

PROFILE OF THE AMERICAN BAR ASSOCIATION February 2008

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With a membership in 2007 that reached more than 413,000, the American Bar Association is the world's largest voluntary professional association. The ABA has long served a dual role as advocate for the profession and for the public. With the growing complexity of society and our legal system, the ABA's public role has gained both emphasis and breadth.

During the past decade, the ABA has initiated hundreds of programs addressing a wide range of public concerns, including child abuse, problems of the elderly, legal services, the high cost of justice, law practice management, domestic violence, juvenile crime, and fair trial and free press issues.

The ABA's response to these and other problems is made possible by thousands of members who contribute both time and money. It is estimated that the ABA's total annual budget of over \$100 million would be at least six times greater if dollar values were assigned to the uncompensated hours contributed by its members.

The ABA is the national organization of the legal profession. It is composed principally of practicing lawyers, judges, court administrators, law teachers, public service lawyers and many non-practicing lawyers including business executives, government officials and law students. The ABA represents geographic interests such as those of state and local bar associations. It represents practitioners in specialized areas of the law. It also represents affiliated law-related organizations and groups with specialized interests or needs such as administrative law judges, lawyers in the armed forces, and minority and women's bar associations.

The legal profession can be viewed as a giant confederation, at the center of which is the American Bar Association. While the ABA does not have the power to discipline lawyers, it leads by developing model rules and ethics guidelines. The ABA serves as the national voice of the profession. It is a maker of models, a codifier, a searchlight, an experimenter, a moral force working to make the justice system work better for all Americans.

Information about and resources from the ABA are available on the Internet at www.abanet.org/.

ABA HISTORY

The ABA was founded on August 21, 1878, in Saratoga Springs, New York, by 100 lawyers from 21 states. The legal profession as we know it today barely existed at that time. Lawyers were generally sole practitioners who trained under a system of apprenticeship. There was no national code of ethics; there was no national organization to serve as a forum for discussion of the increasingly intricate issues involved in legal practice.

The first ABA constitution, which is still substantially the charter of the association, defined the purpose of the ABA as being for "the advancement of the science of jurisprudence, the promotion of the administration of justice and a uniformity of legislation throughout the country...."

Today, the stated mission of the American Bar Association is "to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law."

The 11 goals of the association are:

- 1) to promote improvement in the American system of justice
- 2) to promote meaningful access to legal representation and the American system of justice for all persons regardless of their economic or social condition
- 3) to provide ongoing leadership in improving the law to serve the changing needs of society
- 4) to increase public understanding of and respect for the law, the legal process and the role of the legal profession
- 5) to achieve the highest standards of professionalism, competence and ethical conduct
- 6) to serve as the national representative of the legal profession
- 7) to provide benefits, programs and services which promote professional growth and enhance the quality of life of the members
- 8) to advance the rule of law in the world
- 9) to promote full and equal participation in the legal profession by minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities.
- 10) to preserve and enhance the ideals of the legal profession as a common calling and its dedication to public service
- 11) to preserve the independence of the legal profession and the judiciary as fundamental to a free society.

The ABA's influence today stems from both the number and diversity of its membership. ABA members represent approximately half of all lawyers in the United States.

ABA membership is open to lawyers admitted to practice and in good standing before the bar of any state or territory of the United States.

Eligible to join the ABA as associates are individuals who are not admitted to practice law in any jurisdiction, but have an interest in the work of the ABA. Members of the legal profession in other nations who have not been admitted to the practice of law in the United States can become international associates.

ABA GOVERNANCE

The ABA governing structure is composed, for the most part, of members who have actively served the public and the profession for many years. Usually, activity within the association begins with participation in the numerous projects of the Law Student Division and the Young Lawyers Division and evolves into service with sections, committees, forum committees, and other ABA entities. Often, those members participating in these ABA activities assume leadership roles in their state and local bars as well.

ABA STRUCTURE

House of Delegates — The House of Delegates, established in 1936, meets twice each year, at ABA Annual and Midyear Meetings. The control and administration of the ABA is vested in the House of Delegates, the policy-making body of the association.

At the Midyear Meeting, the Nominating Committee nominates officers and members of the Board of Governors. During the Annual Meeting, the full house votes on these nominees and on any nominations made by petition.

Action taken by the House of Delegates on specific issues becomes official ABA policy.

As of Oct. 18, 2008 the House of Delegates consisted of 554 members:

- 52 State Delegates
- 222 State Bar Association Delegates
- 80 Local Bar Association Delegates
- 18 Delegates-at-Large
- 76 Present and Former Officers and Board members
- 71 Section, Division and Conference Delegates
- 2 Ex Officio Members
- 28 Affiliated Organization Delegates
- 1 Virgin Islands Bar Association
- 1 Guam/Commonwealth of the Northern Mariana Islands
- 3 Member-at-Large

The Committee on Scope and Correlation of Work studies the structure, functions and work of sections, committees, and other ABA entities, making recommendations to the House of Delegates or Board of Governors to help correlate the work of the association as a whole and better allocate the ABA's resources.

Board of Governors — The 40-member Board of Governors has the authority to act and speak for the ABA, consistent with previous action of the House of Delegates, when the House is not in session. The Board usually meets five times a year. It oversees the general operation of the association and develops specific plans of action.

The Board is composed of 18 district representatives; 14 members-at-large (two of whom must be less than 36 years old at the beginning of their term, one of whom must be an active member of the judiciary, six of whom represent the sections, one of whom is a non-voting law student member, and, until the conclusion of the 2015 Annual Meeting, two minority members-at-large and two women members-at-large); and the following ex-officio members: the president, president-elect, chair of the House of Delegates, secretary, treasurer, and immediate past president, and every third year a secretary-elect and a treasurer-elect.

The Board has five committees: Executive, Operations/Communications, Program/Planning, Finance, and Executive Compensation.

Officers — The elected ABA officers are the president, president-elect, chair of the House of Delegates, secretary and treasurer. The executive director is the chief operating officer of the association.

The president serves for one association year, from the adjournment of one annual meeting to the adjournment of the following annual meeting. The president, or his or her designee, is the official spokesperson in expressing association policy as determined by the House of Delegates. The president presides at meetings of the Board of Governors. Unless otherwise provided, the president appoints the chairs and members of standing and special committees of the association, and committees of the Board.

The president-elect serves a term of one association year and performs such duties as the president may assign, or the duties of the president should the president become disabled and unable to perform the duties of office or be absent from any meeting of the House of Delegates.

The chair of the House of Delegates serves a two-year term and is elected in even-numbered years. The chair presides at meetings of the House and of the nominating committee; presides, in the absence of the president, at meetings of the Board of Governors; presides, in the absence of the president and president-elect, at meetings of the Board of Governors and any other events; appoints committees of the House; determines procedures for filling vacancies in elected

positions on the Board of Governors; serves as a member ex-officio, without vote, of the Committee on Scope and Correlation of Work; and transmits reports and information as to action taken by the House to each state and participating local bar association and affiliated organization.

The secretary serves a three-year term, which begins one association year following his or her election. The preceding year is served as secretary-elect. The secretary keeps the minutes and records of the House of Delegates, the Board of Governors and the Nominating Committee; keeps the roster of the House of Delegates; receives, certifies and publishes the results of mail ballots of the Nominating Committee and the results of the election of delegates at-large; receives and keeps as the property of the association all papers, addresses and reports to the House; and gives notice, as required, to the House of Delegates, Board of Governors or the members of the association.

The treasurer also serves one three-year term beginning one association year following election. The preceding year is served as treasurer-elect. The treasurer supervises the safekeeping of the funds and investments of the association and reports periodically to the House of Delegates and Board of Governors on the financial condition of the association. The treasurer's annual report is submitted for examination and audit by a certified public accountant designated by the Board of Governors.

In the association year preceding their term as secretary and treasurer, the secretary-elect and treasurer-elect each perform duties as the Board of Governors, and the secretary or treasurer respectively, may prescribe.

Sections, Divisions, Committees, Task Forces, Forums and Conference Groups — The association is composed of more than 2,200 individual entities. Its current membership structure includes 22 sections, six divisions, six forums and many commissions, standing and special committees, and task forces. Many of these groups publish material dealing with their field of expertise, much of which is not available through commercial publishers. In addition to publishing journals, newsletters, magazines, and books, in print and online, these entities also sponsor conferences and continuing legal education seminars, courses, videotapes and satellite teleconferences, monitor legislation, conduct studies and make policy recommendations to the ABA House of Delegates.

Sections, divisions and forums range in size from about 2,300 members to more than 70,000. Each entity draws its membership from lawyers, judges or academicians and law students with common professional interests and operates much like independent bar associations with their own officers, dues, programs, publications, and committees. They address professional development, improvement of laws, public education and continuing education in a variety of fields.

ABA entities have more than 3,500 committees and publications of outstanding quality. Collectively these entities publish numerous magazines, journals, newsletters and books each year, making the ABA one of the largest publishers of legal information in the world. Sections also contribute to policy-making, both in their subject areas and association-wide. Sections originate many of the recommendations that become the ABA's policy positions and act as checks and balances on recommendations proposed by other entities. On matters within their fields on which no Association policy has been developed, sections can speak directly on their own behalf through "blanket authority" procedures.

Divisions also produce programs and publications but differ from sections in internal structure and membership. The Law Student Division is governed by a board of governors and has an assembly that meets only at the Annual Meeting. The Judicial Division has a 23-member council and consists of five judicial conferences and one lawyers conference, several with their own delegates to the house, and a committee structure. Each conference has its own members,

officers, budget, committee structure and programmatic priorities. The Young Lawyers Division has approximately 125,000 members and a 69-member executive council with 34 geographic districts represented. This division also has an assembly consisting of representatives from affiliated young lawyer associations from each state, the number depending on the number of ABA young lawyer members in the state. Every ABA member younger than 36 years of age and those who have been admitted to the bar for five years or less are automatically members of this division. The Senior Lawyers Division membership is open to all ABA members 55 years of age and older or who have been admitted to the bar for 25 years or more. The division publishes a magazine and a newsletter four times yearly, and has established 40 committees addressing a number of concerns of older and retired lawyers. The Government and Public Sector Lawyers Division's mission is to serve the nation's public lawyers.

Forums were created by the House of Delegates principally to educate members in a specified field, within the purpose of the Association, and which are not otherwise served within the Association. There are currently six forums: Affordable Housing and Community Development Law, Air and Space Law, Communications Law, Construction Industry Law, Entertainment and Sports Industries Law, and Franchising Law.

Association standing and special committees and other related groups such as task forces and commissions have smaller memberships, between three and 20, and generally focus on specific assignments or narrower issues. Committee members are appointed by the ABA president. More than 1,000 ABA members serve on these committees.

Task forces are created occasionally by the Board of Governors to perform short-term assignments, and they are discontinued after reporting on their special assignments within a time limit set by the Board.

Conference groups have been created under the aegis of the House of Delegates. The membership of conference groups is divided between association members and members of another profession or discipline with which the association desires close communication. The ABA supports three national conference groups: Lawyers and Certified Public Accountants; Lawyers and Corporate Fiduciaries, which is now housed in the Section of Real Property, Probate and Trust Law; and Lawyers and Scientists (A.A.A.S.), which is now housed in the Section of Science and Technology Law.

Governmental Affairs — The Governmental Affairs Office serves as the "eyes, ears and voice" of the organized bar in the nation's capital.

The ABA has no political action committee and makes no political contributions..

The status of important bills and regulations is communicated bi-weekly to state and local bar associations and to all sections and committees of the association through the *Washington Summary*. The monthly *Washington Letter*, with a focus on Congress, provides a more in-depth analysis of major governmental activities and legislation affecting the legal profession.

The Governmental Affairs Office also conveys the views of the ABA on a broad range of issues to numerous government entities. For example, in the 109th Congress (2005 - 2006), the American Bar Association lobbied on more than 120 issues, provided testimony at 31 congressional hearings, and sent more than 190 letters to different members of Congress, congressional committees and executive branch entities stating the Association's policies on dozens of legislative issues, including funding for the Legal Services Corporation and protecting the independence of the federal judiciary.

In 1986, the GAO expanded its efforts beyond the federal arena by establishing a State Legislative Clearinghouse to track important state legislative developments of interest to the

organized bar. The *State Legislative Report* provides a regular overview of developments in the state legislative arena.

Fund for Justice and Education — To support law-related education and public service projects, the association's 501(c)(3) entity — the Fund for Justice and Education — solicits and accepts tax-deductible grants and gifts. Donors represent the legal profession, including the annual contributions of lawyers and law firms, as well as gifts and grants from corporations, foundations and government agencies. The fund provides more than \$50 million in support annually to ABA public service and educational projects. Through the nearly 200 projects supported by the fund, the association has an impact on individual members of the public as well as on justice issues affecting all citizens.

ABA Offices — In May 2004 the ABA relocated its headquarters to larger space at 321 N. Clark St. in Chicago and consolidated all Chicago staff units.

Since 1996, the ABA Museum of Law has offered exhibits on the law and legal issues, events, and personalities. The museum's current exhibit, *America's Lawyer-Presidents*, opened in September 2004 in the ABA's new headquarters building at 321 North Clark Street. A mass-market book, published by Northwestern University Press, and other companion activities will complement the exhibit. Beginning in 2006, a traveling version of the *America's Lawyer-Presidents* exhibit will appear in cities throughout the country.

The ABA Washington Office, established in 1957, houses the Governmental Affairs Office and numerous section and committee staff support components in the professional and public service areas, including seven sections and 30 committees and commissions.

In 1995 the association dedicated its new facilities for Washington Office needs. The building is a distinguished-looking structure at the corner of 15th and H Streets, one block from Lafayette Square. Built in 1907, it is on the National Register of Historic Places.

Staff — A professional staff of more than 850 employees assists members in carrying out their activities and expediting the dissemination of information.

Board of Governors Entities

Task Force on Attorney Client Privilege
Task Force on Best Practices
Commission on Second Season of Service
Commission on Youth-at-Risk
Presidential Advisory Council on Diversity in the Profession
Commission on Effective Criminal Sanctions
Task Force on Gatekeeper Regulation and the Profession
Task Force on International Trade in Legal Services
Task Force on Tax Shelter Issues
ABA Rule of Law Initiatives
Task Force on Treatment of Enemy Combatants
American Bar Association Journal Board of Editors
American Bar Association Fund for Justice and Education
Legal Education_Opportunity Scholarship
Editorial Board ABA/BNA Lawyers' Manual on Professional Conduct
American Bar Association Representatives and Observers

House of Delegates Committees

Advisory Committee to the Chair of the House of Delegates
Committee on Scope and Correlation of Work
Conference of State Delegates
Credentials and Admissions
Drafting Policies and Procedures
Issues of Concern to the Legal Profession
Nominating Committee
Resolution and Impact Review
Rules and Calendar
Select Committee of the House
Steering Committee of the Nominating Committee
Technology and Communications
Tellers

Standing Committees

Amicus Curiae Briefs
Armed Forces Law
Audit
Bar Activities and Services
Client Protection
Constitution and Bylaws
Continuing Legal Education
Delivery of Legal Services
Election Law
Environmental Law
Ethics and Professional Responsibility
Judges Advisory Committee
Federal Judicial Improvements
Federal Judiciary
Gavel Awards
Governmental Affairs
Group and Prepaid Legal Services
Judicial Independence
Law and National Security
Law Library of Congress
Lawyer Referral and Information Service
Lawyers' Professional Liability
Lawyers' Title Guaranty Funds
Legal Aid and Indigent Defendants
Legal Assistance for Military Personnel
Medical Professional Liability
Meetings and Travel
Membership
National Conference of Lawyers and Certified Public Accountants
Paralegals
Pro Bono and Public Service
Professional Discipline
Professionalism
Public Education
Publishing Oversight
Specialization
Strategic Communications
Substance Abuse

Technology and Information Systems

Special Committees and Commissions

Africa Law Initiative Council
Commission on the American Jury Project
Asia Law Initiative Council
Bioethics and the Law
Central European and Eurasian Law Initiative
Coalition for Justice
Death Penalty Representation
Disaster Response and Preparedness
Commission on Domestic Violence
Gun Violence
Commission on Homelessness and Poverty
Center for Human Rights
Commission on Immigration
Commission on Interest on Lawyers Trust Accounts
Jurisdictional Immunity
Coordinating Council of the Justice Center
Latin America and Caribbean Law Initiative Council
Commission on Law and Aging
Commission on Lawyer Assistance Programs
Commission on Mental and Physical Disability Law
Middle East and North Africa Initiative Council
Center for Racial and Ethnic Diversity
Commission on Racial and Ethnic Diversity in the Profession
Commission on Sexual Orientation and Gender Identity
Council on Racial and Ethnic Justice
Commission on Women in the Profession

Sections, Divisions and Forums

Section Officers Conference
Conference of Section and Division Delegates
Administrative Law and Regulatory Practice
Antitrust Law
Business Law
Criminal Justice
Dispute Resolution
Environment, Energy, and Resources
Family Law
General Practice, Solo and Small Firm Division
Government and Public Sector Lawyers Division
Health Law
Individual Rights and Responsibilities
Intellectual Property Law
International Law
Judicial Division
Labor and Employment Law
Law Practice Management Section
Law Student Division
Legal Education and Admissions to the Bar
Litigation
Public Contract Law
Public Utility, Communications and Transportation Law
Real Property, Probate and Trust Law
Science and Technology Law

Senior Lawyers Division
State and Local Government Law
Taxation
Tort Trial and Insurance Practice
Young Lawyers Division
Affordable Housing and Community Development Law
Air and Space Law
Communications Law
Construction Industry
Entertainment and Sports Industries
Franchising