

AGENDA ITEM

MAY 165

Proposed Changes to the California Young Lawyers Association Governance Structure – Return of Public Comment Action

DATE: April 28, 2008

TO: Members, Board of Governors
Members, Board Committee Stakeholder Relations (BCSR)

FROM: Patricia Lee, Director,
Office of Legal Services Access & Fairness Program

Carol Madeja, Director, Bar Relations Outreach

RE: Proposed Changes to the California Young Lawyers Association
Governance Structure – Return of Public Comment

EXECUTIVE SUMMARY

In January 2007, under the Board's directive, research and evaluation began to understand how 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.

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. Consensus Management Group (CMG) was engaged to research the current California young lawyer issues and to help prepare for the 2007 Spring Summit on Young Lawyers. CMG convened focus groups and conducted individual phone interviews gathering relevant information on this issue 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.

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."

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Executive Summary (continued)

The key recommendations included 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 existing 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 Board discussed the recommendations in the CMG report but only agreed to one change in CYLA's structure – to change CYLA to an appointed rather than elected body. The Board also agreed that the CYLA name would not be changed. At that time, the Board instructed staff to finalize the proposal for the appointment of CYLA's leadership for the Board's formal consideration in March

During the March 2008 meeting of the Board Committee on Stakeholder Relations, the Committee agreed to send out for public comment proposed rule changes to shift CYLA from an elected to an appointed entity. While most Board members believed CYLA should retain its name, the Committee also directed staff to seek public comment on the advisability of keeping or changing the entity's name. The proposal also would convert the existing bylaws into a Mission and Charge. The 45-day public comment period ended on April 26, 2008.

Based upon the public comments received, the revised proposed recommendations are submitted for review and approval.

BACKGROUND:

Recognizing the importance of providing an optimum path for the integration of recent law school graduates and new admittees into the legal profession and the organized bar, it was determined by the Board of Governors, at its 2007 Board Planning Retreat, that considerable resources would be devoted to focusing on the needs of this unique group of State Bar members. In 2007 the State Bar of California completed the following:

- Retention of Hertz Research and Consensus Management Group 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 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:

- o Fifty-seven percent of the respondents were unaware of CYLA and that they were members and,
 - o Seventy-nine percent were unaware of CYLA's electronic newsletter and,
 - o Eighty percent had not visited CYLA's web page.
- 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 Young Lawyer Summit was held.
- 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."
- 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 for public comment the proposed changes to CYLA's governance structure, shifting from an elected to an appointed entity and retaining the CYLA name.
- The proposal of recommendations for changes to CYLA governance structure was released for 45-day public comment with the deadline date of April 26, 2008.

RETURN FROM PUBLIC COMMENT:

Individual members of ABA/YLD affiliate organizations, past CYLA Board members, California local bar associations and the CYLA Board submitted public comments. (See **Attachment 1** for the public comment summary) There was significant confusion about what proposals were actually pending before the Board. Although the CMG report and recommendations were attached only as background materials, some that commented were under the mistaken impression that the proposal was to disband CYLA and create a new entity with a new name, and to subsume CYLA into the State Bar Sections, consistent with the discussion and recommendations in the CMG report.

The Bar Association comments tracked the public comment proposal and deferred to the Board of Governors the issue of retaining the current name. (See **Attachment 2** for original notice of public comment and proposal)

On April 25, 2008, a special meeting of the CYLA Board was held by conference call. During the meeting State Bar staff explained the proposal and acknowledged the confusion. Staff confirmed that CYLA was not being disbanded nor was a new entity being created. It was further explained that converting the bylaws to a Mission and Charge, was to align CYLA with other State Bar appointed entities. Staff suggested revisions to the proposed recommendation to further clarify the intent of the Stakeholder Relations Committee and Board of Governors. The CYLA Board agreed with the revisions to the proposed recommendations to reflect more accurately the goals of the proposal.

The revised recommendations appear below and are proposed for the Stakeholder Relations Committee and full Board of Governors review and approval.

PROPOSED RECOMMENDATIONS:

To achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers, the following recommendations are proposed:

1. That CYLA and the State Bar take appropriate steps to transition selection of CYLA members from an election process to an appointment process, with 9 seats reserved, one for each State Bar District, and the remaining seats appointed consistent with the State Bar Appointments Policies and Procedures. Current members of the CYLA board will continue serving on the new entity until their current terms expire. The Board of Governors will fill the vacated seats through appointment.
2. CYLA will be expanded to 20 members, who are representative of the new lawyer constituents and who are interested in supporting the mission and charge of CYLA.
3. CYLA will convert the current CYLA bylaws into an official Mission and Charge, consistent with State Bar structure and format for other appointed entities, subject to Board of Governors approval.
4. CYLA will elect one new lawyer representative to a voting seat on the Board of Governors.
5. It will be understood that the current reference to new or young lawyers in all materials, rules, and procedures as "members" will refer to new and young lawyer "constituents," and changes to specific language will be made, as needed. The new 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.
6. California Young Lawyers Association will retain its current name.

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:

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.

July 2008: Stakeholder Relations Committee and full Board review and approval of CYLA Mission and Charge.

May 2008 – September 2008: Staff to work with CYLA and the Board to complete steps for final transition of CYLA from an elected to an appointed entity.

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

February to March 2008: CYLA screening and review of CYLA applications and recommendations to Board of Governors. CYLA election of CYLA representative on Board of Governors.

May 2009: Appointment of new CYLA members.

October 2008 (Close of Annual Meeting): Newly appointed CYLA members terms begin. Newly Elected CYLA BOG representative term begins.

November 2009: Orientation of new CYLA members.

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,

STATE BAR RULES IMPACT:

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

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Board Committee on Stakeholder Relations concur, the following resolution would be in order:

RESOLVED, that the Board Committee on Stakeholder Relations recommends that the Board of Governors approve the following recommendations to effectuate changes to CYLA governance:

To achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers, the following recommendations are proposed:

1. That CYLA and the State Bar take appropriate steps to transition selection of CYLA members from an election process to an appointment process, with 9 seats reserved, one for each State Bar District, and the remaining seats appointed consistent with the State Bar Appointments Policies and Procedures. Current members of the CYLA board will continue serving on the new entity until their current terms expire. The Board of Governors will fill the vacated seats through appointment.
2. CYLA will be expanded to 20 members, who are representative of the new lawyer constituents and who are interested in supporting the mission and charge of CYLA.
3. CYLA will convert the current CYLA bylaws into an official Mission and Charge, consistent with State Bar structure and format for other appointed entities, subject to Board of Governors approval.
4. CYLA will elect one new lawyer representative to a voting seat on the Board of Governors.
5. It will be understood that the current reference to new or young lawyers in all materials, rules, and procedures as "members" will refer to new and young lawyer "constituents," and changes to specific language will be made, as needed. The new 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.
6. California Young Lawyers Association will retain its current name.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the board committee's recommendation, the following resolution would be in order:

RESOLVED, upon recommendation of the Board Committee on Stakeholder Relations, that the Board of Governors approves the following recommendations to effectuate changes to CYLA governance:

To achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers, the following recommendations are proposed:

1. That CYLA and the State Bar take appropriate steps to transition selection of CYLA members from an election process to an appointment process, with 9 seats reserved, one for each State Bar District, and the remaining seats appointed consistent with the State Bar Appointments Policies and Procedures. Current members of the CYLA board will continue serving on the new entity until their current terms expire. The Board of Governors will fill the vacated seats through appointment.
2. CYLA will be expanded to 20 members, who are representative of the new lawyer constituents and who are interested in supporting the mission and charge of CYLA.
3. CYLA will convert the current CYLA bylaws into an official Mission and Charge, consistent with State Bar structure and format for other appointed entities, subject to Board of Governors approval.
4. CYLA will elect one new lawyer representative to a voting seat on the Board of Governors.
5. It will be understood that the current reference to new or young lawyers in all materials, rules, and procedures as "members" will refer to new and young lawyer "constituents," and changes to specific language will be made, as needed. The new 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.
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