



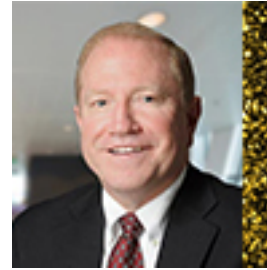
# Shaping the Future We Need in the Legal Profession

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**MODERATOR:**  
**Jayne Reardon,**  
Executive Director,  
Illinois Supreme Court  
Commission on  
Professionalism

## SPEAKERS:



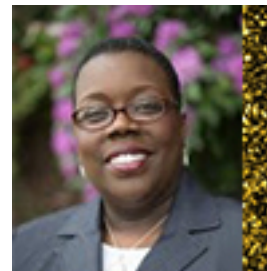
**William Bay,**  
Co-Chair,  
ABA Coordinating Group  
on Practice Forward



**Laura Farber,**  
Co-Chair,  
ABA Coordinating Group  
on Practice Forward



**Amy Lin Meyerson,**  
Immediate Past President,  
Connecticut Bar Association



**Justice Adrienne Nelson,**  
Associate Justice,  
Oregon Supreme Court



# Shaping the Future We Need in the Legal Profession

## ABA Practice Forward Initiative

*NCBP Virtual Annual Meeting  
August 2, 2021*



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**PRACTICE**  
ABA **FORWARD**

# Survey of Pandemic and Post-Pandemic Law Practice

- ABA survey conducted in September/October 2020
- Goals
  - To learn about current and future expectations of practicing lawyers
  - To learn about member concerns, needs, and goals moving forward
  - To understand the concerns of a growing diverse membership
- More than 4200 respondents, resulting in a national representative sample of ABA members
- Ability to analyze large member subgroups



## Some Big Picture Areas of Personal and Professional Concerns

- More than half of all lawyers work from home 100% of the time
  - Lawyers are overwhelmed with all they have to do
    - Worry about employer support – workplace resources, recognition, and job security
    - Worry about client access, developing business
    - Billable hour requirements have not been reduced Much higher levels of stress in trying to manage work and home
    - Higher levels of disengagement from work
    - Greater thought about whether it's worth it
    - Most impact on lawyers with young children, especially women
  - Positive about having sufficient business to meet revenue goals
  - Anticipate less need for office space (but want to keep a private office!)
  - Data raise questions about culture and engagement
- 



## Some Data That Stand Out

- ❑ Tremendous pressures on women with children
  - Women want more supportive, engaged employers
  - Comprehensive plans for sick and family leave and providing subsidies for childcare, tutoring or family care
- ❑ Need for effective DEI strategies
  - Example: Feeling stress on account of race/ethnicity?
    - 47% of lawyers of color feel stress at work at least sometimes
    - 19% feel stress "very often" or "almost all the time"
    - Double bind of race and gender
- ❑ Women and lawyers of color much less optimistic about the legal profession
- ❑ Data beg the question: Is the legal profession positioned long-term to be as diverse and inclusive as the the nation?

# Conversations about Race and Ethnicity

- Compared to a year ago, 82% reported they had conversations with colleagues about racial justice more or much more often
- 37% reported that such conversations were easier or much easier
- 51% reported that the ease of such conversations was about the same as a year ago
- No strong differences between white lawyers and lawyers of color, or between those in leadership positions or other members

# Anticipating the Future

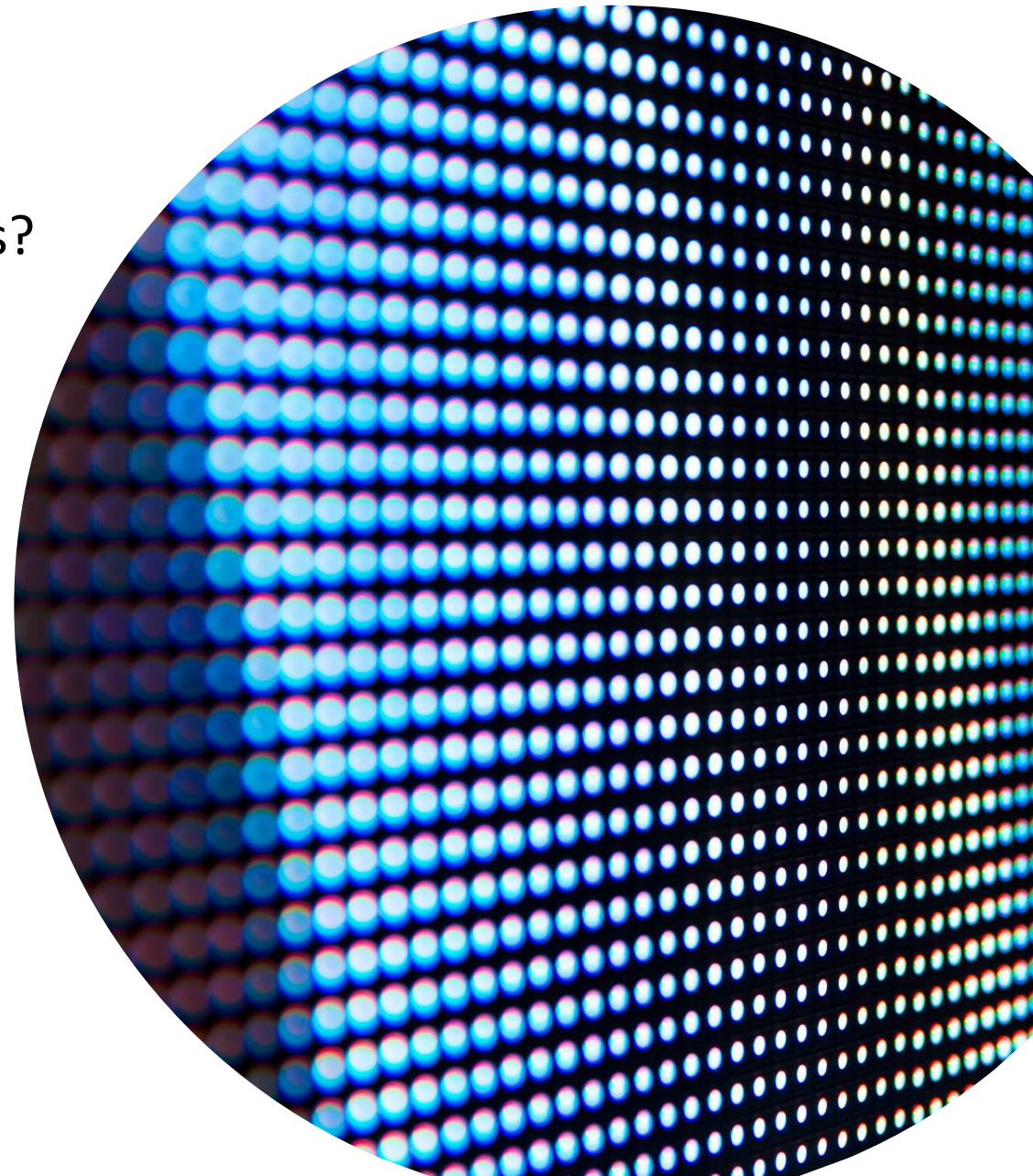
Will remote working continue, and if so will employers adopt supportive policies and practices?

- Remote working appeals to most lawyers
- Ideal schedule for a sizeable number (36%) is full flexibility to choose their own schedule

Lawyer well-being will grow as a priority

Workplace culture will grow as a priority

Growth of more diverse and inclusive workforces and work environments?





## Planning for Member Services

- There was no one type of member service that most ABA members agreed would be helpful
- Certain services had greater appeal for women, lawyers of color, and younger lawyers
  - Guidance about enhancing mental health and well-being
  - Guidance about ways to implement effective DEI programs
  - Better resources for working parents
  - Robust mentoring and sponsorship programs
  - Providing opportunities to participate in pro bono programs

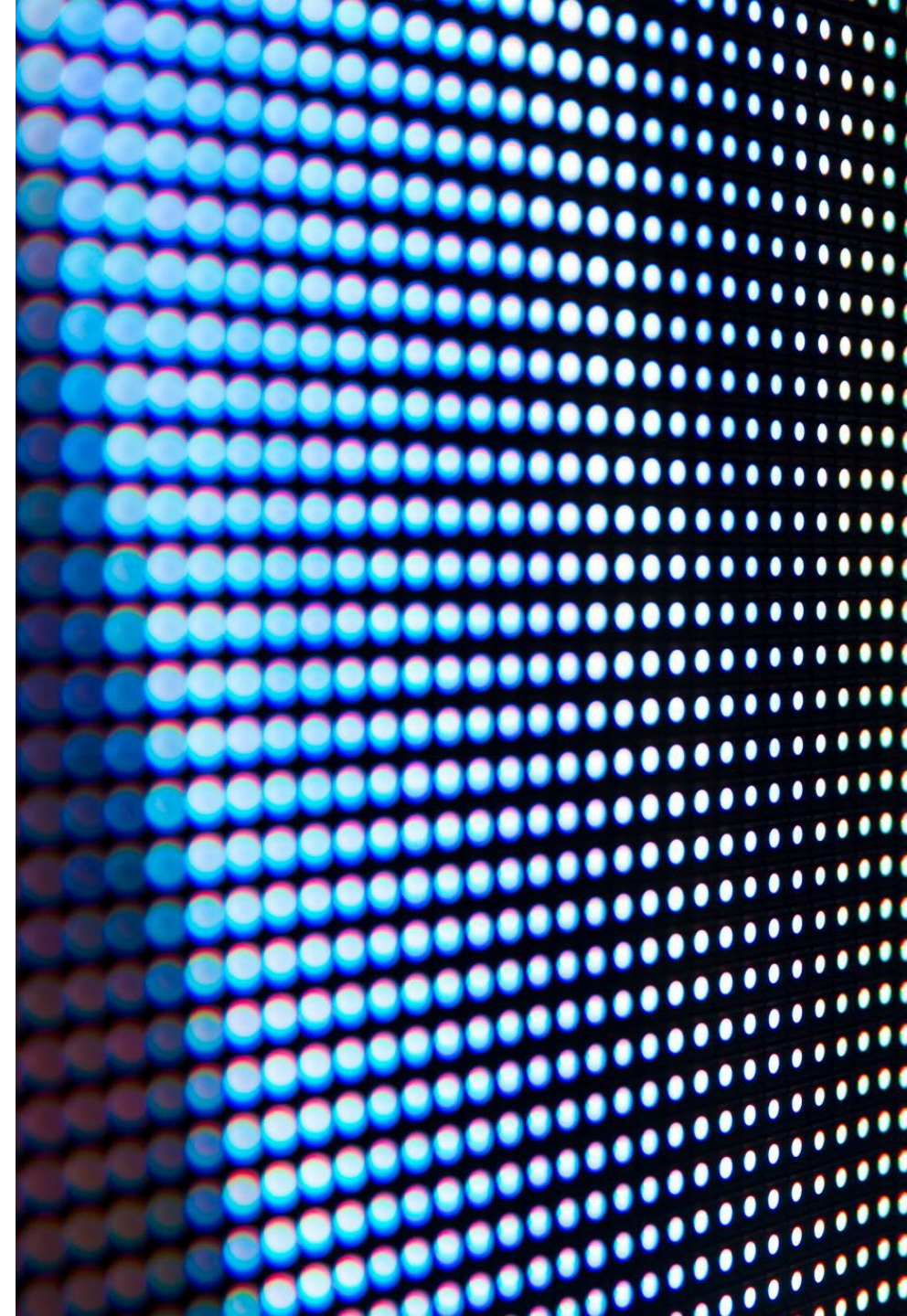


## Planning for Member Services

- Young lawyers would like to have
  - Guidance about business development
  - Guidance about staffing models
  - Networking events even if virtual
  - Connecting them to affinity groups
- Data point to an overall strategy of targeting programs to various member groups

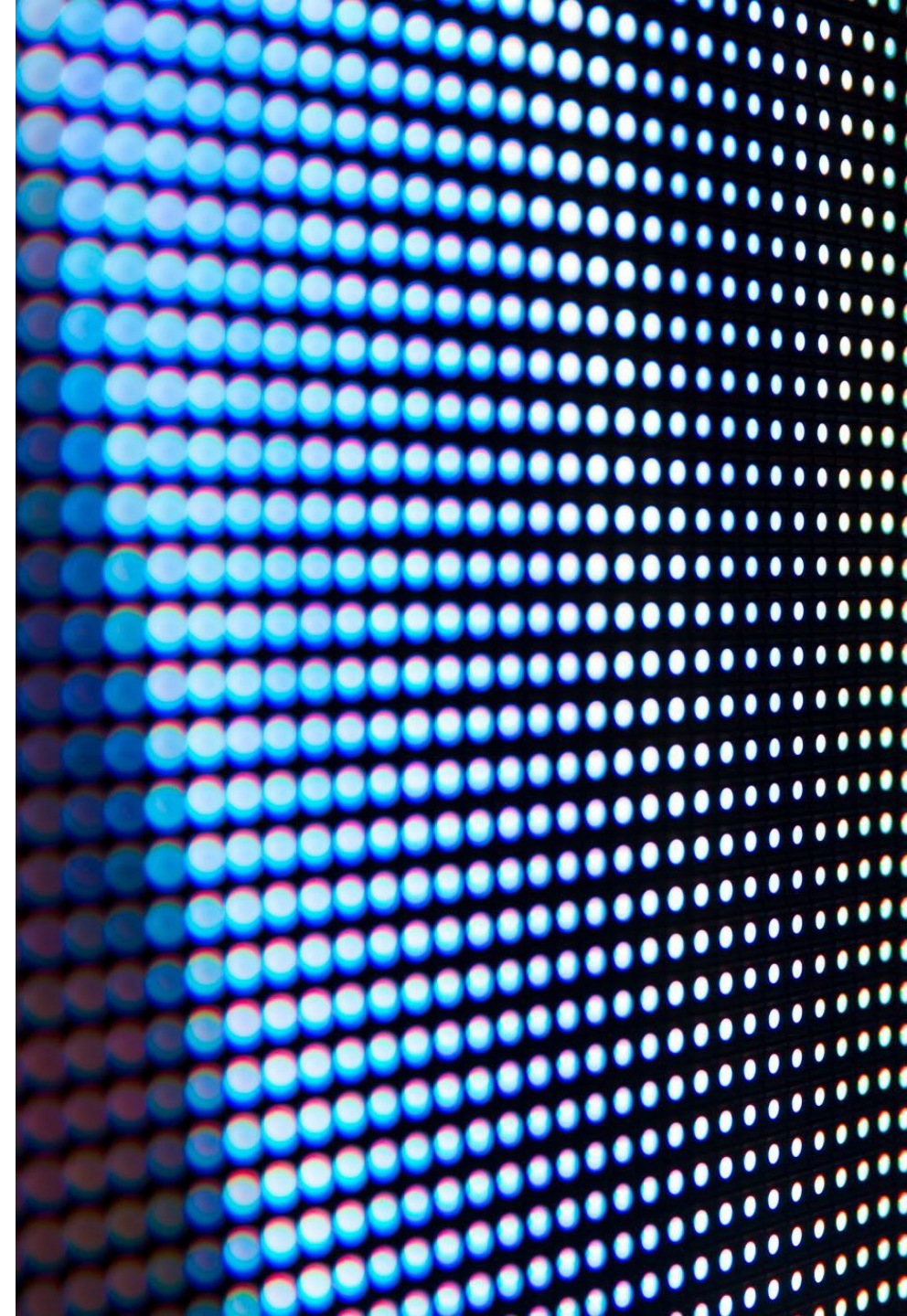
# Best Practices Forward for Employers

1. Insist on leadership that is engaged, transparent and accountable
2. Make decisions which will have a real impact on diversity, equity, and inclusion
3. Have frequent, transparent and empathetic communications
4. Create clear written policies about work expectations
5. Take the long view about retaining lawyers through part-time and flex-time policies



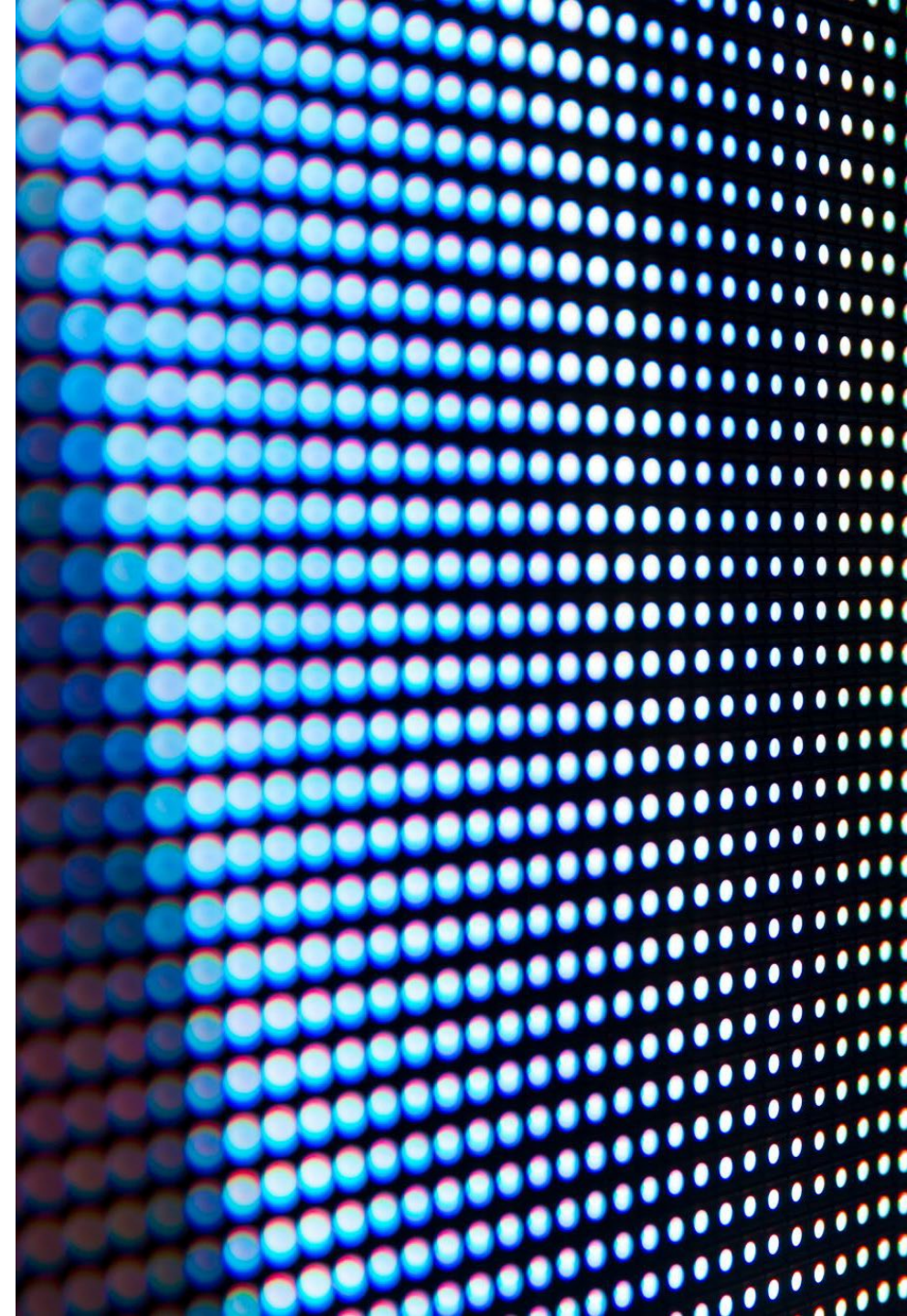
# Best Practices Forward for Employers

6. Use metrics to measure the success of policies, practices, and efforts to implement change in the workplace
7. Reassess compensation systems
8. Provide greater parental resources and support
9. Strengthen wellness and mental health programs
10. Provide excellent technical and administrative support for remote work



# Best Practices Forward for Individual Attorneys

1. Set realistic expectations for yourself and others around you
2. Negotiate boundaries at work and at home
3. Know when to ask for support
4. Stay visible with clients, parents, and other lawyers in the firm, and in the legal community
5. Be pro-active about your career
6. Take care of yourself
7. Volunteer



# Policy Resolutions

- ▶ Child/family care
- ▶ Wellness
- ▶ Re-entry
- ▶ DEI
- ▶ Ethics



What can  
you expect  
to see next?

# Practice Forward Website

Continually updated practical resources for legal employers and individual lawyers, including resources on:

- Ongoing changes to the practice of law:
  - Virtual litigation
  - Ethics issues related to virtual proceedings and remote work
  - Business development
- Re-entry issues as offices re-open
- Hybrid and remote work issues for attorneys and staff
- Culture and well-being issues related to the “new normal”
- Impact of the “new normal” on diversity, equity and inclusion

Bill Bay and Laura Farber, Co-Chairs,  
ABA Coordinating Group on Practice  
Forward

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# The Future of the Justice System



**Justice Adrienne Nelson,**  
Associate Justice,  
Oregon Supreme Court

# The Future of the Justice System

- Remote hearings

# The Future of the Justice System

- Remote hearings
- Online Dispute Resolution

# The Future of the Justice System

- Remote hearings
- Online Dispute Resolution
- SRL assistance



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# How the Connecticut Bar Association is Shaping the Future of Law

# The Rule of Law and Access to Justice

- Three Connecticut Practice Book Rule amendments that were approved and will go into effect on January 1, 2022:

1. The addition to Rule 8.4 making it professional misconduct for an attorney to engage in discrimination or harassment in the practice of law;
2. Rule 5.5 permitting non-practicing or retired out-of-state licensed attorneys to engage in supervised pro bono services through a legal aid organization, law school, or bar association program; and
3. Rule 1.8(e) allowing a lawyer representing a client pro bono to provide modest gifts to the client to pay for basic living expenses.

# Diversity, Equity and Inclusion

- Diversity, Equity, and Inclusion (DE&I) remained a top priority for the CBA during this time of unprecedented challenges. A new and recurring DE&I column now appears in the *CT Lawyer* magazine focused on diversity, equity, and inclusion in the Connecticut legal community.
- Constance Baker Motley Speaker Series on Racial Inequality
- Connecticut Legal Community's Diversity & Inclusion Pledge & Plan
- CBA Presidential Fellows Program

# Ways to Give Back

- The *CBA Gives* campaign, newly launched, encourages members to donate time or money to legal and social service programs that align with our mission of advancing the legal profession and principles of law and justice or meet the needs of Connecticut's most vulnerable residents. The programs include Project Feed Connecticut, The DeMeola Fund supporting DEI programming, CBA Pro Bono Connect, CBA Lawyers in Libraries, CBA Virtual Pro Bono Legal Clinics, and Connecticut Free Legal Answers.

# Advancing the Legal Profession and Member Benefits

- To better serve our members, we adopted the current three-year CBA Strategic Plan and enhanced member benefits in these innovative forums:

1. The CBA In-House Counsel Committee provides cost-effective, high-quality, relevant content and resources for general counsel and other in-house attorneys,
2. The CBA Solo and Small Firm Resource Center focuses on starting a practice, growing a practice, and leaving a practice, and
3. The new Experienced Lawyers Committee leverages skill sets, accumulated knowledge, and judgment of experienced lawyers to promote the public interest and the legal profession.

# Well-Being

Our Lawyer Well-Being Committee has cared for our emotional and mental health, sharing insights and tips in CLE programs and through:

- “Be Well” in our weekly e-newsletter *The CBA Docket*,
- Articles in the *CT Lawyer*,
- Well-Being Challenges, and
- CBA Well-Being Pledge campaign.

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  - ✓ As a bar leader, you will need to shape the services your bar can provide to members and the public to increase access to justice and uphold the rule of law.

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- ✓ This year's bar president year is going to be even more dynamic than last year - know what the changes are and what your members and the community need.
- ✓ The rules will be different in different states and different jurisdictions. Know what tools there are to help you keep up.



# Shaping the Future We Need in the Legal Profession

QUESTIONS?