RESOLUTION

RESOLVED, That section 4.2(a) of the Bylaws of the Young Lawyers Division of the American Bar Association be amended by striking and inserting language as indicated:

(a) **Delegates.** The Assembly consists of—

(1) voting members of the Council as defined in section 5.2;

(2) delegates representing the affiliates in each state, each of whom is a member in good standing of an affiliate in that state;

(3) two delegates representing each national affiliate, who are members of that affiliate;

(4) a delegate appointed by and representing the chief legal officer of each of the United States’ armed forces;

(5) delegates that meet the requirements of section 4.2(c); and

(6) members of the YLD Scholarship and YLD Emerging Leaders Programs; and

(7) each state’s designated young lawyer representative to the House of Delegates pursuant to Article 6.4(a) of the ABA Constitution, or his or her proxy.

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

FURTHER RESOLVED, That these Amendments shall come into effect at the Assembly meeting immediately following approval by the ABA Board of Governors.
REPORT

The mission of the American Bar Association’s Young Lawyers Division is, among other things, “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.” The Division exercises this mandate through its Assembly, which serves as the highest policy-making body for the Division.

The Division’s Strategic Plan, “YLD 2021,” recognizes that the issues debated and policies adopted in the Assembly should not remain in a vacuum. Our Strategic Plan provides that

[O]ur Assembly should be more aligned with the issues being discussed in the ABA’s House of Delegates. We should be proposing more resolutions that will go to the HOD; responding to existing HOD resolutions; and being more involved in issues related to innovation.

Article 6.4(a) of the ABA Constitution provides that every state, as well as the United States Virgin Islands, receive a young lawyer representative to the HOD, which does not count against the jurisdiction’s delegate allotment. The state young lawyer representatives to the HOD serve as a direct connection between the affiliates in that state and the HOD.

Unfortunately, although these young lawyer representatives are engaged in the House, a significant number do not attend the Assembly. This lack of attendance is due, in part, to how the Assembly delegates are allocated and selected. Small jurisdictions, which may be entitled to only two or three Assembly delegates, may not be able to “make room” for their young lawyer HOD representative. Even large jurisdictions may decline to certify their young lawyer HOD representative to the Assembly in order to “spread the wealth” by allowing young lawyers without an ABA appointment to attend. In some cases, the young lawyer HOD representative may not have a strong connection to his or her state affiliate at all (for instance, in the states where the young lawyer HOD representative is selected by the state’s “Big Bar” rather than by the state affiliate) and may not be aware of the opportunity to serve in the Assembly.

The proposed amendment, if adopted, would eliminate these barriers to participation by providing for each state’s designated young lawyer representative to the House of Delegates to automatically serve as a delegate in the Assembly, without having their service count against their state for delegate allocation purposes. This would further the stated goal of the YLD Strategic Plan to provide for a greater degree of interaction between the Assembly and the HOD, in that the 53 state and territorial young lawyer representatives would simultaneously serve in both the Assembly and the HOD, and thus

1 AM. BAR ASS’N YOUNG LAWYERS DIV. BYLAWS § 1.2.

2 AM. BAR ASS’N YOUNG LAWYERS DIV. STRATEGIC PLAN, p. 13.
allow both bodies to benefit from their experience. Since some states have more than one young lawyer serving in their HOD delegation, the amendment limits the automatic representation only to the designated young lawyer representative. However, recognizing that some young lawyer HOD representatives may already serve in the Assembly in another capacity, or may not be able to attend the Assembly, the amendment permits for appointment of a proxy, just as is the case with the YLD District Representatives.

Respectfully submitted,

Lacy Durham
Delegate of the ABA YLD to the ABA HOD
August 2019
GENERAL INFORMATION FORM

Submitting Individual: Lacy Durham

1. **Summary of Resolution(s).** The Resolution amends the ABA Young Lawyers Division’s by-laws to incorporate the young lawyer representatives in the ABA House of Delegates as delegates in the YLD Assembly. This is done to increase communication between the YLD and young lawyers throughout the Association.

2. **Approval by Submitting Entity.** This resolution has approved by the Council of the Young Lawyers Division in May 2019.

3. **Has this or a similar resolution been submitted to the Assembly?** No.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?** None.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?** Not applicable.

6. **Status of Legislation.** (If applicable) Not applicable.

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.** The YLD will diligently work to implement in time for the Midyear 2020 meeting.

8. **Cost to the Association.** (Both direct and indirect costs) None.

9. **Disclosure of Interest.** (If applicable) No interests are implicated by this Resolution.

10. **Referrals.** Not applicable.

11. **Contact Name:** Lacy Durham
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EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution amends the ABA Young Lawyers Division’s by-laws to incorporate the young lawyer representatives in the ABA House of Delegates as delegates in the YLD Assembly. This is done to increase communication between the YLD and young lawyers throughout the Association.

2. Summary of the Issue that the Resolution Addresses

There currently exists a split between the population that makes up young lawyers in the House of Delegates and that which makes up the Young Lawyers Division assembly. Many young lawyer delegates in the HOD are not otherwise credentialed to sit in the YLD assembly. This amendment would remedy this situation.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This amendment would credential all young lawyer HOD members as YLD Assembly delegates.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None.