

**AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION**

**RECOMMENDATION AND REPORT TO THE
COUNCIL OF THE SECTION OF LEGAL EDUCATION AND
ADMISSIONS TO THE BAR**

The Young Lawyers Division of the American Bar Association urges the ABA Section of Legal Education and Admissions to the Bar to amend its Section Bylaws to provide that at least two of the voting members-at-large of its Section Council shall be reserved and filled, respectively, with a licensed attorney who at the start of his or her term is under the age of thirty-six or who has been licensed for no more than five years and whose current primary professional employment is not as a law school dean, faculty or staff member.

REPORT

The ABA Section of Legal Education and Admission to the Bar, through its Council, serves as the nationally recognized accrediting body for American law schools. Pursuant to its Bylaws, the Council is composed of the following voting members: the Officers of the Section, fifteen members-at-large (which must include members of the public), and a representative of the ABA Law Student Division.¹ “No more than fifty percent of the voting members of the Council may be persons whose current primary professional employment is as a law school dean, faculty or staff member.”² The members-at-large serve for three-year terms, and may serve for no more than three successive terms in that capacity.³ Although the Section Bylaws permit the ABA Young Lawyers Division to appoint a liaison who may attend Council meetings, the young lawyer liaison is not permitted to vote, and is required to leave the room when accreditation matters related to particular schools are discussed.⁴

At its meeting on June 2, 2017, a proposal was presented to reorganize the Section. Previously, the Young Lawyers Division had passed a resolution urging the Section to designate a young lawyer and young dean position as voting members of its Council. The Council tabled the resolution to act upon it as part of the planned reorganization. Now, the current proposal for reorganization does not include any plans for a young attorney member on the Council. In fact, the proposal states that the Council may consider removing the law student position that is currently a vote position on the Council.

This resolution urges the ABA Section of Legal Education and Admission to the Bar to amend its Bylaws to provide for two young lawyers to serve as voting members of its Council. Over the past several years, the ABA has made great strides in including young lawyers in all levels of governance. Young lawyers are represented on both the ABA Board of Governors and the ABA Nominating Committee.⁵ Four delegates represent the ABA Young Lawyers Division in the ABA House of Delegates,⁶ and every state bar association has a designated young lawyer representative in the ABA House of Delegates.⁷ Many ABA entities, such as the ABA Section of Litigation, also provide for a young lawyer to serve as a voting member of their governing councils.

Legal education—and particularly law school accreditation—is an area that directly affects the interests of young lawyers. The ABA Young Lawyers Division established the Truth in Law School Education Committee (TILSEC) during the 2010-11 Bar Year, and has considered many resolutions relating to legal education and accreditation requirements. Young lawyers have also engaged in advocacy in these areas outside of the ABA, such as through Law School Transparency and other organizations.

Despite the trend towards greater young lawyer involvement in ABA governance, as well as young lawyers' demonstrated desire for a greater voice in this area, young lawyers remain unrepresented on the Council of the ABA Section of Legal Education and Admission to the Bar. The failure to provide young lawyers with voting representation is an anomaly even among other professional school accreditors. For example, the California Committee of Bar Examiners— which accredits law schools in the State of California—mandates that at least one young lawyer serve as a voting member of the Committee.⁸ Similarly, the Bylaws of the Council on Medical Education of the American Medical Association mandate that at least one of its voting members be a resident or fellow physician.⁹

In urging the ABA Section of Legal Education and Admission to the Bar to take such action, we recognize that the ABA Section of Legal Education and Admission to the Bar must necessarily remain independent from the greater ABA due to its role as an accreditor. It is for that reason that we do not urge that the young lawyer members be directly appointed by the Chair of the ABA Young Lawyers Division; rather, as with the voting law student member, the Section's Nominating Committee may review the applicants' qualifications. However, the fact that the ABA Section of Legal Education and Admission to the Bar exercises such significant autonomy makes it even more imperative that the Section consider amending its Bylaws. For instance, decisions of the Section Council to accredit a program, or to adopt, revise, or repeal accreditation standards, cannot be overturned even by the ABA House of Delegates.¹⁰ That such decisions are not reviewable by the ABA House of Delegates or the ABA Board of Governors— entities in which young lawyers do possess voting representation—necessitates that young lawyers receive a voting voice on the Section Council so that their unique perspective may be heard and duly considered.

¹ AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR BYLAWS § 3.

² *Id.*

³ AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR BYLAWS § 4.

⁴ AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR BYLAWS § 8.

⁵ AM. BAR ASS'N CONSTITUTION §§ 7.2, 9.2.

⁶ AM. BAR ASS'N CONSTITUTION § 6.2(a).

⁷ AM. BAR ASS'N CONSTITUTION § 6.4(a).

⁸ The State Bar of California, Committee of Bar Examiners, Application Information, <http://cc.calbar.ca.gov/CommitteesCommissions/StandingCommittees/BarExaminers.aspx> (last visited Jan. 8, 2016).

⁹ AM. MED. ASS'N COUNCIL ON MED. EDUC. BYLAWS § 6.2.2, available at <http://www.ama-assn.org/ama/pub/about-ama/our-people/ama-councils/council-medical-education/bylaws.page>.

¹⁰ AM. BAR ASS'N HOUSE OF DELEGATES R. PROC. 45.9(a)-(b)