

# **Alabama State Bar**

## **Report of Long-Range Planning Task Force**

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## Introduction

The public and our profession benefit from the foresight of Alabama lawyers to anticipate coming threats and opportunities. There is a proud tradition of Alabama lawyers seeking, as President Lincoln put it, to “first know where we are, and whither we are tending, [so] we could then better judge what to do, and how to do it.” The Alabama State Bar has recognized in its strategic plans over the past two decades that, “to be strong and survive,” organizations “need a beacon in the future towards which to aim: a present agreement on a general course towards next year and the years thereafter.” Creation of strategic plans, like this one, remains “no easy task,” but we have tried to continue the tradition of “outlin[ing] an effective and efficient vehicle for providing dedicated service to the profession and the public.”

The Bar must review its rules and procedures, first, to reflect the changing world in which lawyers and our clients live and, second, to identify emerging issues and concepts that affect our members. As indicated above, this Plan is not intended to prescribe any course of action or change, but to guide active conversation that will resolve these issues before they overtake us.

### I. Executive Summary

In drafting this recommendation, the 2016-’17 Task Force reviewed substantial amounts of pertinent information, including (i) the Alabama State Bar 1994 Long-Range Plan, (ii) the 2001 Task Force subcommittee reports, (iii) the reports of numerous standing committees and task forces of the Bar, (iv) the 2004 draft report, (v) input from former Bar presidents, (vi) the long-range plans of other state bars, (vii) the 2005 Long Range Plan, and (viii) the goals and trends facing the future of the profession.

#### A. Duration of the Plan: 2017 to 2022

While the long-range plan will guide our Bar for many years, the 2017 Task Force recommends the effective duration of the proposed 2017 Long-Range Plan be five years with an annual review given the first quarter of each year. In 2018, the Task Force recommends a full review of the Plan in anticipation of the quickly-changing landscape of the legal profession.

#### B. Terminology of the Plan

A *mission statement* is the primary purpose of existence for the organization. A *values statement* describes the guiding principles of leadership and staff. A *goal* is an objective or core competency. The goals will influence resources, staffing, committee charges and section initiatives. The 2017 Task Force adopts the 2005 Task Force broad goals with the addition of one goal related to attorney wellness, they include:

1. Assure the Highest Standards of Professional Conduct, Ethics and Professionalism.

2. Advance Improvements in the Administration of Justice.
3. Maintain an Effective State Bar Organization and Structure.
4. Serve Member Needs.
5. Enhance the Use of Current Technology and Communication Tactics.
6. Advance the Principles of Racial, Ethnic, Gender, Age and Geographic Diversity.
7. Promote Attorney Wellness.

### C. Scope of the Plan

The 2005 Task Force identified strategies to advance these goals. Where discussions highlighted issues of importance and proposed considerations, the strategies are noted herein, but not all strategies were fully developed by the present Task Force, as this is outside the scope and intent of this Plan. Future Bar presidents will use the 2017 Long-Range Plan to develop their own programs and policies, and because it is intended to cover five years, the work implementing this Plan should be spread over that period. The Plan is meant to serve merely as a *guide*, realizing that other issues and priorities will arise and that the Plan cannot fully comment upon the ever changing profession we practice in.

### D. Committee

The 2017 Long Range Task Force was made up of members who reflect the diversity of the Bar. Members of this task force varied in their race, gender, practice area, geography, and firm size. We thank the following members of the task force for their hard work, without which this Plan could not have been developed:

Mrs. Cassandra Washington Adams	Mr. Robert Turner Meadows, III
Mr. La Barron Nelson Boone	Mrs. Kelly Fitzgerald Pate
Mr. Toby Dawaine Brown	Mr. Edward Milton Patterson
Mr. Steven Frank Casey	Professor Pamela Bucy Pierson
Mr. Lee Hall Copeland	Mr. Adam Patterson Plant
Ms. Christina Diane Crow	Mr. Barry Alan Ragsdale
Ms. Augusta Salem Dowd	Mr. Richard J. R. Raleigh, Jr.
Mr. Christopher John England	Mr. James Rebarchak
Mr. Michael Dwayne Ermert	Mr. Roland Cooper Shattuck
Mr. Lee Franklin Knowles	Mr. John Albert Smyth, III
Mrs. Rebekah Keith McKinney	Mr. Carl Gibson Vance

## II. Alabama State Bar Long-Range Strategic Plan for 2017 to 2022

### A. Mission and Value Statements

The governing philosophy of the Alabama State Bar is stated in two related statements. First, the Bar **mission statement** emphasizes our dedication to the following:

- Promoting the professional responsibility, competence and satisfaction of its members;
- Improving the administration of justice; and,
- Increasing the public understanding of and respect for the law.

Second, the Bar **values statement** makes clear that our core values include the following:

- Trust
- Integrity
- Service

Task Force member and former Bar President Rich Raleigh summarized the preceding as “lawyers serve; the Bar serves lawyers; together we serve the public.”

While these statements provide guidance, their themes must be viewed in the light of the changing demographics of our Bar membership. At last analysis, the Bar consisted of 17,925 members. Approximately 68% of Bar members are male; 32% are female. The Bar membership is overwhelmingly (92%) white; approximately 7% of Bar members are African-American; and 1% identify as having another ethnic background. Our Bar, like many professions nationwide, is aging. Approximately 25% of Bar members are age 61 or older and nearing retirement. Fewer than 21% of our members are under age 37.

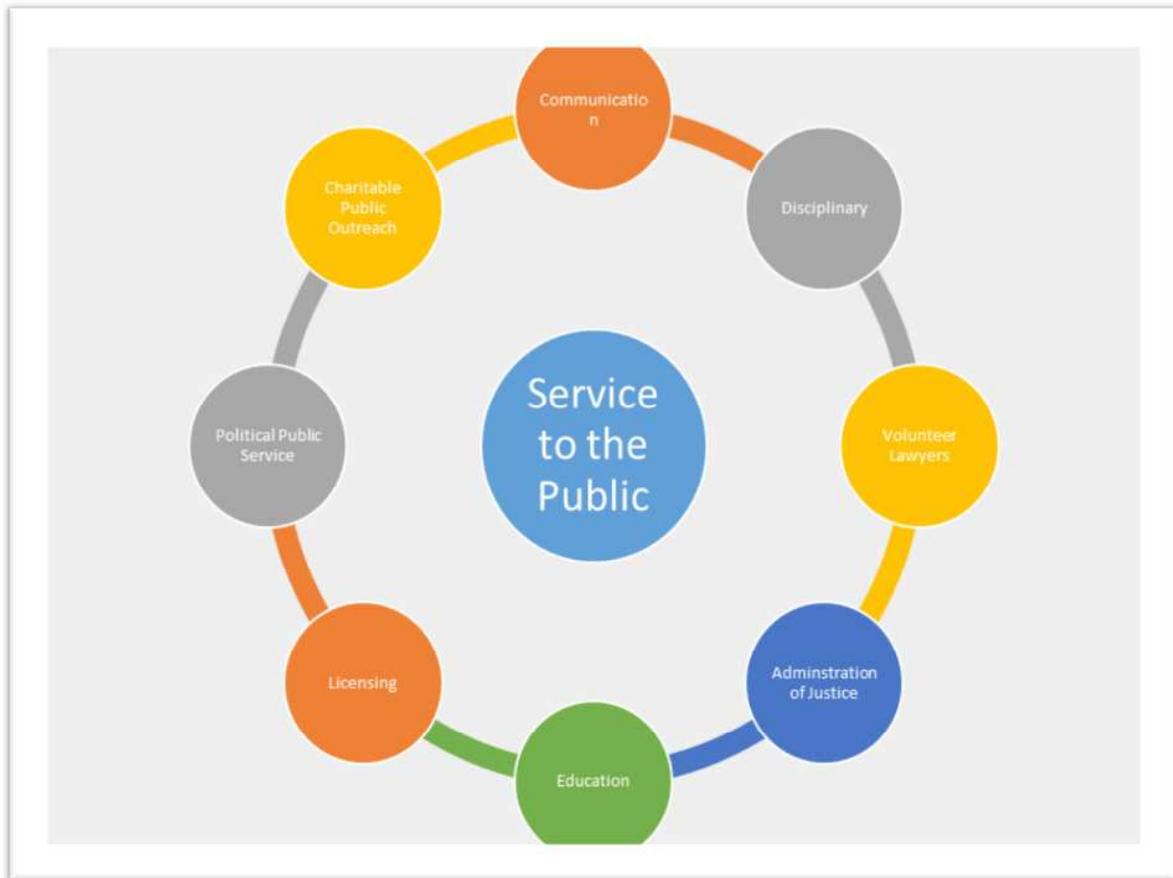
This is a contrast from the overall demographics of the State of Alabama where, out of an estimated population of more than 4.86 million people, 51.6% of Alabamians are female, 26.8% are African-American, and only 15.7% of the population of Alabama is age 65 or older.

### B. Membership Service

To implement the principles above, the Task Force understands the Bar serves two distinct constituencies. On the one hand, the Bar has a duty to the Public; on the other, the Bar owes duties to its individual members. The task force noted numerous areas of focus for each.

### C. Service to the Public

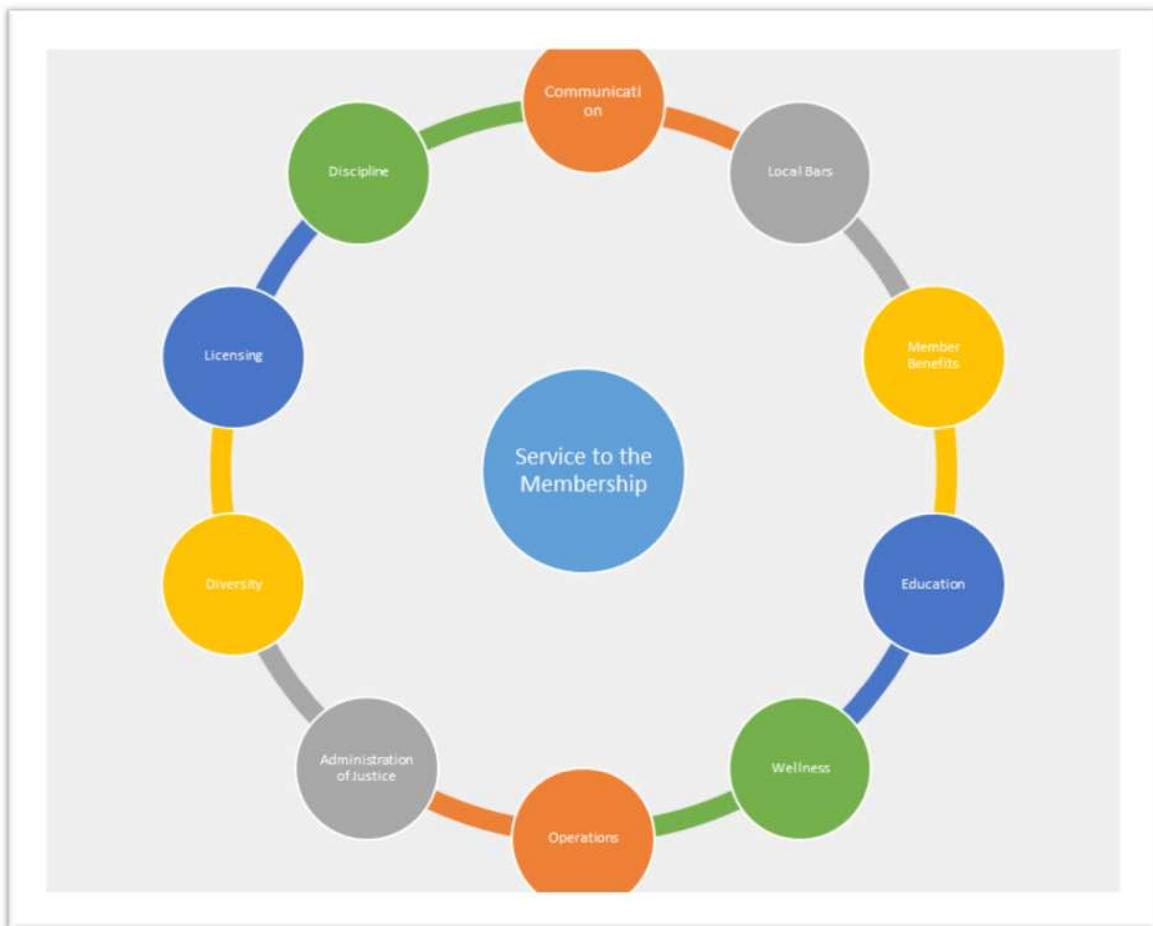
The Task Force found several areas that were central to the Bar's service to the public, they can be represented as below and includes (1) Communication, (2) Discipline; (3) Volunteer Lawyers Program ("VLP"); (4) Administration of Justice; (4) Education; (5) Licensing; (6) Political Public Service; and (7) Charitable Public Outreach.



The Task Force understands that communication, licensing, and discipline constitute the major components of the Bar's service to the public. Effective communication ensures a channel through which the public can come to understand the actions of the Bar and can learn that Bar members act within sound professional and ethical norms. However, the Task Force could not overlook other areas of focus, some which have emerged recently and others which have been a focus of the Bar for more than a quarter century.

### D. Service to the Membership

As much as the Bar is responsible for mandating certain service for the public, the Bar is similarly responsible to our individual members. We identified ten critical areas of member



service: (1) Communication; (2) Local Bars; (3) Member Benefits; (4) Education; (5) Wellness; (6) Operations; (7) Administration of Justice; (8) Diversity; (9) Licensing; and (10) Discipline.

Again, while the traditional roles of communication, licensing, and discipline are central to any Bar service, the changing demands upon lawyers and the unique difficulties they face cannot be overlooked.

### III. Goals and Strategies Regarding Service to the Public

Given the above, the Bar's core goal is to assure its members adhere to the highest standards of professionalism in our industry. To meet this goal, the Bar must vigilantly require high standards for Bar admission, professional conduct, and professional competence and service. These central areas protect the public through a system that promotes public awareness and transparency. It also should develop a system for its members which simultaneously promotes competency and wellness.

## A. Service to the Public

### 1. Communication

**Core Areas: To promote effective communication with the public as to Bar initiatives and programs; Promote the use of advancing technology in the effective and efficient practice of the law in Alabama.**

Like every other area of life, technology changes the way lawyers practice their profession. Technology has changed the manner in which lawyers interact with each other, with courts, and with their clients and potential clients. This type of rapid change results in unaddressed ethical considerations. Without proper attention, technological developments threaten the core competency of our members and the Bar as an institution. As recently noted by the American Bar Association “[l]awyers who refuse to keep up with modern technology risk violating ethical obligations and face becoming obsolete.” Although the course and growth of technology are impossible to predict, the Task Force recognizes lawyers must timely incorporate relevant technological changes into their practice. This can range from adoption of electronic discovery concepts, to the distribution of appropriate and secure client communications, to information security protocols to guard client confidentiality.

Lawyers have for too long allowed technology to advance more quickly than they were willing to regulate. In the age of data breaches and ransomware attacks, however, we can no longer wait and see. Deceptive cyberattacks have been executed successfully against Alabama lawyers and law firms of all sizes. These successful attacks show that none of us are immune from this risk. Even on the Alacourt electronic filing system, inattentiveness of Alabama lawyers exposed the personally-identifying information of Alabama citizens. We recommend the Bar immediately begin to adopt and utilize best practices for the use of technology. To convey those best practices to Bar members, the Bar should begin immediately develop content for a Bar-sponsored or Bar-approved one-hour mandatory technology competency CLE that all Bar members should attend within 12 months of its development. This CLE should be offered at no or low cost, and be available both on-site in a “roadshow” format and on-demand as an online offering. This CLE should include components of both cybersecurity and effective use of technology. The effective use of technology component should include hands-on tutoring for lawyers who desire to become more technologically proficient in their practice.

The Task Force also recommends the Bar establish ethical standards and guidance for the use of artificial intelligence in document production and research, including whether the use of AI constitutes the unauthorized practice of law. We believe that effective regulation of this new technology, rather than protectionist denial of its existence, is the more prudent course of action for the law practice of the future.

The Task Force understands the public uses social media platforms and search engines to locate, engage, and evaluate lawyers. The Bar should develop methods that recognize these changes and help both lawyers and the public make informed decisions regarding the role these tools play in how legal services are provided. We encourage the Bar office of general counsel to provide effective guidance regarding these issues.

Ultimately, the Task Force proposes the Bar take action similar to other bars, including the Missouri Bar, to address technology concerns through active investigation, reporting, and implementation under canons of legal ethics. The following issues must be addressed completely:

- Considering mid-to-long term technology issues through standing committees; and
- To assist members as to relevant technology through education so as the membership can maintain a minimum standard of competency in emerging technological trends – this should address the issue of an aging Bar which is, at times, resistant to the technological changes.

## 2. Discipline

**Core Areas: Promote effective oversight of members and transparency to public.**

The Bar's oversight of our members demands, at the least, a minimum competency among our members for the public to maintain its trust in our profession. It is similarly key for transparency amongst the Bar and to promote wellness for our members. This Task Force, like its predecessor recommends:

- Periodic review and recommendations regarding disciplinary rules and procedures;
- Consideration of uniformity and expediency in disciplinary rules, utilizing the nation model as a resource;
- Address the regulation of lawyers not licensed to practice in Alabama and including non-lawyer litigation support services;
- Develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers.

## 3. Access to Justice

**Core Areas: Promote public access to high quality legal services regardless of financial or other circumstances; Advocate for proper funding of VLP.**

The Volunteer Lawyers Program has grown and changed significantly since its founding more than twenty-five years ago. The greatest positive change is the cooperation the State VLP has with the four local Alabama VLPs: the South Alabama VLP, the Birmingham Bar VLP, the Madison County VLP, and the Montgomery County VLP.

Funding has always been the anchor that has dragged down the Bar VLP and the local VLPs. The programs derive funding from state IOLTA programs; grants from Legal Services Alabama (LSA), bar associations, and private foundations; and local fundraising. Occasionally a program(s) will receive a *cy pres* award. The Alabama Law Foundation is the largest single funder of the VLP programs in the state. Legal Services Alabama is the second-largest. Congress requires LSA, which is our state affiliate of the Legal Services Corporation, to spend 12.5% of its grant monies on private attorney involvement programs. For the past several years, all of the VLP programs, regardless of program size or service area, have received a \$70,000 sub-grant from LSA. The State VLP's sub-grant agreement contains a clause that if LSA should receive a funding cut from Legal Service Corporation that its funding would be cut in an equal percentage. Therefore, reduced interest rates which effect IOLTA revenue or reduced funding by Congress of the Legal Services Corporation directly affect funding for the state's VLP programs.

VLP funding is constantly under threat. The Task Force recommends that the Bar should provide advocacy for LSA funding for LSA and the Legal Services Corporation. The Task Force also recommends that the Bar explore alternative methods to provide legal services for communities that have no access to affordable legal services.

In 2005, the Task Force recommended enhanced public recognition by state and local bars for lawyers excelling in providing pro bono services. The Bar has a standing Task Force devoted to dealing with access to justice and pro bono work. Included within this is the award of several state awards, numerous county bars award similar awards. The Task Force recommends further support of this effort.

Access to justice does not stop with people for whom pro bono clients, however. There are substantial numbers of people who are in the gap between those who qualify for pro bono services through LSA or another organization and those who are able and sophisticated consumers of legal services. The Task Force recommends that the Bar examine all avenues through which lawyers willing to serve these people and the people in need of legal services can be matched.

One such method would be incubators in which recent graduates are provided office space and other overhead in exchange for a commitment to serve only those persons within a defined geographic area whose legal needs fit certain defined practice areas and their financial resources were greater than what would qualify for pro bono legal services. According to the American Bar Association, "there are over 60 incubators nationwide." These young lawyers could receive mentoring, training, and other benefits in exchange for their commitment to this incubator practice for a period of two years. Incubator programs already exist in other southeastern states, including Georgia, Mississippi, Florida, North Carolina, Virginia, and Louisiana. The Bar should work collaboratively with local bar associations, legal aid groups, and other interested parties to determine the location and manner in which such a pilot program could be established in Alabama.

#### 4. Administration of Justice

**Core Areas: Increase public and legislative understanding of the importance of courts and independent judiciary; advocate for adequate court funding with the Alabama State Legislature; and support the merit-based selection of justices and judges.**

The Alabama Unified Judicial System faces reduced funding, reduced filings, and increased pressure to generate revenue for an underfunded state general fund budget. These revenues mask, but do not solve, the structural flaws in the way state government funds our courts and allocates governmental resources.

(a) Reduced Funding Impairs the Administration of Justice.

The Bar recently reported that PARCA, the Public Affairs Research Council of Alabama, “review[ed] our current court cost structure” to evaluate funding by the Alabama Legislature relative to the services provided by the court system. “PARCA’s court costs study found the current structure to be archaic, inefficient, and without transparency. PARCA further found that the use of court costs as a source of court funding is inadequate.”

The Alabama Unified Judicial System typically is appropriated less than 2% of the total budget of the State of Alabama. The total FY2018 budget for the judicial branch of state government was approximately \$120M. Ala. Act 2017-338. The judicial system also generates revenues for the state. During FY 2015, for example, the General Fund budget received approximately \$63.6M in revenues from court costs, which was 3.43% of the revenue generated for the General Fund. Only a portion of this is returned to the courts for operations; the remaining amount collected is earmarked to be distributed by the clerks of the court in each county on a monthly basis. Except on a limited basis, this collection and distribution of monies to state agencies, District Attorneys, city and county governments, and many others is without compensation to the clerks or the court system. The 2014 Baldwin County reports obtained by the Alabama State Bar illustrate this finding and also confirm the role of the court system in providing revenue to the local and state economies.

(b) Reduced Filings Create Risk for Fee-Based General Fund Revenues.

The amount of cases being filed in our court system has declined for many years. PARCA conducted a limited survey to determine if the rising court costs had any relationship to the decreased filings. The results from that survey did find such a relationship, although it is not the sole contributing cause. PARCA provided a chart illustrating the decline of court filings and distributions due to that decline over a ten year period (2002-2011). The bar has supplemented that information with comparative data for the period of 2009 through 2014.

(c) Recovering Court Costs is Difficult and an Inefficient Way to Administer Justice.

Statewide court costs to benefit the court system have increased only once in the past decade. Local court costs, by contrast, have risen at an alarming rate. In many instances, the local costs do not benefit the court system or its operations. If the local costs were implemented to assist the local court operations, much of that revenue is now being used to pay for employees who, as a result of decreased General Fund Budget appropriations, would otherwise have been laid off. PARCA found that without these local court payments for court employees, the staff within our state court system would be decreased dramatically.

Court costs are charged in both civil and criminal cases. Costs are normally collected in civil cases at rate of nearly 100 percent. Collecting fees, fines, and costs in criminal cases is difficult in criminal cases. The courts have implemented collection dockets to attempt to collect these fees, fines, and costs, but without any additional staff. The Bar Leadership alumni group, in conjunction with the Administrative Office of Courts (AOC), studied the difficulty in collecting these criminal court costs in 2012. That group also assisted AOC in creating county-by-county charts regarding the collection and distribution of costs in each area. The 2014 Baldwin County Court collections and distributions report obtained by the bar also illustrates this information. The wisdom of jailing Alabamians who are unable to pay fees, fines, and costs in traffic or criminal matters also is an issue, and has been challenged in Federal court. In March 2017, the Southern Poverty Law Center announced a \$680,000 class action settlement with Alexander City based on the Alexander City Police Department's practice of jailing persons who could not pay court costs owed to the Alexander City Municipal Court.

PARCA has noted that the amount of collections in both the civil and criminal courts has dramatically decreased over this same time period of decreased filings. This data has been updated to include 2014 in comparison to the prior three fiscal years.

The PARCA study suggested the following as ways of promoting a properly funded and efficient judiciary through uniform administration and funding and to require appropriations to be adequate and reasonable. The Task Force recommends the Bar continue its advocacy for these issues as discussed more fully in the PARCA study and as further developed.

(d) Merit Selection of Judges

The Bar has long supported the selection of justices and judges in a manner that insulates the judiciary from political pressures and influences. To this extent, the Task Force recommends, as did its predecessor, efforts to implement the recommendation made by the Board of Bar Commissioners in 2004 for establishing merit selection of appellate judges. To maintain and/or establish a committee or task force to study the issue of selection of circuit and district judges and, where appropriate, coordinate with the efforts of the various circuit and district judges associations. Finally, to consider the effectiveness of setting minimum standards and experience levels for judge selection.

Finally, the Bar should continue to enhance the relationship between the Bar and Judiciary. Two areas to develop this relationship are through setting annual meeting site and dates to correspond with State Circuit Judge's meeting, and to consider appointing a task force composed of judiciary and bar members to address both attorneys' behavior before judges and judges' behavior before attorneys.

(e) Increase Public Understanding and Legislative Understanding of Importance of Courts and Independent Judiciary

The Bar and its members should actively participate in public discourse in a manner that will increase public understanding of the importance of the rule of law, our judicial system, and an independent judiciary. We similarly should seek to inform and educate our local legislators regarding those issues and others. Among those issues we should advocate in favor of are adequate funding of the judicial system; wise allocation of judicial resources across the State; the importance of judicial discipline, including the Judicial Inquiry Commission and the Court of the Judiciary; and any necessary updates to the Alabama Constitution that would improve the administration of justice.

## 5. Education

### Core Areas: To promote public understanding.

The Bar should be vigilant in increasing public understanding and respect for the law and civil discourse. This can be achieved through continued public service announcements and campaigns, and to build relationships and partnerships with all stakeholders (government, private, associations, and foundations).

Lawyers are uniquely situated to address issues of respect for the rule of law and civil discourse, both of which are critical for public understanding of the law. Bar members should individually take the initiative to promote respect for the rule of law and civil discourse in their own communities and social circles. Alabama lawyers should evangelistically engage our own communities regarding the importance of the rule of law. We understand that the rule of law protects all persons, and have experience necessary to explain the classical understanding of the rule of law. We should share that knowledge with others. Alabama lawyers also should model words and actions that can “revive civility,” as the National Institute for Civil Discourse has phrased the issue. We understand that parties can have diametrically opposing viewpoints of an issue, but can still abide by rules to govern their conduct and standards of professionalism. Modeling civility in our own daily interactions brings credit both to the concept of civil discourse, and to our profession.

## 6. Licensing

### Core Areas: Ensure best practices and appropriate measures of competency.

The Bar should ensure that admission standards and bar examination procedures are current and consistent with the best practices nationally, and ensure the bar examination is an appropriate measure of minimum competency.

This can be achieved through enhancing the Bar's liaison with in-state law schools to address issues of mutual interest, including: (1) ensuring timely student registration with the Bar's admission office; and (2) considering post-law school internships. The Task Force further recommends a review of the “voluntary inactive” and “inactive” membership categories and the rules regarding transition to active status, with particular emphasis on: (1) reinstatement costs; (2) education accountability; and (3) economic impact on the Bar. This will ensure that the public is protected from substandard legal service providers who cannot perform to a level of acceptable competency. We want to increase public trust in legal service providers. To do that, the public must know that every Alabama lawyer can perform to an acceptable level of competency. We also recommend that the Bar communicate this licensing function better to the public, which we believe will increase public trust in the profession to self-regulate.

## 7. Political Public Service

**Core Areas: To promote greater participation of lawyers in public service.**

The Alabama Legislature has seen a decrease in lawyers-legislators who are members. This follows a national trend. According to the Pew Charitable Trusts, in 1976 approximately 22% of state legislators were attorneys. In 2015, however, only 14.4% of state legislators nationwide were attorneys. For instance, in 2017 Kansas had zero attorneys in its legislative body for the first time since 1861. Based on an April 2007 article from *The Addendum of Alabama Lawyer*, there were 22 members of the Bar who were members of the Alabama Legislature. As of June 2017, there were 19 lawyer-legislators in Alabama. This means that, out of 140 legislators in Alabama, only 13.6% were lawyers. While this tracks the continuing national trend, we believe that Alabamians would be better-served by Bar members taking public service in the political arena. The Task Force recommends programs which promote public service at both the national, state, and local levels to reinvest lawyers in the law making process. The Task Force also recommends that non-lawyer legislators be offered a course on the basics of law that would provide them a basic foundation from which they could write laws that are more likely to meet basic standards of constitutionality and due process.

## 8. Charitable Public Outreach

**Core Areas: To expand charitable endeavors beyond the legal arena.**

The Bar has traditionally focused tremendous energy on charities within the legal arena, most notably the VLP program. The Task Force recommends a concerted effort from the Bar to find effective means of providing charity beyond rendering legal service. The Task Force recognizes this may take any of a number of forms and will likely be directed on a year to year basis through the Bar President, Board of Bar Commissioners, and other State and Local Bar officers.

## 9. Admission and Membership

**Core Areas: To continue developing admission programs which support further diversity within the Bar.**

As discussed below in full in regard to diversity ,the Task Force recommends continued promotion of diversity principles in law school admissions and to promote

opportunities for women and minorities in the legal profession. The latter can take the form of continued focus of woman bar sections within both the State and Local Bars.

## B. Service to the Membership

### 1. Communication

**Core Areas: To promote efficient communication methods.**

Technology enables the Bar to communicate more quickly and regularly with its members than it previously has. We encourage the Bar to leverage technology to decrease costs of communication with Bar members, which will enable the Bar to better steward the resources of its members. We encourage the Bar to use video, social media, and other tools to improve communication among members and between the Bar and its members. Recognizing these tools can be used by the Bar, however, does not mean that the Bar should retreat from in-person interaction with members, which we discuss more below.

### 2. Local Bars

**Core Areas: Promote common initiatives between state and local bars;  
Utilize local bars as partners for state bar programs.**

The Bar has approximately 18,000 members. While this number is small in relation to some other states, it marks a dramatic growth for the State of Alabama over the last quarter-century. For example, in 1992—the year in which many of our newest admittees were born—there were 8,441 in-state members of the Alabama Bar. During their lifetimes, there has been (as of June 2017) a 74% increase of in-state Bar members to 14,712. The increase of out-of-state members is even more pronounced, and has increased 138.72% to 3,397 as of June 2017 from 1,423 in December 1992. The last time there was a full year year-over-year decrease in bar membership was between 1996 and 1997; membership has increased every year since 1997. Due to this growth, local bars are important for overall implementation of State Bar programs.

The direct outreach to members and recent efforts by the Local Bar Task Force to develop a partnership between itself and the Bar has seen immediate results. For instance, the Local Bar Task Force recently outlined a two-prong plan. The first prong involved the deployment of ambassadors to all local and specialty bars to give an informative presentation about the state bar and bar programs. The second prong involved a retreat for local bar and specialty bar officers. This retreat included CLE credits.

The Task Force recommends the continued devotion of a standing Local Bar Task Force to creating connections with local and specialty bars to continue dissemination of State Bar programs through outreach and CLE programs.

### 3. Member Benefits

**Core Areas: Promote enhanced benefits for members.**

The Bar has the ability to promote the programs and resources of the Bar by making access to resources “user-friendly” and a “first choice” for lawyers. Options to further enhance benefits, as previously recommended, include:

1. Consideration of how a “Bar Concierge Service” might operate.
2. Developing benefits programs, such as group health insurance, and other programs which assist in professional, economic, and personal development for lawyers. Customize, package, and promote member benefits and services to various categories of members, such as developing “suites of benefits” targeting varied practice settings and specializations.
3. Continue partnering with allied organizations to best position the Bar to serve the public and its members.
4. Maximize benefits through corporate discounts based on purchasing power.

### 4. Education

**Core Areas: To provide high quality continuing education; develop programs that provide reduced cost CLE programs.**

Innovative and effective CLE programs are key to maintaining competency in our profession. Private CLE programs have inundated the market in recent years. While this is a benefit for the Bar as a whole, the cost associated with these CLE programs is prohibitive to many individual Bar members.

The Task Force recommends the Bar focus on providing low- to no-cost CLE programs that can take the form of roadshows and be given locally across the state. The Bar could consider increased on-line CLE programs the Task Force similarly recommends a re-evaluation of the Annual Meeting to include more input from the judiciary and other bar associations.

In conjunction with the wellness component of this report, a mandatory 1 hour CLE on overall wellness issues should be considered. The Bar should also look toward creating more CLE programs which focus on work/life balance.

Finally, the Task Force recognizes that our profession is in transition. Thought should be given for the Bar to help lawyers in the need of transitioning their practice to different areas of law. This could be achieved through innovations such as Lawyer University and similar Bar programs. The Bar also should consider taking an active role in enabling aging lawyers to recruit and train young lawyers or new admittees to take over their practices. If young lawyers are not actively recruited to rural and underserved communities, access to justice issues will get worse—not better.

## 5. Wellness

**Core Areas: Promote health and wellness, increase awareness of existing bar programs, develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers, develop more CLE programs on work/life balance, consider mandatory 1 hour CLE, professional satisfaction, transitions, financial and retirement planning.**

The Task Force recommends that the Bar conduct a quality of life survey in 2017-'18 with special focus on student loan debt, and utilize results to be a member-driven organization.

Based on the understanding that a growing number of our Bar members experience dissatisfaction in their careers that many times leads to changes in career, burnout, and poor work/life balance, the Alabama State Bar established a Wellness Task Force. In line with understanding this concern the Task Force recommends continued conducting of quality of life surveys including a focus on student loans, life-work balance, and general wellness issues.

The Task Force recognizes the Alabama Lawyer Assistance program is a beacon in nationally for assisting our Bar members with numerous wellness issues. With that said, the Task Force recommends specific thought be given to addressing wellness issues proactively with our membership. Example programs could include a focus on addiction issues, professional satisfaction, succession planning, and financial and retirement planning.

## 6. Operations

**Core areas: Lower cost for improving practice, low- to no-cost CLE costs, increased interaction, reevaluate annual meeting participation, discounts, member benefits, communication.**

The Bar should rigorously preserve the role of the Bar as an independent organization for maintaining professional integrity and self-regulation. As before, this requires our Bar remain financially sound and take the following active steps:

- i. Maximize the purpose and utilization of the State Bar foundations.
- ii. Monitor income and expenses and develop new revenue sources.
- iii. Promote an effective structure for service by Bar Commissioners.
  1. Consider term limits of not more than two consecutive terms, with an option to seek re-election after sitting out a term.
  2. Develop a template or uniform electronic report for Bar Commissioners to send to local members.
  3. Appropriately post minutes of the Bar Commission meetings on the Bar's website.
- iv. Study the opportunity for and impact of affiliate relationships with the Bar.
- v. Study the committee and section structure of the Bar to ensure that the Bar is best situated to meet its mission and goals, including consideration of "Rapid Response" committees to volunteer for short, intense projects.
- vi. Encourage lawyer participation in meaningful ways on committees, in sections and in other Bar roles, including promotion of a "menu" of opportunities for participation in the Bar.

## 7. Administration of Justice

**Core Areas: Increase public and legislative understanding of the importance of courts and independent judiciary; advocate for adequate court funding with the Alabama State Legislature; and support the merit-based selection of justices and judges.**

As discussed above, the Alabama Unified Judicial System faces reduced funding, reduced filings, and increased pressure to generate revenue for an underfunded state general fund budget. It also faces circumstances where some circuits have too few judges to hear the number of filings in that circuit. The Bar can serve its members more effectively by advocating for evidence-based, thoughtful policies that can improve the administration of justice statewide. No geographic area of the state should be given a short-shrift. The administration of justice is best served when resources and demands on those resources are based in the reality of the continually-changing demographics of the state and the court filings that accompany those changing demographics.

## 8. Diversity

## Core Areas: Continue promoting diversity.

The Diversity Committee of the ASB started as a Task Force in 2001. The Diversity Task Force was chaired by Hon. Hugh Maddox, Warren B. Lightfoot, and John L. Carroll. The mission statement adopted was: "To increase racial and gender diversity at all levels of the legal profession in Alabama by promoting full and equal participation in the legal profession by minorities and women." As a result of the efforts of this Task Force, the Board of Bar Commissioners approved language to create nine at-large commissioner positions in March of 2003. Before then, only eight women had previously been bar commissioners. From 1987 to 2003, the Bar has record of there being only three African-Americans members of the Board of Bar Commissioners.

That change has increased female and minority participation. Following that change in 2003, 40 females have been members of the Board of Bar Commissioners, 17 of which held a position on the Board of Bar Commissioners as a result of at-large commissioner designation. Since 2003, there have been 17 African Americans who have been members of the Board of Bar Commissioners, eleven of which held their position as a result of the at-large designation.

As a result of the 2005 Long Range Plan, the Diversity Task Force was made a permanent standing committee. Beginning in 2010, the Diversity Committee began providing CLE programs and a Diversity Celebration at the annual meeting. The Committee has also previously assisted with the Minority Pre-Law Conference, a one-day event provided to high school students in Huntsville, Birmingham, Montgomery, and Mobile. This year, the Diversity Committee initiated a College Minority Pre-law Conference in Birmingham and Montgomery. The program, which was patterned after the high school program, encouraged minority students enrolled in various colleges and junior colleges close to those metropolitan areas to consider a profession in law. College Pre-Law Program received rave reviews from the students and faculty advisors in attendance. Further, the Committee has been gathering information regarding methods to continue to increase diversity and minority participation at the state bar level, including through outreach efforts to engage in a dialogue with the State's various minority bar associations. The Committee is also committed to providing a continuing legal education session at the annual meeting along with a cocktail mixer. These efforts will continue to generate conversation regarding diversity within our state and profession. The mixer will offer an opportunity for a free exchange of ideas and the ability for attorneys to associate and build diverse relationships.

The Task Force recommends continued promotion of diversity principles in law school admissions and to promote opportunities for women and minorities in the legal profession. The latter can take the form of continued focus of woman bar sections within both the State and Local Bars.

## 9. Licensing

**Core Areas: Ensure best practices and appropriate measures of competency.**

The Bar should ensure that admission standards and bar examination procedures are current and consistent with the best practices nationally, and ensure the bar examination is an appropriate measure of minimum competency.

The Bar should work collaboratively with in-state law schools to address issues of mutual interest, including: (1) ensuring timely student registration with the Bar's admission office; and (2) considering post-law school internships. The Task Force further recommends a review of the "voluntary inactive" and "inactive" membership categories and the rules regarding transition to active status, with particular emphasis on: (1) reinstatement costs; (2) education accountability; and (3) economic impact on the Bar.

Furthermore, with respect to professional competence and service the Task Force recommends the following:

- a. The Bar partner with local bars to encourage creation of mentoring programs.
- b. Review existing CLE requirements and needs, with special focus on:
  - i. Effectiveness of carry-over of hours provision;
  - ii. Exemption at age 65 and above;
  - iii. Number, availability and quality of programs; and
  - iv. Course on professionalism for new lawyers to ensure that content, length, and presentation are appropriate and effective.
- c. Develop programs for lawyer training on personal finances, law practice management, and quality of life issues.
- d. Encourage lawyers to pursue public service and to seek public office.

## 10. Discipline

**Core Areas: Promote effective oversight of members and transparency to public.**

As stated earlier, this Task Force, like its predecessor recommends:

- Periodic review and recommendations regarding disciplinary rules and procedures;
- Consideration of uniformity and expediency in disciplinary rules, utilizing the nation model as a resource;
- Address the regulation of lawyers not licensed to practice in Alabama and including non-lawyer litigation support services;
- Develop progressive diversion and non-disciplinary system for intervention with respect to aging and impaired lawyers.

We believe that appropriate service to our members in this regard will allow them to conform their conduct to the highest standards of professionalism.