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8th Circuit Affirms that Mandatory Membership Fees Do Not Violate First Amendment

Note: This edition of Bar Leader Weekly, sent earlier today, referred to the Ninth Circuit court instead of the Eighth Circuit court. We regret the error.

Eighth Circuit Panel: State Bar Association of North Dakota's Mandatory Membership Fees Do Not Violate First Amendment

On August 30, the State Bar Association of North Dakota received welcome news regarding the case *Fleck v. Wetch*: A three-judge panel of the U.S. Court of Appeals for the Eighth Circuit found that the bar's procedures for collecting mandatory membership fees do not violate the First Amendment. The panel had previously ruled in favor of the bar, but the U.S. Supreme Court vacated and remanded that ruling for reconsideration in light of *Janus v. AFSCME*. The [National Law Journal](#) offers more information about the new ruling and how the judges arrived at their decision. In other mandatory bar news, on August 29, the State Bar of Arizona learned that the Arizona Supreme Court denied the Goldwater Institute's petition to bifurcate that bar as the Nebraska Supreme Court did with the Nebraska State Bar Association.

Utah Work Group: Court Should Reduce Hurdles for Fee Sharing with Nonlawyers

The closely watched Utah Work Group on Regulatory Reform recently sent the state's Supreme Court its recommendations, including that the state rule against fee sharing with nonlawyers should be eliminated or substantially relaxed. In its report, the work group wrote that Rule 5.4, in its present form, does not allow lawyers to "fully and comfortably participate in the technological revolution" because it may prevent them from engaging with entrepreneurs who are working across a variety of platforms. The Utah panel, co-chaired by State Supreme Court Justice Deno Himonas and immediate past president of the Utah State Bar John Lund, also recommended the creation of a regulatory agency that is independent of the bar association, and a "sandbox" approach through which new providers would be able to test their services before permanent legal service licenses were granted. How do these recommendations compare with those in other western states, what has the reaction been thus far, and how soon could the court weigh in? Find out at [White Collar & Criminal Law News](#).

Lawyer Sues State Bar of Michigan to Challenge Mandatory Structure

Last year, when the U.S. Supreme Court struck down a long-standing precedent set by *Aboud v. Detroit Board of Education*, did it open the door for *Keller v. State Bar of Michigan* (which upheld mandatory bar membership fees) to also be set aside? That's one idea behind a lawsuit filed recently by Michigan lawyer Lucille Taylor, with the aim of changing the bar's structure from mandatory to voluntary. Taylor, whose professional background includes stints as chief legal counsel to a governor of the state and as a special assistant attorney general, says she has no animosity toward the bar but doesn't wish to be a member, and doesn't want other lawyers in Michigan to be compelled to join, either. In a

statement, the State Bar of Michigan said bar associations are not the same as unions and that integrating the bar into the regulation of the profession serves the public and saves tax dollars. The [Detroit Free Press](#) has more details about this lawsuit.

Tuition at Three Law Schools Reaches \$100,000, a First

For the 2019-20 academic year, three law schools—at Stanford, Columbia, and University of Chicago—are the first ever to surpass the \$100,000 annual tuition mark. While six-figure tuition may seem shocking at first, some experts say that costs at elite schools in general have risen in recent years, and that for many considering those three schools, the increased tuition may not be that big a factor. However, some law schools whose tuition is hovering around \$90,000 may be strategically avoiding increases because they don't want to reach the attention-getting \$100,000 mark, according to Kyle McEntee at Law School Transparency. [Inside Higher Ed](#) takes a closer look at what's included in those high tuition costs and at what the impact of the increases is likely to be.

3M Corporate Legal Department to Ask in RFP Process if Law Firms Have Signed ABA Well-Being Pledge

How seriously does the corporate legal department at 3M Co. take the ABA well-being pledge? Not only was it the first in-house team to sign the pledge, now it will ask law firms that want to work with the company whether they have signed, too, as part of its requests for proposals process. Each year, General Counsel Ivan Fong identifies two or three critical initiatives that he will champion lest they be overlooked, and this project was one of them. Four other in-house legal departments have signed the ABA pledge, as part of their own attorney well-being efforts that were already in the works, according to [Corporate Counsel](#). What are the other four, and in what ways have they shown their commitment to lawyer mental health, substance abuse treatment and prevention, and overall wellness?



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