

Governor Signs Bill Mandating Pro Bono Disclosures By Lawyers

Article By:

Keith Paul Bishop

California Governor Gavin Newsom recently signed [AB 2505](#) (Gabriel). Consequently active members of the California Bar will be required, with certain exceptions, to report annually whether they have provided pro bono legal services and certain other information through the licensee's My State Bar online profile on the State Bar's internet website. The bill provides that this information is confidential and not subject to disclosure pursuant to the California Public Records Act.

When I first reviewed this bill, I immediately questioned whether it compelled speech in violation of the First Amendment to the U.S. Constitution. The speech compelled by AB 2505 seems clearly non commercial because it is confidential and may only be published and reported if anonymized. See *Bolger v. Youngs Drug Prods. Corp.*, 463 U.S. 60 (1983). As such the requirement should be viewed under the strict scrutiny standard. See *X Corp. v. Bonta*, 2024 WL 4033063 (9th Cir. 2024).

This new law may, perhaps, be saved by the fact that in response to comments from the California Lawyers Association, the author agreed to an amendment allowing a "decline to answer" option.

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National Law Review, Volume XIV, Number 277

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