January 1930

Attorneys—Compulsory Membership in State Bar Association

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview

Part of the Law Commons

Recommended Citation
Attorneys—Compulsory Membership in State Bar Association, 15 St. Louis L. Rev. 410 (1930).
Available at: https://openscholarship.wustl.edu/law_lawreview/vol15/iss4/9

This Recent Legislation is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.
ATTORNEYS—COMPULSORY MEMBERSHIP IN STATE BAR ASSOCIATION.—
Oklahoma has joined the list of states which have by legislative act created
a compulsory bar association. Okla. Laws 1929, p. 376. The act provides
in detail for the organization, government, membership and powers of the
bar, completely regulating the practice of law. Applicants for the bar are
examined by the association, and every licensed lawyer is automatically a
member of it. It is a self-governing and self-perpetuating body.

The question raised by the passage of the act is whether a compulsory
bar association is desirable or necessary. Unanimity of opinion is lacking,
but the present tendency seems to be in favor of the establishment of such
bar associations, which have complete state-wide membership. 12 A. B.
A. J. 323.

Various objections to the plan have been raised. In the first place, it
will effectively hamper or entirely supersede the present voluntary associa-
tions, many of which are doing excellent work. But if it is believed that
the work of the compulsory bar would not be as effective, the fact remains
that a voluntary association could exist side by side with the state associa-
tion and its beneficial work continue. Another objection advanced is that
in the state association many of the members would be entirely disinter-
ested, and this would hinder its progress. This is in a measure true,
but it should be remembered that the leaders in the voluntary association
would become the heads of the state association, and the inactivity of those
lawyers who take no interest in association work would leave the field free
for the active workers.

A third objection to the compulsory association is that it might become
the political machine of the less desirable elements of the profession. But
this possibility is outweighed by the beneficial work which can be done by
such an organization, both in fostering necessary legislation and in formu-
lating opinion on matters of public and legal interest.

A survey of the advantages of the plan shows benefits which are unavail-
able in a voluntary association. Supervision over all elements of the legal
profession is established, a common forum for all lawyers is provided, and
ethical standards having the force of legal rules of conduct may be adopted.
This is the result of the fact that the association has full control over its
membership and consequently over all legal practitioners. The opinion of
the whole profession as to the ethics of certain matters of practice could
be formulated in these requirements, and the administration of justice be
improved and expedited. The Oklahoma statute, placing the power of ad-
mission and disbarment in the bar association itself, is a laudable step, and
similar legislation in other states should be encouraged. R. W. B., '31.