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9th U.S. Circuit: Does Mandatory Membership Infringe on Right to Freedom of Assembly?

9th U.S. Circuit Court Ruling in Cases Against Oregon State Bar: Mandatory Membership May Infringe on Right to Freedom of Assembly

In a ruling at the end of February, the 9th U.S. Circuit Court of Appeals breathed new life into a First Amendment challenge to the Oregon State Bar's mandatory structure by questioning whether compulsory membership—regardless of compelled financial support—violates the right to freedom of association. The court ruled in two cases: *Crowe v. Oregon State Bar* and *Gruber v. Oregon State Bar*. Both plaintiffs objected to content in the April 2018 bar bulletin that they thought was overly ideological; both believed that the bar's remedy of refunding their per-member printing cost was insufficient. The court found that the plaintiffs' freedom of speech was not violated because the bar was within the rules set forth by the *Keller* ruling, and *Keller* was not expressly overruled by the *Janus* decision. But the U.S. Supreme Court has not yet decided whether compulsory membership itself violates the First Amendment, the 9th Circuit ruling noted. Learn more at [ABA Journal](#).

ABA-Supported Bill to Protect Judges and Families Gains Momentum in Congress

In last week's Bar Leader Weekly, we told you about an ABA House of Delegates resolution to urge greater protection for judges and their immediate family members. Now, Sen. Dick Durbin (D-Ill.) is working to revive and expedite the Daniel Aderl Judicial Security and Privacy Act of 2020. This act, which initially stalled out when Sen. Rand Paul (R-Ky.) said it should include lawmakers and their families as well, would help judges keep their addresses and other personal information private. Durbin is the second-ranking Democrat in the Senate. Rep. Mike Quigley (D-Ill.), chair of the House Appropriations Subcommittee on Financial Services and General Government, notes that the insurrection at the Capitol in January brought new attention to security concerns, not only for legislators but also for judges. [Bloomberg Law](#) has more details about this bill, including what may increase its chances of being passed this year.

The Evolving, and Differing Picture of the Post-Pandemic U.S. Workplace

In a recent survey by consulting firm PwC, more than 55 percent of people said they would prefer to work remotely at least three days a week after the pandemic subsides. However, 68 percent of employers said they think employees need to be in the office at least three days a week to maintain corporate culture. Meanwhile, the percentage of workers who are currently back in the physical workplace varies significantly by region, perhaps in part because of differences in the prevalence of public transportation as a way to get to work. What are some of the other factors that employees and employers alike are taking into account as they plan for the next stages of pandemic recovery? [The New York Times](#) takes an in-depth look at how decisions are being made in several cities across the country.

Bite-Sized Sessions and No More Talking Heads: Successful Virtual Learning for Lawyers

Two recent reports on law firm professional development during the pandemic produced findings that may sound familiar to those who produce CLE programs and track their success: For example, lawyers want something other than a "talking head" lecture that doesn't acknowledge big differences in people's attention spans online versus in person. One of the studies, from the NALP Foundation, discovered that more than the subject matter of a virtual training session, what made it more or less effective was how well the content was tailored and made relevant, and whether there were enough opportunities for engagement. Another study, by consultants Mark Beese and Ian Peterson, found that shorter sessions over more days work better online, as does a "flipped classroom" model where attendees do some reading in advance and spend the class time in simulations where they can apply what they read. What could hybrid models for lawyer learning look like?and what will it take to build those new programs? Find out at [The American Lawyer](#).



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