One big happy family?: The relationship between bar associations and their sections

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Editor’s note: The fall 2012 issue of BoardLink, a quarterly e-newsletter from the ABA Division for Bar Services that covers bar association and foundation governance, focuses on the board’s role in fostering excellence among bar committees and sections.

If you talk to enough bar leaders about how their organizations work, you’ll hear some variation of “Sections are the lifeblood of the association.” For many bar members, the ability to join substantive law sections, which are mostly delineated by areas of practice (real property, tax, etc.), is the main benefit of association membership. These groups allow members to learn about developments in their field, network with fellow practitioners, and often fulfill CLE requirements. In many cases, they also generate income for their associations.

Interviews with a number of bar executives show that while many bars follow a similar path in how their relationship with their sections is defined, there are exceptions. And some sections use different criteria beyond practice area. What does seem consistent is that sections are given a measure of autonomy but are managed in such a way that they are not entirely separate from the big bar “family.”

‘Keep them close by helping them’

In most bars, the governing body, through the bar staff, has some direct role in the administration of sections. Until recently, the Alabama State Bar’s relationship to its sections had been somewhat different.

By law (ASB is a unified bar), the ASB Board of Bar Commissioners has jurisdiction over the sections, and maintains control over such issues as forming new sections. But because of a policy decision by a previous executive director some 40 years ago, since that time, “the sections have run independently of the
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bar,” says Ed Patterson, ASB assistant executive director. “Until very recently, we have not had a lot of say-so over what they did.”

Around 2006, ASB leadership became concerned about the question of potential liability to the bar if one or more of the sections had financial irregularities or accountability issues. Without oversight into section finances, Patterson says, “we wouldn't know about it until we had to be reactive instead of proactive.”

The then-president created a task force to examine section management, to propose a solution to, as Patterson puts it, “how the bar could be more involved with sections, but still allow sections continued autonomy.”

The task force came up with an opt-in approach that allowed those sections that agreed to bar oversight to have their financial recordkeeping handled for them, and to have access to bar staff resources for administrative tasks. Those who opted out were still required to submit semiannual financial reports, and a bar representative was added to all their fiscal accounts.

At first, about half the sections opted in, Patterson says. Those that didn’t, wanted to maintain their autonomy. While ASB ultimately can decide through its Board of Bar Commissioners to force a section to opt in, Patterson notes, the bar took a “carrot, not the stick” approach. Staff began to provide more services to the opt-out groups, and solicited suggestions on how the sections could be better served by staff. At press time, all but six of the bar’s 28 sections have opted in. Any new sections that are formed are required to opt in.

Patterson says that while the process can be compared to “putting the toothpaste back in the tube,” he believes that the last holdouts will eventually join their fellow sections, as whatever concerns they have about autonomy will be outweighed by the advantages of having services provided.

Whatever the relationship between the bar and sections, there are likely to be times when a section sees its interests differently from how the bar does. At the State Bar of Texas, there are five staff members devoted to managing the 47 sections. The bar does have the ultimate say over what sections can do, but “we don’t want to be policing sections,” says Tracy Nuckols, director of sections.

With so many sections, there are occasions when one will stray near or over the line of bar policies, but “nearly every one tries to do the right thing,” Nuckols notes.

For those that do have issues, the first line of governance is the Section Representatives Committee, whose members are voted on
by the sections. Bar leaders will ask a section rep to attend the meetings of the section in question and offer guidance to the section's executive committee. "That nearly always works," Nuckols says. "Our philosophy is to keep them close by helping them."

From committee to section?
At the San Joaquin County (Calif.) Bar Association, leaders faced an issue of how one of its groups would be classified. The bar has a committee that bar leaders thought should be made into a section because it deals with a particular area of law. Because committees are appointed by the Board of Governors and section memberships are open to all bar members, groups that deal with substantive areas of law should be classified as sections, says Rebekah Burr-Siegel, the bar’s executive director, adding that the committee had reduced its meetings to two per year.

The committee did not want to make the change, Burr-Siegel says. Leaders said they did not want to present CLE programming or get involved with the increased financial responsibilities and administrative work that go into running a section.

The process of convincing the committee to become a section took six months, and was "painful," Burr-Siegel recalls. There were contentious meetings between the president and section chair, she says. The president went to a committee meeting where about half of those who spoke were against the change, and half for it.

The committee chair asked to speak to the Board of Governors and told them that if the committee became a section, many members would not renew their association memberships. Finally, the staff called each committee member to see what each thought of the proposed change.

In October, the board approved the change and asked the executive committee to come to its November meeting to see who would be interested in serving on the section’s executive committee. Ultimately, more people expressed interest than there were positions available, Burr-Siegel says.

While the process was difficult, it needed to happen, she believes. "It was broke, and it needed to be fixed," she says. "The board leadership was willing to take a stand for the greater good of the membership."

On the other side of the scale, leaders of the Minnesota State Bar Association’s Military & Veterans Affairs Committee decided they wanted their committee to become a section so it could offer CLE programming and other events. The change was approved in April, says Nicole Battles, the bar’s director of section services.
The section’s practice area is a rare one for bar association sections. New section Chair John Baker says that current and recent service members can have particular issues that require lawyers who are educated about applicable laws. The Veterans Preference Act, which allows veterans to gain preference for state jobs, is one example where knowing the law’s intricacies can make the difference between a veteran getting or not getting a job, Baker notes. The section’s first CLE program, in December, attracted 40 members to learn about the Act.

Baker says the change to section status allows for greater funding, which means the group can offer CLE programs, networking opportunities, and a Listserv that allows Battles to locate lawyers willing to provide pro bono services to veterans who contact the MSBA seeking help.

**Geographic sections**

While most sections are defined by areas of practice, there are some that form along different lines—geographic lines, to be precise. And if you’re thinking this might just be a state bar phenomenon, think again: Some local bars have found that sections can be a great way to attract and serve lawyers in the suburbs and other areas that are a bit distant from bar headquarters.

In the Contra Costa County (Calif.) Bar Association, there is a West County Section, made up of lawyers who practice in that part of the county. The section is a vestige of when the former West Contra Costa Bar Association and the Contra Costa County Bar Association merged in 1978, says Theresa Hurley, the CCCBA’s section liaison and education and programs coordinator.

In the central county, where the CCBA offices are located, there tend to be larger businesses and law firms, Hurley says. Most bar events and CLE programming tend to be focused there, and for lawyers in the west, “it’s a bit of a haul” to come to Concord, she notes. With the West County Section, there are occasional CLE programs and social events that allow members in that area to be more a part of the association, as well as access the networking advantages of bar membership.

Geography figures in two sections of the New Haven (Conn.) County Bar Association, says Executive Director Carrie Witt. As with the CCCBA, the NHCBA discovered that members in suburban New Haven often find it less convenient to come downtown for events, and as a result, feel less connected to the bar and are less apt to avail themselves of its networking benefits.

The first suburban section was the Meriden/Wallingford Section,
which began as a bench-bar reception in 2009, Witt says. The event was well attended, which led to the formation of a section and to further social and CLE events.

Section Chair Elwyn Quirk particularly appreciates that the group helped her to meet other lawyers in the area after she began practicing there about two years ago. There had been a separate bar composed of the two counties and neighboring Southington, Quirk says, but it dissolved about 15 years ago. This new section hopes to re-create the professional and networking aspects that the former bar brought to the area, she adds.

In addition to social events, the section plans to begin CLE programming in 2013. Quirk would also like to have some sort of regular roundtable discussion function with local figures such as judges, clerks, and prosecutors, to give lawyers who are newer to the area a chance to meet officials in a non-work atmosphere.

The success of the Meriden/Wallingford Section inspired the bar to form the Shoreline Section, with similar events planned for lawyers in that part of the county. The Shoreline Section is taking longer to grow than the Meriden/Wallingford one did, but Witt is confident that it will succeed. Members have given good feedback to the efforts, and for a relatively small investment of staff time, the NHCBA figures it can increase its membership significantly.

In other words, this is one bar that has found that what’s good for some sections of its family is good for the whole family, too.