

WE WANT YOU ... To Join the Younger Lawyers Division!

by Glen R. McMurry



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Effective Sept. 12, Section 10(D) of the FBA's Bylaws was amended to expand the Younger Lawyers Division (which previously consisted of members ages 36 or younger, or within the attorney's first five years of practice) to include attorneys ages 40 or younger, or within the attorney's first 10 years of practice.

The previous age limit was aligned with a majority of the younger lawyers age limitations for regional, national, state, and affinity bar associations, including, for example, the American Bar Association,¹ the California Bar Association,² and the Florida Bar Association.³ However, the emerging trend among bar associations is to expand this limitation to compensate for the reduction of law school admissions and the increasing mean age of first year attorneys.

The Mean Age of First Year Attorneys Is Increasing

In 2010, the Law School Admission Council (LSAC) commissioned a study to evaluate law school applicants by age group. This study, "Analysis of Law School Applicants by Age Group," evaluated applicants to ABA-accredited law schools from 2005–09. Notably, this study overlapped with much of the United States' economic downturn, which culminated in the recession of 2009. During the period covered by this study (2005–09), law school admissions fell by approximately 9.3 percent.⁴ At the end of 2009, law school admissions totaled 89,251. Law school admissions continued to decline after 2009, and in fall 2013 admissions equaled approximately 59,400, representing a 40 percent decline from 2005.⁵

Significantly, the LSAC study noted that the age distribution of law school applicants changed very little between 2005 and 2009.⁶ However, this study did reveal that approximately one quarter of all law school applicants were *over* age 30.⁷ While LSAC has not yet released an update to its 2010 study, the number of law school applicants and first-year attorneys over age 30 has continued to grow. In 2012, Matt Leichter, an attorney licensed in New York and Wisconsin and operator of The Law School Tuition Bubble,⁸ published an article in *The AmLaw Daily* titled "What the Numbers Don't Say: Law School

Applicants Are Getting Older, Not Dumber." Utilizing the LSAC study and additional 2012 LSAC data regarding average LSAT test scores attributable to age groups, Leichter extrapolated that the number of law school applicants under age 30 had begun to decline, while the number of applicants over this age had either remained the same (representing a larger percentage of applicants) or had begun to increase.⁹ Many of the 2012 economic pressures that arguably caused the increase of law school applicants over age 30 remain to this day. Fall 2014 boasted a record low 40,000 applicants to law school,¹⁰ which promises a further increase to the mean age of law school applicants. One dramatic example of this impact is found in northern Texas, where the average age of the inaugural class at North Texas Law School is 33.¹¹ This trend directly impacts and increases the mean age of first year attorneys. Stated another way, older law school applicants necessarily result in older first-year attorneys.

Bar Associations Are Beginning To Adapt to This Change

As a result of the increasing age of first-year attorneys, numerous bar associations are adjusting their young/new lawyers membership criteria to be inclusive of this new generation of attorneys. For example, the Kentucky Bar Association Young Lawyers Division's membership criteria permits attorneys to be members if they are "not over 40 years of age or who have been admitted to the practice of law for not more than 10 years."¹² The Austin Bar Young Lawyers Association extends membership to attorneys who are 39 years of age or younger.¹³ The Young Lawyers Committee of DRI, the flagship defense bar association, now extends membership simply to those attorneys who have been practicing 10 or fewer years.¹⁴ There is even an emerging trend within the American Bar Association to adjust the younger lawyers definition, which is evidenced by its Business Law Section Young Lawyers Committee extending membership to those attorneys under 40 years or who have been practicing 10 or fewer years.¹⁵

The Federal Bar Association Is Leading the Way!

It is evident that the mean age of first-year attorneys is increasing. Even before the United States' recent economic troubles, more than one quarter of law school applicants were older than 30, and the statistical analysis available strongly suggests that dwindling law school admissions have resulted in an even greater percentage of nontraditional, over-30 applicants. As our educational institutions produce older law school graduates, we must adapt our membership policies to afford this new wave of graduates the benefits of YLD membership. We are pleased to report that your Federal Bar Association is among the first group of legal associations to adapt to this trend, expand services, and provide beneficial programming and support to the members of our organization.

We are fortunate that the YLD is one of the most vibrant and active divisions in our organization. This division provides meaningful and necessary assistance and services to more than 3,000 FBA members and serves as a training ground and feeder organization to the other committees and divisions. Further, the FBA is an affinity bar association dedicated to enriching federal practice. Accordingly, we are embracing the fact that, in many circumstances, newly admitted attorneys do not discover the Federal Bar Association or the YLD until several years after they began their legal careers.

When we take these facts into account, the benefits of expanding YLD membership are clear. This expansion will afford attorneys additional time to discover the FBA and the YLD. It will also allow additional attorneys to receive the benefits of YLD membership. Finally, this expansion will result in better trained, more active, and more committed FBA members.

On behalf of the Younger Lawyer Division of the FBA, we extend a warm welcome to our new members. ☺

Endnotes

¹The American Bar Association does not appear to expressly preclude as members in its Young Lawyers Division those attorneys that are 36 years of age and older, but instead merely provides that “[m]embers under 36 years old or admitted to practice for five years or less are automatically enrolled in the Young Lawyers Division (YLD) at no additional charge,” www.americanbar.org/groups/young_lawyers/membership.html (emphasis added).

²The California Bar Association, the largest state bar association in the country, restricts young lawyers membership to 36 years of age or younger; cc.calbar.ca.gov/CommitteesCommissions/Special/CaliforniaYoungLawyersAssociation.aspx.

³The Florida Bar Association, the third largest state bar association in the country, restricts young lawyers membership to those attorneys under age 36 or within their first five years of practice. Bylaws of the



Young Lawyers Division, The Florida Bar, Article II, Sections 1-2.

⁴Kimberly Dustman and Phil Handwerk, “Analysis of Law School Applicants By Age Group,” p. 3 (Oct. 2010).

⁵LSAC End of Year Summary, LSAC Study, p. 3. www.lsac.org/lisacresources/data/lisac-volume-summary.

⁶LSAC Study, p. 2.

⁷*Id.* at 2.

⁸A think tank analyzing the American legal education system.

⁹Matt Leichter, *What the Numbers Don't Say: Law School Applicants Are Getting Older, Not Dumber*, The AmLaw Daily, amlawdaily.typepad.com/amlawdaily/2012/04/what-the-numbers-dont-say-law-school-applicants-are-getting-older-not-dumber.html.

¹⁰Eric Hoover, *Going Professional: The Ins & Outs*, THE NEW YORK TIMES (Aug. 1, 2014), www.nytimes.com/2014/08/03/education/edlife/law-business-medicine-dentistry-education-engineering.html?_r=0.

¹¹Samantha McDonald, *Turning a Blind Eye to Law School Recession*, NTDAILY.COM (Sept. 3, 2014), ntdaily.com/turning-a-blind-eye-to-law-school-recession-2/.

¹²Kentucky Bar Association Young Lawyers Division Amended and Restated By-Laws (adopted July 2012), Article II, Section 2.1.

¹³By-laws of Austin Young Lawyers Association Inc. (last amended May 4, 2012), Article II, Section 2.1.

¹⁴DRI, Young Lawyers, www.dri.org/Committee?code=0240.

¹⁵ABA Business Law Section, Young Lawyers Committee, Letter From the Chair, March 2011, apps.americanbar.org/buslaw/committees/CL983500pub/newsletter/201103/.

**Are you under 40 years old or
admitted to practice less than 10 years?**

Contact the FBA Membership Department (membership@fedbar.org) to join the Younger Lawyers Division!