Section leaders
- ABA Division of Bar Services
- Board of the California Young Lawyers Association (CYLA)
- SBC and SBC Foundation staff
- 13 members of the SBC Board of Governors

In all, 68 people attended and actively participated.

Underpinning all the work during the Summit was the recognition of the difference in the forces that shaped each generation of lawyers now in the workplace, and especially the differing expectations of each generation. (Please see Addendum A for “Understanding Generational Differences.”) Professional associations across the country are having to deal with these realities, positive and negative, and the escalating challenges. SBC chose to address these head on, aware of the importance of this Summit for SBC, and the possible implications for other state, local and national bar associations.

The Summit focused on three primary areas: programs and services, communications, and structure and governance. Each area was discussed in small workgroups, setting the stage for the closing session, at which time final recommendations in each of those areas were first determined in workgroups and then presented in plenary session. Spirited discussion followed. For each area discussed by the five workgroups into which participants were divided, “The top three” recommendations are reported below. Suggestions that were identified by two or more workgroups are also reported under “Others”.

It will be the responsibility of the Board of Governors to determine what path(s) SBC will follow, what might best be done by the state and local bars and the ABA, together or separately, as appropriate. The Summit proved to be a think tank of exceptional importance.

### **A. Programs and Services Deemed Most Important To Young Lawyers:**

#### **Top three:**

- 1) Mentoring programs that are formalized, resourced and managed:
  - develop a list of individuals willing to serve as mentors
  - divide that list according to what each mentor might be able to offer, e.g., client development, practice management, handling depositions, etc.
  - place responsibility for marketing and managing the mentorship program with a staff person accountable for its success
  - consider utilizing the “10 minute mentoring” program in use by some bar associations
- 2) Training for “law school to life”, seen by a large number of participants as a very difficult transition:
  - for the few who are snapped up by large, well established firms, entrée skills are often needed since the attention of senior lawyers is not always easy to obtain
  - for those who want to start as solo practitioners there is a need to know what they weren’t taught in law school, e.g., how to rent space, get insurance, establish a client base, manage finances, become visible in the community...something that seems to be handled by many of the local bars through their Barrister groups
  - for those who would like to go into public service law, help with managing law schools debt (see below) so that this career choice can be considered

- a real 5 year “bridging the gap” program to help successful transition from school to work
  - establish closer, sustained working relationships with law school faculty and students
- 3) Fresh approaches to managing student debt loads, seen as an overwhelming need by a large number of participants:
- providing a loan forgiveness program, through law schools and private foundations, for lawyers who commit to X number of years in public service law, enabling them to take jobs in a sector that is now prohibitive for those who must repay huge debts
  - helping to negotiate longer term or reduced interest loans
  - considering some debt forgiveness for hours voluntarily contributed to the Bar or to community service projects
  - developing other creative loan forgiveness programs

Others:

- 4) Help with work-life balance ran neck in neck with the above three:
- Plan programs, events, conferences, etc. that are family-friendly, because quality of life issues are increasingly important
  - Address work/life balance issues
- 5) Increased access to professional networks:
- importance of taking advantage of the free section memberships offered to law students, enabling them before beginning their careers to understand a variety of specialty areas
  - encourage membership beyond SBC, especially within the existing Barrister groups in many local bars
- 6) Leadership development:
- formal leadership training should be available
  - hands-on opportunities are deemed even more significant
  - help with how to get on the leadership track in every part of SBC, e.g., through service on SBC and section committees, task forces and in governance
  - opportunities to volunteer for real assignments

- 7) Less on-site MCLE, with more distance and electronic learning opportunities for those who want it, or believe they do, without over-correcting. Many young lawyers were found to still prefer on-site MCLE, providing another opportunity for interaction with senior lawyers and networking.
- 8) Increased inter-generational activities/opportunities for interaction
- 9) Provide a forum to review why the legal profession is the only major profession that has no apprenticeship/internship programs, as do medicine, dentistry, clinical psychology and others. Only law students leave their professional schools, pass an exam, and go right to work with clients, in many cases, without the supervision of a senior person.

### **B. Communications To and From Young Lawyers:**

The top three:

- 1) Increase electronic communications, including blogs, e-zines and list serves:
  - seen as something that ABA might enable across the country
  - necessary to avoid over-use, or none of these vehicles will be opened by lawyers already beset by unsolicited information on the net
  - most used/appreciated are practical tips, short briefs, hot news, information about social events
  - least used/appreciated are vendor/sponsor promotions, blast emails
- 2) Customized/individualized/targeted communications:
  - a growing interest of all lawyers, not just young lawyers, who are buried in emails and printed materials from bar associations, vendors and other community organizations, causing many to dump most of it without even a cursory glance
  - most important to enable lawyers to select what they want to receive, including their primary areas of interest, making the rest available through a password controlled portion of the web site rather than automatically arriving in an inbox
  - available “on demand” videos and tutorials
  - “we want what we want when we want it in the format we want” with no “one size fits all” communication strategy

- 3) Provide an “opt in” site for any State Bar member to access more than basic information from multiple sources across local, specialty, state and national bars. i.e., create an open source information network.

Others:

- 4) Enable an easy feedback mechanism that encourages not only a single response, but a discussion board around a hot issue such as a specialized or general list serv would allow.
- 5) *SBC Journal* received generally high marks, with suggestions for either a regular young lawyer column, or a once a year special issue.
- 6) Establish “how to” checklists and practice guides in pdf format that can be stored on personal computer and accessed when needed.
- 7) Maintain an up-to-date Job Board with free listings for potential employers.
- 8) Use bullet point communications as much as possible.

### **C. Structure and Governance Options for Young Lawyers:**

The top three:

- 1) Keep and strengthen existing CYLA structure:
  - enable leadership opportunities for young lawyers beyond those who serve on the CYLA Board
  - provide full time staff person
  - allocate budget for discretionary use by CYLA, consistent with SBC policies and practices
  - deliver education and training for young lawyers, through CYLA or in collaborations with local bar associations
  - include CYLA in member profiles
  - raise awareness of automatic membership in CYLA for young lawyers, and benefits of participation
- 2) Reconfigure CYLA as per the Texas model:
  - establish links to each local Barrister’s group through affiliate outreach in order to implement programs

- develop special state sponsored public service/community service programs, e.g., law clinics, programs for law school students
- provide increased staff support and fiscal resources, especially for educations and communications
- have responsibility for an existing activity within the SBC, e.g., for public relations, utilizing staff and resources already allocated for that area of activity
- involve a far greater number of young lawyers in the work of CYLA than is reflected in the recent history of CYLA

3) Discontinue CYLA as a separate entity:

- desegregate young lawyers by facilitating their involvement into inter-generational activities and networking opportunities through sections, SBC committees and task forces, governance and hands-on leadership experience
- encourage law student to join sections, taking advantage of the no fee option now available for joining three sections at no cost, something that is not generally known
- assist sections' ability to attract and integrate young lawyers into their activities, possibly by very low or no fee for young lawyers, with the SBC defraying some of the additional costs
- start or expand role of existing young lawyer groups within many of the sections, enabling increased networking opportunities and links to local and specialty bars, but not at the expense of moving young lawyers into task forces, committees and governance roles within the SBC and the sections
- provide more staff support and recognition of sections that do extraordinary work in bringing young lawyers into the mainstream of section activities
- whet the interest of young lawyers in committing talents and energy to the SBC and its sections through aggressive awareness campaigns about the possibilities and benefits
- promote the access to senior lawyers that is most readily available to young lawyers through section and SBC activities
- utilize a "welcome wagon" approach to letting new lawyers understand the many options they have for networking, leadership development, experience, etc, within SBC and its sections

Others:

4) Maintain a strong Young Lawyers Advisory Board, even if CYLA is dismantled:

- currently only those 17 members serving on the CYLA Board get any practical, hands-on leadership opportunities within CYLA
  - such a Board will continue to be essential even if CYLA is dissolved, as a voice of young lawyers that can be tapped by all other parts of SBC governance and staff
  - Board would be expected to be vigilant in protecting the needs of young lawyers across the state through existing SBC mechanisms, or through specially creating mechanisms, as needed and necessary
  - the chair/president of such a Board would still be expected to serve on the Board of Governors
  - listen to and stay current about concerns of young lawyers as they prepare to leave law school and through their first five years of practice
  - Shape this Board similarly to Diversity Council, i.e. with new attorneys, old hands, section representatives, local bar leaders, trainers or consultants, or
  - keep this Board composed only of young lawyers
- 5) Have an “opt in” provision for those young lawyers who wish to join CYLA, rather than provide mandatory, automatic membership, which a majority of young lawyers don’t even know they now have.
  - 6) Spin off CYLA as a separate entity, to be self-governed and self-funded.
  - 7) Establish a mechanism to track the changing needs and expectations of young lawyers in order to be able to best serve them in whatever structure is ultimately decided upon.

#### **D. Ideas That Are Outside of Above Categories:**

- 1) Better integrate programs and services aimed at young lawyers and other lawyers provided by state, local, specialty and state bars as well as by the ABA:
  - make a concerted effort to break down real, imagined and/or traditional boundaries between and among bar associations
  - organize a summit of leaders to talk through and clarify distinctions and roles
  - SBC should focus on development of programs and training trainers and providing leadership opportunities within SBC and its sections
  - local and specialty bars should implement and deliver program and enable local networking

- ABA should serve as national clearinghouse of ideas and best practices; deal with and communicate national issues; and run a web based open source network
  - networking at every level should be made easy and available
  - competition among bars should be reduced
  - consider the possibilities of working towards a co-extensive membership for local, state and national bar or another way to encourage young lawyers to be members at every level
- 2) Introduction to and exposure of young lawyers to a variety of substantive areas of law early in a career appears to open possibilities and networks for these young lawyers to access.
  - 3) Traditional leadership ladders are increasingly obsolete, with professional organizations now selecting leaders based on carefully pre-determined characteristics, such as skills, style, experience inside and outside of the organization, and owning a particular body of knowledge needed at this particular moment in the organization's life, rather than having come through an unwritten but generally accepted system of working one's way up through the chairs of various important committees, and "paying one's dues". This requires a different kind of preparation for leadership and different guidelines for Nominating Committees.
  - 4) Job counseling is now needed at all levels of a career, especially in regard to finding practical steps to alternative careers. The need for more resources allocated to serving this need across the SBC membership spectrum has been identified.

CMG was asked to provide our recommendations to the Board as well as the recommendations which came out of the Summit. The CMG Recommendations are attached as Addendum D.

Before SBC leaders choose a new path for young lawyers, or decide to retain the existing structure, it would be prudent to review some of the documents that were sent to Summit participants for advance reading: Addendum B, *The Report of Results: California Young Lawyers Association Survey* conducted by Hertz Research, and Addendum C, a CMG study of *The Generational Divide: Real or Imagined*, a study of the needs, wants and expectations of young lawyers and suggested options for action.



Overall, SBC will have to become flatter and more focused in order to best balance its role as a regulatory bar and a bar that provides specialized services for members at every level of their careers, including older lawyers facing retirement, lawyers seeking alternative careers, as well as young lawyers starting up the career ladder. While properly carrying out its primary role, SBC will be increasingly pressured to find a way to realistically address and resource the most critical professional needs of its members, needs that are best addressed at a state level.

Whenever new ideas surface as a result of changes in the environment or changes within constituent cohorts, older approaches to “how we do things around here” often have to be discarded. This is generally painful, but is the only way that cutting edge governments, corporations, unions, organizations, educational institutions in any society move that society forward to a next level of excellence.

As Lee Smolen noted in *The Trouble with Physics*, “For a community to survive, there must be mechanisms of correction: elders who curb the impulses of the young because if they have learned anything in their long lives, it is how often they were wrong; the young, who challenge beliefs that have been held obvious and sacred for generations, when those beliefs are no longer apt. Human society has progressed because it has learned to require of its members both rebellion and respect, and because it has discovered social mechanisms that over time balance those qualities.”

SBC has several choices to consider about how best to serve the needs of its various generational cohorts. Some have already been identified, with a host of others surely ready to surface. Only one thing is certain: Because the environment is changing so quickly around us, there is no place for stasis in today’s world.

*This report has been prepared by  
Dadie Perlov and Linda Shinn, CMG Principals  
New York City and Indianapolis*

[www.virtualcmg.com](http://www.virtualcmg.com)

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## CMG RECOMMENDATIONS

After careful consideration of the broad spectrum of issues addressed during the 2007 Spring Summit, and based on experience in working with 39 local, state, national and specialty bars and well over 1,500 staff and volunteer leaders of local, state and specialty bars through the ABA's Bar Leadership Institute, as well as with 6 of the ABA sections on special assignments, and especially after working closely with SBC on the design, development and facilitation of the January 2007 Board retreat and the Spring Summit, we are absolutely certain of one thing: generational issues deserve increased attention and resourcing. Dedicating the Summit to this issue is ample evidence of SBC's commitment to finding an optimum approach to "bridging the gap" for young lawyers.

In reviewing the output of Summit workgroups, and reading through many of the workbooks that participants were good enough to turn over to us at the conclusion of the Summit, we sought to capture the excellent ideas presented by participants and put them together in a way that matches the uniqueness, resources and culture of California and the SBC.

Resisting the urge to try to fit recommendations into any one of the many molds presented, CMG decided instead to draw on the outstanding features of ABA's Young Lawyer Division, from samples of excellence found in local bars, from Texas, Florida and other state bars, from CYLA's own record and from CMG's extensive data base of how comparable professional associations provide for special constituencies.

The result is a custom designed approach that we believe will best serve young lawyers, the SBC, and most importantly, the public and the profession. Keeping the focus on young lawyers, these recommendations can serve as the starting point for re-imagining the positioning of young lawyers within the SBC.

**1) Attention to debt load** is an issue of immediate concern for young lawyers everywhere. To ensure qualified, well-trained lawyers for future generations of California citizens, and enable those who seek a career in public service to be able to do so, it is appropriate that attention be paid to debt load by SBC. This issue is best attended to by the entire organization, not just by young lawyers, since it is probable that the more senior lawyers have more extensive contacts with all of the entities that need to be involved.

Coordination with law schools, senior lawyers in every branch of the law, legislators, courts, banks, foundations and every level of government is essential to identifying and implementing innovative approaches for debt relief.

The practice in some large law firms of offering debt “credits” for volunteer work, debt forgiveness from law schools for a commitment to five years in public service jobs, and other approaches already in place elsewhere or yet to be devised, will begin to address this issue.

For young lawyers, a low cost, high potential project would be to help spread the word, and the printed materials, about what the California Bar Foundation, ABA and other entities are already doing in this area.

**2) Mentoring** emerged as a high priority, with reports of past attempts, false starts, and generally unsatisfactory implementation. As has been demonstrated in many professions where mentoring programs succeed, they are best provided in one or both of the following ways:

- Locally, with encouragement, operating templates where none exist, and training provided and coordinated by the state. There should be no need for both state and local bars to offer on-site mentoring.
- Through technology, enabling a net-based, state-wide mentoring program, e.g., through listservs, with ground rules for operations, confidentiality and management of traffic, offering a combinations of email and telephone consultations, supporting increased interest in work/life balance. Utilization of such a mentoring service may well go beyond young lawyers.

For any mentoring effort, electronic or local, staff support is essential.

**3) Outreach** to the public is a core principle in most successful young lawyer groups. In concert with law schools, students, social service agencies and other entities, young California lawyers could become an integral part of SBC’s overall commitment to public education, service and information. There should be at least one young lawyer public service effort underway each year, independently run or in concert with a larger SBC undertaking.

**4) Bridging the gap** between law school and developed careers certainly falls within the SBC mandate. Here again, some of the needs are best filled locally, such as opportunities to meet and interact with judges, while others can be filled in partnership with local bars when offered across the state. Many key courses, such as practice tips and how to build and maintain a solo practice can be web-based.

- Perhaps most important would be a concerted effort, organized and managed by young lawyers themselves, to get to law students early enough to help them successfully negotiate their transition before they are faced with managing it.

Although SBC can only provide services to members, it should be possible, with little preparation, to assemble three or four young lawyers from different areas of law, e.g., public sector, large law firm, solo practice, etc., and representative of the diversity of lawyers practicing in the state, to arrange an informal evening meeting with law school seniors to share with them their own varied experiences during their first two years out of school, and to answer questions that students might have. This interactive and reality-based approach could become a national prototype. It is sorely needed.

- Develop tailored programs for young lawyers seeking employment in large firms, small firms, government, solo practice, etc.
- Establish revenue producing programs and services, such as appropriate CLE classes offered by and for young lawyers, with the revenue helping to offset the costs of the additional staff support (see below) required for young lawyer programming and leadership development.

**5) Communications:** Every one of the recommendations to alleviate the communications issues identified by young lawyers in the CMG Report would be welcomed by almost every member in any generational cohort and should be seriously considered by SBC. A “one size fits all” policy is no longer an effective communication strategy for any group anywhere:

- Customize electronic communications, including blogs, e-zines and listservs, delivered in bullet formats, for hot news and special messages, to pre-determined self-identified individuals and/or groups. This will reduce information overload for everyone. While start-up costs are high for moving to this mode of communications, once designed and implemented, maintenance is not difficult.
- Consider development of an open source network, in cooperation with ABA and other state and local bars as an “opt in” site for any lawyer to access more than basic information from multiple sources. This can be utilized for discussion boards, a job listing service and for the identification of emerging issues by local, state and national minority and specialty bars, generally done through a cost-sharing compact.
- Limit printed and delivered mail to important publications, like the well-received Journal (but also offering it electronically for those who select this option) and brochures announcing state events.
- Use blast emails only for true emergencies and dire needs.

**6) Governance issues** elicited the most passionate discussion and the least consensus. Working forward from what was universally agreed to would be the purpose of a young lawyer entity in any structural or governance setting, i.e., to engage and involve young leaders; to strengthen their leadership skills; to provide a network of colleagues; and to help them transition “from law school to life”. CMG sought practical and achievable ways to address all of this.

It was reassuring to find that these purposes, along with increased visibility and opportunities for leadership in every facet of work and life, can be realized in ways that promise an excellent return for young lawyers, for the profession and for the public without unreasonably stressing SBC human, fiscal and technological resources and consistent with what young lawyers’ expect. CMG recommends:

- Establishing a Council for Young Lawyers (CYL) responsible for programs, service and professional development (such as those suggested by Summit attendees, and described above) and trend analysis, to keep both CYL and SBC ahead of the curve. CYL would also develop communication strategies that will engage young lawyers.
- CYL composition should start with the 15 people and officers on the current CYLA Board. As terms are completed and seats become vacant, it will be the responsibility of CYL to recommend individual young lawyers, based on pre-determined (by CYL) and approved (by SBC Board) criteria, to the SBC’s Board of Governors for appointment. This is how appointments to Councils and committees are now handled within SBC. Such an approach will lend prestige to the appointment, starting young lawyers on the fast track to future leadership within SBC.
- CYL will elect its four officers from among its roster, for one-year terms: a Chair, a Chair-elect, and two Vice- Chairs. These officers with eleven Council members would complete the CYL roster of fifteen. No Council member should be able to stand for an officer position unless she/he has had at least one year of service on the Council.
- The four officers will serve as an Executive Committee, responsible in the interim between meetings of the full CYL for dealing with issues that cannot wait for the next Council meeting, in person or via video or teleconference.
- The Chair will be responsible for leadership of the CYL, liaising with CYL staff on all matters pertaining to CYL.

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- The Chair-elect, in addition to being available to stand-in if the Chair is unavailable or unable to serve, will also be responsible for all collaborative, outreach efforts between the SBC, state specialty societies and local bar associations, generally through the local Barristers, and for maintaining close working relationships with the SBC Outreach Office staff.
- To ensure that the CYL and its members are actively and productively involved, and accountable for accomplishing goals that it would self-determine, all officers will serve with portfolio, i.e., with defined responsibilities in certain areas. The Vice-Chair for Intergenerational Activities could be responsible for ensuring contact, activities and leadership/career development opportunities for young lawyers within SBC, its sections and committees. The Vice-Chair for Professional Development would be responsible for programming, and for helping staff develop and implement revenue generating CLE courses directed to young lawyers at various stages of their career, including special courses, at special prices, designed for public service lawyers.
- Officers could be elected to another officer position after completing a term, with no officer serving in the same position for more than one term. However, there is no automatic progression through the officer positions, except for the Chair-elect.
- Council members would be appointed for staggered three-year terms.
- The Council, either from within its own ranks or from the large pool of young lawyers in the state, would select a CYL representative to the SBC's Board of Governors.
- The Council could meet face to face semi-annually, first to reinforce existing programs and services and/or to agree to develop and deliver new programs and services, always cognizant of the need for dropping an existing program when starting a new one, or generating the resources to afford both. In the interim between meetings, the Council would be kept informed and involved with CYL activities and the work of the Executive Committee through an discreet interactive listserv, and would be expected to volunteer as coordinators and/or implementers of CYL programs and services either through Barrister groups and/or through CYL community service projects or other purpose at least once each year.

During the second meeting of the Council, members would evaluate their performance re achievement of identified goals, consider and approve their recommendations to the Board for open Council seats, and elect officers.

- All young lawyers on SBC's roster would be solicited for recommendations of other young lawyers to recommend to the SBC Board for a Council seat, or to self-nominate for the Council's consideration.
- The CYL would be charged with identifying volunteers beyond their own ranks for service in all the areas that CYL has committed to, e.g., for service on CYL task forces or committees or as liaisons to SBC sections and committees.

**7) Staffing** would be provided by SBC: One full-time dedicated professional with experience in managing comparable entities, and one half-time administrative assistant, with offices at state headquarters in San Francisco, are suggested. Placing the staff in the headquarters office is intended to ensure interaction with the larger SBC staff and volunteer leadership, increase their visibility, and reinforce their importance within SBC.

Salary and benefits for these positions would be in line with existing salary and benefits structure, and come from the SBC budget. Other administrative support, e.g., for printing, would be charged to the CYL cost center.

**8) CYL Budget:** An initial budget allocation of \$150,000 should be provided up front, not allocated on a "need to have" basis, with the expectations that by the end of the first three years of operations, a significant percentage of the CYL budget would be produced by the Council. This could be achieved through income-producing programs, CLE, social events, family-friendly activities, travel, etc, whether educational, social or any other appropriate way that is pre-approved by the SBC Board of Governors through its responsibility for approval of the CYL budget as part of its overall fiduciary responsibilities.

Such an "up-front" allocation of resources is intended to spur activity. It should be expected to yield tangible results after a the initial three-year period. If it has not achieved that goal, this "up front" allocation should be discontinued, with CYL returning to a "request for funding" approach for new projects. It is worth a trial run.

### **Conclusions:**

Young lawyers will be best served if not segregated from the mainstream of SBC and provided with abundant opportunities to become well-prepared to enter and assume leadership positions within the SBC. Intergenerational synergy is essential for the future ability of any organization to sustain itself and advance its mission, and for young lawyers, networking with lawyers across the age and specialty spectrum is essential for their future.

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Existing and new SBC public service and outreach activities that could more aggressively involve young lawyers should be designed to reflect what their lifestyles require, i.e., short term, time and task specific assignments. These would probably be welcomed and supported by lawyers in every generational cohort as well. With Sections generally undervalued and underutilized in many bar associations, increased SBC Section commitment to more actively engaging young lawyers, starting with law school students (already enabled through the provision which allows students to be members of three sections at no fee, but not now actively pursued by SBC or its sections) should be well supported. Section membership fees for lawyers during the first three years after their admittance to the Bar deserve to be revisited.

Through careful re-allocation of existing budget lines, SBC committees and task forces could be encouraged to expand opportunities for young lawyer participation, for networking, for career enhancement, and for concrete achievements without requiring significant new monetary investments.

Providing opportunity for young lawyers in the many ways outlined in this addendum and through the implementation of other innovative ideas yet to be developed will serve every purpose for which SBC is chartered and every articulated expectation of young lawyers.

*Prepared for SBC by Dadie Perlov and Linda Shinn, Principals*

*Consensus Management Group*

*22 West 66 Street*

*New York, NY 10023*

*212-712-2449*

*[www.virtualcmg.com](http://www.virtualcmg.com)*

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