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State Bar of Texas SCOTUS Update

State Bar of Texas Brief: U.S. Supreme Court Should Not Hear *McDonald v. Firth*

Last week, the State Bar of Texas filed a brief with the U.S. Supreme Court, arguing that the court should not hear *McDonald v. Firth*, a First Amendment challenge to the mandatory bar. (This case was first filed as *McDonald v. Sorrels*; the named defendant is the president of the bar, which changes as the case progresses through the courts.) Previously, a panel of the U.S. Court of Appeals for the 5th Circuit upheld the constitutionality of the bar's mandatory structure and of most of the bar's activities that were challenged. Plaintiffs argue that this decision misconstrues *Keller* and *Lathrop* and disregards more recent decisions, such as *Janus*, and they raise the possibility of overturning *Keller* and *Lathrop*. The bar notes that the *Keller* decision has been the guiding standard for decades, and that in the past two years, the court has rejected four previous requests to revisit its precedents regarding mandatory bars. [Texas Bar Blog](#) has more information and a link to all the filings in this case and a summary of similar litigation against other mandatory bars.

ABA Seeks Help with Efforts to Help Afghan Refugees, Including Legal Professionals

The working group of the Afghan Response Project, established in August 2021 by ABA President Reginald Turner to assist Afghans as they evacuate their country and resettle elsewhere, is seeking additional help from lawyers and others. The ABA has connected with state, local, and affinity bars to identify potential pro bono assistance and is now working to develop an intake process to match refugees from Afghanistan with any of the hundreds of attorneys and law firms that have offered to help. Assistance is needed not only in the United States, but also at U.S. military bases and other temporary processing points in the Middle East and Europe. Another aspect of this work is a task force that is considering ways to help resettled legal professionals from Afghanistan find meaningful legal work in their new communities. At [ABA Journal](#), three leaders of these efforts explain how others can help.

Podcast: New Trade Association Will Focus on Justice and Technology

In recent years, there have been many disparate efforts by disparate stakeholders to use technology to help resolve legal questions and issues. Now, a soon-to-launch trade association aims to bring those groups and individuals together: The Justice Technology Association says it plans to support initiatives that help improve the consumer legal experience, increase access to justice, and grow the justice tech market. Learn more via the Legal Services Corp.'s [Talk Justice](#) podcast, featuring the new trade association's executive director.

Not Just Jurists: State Supreme Court Justices Play Important Role in Regulating Profession, Changing System

In a recent Yale Law Journal essay, Michigan Supreme Court Chief Justice Bridget

McCormack wrote that while many judges believe their role is to interpret and apply the law, they are also in a unique position to see flaws in the system and identify where reforms are needed. This sparked Bill Henderson, professor of law at Indiana University Maurer School of Law, to think about the difficult dual role played by state supreme court justices: regulators as well as jurists. While day-to-day court administration and decision making are important, he writes, it's also true that state supreme courts play a critical role in determining how the legal market is structured, how disputes are resolved, and how licensure is handled—all of which directly affect how well the legal system works for consumers. At his [Legal Evolution site](#), Henderson draws from McCormack's essay and other sources to explain why he thinks it isn't enough for state supreme court judges to make well-reasoned rulings and keep their court systems running.

Coalition of 10 Bars Seeks Pay Raise for New York City Assigned Counsel, Citing Right to Effective Representation

Earlier this month, as part of a lawsuit filed in July, a coalition of 10 bar associations asked a Manhattan Supreme Court justice to immediately order the first pay raise in nearly 20 years for New York City's assigned counsel. The coalition argued that the state and city are currently denying children and indigent adults their constitutional right to effective legal representation. The existing rates are \$60 per hour for attorneys representing adults in misdemeanor cases and \$75 per hour for other cases; attorneys for the bar coalition say there should be one rate, \$158 per hour, matching the rate for assigned counsel in comparable federal court proceedings. What bars are part of the coalition, and what is the history of other efforts to secure pay raises for assigned counsel in New York? Find out at [New York Law Journal](#).



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