

TREND TRACKING

Issues within the Texas legal community that will inform Texas Young Lawyers Association programs.

BY ERIC QUITUGUA

The Texas Young Lawyers Association's *Future of Legal Practice* report illuminated trends, challenges, and transformations across Texas' legal community as expressed in a series of roundtable discussions. Judges, bar leaders, legal academics, and attorneys touched on issues ranging from attorney wellness to access to justice. The talks will guide TYLA in its future programming and services for both membership and the community at large.

"The report is important because it helps bar leaders identify key trends in the legal practice," 2018-2019 TYLA President Sally Pretorius said. "These topics all arose naturally in each of the roundtable discussions and centered much of the discussions."

Joining Pretorius at the January roundtable in Houston—spearheaded by TYLA committee members Tim Newman, Andy Jones, Reggie Wilson, and Ricky Shelton—were 2019-2020 State Bar of Texas President Randy Sorrels (then president-elect), 2018-2019 State Bar Board of Directors Chair Laura Gibson, several TYLA directors, and law school deans, among others. Other meetings took place in San Antonio in September 2018 and in Dallas in November 2018.

Tech and the Practice of Law

One focus of the discussions was technology's impacts on the practice of law. Participants agreed on the positives: tech allows attorneys to do online legal research, file documents electronically, and even reach a client base from across a great distance. Those in need of pro bono legal representation usually have access to internet portals and other online tools. Even in the courtroom, an attorney's competency with tech is expected from judges and jurors. PowerPoint presentations and use of social media and phone apps are commonplace, the participants said.

However, some of the same conveniences tech provides can backfire on an attorney. The immediacy of social media and text messaging, for example, can create a sense of urgency to respond to a client around the clock. That pressure might make an attorney respond in a less-than-thoughtful way, the participants said. There is also the "de-skilling" effect to consider—the risk from overreliance on form builders such as ProDoc. Online legal research is something TYLA will keep in mind as it develops its future projects.

Diversity

All three roundtables were particularly concerned about representation of women and minority communities in law practice. Hiring in large firms does appear to be more diverse than in the past, the participants agreed, but retention is an

area that needs attention. Women are attending law school in great numbers but don't make up a significant proportion of firm leadership, the report found. Participants suggested that firms include in their recruitment efforts candidates who otherwise may not meet traditional definitions of ideal hires.

Attorney Wellness

The stigma surrounding mental health and self-help remains a priority discussion for TYLA and stakeholders. Given the demanding and difficult nature of the law profession, attorneys should make more efforts and receive more support from their firms and the judiciary in taking better care of themselves, the participants said. They also suggested sabbaticals for both attorneys and the judiciary.

Access to Justice

Pro bono also remains a high priority item for TYLA, bar leadership, and the judiciary. The roundtable participants suggested that firms should count some pro bono time toward billable hour requirements. Special focus, they said, needs to be paid to Spanish-speaking clients and those who do not qualify for some legal aid programs but still cannot afford an attorney. A solution to that, they said, could include creating a civil public defender's office, where people may be appointed an attorney. Another could come from making court appointments contingent on pro bono participation. Legal incubators that train new attorneys to help middle-income clients were also suggested.

Other Issues

The roundtable discussions noted that public respect for the rule of law has taken a turn and that as a response, attorneys need to recommit to the traditional role of the lawyer as a community leader. "[A]ttorneys should conduct themselves in a way that brings esteem to the profession, especially in the eye of the public," the report said.

With the roundtable discussions concluded this year, TYLA has learned "what is on the mind of the legal community and what direction the legal community believes it is going," the report said. The issues brought up may take shape in programs and services designed to shape the direction of the legal profession and improve the lives of those it serves.

"As leaders, while our personal passions often drive us, it is important for us to have guidance from our constituency," Pretorius said. "This report provides just that." **TBJ**

