



SOLVING TWO CRISES AT ONCE BY CREATING AN INCUBATOR FOR LEGAL TALENT

Michael Tubach

The following are excerpts from Michael Tubach's remarks at his December 17, 2015, installation as the 2016 president of The Bar Association of San Francisco (BASF).

I'm Michael Tubach, and it is my great honor and privilege to be the 2016 president of The Bar Association of San Francisco.

It's hard to imagine, but this bar is 143 years old. It was founded back in 1872, when Ulysses S. Grant was president and the California dream was just getting started. BASF has changed a bit since then. There aren't many of us left with handlebar mustaches, and the annual luncheon is no longer held in a saloon.

But some things have not changed. We are still one of the most ethnically diverse cities in the world, a city composed mostly of immigrants and children of immigrants. And we still march to the beat of our own drummer. We do things a little differently out here than in the rest of the country—and we wear that difference proudly.

When I was five, in the midst of the 1968 presidential election, I went to our neighbor's house with a feather in my hand. I knocked on the door, and promised to give my neighbor the feather if she would vote for Hubert Humphrey. The neighbor was not impressed with either my political fervor or my tactics and promptly marched me back home to my mother. It was unclear whether the neighbor was more disturbed at my attempt to buy her vote, at the low price I had offered, or that she had discovered a budding Democrat in Orinda.

This one small felony aside, what characterized my youth, and what has in fact characterized my whole life, is a deep curiosity and openness. I love to learn, I love to try new things, to discover new connections. In college, I majored in both economics and music, mostly because I couldn't make up my mind which I wanted to study.

This curiosity has had a number of beneficial side effects. In law school at Boalt Hall, I somehow ended up in an amazing small study group of like-minded curious people—Judges Jon Tigar and James Donato [both of the U.S. District Court, Northern District of California], Ambassador Jeff Bleich [Munger, Tolles & Olson], Morrison & Foerster partner James Schurz, and Jim Cavallaro, director of the International Human Rights Clinic and a professor at the minor, regional law school located down the street in Palo Alto. But back then, we were just uber nerds. We met every week, exchanged outlines, and spent hours disagreeing about everything. We had great fun learning about the law!

And this is part of what I have loved about being a litigator. Whether as a prosecutor or, now, as a defense lawyer, with each new case, I get to learn about a whole new part of the world—ballistics evidence, NSA intercepts, stock option backdating, the rental car industry, Flash memory. It's all out there waiting to be discovered.

But above all, this curiosity has allowed me to see the value in things that are different from me—to value the “other” in life. Which brings me to BASF, and how I ended up here talking to you now.

I became active in the bar many years ago when my friend Jim Donato suggested I would enjoy it. He was right.

First, I got to meet all kinds of lawyers who had practices totally different from mine, lawyers I never would have met otherwise—like Doris Cheng [Walkup, Melodia, Kelly & Schoenberger], a plaintiff's medical malpractice attorney who is BASF's newest officer. This kind of networking is an important part of what we do as a bar association. It is one part of the glue that binds this bar together.

But that is not what makes this bar so special. What really sets us apart, what makes this bar association a model for bar associations around the country, is our unwavering commitment to justice and diversity. The name of our center says it all—the Justice & Diversity Center.



From left, Mallory Jensen, Gabriel Markoff, James Rothstein, Kristin MacDonnell, and 2016 President Michael Tubach

PRESIDENT'S REPORT



2015 President Timothy Moppin passes the gavel to 2016 President Michael Tubach.



Michael Tubach addresses the membership during his installation as the 2016 president of The Bar Association of San Francisco.

Our staff does truly remarkable work day in and day out for the underprivileged in this city—the homeless, those on the verge of becoming homeless, veterans, the unheard, the unseen. And through the great pro bono work of so many of you in this room, we provided almost \$20 million in legal services to those of limited means this year.

Why do we do this work? Because it's the right thing to do. Because how we treat the most marginalized members of our community says a lot about what kind of community we are. Because we want to know that the mark we leave on the world will not be measured just in hours billed or discovery motions won, but in how we improved the lives of those around us. And for me, as I suspect is the case for many of you, there are few things more rewarding as a lawyer than standing up for someone who cannot stand up for themselves.

But equally important to me is the bar's commitment to diversity. You see, to me diversity is not just a slogan to hang on a wall or a metric we use to classify our lawyers. To me, diversity is my life choice.

My wife Amrita was born and raised in India, and came to the United States when her parents immigrated here in search of a different life. And my life has been so much richer as a result. So you see, for me the diversity of our humanity is a wonderful thing—one of the great wonders of life.

This year, I'm going to continue the bar's great work of promoting justice and diversity. We will continue to champion programs like "civil Gideon"—the notion that when you are in court and fundamental decisions about your life are at stake—such as housing, the custody of your children, or sustenance—you should have a lawyer by your side to help you.

And we will continue to stand up for groups that are being vilified. I am proud that today BASF denounced the hateful rhetoric we have heard in this country recently about Muslims. We will stand up for religious freedom and for treating people with dignity and respect—not just when it's easy, but when no one else is standing up for them.

And finally, this year I want to try something new. San Francisco's great charm is being threatened by the rising cost of living. The average one-bedroom apartment on the market now rents for \$3,600 per month—an increase of 50 percent in four years. It is now more expensive to rent an apartment in San Francisco than in New York City. The cost of living in this city has increased so much, so fast, that it is quickly becoming prohibitively expensive for those of modest means to live here.

One sure way to be driven into poverty is to get caught up in a legal issue requiring the assistance of a lawyer. And for many, particularly those with low or modest incomes, the services of those in this room are simply out of reach.

At the same time, we have too many lawyers graduating from our law schools who can't find jobs. A recent study concluded that fully one-third of 2014 law school graduates took jobs that did not even require them to be a member of the bar.

WE HAVE TWO CRISES—A GREAT DEMAND FOR LEGAL SERVICES, AND AN OVERSUPPLY OF ATTORNEYS.

I PROPOSE THAT BASF CREATE A PLATFORM TO BRING THESE CLIENTS AND LAWYERS TOGETHER—AN INCUBATOR FOR LEGAL TALENT.

—Michael Tubach



So here we have two crises—a great demand for legal services, and an oversupply of attorneys. The musician in me is stumped, but the economist in me sees a solution.

What I propose is that BASF create a platform to bring these clients and lawyers together—an incubator for legal talent. We will provide fully equipped office space to recent law school graduates, and we will provide these new lawyers with assistance to help them develop legal skills

and the wherewithal to run their own business.

In exchange, we will require that they charge deeply discounted hourly rates to those clients who cannot afford to pay market rates and that they do their part to serve underprivileged communities. These lawyers will earn a living, they will learn how to run their own business, and they will get experience serving real clients with real legal problems. The clients, for their part, will get access to eager new lawyers at a fraction of what it would cost them to hire a lawyer otherwise. Call it a “low bono startup.”

Our bar is perfectly positioned to take on this project. We have available space in our office, we already have mentoring programs in place for junior lawyers, and we get fifty thousand calls a year to our Lawyer Referral and Information Service. We will only have to divert a tiny fraction of those calls to this new program to give the lawyers the work they need.

So how are we going to fund this little startup? That's where you come in. We need startup capital to outfit the work space properly, and to hire a part-time attorney coordinator who can help train these new lawyers as they are starting out. Our hope is that after an initial injection of cash, the program will be self-sustaining by charging a small fee to offset the ongoing costs of running the program.

Over the next several months, we will be calling on you to make an “investment” in our startup. I hope I can count on you to make this project a success.

As I hope you can see, I am excited to lead this bar association in the coming year. I look forward to working with you as we continue to make this bar the model for the country.

Michael Tubach is the 2016 president of The Bar Association of San Francisco. A partner at O'Melveny & Myers, he is the former managing partner of the San Francisco office and is also the former chair of the firmwide Pro Bono Committee. He practices civil litigation and white-collar criminal defense. He can be reached at mtubach@omm.com.