

# AGENDA ITEM

**MARCH 2008**

Proposed Changes to the  
California Young Lawyers Association  
Governance Structure –  
Request for Public Comment  
**Action**

DATE: February 15, 2008

TO: Members, Board Committee Stakeholder Relations (BCSR)

FROM: Patricia Lee, Director, Office of Legal Services Access and  
Fairness Program  
Carol Madeja, Director, Bar Relations Outreach

RE: Proposed Changes to the California Young Lawyers Association  
Governance Structure -- Request for Public Comment

## EXECUTIVE SUMMARY

During the January 2007 Board Planning Retreat, attended by the CYLA Executive Committee and facilitated by Dadie Perlov, Principal of Consensus Management Group (CMG) the Board of Governors agreed that in 2007 the State Bar would focus its efforts on developing recommendations for activities to help increase the relevancy of The State Bar of California and CYLA to its members, to increase participation by young lawyers in bar activities, to provide leadership and professional development avenues, and to guide the creation of member services for new admittees and young attorneys.

Under the Board's directive, the research and evaluation process began. In April 2007, Hertz Research created an online survey, in conjunction with State Bar staff and input from the CYLA Board. The survey was sent to randomly selected young lawyers and was offered to all lawyers through the website. CMG was engaged to research the current young lawyer issues and to help prepare the 2007 Spring Summit on Young Lawyers. CMG convened focus groups and conducted individual phone interviews to gather relevant information from a variety of perspectives. In June 2007, a two-day invitation only Young Lawyer Summit was held. The purpose was to convene stakeholders for open and candid dialogue on key strategies that would positively impact young lawyers and The State Bar of California.

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*Executive Summary (continued)*

After careful consideration of the broad spectrum of issues raised during the 2007 Spring Summit, the results of the individual and focus group interviews and the 2007 Young Lawyer Survey, CMG provided its final "Report to the Board of Governors: Recommendations from the 2007 Spring Summit of the State Bar of California."

The key recommendations include the restructuring of CYLA, shifting from an elected board to an entity appointed by the Board of Governors and the renaming the new entity as the Council on California Young lawyers. The current process providing for the election of a young lawyer representative to the Board of Governors would be preserved. Comments were solicited from all Spring Summit attendees, with the CYLA board and one other individual submitting comments.

At the January 2008 Board Retreat, the report and recommendations were discussed and staff was instructed to finalize the proposed recommendations for restructuring CYLA, consistent with the recommendations in the CMG report. The staff has completed the proposed recommendations as outlined in this agenda item and now seeks Board approval for a 45-day public comment period from March 10, 2008 through April 24, 2008.

**BACKGROUND:**

Recognizing the importance of providing an optimum path for the integration of recent law school graduates and new admittees, it was determined by the Board of Governors that considerable resources would be devoted to focusing on the needs of this unique group of State Bar members. In 2007, both Hertz Research and Consensus Management Group were retained to assist the bar in identifying the most critical needs of young lawyers, determining how the State Bar might respond to those needs and considering how young lawyers could best contribute to the overall purpose and work of the State Bar.

In January 2007, the California Young Lawyers' Association Executive Committee attended the Board of Governors' Planning Retreat to engage in dialogue with the Board on young lawyer issues and needs. Dadie Perlov, Principal of Consensus Management Group (CMG) facilitated the discussion. Discussion focused on recognizing and understanding generational issues, identifying and meeting the needs of young lawyers, and assessing The State Bar's commitment to young and new lawyers.

During the retreat, it was determined that the State Bar would focus its 2007 efforts on pursuing activities that would result in recommendations to help increase the relevancy of The State Bar of California and CYLA to its members, to increase participation by young lawyers in bar activities, to provide leadership and professional develop avenues, and to guide the development of member services for new and young attorneys.

In April 2007, Hertz Research created an online survey with staff support and input from the CYLA Board. The survey was sent to randomly selected young lawyers and offered to all lawyers through the website. Information was collected to measure demographics, familiarity with CYLA, job satisfaction, work/life balance, local bar membership and utilization of State Bar resources.

The results regarding awareness and benefits of CYLA were as follows:

- Fifty-seven percent of the respondents were unaware of CYLA and that they were members and,
- Seventy-nine percent were unaware of CYLA's electronic newsletter and,
- Eighty percent had not visited CYLA's web page.

These results were important to the analysis and development of the current proposed Recommendations. (For Survey summary see Attachment A.)

Simultaneously, CMG was engaged to examine the young lawyer issues, to interview people across age and practice settings, to research the literature in the field and to help the State Bar design and implement a seminar that would begin to address these issues and provide input on how the State Bar might respond.

In June 2007, a two-day invitation only Summit was held. The purpose was to convene stakeholders for open and candid dialogue on key strategies that would positively impact young lawyers and that would:

- Have a positive and effective impact on the professional and volunteer development of young lawyer members
- Provide support and opportunities for young lawyers to obtain leadership skills and experience
- Allow for meaningful involvement of young lawyers in all facets of the profession and,
- Position our organizations for the transition of leadership to the future generation of lawyers.

After careful consideration of the broad spectrum of issues raised during the 2007 Spring Summit, the results of the individual and focus group interviews and the 2007 Young Lawyer Survey, CMG provided its final "Report to the Board of Governors: Recommendations from the 2007 Spring Summit of the State Bar of California." The key recommendations include the restructuring of CYLA by shifting from an elected board to an entity appointed by the Board of Governors and the renaming of the new entity as the Council on California Young lawyers. The process of electing the young lawyer representative to the Board of Governors would continue. The report and recommendations were circulated for comment among the Summit participants. The CYLA Board and one other individual submitted comments. (See Report at Attachment B)

During the 2008 Board Retreat, the recommendations were reviewed and discussed by the Board with input from three CYLA Executive Committee members. Board approval was given to finalize and prepare the proposed changes to CYLA's governance structure for public comment.

**LENGTH OF PUBLIC COMMENT PERIOD:**

The 45-day comment period would run from March 10, 2008 through April 24, 2008 and would provide the opportunity for feedback from young lawyer constituents and other key stakeholders. The final public comment report and Recommendations will be submitted for review and approval by the Board Committee on Stakeholder Relations and the full Board at the May 2008 Board Meeting.

**FISCAL AND PERSONNEL IMPACT:**

The current General Fund operating budget for CYLA is \$82,962 with staff support provided by Bar Relations Outreach (BRO) staff, at .20 FTE BRO Director and .20 FTE BRO Project Coordinator. It is anticipated that the budgetary and staff resources would increase to perform the tasks envisioned in these recommendations. Any increase in budget allocation and/or staff resources would be subject to Board approval.

**BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT:**

- A. Deletion of Tab 13, Article 2 (Public Communications), Section 2 (b)(8) from the State Bar of California's Governors Policy Manual and,
- B. Deletion of Tab 4, §6013.1. (a) (Membership from Bar Districts and Young Lawyers Association; Operative Date of Section) and,
- C. Replace subheading of Tab 4, §6013.4 (Members from Young Lawyers Association) replaced with "Young Lawyer Constituents and Council of California Young Lawyers" and making appropriate changes in the text of the section

**STATE BAR RULES IMPACT:**

Impact on Article VIII of the Rules and Regulations of the State Bar to be determined.

**DISCUSSION**

**History of CYLA:**

In 1965, the Board of Governors created The State Bar's Conference of Barristers, which was governed by an Executive Council. The name was changed to the California Young Lawyers Association (CYLA) in 1977-78 when CYLA's representation on the State Bar's Board of Governors was effectuated through statutory amendment. The

amended Business & Professions Code §6013 provides for the one-year term for the young lawyer representative on the Board of Governors. CYLA is a creature of Board action reflected in the Rules and Regulations of the State Bar of California, Article VIII. Like all sub-entities of the State Bar of California, its existence is totally dependent upon the action of the Board of Governors. Further, CYLA is a general fund rather than a special fund sub-entity and benefits from the expenditure of mandatory licensing fees. (See Attachment C for a complete history of CYLA.)

It was the 1977-78 addition of a CYLA member to the Board of Governors that precipitated the change in CYLA's name from the Conference of Barristers, the change of the Executive Council to the Board of Directors, and the election of the CYLA Board from among the mandatory membership of CYLA. Bylaws were established outlining CYLA's purpose, membership criteria, officer and board members' elections, committee structure and Board policies. (See Attachment D for a copy of the current CYLA Bylaws.)

## **RECOMMENDATIONS:**

It was clear after reviewing the data from the online survey and the input from the attendees at the 2007 Spring Summit, that the generational issues and their implications for the profession and the State Bar deserve increased attention and resourcing. Low participation by young lawyers in annual CYLA district elections, high board turnover and the lack of young lawyer awareness re: the existence and their "membership" in CYLA suggested that a significant shift was needed to redefine the support structure for young lawyers and to ensure full representation and commitment to the young lawyer issues identified in the 2007 survey, as well as through interviews and the dialogue during the Spring Summit.

Working from what was universally agreed 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 the young lawyers transition from law school to the profession, with a balance in their personal lives, CMG sought practical and achievable ways to address these issues through a comprehensive and effective approach.

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. To achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of young lawyers and represent the issues as outlined in the "Spring Summit Report and Recommendations, for the California Young Lawyers", the following recommendations are proposed:

1. That CYLA and the State Bar take appropriate steps to transition CYLA from an elected board to an entity appointed by the Board of Governors, with the appointments process proceeding consistent with the State Bar 's "Appointment Policies and Procedures". The transition will provide for attrition of currently elected board members, to be replaced by Board of Governors appointment as

the elected terms expire.

2. The pre-existing California Young Lawyers Association will be re-named the Council on California Young Lawyers. The Council is projected to consist of 20 members, who are representative of the young lawyer constituents and who are interested in supporting the newly created Council's Mission and Charge, and will be appointed by the Board of Governors.
3. The existing California Young Lawyers Association will sunset its bylaws and will operate under the newly established Mission and Charge (See Attachment E.)
4. The Council will elect one young lawyer representative to a voting seat on the Board of Governors.
5. It will be understood that the current reference to young lawyers in all materials, rules, and procedures as "members" will refer to young lawyer "constituents", and changes to specific language will be made, as needed. The young lawyer "constituents" will be defined using the current criteria, e.g. attorneys age 36 and under or attorneys in practice for 5 years or less.

#### **Proposed Implementation Schedule:**

The following timetable is being recommended to enable the transition to be accomplished in 2008 and to open the appointments process for the 2009-2010 committee year:

**March 6, 2008:** This proposal is submitted to the Board Committee on Stakeholder Relations to be approved for public comment.

**March 10, 2008:** Release for 45-day public comment period.

**April 24, 2008:** Public comment deadline.

**May 2008:** The report on public comment and proposed recommendations will be submitted to the Board Committee on Stakeholder Relations and to the Board of Governors for review and approval.

**May 2008 – September 2008:** Staff to work with CYLA and the Board to complete steps for final transition of CYLA to the new entity.

**September 2008 – February 1, 2009:** The Council on California Young Lawyer recruits for the 2009 appointments process.

**May 2009:** Appointment of new Council members.

**October 2008:** Newly appointed Council members terms begin.

**November 2009:** Orientation of new Council members.

## **PROPOSED BOARD COMMITTEE RESOLUTION**

Should the Board Committee on Stakeholder Relations (BCSR) agree with the proposed recommendation to release the proposed changes to the California Young Lawyers Association's governance structure for a 45-day public comment period and revisit the report of the public comment and the recommendation to change the CYLA's governance structure at the regular May 2008 meeting of Stakeholder Relations and the Board of Governors, the following resolutions would be appropriate:

**RESOLVED** that the Board Committee on Stakeholder Relations approves the release of the proposed changes to the CYLA's governance structure for a 45-day public comment period; and it is

**FURTHER RESOLVED** that this authorization for release for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed item.