

LEGISLATIVE ACTIVITIES

Background

Many state and some local bars have legislative affairs programs. These programs vary widely. Voluntary bars are free to become involved in issues that a unified bar may deem too controversial and divisive. Some bars establish political action committees that seek to influence the political process through financial contributions. Some bars rely on contract lobbyists, who represent many other clients on different issues. Usually, such contract lobbyists work with bar staff who coordinate legislative activities but do not actively lobby. In other cases, as in Missouri, full-time staff members of the bar represent the organization at the capitol. More than 20 state bars are represented as members of the National Association of Bar Executives Governmental Relations Section, which meets regularly to share information about issues being addressed in their states.

The Missouri Bar is actively involved in legislative endeavors. All such activities are strictly non-partisan. The Board of Governors carefully developed the bar's written legislative policy that sets out the legislative scope of The Missouri Bar and outlines procedures for initiating and responding to legislation. Proposals drafted by Missouri Bar committees are in scope if they improve the law. Bar involvement in proposals initiated outside the bar is limited to responding to proposed legislation that affects the administration of justice, the integrity of the judiciary, or the dignity of the profession of law.*

In order to comply with constitutional restraints on legislative activities by a unified bar, the Board's policy requires a two-thirds majority both to find a legislative proposal within the bar's scope and to take a position on any legislative proposal. To further safeguard the rights of members who may not agree with positions taken by the bar on particular issues, the Board of Governors has also adopted a Protest and Dues Refund Procedure. Pursuant to this procedure, any member may object to specific activities of the bar supported by enrollment fees by writing to the Executive Director and specifying the activities challenged. The Executive Committee or Board of Governors may authorize a refund of the pro rata portion of the member's bar dues supporting the activity. Three percent of Missouri Bar enrollment fees support legislative activities.

Missouri Bar Activities

Over the past decade, The Missouri Bar has been involved in many different legislative activities. Substantial revisions in statutes relating to civil practice and procedure, probate and trust, business law, commercial law, family law, property law, taxation law, juvenile law and patent and trademark law have been drafted by bar committees, approved by the Board of Governors and enacted into law.

Several years ago, The Missouri Bar devoted considerable time and resources to the issue of state funding for legal services to the poor. Substantial appropriations from state general revenue and the Tort Victims' Compensation Fund were secured. In the 2003 session, as these funding sources

expired, a filing fee surcharge on civil and some criminal case filings was passed, which will provide approximately \$3 million dollars annually in earmarked funding for legal services to the poor.

The Missouri Bar supports adequate funding for the judiciary to ensure access to justice for all Missourians. The Missouri Bar has also consistently supported the Non-Partisan Court Plan as a means to foster continuity, stability, independence and public confidence in the judiciary

During the legislative session, the bar’s legislative staff reviews all legislative proposals filed and decides those that should be referred to the bar’s Legislative Committee and substantive law legislative review subcommittees for study and comment. The Executive Committee of the Board of Governors meets regularly to review proposals found to be within the bar’s legislative scope and decide what position, if any, the bar should take on those proposals. All substantive positions taken by the bar are communicated to legislative sponsors in writing. Technical drafting comments and suggestions are also frequently provided to legislative sponsors. Testimony for or against such proposals may also be presented at legislative hearings by bar members. Bar staff, working with volunteer members of bar committees, secure sponsors for legislative proposals, witnesses for hearings, coordinate contacts with legislators, and generally assist in working for passage of bar-drafted proposals and defeat of proposals the bar opposes. Bar staff also responds to inquiries about legislative activities from bar members and the public, and provides information to legislators to help respond to constituent concerns.

* The Board of Governors’ policy specifically provides that the Board “*may determine to take no position on legislation that is or may be factional, partisan, narrow in interest or as to which substantial constituencies of the bar may in good faith differ.*” (Emphasis added.)

