A Proposed Bill for an All-Inclusive or Self-Governing Bar in Indiana
A PROPOSED BILL FOR AN ALL-INCLUSIVE OR
SELF-GOVERNING BAR IN INDIANA

Concerning Attorneys at Law and the Practice of Law; creating a Board of State Bar Managers and defining its powers and prescribing its duties, qualifying it to accept gifts and donations and to hold and dispose of real and personal property; defining the State Bar of Indiana and its membership; providing for an annual license fee to be exacted from practitioners of the law in this State; pertaining to professional conduct of members of the Bar; and repealing inconsistent laws.

Section 1. COMPOSITION OF STATE BAR MANAGERS: There is hereby created the Board of State Bar Managers of Indiana (hereinafter referred to as "the Board of Managers") consisting of a manager for each congressional district, chosen from among their number by the members of the State Bar, hereinafter defined, residing in such district.

Sec. 2. ORGANIZATION COMMITTEES; ELECTIONS: Within ninety days after this act shall be in force, the several members of the Board of Managers of the Indiana State Bar Association then holding such office, functioning as the organization committee of the State Bar, shall adopt and promulgate rules for, and within thirty days thereafter hold and conduct an election by all members of the State Bar whereat there shall be chosen the first twelve managers. After the first, each election shall be held on the first Monday in July of each year, but provision may be made for earlier deposit and transmission of ballots. Any system of election prescribed shall contemplate votes by secret ballot and provide for the transmission of individual ballots by mail. Two nominees for each office to be filled by election shall be selected under such rules as the organization committee, for the first election, and the Board of Managers, for any subsequent election, may, from time to time, prescribe. Any twenty-five members of the State Bar in any congressional district may also, by petition to the organization committee or the Board of Managers, cause to be put on the ballots the name of any member of the State Bar residing in such congressional district as nominee for manager from such district. All nominations shall be made not more than thirty nor less than twenty days before election, and a ballot mailed to each member at his address shown by the records of the State Bar at least fifteen days before such election.

Sec. 3. QUALIFICATIONS AND TERMS OF OFFICE OF MANAGERS: VACANCIES: All managers shall be elected for a period of two years; provided, that of the first managers, one-half thereof shall be chosen by lot among them to serve for the period of only one year. The term of each elected manager shall commence and end on the first Monday in September. The managers shall fill vacancies occurring during the term of any manager, until the next regular election, at which time, if the term of the vacating manager has not expired, the vacancy shall be filled for the unexpired term.

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Incumbency of a judicial office shall not be a disqualification for any office of the State Bar.

Sec. 4. **STATE BAR DEFINED; CLASSIFICATION; LICENSE:** The State Bar of Indiana shall consist of the judges of the Supreme, Appellate, Circuit, Superior, Criminal, Municipal, and Probate Courts of this state, and all persons who now are, or who may hereafter become entitled to practice law in the Supreme Court of the State of Indiana, and such persons shall continue members of the State Bar until their names are struck from the roll of membership of the bar of said Supreme Court. All members of the State Bar shall be classified, either as active or inactive members. Inactive members shall be those members who have formally requested the secretary of the Board of Managers to enroll them as such, and they shall not be entitled to hold office or vote under the provisions of this act. They shall be entitled to return to the active list upon their written request and the payment of active member's license fees as herein provided. They shall not hold themselves out to the public as active practitioners so long as they shall remain on the inactive list. Active members shall pay to the treasurer of the Board of Managers annually, as a license fee, the sum of seven dollars; inactive members shall pay annually to the treasurer of the Board of Managers, as a license fee, the sum of two dollars; all license fees shall be payable on or before September 1st, of each year, commencing with the year 1933. No member of the State Bar who is in arrears in the payment of license fees shall be permitted to practice law, except to represent himself, in any court of this State until such arrearage has been paid.

Sec. 5. **SECRETARY, TREASURER, AND OTHER EMPLOYEES, AND EXPENSES:** A secretary and treasurer of the Board of Managers shall be selected annually by it, and need not be members of the State Bar; the Board of Managers shall appoint and employ such other officers, employees and committees as it may deem appropriate and needful to carry out the purposes of this act, and to fix and pay salaries and expense, including necessary expense of the officers and members of the Board of Managers when attending to their official duties. All money received by the State Bar shall be paid into the State Treasury and kept in a separate fund known as the State Bar Fund. Any and all expenses properly incurred by the Board of Managers within the provisions of this Act shall be paid out of said State Bar Fund on warrants of the Auditor of State issued on requisition of the Board of Managers over the signature of its President and Secretary. The disbursements of said Board of Managers shall not exceed the balance in said account, and there is hereby appropriated for the purpose of said State Bar all of the receipts and income of said State Bar Account for each respective year; Provided, that any unexpended balance in said State Bar Fund shall remain appropriated for said purposes, and shall not be covered into the general fund. The treasurer of the Board of Managers shall under the direction of said Board, within thirty days after the end of each calendar year, make under oath a report of all receipts and disbursements to the Governor.

Sec. 6. **POWERS AND DUTIES OF BOARD OF MANAGERS:** The State Bar of Indiana shall be governed by said Board of Managers, which shall have the powers and duties hereinafter and hereinbefore conferred, and in addition thereto, the following:
(a) The Board of Managers shall be charged with the executive functions of the State Bar, the enforcement of the provisions of this act, and the adoption of reasonable By-laws and Rules.

(b) With the approval of the Supreme Court of Indiana, the Board of Managers shall have power to formulate and enforce rules designed to promote respect for the law and its administration, the integrity of the bar, expedition of litigation, fidelity of counsel to client and to the courts, and a wholesome practice of fair-dealing among counsel. Such rules, when duly promulgated, shall be binding on all members of the State Bar and breach thereof shall be cause for complaint against the offending member.

(c) Under such rules of procedure as it may adopt with the approval of the Supreme Court, the Board of Managers shall investigate all complaints that may be made concerning the professional conduct of any person admitted to the practice of the law. The accused shall have reasonable notice, the right to defend, to be represented by counsel, to cross-examine witnesses, and to introduce evidence. Witnesses shall be examined under oath and their attendance compelled on a subpoena under the hand of the secretary of the Board of Managers, which shall be enforcible in the manner provided by law for the compulsory process in taking depositions. The hearing shall be held in the county where the member resides or where the offense was committed, as the Board of Managers may determine. In all cases in which the investigation, in the opinion of the majority of the Board, justifies such a course, it shall recommend to the Supreme Court such disciplinary action as the case shall in its judgment warrant. Upon the making of a recommendation by the Board of Managers, it shall cause a record of its proceedings, including the evidence, in such matter, or a copy thereof certified by its secretary, to be filed with the Clerk of the Supreme Court. The Supreme Court shall thereupon appoint a time for hearing thereon, under such rule as it may prescribe, and take such action and enter such judgment in said matter as it deems just and proper.

(d) Nothing in this act shall limit or alter the power of the courts of this state to disbar or discipline the members of the Bar as this power at present exists or may hereafter be given.

(e) No general rule or regulation of the Board of Managers shall be effective until thirty days after adoption thereof (and approval thereof by the Supreme Court, if the same be a rule of professional conduct and penal in character) and promulgation thereof by mailing a copy thereof to each member of the State Bar as his name and address appear on the roll of licensed attorneys to be kept by the Secretary of the Board of Managers, and the affidavit of the secretary to the effect of such promulgation shall be conclusive as to the time and manner thereof, which affidavit shall be filed in the office of the clerk of the Supreme Court after such promulgation is completed.

(f) The Board of Managers shall by rule fix the time and place of the annual meeting of the State Bar, and the manner of calling special meetings thereof; determine what number shall constitute a quorum, and adopt rules for the conduct of the business of the State Bar assembled in convention, for the appointment of committees of said State Bar, the assignment of such committees to appropriate tasks, and the dispatch of business by them.

(g) The Board of Managers may publish, or co-operate in the publi-
cation of such periodicals, pamphlets, and studies for the membership of the State Bar as it may from time to time see fit, either on its own initiative or in conjunction with any institution so authorized.

(h) The Board of Managers shall have authority and power to purchase, hold, sell, encumber and pledge real and personal property and to receive gifts, donations, bequests, and devises in furtherance of the purposes of this act, and all such property shall be held by and in the name of the Board of Managers in trust for the use and benefit of the State Bar.

Sec. 7. MEETING OF THE BOARD OF MANAGERS: On the second Monday in September of each year the Board of Managers shall hold a meeting at the State House, Indianapolis, Indiana, at which meeting it shall choose, from its membership, a president, president pro tempore, and such other officers and employees as it may by rule provide. The Board of Managers shall be called in meeting at least once each year in addition to its September meeting, at such times and places as the president may appoint; and it may prescribe rules for calling, organization and conduct of such meetings. A majority of the members of the Board of Managers shall constitute a quorum.

Sec. 8. REPEAL OF INCONSISTENT LAWS: All laws or parts of laws inconsistent or in conflict with the provisions of this act are hereby repealed.

Sec. 9. SAVING CLAUSE: If any provisions, clause, or sentence of this act shall be declared void, such declaration shall not annul nor render inoperative any other provision, clause or sentence.