



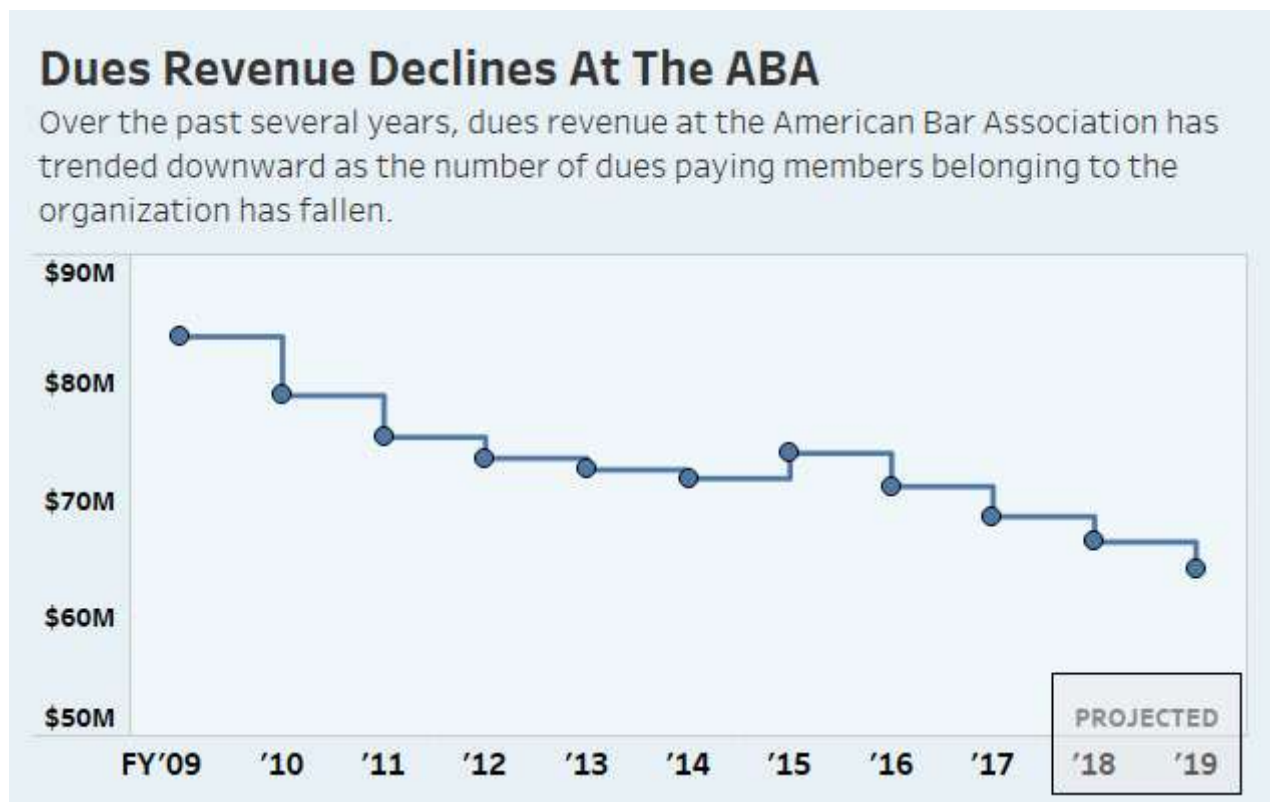
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ABA Decline: Why Are Fewer Lawyers Joining The Club?

By **Aebra Coe**

Law360 (July 24, 2018, 10:42 AM EDT) -- The American Bar Association’s leadership is working to figure out why fewer lawyers are joining the association now than in previous decades and how to remedy that decline, but the group could be fighting against an overarching, generational shift that has plagued other professional associations and has shown no sign of ebbing.

The organization raked in \$84 million from dues revenue in 2009, during the depths of a major recession, and in the years since those statistics were released, the ABA’s membership and consequently the dues it collects from those members has persistently fallen, landing at \$68.7 million in the 2017 fiscal year, the association’s audited financial statements show. The association’s board of governors will vote on a number of proposals aimed at remedying the decline at the ABA’s annual meeting in early August.



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The reasons behind the drop are likely many, but a common refrain among experts is that the falling membership numbers at the ABA reflect a wider problem among professional associations in the U.S. as fewer people join them than once did due to generational shifts and advances in technology.

According to Sarah Sladek, author of "The End of Membership As We Know It," an estimated 62 percent of associations in the U.S. are either experiencing flat or declining membership, with a steeper decline among younger members.

"It has become a very large-scale concern for a lot of associations," Sladek said of declining membership. "Initially people thought: young people, they just aren't joiners. Or they'll eventually grow up and want to join their professional association. Now we know, after sustained decline, that there are many contributing factors."

A major recession has transformed consumers' perspectives on what they think they should get for their money and while lawyers once may have joined the ABA out of a sense of obligation, attorneys and law firms are now more likely to question every dollar they spend and the value they get from it, Sladek said.

At the same time, innovations in technology have allowed professionals new, perhaps easier, avenues for networking and for obtaining educational materials, both of which they once likely could only get from their professional associations, she said. Those types of services and resources, as a result, are no longer as valuable as they once were, because they're so widely available.

"Associations are being forced to rethink what is valuable in today's market," Sladek said.

Phil Anderson, president of the ABA from 1998 to 1999, reflected on the generational differences he sees among lawyers and how they view the ABA.

"It was, at one time, a given that every member of a firm belonged to the ABA. They were encouraged to participate in and expected to be members of the state and local bar associations and the firm paid all their dues. We looked upon it as a professional obligation," Anderson said. "I don't see that now."

Instead, he said, attorneys seem to be more interested in devoting themselves to their personal lives in their spare time than going to an association meeting.

"Some of the young lawyers would prefer to go to the beach with their family to going to an ABA meeting," he said. "I don't see the loyalty to the professional associations connected to the law that I saw when I was coming up in the profession. It's just not there now."

Internal memos show that the ABA had approximately 194,000 dues-paying members in fiscal year 2017. That means just 14.4 percent of the nation's 1.34 million attorneys are dues-paying members of the bar association.

The association has operated at a loss for the past three fiscal years, even as its executive director was paid an **annual salary exceeding \$1 million**. And in the midst of its financial challenges, a recent tax filing shows that between 2010 and 2017 a nonmanagerial employee allegedly illegally **siphoned \$1.3 million** away from the organization.

The organization's board of governors will consider changes to its membership model and membership fees at its upcoming annual meeting in August in an effort to address the challenges it is facing. The ABA's leadership has also implemented a series of staff reorganizations and has conducted multiple rounds of layoffs over the past several years, aimed at addressing the declines.

Some ideas that have been thrown around that may be proposed at the impending meeting include lowering member fees, making the method of determining fees more simple, increasing the advertising budget for recruiting new members, and including a wider array of services in membership packages such as free digital content and free CLEs as well as information curated specifically for each member.

"As the baby boomer generation retires and technology changes how we communicate and connect, the American Bar Association, like all voluntary associations today, must revise our approach to attract and retain younger members," ABA President Hilarie Bass said. "We expect to have our plans approved and details available at our annual meeting in early August."

Some say the road to increasing its membership again may be harder for the ABA than anticipated, though, as many lawyers who are interested in professional associations choose to join their local bar associations, or other niche bar associations, in lieu of joining the ABA.

John Remsen, a consultant to law firms and creator of the Managing Partner Forum, a conference series for law firm leaders, says that today's lawyers have far more options when it comes to the bar associations they can join, which may be impacting their decisions to join larger, less niche associations like the ABA.

"Look at the plethora of voluntary bar associations out there that weren't around in the good old days when Martindale Hubbell was king and there was only one game in town," Remsen said.

There are bar associations to join that are specific to an attorney's gender, ethnicity, practice area, religion, sexual orientation and client base, among other characteristics.

In Washington, D.C., alone there are 37 voluntary bar associations available for attorneys to join, according to a listing on the D.C. Bar website. They include the D.C. Association of Criminal Defense Lawyers, the Department of Justice Association of Black Attorneys, Federal Communications Bar Association, Hispanic Bar Association of D.C., LGBTQ Bar Association of the District of Columbia, and Women's Bar Association of D.C., among many others.

"The ABA is a little vanilla, trying to be all things to all people," Remsen said.

Amid the increased competition, associations must tap into their members' needs and desires and address them in a way that allows them to deliver something nobody else can in order to survive, he added.

In addition to tapping into member needs, bar associations must also strive to speak for their members, and the members of the professional community, in a more inclusive way than the ABA has done in recent years, according to Mark Cohen, a legal business consultant at Legal Mosaic.

"Certainly the ABA has undertaken some wonderful initiatives in terms of veterans, immigration, a lot of things. But I think that if you were to say, 'Is the ABA really speaking for the profession?' In my personal view, that answer is 'no,'" Cohen said.

Rather than stretching itself thin addressing numerous issues, a better strategy may be to focus more intently on U.S. lawyers and their needs, doing only a few things and doing those things well, Cohen suggested.

As the fate of the ABA hangs in the balance, many hope the organization's leaders can turn the ship around.

"I'm rooting for them because I think our profession needs now, perhaps more than ever, a unified, forceful, credible force to speak on behalf of the profession and individuals," Cohen said. "I'm rooting for them to become a very powerful voice as a staunch defender of democracy."

--Editing by Rebecca Flanagan.

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