RESOLVED, That the American Bar Association believes that it is in the government’s and the legal profession’s interests, and that it would enhance the work of bar associations, to have government lawyers at all levels - federal state, territorial, tribal and local, including those in judicial positions - participate in professional development and justice system improvement activities sponsored and conducted by bar associations.
The central thrust of this recommendation is to place the Association squarely on record as the national advocate for the men and women who practice law in federal, state, territorial and local government law offices. It is ironic - in view of the tangible benefits derived from having its lawyers actively engaged in the professional improvement activities of legal associations - that governments, and especially the federal government, make it difficult for government lawyers to join their professional legal colleagues in bar association professional development activities.

In filing its final report the ABA’s Board of Governors Task Force on Government Lawyer Participation in the ABA stated: “Government and public sector lawyers represent about one-sixth of the legal profession. These lawyers remain under-represented within the American Bar Association. This report makes recommendations about ways our association and the government can work together to facilitate government lawyer participation and to make the ABA a more hospitable environment in which government lawyers are encouraged to invest their professional energies. We know that government lawyers have long felt that they were treated as second class lawyers by bar associations. With some noteworthy exceptions, they have been right. Ironically, government lawyers are often treated as less than full-fledged professionals within the very government agencies they serve. We believe that lawyers who choose to work for the government should be encouraged and expected to participate fully in the various professional and pro bono activities of the professional associations to which they belong. Adoption of this perspective will require an attitudinal sea change on the part of many government leaders and managers and our report will suggest some specific ways to accomplish that change. We emphasize that while the focus of our report is on the American Bar Association, on the federal government, and on lawyers employed by the federal government, its observations and recommendations are generally applicable to bar associations, governmental institutions and government lawyers at the local and state as well as the federal level.”

Bar associations - including the American Bar Association - need to take steps to make government and public sector lawyers full partners in bar association activities. Similarly, government agencies need to take concrete steps to make participation in bar association professional development and improvement activities more accessible to government lawyers. How can governmental entities “signal” to their lawyers that bar association participation is a desirable part of a government lawyer’s professional life?

First, government leaders can encourage government law office managers to allow modest use of office resources and facilities for lawyers engaged in substantive bar
association work deemed to be in the government’s interest. Next, government leaders can encourage government law office managers to allow lawyers to attend bar association professional activities as part of their official duties and, in any case, to utilize liberal leave policies to facilitate government lawyer attendance at bar association professional activities. Third, government leaders can—and should—encourage their agencies’ lawyers to aspire to leadership roles in bar associations professional activities. Moreover, government leaders should allow their agencies’ lawyers to appear on behalf of bar association entities before bodies considering law reform and justice improvement initiatives. And finally, government leaders should, where necessary, revise rules and regulations (or the interpretation thereof) to enable government lawyers to accept dues, meeting, member benefits and tuition discounts or waivers designed to encourage professional bar work by government lawyers. The ABA has made substantial strides in offering special reduced dues and reduced annual meeting registration fees for government and public sector lawyers and many of its entities have followed suit by offering reduced rates for CLE programs, publications and events.

As to the proposition that government lawyer bar participation is in the government’s inherent interest, we stress that the obligation of professionals to participate in the professional and scholarly activities of their profession is an integral part of being a professional. This is especially true for lawyers. Professional organizations determine standards for the profession, provide vehicles for the improvement of the law, and offer a forum for the continuing education programs needed to maintain and improve the lawyer’s requisite legal skills and talents. Government lawyers, like all other members of the profession, benefit from the continuing legal education and professional development activities of professional associations. Government agencies, like private law firms, are the co-beneficiaries of the legal education and professional development activities their lawyers receive as part and parcel of their bar association involvement.

All lawyers need ongoing exposure to new developments in the law. As professional legal associations work to address changes and developments in the law, it is critical that the government’s perspective be communicated within profession forums so that a complete airing of views may occur. Accordingly, it would seem clear and there should be a rebuttable presumption that it is in the government’s interest for its lawyers to participate actively in bar association activities whether they are sponsored by the American Bar Association or by another national, state or local bar association.

Indeed, if government lawyers are not included within regular bar association dialogues that help promote improvements in the law, the recommendations emerging from such deliberations will fail to reflect the views of a critical segment of our profession and, equally important, the deliberations will often fail to assess...
fully the interests of the government agencies and entities served by government lawyers. We respectfully urge the House of Delegates to adopt this Report with Recommendations and we urge government leaders and law office managers to work with us to facilitate government lawyer participation in bar association activities for our mutual benefit and for the benefit of the public.

Respectfully submitted,

Daniel L. Skoler, Chair
August, 1998
1. **Summary of Recommendation(s).**
   This recommendation calls on all government entities to recognize that it is in the government's interest for its lawyers to participate in professional development and justice improvement activities sponsored by bar associations and urges those entities to take steps to facilitate such government lawyer participation in bar associations.

2. **Approval by Submitting Entity.**
   The Executive Committee of the Council of the Government and Public Sector Lawyers Division approved this recommendation in concept at the ABA's 1998 Midyear Meeting and the full Council of the Government and Public Sector Lawyers Division approved the recommendation in its final form at its April 25, 1998 Council Meeting in San Francisco.

3. **Has this or a similar recommendation been submitted to the House or Board previously?**
   Yes, in April, 1997 the Board of Governors adopted Principles of Professional Development contained in the report of the Task Force on Government Lawyer Participation in the ABA. The first of those principles stated: "It is in the interest of the government that its lawyers participate in professional development activities sponsored by bar associations."

4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?**
   Adoption of this recommendation would strengthen the Board's adoption of the Principles of Professional Development mentioned above.

5. **What urgency exists which requires action at this meeting of the House?**
   Government and public sector lawyers represent about one-sixth of the legal profession yet they remain under represented within most bar associations. Adoption of this recommendation by the ABA will, we believe, be viewed by government and public sector lawyers as evidence that the profession is interested in their welfare and is
Interested in removing impediments to their full participation in bar association activities.

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

7. **Cost to the Association.** (Both direct and indirect costs.)
   There is no cost to the association.

8. **Disclosure of Interest.** (If applicable.)
   We are unaware of any conflicts of interest.

9. **Referrals.**
   During the week of May 18 a copy of this recommendation and report was referred to all state bar associations listed in the ABA Directory and to the chairs and staff directors of all ABA Sections and Divisions as well as to the Standing Committee on Membership.

10. **Contact Person.** (Prior to the meeting.)

11. **Contact Person.** (Who will present the report to the House.)
    E.E. Anderson, (General, USMC, ret.) 9108 Quarter Court, Vienna, Virginia 22182 703-253-3619 Fax 703-253-0753.

12. **Contact Person Regarding Amendments to this Recommendation.** (Are there any known proposed amendments at this time?)
    None at this time.