

### A. Continuing Legal Education

Several of the commissions take responsibility for designing and sponsoring continuing legal education ("CLE") courses that focus on aspects of lawyer professionalism. Particularly notable in this regard are the professionalism commissions of Texas, Georgia and Florida. They have demonstrated that, by developing high quality CLE programs, a professionalism commission can play an important role in expanding and elevating formal discussions of professionalism, ethics and civility.

In Texas, the cornerstone of its Center's CLE efforts is a four-hour professionalism course the *Justice James A. Baker Guide to the Basics of Law Practice*, aimed at teaching new lawyers aspects of practice that they did not learn in law school. The state Supreme Court requires new lawyers to take this course within one year of being licensed; those who fail to do so are suspended from practicing law. The course is offered six times a year live and online. The practicing lawyers and judges who teach the course provide the practical and ethical knowledge not taught in law school course curricula that young lawyers need but may not get from old-style mentoring by more experienced practitioners. Topics include:

- The Judicial Perspective on Lawyer Professionalism
- Substance Abuse, Depression, and Career Burnout and What to Do About Them
- Law Office Management
- Attorney-Client Relationships and Confidentiality
- Grievance Prevention
- The Texas Disciplinary System and its Procedure
- Malpractice Prevention

The Center gets frequent invitations to make ethics presentations at a number of CLE programs, including those sponsored by the ABA, the State Bar of Texas, and local Bar associations and organizations throughout the state. In addition, the Center is currently focused on creating a library of new, high-quality ethics programming online designed to provide specialized ethics instruction for those with ethics issues specific to particular types of practices or practice areas.

Georgia was the first state to require mandatory professionalism CLE courses for all lawyers, not just newly admitted lawyers, on the theory that professionalism is a lifetime learning experience. Georgia has an annual one-hour CLE requirement in professionalism for all active members of the state bar, and a separate one-hour requirement of ethics CLE. The Georgia Bar has enjoyed great success with its remarkable range of professionalism CLE programs approved by the Commission. Materials produced by the Georgia Commission are used throughout the country.

For example, the Georgia Commission's most recent video, *A Day in the Life of a Family Law Practitioner*, included five vignettes portraying professionalism challenges. These include dealing with a difficult client, a lying client, a difficult adversary and a request from a respected senior lawyer to promote a pro bono project. The Georgia Commission has produced specially-commissioned videos and DVDs with vignettes that exemplify professionalism scenarios and ideals. These videos, with accompanying written instructional materials, are suitable for CLE and other teaching purposes, including law school ethics and professionalism courses. The Commission has also supported theatrical productions as an innovative means to convey professionalism CLE.

Other widely-distributed video-based CLE materials produced by the Georgia Commission include:

*The Challenges of In-House Counsel at Homewares Corporations, USA*  
*The Case of the Silent Alarm*  
*Ethics and Professionalism in the Pretrial Stages of Criminal*  
*Perspectives on Lawyer Professionalism*  
*Rita's Case: The Lawyer as Problem-Solver*

In addition, the Georgia Commission annually reviews 500-800 CLE programs on the subject of professionalism and gives advice to their sponsors throughout the state. It encourages sponsors to use interactive and simulation-based methods and to tailor their programs to answer the question, "How will you handle this situation when it occurs in your practice?" Among the CLE programs it has approved are:

*Project Liberty*  
*No More Early Exits: Women Respond to the ABA*  
*Judicial District Professionalism Program*  
*Law & Literature Specialty Course*  
*The Trial of Leo Frank: A Legal Chronicle and Analysis*  
*Clarence Darrow: Crimes, Causes & the Courtroom*  
*Pro Bono for the In-House Lawyer*  
*Substance Abuse and the Legal Profession*

In Florida, the state Supreme Court requires five CLE hours in the area of legal ethics, professionalism, or approved substance abuse programs. The state bar's Center on Professionalism offers guidelines about the CLE requirement, including a distinction between ethics and professionalism: "The Rules Regulating the Florida Bar are the *floor* that supports our status as a lawyer in good standing. Whereas professionalism is the *ceiling* or higher standard that all lawyers should aspire to."

One important professionalism issue being explored by the Florida Bar Center for Professionalism is the impact of the diversification of the legal community, including in particular, the need to prevent discrimination. Along with the Supreme Court Commission's Diversity Subcommittee, the Center has recently developed a course entitled "Successful Lawyering in a Diverse Society," for which participants will earn five CLE credits. The course is designed to help participants develop a greater awareness of "diversity" as it relates to the legal profession and better understand their own perception of "inclusion" and "privilege", and to examine the financial impact of diversity on the legal profession. Eighteen facilitators, including judges, government lawyers, law school faculty, bar staff, and lawyers in private practice, have been trained to teach this course around the state when requested by a local bar association, law firm, or governmental law office.

Recognizing that professional practice has become increasingly specialized, some professionalism commissions have designed educational programs specifically for particular segments of the legal community. For example, the Professionalism Committee of the Multnomah Bar Association recently initiated a training module directed at large law firms. Educational programs might be tailored for judges as well as practicing lawyers. Notably, the

New Jersey Commission participates in the state Judicial College, an annual two and one half day event comprised of a series of seminars. Attendance is mandatory for all New Jersey justices and judges of the Supreme Court, Superior Court and Tax Court.

In North Carolina, the State Bar requires twelve hours of CLE per year, with three hours falling under the Professional Responsibility/Ethics block. Of those three credits, one hour must be related to Mental Health and Substance Abuse, every three years. The North Carolina Commission provides free CLE opportunities for lawyers through its Judicial District Bar Professionalism Program and its *Enhancing Professionalism* DVD/video package.

The Judicial District Bar Professionalism Program, in conjunction with Lawyer's Mutual Liability Insurance Company and local Bar associations, was developed with the basic requirements for CLE credit and the local bar's desires and needs. The program is very flexible and includes useful materials and help on starting the Professionalism Support Initiative, a peer review program of the Commission, and also a voluntary Mentoring Program.

The Judicial District Bar Professionalism Program is designed to involve the local Bar in developing its own tailored professionalism program, highlighting local speakers, local judges and attorneys and local issues. In addition, the Chief Justice of the North Carolina Supreme Court and/or the Chief Judge of the North Carolina Court of Appeals attends and provides a keynote address. Some programs will also include an hour of Mental Health and Substance Abuse credit, in addition to the three hours of Professional Responsibility/Ethics credit.

The North Carolina Enhancing Professionalism CLE packages are available to all bar associations, law firms, and any legal organizations seeking CLE credit or for use as a resource or supplement to presentations and other CLE programs. The DVDs/videos focus on professionalism and ethics for lawyers who practice in civil cases and in criminal cases. Also enclosed in each packet are discussion questions.

In Illinois, the Commission on Professionalism must substantively approve any course or activity before it qualifies for professional responsibility continuing legal education credit. In addition, the Commission is charged with the responsibility to assist CLE providers in developing quality CLE programs in the area of professional responsibility CLE, broadly defined by Supreme Court Rule as including professionalism, diversity, substance abuse and mental illness as well as the more traditional legal ethics. The Commission has collaborated with the Illinois State Bar Association and others to create a video, *Developing an Interactive Professional Responsibility CLE* which will be available on its website in 2011.

Rule 11 of the Maryland Rules Governing Admission to the Bar provides that before admission to the Bar, an applicant shall complete a program on legal professionalism. The Court now administers the Professionalism Course offered twice yearly to newly admitted lawyers. The Professionalism Commission, which was set up by the Court of Appeals, is asking the Court to set a minimum annual requirement of 10 hours of continuing legal education (CLE) for attorneys practicing in the state. The Commission, headed by Court of

Appeals Judge Lynne A. Battaglia, also proposes that a Commission on Mandatory Continuing Legal Education be set up to oversee the requirement. The Professionalism Commission has posted the proposed Rules for the Maryland Commission on Mandatory Continuing Legal Education on the Judiciary's Web site. To review the proposal, visit <http://mdcourts.gov/professionalism/pdfs/proposedrules-mcle.pdf>. The date for a public hearing before the Court of Appeals of Maryland regarding the proposed rule for Mandatory CLE has not yet been established. The hearing date will be announced on the court website, [www.mdcourts.gov](http://www.mdcourts.gov).

New Mexico has presented programs on Professionalism & Civility in Bankruptcy Practice and Professionalism in ADR.

In Ohio, in 1990, the Supreme Court Committee to Study Creeds of Professionalism, which was the predecessor of the Commission on Professionalism, recommended that professionalism education be included as a part of CLE requirements. Following this recommendation, the Supreme Court now requires that attorneys earn one hour of professionalism CLE credit per reporting period. Attorneys must also earn one hour of ethics and one half-hour of substance abuse education per reporting period. The Secretary to the Commission teaches CLE programs on professionalism to attorneys and judges throughout the state of Ohio. Participants of the Commission's Lawyer to Lawyer Mentoring Program are awarded CLE credit and new lawyer training credit.

In South Carolina, in 2004, the Supreme Court amended the lawyer's oath of admission and added language that emphasized professionalism. The Court also issued an order requiring all lawyers in the state to take the new oath in conjunction with CLE courses offered around the state during which the contents of the oath were discussed. In response, the Chief Justice's Commission on the Profession developed the curriculum for that CLE course.

In 2010 the New Jersey Supreme Court instituted mandatory CLE and lawyers are now required to obtain CLE credits, including 2 credits annually in ethics and/or professionalism courses. The Commission on Professionalism in the Law has co-sponsored such programs and provided advice, and panelists, to bar associations offering CLE seminars. In 2011 the Commission will cooperate with the state and federal judiciaries, and local bar associations, in implementing Professionalism Day. On that day, court facilities in every county in the state will offer 2 credit CLE seminars to lawyers and judges. The Commission will oversee implementation and develop and provide model seminar materials.