

Coming together

At the beginning of the bar year, I talked about the “opportunity to succeed/permission to fail” mentality that I hoped the MSBA and its members would be willing to adopt. I raised various challenges to the profession and the legal system, the risk and benefit of change, and the possibility of innovation not yet envisioned or realized by the bar.

In November, a cross-section of approximately 45 bar association members, including members from the 2nd, 4th, 5th, 11th, and 12th Districts as well as the affinity bars, gathered on a Saturday to consider trends affecting the practice of law and access to justice in Minnesota, as well as key drivers of change in the profession. This collaborative exercise, titled the Futures Summit, was organized by the executive directors and leaders of the MSBA, HCBA, and RCBA and demonstrated an unprecedented effort to collaboratively discuss common needs, interests, challenges, and the future of law practice in Minnesota.

Despite the various backgrounds, practices, and geography of the summit participants, common themes emerged. Participants identified numerous trends impacting the profession now and into the future. (See inset.)



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The Future Summiters discussed these trends and how they manifested themselves in the legal community and the courts. There was significant dialogue about impediments to addressing these trends. Some of the thought-provoking questions raised included: Are there professional rules of conduct that need to be re-vamped? Is there a role for the bar to play with regard to declining

Trends affecting the legal profession

- Tougher economic times.
- More exacting client demands.
- Technological disruptions to the practice of law.
- Changing career expectations of newer bar members.
- More non-lawyers doing legal work.
- Decreased attractiveness of the profession.
- Declining law school enrollment.
- Declining bar exam passage rates.
- More law firm start-ups.
- Increasing pro se case volumes.
- Public's perception of no need for attorney.
- Baby Boomer retirements pending.
- Greater awareness and focus on need for diversity & inclusion.
- Big Law getting bigger.
- Increasing mental health and stress issues.
- Younger lawyers' more mission and purpose-driven participation.
- Individuals' desire for flexible joining and opting-out purchasing structures.
- Decreasing frequency of trials.
- Lack of newer attorneys in outstate areas to replace retiring lawyers.
- Substantially higher debt encumbering new lawyers and their options.

law school pass rates or law school debt issues? How will the courts' approach to *pro se* litigants affect the practice of law? Is the legal profession a compelling career today? And how can the various bar associations within the state (organized geographically) allocate their resources to best address the varied issues in making Minnesota lawyers' futures successful?

The Futures Summit also allowed the participants to hypothetically envision what the profession here would look like in 2028 if Minnesota was nominated and recognized as the best state in which to practice law. The lofty visions that emerged provided a solid slate of ideas for desired outcomes:

- All law school graduates within the state would be practice-ready upon graduation.
- Attorneys would be able to pay off law school debt within six years of graduating.
- Debt forgiveness options would exist for lawyers working in underserved areas in Minnesota.
- The composition of the bar would reflect the diversity of the community it serves.

- A robust, accessible electronic filing system would exist in the state court system.
- A regular, periodic forum would exist for attorney dialogue regarding critical issues to the profession and legal system.
- Attorneys would have the ability to achieve personal success as full-time, part-time, or flex-time professionals as their life needs dictate throughout their careers.
- Unbundled representations would be fully embraced to reduce *pro se* burdens on the court system.
- The current independent judiciary in Minnesota would remain intact.
- The lawyers in Minnesota would be happy, healthy, and satisfied with their careers and practices.
- Both the judiciary and the lawyers in Minnesota would be recognized as a bar of highly competent professionals by the rest of the country.

After identifying these outcomes, the summit participants then rolled up their sleeves and began dissecting possible action steps to reach those objectives—revealing gems of ideas and possibilities.

Certainly the bar world's problems were not solved in one day, but significant thinking power by this group of attorneys advanced the problem-solving ball. Next steps include the respective bar associations digesting the summit information and discussing how the respective bars can best work together for the good of the attorneys of the state to have real impact and influence in achieving common objectives.

As Henry Ford is supposed to have said, “Coming together is a beginning, staying together is progress, and working together is success.” The Futures Summit was a great “coming together.” I am hopeful that the unified efforts of attorneys throughout the state this year will allow the respective bar associations to stay together and work together.

It was an honor to witness the dedication of attorneys who care about the future of the bar and of the profession. A big thank you to all who shared their time and insight at the Futures Summit. I look forward to updating you further on MSBA's participation in these initiatives throughout the year. ▲