

MASSACHUSETTS SUPREME JUDICIAL COURT

Matter of an Integrated Bar

321 Mass. 747 (1947) · Decided October 15, 1946

SUMMARY

The Massachusetts Supreme Judicial Court considered a petition by the Massachusetts Bar Association seeking establishment of an integrated bar requiring all attorneys in the Commonwealth to belong to it. Without deciding whether it had jurisdiction to establish such a bar, the court concluded that the proposal was not presently supported by the Massachusetts bar generally and would not currently serve the public interest or administration of justice; the petition was dismissed without prejudice.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
JURISDICTION	Massachusetts
DECIDED	October 15, 1946
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Massachusetts Bar Association petitioned the Supreme Judicial Court to examine proposed rules and bylaws for an integrated, self-governing bar and to determine whether the court should adopt the plan by rule or order.
PRECEDENTIAL VALUE	Published opinion; precedential value limited because the court expressly declined to decide its jurisdiction to establish an integrated bar or the validity of the proposed rules and bylaws.
PARTIES	Massachusetts Bar Association

TOPICS

- constitutional law
- civil procedure

PRACTICE AREAS

- constitutional law
- civil procedure
- legal profession regulation

QUESTIONS PRESENTED

1. Whether the Supreme Judicial Court had jurisdiction to establish an integrated bar requiring every Massachusetts attorney to be a member in order to practice law.
2. Whether establishing an integrated bar would be in the public interest and in the interest of the administration of justice.
3. What rules and bylaws should govern an integrated bar if one were established.

HOLDINGS

1. The court declined to establish an integrated bar because the record did not show that Massachusetts attorneys generally favored such action and because establishing one at that time would not be in the public interest or the interest of the administration of justice.
2. The petition for court action concerning the proposed integrated bar was dismissed without prejudice.

KEY QUOTATIONS

“since it does not appear that members of the bar of Massachusetts generally are in favor of action by the court to establish an integrated bar, it is not at present advisable for the court by rule or order to establish an integrated bar so called in which every attorney in the Commonwealth must be a member in order to practise law, and that the establishment at present of such an integrated bar would not be in the interest of the public and the administration of justice.” (321 Mass. at 748)

“Consequently, it is ordered that the petition be dismissed without prejudice.” (321 Mass. at 748)

FACTUAL BACKGROUND

The Massachusetts Bar Association, acting through authorized officers, submitted proposed rules and bylaws for an organized, self-governing integrated bar. The proposal would have required every attorney in Massachusetts to belong to the bar as a condition of practicing law. After notice and a full hearing, the court determined that Massachusetts lawyers generally did not appear to favor court action establishing an integrated bar and that establishing one at that time would not serve the public interest or the administration of justice.

PROCEDURAL HISTORY

The Supreme Judicial Court ordered notice to Massachusetts attorneys and other interested persons, received arguments and briefs at a hearing on April 14, 1947, and considered the proposed integrated-bar plan. The court dismissed the petition without prejudice, declining to express an opinion on its jurisdiction to establish an integrated bar or on the details of the proposed rules and bylaws.

DISPOSITION

dismissed

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