

## **POLICY TO DEAL WITH ALLEGED OBJECTIONS TO ASB EXPENDITURES**

*Guiding principle:* The expenditures of Alabama State Bar funds are limited as set forth in applicable statutory law; the Alabama State Bar's Bylaws; Supreme Court of Alabama orders; and Keller v. State Bar of California, 496 U.S. 1 (1990).

*Summary of Objection Process:* A member may object to the use of any portion of the member's dues paid to the Alabama State Bar for activities he or she considers inconsistent with the foregoing legal standards. Member objections must be filed within forty-five (45) days of the date of the Alabama State Bar's publication of notice of the activity to which the member is objecting. Details on the objection, refund and arbitration procedures are listed below and can be found on the Alabama State Bar website at: [www.alabar.org](http://www.alabar.org).

### *Process for Objecting to Use of Bar Dues:*

1. **SUBMISSION OF OBJECTIONS.** A member of the Alabama State Bar who objects to the use of any portion of the member's bar dues for activities he or she considers promotes or opposes political or ideological causes may request the Board of Bar Commissioners ("Board") to review the member's concerns to determine if the Board agrees with the member's objections. Member objections must be filed as follows:

a. Any objection must be filed within forty-five (45) days of the date of the Alabama State Bar's publication of the activity to which the member is objecting.

b. Member objections must be in writing and must be filed with the Executive Director.

c. Failure to object within the time period and in the manner set forth above shall constitute a waiver of any right to object.

d. After a written objection has been received, the Executive Director shall promptly determine the *pro rata* amount of the objecting member's membership dues at issue, and such amount shall be placed in escrow pending determination of the merits of the objection.

e. Upon the deadline for receipt of written objections, the Board of Bar Commissioners, or its designee, shall have sixty (60) days in which to decide whether to give a *pro rata* refund to the objecting member or to refer the action to arbitration.

2. **REFUNDS.** In the event the Board of Bar Commissioners, or its designee, order a refund:

a. The objecting member's right to the refund shall immediately vest, although the *pro rata* amount of the objecting member's membership dues at issue shall remain in escrow until the conclusion of the Alabama State Bar's audit for the fiscal year in which the objection was made, which shall include final independent verification of the appropriate refund payable.

b. The Alabama State Bar shall provide such refund within thirty (30) days of independent verification of the amount of the refund.

c. The Alabama State Bar shall pay the refund together with interest calculated at the statutory rate of interest on judgments as of the date the objecting member's membership dues at issue were received by the Alabama State Bar, for the period commencing with the date of receipt of the membership dues and ending on the date of payment of the refund by the Alabama State Bar.

d. Any refund of a *pro rata* share of the member's membership dues shall be for the convenience of the Alabama State Bar and shall not be construed as an admission that the activity or action to which the member objected was or would not have been within the purposes or limitations of applicable law.

### 3. ARBITRATION.

a. In the event the Board of Bar Commissioners order arbitration, the arbitration panel shall be constituted as soon as practicable and composed of three (3) members selected as follows:

- i. The objecting member(s) shall select one (1) member of the panel;
- ii. The Alabama State Bar Executive Committee shall select one (1) member of the panel;
- iii. The two (2) selected panel members shall choose the third member of the panel; and,
- iv. In the event the two (2) members are unable to agree, the Chief Justice of the Alabama Supreme Court, or his/her designee, shall appoint the third member.

b. After selection of the panel members, the Alabama State Bar shall prepare a written response to the member's objection and serve a copy of the response on the objecting member.

c. The panel shall then confer and decide whether the matter at issue is constitutionally and/or legally appropriate for funding from the membership dues and, if not, whether the *pro rata* refund was correctly computed.

d. The panel shall render a final written report to the objecting member and the Board of Bar Commissioners within forty-five (45) days of its constitution. The decision shall be binding as to the objecting member and the Alabama State Bar.

e. If the panel concludes the matter at issue is appropriately funded from membership dues, there shall be no refund and the Bar shall be free to expend the amount in escrow.

f. If the panel determines that the matter at issue is inappropriately funded from membership dues, the panel shall order a refund to the objecting member(s) of the *pro rata* amount, subject to the same independent verification as set forth in Section 2 above.

g. In the event a refund is ordered, the Alabama State Bar shall provide such refund within thirty (30) days of the date of the independent verification, together with interest calculated at the legal rate of interest.

h. Any refund of a *pro rata* share of the member's membership dues shall be for the convenience of the Alabama State Bar and shall not be construed as an admission that the activity or action to which the member objected was or would not have been within the purposes or limitations of the Bylaws.

Approved by the Board of Bar Commissioners  
March 8, 2024