



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #10

Attached is a chart from the Committee on Resolutions with respect to its recommendations for implementation of the report of the Task Force on the Future of the Legal Profession.

The report will be presented at the June 23-24 meeting by David P. Miranda in his capacity as the chair of the Committee on Resolutions.



NEW YORK STATE BAR ASSOCIATION

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COMMITTEE ON RESOLUTIONS

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June 14, 2011

Dear Executive Committee Members:

For your consideration, enclosed please find a chart showing the Resolutions Committee's recommendations for the implementation of recommendations contained in the Report of the Task Force on the Future of the Legal Profession. The committee prepared these recommendations at the request of President Doyle.

Sincerely,

David P. Miranda

New York State Bar Association
Resolutions Committee
Implementation of Recommendations Contained in the Report of the Task Force on the Future of the Legal Profession

Implementing Entities	Recommendations ¹
A. American Bar Association State Delegate	1. Meet with <i>U.S. News & World Report</i> representatives to propose changes to its ranking methodology. (8, 73)
B. Committee on Continuing Legal Education	1. Develop CLE programs, print and electronic publications, and web-based services to teach members how to maximize value to clients. (4, 35) 2. Create best practices manual and related CLE seminars about alternative fee arrangements and value billing. (5, 36) 3. Study current CLE regulations regarding transitional credit and bridge-the-gap programming. (70) 4. Collaborate with others to develop model new-lawyer training programs. (70) 5. Encourage those concerned with professional development to perform assessments of lawyer competencies, and explore the development of assessment tools. (8, 72) 6. Encourage legal employers and CLE providers to improve the effectiveness of their training programs. (72) 7. Study and make recommendations regarding how to assist new lawyers' transition to practice through use of mentorship programs, CLE programs, and model training programs. (7-8, 69-70) 8. Address concerns regarding program effectiveness, attorney participation, and cost. (64) 9. Address concerns regarding limitations on accreditation for programs that focus on skills such as business development and networking. (64) 10. Address concerns regarding limitations on accreditation for programs relating to job searches. (64) 11. Encourage collaboration between clients and law firms on implementing vacations and sabbaticals, in part through CLE programs on negotiating issues relating to successful work-life integration. (93)
C. Committee on Lawyers in Transition	1. Encourage lawyers to consider certain enumerated alternative careers, such as working with software developers to systematize legal processes. (32-33) 2. Collaborate with others to develop model new-lawyer training programs. (70) 3. Study certain topics regarding mentorship, career navigation, cost, and learning assessment. (65)

¹ Fuller explanations of the bulleted items can be found in the Report of the Task Force on the Future of the Legal Profession at the designated pages (listed in parentheses). The Report can be found at the following link: www.nysba.org/FutureReport.

	4. Address concerns regarding limitations on accreditation for programs that focus on skills such as business development and networking. (64) 5. Address concerns regarding limitations on accreditation for programs relating to job searches. (64) 6. Study and make recommendations regarding how to assist new lawyers' transition to practice through use of mentorship programs, CLE programs, and model training programs. (7-8, 69-70)
D. Committee on Legal Education and Admission to the Bar	1. Monitor proposed changes to ABA accreditation standards. (6, 68) 2. Foster development of assessment tools for lawyers and law students. (46, 47) 3. Work with New York State law schools regarding learning competency-based models. (6, 67-68) 4. Encourage those concerned with professional development to perform assessments of lawyer competencies, and explore the development of assessment tools. (8, 72) 5. Endorse ALI-ABA Summit Recommendations regarding model competencies, support the project, and encourage relevant firms to participate. (5, 40, 67, 68) 6. Encourage the New York Court of Appeals to reevaluate its rules regarding practicality. (6, 68) 7. Encourage the New York Court of Appeals to eliminate the hourly restriction on student hours spent outside the law school classroom. (6, 68) 8. Encourage the New York Court of Appeals to eliminate its limit on credit hours for legal training or clinical courses. (47-48, 48-49) 9. Encourage the New York State Board of Bar Examiners to begin assessing professional skills. (7, 68) 10. Study certain enumerated potential licensing reforms, such as a Uniform Bar Exam. (7, 69) 11. Monitor the issue of law student debt and promote greater transparency regarding the cost of legal education and prospects for employment. (8, 71) 12. Work with ABA on standardized reporting of law school placement data. (71) 13. Dedicate attention to how licensing shapes diversity of the legal profession. (7, 69) 14. Give serious consideration to the analysis and recommendations of the Kenney Report. (52) 15. Help New York State law schools to support the development of practice-ready graduates. (6) 16. Encourage law schools to avoid providing academic credit for certain unpaid student positions. (49) 17. Encourage law schools to require capstone courses in the third year of law school. (49-50) 18. Encourage law schools to provide meaningful placement information to law students and LLM's. (71-72) 19. Encourage greater collaboration between academia and practitioners regarding competency models. (65-66) 20. Encourage law schools to increase educational opportunities about practical uses of technology and project management. (9, 99, 111)

E. Committee on Standards of Attorney Conduct	1. Explore changing models of law firm structure and compensation, make recommendations to the House of Delegates, and propose appropriate amendments to the New York Rules of Professional Conduct and other regulatory standards. (4-5, 35-36) 2. Study and make recommendations concerning ethical and risk management considerations associated with new technologies, such as social networking, third-party hosted solutions, and virtual law firms. (10)
F. Committee on Unlawful Practice of Law	1. Reaffirm 2009 NYSBA Report of the Special Committee on Solo and Small Firm Practice. (5, 36) 2. Investigate issues relating to the increased availability of legal information to non-lawyers, and assist lawyers in making a strong business case for the need to retain lawyers to solve legal problems. (5, 36)
G. Corporate Counsel Section	1. Assist law firms in redefining interaction with in-house counsel, to identify efficiencies in the supply chain for legal services. (28) 2. Encourage law firms to integrate services with client operations in ways that dovetail with the client's other business functions. (33-34)
H. Electronic Communications Committee	1. Encourage law firms to support their attorneys' use of technological devices. (86) 2. Explore the potential for tablets to become the primary mobile work machine for many, and encourage members to consider their use. (102-103) 3. Study and make recommendations concerning ethical and risk management considerations associated with new technologies, such as social networking, third-party hosted solutions, and virtual law firms. (10)
I. Law Practice Management Committee	1. Commission demographic and economic studies of law practice in New York. (34-35) 2. Create best practices manual and related CLE seminars about alternative fee arrangements and value billing. (5, 36) 3. Reaffirm 2009 NYSBA Report of the Special Committee on Solo and Small Firm Practice. (5, 36) 4. Conduct economic and other research to keep lawyers informed about the changing landscape of the legal profession. (5, 36) 5. Support legal employers regarding work-life policies and practices. (9) 6. Encourage lawyers to consider the use of alternative fee arrangements. (2) 7. Encourage small firms and solo practitioners with specialized skills to develop business models that leverage the work product of others and provide specialty services to a wide variety of businesses. (32) 8. Develop a list of best practices for law firms regarding long-term restructuring for sustainability and organic growth. (2)

	9. Encourage law firms to integrate services with client operations in ways that dovetail with the client's other business functions. (33-34) 10. Encourage solo and small-firm lawyers to assist clients with self-help efforts. (31-32) 11. Collaborate with others to develop model new-lawyer training programs. (70) 12. Encourage and support legal employers striving to implement work-life policies and practices. (9, 92) 13. Encourage law firms to provide accurate disclosure to recruits regarding hours and work environment. (92) 14. Publicize success stories of legal employers regarding work-life balance, and encourage mentoring by attorneys who are successfully working flexible schedules. (93) 15. Encourage the legal profession to treat work-life balance in a gender-neutral way. (9, 91) 16. Draft a policy encouraging law firms to commit to the value of work-life balance. (9) 17. Encourage law firms to institute a written policy about the importance of vacations and to make other attorneys within the firm available to cover for attorneys who are on vacation. (86) 18. Encourage law firms to have written policies for vacations, and for sabbaticals (if offered). (93) 19. Encourage legal employers to provide those working flexible schedules with the same opportunities as their standard-schedule colleagues. (83) 20. Encourage law firms to implement flexible work arrangements and policies. (92) 21. Encourage law firms to consider increasing quality-of-life initiatives. (89-91, 92) 22. Encourage solo and small-firm lawyers to make plans for taking vacation, arrange for other attorneys to cover matters during those times, and explain emergency coverage plans in retainer agreements. (86) 23. Create model policies concerning the use of mobile technology. (10, 111) 24. Assist firms regarding the efficient handling of e-mail traffic. (10, 111-112) 25. Create model policies regarding responsiveness in the age of mobile computing. (103) 26. Encourage legal employers to use technology to support a healthier work-life balance by facilitating flexible work arrangements. (10, 112) 27. Consider how to leverage NYSBA's resources to assist smaller firms with technology-related issues. (10, 112) 28. Encourage law firms to support their attorneys' use of technological devices. (86) 29. Encourage law firms to periodically evaluate and redesign their work flow for efficiency. (94) 30. Encourage law firms to engage with clients in mutual dialogue about risk versus cost, based on real data. (97) 31. Encourage law firms to provide "push out" alerts to clients about cutting-edge legal developments. (105) 32. Encourage law firms to increase training opportunities about practical uses of technology and project management. (9, 99-100, 111) 33. Encourage law firms to consider the adoption of system-based approaches to acquiring technology. (9-10)
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	34. Encourage law firms to use hiring criteria reflecting their need for practice-ready lawyers. (8, 66-67, 71)
J. Lawyer Assistance Committee	1. Support continued research on mental and physical illness, as well as alcoholism and drug addiction, and encourage the adoption of NYSBA's Model Policy on Impairment. (93) 2. Encourage legal employers to educate attorneys and staff about depression and alcohol and drug abuse and to structure work environments in a way that fosters early recognition and treatment. (80)
K. Resolutions Committee	Encourage the New York State Judicial Institute on Professionalism in the Law to do the following: 1. Explore changing models of law firm structure and compensation. (4-5, 35-36) 2. Encourage those concerned with professional development to perform assessments of lawyer competencies, and explore the development of assessment tools. (8, 72) 3. Recommend that the New York State Board of Bar Examiners begin assessing professional skills. (7, 68) 4. Study and make recommendations concerning ethical and risk management considerations associated with new technologies, such as social networking, third-party hosted solutions, and virtual law firms. (10)
L. Solo/Small Firm Coordinating Council	1. Encourage small firms and solo practitioners with specialized skills to develop business models that leverage the work product of others and provide specialty services to a wide variety of businesses. (32) 2. Encourage solo and small-firm lawyers to assist clients with self-help efforts. (31-32) 3. Encourage solo and small-firm lawyers to make plans for taking vacation, arrange for other attorneys to cover matters during those times, and explain emergency coverage plans in retainer agreements. (86) 4. Consider how to leverage NYSBA's resources to assist smaller firms with technology-related issues. (10, 112)
M. Student Loan Assistance for the Public Interest (SLAPI)	1. Monitor the issue of law student debt and promote greater transparency regarding the cost of legal education and prospects for employment. (8, 71)
N. Young Lawyers Section	1. Study and make recommendations regarding how to assist new lawyers' transition to practice through use of mentorship programs, CLE programs, and model training programs. (7-8, 69-70) 2. Monitor the issue of law student debt and promote greater transparency regarding the cost of legal education and prospects for employment. (8, 71)

