

What is the *Keller* Rule?

In 1990, the United States Supreme Court ruled in *Keller v. State Bar of California*, 499 US 1, 111 SCt 2228 (1990) that an integrated (mandatory) bar's use of compulsory dues to finance political and ideological activities violates the 1st Amendment rights of dissenting members when such expenditures are not germane to the bar's purpose, which the court identified as regulating the legal profession and improving the quality of legal services.

Keller does not prohibit integrated bars from using member dues to advance political or ideological positions that are not germane to the bar's purpose; however, it requires that dissenting members receive a refund of the portion of dues attributable to the non-germane activity.

Functions of the Oregon State Bar

- We are a professional organization.
- We are a provider of assistance to the public.
- We are a partner with the judicial system.
- We are a regulatory agency providing protection to the public.
- And the bar does this as a "public" corporation – as an instrumentality of the Oregon Supreme Court.



Oregon State Bar

Public Affairs Program

*Public Policy &
Law Improvement*



Public
Affairs

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Public Affairs Mission

The Public Affairs Department advances the bar's mission of promoting respect for the rule of law and increasing access to justice by advocating in the legislature for adequate funding of the judicial system and legal services for the poor, responding appropriately to challenges to a fair and impartial judiciary and to the court's authority to regulate the legal profession, and pursuing improvements to the administration of justice.

What is the OSB Public Affairs Program?

The Board of Governors Public Affairs Committee develops the policies that guide the department's work and recommends positions the bar should take on public policy issues affecting the bar and the legal profession.

With the oversight of the Public Affairs Committee, the Public Affairs team provides information and assistance to bar groups, bar members and government bodies on a wide variety of bar-related legislation and public policy issues facing the profession, with special emphasis on access to justice and preserving the independence of the judiciary. The Public Affairs team works closely with OSB sections and committees on law improvement legislation and to identify responses to significant legal trends that affect the practice of law and the bar.

2019 Board of Governors, Public Affairs Committee Members

The Public Affairs Committee of the Board of Governors oversees the work of the program, and makes recommendation to the Board of Governors on public policy issues.

Eric Foster, Chair, *Medford*

Eddie Medina, Vice Chair, *Beaverton*

John Bachofner, *Vancouver*

Whitney Boise, *Portland*

Kate Denning, *Salem*

Kamron Graham, *Portland*

Bik-Na Han, *Hillsboro*

Michael Rondeau, *Roseburg*

The OSB Public Affairs Legislative Session Guidelines

The Public Affairs Committee is committed to advancing the bar's mission to protect the public, improve the administration of justice, promote respect for the rule of law and increase access to justice. To that end, the Public Affairs Committee supports the following legislative goals:

1. Protect the public, the administration of justice and the rule of law.
2. Create meaningful access to justice and provide information about the law, legal issues, and the civil and criminal justice system.
3. Make Oregon laws more consistent and more uniform.
4. Improve the ability of attorneys to competently serve the interests of the citizens of the state.
5. Support a fair and effective criminal justice system.
6. Ensure efficient, competent and ethical delivery of legal services.
7. Promote the protection of privileged and confidential information while promoting access and education regarding public records.
8. Provide appropriate information and assistance regarding ethical issues to legislators, especially legally-trained legislators.
9. Improve the juvenile justice system and encourage better coordination between different components of the system.
10. Foster diversity, equity and inclusion among legal service providers and in the justice system.

Public Affairs Committee Process

The Board or its Public Affairs Committee sets priorities regarding legislation or positions on legislation. In so doing, the Board will make a reasonable effort to do the following:

- Encourage as wide a participation of the membership as possible in formulating positions on legislative issues;
- Inform members of the Bar's legislative positions;
- Respect divergent opinions of subgroups within the legal profession;
- Provide assistance to bar sections and committees;
- Avoid committing bar funds to issues that are divisive or create factions within the profession;
- Present major issues to the House of Delegates for approval.

If a bar group such as a section or committee requests to take a position on a legislative proposal, the BOG Public Affairs Committee may:

1. Adopt it as a state bar position - thus activating full Public Affairs support available including lobbying efforts;
2. Designate it as a section or committee position - thus the Public Affairs staff monitors and gives staff assistance to volunteers; or
3. Refuse to approve a section or committee position request.