

**AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION**

**GETTING INVOLVED
IN THE ABA YOUNG LAWYERS DIVISION**

A GUIDE TO APPOINTMENTS AND ELECTIONS

To apply for an appointment, please consult the ABA/YLD appointments website at www.abanet.org/yld/appointments/home.html. All applications must be made using the online process.

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Note on Web Addresses

This guide contains several links to the Division's webpage, www.abanet.org/yld.

If you cannot find a particular link to which this guide refers you, please check the main webpage, since the information may appear at a different site. If you still cannot find what you are looking for, then please contact Renee Lugo at (312) 988-5611 or lugor@staff.abanet.org.

INTRODUCTION

WHY GET INVOLVED?

by
Brian Melendez¹

The noblest question in the world is,
What Good may I do in it?

Franklin, *Poor Richard's Almanack*

Anyone who spends time around the bar association, or any other nonprofit organization, has heard of “long-range planning.” The first question that a long-range planner is supposed to ask is, Does this entity need to exist? How does it do what it does better than anybody else can? So let us begin by asking: Why does the Young Lawyers Division need to exist?

I ask you to imagine a Young Lawyers Division in a different world—not a stable and prosperous America, but say a Bosnia, or China, Liberia, South Africa, or any society that now more than ever needs people who do not fear change. If we had lived in Bosnia or China these past few years, we would have had the chance to fight injustice directly with our bodies and our lives. The people of those nations relied on their students and their young adults, not only for youth and nerve but for heart and courage in the face of oppression.

As lawyers in a free and wealthy society, though, do we have that same nerve and courage? America too needs our generation to be its heart and conscience, in the legal profession as much as anywhere else. The evils that this society faces are not so concrete as tyrants and tanks, but they still oppress. They are poverty, homelessness, powerlessness, bigotry. Many of us see daily the faces of people whom these evils oppress. There may be little that we as lone individuals can do, but we shirk our responsibilities as human beings if we walk past uncaring.

¹This introduction represents the author’s viewpoint, not necessarily that of the incumbent administration. Brian Melendez wrote this guide in its original form, and his introduction appears for the sake of historical context.

Public service

Which is where the Young Lawyers Division comes in. Why does this entity need to exist? Because one of us can befriend a teenager or two, but ten of us can organize a youth summit. One of us can help an indigent client or two, but a hundred of us can organize a nationwide program addressing the unmet legal needs of children, or of the working poor, or domestic violence. One of us can be ignored, but a hundred thousand of us cannot, and that hundred thousand catches the conscience of the bar.

The voice of the young lawyer needs to be heard—partly because our perspective is unique and valuable and hard to regain later in life, but partly too because as young lawyers we still remember something of powerlessness. As students, not so long ago, we were told what to do, where to sit, what to study, how to learn to think. As young lawyers, we must dance to the tune of partners and judges and clients in order to buy groceries, pay the rent, and pay off our loans. It behooves us, who have gotten a *tiny* taste of powerlessness, to stand in solidarity with those who have tasted it for years and lifetimes—with women, people of color, the working poor, children, and all the others that our culture marginalizes. Their oppressors are not tyrants and tanks but poverty and powerlessness and bigotry. We live in the same world as they do, yet their lives are altogether different from ours; and on the border between the same and the different are the places where we as young lawyers can take a stand against injustice. These are our Sarajevos. These are our Tiananmen Squares.

Why does the Young Lawyers Division need to exist? Because to us, law is not a market in which justice goes to the highest bidder, and lawyers are not just hired guns. The law is a way to bring the benefits of due process, equal protection, and constitutional democracy to the underrepresented, the have-nots, the discriminated-against, as well as those who can afford legal services. As young lawyers, there is much that we can offer and much that we can learn from those whom we can help, and our training is not complete until we learn something about how they live.

Member service

There are also things that we can do for ourselves and for other young lawyers. The Division can pursue its public-service goals more effectively with a successful member-service mission also in place. As a young lawyer opens a practice, especially if he or she pays for his or her own bar dues, that young lawyer may ask,

Why should I join the American Bar Association?

Am I getting a good return in exchange for my dues?

How is the Young Lawyers Division relevant to my life and my practice?

As young-lawyer leaders, we must build the perception and the reality among young lawyers that

The Young Lawyers Division serves and cares about its members and their lives and practices.

The young lawyer gets a good return in exchange for his or her dues by joining the bar association.

The Young Lawyers Division is relevant to your life and your practice.

Public service and member service go together. As member service builds the membership by attracting young lawyers out of a sense of economic interest and returned investment, public service then involves and keeps those members by furnishing a meaningful context in which they serve not only themselves but their profession and their society as well.

Professionalism

Finally, we have all heard, and perhaps we ourselves have complained, about the much-lamented decline in civility and professionalism among lawyers in recent years. Many who raise this issue, especially many older lawyers, tell about a time when the practice of law was always civil and professional, when lawyers really cared about courtesy and mutual helpfulness, when there was no need for a term like “s.o.b. litigator.” Then they blame the problem on how little training law students receive in ethics and professionalism, call for more coursework on those subjects in law school and more stringent requirements for graduation, and act as if they are solving the problem by passing the buck to the next generation of lawyers.

I don’t know whether there really ever was such a golden era. Lawyer jokes have been around at least since the Roman Republic and, I suppose, maybe uncivil and unprofessional attorneys have been too. But one thing that I do know: young lawyers are not the problem (or at least are not the whole problem). The root of the problem lies not in poor training at the entry level, in my opinion, but rather in poor community-building at the management level.

I do not mean that law-firm management does not have a strong sense of professionalism and community. One major Midwestern law firm recently surveyed its lawyers and found that, out of the most senior third of its lawyers—basically the top half of the partnership—only *three percent* did not join the bar association. However, out of the most junior third—basically the associates—*thirty-six percent* did not join. That law firm’s leadership clearly enjoyed some sense of professionalism and community but, for whatever reason, the firm’s culture was not effectively guiding its young lawyers into the bar association. That problem is what I mean by “poor community-building at the management level.”

One purpose of the bar association is to shape (and change) the culture of the bar for the good of the profession and the community. The force that most directly shapes the culture of the bar for a young lawyer is the firm in which he or she practices. A firm shapes that culture by

- whether it pays its lawyers' bar-association dues,
- whether it funds them to bar meetings and conferences,
- whether it recognizes and rewards its lawyers who hold office or chair a committee in the bar association, and
- whether its own partners and managers are visibly active in the bar.

A firm that shapes the culture of many lawyers and that sets the standard for the profession locally ought to show its lawyers that it values and rewards active membership and participation in the bar association.

Membership in the bar association socializes young lawyers, not only to their membership in a professional community, but also to their professional responsibility to serve the public interest. The much-lamented decline in civility and professionalism among lawyers in recent years may be directly attributable to the decline in bar-association membership and the resulting lack of opportunities for young lawyers to meet one another outside the office and outside the adversarial system. The bar association can shape and change the culture of the bar for the good of the profession and the community only if it can keep, interest, and activate its members. A more numerous, more invested membership legitimizes the bar's public-service work, and its ability to represent the public interest as well as its own, by making that work more truly the work of the whole bar. Likewise, a more numerous, more invested membership broadens the audience that the public-service message reaches and pays the dues that fund the public-service mission.

A more numerous, more invested membership legitimizes the bar association's ability to represent the whole profession. The ongoing decline in bar-association membership threatens the profession's independence and self-regulation. Recent studies have found some discouraging statistics about membership both in the bar association generally and among young lawyers in particular:

As the bar has steadily grown, membership in the bar association (as a share of the bar) has slowly but steadily fallen.

As more and more young lawyers have joined the bar, fewer and fewer (as a share of the bar) have joined the bar association.

Those young lawyers who do join the bar association are not participating to the same extent as their senior colleagues.

Finally, those young lawyers who do participate are not interacting outside of their own practice areas.

The young lawyers of today are therefore not building the kind of professional community that will sustain the bar association as a coherent, representative organization

when they become its leadership. We must all support membership and encourage participation in the bar association in order to reverse this trend.

So the next time that you hear someone complain about the decline in civility and professionalism, ask what he or she has done lately about boosting the bar association. The professional community that today's managing partners enjoyed when they were young lawyers is not the same community in which the young lawyers of today must practice and, more importantly, survive. The market is more competitive, the clients are more demanding, and the profession has grown more diverse. And while these trends may ultimately benefit both the legal profession and the society that it serves, they also pose greater challenges to the community-building that many older lawyers have always taken for granted, and thus they require greater effort from *all* lawyers—not only young lawyers—in order to maintain the strong sense of civility, professionalism, and community that has sustained the bar in generations past.

BRIAN MELENDEZ,
PAST YLD CHAIR, 2000-2001

January 2000.

CHAPTER 1

GETTING STARTED: YOUR AFFILIATE

The Division operates as a federation of autonomous affiliates. The Division's purposes include exchanging ideas and promoting communication among them and organizing conferences and other programs for their benefit.

Bylaws § 3.2(a) (outreach)

Each affiliate's participation in the Division is voluntary. Neither these bylaws nor any action taken under their authority can bind an affiliate or subject it to a political, financial, or other obligation that it does not voluntarily assume, except to the extent that the bylaw or action affects the affiliate's representation in the Division.

Bylaws § 3.3 (autonomy)

An "affiliate" means a young-lawyer organization at the local, state, or national level that has voluntarily and successfully applied for affiliation with the Division. The Division will

recognize as an affiliate any organization that applies for affiliation if (1) it is a constituent or an affiliate of a bar association or other organization represented in the ABA House of Delegates, and its membership is limited to that organization's youngest members or those most recently admitted to practice; or (2) young lawyers are at least three-fourths of its membership.²

The Division consists of approximately three hundred state, local and minority affiliates, each of which affords opportunities for young-lawyer leadership at the local or state level. (There are also national affiliates.³) Many, probably most, national young-lawyer leaders come from the ranks of affiliate leaders.

Helping run your affiliate

Getting involved in your affiliate is easy: just volunteer. Every affiliate is eager for good help with its programs. Most affiliates are always looking for a few good volunteers, and you can jump in and help run a project at any time. To contact your affiliate, please check online at www.abanet.org/yld/aff.html.⁴

²Bylaws § 3.1(a) (recognition).

³*See id.* § 3.1(b) (national affiliates) ("The Council may recognize as a 'national affiliate' any affiliate that applies for such recognition if it includes (1) chapters (by whatever name called) in at least ten states, and (2) at least six thousand young lawyers.").

⁴Please see "Note on Web Addresses," *supra* p. v.

Representing your affiliate

Once you have gotten involved at the local level, consider representing your affiliate at the state or national level. While there is competition within some affiliates for delegateships and funding to national meetings and conferences, many more affiliates go unrepresented altogether because nobody has stepped forward. For more information about delegateships and funding from your affiliate, please contact your affiliate's chair or your district representative.

Your district representative

The affiliates are organized into the following districts:

- (1) Maine and Vermont;
- (2) Connecticut and Rhode Island;
- (3) Massachusetts and New Hampshire;
- (4) New York;
- (5) Pennsylvania;
- (6) New Jersey;
- (7) Delaware and the District of Columbia;
- (8) Maryland and Virginia;
- (9) North Carolina;
- (10) South Carolina and the Virgin Islands;
- (11) Florida;
- (12) Alabama and Georgia;
- (13) Mississippi;
- (14) Louisiana;
- (15) Illinois and Indiana;
- (16) Kentucky and Tennessee;
- (17) Minnesota and Wisconsin;
- (18) Ohio and West Virginia;
- (19) Iowa and Nebraska;
- (20) Michigan;
- (21) North Dakota and South Dakota;
- (22) Kansas and Missouri;
- (23) Arizona and New Mexico;
- (24) Arkansas and Oklahoma;
- (25) Southern and central Texas;
- (26) Northern and western Texas;
- (27) Nevada and Utah;
- (28) Colorado and Wyoming;
- (29) Oregon and Washington;
- (30) Idaho and Montana;
- (31) Northern California;
- (32) Southern California;
- (33) Alaska and Hawaii; and
- (34) Federal Bar Association and Military Bar Association.

Where a state includes more than one district, the affiliates in that state may (otherwise the Council shall) define the districts' boundaries.

Bylaws § 3.4(a) (organization)

The affiliates in each district, with each affiliate (other than a national affiliate) whose territory falls wholly or partly in the district having one vote, shall biennially elect a district representative. Each odd-numbered district shall elect its representative in each even-numbered year, and vice versa. . . .

Bylaws § 3.4(b)(1) (election)

The district representative shall represent the district to the Division, and vice versa, and shall perform such other duties as the Council prescribes.

Bylaws § 3.4(b)(5) (duties)

The bridge between your local affiliate and the national organization is your district representative, who can help you learn more about getting involved beyond the local and state level. To find your district representative, please check online at www.abanet.org/yld/affiliateleaders/districts.html.⁵

District representative

Job description: Represent the district to the Division, and vice versa, and shall perform such other duties as the Council prescribes.

Flavors: One per district.

Time commitment: Fifteen to twenty hours monthly.

Process: The affiliates in each district, with each affiliate (other than a national affiliate) whose territory falls wholly or partly in the district having one vote, biennially elect a district representative. Each odd-numbered district elects its representative in each even-numbered year, and vice versa.

Funding: Funded to the Council's meetings.

⁵Please see "Note on Web Addresses," *supra* p. v.

CHAPTER 2

WELCOME TO THE NATIONAL LEVEL: MEETINGS AND CONFERENCES

Once you have gotten started by getting involved in your affiliate, connecting at the national level is easy. Each year, there are four major meetings open to all young lawyers: the annual meeting in August, the fall conference in October, the midyear meeting in February, and the spring conference in May. There are also regional conferences around the nation at varying times.

The young lawyers who most easily perceive value in membership are the core group who regularly participate in the Division's meetings, conferences, and committees. The members in this core group perceive this value more easily not only because they are exposed more directly to information and services and are therefore more fully informed, but also because they help establish and implement the Division's policies and priorities.

Midyear and annual meetings

The Assembly shall regularly meet in conjunction with the Association's annual and midyear meetings.

Bylaws § 4.3(a) (regular meetings)

The Association has scheduled the following midyear and annual meetings:

Year	Midyear	Annual
2007	February 7-13, Miami	August 9-14, San Francisco
2008	February 6-12, Los Angeles	August 7-12, New York
2009	February 11-17, Boston	July 30-August 4, Chicago
2010	February 3-9, Orlando	August 5-10, San Francisco
2011	February 9-15, Atlanta	August 5-10, Toronto
2012	February 8-14, New Orleans	August 2-7, Chicago

For more information about the Division's meetings, please check online at www.abanet.org/yld/meetings.html.⁶

⁶Please see "Note on Web Addresses," *supra* p. v.

Fall and spring conferences

The Division shall annually organize two national conferences, one in the spring and one in the fall, for affiliate outreach.

Bylaws § 3.2(b) (conferences)

The events that most directly and effectively focus the Division's attention on its mission, and build a sense of community and identity among the core group, are the national affiliate-outreach and public-service conferences.

One easy means of expanding the Division's core group is by helping more members from outside the core to attend these conferences. The Division's leadership has been pursuing that goal by holding the national conferences at moderately priced, family-friendly sites. The Division also offers other incentives:

Affiliate reimbursement. For each national conference, the Division presently makes reimbursement available for up to three⁷ members per affiliate, at a per-diem rate of up to one hundred dollars per member for two days, for a maximum reimbursement of two hundred dollars per member and six hundred dollars per affiliate.⁸

Prodigal affiliates. The per-member limit ordinarily does not fully reimburse the member for his or her travel and lodging, and therefore many members cannot afford the conference at all, and many affiliates go unrepresented. To bring even one member from an otherwise unrepresented affiliate, especially one that has been absent for some time, significantly benefits both the affiliate and the Division by bringing at least one member from that affiliate into the Division's core group.

Scholarships. The Division also offers scholarships for attending the Fall and Spring National Conferences and the Midyear Meeting. These scholarships pay for airfare in addition to the regular per-diem reimbursement. The scholarships are available on a competitive basis to minority lawyers, to solo or small-firm practitioners, and to lawyers who practice in the government or public sector or in the military service. For more information about scholarships, please check online at www.abanet.org/yld/scholarships.⁹

Regional conferences

For several years, a system of regional conferences has been evolving, with varying degrees of success in the six regions:

⁷A fourth reimbursement is available if at least one of the four is a minority lawyer, is a solo or small-firm practitioner, or practices in the government or public sector or in the military service.

⁸Or \$800 per affiliate if at least one member representing the affiliate is a minority lawyer, is a solo or small-firm practitioner, or practices in the government or public sector or in the military service.

⁹Please see "Note on Web Addresses," *supra* p. v.

Northeast: Connecticut, Delaware, District of Columbia, the Federal Bar Association, Maine, Massachusetts, the Military Bar Association, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Southeast: Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and the Virgin Islands.

Midwest: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin.

South Central: Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Rocky Mountain: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

West: Alaska, California, Hawaii, Oregon, and Washington.

The annual and midyear meetings have tended to attract affiliate leaders who are present in a representative capacity, usually funded by their affiliates so that they can vote in the Assembly; they typically bring a local rather than a national focus, are more interested in practical member-service and professional-development programming than in public-service programming, and connect better with the Association as a trade association. The national conferences in the fall and spring have tended to attract affiliate leaders who do identify more closely with the Division and its public-service programming, the “bar junkies” whose national focus often channels them into the Division’s leadership. The regional conferences have been attracting a third group, the affiliates’ “middle management,” whose focus is almost wholly local and who identify closely with neither the Association nor the Division, and who will not commit to a national meeting or conference but will travel to a state next door for some good programming that helps them personally or in leading their affiliates.

The Division, without directly sponsoring the regional conferences itself, offers them member-oriented programming and assistance that can help attract a host affiliate. The regional conference can then become a showcase for the Division’s programming of all kinds that will hopefully reach the affiliates’ “middle management” who can then carry the Association’s message back to their peers who are not otherwise hearing that message.

Programming

The Division has historically delivered several different kinds of programming—public service, affiliate outreach, bar leadership, member service, professional development, and other continuing legal education—in several different formats, including the midyear and annual meetings, national conferences, regional conferences, and affiliate visitations. A strong consensus has developed that the Division should deliver each kind of programming at each of the Division’s meetings and conferences. Therefore, each now includes a variety of types of programming.

CHAPTER 3

THE DIVISION: MISSION AND STRUCTURE

The Division's mission is to further the Association's goals and purposes, and thereby to serve the community and the legal profession; to represent young lawyers in the Association, and to represent the Association to young lawyers; to help shape the policies and priorities that affect young lawyers and the legal culture in which they practice; and to create a deliberative forum for the exchange and expression of young lawyers' views,

Bylaws § 1.2 (mission)

The Division's mission includes "further[ing] the Association's goals and purposes." The Association has adopted a mission statement that sets out eleven goals:

The 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.

- Goal I. To promote improvements in the American system of justice.
- Goal II. To promote meaningful access to legal representation and the American system of justice for all persons regardless of their economic or social condition.
- Goal III. To provide ongoing leadership in improving the law to serve the changing needs of society.
- Goal IV. To increase public understanding of and respect for the law, the legal process, and the role of the legal profession.
- Goal V. To achieve the highest standards of professionalism, competence and ethical conduct.
- Goal VI. To serve as the national representative of the legal profession.
- Goal VII. To provide benefits, programs and services which promote professional growth and enhance the quality of life of the members.
- Goal VIII. To advance the rule of law in the world.
- Goal IX. To promote full and equal participation in the legal profession by minorities, women and persons with disabilities.
- Goal X. To preserve and enhance the ideals of the legal profession as a common calling and its dedication to public service.
- Goal XI. To preserve the independence of the legal profession and the judiciary as fundamental to a free society.

Members

§ 2.1. **Young lawyers**

A “young lawyer” means a lawyer who has been admitted to practice in his or her first bar within the past five years, or is less than thirty-six years old.

§ 2.2. **Duration**

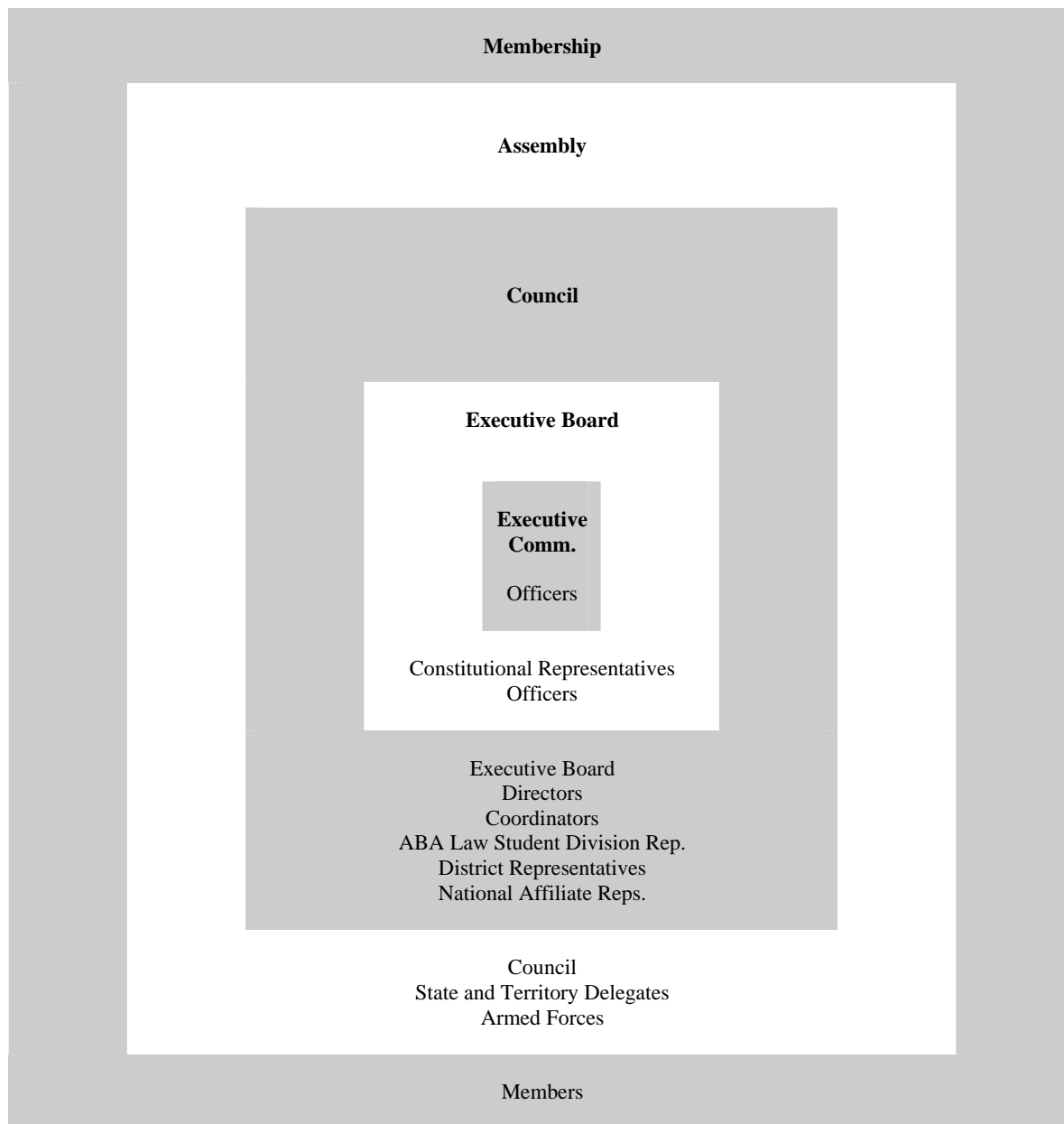
A young lawyer’s membership continues, and the member is a “young lawyer,” until and through the annual meeting and the end of August in any fiscal year for at least part of which the member is a young lawyer under section 2.1.

§ 2.3. **Composition**

The Division consists of those young lawyers who are members in good standing of the Association.

Bylaws, art. II (membership)

The Division’s institutions are organized in a series of concentric rings—with the officers at the center and the membership on the all-embracing circumference—in which responsibility flows inward but authority flows outward. Thus, the innermost ring, the Executive Committee, enjoys more responsibility but less authority than any outer ring; while the outermost ring, the membership (through its representatives), enjoys more authority but less responsibility than any inner ring:



Governing boards

The Assembly consists of—

- (1) the Council;
- (2) delegates representing the affiliates in each state, each of whom keeps his or her principal office or principal residence in that state;
- (3) two delegates representing each national affiliate, who are members of that affiliate; and
- (4) a delegate appointed by and representing the chief legal officer of each of the United States' armed forces.

No person shall become a delegate unless he or she is a member, except that an affiliate may name a delegate who is a member in good standing of that affiliate and of the Association even if he or she is not a member of the Division. No delegate shall vote in more than one capacity.

Bylaws § 4.2(a) (delegates)

The Council consists of—

- (1) the officers (§ 6.1);
- (2) the immediate past Chair;
- (3) the constitutional representatives (§ 8.1);
- (4) the directors (§ 10.1(a));
- (5) the chair of the ABA Law Student Division, or his or her proxy;
- (6) the district representatives (§ 3.4(b)); and
- (7) a representative from each national affiliate (§ 3.1(b)), who is a member of

that affiliate. . . .

Bylaws § 5.2(a) (voting members)

The bylaws conceive the Division as a partnership between the Assembly and the Council, with the Assembly the senior partner. Each partner has concurrent power to bind the partnership, although the Assembly as senior partner can undo what the Council as junior partner has done.

The bylaws clearly define what authority the Assembly and the Council can exercise and the relationship between the two bodies:

The Assembly shall enjoy all the powers that the Division may exercise. Except as these bylaws otherwise provide, the highest policymaking authority within the Division resides in the Assembly, which may act on the Division's behalf in any matter except to the extent that such action is inconsistent with these bylaws.¹⁰

The general executive and administrative authority resides in the Council, which shall enjoy all the powers that the Division may exercise, except those powers (including the authority to amend these bylaws) explicitly reserved to the Assembly. Except as these bylaws otherwise provide, the Council may act on the Division's behalf in any matter except to the extent that such action is inconsistent with these bylaws or with any action by the Assembly within the last six years.¹¹

The bylaws also recognize a power of review that the Assembly enjoys generally, even as to the Council:

The Assembly may review any action (other than an election, an appointment, or an award) by the Council or any other board, committee, subcommittee, officer, representative (other than any young-lawyer member-at-large on the ABA Board of Governors), or other elected or appointed agent. The power of review is a plenary power

¹⁰Bylaws § 4.1(a) (policymaking).

¹¹*Id.* § 5.1 (function).

to direct and instruct an agent, which includes the right to remand, modify, or vacate any action by the agent, or to act directly in his, her, or its place.¹²

and which the Council likewise enjoys, except as to the Assembly:

Subject to the Assembly's review, the Council enjoys the same powers of review and delegation as the Assembly.¹³

The power of review generally implies the same power that an appellate court enjoys with respect to an inferior court. A board, committee, or officer is therefore subject to the same standard of review as an inferior court: when the agent under review is interpreting or applying settled law or rules, the reviewer may act virtually *de novo*; when the agent under review is exercising discretion or judgment, the reviewer will not disturb it unless there has been an abuse of discretion.¹⁴

Administration

Unless otherwise provided, the Chair shall appoint for a term coinciding with his or her own each committee or agent that administers the Division's programs.

Bylaws § 10.1(a) (appointments generally)

The Assembly elects officers, who appoint boards, committees, directors, coordinators, and other agents, who together run the Division:

Officers.

The officers are a Chair, a Chair-Elect, a Secretary-Treasurer, a Speaker, and a Clerk.

Bylaws § 6.1 (officers)

Each officer shall perform the duties customarily incident to his or her office, including (but not limited to) those duties that the parliamentary authority prescribes; and such other duties as these bylaws, the Assembly, or the Council prescribes.

(a) **Chair.** The chief executive, operating, and administrative officer is the Chair, who shall (1) chair the Council, the Executive Board, and the Executive Committee; (2) subject to review, enforce and interpret these bylaws and implement action taken under their authority; (3) manage each officer, representative, board, committee, and other agent whose management is not otherwise assigned; (4) undertake or delegate any responsibility not otherwise assigned; and (5) generally represent the Division and speak on its behalf.

(b) **Chair-Elect.** The Chair-Elect shall (1) advise and assist the Chair however possible; and (2) act as Chair whenever the incumbent is unable or unwilling to do so.

(c) **Secretary-Treasurer.** The chief clerical, recording, and financial officer is the Secretary-Treasurer, who shall (1) serve as secretary to the Assembly and the Council, whose

¹²*Id.* § 4.1(b) (review).

¹³*Id.* § 5.4 (review and delegation).

¹⁴An "abuse of discretion" is a term of art that concerns the standard of review. An appellate court will not reverse a trial judge for "mere error" or "harmless error" but only for "clear error," and will not disturb a trial judge's exercise of discretion unless there has been an abuse of discretion. As a rule of thumb, there has been no abuse of discretion if the reviewer would not have decided the matter as the decisionmaker did; there has only been an abuse of discretion if *no reasonable person* would have decided the matter as the decisionmaker did.

proceedings he or she shall carefully and faithfully record; (2) implement any policies and procedures relating to financial management; and (3) report periodically on the state of the treasury.

(d) **Speaker.** The chief legislative officer is the Speaker, who shall chair the Assembly.

(e) **Clerk.** The Clerk shall (1) advise and assist the Speaker however possible; (2) act as Speaker whenever the incumbent is absent or otherwise unable or unwilling to do so; and (3) perform such other duties as the Speaker prescribes.

Bylaws § 6.3 (duties)

For more information about the officers and their election, please see chapter 6.

Committees.

§ 9.1. Standing committees

The Council may by a two-thirds vote establish or discharge any necessary standing committee.

§ 9.2. Special committees

The Council or the Chair may establish any necessary special committee. Each special committee shall expire within one year (or, in the case of a committee appointed by the Chair, by the end of his or her term) unless the Council establishes it as a standing committee or otherwise extends its life.

§ 9.3. Organization

Unless otherwise provided, the Chair shall appoint the chair and members of each committee.

§ 9.4. Management

Unless otherwise provided, the Chair shall assign at least one director to each committee whose members the Chair appoints.

Bylaws, art. IX (committees)

For more information about committees, please see *infra* pp. 29-31.

Appointments.

Unless otherwise provided, the Chair shall appoint for a term coinciding with his or her own each committee or agent that administers the Division's programs.

Bylaws § 10.1(a) (appointments generally)

For more information about appointments, please see the next two chapters.

The Association

The Division is a constituent of the Association, whose constitution and bylaws (and action taken under their authority) control and supersede these bylaws and action taken under their authority. . . . The Division cannot act on the Association's behalf except as authorized by the Association's constitution, bylaws, or action taken under their authority.

Bylaws § 1.3(a) (Association)

The Association, with about four hundred thousand members, is the world's largest voluntary professional organization.

House. The Association is organized much like the Division, with two governing boards. The ABA House of Delegates is functionally equivalent to the YLD Assembly, which elects four young lawyers who represent the Division in the ABA House. The 530-member House adopts model statutes and rules, including the Model Rules of Professional Responsibility; accredits law schools; elects the Association's officers and governors; and sets the Association's legislative agenda, often with input from the Division's policymaking process.

Board. The ABA Board of Governors is functionally equivalent to the YLD Council. The YLD Assembly nominates two young lawyers, whom the ABA House formally elects, who serve on the ABA Board.

Nominating Committee. The ABA Nominating Committee nominates the Association's officers and governors. The YLD Assembly elects one representative who represents the Division, and who also sits in the ABA House.

Other entities. The Association comprises over thirty sections and divisions, including the Young Lawyers Division, as well as numerous other commissions, committees, forums, and other entities. The Division appoints a liaison to many such entities.

For more information about the Association, please check online at www.abanet.org/yld.

CHAPTER 4

APPOINTMENTS: THE PROCESS

Unless otherwise provided, the Chair shall appoint for a term coinciding with his or her own each committee or agent that administers the Division's programs.

Bylaws § 10.1(a) (appointments generally)

To the newly active member, the appointments process must seem Byzantine, if not bizarre. The system mysteriously defies logic and order, since the rules differ not only from appointment to appointment, but from administration to administration as well.

Am I eligible?

The Council may prescribe the qualifications for each appointment. Unless otherwise provided, no person shall be eligible for any appointment unless he or she is a member and young lawyer when the appointment's term begins; but the Council may prescribe additional qualifications or otherwise limit eligibility, or may extend eligibility.

Bylaws § 10.2 (eligibility)

You are eligible for an appointment in the ensuing bar year if, on one of the following statements is true: *either*

You have been admitted to practice in your first bar within the past five years, *or*

You are less than thirty-six years old as of August 31, 2007.

Exception: those who are aging out or who have aged out may apply for liaison positions.

How does the process work?

The Chair-Elect assembles an administration with several hundred appointments that effectively shape the Division from the grass roots.

Other officers. The Chair-Elect ideally solicits input from the other officers before appointing his or her administration, with a view toward minimizing turnover and inconsistency from administration to administration. Ideally, as the Chair-Elect is assembling his or her administration, the Chair offers a valuable perspective about which appointees from the incumbent administration have served well and deserve advancement. Likewise, the Secretary-

Treasurer, the Chair-Elect's presumptive successor, can advise the Chair-Elect about whom the Secretary-Treasurer is grooming for leadership in the next administration.

Incumbent appointees. The Chair-Elect also consults the incumbent appointees seeking an evaluation of the junior appointees who have reported to them, and an evaluation of the senior appointees to whom they have reported. Each incumbent may also recommend his or her successor, although the Chair-Elect may freely disregard such a recommendation.

District representatives, affiliate leaders. Finally, the Chair-Elect consults the district representatives and affiliate leaders about prospective appointees, with a view toward recruiting rising leaders from the affiliates who may not otherwise avail themselves of the appointments process.

What is the schedule?

Most appointments run on an annual cycle:

January	The Chair-Elect publishes the <i>Annual Catalog of Appointments</i> , which lists the available appointments and announces the applicable deadlines. The Chair-Elect solicits input from the other officers, incumbent appointees, district representatives, and affiliate leaders.
End of February	Deadline for applications for appointments.
Early March	The Chair-Elect may solicit input from his or her senior appointees about their teams and committees.
Late March early April	The Chair-Elect Meets with his or her appointments team. The staff checks that each appointee is eligible.
April – Early May	The Chair-Elect offers and announces the appointments.
June	Orientation for teams and others.
August	Annual meeting: new appointees begin new roles at close of meeting.

How do I apply for an appointment?

You apply for an appointment by letting the Chair-Elect know, in a timely manner, that you are interested. To do so, you should apply on-line at www.abanet.org/yld/appointments/home.html.

Even the most conscientious Chair-Elect cannot, without your help, humanly process all the applicants through whose paperwork he or she must sift in order to cull the most qualified appointments. Even the most conscientious Chair-Elect, when facing a sea of applications that all begin to blur together, cannot always appreciate the subtle niceties that distinguish a good appointee from a great one. He or she must often reach important decisions on the basis of very little salient information, no matter how hard he or she tries to be fair-minded.

You can help that process, and help yourself, by following a few simple suggestions that will distinguish your application:

Introduce yourself. Especially if you do not know the Chair-Elect, please let him or her know a little about who you are and what interests you. What do you enjoy most about the bar association, or about voluntary organizations in general? What have you liked about the meetings that you have attended? Is there a particular role that you see yourself playing in an organization of this kind?

Summarize your relevant experience. This summary will be especially important if you do not know the Chair-Elect but, even if you have known him or her for years, please remind him or her about your experience in young-lawyer leadership, any experience or perspective from senior-bar leadership, and any ideas or suggestions that you would bring to your appointment.

Ask for a specific appointment. You may be happy to serve wherever the Division can use you, or even in any nonspecific “cabinet-level” appointment, but the Chair-Elect can likelier manage a better “fit” between the Division’s needs and your talents if he or she knows what you want.

Ask for what you really want. If your experience does not quite rise to the level of your ambition, then you may not get exactly what you ask for. Or you may, if you have a creative argument for why you deserve it anyway. If not, though, then hopefully the Chair-Elect can steer you into an appointment commensurate with your experience that will help you get what you want in a future administration.

List some alternate choices. Although the online application process will allow you to preference only four choices, you are free to indicate that you will consider accepting other positions for which you did not apply. Your willingness to be flexible increases the chances of receiving an appointment.

What experience do I need?

The “desired experience” is the ideal experience that a new appointee will bring to his or her appointment, and is generally a guideline, not a rule. Having the desired experience will not guarantee that you will get the appointment, even over an applicant who lacks that experience; and not having it will not necessarily disqualify you, if you can bring other qualities to the table. The Chair-Elect will take many factors, including experience, into account when appointing the best applicant.

Other relevant experience may serve as a strong substitute for the “desired experience.” For example, for an appointment that works closely with affiliate leaders, having served as an officer in your affiliate may be just as desirable as having held a junior appointment within the Division. Likewise, for an appointment that concerns a substantive area of the law, strong practical experience in that area may be just as desirable as service in the organized bar.

Do I really have a chance if I am not an insider?

Absolutely. The Division is always looking for fresh new talent.

Besides, most of the Division's leaders started off as outsiders and can remember what it was like trying to break into a strange organization where they knew practically nobody. They hang around together today because they work closely together and, as a result of that interaction, they usually end up liking each other and forming close and lasting friendships. To a newcomer, it may seem like a clique runs the organization but, if you stick around, you will see that those "insiders" want to bring you in as much as you want to break in.

What about diversity?

The Division shall encourage the participation and representation in its membership and leadership, and in the bar association and the legal profession generally, of the many diverse groups within the community that the Division serves. For the purposes of these bylaws, "diversity" includes but is not limited to consideration of (1) any status on the basis of which discrimination is prohibited or discouraged by these bylaws; and (2) kind, size, or place of practice.

Bylaws § 1.4(a) (pluralism)

The appointments process is the classic example of a chance for realizing the mandate that the Division "encourage the participation and representation in its membership and leadership . . . of the many diverse groups within the community that the Division serves." If appointing you will make the organization more diverse or pluralistic, then please list that fact as an asset when applying for an appointment.

If I just missed the cycle, must I wait another year?

Not necessarily. You can join a committee, either as a general member or as a member of its planning board, at any time. Each committee is always looking for a few good volunteers, and you can jump in and help run a project year-round, during or outside the standard cycle. You can sign up online at www.abanet.org/yld/committees.html. Please note: there is no need to submit an application through the appointments process if you are only seeking to be a general member or planning board member of a committee; you can sign up anytime throughout the year on the website.

CHAPTER 5

ELECTIONS: THE EXECUTIVE BOARD

The officers shall constitute an executive committee, which shall perform such duties and functions as these bylaws, the Assembly, or the Council prescribes, and may otherwise act on the Division's behalf to the extent that such action is not inconsistent with these bylaws or action taken under their authority.

Bylaws § 6.4(a) (executive committee)

The executive committee and the constitutional representatives shall constitute an executive board, which shall advise the executive committee and perform such other duties and functions as these bylaws, the Assembly, or the Council prescribes.

Bylaws § 6.4(b) (executive board)

What are the available titles?

The Assembly elects four officers (Chair-Elect, Secretary-Treasurer, Speaker, and Clerk) and five constitutional representatives (four delegates to the ABA House of Delegates, and a representative to the ABA Nominating Committee), and nominates the two young-lawyer members-at-large on the ABA Board of Governors:

Title	Term	Schedule
Chair-Elect	One year, then year as Chair	Annual
Secretary-Treasurer	One year	Annual
Speaker	One year	Annual
Clerk	One year	Annual
ABA Board of Governors (2)	Three years, after one year as a nominee	A member is nominated in two years out of each three, including 2007, 2008, 2010, and 2011
ABA Nominating Committee	Three years	Triennial, including 2008, 2011, and 2014.
ABA House of Delegates (4)	Three years	At least one delegate elected annually, with two delegates elected in every third year, including 2007, 2010, 2013.

What are the rules?

The Assembly shall elect each officer, other than the Chair, at the annual meeting. The vote shall be taken by secret ballot. Election occurs by simple majority. The Chair shall vote in an election only for the purpose of breaking a tie

Bylaws § 7.1(a) (election)

The Assembly shall elect each constitutional representative in the same manner as it elects the officers. For the purposes of these bylaws, any reference to an election in the case of a member-at-large on the ABA Board means the Division's nomination.

Bylaws § 8.2 (election)

The Division's bylaws govern nominations and elections. The provisions that relate to eligibility for office, nominations, and elections appear in articles VI-VIII. For these bylaws, please check online at www.abanet.org/yld/affiliateleaders/ByLaws.pdf.¹⁵

The Division has also adopted policies and procedures relating to elections. For these policies and procedures, please check online at www.abanet.org/yld/elections_info.html.¹⁶

Are there other requirements or rules?

There are no other formal requirements or rules. However, there are some informal but longstanding customs. Some offices and titles customarily follow certain "ladders" within the Division's leadership:

The Chair is customarily elected to the ABA House of Delegates. These delegates serve three-year terms so, generally, at any given time, three of the Division's four delegates are former Chairs.

The Chair-Elect is customarily succeeded by the Secretary-Treasurer.

The Speaker is customarily succeeded by the Clerk.

¹⁵Please see "Note on Web Addresses," *supra* p. v.

¹⁶Please see "Note on Web Addresses," *supra* p. v.

This table summarizes the customary configuration of officers and constitutional representatives:

If you are elected as:	Secretary-Treasurer	Clerk	ABA Board nominee	ABA House; ABA Nominating Committee
One year later, you customarily become:	Chair-Elect	Speaker	ABA Board	
Two years later, you customarily become:	Chair			
Three years later, you customarily become:	ABA House (3)			
Four years later:				
Five years later:				

Am I eligible?

(a) **Qualifications.** No person shall be eligible as an officer unless he or she (1) has been a member since the preceding annual meeting; (2) can and does continue as a member throughout his or her term (including, in the case of the Chair-Elect, the ensuing term as Chair); (3) registered for and attended the preceding annual or midyear meeting or at least one national affiliate-outreach conference since the preceding annual meeting; and (4) attends the election, unless excused pursuant to a rule, policy, or procedure.

(b) **Limits on office holding.** For the purposes of this paragraph 6.2(b), an “office” or “officer” includes a constitutional representative.

(1) **Single office.** No person shall concurrently hold more than one office.

(2) **Reelection prohibited.** No person shall succeed himself or herself, directly or otherwise, in the same office.

(3) **Incompatible offices.** No person who has served as Speaker or Clerk shall be eligible as Secretary-Treasurer or Chair-Elect.

(4) **Officer as candidate.** No person holding an office shall seek another office unless (A) his or her term expires before the other office’s term begins; or (B) he or she resigns, in which case the resignation is irrevocable and shall take effect by the election for the other office, regardless of whether he or she is elected.

Bylaws § 6.2 (eligibility)

No person shall be eligible as a constitutional representative unless he or she (a) has been a member since the preceding annual meeting; (b) is a member and young lawyer when his or her term begins, or otherwise satisfies the constitutional qualifications; (c) registered for and attended the preceding annual or midyear meeting or at least one national affiliate-outreach conference since the preceding annual meeting; and (d) attends the election, unless excused pursuant to a rule, policy, or procedure.

Bylaws § 8.3 (eligibility)

To be eligible for election as a young-lawyer member-at-large [on the ABA Board], a person must be less than thirty-six years old at the beginning of the term.

ABA Const., § 7.3

As a practical matter, because certain offices and titles customarily follow certain “ladders” within the Division’s leadership, the candidates for the “entry-level” offices and titles on those tracks must begin “climbing the ladder” earlier than the bylaws require in order to reach the top in time:

Secretary-Treasurer (the “Chair” ladder). To be eligible for eventual election as Chair, a member must be elected as Secretary-Treasurer before his or her thirty-fourth birthday.

Clerk (the “Speaker” ladder). To be eligible for eventual election as Speaker, a member must be elected as Clerk before his or her thirty-fifth birthday.

ABA Board. The Assembly nominates each young-lawyer member-at-large a year before his or her term begins. (The ABA House formally elects the member at the next midyear meeting, and the term begins at the next annual meeting.) A member must therefore win the Division’s nomination before his or her thirty-fifth birthday.

What experience do I need?

The candidates for the “entry-level” offices and titles—Secretary-Treasurer, ABA Board, ABA Nominating Committee, and the “open” delegateship to the ABA House (elected every third year)—have typically held one or more nationally elected offices or titles, or several senior appointments at the national level. Most candidates for elective office in the Division have traditionally held two or more senior-level or “cabinet” appointments before assuming office.

How do I run?

Any eligible member can run by filing a notice of candidacy with the Secretary-Treasurer, with a copy to the Staff Director and Speaker. The petition must reach the Secretary-Treasurer before the Assembly adjourns at the midyear meeting. The petition must specify a single office that the candidate seeks. There is no special form: the petition may simply identify the candidate (by name, address, and telephone number) and say, “Please accept this letter as my petition of candidacy for [office or title].”

Where can I get more information?

The official sources of information about nominations and elections are the Secretary-Treasurer, who receives the notice of candidacy; and the Speaker, who presides over the campaign and election. The Staff Director, any other member of the YLD staff; or any YLD leader can also offer helpful information. For their addresses, please check online at www.abanet.org/yld/staffcontactinfo.html.¹⁷

For more information about elections generally, please check online at www.abanet.org/yld/elections_info.html.¹⁸

¹⁷Please see “Note on Web Addresses,” *supra* p. v.

¹⁸Please see “Note on Web Addresses,” *supra* p. v.

CHAPTER 6

GETTING YOUR BOSS TO SAY YES

Now that you have gotten involved, you will need your employer's support in order to sustain an active and satisfying career in the bar association. Here are a few selling points in favor of bar involvement that can help bring your employer aboard:¹⁹

Citizenship in the legal community

One purpose of the bar association is to shape (and change) the culture of the bar for the good of the profession and the community. For whatever reason, the culture of the bar does not always guide young lawyers into the bar association. The force that most directly shapes the culture of the bar for a young lawyer is the firm in which he or she practices. A firm shapes that culture by whether it pays its associates' dues, whether it funds them to bar meetings and conferences, whether it recognizes and rewards its lawyers who hold office or chair a committee, and whether its own partners and managers are visibly active. A premier firm that shapes the culture of many young lawyers and that sets the standard for the profession locally ought to show its associates that it values and rewards active membership and participation in the bar association.

Socializing young lawyers

Membership in the bar association socializes young lawyers, not only to their membership in a professional community, but also to their professional responsibility to serve the public interest. The much-lamented decline in civility and professionalism among lawyers in recent years may be directly attributable to the decline in bar-association membership and the resulting lack of opportunities for young lawyers to meet one another outside the office and outside the adversarial system. The bar association can shape and change the culture of the bar for the good of the profession and the community only if it can keep, interest, and activate its members. A more numerous, more invested membership legitimizes the bar's public-service work, and its ability to represent the public interest as well as its own, by making that work more truly the work of the whole bar. Likewise, a more numerous, more invested membership broadens the audience that the public-service message reaches and pays the dues that fund the public-service mission.

¹⁹These selling points are geared toward a private firm. They may or may not apply, or may apply differently, in the case of a corporate legal department or a government or military employer.

Business development

An active presence in the bar association is generally in a firm's own self-interest. The bar association is a good way for an associate to meet peers from around the nation, many of whom may not know any other lawyer in your community, as well as to meet and work with the leaders of the local legal community whom he or she may ordinarily never meet in practice. Bar-association work may or may not pay off in the long run in terms of business development, but hopefully it will; and, if an opportunity for business development happens along through the bar association, at least an active associate will not miss it for lack of a presence.

Economic efficiency

For a firm to pay its associates' dues and other bar-association-related expenses is far more economically efficient than payment by the associate from a tax standpoint: The firm can pay the expenses with pre-tax dollars and deduct them as a business expense, but the associate must report the amount of the dues as income and cannot deduct that amount as a job expense (except to the extent that the associate's unreimbursed expenses exceed two percent of adjusted gross income—a threshold that probably no associate reaches). Assuming for the sake of convenient calculation a tax rate of one-third and dues of three hundred dollars per year, the associate must earn *\$450.00* in order to pay for dues that cost the firm only *\$200.00*.

Continuing legal education

Furthermore, a firm can recoup the cost of an associate's bar-association dues by taking advantage of the value that the bar association offers for continuing-legal-education credit. A young lawyer can fully satisfy his or her CLE requirements through the bar association, which offers its members frequent and relevant seminars for free or for a few dollars per credit—a serious bargain in comparison to most commercially organized seminars, let alone out-of-town seminars. The cost of dues for a year's bar-association dues is far less than the cost of sending an associate to one out-of-town CLE seminar.

CHAPTER 7

BEYOND THE YOUNG LAWYERS DIVISION: GETTING INVOLVED IN THE SENIOR BAR

Finally, it is never too early for getting involved in the “senior bar” beyond its young-lawyer organizations. Young lawyers are not a separate community: they are about a third of the whole bar’s membership.

Most bar associations welcome young lawyers in all their sections and committees, not just in their young-lawyer organization. Many bar associations even reserve space for young lawyers on their governing boards, just as the American Bar Association reserves two seats on its Board of Governors and five seats in its House of Delegates for young lawyers. The Association’s constitution even contains a requirement that may benefit you in your home state:

If the bar associations of a state are entitled to five or more delegates, at least one delegate representing the state bar or a local bar association in that state must be less than thirty-five years old at the beginning of the term. It is the responsibility of the state bar association to ensure that this requirement is satisfied.²⁰

Check on whether this requirement applies in your state and, if so, how the young-lawyer delegate is chosen.

If a bar association does not include young lawyers, or appoints their “representatives” without consulting the local young-lawyer organization, then advocating reform so that the organization is more representative is a worthwhile project for the young-lawyer affiliate. The following arguments may help:

The young lawyers are the only constituency within the association to which every member has belonged.

The young lawyers comprise about a third of the bar—the same third that the bar association has reached least effectively in recent years, and the same third that is least represented in its leadership.

Compared with the rest of the bar, young lawyers as a group are more diverse, and therefore likelier to help the bar association combat the glass ceiling.

²⁰ABA, Const., § 6.4(a) (state and local bar association delegates).

Young lawyers bring to the bar association a different perspective on law, practice, and the profession than their more senior colleagues. For example, they are more technologically literate, and therefore likelier to offer fresh ideas about bringing law office management into the twenty-first century.

The future of the bar association as the profession's representative depends critically on the active and organized presence of young lawyers.

The young-lawyer section is often the largest and most active group within the association.

Any bar association that cares about its future, about building the kind of professional community that will sustain it as a coherent, representative organization when the current young lawyers become its leadership, will welcome talented young lawyers active at every level in its organization—not just on the bottom rungs.