

MEMBERSHIP VALUE TASK FORCE

FINAL REPORT

Approved by the MCB Board of Directors - May 23, 2019

MAY 2019

I. INTRODUCTION

The Mecklenburg County Bar (“MCB”), under the leadership of Bar President Timika Shafeek-Horton, appointed a task force to investigate, analyze, and make recommendations regarding Bar membership value, a top priority of the 2018-2019 Bar Board of Directors. The Membership Value Task Force (“MVTF” or the “Task Force”), comprised of ten (10) members of the MCB which represented an inclusive snapshot of our Bar’s personal, professional, and geographic demographics, undertook this work in the Fall of 2018 and submits this report in the Spring of 2019.

The MVTF’s mission was to address the “value proposition” of membership MCB dues.¹ In particular, the MVTF was charged to answer the inquiry as to whether or not members of the MCB receive “value” in return for their Bar dues. Notably, membership “value” is not subject to simple analysis or measurement. The concept of value is initially suggestive of tangible benefits that can be obtained by receiving dollar-for-dollar equivalent services or goods for each dollar spent. Value, however, is also both subjective and quite intangible. The value of membership in an organization can come from personal and individual benefits or because the organization provides value through pride in membership, and the support of others, as well as supporting personal ideals. Value can also be an objective concept highlighting principles, ethics, and standards of behavior of an organization or of a people. For all these reasons, the measurement and analysis of value – perceived by more than 5,400 MCB members in both tangible and intangible ways – is challenging.

Based upon such broad definitions of what can constitute “value,” the scope of the MVTF’s charge is quite broad. This Task Force has not attempted the impossible task of fully answering the question of what is “value” to the members of the MCB. The “value proposition” is personal, subjective, and has the potential to be unyielding. This Task Force, however, has attempted to ascertain and evaluate the commonality of the “value proposition” among members of the MCB. Essentially, the MVTF has inquired as to what “objectives” or “outcomes” members desire from their local Bar. The MVTF then attempted to synthesize the collective themes of value outcomes in a baseline approach to identify common objectives of worth and importance held by the members of the MCB as it relates to their dues.

In order to reach a conclusion and provide this report, the MVTF evaluated, studied, and considered a variety of sources of information as a bulwark for its findings and recommendations. The MVTF reviewed and considered the history of MCB as a mandatory Bar and the requirement of mandatory dues. The Task Force analyzed MCB demographics to identify trends that may inform the MCB’s work ensuring that all parts of the Bar are receiving value.

¹ MCB dues are currently \$225 annually. North Carolina State Bar dues are currently \$325 annually.

The MVTF analyzed the organizational structure of the MCB to determine whether this structure impeded or facilitated the delivery of the outcomes that inherently create value. Most importantly, the MVTF affirmatively sought out and considered the opinions and ideas of MCB members on the issue of membership value. A summary of the findings of the MVTF follows.² The MVTF provides recommendations at the end of this report for the Bar to better realize “value” for its members.

II. HISTORY³

A. Why Do We Have Mandatory State *and* Local Bars?

The North Carolina Bar Association was created in 1915 and was a non-governmental, voluntary professional organization designed to provide programs and services to promote the legal profession, assist lawyers, and advance the administration of justice. It was the first formal bar association in the state. In 1933, the North Carolina Legislature created a mandatory North Carolina State Bar,⁴ as a government agency with responsibilities that included conducting ethics investigations and prosecuting disciplinary actions, promoting the competency of lawyers and paralegals, adopting and maintaining adherence to the Rules of Professional Conduct, and resolving fee disputes.

The 1933 statute also created District Bars as subdivisions of the State Bar, and, since that time, membership in a District Bar has been an additional mandatory requirement of membership in the North Carolina State Bar. There are 45 Judicial District Bars, which are coterminous with prosecutorial districts. They range in size from the 28 members of the coastal Seventh Judicial District Bar to the 5,757 members of Wake County’s Tenth Judicial District Bar. Said differently, all lawyers who practice within North Carolina must be members of both the State Bar *and* a District Bar.

District Bars have very few statutory requirements beyond the election of one or more members to sit on the North Carolina State Bar Council, assisting in filling district court judicial and public defender vacancies and adopting bylaws. District Bars may rely on the State Bar to provide all mandatory services. However, District Bars may choose to provide some of these same mandatory services to its local members as a convenience. Additionally, District Bars may choose to provide discretionary activities to enhance the practice of law in the district as determined by its membership.

In order to provide funding for these services, District Bars have the power to assess an annual fee. As of 2019, all 45 District Bars in the North Carolina assess a mandatory annual fee ranging from very low-cost, low-services annual dues to Mecklenburg County’s \$225

² A draft report was submitted by the MVTF to the MCB Board of Directors and MCB Staff for comment before final publication. The Final Report contains their input, both for clarity and content, made during a comment period.

³ Sources: Concise History of Bar Organizations in North Carolina (Ellis and Covington 2012); North Carolina State Bar; L. Thomas Lunsford II, Professional Governance: The District Bars and the State Bar.

⁴ North Carolina General Statute §84-18-1.

annual fee. District Bars are statutorily prohibited from using mandatory dues for funding certain specific things, including alcohol, gifts to public officials, charitable contributions, recreational activities, political or ideological activities, or the advocacy of positions on political issues.

There are a handful of counties that comprise an entire judicial district, including Mecklenburg County, which is the Twenty-Sixth (26th) Judicial District. As such, the MCB has chosen to call its District Bar the “Mecklenburg County Bar,” rather than the 26th Judicial District Bar. Additionally, the MCB is an “integrated” bar, providing both the mandatory functions required from a District Bar, along with several discretionary functions as determined by its membership over the years. Similarly, the Buncombe County Bar is also an integrated bar, with dues of \$150.

In contrast, for example, Wake County has two local bars: the mandatory Tenth (10th) Judicial District Bar and the voluntary Wake County Bar Association (“WCBA”). The 10th Judicial District Bar covers the regulatory responsibilities and functions required by North Carolina law and a few voluntary functions, including an attorney mentoring program and attorney memorial program. The WCBA, on the other hand, provides certain member benefits and public service opportunities to members who choose to join. The 10th Judicial District Bar has mandatory dues of \$75 and the WCBA has dues of \$155. Every lawyer in Wake County pays dues of \$75 per year, and lawyers who join the WCBA pay an additional \$155 for a total of \$230 in dues per year. These dues are, of course, in addition to dues that lawyers must also pay to the North Carolina State Bar.

B. The Mecklenburg County Bar

For many years, volunteer lawyers operated the MCB. As the MCB grew, however, the MCB membership determined that it wanted to professionalize and expand the operation of the MCB, and hired its first Executive Director in 1984. At that time, the MCB had a membership of 1,265. Hiring an Executive Director resulted in an increase in annual dues from \$30 to \$60. Ideas for new programs came from members of the Bar and from exposure to the work of other bar associations around the country.

As noted above, a significant difference between the MCB and some other North Carolina District Bars is our decision to provide not only some of the services that the State Bar provides, but also additional discretionary services, with funding for all services covered under a single, integrated and mandatory bar structure. For example, both the North Carolina State Bar and the MCB handle grievances and assist in filling district court judicial vacancies. The decision to provide those services locally has been made over time and for the convenience of MCB members. Additionally, over the years, the current array of discretionary services has been approved and funded, at least in part, by the MCB, including the Bar Leadership Institute, sports leagues, the Lawyer Referral Service, Continuing Legal Education (“CLE”) programming, and other services, some of which are no longer offered, such as Legal Services for the Elderly.

C. Structural Challenges to the Value Proposition of the MCB

In comparisons to metropolitan bar associations across the country, the MCB stands out, both because of the statutory requirement for a mandatory District Bar and MCB’s

choice to provide both mandatory and discretionary services under the auspices of a single, mandatory organization. An operational review done by the ABA in 2008 noted:

“[t]he Mecklenburg County Bar (MCB) is unique in the nation. It is a unified metropolitan bar association. As such, it fulfills a state bar-like mandated role for the administration of discipline in its judicial district as well as other regulatory functions such as lawyer-client fee dispute. This role provides both security and anxiety: security via a reliable income stream from mandatory dues dollars *and anxiety because of the challenges in creating a sense of affiliation and connection with members who are compelled to belong*” (emphasis added).⁵

In a national survey of Bar services by the ABA in 2018, the report noted that the MCB is the only metropolitan bar in the nation that has mandatory dues and engages in such a broad scope of activities, including the coordination of bar sections, publishing a monthly newsletter, offering CLEs and other services. All other municipal bars of similar membership size and activity are voluntary.⁶ As referenced above, all North Carolina judicial districts have mandatory bars. The difference with Mecklenburg County is the wide array of services the MCB provides under the auspices of our statutory mandatory bar requirement.

III. MECKLENBURG COUNTY BAR DEMOGRAPHICS

A. Who Are We?⁷

The MCB is in a constant state of flux: people join and leave the Bar on a monthly basis, changing the size, race, age, and gender dynamics of bar membership. Law practices merge and divide. The population of Mecklenburg County grows, creating pockets of business and encouraging lawyers to set up practices outside the Center City.

Providing value to this dynamic population requires an in-depth knowledge of those being served: who comprises the membership of our Bar, where do lawyers locate their practices, and how is the membership of the MCB changing? The MCB tracks this demographic data, including total size of the Bar, firm size, gender, age, and race.

⁵ Elizabeth Derrico, Associate Director, ABA Division for Bar Services, *Mecklenburg County Bar – Bar Operational Review* (2008).

⁶ Joanne O’Reilly, Publications and Survey Manager, Division for Bar Services, American Bar Association, December 2018.

⁷ The diversity of the Bar, as measured by gender, race, and ethnicity, has increased over time. In 2010, women comprised 34% of the MCB compared to 40% today. Data has been collected on race and ethnicity over the years, but the percentage of the Bar reporting this data is neither high enough nor consistent enough for comparisons. Notwithstanding this self-reporting data issue, the MCB becomes a more diverse Bar each year. For the purposes of the work of the Task Force, the more important data points for assessing the impact on Bar membership value are practice size, age, and geography, which are discussed at greater length herein. These data points also track issues discussed in the Focus Groups.

Table 1 shows the changes in size of the MCB during the past seven years. In September 2018, the MCB had a membership of 5,405 lawyers. From 2012 to 2015 the size of the Bar grew consistently by 4% per year. In 2016, the Bar grew by 6%, but in 2017 it declined by 2%. Membership stabilized in 2018, with a 3% increase. These changes are due to lawyers both exiting and entering the Bar, entering either as new or experienced lawyers moving to the area. The key takeaway is that there has been steady growth in the size of the MCB by about 4% a year.

TABLE 1: SIZE OF THE MECKLENBURG COUNTY BAR

Year	2012	2013	2014	2015	2016	2017	2018
Members	4,449	4,631	4,802	5,001	5,320	5,264	5,405
% change		+ 4%	+ 4%	+ 4%	+ 6%	- 2%	+ 3%

Table 2 shows changes in the age of MCB members from 2010 to 2018. In order to understand how to provide value to its membership, it is critical to understand who the MCB membership is now and who it will be 5 years, 10 years, and 15 years from now. This will help inform bar leadership and MCB staff regarding methods of communication, what services Bar membership may need, as well as methods of providing services and strategic planning.

One noteworthy outcome from the age indicators of MCB members is that the proportion of the Bar that is over 50 years old has grown over the past eight years. In 2010, 11% of the MCB (reported) was 50 or older (n = 436). By 2018, reportedly 30% of the MCB was 50 or older (n = 1,051). Thus, there may be a “Boomer Bubble” or “Silver Tsunami” of lawyers that could leave the practice of law in the next 10 years, without an influx of younger lawyers to keep membership growing at the same historic rates.

TABLE 2: AGE OF BAR MEMBERS

Year	2010	2012	2014	2016	2018
20-29	12%	7.5%	10%	11%	8%
30-39	43%	39%	37%	32%	31%
40-49	34%	38%	35%	32%	31%
50-59	8%	12%	14%	18%	20%
60-69	3%	3%	3%	5%	7%
70+	0%	0.5%	0.5%	2%	3%
% reporting	60%	60%	61%	63%	67%

B. Where Do MCB Lawyers Work?

Lawyers who have practiced law in Mecklenburg County for longer than 10 years have witnessed the geographic expansion of law offices from the Center City/Courthouse area and the SouthPark area to the establishment of noteworthy geographic concentrations of lawyers and law offices in other parts of the county. Based on 2017 MCB staff internal research, there are significant concentrations of MCB members in the Huntersville/Davidson/Cornelius area, the Pineville/Matthews area, and in Ballantyne. No comparison data is available, and this is a broad snapshot only, but it nonetheless shows that MCB law practices are establishing important and new geographic concentrations. As detailed below, the Focus Group participants noted that their

level of MCB engagement was, in part, a function of the distance necessary to travel to receive services or attend events.

C. How Do MCB Lawyers Practice?

As detailed in the Focus Group section, the Task Force used practice group size as a metric to determine if there are differences in the ways lawyers perceive membership value. The MCB staff collects demographic data such as personal information, as well as practice area and size, from MCB members in a variety of ways, most of which is voluntary, self-reported information. Additionally, the Bar staff encourages MCB members to update their member profiles regularly through the Bar’s website. However, without a way to systematically and consistently gather and analyze data, the information on practice area, size, and location is based only on available, (and perhaps anecdotal) information. Additionally, between 2012 through 2014, the MCB added “Public Sector, Corporate and Schools” data points to the collection of information, making the data more specific but making comparisons over a longer period of time less accurate. Still, these are important data points that can help inform how the MCB’s lawyers practice-which can assist in determining how the Bar can provide valuable services-to all members.

Interestingly, the proportion of solo practices has remained stable over time: between 11% and 13% of the Bar from 2010 to 2018. Other points of comparison over time are more difficult, because of the addition of the Public Sector, Corporate and Schools data categories, who may have previously reported as “Large Firm”⁸ practitioners, and the large percentage of Bar members who do not report this statistic.

TABLE 3: PRACTICE SIZE

	2010	2012	2014	2016	2018
Solo	13%	13%	11%	12%	11%
2-20 (medium)	29%	30%	27%	30%	21%
20+ (large)	36%	33%	32%	29.5%	27%
Public Sector	Not reported	Not reported	Not reported	6%	6%
Corporate	Not reported	Not reported	6%	7%	9%
Schools	Not reported	Not reported	Not reported	<1%	<1%
Not reporting	22%	24%	26%	15%	26%

(a) Demographic data collected by the MVTF suggest the following:

⁸ The MCB has historically defined “large firms” as those firms with 20 or more lawyers who practice within the Bar. Thus, a worldwide law firm with a small presence locally may not always be considered a “large” law firm for MCB purposes.

- (i) The size of the MCB has grown at a consistent level over the past eight years, although the MVTF was not able to determine what proportion of that growth is lateral transfers versus new admittees to the profession.
- (ii) The data suggests that the MCB is getting older and that there may be a significant group of lawyers who leave the practice of law within the next 10 years.
- (iii) Demographic trends indicate that locations of law offices are no longer concentrated in just Center City and SouthPark.
- (iv) MCB members' inconsistent reporting of data makes the analysis of data less impactful.

IV. FOCUS GROUPS

A key component of the Task Force's mission was to receive feedback directly from MCB members regarding their thoughts, opinions, and ideas about the complex issues related to bar membership value. The Task Force wanted more in-depth information than a questionnaire would provide. The Task Force determined that the best process to obtain this information would be to engage MCB members in conversations about membership value. Additionally, we wanted to reach a cross-section of lawyers in the MCB, based on gender, race, experience level, area and size of practice and geographic diversity. We wanted to reach members of the Bar who were disengaged as well as those who were active. We did not want to just ask active and engaged members of the MCB about the value of their Bar membership. We wanted to have consistency and structure in the information gathering process. Finally, we wanted the Focus Groups to be conducted in a manner and a setting that would encourage candor.

The Task Force determined that an independent, facilitated series of Focus Groups, held at a neutral site without MCB staff or leadership present, would provide the most in-depth information on the complex issue of "membership value." To achieve these goals, the MVTF engaged Dr. William Sparks⁹ from Queens University to facilitate a series of four Focus Groups to gather information from MCB members in furtherance of our mission to analyze bar membership value. In consultation with Dr. Sparks, the Task Force developed a series of nine questions that were asked in each group. The Focus Group sessions were held on November 27 and 28, 2018, at Queens University.

In order to protect the integrity of the exercise, the members of the Focus Groups were randomly selected from a demographically-based set of lists of MCB members without any consideration to their level of MCB activity or participation in MCB events. The MVTF determined that four categories of lawyers would best represent the various constituencies of the Bar. The goal was for each of the four Focus Groups to be comprised of no more than 15 people, for a total of no more than 60 participants. This group size would be large enough to find a

⁹ Dr. Sparks is the Thompson Chair of Leadership Studies in the McColl School of Business, and has extensive experience providing leadership development, corporate creativity and change management to organizations across the United States. *See* <https://www.queens.edu/faculty/william-sparks.html>.

broad cross-section of ideas, while allowing for sharing ideas through active participation by all the participants. The Task Force also determined that keeping these groups together would encourage participation through these shared practice and demographic attributes. The demographic breakdown of the four groups was as follows:

- (i) new lawyers¹⁰ (*i.e.*, fewer than 8 years of practice);
- (ii) experienced lawyers (*i.e.*, more than 8 years of practice);
- (iii) large firm practice (*i.e.*, more than 20 lawyers); and
- (iv) non-large firm practice (*i.e.*, solo, small, or medium-under 20, corporate counsel, public sector, government, non-profit).

In order to ensure that each Focus Group included an MCB member with relevant experience and engagement with the MCB, the Task Force intentionally included at least one bar member who has been or is engaged with the MCB. Members of the Task Force then met with MCB staff for the random selection process. From the total MCB membership, bar members were randomly chosen and broken down into the four groups identified above. An initial invitation was sent to 35 MCB members representing each of the four groups. Based on response rates, an additional 130 to 135 email invitations were sent the following week to the randomly selected members of the MCB, requesting their participation in a 90-minute facilitated Focus Group regarding bar membership value. Two more waves of emails were sent in order to get at or near the goal of 15 participants per Focus Group. Additionally, reminder emails were sent to each group and follow-up calls were made by members of the MVTF and MCB staff to encourage participation. Over the course of the selection process, approximately 530 MCB members were contacted via email to request participation in the Focus Group initiative.

Ultimately, a total of 52 MCB members agreed to participate. This was close to the goal of 60 participants. Of the 52 planned participants, 35 showed up for the sessions.¹¹ Dr. Sparks noted that in spite of the smaller number of actual participants, the information obtained was valuable and could be used by the MVTF with confidence. He also noted that important information was obtained through the selection process. The two Focus Groups with the highest response and acceptance rate were the non-large group (*i.e.*, solo, small, medium firms, corporate counsel, public sector, government, non-profit) lawyers and the experienced lawyers (*i.e.*, over 8 years of practice). These were also the two groups of lawyers with the most positive outlook on membership value.

¹⁰ Dr. Sparks' Final Report uses the group name "Young Lawyers." However, in order to avoid confusing the opinions and comments of the MCB participants in that group with the Young Lawyers Division (YLD) of the MCB, this report uses the phrase "New Lawyers" to describe the Focus Group comprised of lawyers who have practiced fewer than 8 years.

¹¹ Non-large firm: 15 accepted; 10 attended. Large firm: 10 accepted; 7 attended. New lawyers: 9 accepted; 5 attended. Experienced lawyers: 18 accepted; 13 attended. Non-attendees noted schedule changes that prevented them from following through with the Focus Groups.

V. FOCUS GROUP FINDINGS¹²

The Focus Group process was successful despite the lower participation rate. We achieved a primary goal of receiving information from a broad cross-section of the MCB. The use of a Focus Group rather than a questionnaire enabled the Task Force to obtain better insight into not just *what* people think but *why*. Dr. Sparks also noted that in spite of the small number of participants (35), the findings nonetheless could be extrapolated for the entire membership of the MCB.

A. Significant Findings from the Focus Groups:

(a) Satisfaction/Engagement

(i) There is a very wide variance between satisfaction and dissatisfaction among MCB members, which ranges from “mostly satisfied/engaged” to “not-at-all satisfied/engaged.” Dr. Sparks also noted the presence of the “proudly disengaged” members of the MCB.

(ii) This suggests that there are fewer members, perhaps a minority of MCB members, who are “very satisfied” with the value of their Bar membership. While troubling, it represents a good starting point for resetting the value proposition of the Bar.

(iii) Overall, lawyers who practice in smaller firms or solo practices and experienced lawyers have a more favorable impression of the MCB and its services.

(iv) MCB lawyers in large firms and new lawyers are less satisfied and less engaged with the MCB and its services. More specifically, new lawyers are, as a group, both disengaged and dissatisfied with MCB value. It is noteworthy that significant effort was spent in trying to get new lawyers to participate in the Focus Groups, and in the end, only five new lawyers attended. This could be read as a symptom of disengagement, but more likely reflects the reality that new lawyers are less in charge of their schedules and were simply unwilling to commit to attend in the first instance and even when they did, were unable to follow through due to unavoidable work issues over which they had no control.

(v) Dr. Sparks noted that mandatory dues, coupled with a perceived lack of responsiveness from some of the MCB staff, and the lack of an obvious value proposition, has led to disengagement and resentment, especially among new lawyers and lawyers from large firms. The fact that this population may be largely in the new and large firm population leads to significant challenges for the MCB, as these sub-populations are critical for the health and welfare of the MCB.

(b) Dues¹³

¹² Dr. Sparks’ Final Report, dated December 10, 2018, is attached to this Report.

¹³ Focus Group feedback indicated that MCB members wanted tiered membership dues to allow for lower dues for public interest/government lawyers. However, tiered memberships have been evaluated by Bar

(i) Perhaps most significantly, across all Focus Group participants, most (between 60 and 70%) would not pay bar dues if they were voluntary. Members perceive that the MCB exists to provide self-sustaining and revenue-generating activities like CLE. Focus Group participants noted they felt “nickel and dimed” by additional fees for services, programs, and events on top of annual dues.

(ii) However, it is just as notable that the “non-large” Focus Group participants overwhelmingly (80%) would pay dues, even if voluntary.

(iii) Similarly, 10 of 13 (77%) of experienced Focus Group participants would pay dues even if voluntary.

(iv) Focus Group participants who noted their membership in the Family Law Section cited their section as being “invaluable” and noted that their interest in the MCB is section-specific. But experienced members of the Bar recognized and noted that the MCB provides services that benefit others. They appreciated this fact and were willing to pay dues to support Bar-wide benefits.

(v) Notably, large firm participants would not pay dues if they could opt out. They would prefer paying mandatory dues to national memberships; also, they would prefer an à la carte fee structure.

(vi) Focus Group participants in the new lawyers group noted that based on their interactions with their peers, they believed that most new lawyers would not pay dues if voluntary.

(c) CLE and Bar Center and Leadership Structure

(i) Focus Group participants perceive MCB’s primary focus to be on self-sustainability and, therefore, focused on revenue generating activities, such as CLE.

(ii) The cost of CLEs is perceived as too high, given the large marketplace for available CLE and the relative perceived and/or actual inconvenience of the Bar & Foundation Center for live CLEs.

(iii) Focus Group participants said that the Bar & Foundation Center does offer meaningful services and free space for members, but that many participants were unaware of these offerings until discussed in the groups. Some wondered if the dues reflect the cost of a very nice facility that not a lot of members use, and that “must” be used for events because of pressure to use the space, even though it is not “central” to members.

(iv) There is a perception that MCB’s current governance structure (*i.e.*, a one-year tenure for MCB President) is too short to ensure effective and sustainable change.

Staff in the past and are not permitted by state law. Focus Group feedback also indicted a desire for dues payment plans. Dues can be paid in advance, but cannot be paid over time after the due date; thus, the kind of payment plan requested is not available.

(d) Areas of Membership Value

(i) The MCB's facilitation of networking through MCB events, especially among small/medium and solo lawyers, was cited as a great source of value.

(ii) Specific events that added to membership value were the MCB Holiday Party, the MCB Swearing-In Ceremony, memorial services, and the monthly Lawyers Luncheon Series, although it was noted that the location change from First Presbyterian Church, where the lunches were previously held, has hurt attendance.

(iii) The Family Law Section was referenced as a valuable resource.

(iv) CLE video replays were cited as adding value to the MCB membership.

(e) Dr. Sparks' Recommendations

(i) The MCB needs to improve communications about its value proposition to its members.

(ii) The MCB should hold some annual events at locations other than the Bar Center, despite its reputation as an exceptional space, given the geographic diversity of the MCB membership.

(iii) The MCB should specifically reach out to large firm lawyers and new lawyers to better understand their perspectives, address the gaps in engagement and increase both engagement and satisfaction.

(iv) The MCB should consider providing services or events that can be deemed "member benefits" rather than charging a fee.

(v) The MCB should consider changing the by-laws to allow for longer leadership terms to address perceptions of a lack of continuity in vision.

(vi) The MCB should consider additional platforms for gathering information from its membership on the value proposition.

VI. CLE TASK FORCE

The Focus Groups had a lot to say about their perceptions of how and why the MCB offers CLEs. Concurrent with this Task Force, the MCB Board of Directors simultaneously commissioned a CLE Task Force ("CLE TF") to study the MCB CLE program. The mission of the CLE TF was to work with an outside consultant to analyze and improve the MCB's CLE programming. The MVTF's Focus Group project revealed that for many MCB members, their primary point of engagement with the Bar is through CLE programming.¹⁴ As detailed in the Focus Group Report, MCB members perceive that the "value" of the MCB's

¹⁴ See Sparks Focus Group report: Group 1, question #4 responses; Group 2, question #4 responses; Group 3, question #4 responses.

CLEs is obtained by providing quality programming and education for lawyers, rather than making money for the MCB. Focus Group participants noted that CLEs can be pricey and that less expensive (and frankly, “free”) options were preferred. Focus Groups also noted that CLE topics were not always what they would prefer, and, for many participants, CLE is provided through their firm or a national association.¹⁵ Given that the Bar’s CLE programming is the “face” of the MCB for many people, these structural issues with the CLE function have led many MCB members to have negative opinions of the MCB’s value proposition.

Due to the expansive focus of the CLE TF, the MVTF has not spent a great deal of time focusing on the nature of the MCB CLE program, the quality of programming or the ability of the MCB CLE Program to generate income. Given the importance of the CLE program to the MCB membership, the MVTF recommends that the findings of the CLE Task Force be reviewed in tandem with this report.

The MVTF, however, provides its general observations of the MCB CLE program as it relates to the value proposition. It is the opinion of the MVTF that for many years, the MCB Board of Directors and the MCB Executive Director have emphasized achieving certain financial goals rather than focusing on the quality of programming and the education of lawyers. The MVTF maintains that this is counterproductive and has the tendency to reduce the value proposition for members. The MCB CLE program has been forced to be reactive to monetary goals rather than proactive to improving the breadth and quality of CLE programming.

In order to improve membership value, the CLE program should not be primarily focused on generating revenue. Rather, the CLE Committee and Bar CLE Staff should be focused on what the Bar membership needs for CLE and how best to deliver the programming. The MVTF believes that providing affordable, convenient, and easily accessible, high-quality CLE provides value. Suggestions include placing programming emphasis on the “local” aspects of MCB legal practices, providing downloadable podcasts and telephonic one-hour CLEs, and improving CLE infrastructure in order to provide high quality podcast and video-on-demand capability.

VII. BAR STRUCTURE

A. Current Structure

As of the date of this report, the MCB is staffed with 14 full-time and two part-time employees to serve the MCB membership. The Executive Director leads the MCB staff and the Mecklenburg County Bar Foundation staff (“MBF”). In April 1980, the MBF was created from the remains of the previous Lawyers Educational Foundation, which had been established in 1962. The MBF purpose is to “enhance public awareness and knowledge” of the law and the role of lawyers in the community.¹⁶ The MBF later became the owner of the Bar & Foundation Center and MCB’s landlord. Since 1984, the Executive Director of the MCB has also split time

¹⁵ See Sparks Focus Group report: Group 1, question #4 responses; Group 2, question #4 responses; Group 3, question #4 responses; Group 4, question #4 responses.

¹⁶ Marion E. Ellis & Howard E. Covington, Jr., *An Independent Profession* (Davidson, North Carolina, Lorimer Press, 2012).

as the Executive Director of the Foundation, often having to wear both Executive Director “hats” simultaneously.

The MCB current staff provides multiple services. Those services are as follows:

- (i) CLE Programming and Administration;
- (ii) Membership Inclusion and Engagement;
- (iii) Membership Inclusion and Diversity;
- (iv) Compliance and Ethics;
- (v) Member Records and Payments Coordination;
- (vi) Digital Marketing and Outreach;
- (vii) Events Coordination and Sponsorship;
- (viii) Information and Technology Coordination;
- (ix) Foundation Development;
- (x) Legal Services Coordination;
- (xi) Bar & Foundation Building Reception and Office Management;
- (xii) Finance; and
- (xiii) Communications.

Since 2013, the staff structure of the MCB has not remained consistent from year to year. Indeed, the MCB Organizational Chart has changed each of the last six years.¹⁷ MCB staff titles and responsibilities change frequently. The MVTF found that it was difficult to track how or why an individual employee’s duties, job titles, or reporting relationships changed. Flexibility is important, but it appears that the MCB organizational structure has been based in large part on an individual employee’s specific tasks in a given year. While organizational structure is the responsibility of the Executive Director, when staff positions designed to support and connect members change year over year, the lack of continuity becomes a source of confusion for bar membership. Ultimately, the new Executive Director will determine the structure of the MCB staff. However, the MVTF believes that by aligning member needs with specific staff members or staff teams, it would allow those staff members to act as “value force multipliers” for the MCB through enhanced communications with the membership. The constant shifting of responsibilities and structure means that the Bar staff may be losing an opportunity for the development of long-term relationships with a greater cross section of Bar members.

¹⁷ See MCB Organizational Charts 2013-2019.

B. MCB Relationship with Members

Information from the Focus Groups reveals that MCB members identified five primary topical areas that represent their association with the MCB: (1) CLE, (2) Dues/Finance, (3) Membership (Sections/Networking/Events), (4) Legal Services/Community Involvement, and (5) Communications. Focus Group participants discussed MCB effectiveness in these areas.

The Focus Groups highlighted the great work performed by MCB staff. One member pointed out: “I asked the Bar for help with an idea on something specific-reached out-and within an hour I was matched with someone. It was incredible how fast the staff responded.”¹⁸ The Focus Groups offered virtually no criticism of junior MCB staff or MCB staff at the assistant director, division director or coordinator level.

In addition, the Focus Groups praised areas of the Bar that provided great structural strength. One Focus Group member recognized the good work that the Bar does with lawyer disciplinary issues prior to the submission of issues to the North Carolina State Bar. In particular, the Focus Groups emphasized the good work of the Family Law Section in helping with CLE and being engaged and focused as a practice area.¹⁹

The Focus Groups, however, revealed a perception that the MCB has recently deemphasized communications and networking, such that communications are not as effective as they could be. For example, the Focus Groups revealed that many members are unaware of certain benefits the Bar has to offer.²⁰ The Focus Group members were unaware that the Bar & Foundation Center has free space for members to use. Even the members of the MVTF were unaware that the Bar & Foundation Center has a fully operational electronic state-of-the-art mock courtroom with a jury box available for members for free. Another member lamented that their specific practice area section was without support: “I’m part of the Real Property Section and no meetings, nothing. I’ve reached out to the Bar and they just said you should just head the section yourself-and the first thing they do when they get you together is ask which CLEs can we offer.”²¹

The Focus Group participants spoke about the desire to be more connected with each other and that the MCB could do better at facilitating member connections. For example, new lawyers suggested that the MCB could develop a greater sense of “membership experience” and increase awareness of both volunteer opportunities and MCB services.²² New lawyers noted the importance of getting involved with the MCB early in their careers. Experienced lawyers

¹⁸ See Sparks Focus Group report: Group 1, question #1 responses.

¹⁹ See Sparks Focus Group report: Group 4, question #4 responses.

²⁰ See Sparks Focus Group report: Group 4, question #1 responses.

²¹ See Sparks Focus Group report: Group 4, question #1 responses.

²² See Sparks Focus Group report: Group 2, questions #8 & #9 responses.

suggested creating member groups based on the lawyer’s lifecycle to ensure that MCB services target member needs at various career points (e.g, networking for new lawyers, mentoring opportunities for experienced lawyers).²³

Communication by the MCB with members was a focus of discussion. Many Focus Group participants believe that the MCB fails to adequately communicate with its members. Feedback offered in the Focus Groups included a request for regular communication with members about services being offered,²⁴ updating the manner of communications beyond the newsletter, boosting social media interactions,²⁵ and targeting communications to bar membership.²⁶ The perception gleaned from the Focus Groups is that the MCB can improve listening to and acting on member ideas. The new lawyer group, specifically, included comments that new lawyers wanted to feel “connected” and feel like they belong, and that better communication would increase awareness and encourage engagement.²⁷ In addition, the Focus Groups showcased a perception that the MCB can improve its focus on customer service. One Focus Group member from the experienced lawyer group lamented: *“I do have a sense that the Bar is not working as much for the benefit of the members, as it is working for the sense of itself. It’s almost as if it’s a driving marketing machine for CLEs and generating revenue. So, it loses focus on serving the member on itself”* (emphasis added).

The Focus Groups also revealed an undercurrent attitude challenging the fidelity between the members and the MCB. One member suggested: “I don’t think the selection for the focus groups was random.”²⁸ Another Focus Group member questioned the rigidity of the MCB to its own detriment. The example that this particular member gave was that a group they were chairing wanted a list of members for its organization but was met with much resistance as providing the information would “interfere with the Bar being able to specialize marketing sales” and, as a result, the initiative died.²⁹ Another Focus Group member questioned where the finances were going, suggesting everything went towards the “building and personnel.”³⁰ One Focus Group member was even more blunt in summing up the underlying problem by adding: “I have no idea what goes on in the Bar. Maybe better communications [would help improve that perception].”³¹

The MVTF believes that there is an opportunity for the MCB staff to expand its reach to additional members of the Bar through more personal connections between Bar staff in member-facing positions at the Bar and Bar members, better marketing of existing Bar services,

²³ See Sparks Focus Group report: Group 4, questions #8 & #9 responses.

²⁴ See Sparks Focus Group report: Group 1, question #7 responses.

²⁵ See Sparks Focus Group report: Groups 1, 2, & 3, question #7 responses.

²⁶ See Sparks Focus Group report: Group 3, question #7 responses.

²⁷ See Sparks Focus Group report: Group 3, question #7 responses.

²⁸ See Sparks Focus Group report: Group 3, question #9 responses.

²⁹ See Sparks Focus Group report: Group 4, question #1 responses.

³⁰ See Sparks Focus Group report: Group 3, question #9 responses.

³¹ See Sparks Focus Group report: Group 3, question #9 responses.

and attention to targeted communications designed to reach particular segments of the membership with relevant information and opportunities for engagement. These connections can positively impact the value perceptions of bar membership and the desire for MCB members to have a greater sense of belonging to the Bar.

VIII. FINANCIAL OVERVIEW

MCB has an annual budget of approximately \$2.3 million. Of that budget, just over one-half is derived from an estimated \$1.2 million annually in mandatory dues. In addition, the MCB's other sources of income include CLE programming, the Lawyer Referral Service, and special events. There are other areas where smaller levels of income are realized, such as courthouse access card renewal, advertisements, and sponsorships. The MBF contributes approximately \$165,000 annually towards MCB expenses. Finally, certain services and programs are supported almost entirely by third-party contributions including the Bar Leadership Institute.

Of the MCB's direct costs and expenses, year after year, staff is the largest expense. For 2018-2019, \$1.4 million of the budget is earmarked for staff and staff-related expenses. An additional \$405,000 is used for MCB Bar & Foundation Center occupancy. The MBF owns the Bar & Foundation Center. The mortgage balance on the building is \$2.3 million. The MCB pays MBF monthly rent of \$22,400, plus association dues, and building and property maintenance. The CLE Budget currently includes \$134,000 in direct costs that do not include staffing expenses. The direct costs for publications expenses such as the annual printed legal directory and monthly newsletter is \$89,500. The automation/website/technical support annual services cost \$63,000 each year, and the events expenses have an annual cost of \$57,000.³²

Currently, MCB does not have many sources of revenue other than dues and CLE tuition. Some vendor sponsorships have been obtained on an annual basis, and vendors have been allowed to choose two events that they want to sponsor. In addition, the MCB bylaws allow for affiliate MCB members, which traditionally have been corporate lawyers licensed in other states but to date, the MVTF has been unable to find a current affiliate member of the MCB.

IX. RECOMMENDATIONS

Based upon the MVTF's observations and research over the last few months, the MVTF makes the following recommendations.

A. MCB Information Gathering

Focus Group data revealed that MCB members' perceptions on membership value correlate to age, years of practice, firm size, and office location. Currently, the MCB does not have a system of collecting consistent data from its membership year after year. Being responsive to its membership requires the MCB to understand its composition and to anticipate demographic shifts that will impact what services its members desire and how to provide them.

³² All budgeting data is available for membership to review on the MCB website. This is merely a short summary of (i) funding measures that the MCB uses and (ii) expenditures that the Bar undertakes with emphasis on the larger expenditures.

Additionally, the collection of up-to-date and pertinent data provides an opportunity for targeted interactions with the Bar membership with a goal of increasing positive feelings and engagement with the MCB.

Specifically, the MVTF recommends:

(i) that the MCB work with Bar leadership to develop a list of relevant data points that will help identify demographic trends useful for understanding the needs of its membership now and in the future, and which will allow for targeted communications with the membership and;

(ii) that the MCB consistently track these data points including, but not limited to, age, size and location of practice, years of membership in the MCB, and years of practice.

The current practice of relying on member-driven provision of data should be replaced or augmented. Communicating the importance of providing up-to-date data and ensuring data protection may increase member participation in voluntary data collection.

B. Where You Stand Depends on Where You Sit

(a) The Focus Group feedback suggests that new lawyers are the most dissatisfied and disengaged members of the MCB. Importantly, experienced lawyers in the Focus Groups noted that their allegiance to the MCB began at the start of their careers. In order to increase the likelihood of member engagement over the career life cycle of MCB members, and to increase the sense of value in that membership, the MVTF recommends the following.

(i) Working with the Young Lawyers Division (“YLD”) to explore increasing engagement within its constituency. The YLD has a large membership with natural access to this important sector of the MCB. Given the YLD’s strong standing with young lawyers, the YLD should be utilized to a greater degree by the MCB to improve engagement.

(ii) Creating a standing MCB Board meeting agenda item for the YLD Chair or delegate to provide the MCB Board with updates regarding the Division’s progress and efforts to increase member engagement.

(iii) Leveraging social media to find different ways to communicate with new lawyers, including YouTube, Twitter, Instagram, and LinkedIn.

(b) Focus Group feedback showed that experienced lawyers and medium/small and solo lawyers have a greater sense of satisfaction with MCB value.

(i) Conducting a deeper dive survey for a greater number of the MCB membership to determine how to understand where both positive and negative perceptions of membership value come from in order to reach other demographic segments of the MCB. Are experienced lawyers showing nostalgic allegiance, or does the MCB cater to this segment’s needs to the exclusion of young and big firm lawyers?

(c) Focus Group feedback showed that lawyers outside of Center City feel less engaged with the MCB because they perceive that they always must go to the MCB at the Bar & Foundation Center, rather than the MCB going to them. The MVTF recommends that:

(i) programming and events be taken to Pineville/Matthews, Huntersville/Davidson, and Ballantyne with less of a focus on the Bar & Foundation Center and Center City/Courthouse areas;

(ii) alternatively, or additionally, supporting the development of “regional bars” within the MCB and leverage connections to deepen ties with the MCB constituency; and

(iii) tracking and reporting on geographic trends in the services the MCB offers and publicizing the findings to the membership to done, to show an awareness of the changes in the MCB, obtain goodwill for the efforts, and encourage participation in these events.

(d) Newer lawyers

The Focus Groups suggested that there was a noteworthy lack of interest and awareness creating a “value gap” by younger members in the MCB Bar. Demographic data suggest that a significant group of experienced lawyers may be leaving the membership in the next 10 years, and that Bar membership will be comprised of a higher proportion of lawyers younger than 40. The engagement of new lawyers should be a major focus of the Bar in the next few years. At a minimum, the MCB needs to be willing to adapt to the needs of new lawyers, embrace virtual and interactive ways of communication, and capitalize on the good works of the YLD to shape how to stay relevant to young and new lawyers.

C. MCB Staff

(a) Clarify Bar Structure

As noted above, the staff and structure of the MCB is properly the responsibility of the Executive Director. However, the MVTF believes that if the membership better understood what services the MCB provides, who MCB staff are, and what they do for the membership, then the perception of membership value would increase. Negative comments in the Focus Groups related to the MCB are likely based on a lack of understanding of the MCB staff and structure.

(b) Increase Direct Staff-Member Engagement

MCB staff works hard to provide services to Bar members, however many members do not see or know the staff. The MVTF recommends increasing opportunities for direct engagement of MCB staff with member-facing responsibilities with the membership. Familiarity brings understanding and increases the value proposition of membership.

(c) Make Marketing a Priority

It is clear from the Focus Groups that the many MCB members have limited knowledge of what the MCB has to offer. The MCB can improve perceptions of value by focusing on different ways to “get the word out” about current services provided and receive information about member needs.

D. Membership Benefits

(a) CLE

MCB CLE offers its members the “farm-to-table” approach to continuing legal education. It provides a local flavor with high quality that one cannot get elsewhere. Moreover, the intimacy of some of the programming is conducive to learning. However, based on Focus Group and other input to the MVTF, it is likely that some MCB members may not be aware of all the high-quality CLE programming that the MCB provides. Additionally, the MVTF is cognizant of the high cost of CLE and desires to find ways to provide benefits to MCB members as to their CLE courses. The MVTF defers to the recommendations of the CLE Task Force regarding the CLE programming. Nonetheless, because it is clear that MCB members equate much of membership value with CLE, the MVTF makes the following recommendations related to CLE.

(i) The MVTF recommends that, as part of the MCB’s annual dues, the MCB provide up to three hours of live CLE each year of the required, often hard-to-find, CLE course work of ethics, substance abuse/mental health, and the newly-required technological information hour.³³ The MCB may want to explore the use of a Bar-Bench Committee to assess the need for a courtroom technology training program to fulfill this requirement. The MVTF also recommends that the MCB utilize the various technology vendors/sponsors for the MCB and ask them to assist in providing the technology hour.

(ii) The MVTF recommends that the MCB provide a one-hour featured podcast each month. The podcast would cover a range of topics and would change from month to month. Inclusive of the three hours of ethics and technology, MCB members could potentially receive as many as nine hours of CLE from the Mecklenburg County Bar each year.

(iii) At least one MCB and/or CLE staff member should be sufficiently skilled in marketing and sales, specifically as it relates to social media and being competitive with the third-party CLE providers in the marketplace. Without a strong emphasis on marketing and sales, CLE will not bring value as members will be unaware of the existence of the programming in the first place.

(iv) The MVTF received recommendations that CLE charges for MCB members should be lower than for non-MCB members. For many, but not all, CLE

³³ MCB members should expect to be responsible for the per-hour charge for CLE.

programs, this is already the policy; therefore, the MVTF recommends that this be highlighted as a member benefit.

(v) The MVTF further recommends that the CLE Committee designate a specific library of CLE presentations that are older than two years (“Special Designation CLE”). The MVTF recommends that the MCB explore the financial feasibility of providing the Special Designation CLEs to MCB members without cost for digital access up to eight (8) hours on an annual basis.

(b) Courthouse Amenities

(i) The MVTF recommends that Bar leadership convene a group including MCB courthouse lawyers, the Mecklenburg County Sheriff, representatives from the District and Superior Court Bench, the Trial Court Administrator (“TCA”), and other courthouse leadership to explore updates to courthouse amenities for MCB members. The MVTF notes that while the Courthouse access badge provides for expedited entry, there are additional services, such as secure WiFi, access to conference rooms, and early access to courtrooms that would improve court efficiency and increase the value of the access badge.

(ii) The MVTF recommends that Bar leadership consider designating a standing committee of lawyers to advocate and communicate on behalf of MCB members with the Sheriff’s Office, the TCA, and/or the judges regarding courthouse amenities and access, including feasibility and cost.

(c) MCB Website

(i) The MCB has recently utilized the services of Member Central³⁴ to update its website.³⁵ The MVTF contends that the website is not easily navigable as websites for other bars. The MVTF recommends that the MCB Board and Staff work with Member Central to make adjustments to the website so that it is user-centric and navigable.

(ii) The MCB website should better showcase things members want to see the most including regular and special events, the member directory and any member benefits.

(d) Vendor Discounts

The MVTF recommends that the MCB make a concentrated effort to obtain a list of potential member discounts from third-party vendors. Other state, county and local bars across the United States offer their members discounts to travel clubs like AAA, hotels, car rental, insurance products, legal vendor services such as billing software or virtual receptionist services, and even discounts to theme parks. The MVTF recommends

³⁴ Member Central is an enterprise-level software platform that provides a range of applications for membership organizations.

³⁵ See <http://meckbar.org>

that a simple search of bar associations or state bars will yield information on vendor discounts provided to their members.

(e) Member Tangible Benefits

(i) The MVTF recommends that the MCB better market the facilities and meeting space benefits that it currently provides to its members. The MCB does not inform its members that it has a fully-equipped electronic courtroom with a jury box that is available free of charge to members during regular business hours. The MCB can better market to its members that its meeting rooms or meeting spaces are free to members. The MCB should make it a priority to advertise and promote these extraordinary member benefits.

(ii) The MVTF recommends that the MCB provide access to a law library. MCB members currently have access rights to the Central Piedmont Community College (“CPCC”) law library at the Cato Campus in University City. Eventually the CPCC law library will move to the CPCC Central Campus in the Elizabeth neighborhood adjacent to Uptown Charlotte. Until the law library moves to Central Campus, the MVTF recommends that the MCB partner with Lexis/Nexis, Westlaw, and/or Casemaker to provide free access to their research libraries to members at the Bar center during working hours from a designated kiosk and printing station. The designated kiosk and printing station would require some time limitations.

(f) Member Intangible Benefits

(i) The MVTF recommends that the MCB make a point to honor our own more often. For instance, the MCB should honor those members who reach a certain milestone for years served as an attorney. The MCB should honor those who receive awards from significant third parties such as induction to the Order of the Long Leaf Pine.

(ii) The MCB should recognize and honor those members who are willing to serve in elected office and further provide a legal perspective to our elected bodies. The MCB should make members aware of their colleagues who hold elected office.

(iii) The MCB should reach out to any lawyer “celebrities” who are members of the Bar and ask them to speak to the Bar from time to time, perhaps without an additional fee to members.

X. COMMUNICATIONS

(a) Focus Group feedback and other anecdotal feedback to MVTF members revealed that part of the negative feelings regarding the value proposition of the MCB are rooted in a lack of understanding of the work of the MCB staff, the services that are provided and how the MCB dues are used to support these functions. Additionally, the MCB membership does not understand why our dues are higher than other local bar associations in North Carolina. The MVTF recommends the following.

(i) Educating the MCB membership on the services the MCB provides and how MCB dues are spent. Just as governments and non-profits show their citizens and donors how their money is spent, the MCB should work hard to communicate this information in a concise and understandable way to its constituency. MCB should also encourage more member engagement in order to evaluate the activities and functions of the MCB in setting the level of dues.

(ii) Educating the MCB membership about bar staff and their functions. This will help lessen the perception that bar dues are to sustain a building and staff that is not understood. The MVTF believes that clarifying the role of MCB staff with MCB Sections, Committees and the membership will correct misconceptions about the role of the MCB staff and align expectations of both MCB membership and staff responsibilities.

(iii) Improving the navigability of the website to make finding information about these services easier.

(iv) Providing a place on the website for MCB members to provide direct feedback to the Bar staff and leadership.

(v) Integrating different methods of communication currently in email blasts across various social media platforms in order to reach all MCB members, including those who communicate via text, LinkedIn, bar sections, ListServes, Twitter and other means of communication, and to provide some respite from the fatigue of receiving more and more emails. A more diversified array of communication provides an opportunity to reach members with relevant information beyond CLE announcements and other “Bar Blasts” with a goal of increasing member engagement.

(vi) Communicating with MCB membership on a wider variety of topics and increase the quality over quantity of messages.

(b) Finally, the MVTF recommends that the new Executive Director reorganize around the areas of greatest importance to members so that the MCB achieves all desired outcomes. Those areas are:

- (i) CLE;
- (ii) Membership;
- (iii) Finance;
- (iv) Marketing, Communications and Sales; and
- (v) Legal Services.

XI. CONCLUSION

The MCB is comprised of over 5,000 diverse lawyers who practice in all parts of the county and in many practice areas. Serving the needs of such a large group is complex.

However, the MVTF has found that the MCB membership is interested in expanding upon and improving the value proposition that comes with belonging to this group. The feedback received by the Task Force and contained in this report can assist MCB staff and leadership as we work to make membership in the Mecklenburg County Bar valuable to all its members.

Respectfully submitted by the Membership Value Task Force
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