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Challenges to Mandatory Bars in Texas & Louisiana

5th Circuit Finds State Bar of Texas Mandatory Structure Unconstitutional, Reinstates Separate Lawsuit Against Louisiana State Bar Association

The ongoing skirmish between mandatory bars and some attorneys in their jurisdictions took a major turn on July 2 in the 5th U.S. Circuit Court of Appeals. On the same day, the court ruled that the mandatory State Bar of Texas violates lawyers' First Amendment rights because of nongermane political and ideological activities and reinstated a similar lawsuit against the Louisiana State Bar Association. In its ruling against the Texas bar, the court laid out three options: The bar can cease all nongermane activities; the state can take on the regulatory functions and create a voluntary bar; or the state can move toward a California-like system with the mandatory bar dealing only with regulation and a voluntary bar providing programs and services. In reinstating the case against the Louisiana bar, the court found that attorney Randy Boudreaux has standing to challenge the bar's procedure for contesting nongermane expenditures. [ABA Journal](#) and [AP News](#) share more details about both cases: *McDonald v. Longley* (the Texas case) and *Boudreaux v. Louisiana State Bar Association*. [Courthouse News](#) covers the Texas case specifically, and [NOLA.com](#) covers the Louisiana case.

10th Circuit: Keller Still Pertains, but Lower Court Must Reconsider Case Against Oklahoma Bar Association

In a unanimous ruling last week by the 10th U.S. Circuit Court of Appeals, a panel of three judges reinstated a constitutional challenge to the Oklahoma Bar Association while also affirming that *Keller*?not *Janus*?is still the precedent when it comes to the use of mandatory bar dues. In the lawsuit, lawyer Mark E. Schell alleges that the bar's mandatory dues structure violates his freedom of association. The 10th Circuit ruled that a federal judge in Oklahoma must take a closer look at Schell's claims that two bar journal articles in particular were ideological in nature and not germane to the bar's core purpose. [Bloomberg Law](#) and [Reuters](#) have more information.

Oregon Supreme Court to Consider Alternative Paths to Bar Admission

At a public meeting on July 7, the Oregon Supreme Court will consider recommendations that would make the bar exam one of three options for admission to practice; the other options would be a clinic-based model during the second and third year of law school, and post-graduation work under a licensed attorney. If the court approves these recommendations by the Oregon Board of Bar Examiners, the state will become the first in the nation to offer three ways to be admitted to law practice. At [Oregon Live](#), learn more about the two proposed new models and what proponents and opponents say about the recommendations and about the value of the bar exam.

Florida Supreme Court Committee to Build Sandbox-Like Innovation Lab

Last week, the Florida Supreme Court Special Committee to Improve the Delivery of Legal Services released a report in which it says Florida will join the ranks of states that are

testing new models for law firm ownership. Still to be determined are the details of how the Law Practice Innovation Laboratory Program will work, but nonlawyers will be allowed to have equity interest in law firms, within certain parameters. How is the lab concept similar to Utah's regulatory sandbox, and how does it differ? Find out at [Bloomberg Law](#).

Feeling Unsettled About Returning to In-Person Work? 5 Tips for Employees and 5 Tips for Employers

In Jayne Reardon's home state of Illinois, the governor recently issued a Phase 5 Reopening Order that says fully vaccinated individuals may forego both facial coverings and social distancing. Reardon, executive director of the Illinois Supreme Court Commission on Professionalism, said this made her feel anxious even though she had eagerly anticipated the end of pandemic restrictions. She's not alone: Many people are uncertain about how soon or how completely they want to resume their old routines, including in terms of work. At [Illinois Lawyer Now](#), Reardon sifts through much of what has been written recently about returning to work and identifies five key strategies for employees, and another five for employers.

Save the Date! ABA Bar Leadership Institute, March 16-18, 2022

It may only be summer, but the ABA Division for Bar Services and ABA Standing Committee on Bar Activities and Services are already hard at work on the [2022 ABA Bar Leadership Institute](#) and looking forward to once again hosting attendees in person in Chicago. Mark your calendar for March 16-18, 2022, and stay tuned!



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