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As you may have figured out by now, I spend a fair amount of time looking at where our association has been and where it might be going. As I approach the 3/4 post in my presidential term, it is clear that I will not be able to start any new initiatives that will have any chance of realization during my tenure, but perhaps beginning a discussion of the future is a good final act. To speak of where we might be headed, it’s helpful to discuss where we have been. Our past can really be broken into three distinct periods.

The first period, perhaps called the formative years, began in 1875 when, as I have previously written, a group of accomplished men met in Hartford for the purpose of creating a statewide bar association. We were the third (or fourth depending on whose history you read) to create an overarching professional group of lawyers. Though there had been bar associations in Hartford and New Haven prior to the CBA, those meeting in Hartford saw a need for a coordinated and larger group to advance their and their clients’ interests in the legislature and before the courts. Coincidentally, in 1878 some of these same men met in Saratoga, NY to create what was to become the American Bar Association, perhaps reflecting the same concern that the interests of the legal profession on a national basis could be best addressed by national coordination under the umbrella of a single organization.

The concerns of these lawyers and their new association seemed to be focused primarily into two areas. First, they were concerned with the nuts and bolts of civil and criminal jurisprudence, advancing proposals to make the forms of pleading more uniform, provide for discovery, and to regulate when and where courts should meet. The other half of their concern dealt with their professional identity, as they wrestled with issues related to bar admission, a code of ethics, and notions of professionalism and self-regulation. For the purposes of this discussion, I end this period at World War I. An interesting side note concerning this first period is that the association actually did not meet for 16 years during this period, perhaps reflecting a feeling that enough had been accomplished or a feeling that their interests could be as well-served by local bars.

The second period begins during and after WWI and runs through WWII. Call this period coming of age. During this time, the country saw the recognition of individual rights. After the Triangle Shirtwaist Factory fire in 1911, the International Ladies’ Garment Workers’ Union and other labor movements became political forces. The Russian Revolution of 1917 showed many the power of collective action by the working class, and communist-leaning political groups grew in influence. The dangers of industrial workplaces led to the adoption of a new, fail-safe method of compensating injured workers for injuries and disabilities arising “out of and in the course of” their employment-workers’ compensation. In 1919, women got the vote. The FDA was created to regulate, on a national basis, food and drugs. Through and after the Great Depression, government programs were developed to provide a safety net for wage earners, including Social Security. Bar membership grew to include a class of lawyers focusing on the needs of the working men and women, and the Jewish, Italian, and Irish lawyers grew as important segments of the bar. Much was put on hold by the advent of the next world war.
The third period, and for my money the peak of bar development (call them the “salad days”), occurred during the period from WWII to the collapse of the economic markets in 2007-2008. This period saw the development of the middle class. As working men and women bought houses and started businesses, the bar grew with them in size and prosperity. This period saw the development of mid-sized law firms, the advent of lawyer advertising, and the flourishing of the CBA. Law schools grew with the advent of generous student loans, and a growing legal market was eager to welcome new graduates into a profession that was now open and available to all comers. During the decade preceding the market collapse, the number of Connecticut lawyers grew by a third and CBA membership and staff reached record levels. But the financial crisis of ‘07-08 hit the bar as hard as it did many other businesses. This began the fourth period, one we are living in today. Call these the rebuilding years.

Initially, I and many others thought that the dearth of new lawyer jobs in 2007, 2008, and 2009 was going to be short-lived. Many large firms deferred their entering classes of associates, paying them a portion of their promised salaries and urging them to do pro bono work while things worked themselves out. It took a few years for us to appreciate that the tightening of the legal market was not temporary and that a “new normal” was emerging with the possibility of reshaping our entire profession.

In the years since, we have seen some of the largest firms disappear. Others have and continue to merge in an effort to cut costs and remain competitive. In 2014, bar admissions in Connecticut fell to a number that is 60 percent of what it was a few years ago. Numbers supplied by the Connecticut Judicial Branch show that the class of 20- to 30-year-old lawyers, even accounting for the fact that many do not enter the profession until their mid-20s, will probably remain half or less that of the next oldest group. Many law schools have seen their classes shrink in the last few years. Supply is shrinking to meet demand; the days when assuming huge amounts of student debt make sense because the earning future is so ro-

bust seem to be gone—if not forever, then for a good period of time ahead.

The solo and small firm cohort, about 60-75 percent of our membership, has been hard hit by competition, both from other lawyers, in-state and out, and Internet-enabled non-lawyer service providers. Many citizens have opted to go the “do-it-yourself” route. Some, as in housing court, conclude that there is little they can do about their predicaments and, with limited access to free legal services, have left their fates to the courts. Others, notably in family matters, have relied on the courts’ responsibility to ensure that outcomes are fair and equitable, ensuring that even the unrepresented can get a fair, if perhaps sub-optimal, outcome without a lawyer.

All of this has had a predictable effect on both the CBA and other local, state, and national bar groups. Now, instead of budgeting for slow but steady growth, we at the CBA are planning that our membership, already well down from a decade ago, may continue to shrink as the number of lawyers shrinks. Fixed costs continue to grow as revenues shrink, placing an increasing burden on tightening our staffing and programming, seeking alternative sources of revenue, and exploring ways to grow the organization so that it can be more relevant to a shrinking profession.

Thousands of attorneys continue to believe that CBA membership is a given for any serious practitioner. At the same time, specialty bars and groups are emerging as serious alternatives to the “big tent” model. Following the path blazed by the Jews, Irish, Italians, and African Americans, new groups of lawyers from non-traditional communities are appearing—Hispanics, South Asians, Asian and Pacific Islanders, and lawyers who identify LGB, or T. All of these have organized their own bar groups, and while the LGBT lawyers elected to become a part of the CBA, the Crawford, SABAC, CAPABA, and CHBA groups have all developed robust and active presences in the bar apart from us.

While the CBA continues to be the biggest lawyers’ professional organization, has the most significant presence at the legislature, and produces the lion’s share of CLE and other programming, we are faced every day with competition from other bars, from online CLE providers, and from non-lawyers. Though we are trying to develop new practice models that allow new and established lawyers to offer reasonably priced services to clients of modest means, at the same time, we are faced with a system of civil justice that is being reshaped by self-represented parties who are not inclined to hire lawyers for much or most of life’s challenges regardless of the price.

Some good ideas have developed in reaction to these challenges. In the years to come, we may see some legal aid providers set up shop at CBA headquarters, where we have surplus space and can offer reasonably-priced accommodations. We will continue to offer training for new lawyers in the nuts and bolts of operating small firms so that they can try to regain some market share from the Internet and do-it-yourself providers. There has been talk about using the new CBA website as a marketing tool for our members and discussions have begun on expanding our ranks by welcoming in non-traditional groups of legal service providers, including government lawyers and those offering law-like services.

While not all of this will happen, and much of what happens will only occur over a period of years, it is vital that we explore how the CBA might be refocused, repurposed, reorganized, and repositioned so that we can change and grow along with the profession. Last year, the venerable American Judicature Society, which for a century had served as the first and loudest voice on matters concerning fair courts and judicial selection, closed its doors after its directors realized that its existing “membership model” was no longer viable and that much of its mission had been taken over by others. While I doubt that will ever happen to the CBA, that does not mean that we can rest on our laurels and pretend that market forces, which are reshaping the entire legal profession, will not have a profound effect on us.