

# Popular Threads on Solosez

## Participating in Bar Activities

This morning, I had breakfast with the immediate past president of the Omaha Bar Association and his father, a retired lawyer. Yes, right here in my hometown in Mexico. Both had been active in bar activities, viewing participation in organized bar work as integral to the practice. But both saw fewer and fewer younger lawyers participating, at least compared to years past. We tried to explore what kept younger lawyers from participating in bar activities, citing reality TV as one of the culprits. And on the eve of my departure to the ABA annual meeting, and for no particular reason, what do you think keeps lawyers from participating in bar work?

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I think young lawyers in firms are burdened with minimum billable hours requirements. There's the minimum, and then there's the "MINIMUM." The "MINIMUM" is the unspoken number that you must hit to be taken seriously by your employer and for you to receive a reasonable bonus.

Given the number of hours young lawyers are often forced to work, it's no mystery why they don't do pro bono, or participate in bar activities. There are only so many hours in the week, and they are entitled to a little sleep and a semblance of a personal life. After that, there's not much time for anything else.

Scott Barer

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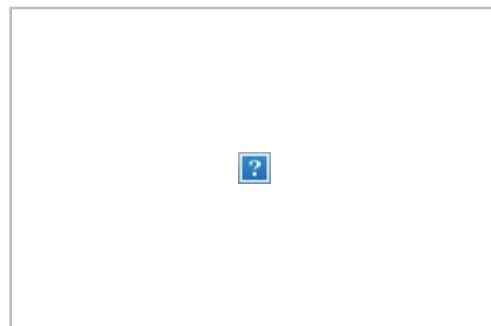
For me, the reasons would be: 1. Not knowing what "bar work" is, and why I should participate. 2. Living in a small town when all of the bar activities seem to take place in the city which is inaccessible from 6-10 am and 3-7 pm due to traffic. This is the main issue. If activities, including CLE were held outside the city, this would help. 3. I would be much more likely to participate in activities put on by my local bar, rather than the national bar. Reality TV has nothing to do with it, for me anyway.

Leanna Hamill, Hingham, Massachusetts

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I don't agree with all the reasons given, but here are some I've heard:

1. The "white shoe" firms run the (American, Tennessee, Nashville, Goober County) Bar Associations, so I won't be able to do anything anyway.
2. The (American, Tennessee, Nashville, Goober County) Bar Association doesn't really do anything anyway, so why bother?



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3. Based on 1. and 2. above, I need to focus on making a living instead.
4. I'd rather belong to other organizations where I might get referrals, and none of the lawyers in the (American, Tennessee, Nashville, Goober County) Bar Association will refer cases to me -- they keep them for themselves.
5. I can't afford the dues, especially since 1. and 2. above.

John D. Kitch, Nashville, Tennessee

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I have talked to my friends about this also. This is what they say:

- 1) They may be intimidated by the other "more experienced" lawyers. They don't think they can contribute to the conversation because of their inexperience.
- 2) The subjects/topics seem a little advanced for a newbie.
- 3) The activities don't seem valuable enough to risk not meeting the billable "minimum".
- 4) They think they will be the only young lawyer present.

Sharmil McKee, Philadelphia, Pennsylvania

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Others have chimed in, and I don't doubt that they're right; but consider:

The nature of law practice and bar associations have changed somewhat. There used to be a lot fewer lawyers; it used to be a pretty exclusive club. And, the bar associations did such things as set fee schedules, prohibit advertising, and basically try to divvy up the pie amongst the lawyers. There's a lot more lawyers now, the influence of the bar on competition is more limited, and the benefits of participating are diluted. There's also the 'free rider' problem; such benefits as accrue to attorneys from the existence of and activities of bar associations tend to be enjoyed no matter whether you actively participate. Now that's not to say that there aren't benefits from participation- networking, public service, etc. but that is some of the explanation for lower participation

Ronald A. Jones, Florida

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In larger offices it is example, reward systems and other support that leads to participation. In solos, frequently it is the feeling that they must work the next deal to pay the rent. Both are gross over-simplifications, with many notable exceptions and standouts.

Alternative explanation -- no good answer to "What's in it for me?" The "me-first" issue is pandemic to American culture and lawyers are not

immune.

Alternative explanation -- people feel like it is an insider's club, and they are not welcome. I have seen this as an issue in some situations.

Alternative explanation -- everyone thinks they are too busy. This is a matter of prioritization only, since all have the same amount of time. Really this is but a statement that it is not a priority. Real explanation could be any of the preceding.

Alternative explanation -- established institutions are not always attractants, but instead are sometimes repellants to the young. The counter-cultural draw to the young has been strong at times.

There are many outstanding people on this list who spend considerable time in bar work. There are many more that may do none. Invitation, access, understanding, and support are keys to participation. If I had a magic potion I could sell it, retire rich, and spend all my time on volunteer activities.

My personal view is that I give back by local bar committee work, participating in UPL committees and similar activities. However, I spend much more time working for free with nonprofits and religious organizations. More time still is spent working with alumni activities and fundraising for a local university in running off special events. I balance that against trying to make a living and have a family. I will only take on something new in volunteer work by replacement at this point.

Darrell G. Stewart, San Antonio, Texas

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I have participated in bar activities for the last 10 years. I have mainly been involved with the Chicago Bar Association, although I have been a member of the ABA for 16 years.

I am a past and current chair of the corporate division of the CBA's Federal Taxation Committee, and also a past and current Special Projects Director for the Committee.

As for the ABA, I try to get to the Tax Section's May Meeting in DC when I can afford it. The main obstacle for me in participating further in the ABA has been the cost. The May Meeting in DC runs me about \$2500, with travel and meals. I have had an employer willing to pick up the tab exactly twice in 15 years of practice.

As for the ABA at large, even when they meet here in town, as they are this year, the cost is far too high. For me to attend the meetings (in my own hometown) I would have wanted to go to would have run me over \$700. I realize this is not as expensive as a lot of for-profit organizations' meeting. However, for a relatively new solo still worrying about making this month's mortgage, the cost is simply out of reach.

Mark A. Banks-Golub, Chicago, Illinois

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I think that we (all lawyers, young and old) get twisted up in pursuing hours or \$, depending upon the firm. I know my small firms over the years have tolerated bar involvement, but rarely encouraged it. I am the only one of 4 partners who is active in bar committees, etc

Randy Birch, Salt Lake City, Utah

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It would be interesting to measure the Donor members (those who regularly offer advice to inquiries) and their participation in bar activities, vs. Donee members (those who ask more Qs than answer Qs) vs. Conversationalists (post to DO NOT READ).

Might make an interesting study -- by someone else.

Typed as I get ready to head to Chicago.

Ted A. Waggoner, Rochester, Indiana

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It starts earlier than that. The last 2 years I gave a pitch for volunteering to folks income taxes. I've had precious few volunteers. I understand the law school at UGA had no problem getting volunteers? they have a pro bono requirement to fulfill.

The way I see it if such obligations aren't done as a true volunteer the rules will change from shall do 50 hours per year of pro bono to must do.

John A. Davidson

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Jennifer poses an interesting question. I am not confident that fewer young lawyers are participating because I belong to both the Montgomery County Maryland Bar Association and the Maryland State Bar Association, among other, and I see an apparently large number of "young" lawyers active in both Bar Associations, and many of them are active in both.

I agree with some of the other comments to Jane's post that some young lawyers (and others) are discourage by "Bar politics," but I submit that such politics would be present in any group, and some are discouraged by price, and that too would be present in any group.

After 41 years of membership in many Bar Associations, I have formed a belief on the benefits of a Bar Association, and I am sharing it because I believe that it may benefit any Bar Association to attract active members.

Many moons ago, even before Walker, I joined the Motor Carrier Lawyers Association (MCLA = now TLA< Transportation Lawyers Association ) because the managing partner of the firm suggested that I join and said the

firm would pay the dues as well as the dues for all the other bar associations I belonged to before joining that firm which practiced transportation regulatory & related law exclusively. I found the CLE seminars (which were NOT mandatory back in the stone age) enlightening, useful, and interesting - although at times boring, useless, & unnecessary. But I soon found that if I gained one piece of knowledge from a seminar it was worth the price of admission. Once I was asked to pinch hit for a speaker at the annual summer Transportation Law Institute in Denver, and was invited for many years thereafter for different topics. The professional and social fellowship with fellow transportation lawyers, who I did not expect to send me business as we were all transportation law experts, was fantastic, and if I miss anything due to deregulation, other than money, it was those friendships. I still belong to TLA for the nostalgia even though the dues are not cheap, but I no longer attend the annual meetings because the registration fees, hotel & air fare are too high.

My friendship with Bob Walker grew out of MCLA, and he brought me to Solosez, first to Terry's DC/MD/VA lunches, and then to this site. And you can see I am not shy about participating.

So, my long winded point is that if a Bar Association has activities that are of psychic value to an attorney, the attorney will participate. Otherwise, the attorney will just be a dues paying member for miscellaneous reasons. But that is OK, as all associations need a large rooster of dues paying members, and then there is a core of active members. Look at the monthly stats for this List,

Herbert Alan Dubin, Rockville, Maryland

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Herb is exactly right. I would add that such participation is easier for specialized bars perhaps. The TLA (nee MCLA) began as a social outlet for those practicing transportation law and looking for a way to write off their vacations. Eventually, however, it teamed up with the Univ. of Denver School of Law to put on those CLEs Herb mentioned. Those turned into a great way for transportation firms to get their young associates educated. The very helpful offshoot was the social aspects; it was a small bar, and we competed against each veraciously, having the personal acquaintance made it easier to keep the arguments professional and not personal. Which, of course, is another valuable lesson.

I see some of that in the local bar association activities as well. It is somewhat different because the areas of practice are greater, but within the sections there is that common interest.

I do think that the observations that the ABA is seen as predominated by the white shoe firms and that it is a club which is difficult to break into are common. I am not so sure that they are not urban myths, however. I must admit that while I have been an ABA member ever since my admission to the bar, I have not been at all active in it. That lack of participation has been for a number of reasons I suppose; I was much more interested in TLA, the ABA's size was a negative for me; it did not seem at all relevant

to my area of practice; did not seem to want anything from me other than my dues and I am sure there are others.

I do encourage my kids and other young lawyers to participate in their local bars.

Robert B. Walker, Herndon, Virginia

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The reason that people have joined bars in the past is to network, to gain a name for themselves and to take CLEs to keep current on issues, etc...These days, however, the bars don't serve those purposes effectively.

I have been a member of the Energy Bar Association and the energy chapter of the DC bar for many years. At one point, I was even put on the DC Bar's steering committee, which basically ate lunch at a fancy restaurant once a month and no one except me and one other person did any work organizing events. And whenever I went to CLE's at these events, I rarely met anyone.

For me, Solosez and the web have given me all of the benefits that joining a bar association could (I know that Solosez is run by the ABA, which I still don't belong to but if Solosez ever ceases to be free, I would pay to remain in the group). Here in DC, we have monthly Solosez lunches where I've been referred work, have referred cases out and met people who've become friends and trusted advisors. That's never happened to me with any of the bars to which I belong.

As for notoriety, well, there are too many hoops to jump through to get recognized in the bar. Look at my experience with MyShingle which I started in December 2002 which is basically, still a "hobby" for me (meaning that I've not taken the time to market it properly). Back then, I was a complete nobody in the LPM/solo practice field, with Foonberg and the bars' LPM advisors having a monopoly on "starting a law firm" kinds of matters. My site gets about 300-400 hits a day, which is more exposure than I'd ever get speaking to a roomful of 50 people. But with my website, in less than three years, I have gained recognition as a solo expert on the web. My site is an American Law Media (ALM)/law.com affiliate which is the largest publisher of legal periodicals. Moreover, even though law.com caters to biglaw practice, MyShingle has been recognized in this category. Solos don't get that kind of recognition in the larger bar.

My point is that these days, if young attorneys want to make a name for themselves in a field, they are far, far better off starting a blog than wasting time at a bar function. I can name numerous examples of attorneys who've hit the big time recognition wise because of blogs - but virtually none because of bar membership.

Finally, I do believe that the nature of bar membership makes it harder for solos to join. The fancy monthly lunches that I had to attend as a member of the DC Committee were a pain in the neck as I was working from home and had to waste half a day for a lunch. There's also a ton of lead time on projects - you might plan an event for June six months in advance - when your schedule may be too busy. And it's hard to afford to attend meetings

that are out of state.

If the bars want to keep up membership, they'll try to find ways to harness the talents of young people, get up to speed with Internet services and also find ways to bring large and small firm lawyers together. If the bar would do that, I would consider getting more involved again.

Carolyn J. Stevens, Lolo, Montana

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ONE principal reason why people do not participate in anything--they do not perceive a benefit--or cost/reward ratio is not inviting.

OBVIOUS PROBLEM--Bar and most professional/trade groups maintain archaic pyramid organization plans--no longer justified with modern communications/computer and requiring costly, unwieldy, infrastructure and bureaucracy.

The idea that people must gather in room or under one roof in order to get things done has very little justification. Start at the root, committees consist of gathering several people competent to do a job--then have them waste time deferring (or not) to each other. I participated and was an officer in many groups over the years. Long ago, I stopped serving on committees. Instead, I offered to produce whatever report was expected of the committee. It could be disposed of in anyway the organization desired.

I'm not going to wear the point out. Basically 2 or 3 levels are enough for any organization. Any work worth doing should not be delayed until people can gather in a room. In a "flat" organization, staff tend to be more of an impediment than an aid.

Two reasons organizations like ours are so resistant to change. FIRST, the major incentive of most of the leadership is to get through their term without screwing up. SECOND, the staff has inordinate, unnecessary, and undeserved power BECAUSE they hold the leaders and the organization hostage. Hostage to the fear of screwing up, hostage to the fear the machinery of the organization won't function. GUESS WHO ERECTED THE MACHINERY?

Want participation? Write a list of the things your membership wants and needs. Find ways for the members to make direct, meaningful contributions to providing those needs to their fellow members. Let the members also provide the bulk of administrative services--job-out most the rest. Be sure the members contributions are published and recognized. Have faith that the membership will sustain and maintain the organization so long as it serves the needs of the members. To the extent it does not serve--let it fall.

John P. Page, Tampa, Florida

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Bob is wrong about the write offs, just because we had our spouses accompany us on "meetings" to Hawaii, etc does not mean we were

looking for govt subsidized "working vacations". But it did not hurt to log the trips as business expenses. As to the ABA, Bob is correct. I was active in the Administrative Law section by working on an attempt to get a uniform code of federal agency procedural rules. I lost my interest in ABA when the "Board" supported de-regulation of the transportation industry without input from those of us specializing in that field.

Herbert Alan Dubin, Rockville, Maryland

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I think that they don't know how. Yes, it can be as simple as saying here I am, but my feeling is that if bar associations would hold some hands they'd get better results.

Now that I have read the thread, I would add that I agree with the points made by Sharmil and Leanna.

Meyer Silber, New York

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Another thought on this subject, and on committees generally: A committee must have a clearly defined purpose, otherwise, it's a waste of time.

Jimmy L. Verner, Jr., Dallas, Texas

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I had a serendipitous introduction to the Bar generally and ABA specifically, when my first employer (whose senior partner of 54 was President of the ABA) obliged all firm members to join and paid the dues. So I was in before I was a member of the Mass Bar. I was given the sense that it is what every lawyer did. Reasons were not offered at that time.

While in time I felt I became a fairly adequate lawyer, it was several years before I was asked to go to an Atlanta Annual Meeting on a panel related to alcoholism (I had been active in alcoholism in colleges while at UMass) and I went. I first found that I was a lot less competent than I thought as I met lawyers from all around the country who practiced quite differently from me. I learned about office organization, resources I had never heard of and the first glimmer of computer/word processor technology. I also met a large number of people a few of whom I stayed in touch with. I joined several sections related to the substantive side of my practice, and particularly the GP Section. After a year or two of no contact by the section I asked to be appointed to a committee and thereafter grew active and participating and probably loud. Over time I served in many very interesting roles in this section and frankly adored the association. I was also by then a Delegate in the Mass Bar as well as several others. I don't think I was ever disappointed because of my Bar associations. The direct answer to your question, the Bar fails to recruit new members by failing to find and respond to their priorities. Older lawyers belong to another age in life, if not in law. Needs are different, social relations are different, values are different and commitment means more than one idea. The Bar spends a lot of resources in targeting that which attracted the older generations, but



has less relevance today. Just as with government, the Bar must deliberate and decide in the sunshine, not any longer in the back rooms. Most young lawyers cannot participate in the Bar the way it is organized today and "voting reform" is needed. I suggest that consideration be given to: 1. Holding all ABA delegate meetings and CLE online, streaming or whatever so that dues paying members can view and by email participate in the activities. Coded access should be adequate for needs of the ABA to solicit consensus on important issues before decision. The delegates can decline to accept then consensus with the obligation to allow a submission to the entire membership before finalization. Other safeguards can be applied to keep the business of the ABA moving forward while political questions can be aired. 2. Holding section officers and directors meetings in the same fashion with members of the section participating online - and being heard -emails read whatever. In other words open the Bar to its members. 3. Minimize collateral expenses that must be borne by members to participate in bar activity. Each state might have local/regional sections who can meet more easily and participate online in the larger group sessions. In other words, make the Bar affordable and accessible therefore actually listening to the real needs and concerns of younger members. They probably know how to make the computer thing do all the things I speculate upon. We can even hire three or four youngsters ten to twelve years old to put it all together! 4. As a senior, I too, would relish being able to vent my two cents on ABA matters from time to time. What better way than not to have to listen to me when you can read an email and, out of sight of the camera, round file it?

Dick Howland, Amherst, Massachusetts

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jennifer, the things that make it difficult for attorneys to participate in bar activities can be summed up in two words: Time & Money. If you're working 60+ hours a week to pay bills at the office & at home, & you're trying to be a good spouse & parent, there ain't no time left over for other activities - bar activities, or, what's probably even more important (sorry, but this is true), "down time", exercise time & just relaxation. In the present legal marketplace, bar activities are just another competitor for busy attorneys' time. Now if bar activities are a good marketing venue for a particular attorney engaged in a particular type of practice, that's one thing. But for many attorneys, bar obligations are just another "gotta" on the calendar - put in your time & get the hell out of there. It would be nice to go to ABA & state bar functions & become more involved, but let's be honest: they are held in venues & the cost of the programs are too expensive for most solo & small firm attorneys. That's why county bar association certified CLE programs are taking off - they are easy to get to (& don't require overnight stays), low cost, & meet the state's licensing requirements for CLE. The locally sponsored CLE programs are usually packed, & for good reason: More bang for the solo attorney's buck. I used to feel guilty about not being more involved. But, after 30 years in small town law practice (including tours of duty as president & chair of the ethics & grievance committee of our county bar association), I accept the fact that I cannot change reality. The ABA & state bar associations are primarily for the members of large firms in large cities. And that's just the way it is. For solo & small town attorneys, participation is going to be

limited to reading the periodicals, participating in SOLOSEZ - & paying your annual dues.

Rod Klafehn, New York

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I am probably more involved than most young lawyers. I am involved with ABA stuff and our state Young Lawyers. Here are my thoughts, and I do not mean to offend anyone present:

1 - Old timers in the bar don't want to hear what we have to say. And when I say old timers, I mean anyone who has been involved in the bar for more than a year or two. I was on a committee and the committee chairperson didn't want to hear what the new people had to say.

2 - The folks involved like their power. On one of my committees, I had been designated a task. However, the chairperson did EVERYTHING. Every single thing. She does not understand the concept of delegation. Why? A whole slew of reasons that we don't need to get into right now, but she loved her power.

3 - The big firms provide funding to their associates that solos cant match. I would love to go to the annual meeting. However, its not in the budget. Everyone I know going from CA is from a big firm or an older small firm lawyer. And the "scholarships" given out are just not given to solos.

4 - What the heck do I get out of it? Seriously. I have limited time and dollars to invest. Quick story. I am involved in our state TLA. I just got a referral from someone who knows me from a committee that I am on with that group. Other than Solosez (for which you don't have to belong to the ABA), I cannot figure out how I would ever get a referral from someone involved with the ABA.

5 - Its not marketed to us. (Should I take this to solomarketing?) Seriously. They don't market it to young attorneys. You get one year free and then kaput. You never hear from the ABA again. Why? Hello? Anyone home? They don't even keep in touch with us young attorneys.

That probably covers the basics. I would love to see more people get involved. But there have to be changes so that people see the benefits.

Jonathan Stein, Elk Grove, California

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Amen to Jonathan's take on it. I've tried to participate in bar activities, committees, etc., and I really get a sense that the guys who've known each other for thirty years don't care what a young lawyer has to say. And that's on the state bar level. Other than some trickle-down benefits by the ABA's writing amicus briefs, lobbying efforts, and maybe an OK magazine that focuses a lot on big law firms, I don't see much benefit to the ABA membership, but I am willing to contribute to the coffers of my national professional association, as on that "big picture" level I think it's worthwhile. But other than some discounts on books, there's not much

day-to-day benefit to my ABA membership, and it's close to the same for state and local. I've done the big law firm, I've done government work, and now I'm a solo, and I really can't say, other than networking, what benefit the bars have brought. I've done some great networking and made some friends in the bar, I'd have to admit that, but as to the benefits at the level of my day-to-day practice, I really can't think of much. It seems to consist mostly of rental car and travel discounts, and I can't say that those things matter a whole lot, particularly when those discounts are pitiful. I suppose no one has ever articulated to me what a bar association is supposed to be, and thus, I am awash in ignorance of the possibilities. Things that I can say would be invaluable are those like group health insurance, and I've mentioned it to people in the bar leadership, but they pretend they didn't hear that in response to their questions about "what can the bar do for you?" I think that one thing which would get the "does the bar matter" ball rolling is to increase its relevance in day-to-day life of ordinary citizens, and thus, to its constituent members. Everyone probably knows what the American Medical Association is, for example, but the ABA? Why not? I think that some of the independent "specialty bars" do a much better job of making themselves relevant to their members, i.e., those that are independent of the ABA and state bars. They help with marketing, provide subject matter assistance to members, etc., and are not so bogged down with politics. Overall, I've found that the people you find there tend to be more interested in furthering the law and being of use to members, as opposed to self aggrandizement or simple accession to organizational inertia ("we can't do that because we've never done that"). I suppose you could say that some of the independent bars are quite a bit more nimble. My two cents.

C. Barton Dunn, Boulder, Colorado

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OK, I've withheld my thoughts on this for awhile. I was President of the local bar assoc, delegate to the state bar and to the ABA, more active in young lawyer stuff at ABA level though. I can honestly say that my bar work--after a number of years of doing it--brings me a lot of work. I am a solo, doing commercial litigation and transactional work--mostly for small businesses. Almost all of my referrals sources know me through my bar work. My best clients came from some ABA colleague referrals and some local bar colleague referrals. I started at a big firm that never paid for any of my travel--to anywhere they were not meeting. So this has been done on my dime and from funding from the bar assoc I represented on the national level. Never was all my trips paid for so we shared rooms and cabs and flew on the cheap.

Here's why I continue to do bar work--I get business from it, I build my network and see folks already in my network, I stay abreast of trends and I enjoy doing volunteer stuff through the bar. Admittedly, my relationships were build doing true volunteer work on a Christmas project we do in St. Louis that is truly phenomenal--not doing pro bono lawyer stuff. So what some folks may do in their churches and schools I do through the local bar.

I did not get involved to get business. That has been a nice compliment

that these folks think of me that way. I did it because I have the capacity to contribute, so I think I should--I was raised a Catholic girl with the guilt built in. Today, after being local pres, I still do the true volunteer work and am seeking a position on the state bar level to use the leadership skills I've developed. I am member of the ABA, it is expensive, but we need to fund their efforts to preserve the core of our values, the independence of the judiciary, ethics and court rules we can live with and we need to remind our society of the fundamentals rules we were founded upon from time to time. Just my humble opinion, I think I may be in the minority here.

Joan M. Swartz, St. Louis, Missouri

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When I practiced in a large firm, I joined everything (American Health Lawyers, American Society of Law, Medicine & Ethics, Cinti Bar, etc.) because the firm paid. I am not active in the ABA, State, or local bar associations and don't plan to be at this stage in my career. I practice law in OH, KY, and IN and live in Cinti. I am member of the American Nurses Association and I am very active on the national, state, and local levels. I pay \$345 (includes national, state, and local) in dues annually and the cost is well worth it because my law and consulting practices are oriented around nursing law, legal issues in nursing, and health law. I am also a member of The American Association of Nurse Attorneys, \$165 a year. As a member of TAANA I receive referrals and those referrals constitute about 20% of my disciplinary defense practice. I am incorporating healthcare ADR into my consulting practice, so maybe at some point I may need to join another association (AHLA, etc.) or become active in a Bar(s) associations, however as a solo I am more selective in the associations I join because I want to get the most bang for my buck.

LaTonia Denise Wright

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Oh, I get my health care insurance from my local bar, disability for my husband and me from ABE (ABA Endowment) and our state bar is mandatory.

Joan M. Swartz, St. Louis, Missouri

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