



# THE STATE BAR OF CALIFORNIA

180 Howard Street  
San Francisco, CA 94105  
(415) 538-2000

---

**Date:** April 16, 2009  
**To:** Volunteer Involvement Committee  
**From:** Young Lawyer Involvement Working Group  
**Re:** Young Lawyer Initiatives

---

## INTRODUCTION

The Volunteer Involvement Committee's Young Lawyer Involvement Working Group is tasked with looking at the involvement of young Lawyers in State Bar entities by coordinating with CYLA, standing committees and Sections in on-going and proposed programs.

The working group is comprised of Jim Hussey, Chair, Micha Liberty, Paul Kramer, Michael Tenenbaum, and is staffed by Karen Hagelund.

The working group met by conference call on Thursday, November 13. Board members Jim Hussey, Paul Kramer and John Dutton participated, as well as State Bar staff Francisco Gomez, Karen Hagelund, Judy Johnson and Carol Madeja. The working group discussed the following: 1) What has been done? 2) What is currently being done? 3) What is the current participation of young lawyers? 4) What are the obstacles to young lawyer participation? 5) What can VIC do?

It was the consensus of the group that development of a partnership with the Sections could address young lawyer needs and that the existing young lawyer entity should coordinate with the Sections to avoid duplication of effort and depletion of limited resources.

The group also agreed that young lawyers might be better served through \*virtual services,\* particularly in light of their expressed preference for online communication, such as the opportunities presently afforded by the Sections\* \*Members Only Areas.\* We hope that our younger members will make use of the Bar's newly available "e-circles" social networking site.

To this end, it was suggested that the Sections market to young lawyers and decide on a uniform, reduced member rate for young lawyers and determine what would be offered to young lawyers for that fee. The Sections could work with CYLA to focus on young lawyer needs and help coordinate joint efforts to address these needs.

The following memorandum provides information regarding past, current and potential future initiatives undertaken on behalf of young lawyers.

## I. BACKGROUND

### ■ **January 2007: Board of Governors Planning Session**

At the State Bar's Board of Governors January 2007 planning session, which was attended by the California Young Lawyer Association's (CYLA) Executive Committee, the Board discussed the issues and needs of new lawyers. The session was conducted by Ms. Dadie Perlov, a principal in the Consensus Management Group (CMG) and an experienced bar association facilitator, who was retained by the Board to assist with its planning process. It was the general consensus that the State Bar should focus its 2007 efforts on activities that would help increase the relevancy of the State Bar of California and CYLA to its young lawyer members to provide the most advantageous track for integrating recent law school graduates and new attorneys into the legal profession and the bar.

### ■ **January - June 2007: Young Lawyer Survey**

In the months that followed, Hertz Research and the CMG were retained to assess how newer California attorneys were doing in the early stages of their legal practice, to measure their knowledge and use of existing State Bar member services, and to determine if there were other benefits or services the State Bar could provide that would be useful to them. The State Bar commissioned a survey of California young lawyers conducted by Hertz Research (see Attachment 1, "Preliminary Report of Results California Young Lawyers Association Survey the State Bar of California, May 2007").

The Hertz survey data measured demographics, familiarity with CYLA, job satisfaction, work/life balance, local bar membership and utilization of State Bar resources. The results of the survey confirmed the view that CYLA needed to be revitalized as 57% of young lawyers were unaware of CYLA's existence or its activities. Other highlights of the survey include:

1. 79% were unaware of CYLA's electronic newsletter
2. 80% had not visited CYLA's Web page
3. 77% said that they were either satisfied (47%) or somewhat satisfied (30%) with the job or legal practice they now have
4. 50% indicated they rarely, if ever, perform pro bono work

5. 50% indicated they belonged to a local bar association, fourteen percent to a specialty bar, eleven percent to a minority bar and eight percent to a women's bar association (15% among females)
6. Outside of the ethics hotline (60%) and online CLE articles and courses (55%), the majority of newer members are unaware of a number of online and other resources made available by the State Bar.
7. Pursuant to the survey demographic data, CYLA members are considerably more diverse both in terms of gender and ethnicity
8. Newer members were also more likely to work longer hours than the State Bar membership as a whole as reported in the 2006 demographic survey.

An ancillary evaluation of the young lawyer issue was conducted by CMG. CMG compiled a report (see Attachment 2, "The Generational Divide: Real or Imagined") based on many different approaches sanctioned by the Board of Governors: focus groups, one-on-one interviews, research of other local and state bar entities and incorporating the Hertz young lawyer survey results.

#### ▪ **June 2007: Spring Summit**

The young lawyer report offered the basis for the State Bar's 2007 Spring Summit program ("The Young Lawyer in the Profession") held on June 1-2, 2007, in San Francisco, and contained action options for consideration and discussion at the summit. The summit was an invitation-only event of experts in the area of generational issues, representatives from select young lawyer organizations, California local bars and law schools, and the American Bar Association.

Summit participants were asked to identify strategies and collaborative approaches designed to engage and support young lawyers. Participants focused on three primary areas: 1) programs and services; 2) communications; and 3) structure and governance. Each area was discussed in small workgroups that presented final recommendations in each of those areas. The "top three" recommendations for the "programs and services" were:

1. Formalized mentoring programs that are resourced and managed.
2. Training for "law school to life," — seen by a large number of participants as a very difficult transition.
3. Fresh approaches to managing student debt loads — seen as an overwhelming need by a large number of participants.

Surprisingly, "Leadership Development"— characterized by respondents as formal leadership training; hands-on opportunities; help with how to get on the leadership track

in every part of the State Bar—was sixth on a list of nine recommendations, indicating a middling priority for most young lawyers.

■ **September 2007- September 2008: CYLA Governance Modification**

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” (see Attachment 3). The key recommendations included the restructuring of CYLA, shifting it from an elected board to an entity appointed by the Board of Governors. 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.

**January 2008.** 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 from an elected body to an appointed one. The Board also agreed that the CYLA name would not be changed. The Board instructed staff to finalize the proposal for a new CYLA governance structure for formal consideration at its March meeting.

**March 2008.** At its March 2008 meeting, the Board Committee on Stakeholder Relations (SRC) approved a 45-day public comment period for the proposed rule changes that would change CYLA from an elected to an appointed entity. The SRC also directed staff to seek public comment on the advisability of retaining CYLA as the new entity’s name. The proposal recommended converting the existing CYLA bylaws into a Mission and Charge.

**April 2008.** 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. 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 aligned CYLA with other State Bar appointed entities. Staff suggested revisions to the proposed recommendation to further clarify the intent of SRC and the Board of Governors. The CYLA Board agreed with the revisions to the proposed recommendations to reflect more accurately the goals of the proposal.

**May 2008.** At the May 2008 meeting of the Board of Governors, the revised proposed recommendations, based upon the public comments received, were submitted for consideration. The Board adopted the following provisions in order to achieve the vision of a fully engaged State Bar entity that would champion the interests and needs of new lawyers.

1. CYLA will transition selection of CYLA members from an election process to an appointment process, with nine (9) seats reserved, one (1) for each State Bar District, and the remaining seats appointed consistent with the State Bar’s appointments policies and procedures.

2. 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.
3. CYLA will be expanded to twenty (20) members, who are representative of the new/young lawyer constituents and who are interested in supporting the mission and charge of CYLA.
4. 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.
5. CYLA will elect one (1) new /young lawyer representative to a voting seat on the Board of Governors.
6. 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/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.
7. California Young Lawyers Association will retain its current name.
8. Because CYLA is a priority for the Board of Governors, it is the intent of the Board that full consideration be given to increased resources for CYLA in the development of the 2009 budget. CYLA is requested to develop specific proposals about the activities it will pursue with any increased resources.

## **II. ACTIVITIES 2008 - 2009**

### **■ CYLA Activities**

#### **1. Developing collaborative relationships with local bars to assist young lawyers.**

Historically, the CYLA Board's outreach efforts to local barrister organizations in their districts have been ineffective. As a result, CYLA has had limited name recognition, and consequently, has had few opportunities to engage new/young lawyers about needs and services. In 2008, each member of the CYLA Board was charged with establishing a relationship with their barrister or local bar(s) in order to:

- 1) Elicit participation in CYLA and CYLA projects

- 2) Increase awareness about CYLA
- 3) Solicit feedback on young lawyer needs and issues which would be shared with the State Bar of California's Board of Governors
- 4) Participate in their barrister or local bar board meetings to share SBC news and solicit feedback.

## **2. Enhancing interaction with young lawyers via the Web Site and electronic communications.**

A CYLA Communications subcommittee has been created to evaluate the current CYLA web offerings, identify additional external information which could be linked to enhance current offerings, and systematically update the CYLA page.

In 2009, the CYLA quarterly e-newsletter will be published by Diane Curtis of Media and Information Services. Shifting publication duties to the State Bar's professional media staff will guarantee timely completion and distribution of the publication.

Staff is exploring the possibility of utilizing the CYLA listserv for distributing other "young lawyer" materials. Additionally, CYLA is investigating creation of a young/new lawyer e-Circles discussion group.

## **3. 2009 CYLA Board Outreach re the transition to an appointed committee**

The CYLA Board is charged with developing a statewide plan to educate young lawyers on the new CYLA governance structure. The result of its outreach for the 5-8 open seats for 2009-2010 committee year, CYLA received 25 new applications.

## **4. March 2009: CYLA Annual Report to the Board**

CYLA reported on the its outreach and other activities in its 2008 Year End Assessment report submitted to MOC and the Board in March 2009. (see Attachment 4).

### **■ Council of State Bar Sections**

In the fall of 2008, the Council on State Bar Sections approved a program to provide incoming lawyers with an initial free one-year membership in a section of their choosing. Under the program, new lawyers who do not select a section would automatically default to the Solo and Small Firm Section. After the initial year, the members would be billed for continued membership in the section.

The program was implemented with the new admissions in December 2008.

### III. STATISTICS ON CURRENT PARTICIPATION OF YOUNG LAWYERS

#### ■ State Bar Committees

At the start of the 2008-2009 committee year, CYLA members were serving on 8 of 10 standing committees, 15 of 16 section executive committees, and 4 of 18 special commissions (Figure 1).

Of the 642 State Bar committee members, CYLA members comprise approximately 12% of the membership (Figure 2).

#### ■ State Bar Membership 2008-09

The percentage of young lawyers in the total State Bar membership ranges between 19-24% (Figure 3). The data changes from day to day based on date of birth and date of admissions; typically, there is a big jump in December with new admissions.

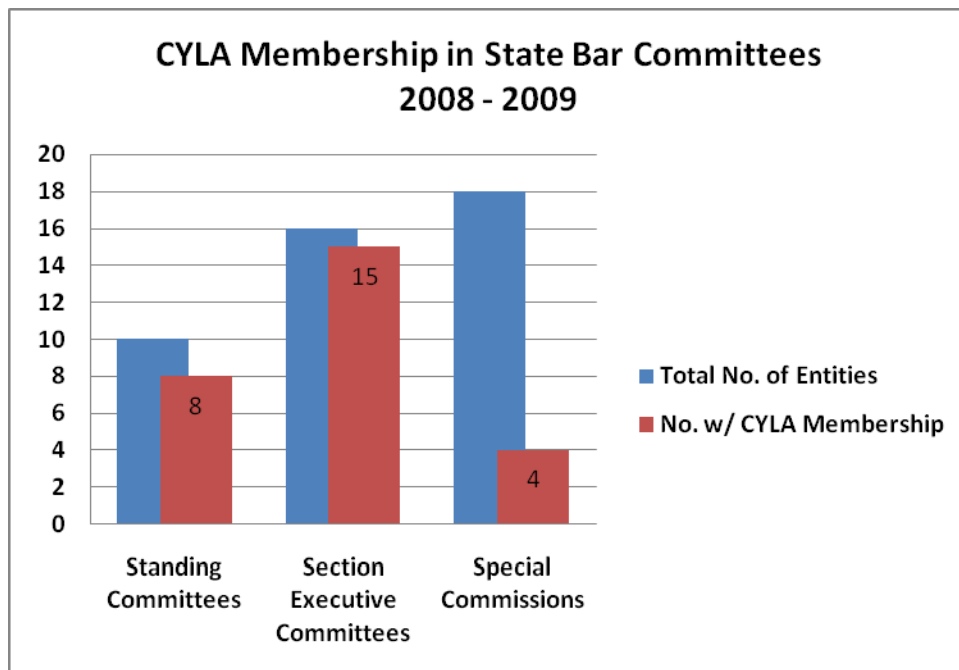


Figure 1

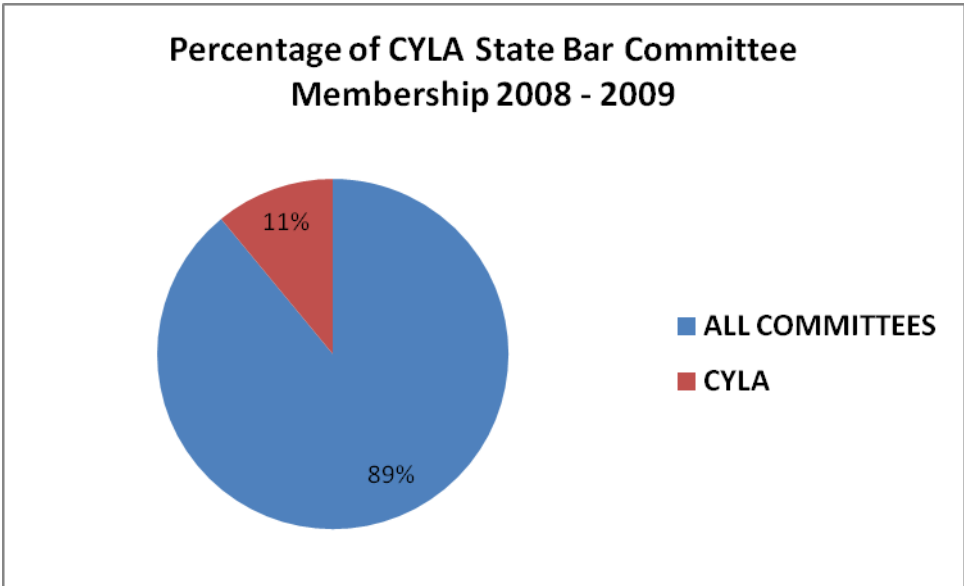


Figure 2

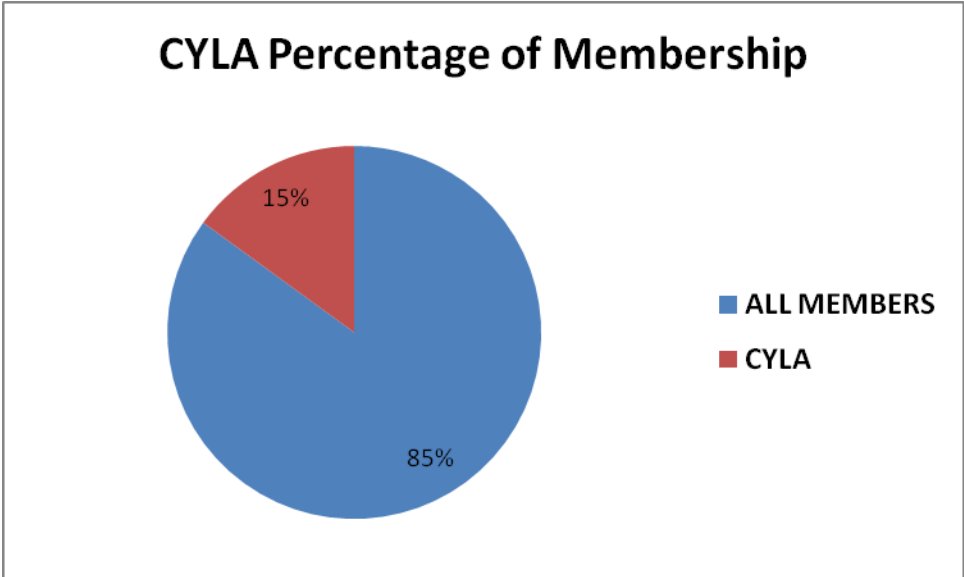


Figure 3

## **V. OBSTACLES TO YOUNG LAWYER PARTICIPATION**

### **1. Demands of repaying law school loans, starting new jobs and new families limit time that young lawyers can commit to volunteer work**

The CMG Report and the Board's Recommendations from the 2007 Spring Summit offered the following suggestions regarding debt relief, but these efforts would depend entirely on the involvement of law schools, private foundations, and law firms.

- 1) [Provide] 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
- 2) [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

### **2. Availability of leadership positions**

For young lawyers, the competition for volunteer appointments, especially from more experienced attorneys, is fairly intense.

Most young lawyers have insufficient subject-matter expertise to meet minimum qualifications for many committees and commissions.

Committees with large applicant pools already reject many qualified experienced attorneys.

The question is whether it is practical to set aside a seat for a young lawyer who, with limited experience, may lose interest if there isn't substantive work to do.

### **3. Cultural/generational barriers**

### **4. Economy**

### **5. Unwillingness to spend year working up the committee leadership ladder**

## V. RECOMMENDATIONS

### 1. **Task the State Bar Committees and Sections to identify ways young lawyers could participate on the committee.**

The Board of Governors should encourage discussion, but not mandate it.

The State Bar Sections appear to offer the most opportunities for young and new lawyers to become involved in the State Bar leadership.

Governor Kramer coordinated with the Council of State Bar Sections and Sections Task Force Chair Governor Patricia White. The matter was discussed at the Council of State Bar Sections meeting on March 17, 2009. Also in response to Governor Kramer's request for input from the sections, the Solo and Small Firm Section forwarded a research report that the section chair had conducted on what young lawyers were looking for in the profession.

Governor Liberty is coordinating with CYLA and attended the April 4 CYLA meeting to solicit their input. At that meeting, it was recommended that the CYLA Board liaison apprise the Board of CYLA activities by preparing a CYLA report for the Board's consent agenda. This consent-agenda report is intended to supplement the year-end report that CYLA presents annually to MOC and the Board (see Attachment 4).

CYLA is about eighteen percent of the total membership. Given the importance of the CYLA constituency, it is recommended that, with the consent of their Chairs, the Member Oversight Committee and the Sections Task Force add a standing CYLA report to their agendas. The Member Oversight Committee because of its CYLA oversight function, the Sections because they provide an excellent forum for "Leadership Development" and hands-on opportunities.

### 2. **Engage law firms to encourage young lawyer participation**

With one exception, large firms have not responded to pleas from the State Bar, or local bars, to encourage pro bono or other volunteer activities. A major effort from the Chief Justice to encourage pro bono work also had little return. The one exception was outreach by the BOG during the funding crisis in 1998-99.

Individual outreach by BOG members can be helpful to persuade individual lawyers to encourage their firms to promote volunteer work. These outreach efforts, however, require time and persistence. Although large firms may have responded in good times to requests to support an essential service or a cause they believed in, in tough economic times, it's a greater challenge.