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District Court Again Dismisses *Boudreaux v. Louisiana State Bar Association*

In Remanded Case Against Mandatory Bar, District Court Again Dismisses *Boudreaux v. Louisiana State Bar Association*

Last week, the U.S. District Court for the Eastern District of Louisiana dismissed *Boudreaux v. Louisiana State Bar Association*, a First and Fourteenth Amendment case first filed against the mandatory LSBA by attorney Randy Boudreaux in 2019. The court had dismissed the case in 2020, but the U.S. Court of Appeals for the Fifth Circuit reversed this and remanded the case back to the lower court. Drawing from recent Fifth Circuit precedent, Judge Lance M. Africk rejected Boudreaux's claim that required membership in the bar violated his constitutional rights even if all the bar's activities were germane. The judge also ruled that many specific activities that were challenged in this case, including LSBA tweets promoting physical and mental well-being, are germane to improving the quality of legal services in Louisiana, and that any tweets bordering on being non-germane did not amount to a "major activity" that could be a constitutional violation. Learn more at [Bloomberg Law](#), [the LSBA website](#), and a recent [Bar Leader article](#) that has been updated to include this ruling.

Roundup of Regulatory News: Colorado Considers Licensed Legal Paraprofessionals, California Continues Work on Sandbox, ABA Reaffirms That Fee Sharing Is Against Core Values

If the state Supreme Court approves a proposal that is open for public comment until mid-September, Colorado could become the next state to create a mechanism for legal paraprofessionals to practice in some areas of law. As detailed in the proposal, licensed legal paraprofessionals in Colorado would be allowed to assist clients in some divorce and child custody cases by drafting and filing court documents, representing clients in mediation, accompanying clients to court and answering a judge's factual questions. They would not be allowed to examine witnesses, advocate or make arguments in court. The [Denver Post](#) has more information about this proposal, reactions to it, and the other states that have such a program or are considering one. Earlier in August, the State Bar of California Closing the Justice Gap Working Group met online for the first time in two months, to continue drafting plans for a regulatory sandbox. Key state legislators have criticized this work and, in June, amended the state bar's annual licensing-fee bill to prohibit spending money on any programs that would allow nonlawyers to practice law; if enacted as written, this law would take effect on January 1, 2023. Because of this resistance, there was a motion to end the meeting immediately, but this was voted down by a majority of group members. Learn more at [The Recorder](#). Last week, at the 2022 ABA Annual Meeting, the organization's House of Delegates passed Resolution 402, reaffirming its position that sharing legal fees with nonlawyers is "inconsistent with the core values of the legal profession." Additional language reaffirmed the core values in the ABA's Model Rule of Professional Conduct 5.4 and said that nothing in the resolution should be interpreted as undermining Resolution 115 from 2020, which encouraged regulatory innovation to expand access to justice. Did the resolution lead to extended debate, as anticipated? Find out at [ABA Journal](#).

2022 State Bar of California Diversity Report Card Shows Progress but Continued Mismatch Between Lawyer Demographics, State Population

According to the [2022 diversity report card](#) released last week by the State Bar of California, the legal profession in that state is becoming more diverse, but there are still important gaps between the demographics of its active, licensed attorneys and those of the overall population. For example, two out of three active attorneys in California are white, while the state's percentage of white residents has dropped to less than 40% of the total population. Also, 36% of California residents describe themselves as Latino or Hispanic, compared with just 6% of members of the mandatory state bar. However, more recent admittees to the bar tend to be more racially and ethnically diverse; 53% of lawyers joining the bar in 2021 were non-white, and 19% described themselves as Asian, up from just 5% in 1990. [The Recorder](#) highlights other key findings and shares a statement from Executive Director Leah Wilson on the need for more progress, including in the area of retention.

Bob Glaves: 5 Key Factors Drive Lack of Affordable Legal Services for Middle Class, Top 3 Are 'Largely in Our Control'

Why is it that so many middle-class individuals and small businesses find it difficult or impossible to find legal services at a rate they can afford? Bob Glaves, long-time executive director of the Chicago Bar Foundation, identifies five key drivers: the increasing cost of law school, the decreasing size of the middle class and increased "squeeze" they feel, the billable hour, the often outdated and complicated court system, and "the broken market for legal services." While the first two of those factors are beyond the control of anyone in the legal community, "the other three factors that make up 75% of the problem are right in our backyard," Glaves writes. "And the solutions are largely in our control as the trustees of the justice system." At [the Chicago Bar Foundation blog](#), see how Glaves ranks each factor (from one to three dollar signs to indicate their impact), how each contributes to the overall problem, and what solutions are being or could be tried.



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