

Recent Developments in Lawyer Regulation

McDonald v. Firth and Related Litigation

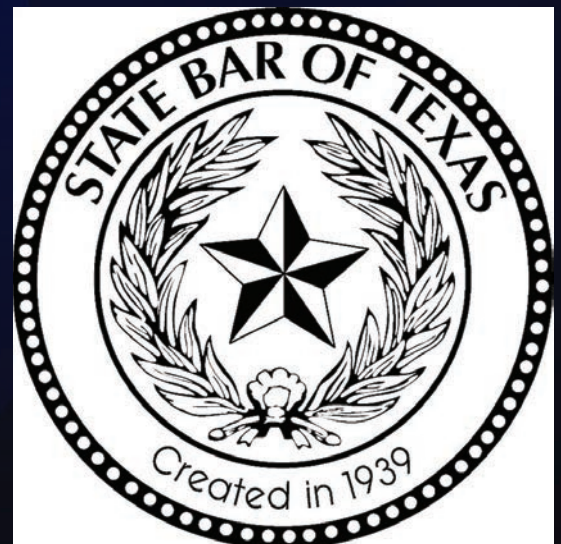
Sylvia Borunda Firth, President, State Bar of Texas



McDonald v. Firth

On April 4, the U.S. Supreme Court denied cert in *McDonald*, effectively ending the challenge to the mandatory bar structure in Texas.

The court also declined to hear challenges to mandatory bars in Oklahoma and Michigan.



Mandatory Bar Precedent (SCOTUS)

Lathrop v. Donohue (1961)

Mandatory bar membership does not violate attorneys' First Amendment right to freedom of association

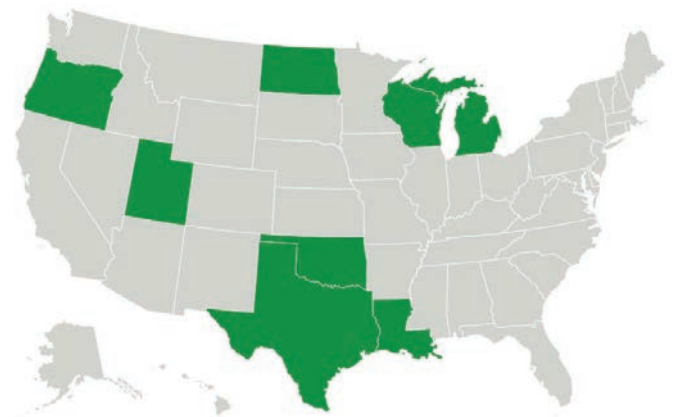
Keller v. State Bar of California (1990)

Mandatory bar fees don't violate the First Amendment's free-speech guarantee when fees are used for "regulating the legal profession or 'improving the quality of the legal service available to the people of the State.'"

Mandatory Bar Challenges

Lawsuits have targeted mandatory bar associations in multiple states.

texasbar.com/mcdonaldvfirst



McDonald v. Firth

In March 2019, three Texas lawyers sued claiming mandatory bar membership is unconstitutional under *Janus v. AFSCME* (2018).

Plaintiffs also challenge State Bar programs they claim exceed “core regulatory functions.”



McDonald v. Firth

In May 2020, U.S. District Judge Lee Yeakel granted the State Bar’s cross-motion for summary judgment and denied the plaintiffs’ motion for partial summary judgment.

Plaintiffs appealed to the 5th Circuit.



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26th Annual Land Use Conference session

"State Bar President's Presentation: Recent Actions by the Board and the S. Ct. Regarding
Lawyer Regulation"