

March 13, 1975

PRESIDENT: The Call is raised. Report the vote Mr. Clerk.

CLERK: 26 ayes, 12 nays on motion to advance.

PRESIDENT: Motion carries. The bill is so advanced. We move to 429, constitutional amendment.

CLERK: Read title.

PRESIDENT: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, this is a bill which simply says that an individual may practice law without being compelled to belong to an association. There are numerous lawyers throughout the state who are opposed to being compelled to belong to the Bar, but they are reluctant to say anything. I've been contacted by some of them. I said that I wouldn't mention their names and I won't. Some of you, probably, have been talked to by attorneys. They are assessed dues and fees which they are compelled to pay. If they do not pay their license can be suspended. The reason a constitutional amendment is necessary is the State Supreme Court has declared that it is the one who determines who can practice law. It totally regulates the practice of law, including the imposition of a requirement that you belong to an organization whether you want to or not. The court has said the Legislature cannot pass a bill in this area. If it did the court would disregard it and declare it unconstitutional. The Bar Association, other than setting fees on attorneys and adopting lobbying positions, does nothing to regulate lawyering. There is a situation in this state right now where they give the impression that they discipline attorneys. When the case of G. Bradford Cook, former Chairman of the Securities and Exchange Commission, came before the state because he had lied under oath to a Federal Grand Jury and admitted under oath that he had lied only a great amount of public pressure primarily by me caused them to take action. I've been informed by members of the Bar that a complaint had been filed but it was lying on the desk dormant with no action being taken. When these kind of situations arise, where a garden variety attorney will be disbarred to make people believe that something is being done in the profession, but where a man who commits a crime on a national scale of monumental magnitude is not touched because they fear his political pull, then it shows that the organization of the Bar is based on privilege. If you are an ordinary attorney you don't count. If you have power and prestige you are protected. The legal profession is very self-protective of its own. Judges and lawyers, as Melvin Belli one of the leading attorneys has said, "God bless those men in the long black robes they're in the same union we're in". Attorneys are in a position of not being able to speak out against an incompetent judge. Judges are in a position where they're reluctant to deal with a powerful attorney because of the connections that he has. Judges are appointed, through a political process, to their offices and unfortunately strings are attached to them. The Bar Association takes in about \$244,000. Over \$70,000 of that is expended in salary and salary related items for employees of the Bar Association. Naturally, you can understand why these people would be opposed to the Bar being voluntary.