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WHAT IS A CONSOLIDATED BAR?

Question: How is the "Consolidated Bar" defined?

Answer: A consolidated bar is an all-inclusive, self-governing, self-supporting organization operating throughout the state, and composed of persons who have been admitted to the bar.

Question: What is meant, in the above definition, by "all-inclusive"?

Answer: Every person admitted to practice law in Indiana automatically becomes a member of the consolidated bar, entitled to all its privileges and subject to obligations of membership.

Question: What does the above definition mean by "self-governing"?

Answer: A consolidated bar is operated by a Board of Managers selected, one from each electoral district or unit, by all members of the bar residing within that district, which districts are designated either by the Legislature or by the Supreme Court, and usually correspond with the Congressional Districts of the state.

Question: What is signified by "self-supporting" in the above definition?

Answer: Each member pays a small annual fee (usually from \$3.00 to \$5.00, according to length of time the member has been in practice) as a license fee for the exercise of the franchise to practice law in the state. Exceptions are made as to judges while serving on the bench, and bar members who do not practice law.

Question: Is consolidation of the bar a novelty?

Answer: No. It was introduced into Canada in 1797. It was first adopted in the United States in 1921. Its roots extend back 150 years to the Inns of Court of England, mentioned by Blackstone.

Question: Have other states adopted consolidation?

Answer: Yes. Twenty-three states now have consolidated bars. These are: Alabama, Arizona, Arkansas, California, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington and Wyoming.

Porto Rico has consolidation and has had it for many generations.

Every Canadian province has it.

Question: How many lawyers are now enrolled in consolidated bars in the United States?

Answer: Approximately 50,000.

Question: What has been the reaction in states adopting consolidation, as to favoring or disfavoring it after observing its operation and effects?

Answer: No state which has consolidated its bar has ever permanently reverted to a non-consolidated bar, nor to a voluntary bar association.

Question: Have any efforts been made to discontinue the consolidated bar in states which adopted it?

Answer: Yes. In California, for instance, twenty attempts have been made through the courts by a minority to destroy the consolidated bar, and twenty times the Supreme Court of California has sustained it. It is still operating in that state with over 13,000 members enrolled.

Question: What is the opinion of the bar in states having consolidation, as to whether it has succeeded or failed?

Answer: Outstanding lawyers in states having consolidation have repeatedly declared before conventions of the American Bar Association and of the State Bar Association of Indiana, that consolidation is of great value and has proved highly successful in operation.

Question: Is the consolidated bar intended as a benefit only to members of the bar?

Answer: No. Experience in consolidated states proves that bar unification benefits legislatures, courts and the general public as well as the bar.

Question: Can bar consolidation assist the Courts and Judges?

Answer: Yes.

(a) By helping to sustain the professional standards of the bar, intellectually and morally. A better bar means better courts.

(b) By helping to eliminate unethical practitioners from practice.

(c) By aiding in improving the administration of justice, making it more prompt, efficient and less expensive to the public.

(d) By helping the movements for non-partisan selection of judges in larger centers of population.

(e) By defending the Courts and judges against unjust criticism.

(f) By aiding the judges in their organized efforts for improvement of the courts and of the procedure therein.

(g) By helping to remove the causes for public criticism of the courts.

Question: Can the consolidated bar help the general public?

Answer: Yes.

(a) By improving the administration of justice.

(b) By conducting legal clinics, or organizing clinic corporations to secure legal aid for persons financially unable to employ private legal counsel.

(c) By aiding litigants financially unable to appear by compensated attorneys in court.

(d) Improving the relations between the bar and the public, by eliminating causes of complaint against lawyers.

(e) Maintaining a legislative bureau to watch for and help defeat legislation invading individual liberties.

(f) Maintaining a legislative information bureau for furnishing inquiring members of the public and the press with information concerning pending legislation and its status in the General Assembly.

Question: Can the consolidated bar assist the legal profession?

Answer: Yes.

- (a) By helping to eliminate unethical practitioners.
- (b) By providing the 4,000 lawyers of Indiana with a medium for expressing their views on legislation and other public matters.
- (c) By utilizing the abilities of lawyers in different parts of the state, through organized "sections," for the study of particular branches of the law, with a view to their improvement by legislation.
- (d) By helping to raise the ethical and educational standards of the bar, and thereby disarm public criticism.
- (e) By curbing unauthorized practice of law by lay agencies.
- (f) By aiding in compiling forms for instructions to juries in certain classes of cases (*e.g.*, negligence suits) as has been successfully done in other states.
- (g) By compiling data as to distribution of lawyer population in the state; congested dockets; character of practice in particular localities; usual fees charged and other matters of interest to young lawyers seeking a location.
- (h) By conducting a clearing-house to bring together lawyers needing a partner or clerical assistance, and those desiring to obtain such positions.
- (i) By conducting a bureau for furnishing to inquiring lawyers or laymen the names of Indiana attorneys specializing in certain branches of practice.
- (j) By cooperating with the Judicial Council in bringing about better conditions in the dockets of the county courts, and obtaining state-wide data for the Council's use.

Question: What is the reaction of the press toward bar consolidation in Indiana?

Answer: The press, by editorial comment and news items, has rendered valuable aid in introducing the consolidated bar idea to the people of this state.

Question: What is the attitude of the State Bar Association toward the plan?

Answer: It has the unqualified approval of the State Bar Association. The latter, during the past six years, has put itself on record at least five times in favor of bar consolidation. Its last commitment was at the fall meeting in September, 1941.

Question: What method is suggested in order to secure a consolidated bar in Indiana?

Answer: (1) Have the legislature enact a short statute (such as has been adopted in Michigan, Kentucky and other states) or a more detailed one, after the model of the California Act, organizing the bar as a corporation or association, constituting it a branch of the judicial department of the state government, and either an agency of the Supreme Court to enforce rules adopted by that Court, or with independent power to adopt and enforce its own rules.

(2) Include, in such law, grant of authority to the Supreme Court, or to some agency designated by the legislature, to prescribe details for organization of the bar, with appropriation for expense thereof; authority in the Supreme Court or in the Consolidated Bar to adopt rules and regulations for consolidated bar activities; power in representatives of the organization to administer oaths and subpoena witnesses; power to fix membership fees (not exceeding \$5.00 per year) if not fixed by legislation; to establish ethical standards of members, procedure for disbarment, and any other regulations needed to make the organization effective.

(3) Have the Clerk of the Supreme Court mail a nominating ballot to all lawyers and judges in the state, inviting nominations for membership on the Board of Managers to represent their respective districts.

(4) After the clerk has canvassed these nominating ballots, mail a second and secret voting ballot to every lawyer and judge, according to districts previously determined by the Supreme Court, or by the Legislature, for election of nominated members to the Board of Managers.

(5) Organize the Board of Managers promptly after election, and hold monthly meetings thereafter.

(6) Conduct the affairs of the Association through this

Board of Managers, and an executive secretary chosen by them; with a local committee in every county.

(7) Hold further nominations and elections to membership on the Board of Managers at intervals of not to exceed two years.

Committee of Indiana State Bar Association
on Consolidation of the Bar.