



Issue 272 | October 13

Crowe v. Oregon State Bar Update

U.S. Supreme Court Declines to Hear Case Against Mandatory Oregon State Bar

Last week, the U.S. Supreme Court declined to hear *Crowe v. Oregon State Bar*, in which two Oregon lawyers and the nonprofit Oregon Civil Liberties Attorneys assert that the bar's mandatory membership fee is similar to the mandated union dues that were outlawed in 2018 by the *Janus* decision. The February 2021 order by the Ninth Circuit, which partially revived the lawsuit, remains in place; the U.S. Supreme Court determined that neither it nor the circuit court has addressed whether mandatory bar membership violates the First Amendment. Learn more about this case at [Law360](#) (which is behind a paywall) and [SCOTUSBlog](#).

Complaint and Letter: State Bar of California Should Investigate Trump Adviser, Lawyer John Eastman

The State Bar of California should investigate the conduct of Trump adviser and California lawyer John Eastman, according to a complaint last week by the nonpartisan States United Democracy Center. Though it cites other examples of Eastman's involvement in efforts to challenge the results of the 2020 presidential election or to incite the January 6, 2021, riot at the Capitol, the complaint focuses mainly on Eastman's alleged role in pressuring then-Vice President Pence not to count electoral votes and certify President Biden as the winner. An accompanying letter, signed by two former justices of the California Supreme Court, among others, asks the bar to investigate whether Eastman violated legal ethics by filing frivolous claims, making false statements, engaging in deceptive conduct and possibly assisting in illegal actions by then-President Trump. [The Washington Post](#) has more information, including Eastman's response to this complaint.

Minnesota State Bar Association, Board of Bar Examiners Encourage Inquiry into Bar Exam Alternatives, and ABA Section of Legal Education and Admission to the Bar Says GRE Not on Par with LSAT

Pandemic-related issues with the Uniform Bar Exam and new attention on racial inequity gave new momentum to questions about bar exams in general and whether there should be other ways to become a lawyer, says the director of the Minnesota State Board of Bar Examiners. In 2023, after two years of study, the board will present recommendations to the Minnesota Supreme Court. Now, the Minnesota State Bar Association, citing similar concerns, is preparing a request that the court establish its own task force to study alternative pathways to the profession. [Pioneer Press](#) looks at alternatives offered in other states and why some people, including the new dean at one Twin Cities law school, say the bar exam exacerbates racial inequity in the Minnesota legal community. Also facing questions in recent years is the Law School Admission Test and whether there are equal or better ways to predict law school performance. At least 72 ABA-accredited law schools now accept either LSAT or Graduate Record Examination scores. A new report from the ABA Section of Legal Education and Admission to the Bar says the section needs more data on first-year grades before it can consider placing the GRE on equal footing with the LSAT. However, the dean of the first ABA-accredited law school to accept GRE scores takes issue

with the report and the kind of research that went into it. How did the ABA section reach the conclusion that the LSAT is better, why do some law schools disagree, and what's the next step for the report? Find out at [Reuters.com](https://www.reuters.com).

Florida Bar COVID-19 Task Force Exploring Whether to Recommend Automated System for Small Disputes

A board task force at The Florida Bar is exploring several different models as it moves toward a decision regarding whether an automated system to resolve small disputes in its home state is a good idea. At the October 1 Board of Governors meeting, a co-chair of the COVID-19 Pandemic Recovery Task Force said the group had recently met with representatives from legal tech company Matterhorn, who demonstrated platforms that are already in use in Florida. Other models that the task force intends to study or has studied include a two-tiered system for structured negotiation used by eBay and an online small claims court developed in Utah. The task force has also drafted a list of counterarguments, including whether smaller disputes would be relegated to a lesser form of justice and whether lawyers' ability to generate business would be impaired. A [Florida Bar news item](#) shares more details about the platforms that are currently in use and what the task force still needs to consider before deciding whether to recommend this type of system.



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