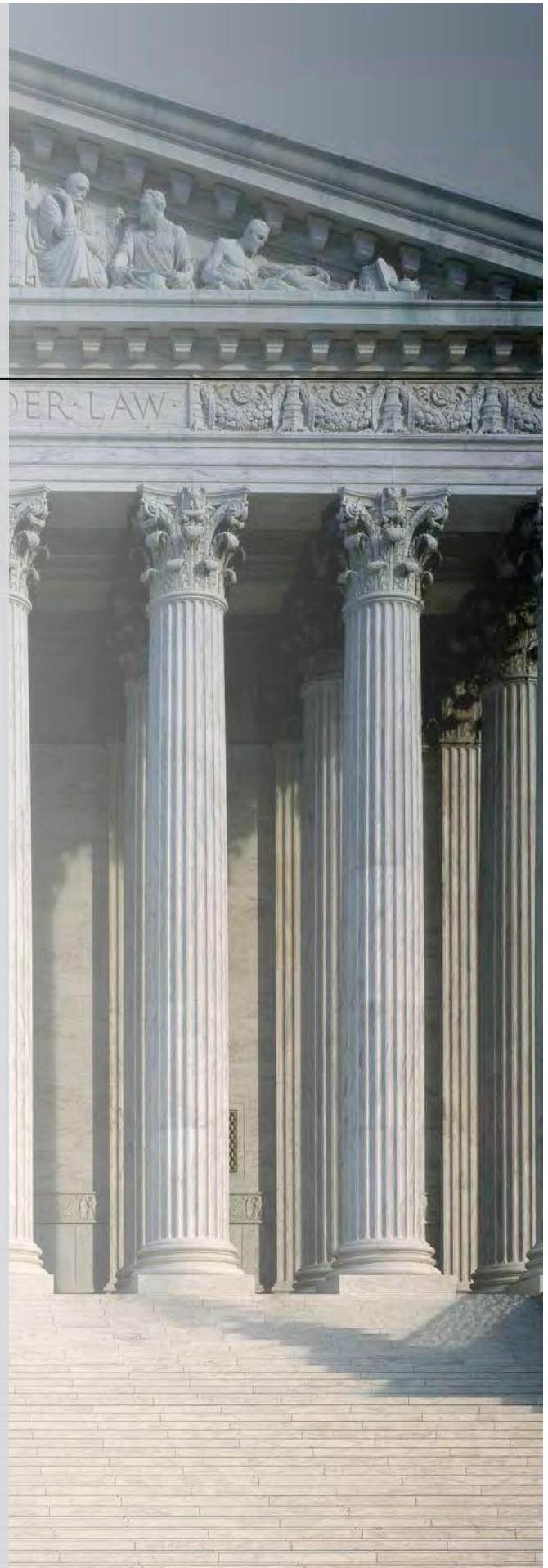


Mandatory State Bar Associations

Managing Keller

The following information regarding mandatory bars and how they manage Keller related activities was compiled by State Bar of Michigan between February 2014 and May 2014. This was a significant research initiative to support the Michigan Supreme Court Task Force on the Role of the State Bar of Michigan. As information was gathered, executive directors from several state bars expressed an interest in receiving this compilation of material. We are pleased to share this information with those who find it useful. Please note that the State Bar of Michigan does not update this compilation as policies and statutes change in various states. Users are encouraged to check with the state bars directly to learn of any relevant changes.

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HISTORICAL HIGHLIGHTS OF THE ALABAMA STATE BAR

A meeting preparatory to the formation of a bar association of Alabama was held in Montgomery on December 13, 1878. Pursuant to a call issued at this meeting, on January 15, 1879, delegates from the bar of each county met at a preliminary conference in the Hall of the House of Representatives for organizing the State Bar Association. At this conference, ending January 20, 1879, the constitution and by-laws of the Alabama State Bar Association were adopted and officers elected to serve until the first annual meeting set for the first Tuesday in December 1879. W. L. Bragg of Montgomery was elected the first president of the Alabama State Bar Association.

Thus, the state bar was founded and on February 12, 1879, an Act incorporating the Alabama State Bar Association was approved by the Governor.

On December 4, 1879, the first annual meeting of the bar was held in Montgomery and E. W. Pettus of Dallas County was elected president.

At the suggestion of Thomas Goode Jones of Montgomery, at the annual meeting in 1881, a committee for the preparation and adoption of a code of legal ethics for the bar was created, the first code of legal ethics in the country. The Alabama Code of Ethics was adopted by the bar at its annual meeting in 1887 and was the foundation of the canons of ethics adopted by the American Bar Association.

The state bar, as a voluntary body, continued in its efforts toward the improvement of the legal profession, but it was not until August 9, 1923, that the efforts of the bar culminated in the approval of an Act of the Alabama legislature providing for the organization, regulation and government of the Alabama State Bar, thereby creating an "integrated bar" as we now know it.

Pursuant to this Act, the first meeting of the Alabama State Bar Commission was held on January 8, 1924, when the Board of Commissioners appointed the first Board of Examiners and adopted rules regulating requirements for admission to practice law and governing the conduct of attorneys in Alabama.

THE UNIQUE CHARACTERISTICS OF THE ALABAMA STATE BAR

In 1923, the legislature passed legislation integrating the Alabama State Bar Association with state government. Integration made membership in a traditionally voluntary association mandatory, thereby allowing the Alabama Supreme Court to better regulate the legal profession. The state bar's enabling legislation appears in §§34-3-1 through 88, Code of Alabama (1975). Under this chapter and rules of the supreme court, the state bar serves a dual role. First, the state bar is the licensing and regulatory agency for lawyers in Alabama. The state bar protects the public by ensuring that lawyers who are granted licenses are not only minimally competent to practice law but also abide by the profession's ethical standards. Second, the state bar is a private association with responsibilities largely of a service nature, e.g. education, publications and improvement of the administration of justice. These activities benefit the legal profession as well as the general public. (See §34-3-43(7).)

The state bar is unlike a traditional state agency which ordinarily operates under the executive branch of government. The Supreme Court has duly noted that "members of the bar of Alabama are members of a private incorporated association." Ex Parte Griffith, 278 Ala. 344, 348, 178 So.2nd 169 (1965). State bar members are officers of the court irrespective of the fact that the state bar was created under the aegis of legislation. Ex Parte Griffith at 348. Furthermore, the funds of the state bar are not state funds, at least in the normal sense. Annual license fees and fees paid by applicants for admission are " . . . deposited in the state treasury to the credit of the Alabama State Bar and constitute a separate fund . . ." (Emphasis added.) (§34-3-4.) This section arguably creates a trust fund where state bar funds are held solely for the benefit of the state bar and can be disbursed only by the Board of Bar Commissioners. (§34-3-44.) Thus, the state bar's funds come from sources other than the state and are held in a manner comparable with funds which are considered non-state funds. See Knutson v. Bronner, 721 So.2nd 678, 681 (Ala. 1998).

Although the bar is subject to certain legislative controls relating to its fiscal operations, the Board of Bar Commissioners exercises a judicial function under state law in administering the supreme court's rules and is subject to its oversight. Alabama State Bar v. Watson, 289 Ala. 729, 733 272 So.2d 240 (1972). For this reason, the Board of Bar Commissioners is an arm of the court. Board of Com'rs of the Alabama State Bar v. Baxley, 295 Ala. 100, 109 324 So.2nd 256 (1975). As an arm of the court, the commission's employees are non-merit employees, as are employees of the judicial branch, fulfilling responsibilities entrusted to the commission by the supreme court. The legislature recognized that the state bar was regulated by the judicial branch and not the legislative branch of government by excluding it from the provisions of the Sunset Law (§42-20-1 *et seq.*).

Legislative Tracking Sheet - Civil

Inst ID	Sponsor	Group	Subject	1st Read	Comm	2nd Read	Actn	3rd Read	1st Read	Comm	2nd Read	Actn	3rd Read	Conf
HB2	DeMarco	CV	LLC's, Formation of co. agreement, rights where operating agreement is silent	1/14	JUDY	1/22	AMDS	2/12	2/13	JUDY	2/20	AMD		RD2
HB4	Nordgren	CV/DR	Employer who acts to protect employee wages from CS WH order personally liable for debt	1/14	C&SA	2/12	AMD							RD2
HB12	Jones	CV	Uniform Commercial Code; Secured Transactions	1/14	JUDY									PCA
HB16	Weaver	CV	Civil Procedure-Certain caregiver volunteers immune from civil action	1/14	HLTH	1/15	FAV	2/4	2/4	JUDY	2/20	FAV		RD2
HB17	Jones	CV	Immunity for officers employees, agents of State certain local school bds & State Bd of Edu	1/14	W&ME									PCA
HB18	Holmes	CV	Firearms-regulation, possession & use of	1/14	PS&H									PCA
HB22	Wallace	CV	Certain contracts for legal services voidable, recovery of atty fees & expenses	1/14	JUDY									PCA
HB25	Wallace	CV	Limited Liability for certain motorcycle & 4-wheel off-road events	1/14	JUDY	1/15	AMDS	2/4	2/6	JUDY	2/20	FAV		RD2
HB32	Jones	CV	Uniform Commercial Code-Secured transactions	1/14	JUDY									PCA
HB35	Mitchell	CV	Communication privileged between legislators & employees & officers of the Legislature	1/14	JUDY									PCA
HB45	Bridges	CV	10 Commandments, display of on State property & at public schools, authorized	1/14	JUDY	2/12	FAV	2/20	2/20	C&E				PCA
HB46	England	CV	Municipal subdivision reg, nothing to impair lawful contract for the purchase/sale of any lot in subdiv	1/14	C&MG	2/6	SUB	2/13	2/13	B&I				PCA
HB64	Jones	CV	Sovereign immunity; immunity for officers, employees, agents of the state, State Bd of Edu	1/14	JUDY	1/15	S/A	1/22						PASSED
HB79	Poole	CV	Court costs assessed by auth other than Const revert to Gen Fund; court may not waive fees	1/14	JUDY									PCA
HB80	Poole	CV/JU	Create add'l judge in Tuscaloosa Co, conditional upon county comm, providing funds	1/14	W&MG									PCA
HB235	Clouse	CV	GF budget, appropriations for ordinary expenses of exe, legislative, & judicial departments	1/15	W&MG	2/20	SUB							RD2
HB238	Standridge	CV/JU	JOP, estates, bond of conservators, executors, administrators, liability limited unless grossly negligent, judicial immunity further provided for	1/15	JUDY	2/6	FAV							RD2
HB239	Mitchell	Civil & EEGR	Communication between legislator & employees & officers of the Legislature is privileged, const. amend. Leg. standing com., granted subpoena	1/15	IA									PCA
HB240	Mitchell	CV	Leg. standing authority to administer oaths,	1/15	IA									PCA

A-Amended S-Substituted ADPT-Adopted AMDS-Amendments BL-Became Law BLWS-Became Law Without Signature CO-Carried Over COC-Carried Over to Call of the Chair DIED-Died EAmr1-House of Origin Concurs in Exec Amr EAmr2-Second House Concurs in Exec Amr ENAC-Enacted EXAM-Executive Amendment FAV-Favorably GOV-Sent to Governor ICC-in Conference Committee IPP-Indefinitely Postponed LOST-Lost PASSED-Passed PCA-Pending Committee Action PVETO-Pocket Veto RD-First Reading RD2-Second Reading RDA-Third Reading REJ-Rejected RENC-Ready to Enroll ROC-Reported Out of Committee S/A-Substitute & Amendment S/AS-Substitute & Amendment SEC-Sent to Secretary of State SUB-Substitute VETO-Veto

