

National Association of Bar Executives Annual Meeting  
American Bar Association  
Chicago, August 2<sup>nd</sup> 2005

Small Bars, Big Ideas  
How To Attract and Retain  
Volunteers and Board  
Members

By Rebecca Bentham, LL.B., M.A.  
Hamilton Law Association  
*Executive Director*

The Hamilton Law Association's<sup>1</sup> experience is that success leads to success in that volunteers are attracted to a busy, thriving organization with many meetings and events. Volunteers fear involvement with organizations that are financially unpredictable or where conflict or apathy stifles growth and productivity.

There are two critical conditions precedent for a successful bar association, with the capacity to attract and retain excellent volunteers. The first is that the organization must be on a sound financial footing with solid audit and internal financial controls and procedures. A detailed forecasted yearly budget should be developed which is divided into monthly increments. This budget should be flexible in order to respond to unexpected changing conditions. Stakeholders should examine monthly actual revenues and expenses and compare these figures against budgeted amounts in order to be able to implement any changes that may become necessary.

Secondly, when considering the creative direction of the organization, the Association should not be driven primarily by financial considerations, but instead should take the preferences of its various stakeholders into consideration. Initially, the Association may tend to look at actual financial contributors as the stakeholders, and base decisions on the expected effect on this group. In taking stakeholder opinions into account, in my

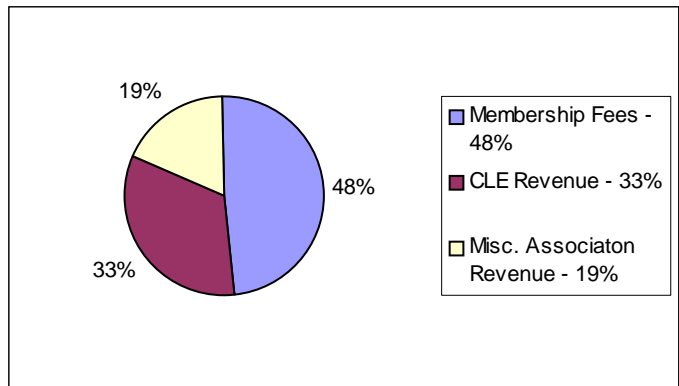
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<sup>1</sup> The Hamilton Law Association is one of the most successful Associations of fewer than 1,000 members in North America. The HLA has 824 members and generates considerable revenue from continuing legal education, advertising, social events, donations, and dues. It is a remarkably active association and over 25% of its members write, speak, sit on a committee or perform other volunteer work in any given year. Membership in the Association is not mandatory, yet over 90% of the local bar are members and pay \$210.00 in annual fees.

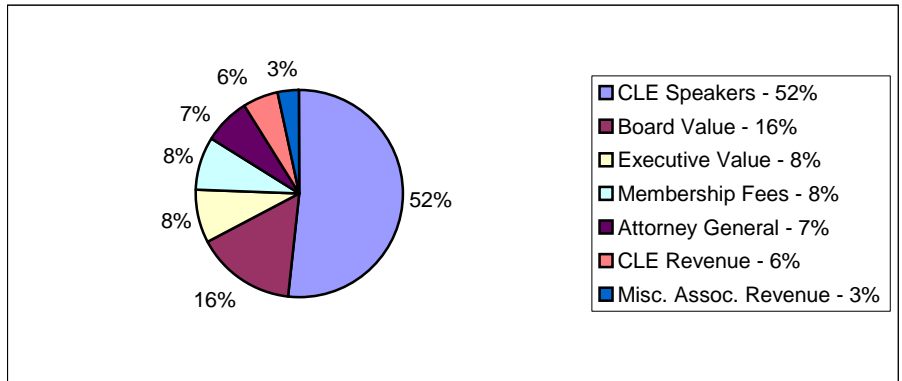
opinion, it is necessary to devise a visual model of some sort to assist in assigning weight to each stakeholder.<sup>2</sup>

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<sup>2</sup> The chart below demonstrates who the Association may believe are its stakeholders.



However, more importantly, the contributors to the “goodwill” of the organization should be considered in all decision-making processes. Shown below is a chart that demonstrates the financial contributions of volunteers and other organizations that add to the real value of the Association. Adding these stakeholders to the financial contributors results in a considerable change to the weight of the various stakeholder contributions, and therefore provides assistance in weighing the impact of a new idea. The values are arrived at by calculating total hours spent by the different groups and multiplying the number of hours by the average billable hourly rate of the volunteers. We have used the value of \$300 per hour.



### Importance of the President, Board of Directors and Volunteers

The most important aspects of a not-for-profit organization are its board of directors and other volunteers. The Board sets the moral tone, the direction of the organization and determines what aspects of the array of possible initiatives and values will be emphasized. The Board also plays the key function in determining what the role of volunteers and staff will be. Some bar associations (such as the Ontario Bar Association) pride themselves on being “volunteer driven”. In such groups, volunteers make most of the key decisions and are expected to do much of the legwork. In other groups, professional and other staff are hired and are supervised by the President and Board to deliver a program more on the Carver model, where policies are approved by the Board, but the means of program delivery are considered solidly within the staff purview.

To have the best bar association, it is necessary to have the best board of directors, president and volunteers possible. To achieve this, it is necessary to actively recruit the best attorneys (most suitable) from the catchment area of your association to your Board. A good way to do this is to invite promising individuals to sit on committees so that their personal suitability can be assessed.

People become members of organizations partly to obtain services, but also to receive certain intangible benefits. In my opinion, attorneys join associations for the personal relationships and sense of identity that they receive more than for any financial reason. Because so many people who study the effectiveness of organizations tend to do so from the business perspective, in my view the financial benefit tends to be the one that is

measured. Simply put, people study money because it is an easily identifiable and measurable deliverable. While looking at your association through a business paradigm is essential for its continued survival and success, to understand what people seek and receive, you must look at the activities of your group in terms of other dimensions.

#### Reasons for Membership and Board Participation

Because good board members are critical to a good bar association, it is very important to take time to consider what board members are looking for in their volunteer experience. Most desirable candidates have many other options in terms of productive and interesting ways to spend their volunteer time and will assess not only what opportunities a board experience will give them, but also how much they will enjoy the many hours of time that they must contribute.

Avoiding the addition of fractious, abrasive members is very important, as difficult, argumentative meetings will frighten away many of the most marketable prospective board members. In addition, having extremely competent, pleasant and responsive staff dealing with board members at every level will serve to enhance perceptions of the quality of the experience. As trite as it sounds, the quality of the food at meetings and the comfort and aesthetics of the physical environments are factors that should be taken into account by staff. It can be worth spending a little more money on these items. When considering the gross billings of the assembled board for a particular meeting, it becomes apparent that costs for staffing and physical accommodations are very small in comparison.

In my view, individuals join associations and become members of a board and volunteer to forward the following objectives:

1. To make a contribution to their profession.
2. To make contacts to assist them in obtaining work.
3. Social enjoyment.
4. To obtain contacts who would assist them in solving work-related problems of a legal nature.
5. To obtain contacts who would assist them in solving non work-related problems.
6. To be better able to solve non work-related problems because they hope to find resources.
7. To further their purpose of obtaining a judicial or quasi-judicial appointment.
8. To be a leader in their community.
9. To make friends.
10. To be seen to be influential in their community.
11. To gain the respect of their colleagues.
12. To advance their career.

It is difficult to identify and measure units of fun or meaning, but we somehow know that they are there. Just as people drink brand-name soft drinks and are prepared to pay extra money for them in order to feel that they are part of something exciting that is evoked by

the advertising of a company, so members join, in part, to feel associated with other lawyers that they admire and respect.

### What Makes a Good Volunteer Good?

A good board member has good qualities of leadership. They are open, consultative, they can engage in group problem solving, they are flexible and they are prepared to compromise. Good board members also bring certain resources to the table. They may bring the assistance of other lawyers from their firm, or the ability to contribute sponsorships funds from their firm or clients. It must be stressed that financial resources are not necessary, and there is no one main necessary ingredient in a good board member. Some bring great problem solving skills, others will put in long hours of hard work on committees, some bring the buy-in of larger firms, and others smaller associations or practice groups.

My personal view is that it is more important that a board member be at least a benign presence in the board room and that no amount of brilliance or hard work makes up for the damage that can be done by a person that tends to get into conflict. I think that the most important attribute for a board member of a bar association is that they are respected by those at your bar who practice the same kind of law.

In my experience, getting good board members increases membership, because good board members make for great public relations, great member perception, and very good

problem solving in your boardroom. When a board can generate significant harmony in their meetings, trust follows and in this atmosphere, talented people can be creative.

Creative board members contribute good ideas and are not afraid to say or to hear that a particular project is too ambitious at a particular time. Good board members work well with staff, have less difficulty making critical hiring and termination decisions, and encourage and reward excellent staff performance.

How to maintain the interest of Volunteers when your resources do not allow you to Implement all of their Ideas

One of the worst fears of Executive Directors is that you acquire a great board and group of volunteers but do not have the staff or budget or budget prospects to implement their ideas. Volunteers can then become alienated from the organization that has worked so hard to recruit them with the result that they leave your organization, possibly taking valuable members with them.

To prevent this from happening, work to keep the expectations of new recruits and existing volunteers realistic. One way to do this is to compile a central list of all meetings and engagements and provide it to volunteers to show how much you are doing. It is important to keep the tone of staff helpful and optimistic, while making clear the busyness of the work schedule.

Keeping a book of good ideas for future implementation is also a practice that I have heard of. Another strategy for keeping the good ideas coming, without discouraging volunteers or destroying the morale of staff, is to plan new projects further out in time. If a large project is discussed for implementation (such as a new mentoring program) planning it for the following fall and on a pilot basis can move the group forward without taking up too much staff time.

If a project is planned on a pilot basis, then dividing up the tasks into manageable segments, describing them in a letter, and giving them to volunteers to do is a way to get things moving forward. To avoid discouraging volunteers, giving them a choice of doing more work on the project personally (i.e. taking the responsibility for doing or getting done some of the clerical work and most of the logistics) or deferring the project to the next budget year, will serve to get the volunteers to buy in to your time line.

Volunteers attend meetings and a successful way to meet their expectations is to have a preset agenda. In my view, the most important aspect about a meeting is the time that you spend planning it and discussing it with the chair. First of all, the agenda should be looked at from a technical point of view. Is it accurate? Does it contain a suitable amount of agenda items? Next, the agenda should be looked at from a creative point of view. Will this meeting be interesting? What item on the agenda is worthy of a roundtable discussion? What does the Chair think of your view? Would they like to lead a discussion about that topic? How will they draw out the group - what questions will they ask?

Taking time to think through these kinds of issues and discussing them with the Chair to ascertain their feelings will lead to more interesting meetings, more collaborative problem solving and, overall, a better use of your board and committees.

Every meeting is much more interesting for attendees if they are asked their opinion about a matter. If this is not done at a meeting, individuals question the value of their input and of the time that they have set aside to attend. It is also very important to be willing to be flexible and to be prepared to modify or change plans if a committee consensus emerges that this is advisable. People have a very accurate idea of whether their input is being genuinely sought or whether the facilitator is only making a show of consultation.

A way to appropriately utilize committee volunteers, without generating a huge amount of work for staff, is to think of a policy question to ask them and then assist the Chair to lead a discussion to obtain the views of the group on the policy question.

For example, the committee in question could be asked to determine whether there should be changes to the price for a particular kind of service that your association offers. They could be asked whether the price should be based on costs, costs plus staff time, ability to pay, age, or firm size. They could discuss and isolate reasons for this decision and a policy for a particular event could be written.

In addition, your members should feel that they too have input and are valued. Attached are sample questionnaires we have used for our Past Presidents to answer and one for our membership at large for input into our annual report.

Similarly, a committee could be asked for a position on an issue affecting the profession, and a draft letter could be prepared from the committee to the Board for Board approval. Depending on the nature of the issue, the letter could be transmitted directly from the committee to the relevant government group. Setting aside some portion of each meeting for an issue update, to be given by different people depending on the issue, makes people feel that the time that they spent at a meeting was worthwhile.

It is of course necessary to ask individuals if they are willing to report to a committee about a particular issue. This then gives them an interesting and doable task to perform for the group.

#### Developmental Opportunities for Board Members

No matter how small the membership or the budget of an association, thought should be given as to how to provide opportunities to develop new skills and new relationships with others in the profession to board members, as this will serve to make the experience positive and rewarding and will lead to board members encouraging others to apply to the Board at a later time.

Attendances at conferences like this one, policy workshops, public speaking training, and visiting speakers who can provide information about organizational issues are all attractive to board members. Circulating invitations to special events, charity lunches, and city and state committees to board members allows them to exercise individual preferences in determining what opportunities interest them.

Providing a membership to the local Chamber of Commerce or Board of Trade to the President or, where the President prefers, another member of the Executive is in my opinion, a developmental opportunity that is potentially attractive to your President and presidential candidates of the future. This networking opportunity may open up new vistas of contacts and access to information to the attorney who is seeking business development opportunities. This expenditure is justifiable on the basis that it serves to raise the profile of your bar association as well as that of individual members on your board within your business community.

Media training is another developmental opportunity for board members. Finding the best local media trainer and offering Executive members a free three-hour in-office training session, where the individual is walked through several kinds of interviews, filmed and then shown the film, is something that can be helpful to attorneys in many different ways. Such training could prove useful in the courtroom, in meetings of all kinds, as well as in future media sessions where the attorney is actually asked to comment on behalf of your bar association.

## How to Promote Harmony and Good Decision-making by your Board of Directors

Attorneys in Canada are interested in new ideas, as well as new contacts, new friends, new sources of referrals, exposure to attorneys that they can refer clients to, and seek these out in their volunteer time at your bar association. The best way to have a harmonious board which makes good decisions is to start with a group where each individual is noted for their resourcefulness and has a reputation in the community for reasonableness. It then remains for the Executive Director and President to win their trust, and to model and reward good behavior.

Sending new board members a letter emphasizing the importance of civility and collegiality and setting out other expectations for meeting attendance, familiarity with materials, attendance at other social and related events is an important way to express expectations and set the ground work for good ongoing relationships. A sample orientation letter, as well as a sample letter to an incoming president, is included at the back of this paper. Having an orientation meeting, first with staff and then with members of the Board helps to fix in the mind of the new member the collegiality of the Board, and the existence of mutually respectful conduct. The degree of elaborateness of any orientation process will be correlated with the budget and size and complexity of the organization, but in my opinion, it is very important to reach out to new board members in a professional and collegial way with an orientation process from the outset.

Placing a letter or memo outlining ideas about how meetings should be conducted, as well as a copy of any strategic plan, in the materials of the Board member is helpful as it reminds the Board member of the goals of the Board and expectations about behavior.

### How to Make Board Meetings Interesting

In my opinion, a key role for the Executive Director and President is to promote creative problem solving at the Board. The recruitment, retention and promotion of good future chairs are key to this process. Modeling and rewarding good behavior at the committee and board level are also helpful. It could be said that at the heart of a good board experience lies the opportunity for board members to observe the problem solving style of an interesting, resourceful and effective series of presidents.

The President who chairs the meeting will have received and reviewed the correspondence that was sent to his or her attention, and reviewed a draft agenda prepared by the Executive Director. The President will largely be the one to determine which items are on the agenda for action, which are for information, and will introduce the action items, give a brief description of a particular situation and propose a course of action. Other members will express opinions as required or as guided by the usual conduct of a particular board. Certain items will be directed to committees for further consideration, and relevant committee chairs will probably report back at a subsequent board meeting.

The Chair can assist the group to achieve a higher level of problem solving by creating a high trust environment where differences of opinion are tolerated well. In addition, quieter members of the Board can be asked for their opinion, sometimes in their capacity as understanding a certain segment of the bar, and sometimes simply because their opinion has not yet been ascertained. If a matter may be very important or contentious, and if time permits, the matter should be referred to the specific committee that best deals with the relevant subject matter for a later report. Additionally, board members could be asked to consult members of their firm/area of the bar for additional input.

Where a new idea is being dealt with, i.e., whether to retain a publicist or whether the President should be available for television interviews in situations where the Board or membership position cannot be known, it is of assistance to go around the table and ask each individual to express a view.

Moving the Board meeting to a novel location occasionally, like an art gallery or museum, and including a tour for half an hour, can also add interest to the meeting. By bringing in a cultural aspect, staff can give busy board members interesting experiences that make them feel appreciated and perhaps exposes the individuals to new ideas.

Ensuring that the meetings are held in the best room possible at your location and that the food served at the meetings is the best possible within the confines of your budget are also very worthwhile.

Providing staff to take minutes and circulate them, as well as to compile and circulate an e-mail list, is very helpful in assuring great board and committee functioning. Arranging a well-skilled person will yield better information flow and better morale for board members than giving the job to an individual with the minimum skills to execute the function.

### Ways to Introduce New Ideas

Voluntary organizations thrive on new ideas. Finding new ways to introduce them make being on the Board interesting, fun, and rewarding. Many key new ideas relate to new partnerships, new places to go, and new organizations to get involved with. These ideas should be discussed with the President and brought to the Board to determine whether individuals have the energy and interest for the new endeavors contemplated. No matter how good a new idea is, if no one has the interest or time to pursue it, its time has not yet come and it is best to leave it to one side until someone with a specific interest in championing it arrives.

### Volunteer Recognition

It is very important that when people volunteer, they are given a general idea of the number of meetings they will be asked to attend, and how long their tenure on a committee is anticipated to extend. In addition, it is important that at the end of a year on a committee, each individual member is thanked in writing and given a small token of thanks. Committee members should be asked if they would like to sit for another year

and the process should be repeated as no one likes to feel that they have volunteered for the rest of their career when they say yes to a committee position.

Giving credit to volunteers for their ideas and contributions at every possible opportunity is perhaps the most important job for a President and Executive Director. No board or committee likes to feel that they are simply there to rubber stamp other people's ideas or projects. They wish some degree of actual creative control and to have their contributions respected and acknowledged.

### Conclusion

In fewer than a hundred generations, mankind has gone from the cave to the stars, and I believe that informal group problem solving has been the biggest factor in this journey. For the majority of history, there were no governments, armies or corporations, and groups solved problems in a way to maximize outcomes for all participants using skills older than language that are consequently difficult to describe, although we know these skills when we see them in action.

The ability to perform group problem solving is probably the single most important skill for a person to have, and organizations such as ours teach and foster this skill. It is a great privilege to work with people contributing their volunteer time, and by acknowledging, supporting and promoting this common genius, we are contributing to the evolution of mankind and society.

# THE HAMILTON LAW ASSOCIATION

*The Hamilton Law Association exists to enable its members to become successful, respected and fulfilled in their profession.*



## MEMBERSHIP QUESTIONNAIRE

In order to continue to meet the changing needs of our membership, it is important that we have an accurate and detailed profile of our members. Could you please tell us about yourself and your practice? All information is completely confidential. We ask that you kindly complete the questionnaire below and return it with your membership fees payment or fax to 905-572-1188.

### Where do you work?

- Law Firm - sole practitioner
- Law Firm - 2 to 5 lawyers
- Law Firm - 6 to 15 lawyers
- Law Firm - 15+ lawyers
- In-house corporate counsel
- Government
- Other

### How long have you been a lawyer?

- Less than 1 year
- 1 to 5 years
- 6 to 9 years
- 10 to 15 years
- 16 to 20 years
- More than 20 years

### What is your gender?

- Male
- Female

### How old are you?

- Less than 25
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65+

### Please estimate the percentage (%) of your practice composed of:

- |                          |         |                              |         |
|--------------------------|---------|------------------------------|---------|
| Administrative Law       | _____ % | Immigration Law              | _____ % |
| ADR/Mediation Services   | _____ % | Insurance Defence Litigation | _____ % |
| Bankruptcy/Insolvency    | _____ % | Intellectual Property Law    | _____ % |
| Civil Litigation         | _____ % | Internet/E-Commerce Law      | _____ % |
| Commercial Litigation    | _____ % | Labour/Employment Law        | _____ % |
| Construction Law         | _____ % | Medical Malpractice          | _____ % |
| Corporate/Commercial Law | _____ % | Personal Injury              | _____ % |
| Criminal/Quasi-Criminal  | _____ % | Plaintiff Litigation         | _____ % |
| Environmental Law        | _____ % | Securities Law               | _____ % |
| Estate Litigation        | _____ % | Tax Law                      | _____ % |
| Family/Matrimonial Law   | _____ % | Transportation Law           | _____ % |
| Government Lawyer        | _____ % | Wills, Estates, Trusts Law   | _____ % |
| Real Estate Law          | _____ % |                              |         |

**Please return this questionnaire with your fees payment or fax to 905-572-1188. Thank you.**

Please turn over 

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## MEMO

TO: President

FROM: Executive Director

DATE:

RE: Contact Information – HLA Service Providers

Congratulations on the assumption of your new role as President of The Hamilton Law Association. I am sure that the upcoming year will be exciting and pose interesting challenges for you. I am looking forward to your guidance and assistance with the many varied issues that cross our desks and thank you for your willingness to undertake this role. Thank you for scheduling our upcoming meetings. I think that setting these up so far in advance will prove advantageous.

I hope that you will always feel free to contact me at work or at home to discuss any problem that arises or when you feel you require more information regarding any matter. I can be reached at xxx-xxx-xxxx or at home at xxx-xxx-xxxx. I urge you to discuss my performance with me as the year progresses so that I might best fulfill the role of Executive Director in accordance with your needs and the needs of the Association. I look forward to continuing our excellent working relationship and you know that I will do my best to employ my knowledge and skills to achieve your objectives and the interests of the Association.

As President you may wish or need to get in touch with staff of the Association or our service providers, so I am including the necessary contact information. Also included is our current banking details for your review. I look forward to working with you this year.

The following is the contact information for the services that are used by The Hamilton Law Association:

1. Court House Facility Manager
2. Court House Security
3. Auditor
4. Insurance Provider
5. Directors & Officers Liability Insurance
6. Bank Account
7. Bank Account
8. Computer Consultants & Website Host  
\*\* Please see enclosed sealed envelope for computer passwords for all staff.
9. Website Consultant
10. Employee Contact Information (Home telephone numbers)
  - Executive Director:
  - Librarian:
  - Library Technician:
  - Office Manager:
  - Library Assistant:

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*date*

*trustee name & address*

Dear *name*:

## **RE: Welcome to the Board of Trustees of the Hamilton Law Association**

On behalf of the Trustees, members and staff of the Hamilton Law Association, I would like to welcome you to the Board. You were chosen from a group of over thirty applicants because of your personal suitability, reputation in the community, as well as your practice area and excellence as a lawyer, and therefore, I have great confidence that you will enjoy your years on the Board and make a contribution to its governance that will benefit the Bar of Hamilton.

During what I hope will be your six years as a trustee of the Hamilton Law Association, you will be requested to attend approximately nine meetings of the Board each year. It is hoped that you will also attend the annual dinner, which takes place on the first Thursday in March each year, as well as the annual meeting in June.

It is hoped that you will make efforts to attend at least two Hamilton Lawyers' Club events each year. You will in all likelihood be a member of one or two committees which will require your attendance on average about three times per year.

In order to make your participation as meaningful and useful as possible, you are requested to read the agenda packages circulated to you. In addition, please notify staff in the event that you are unable to attend any meetings.

In addition to the meeting that we have planned to discuss the Association, a dinner will be arranged for you, *name of past president*, and myself, in September at which time you may bring forward any additional questions that you have.

Please find attached the following documents for your review prior to this meeting.  
Thank you very much for your kind offer of volunteer work on behalf of the lawyers of  
Hamilton.

Hamilton Law Association By-law 1-97  
Emilius Irving Award Information Sheet  
Hamilton Law Association Insurance Policies  
Approach to Policy Governance by Catherine Raso  
and Carol Gabanna  
Executive Director's Spending Policy  
Strategic Action Plan – (Updated June 2005)  
Annual Report 2004

We will be in touch with you shortly to arrange the dinner for September. If you have  
any further questions, please don't hesitate to call.

Yours truly,

Rebecca Bentham  
Executive Director

RB:pb  
Enc.

cc. *name*, President  
*name*, Past President

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## **PAST PRESIDENTS= LUNCHEON**

### **QUESTIONNAIRE - November 12, 2004**

Please provide your comments and/or suggestions to the following questions.

1. In my opinion, what the Hamilton Law Association does best is:  
(please circle your selection(s))
  - (a) advocacy
  - (b) library
  - (c) web site
  - (d) annual dinner
  - (e) articling recruitment
  - (f) continuing legal education
  - (g) promotion of local bar

2. I would like to see the Association increase its role in the following area(s):

- (please circle your selection(s))
- (a) advocacy
  - (b) library
  - (c) web site
  - (d) annual dinner
  - (e) articling recruitment
  - (f) continuing legal education
  - (g) promotion of local bar

3. In my opinion, the most important issue facing lawyers today is:

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Thank you for taking the time to answer our questionnaire today.

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## Past Presidents= Luncheon - November 12, 2004 QUESTIONNAIRE RESULTS

There were 11 questionnaires returned out of 17. The results are noted below.

1. In my opinion, what the Hamilton Law Association **does best** is:
  - (a) 0 x advocacy
  - (b) 8 x library
  - (c) 3 x web site
  - (d) 4 x annual dinner
  - (e) 0 x articling recruitment
  - (f) 9 x continuing legal education**
  - (g) 1 x promotion of local bar
  
2. I would like to see the Association **increase its role** in the following area(s):
  - (a) 3 x advocacy
  - (b) 0 x library
  - (c) 0 x web site
  - (d) 0 x annual dinner
  - (e) 2 x articling recruitment
  - (f) 0 x continuing legal education
  - (g) 9 x promotion of local bar**
  
3. The most important issue facing lawyers today - comments received were as follows:
  - Their ability to earn a living given the various government encroachments, as well as the ever-increasing utilization of paralegals by members of the public.
  - Keeping up with technology and the pace of practice today.
  - The continuing erosion of the fundamental right to access to justice for civil torts.
  - Legal aid funding.
  - Promotion of local bar.
  - Educating the public as to the community involvement and contributions of lawyers.
  - The business of running a law firm.

- Growth of the bar – most lawyers in town are 15+ years' experience – we need more new lawyers to balance this – not really sure about the success of articling recruitment – maybe we should have some statistics on this?

:pb

## Appendix

New President welcome letter

New Trustee orientation letter

Past Presidents' Luncheon Questionnaire - 2004

Past Presidents' Luncheon Questionnaire Results – 2004

Annual Membership Questionnaire

Membership Questionnaire Results – 2004-2005