

# **A Guide to Professionalism Commissions**

## **August 2011 Edition**

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## **ACKNOWLEDGMENTS FROM FIRST EDITION**

In 1997 the American Bar Association Center for Professional Responsibility, working closely with the Conference of Chief Justices, designed a successful two-day conference for state supreme court chief justices and their invited guests. This conference, entitled "Regulatory Authority over the Legal Profession and the Judiciary: The Responsibility of State Supreme Courts", was held in Rancho Bernardo, California. Programming provided the chief justices and their representatives with a unique opportunity to discuss recommendations and initiatives relating to the exercise of the courts' regulatory authority over members of the bar and the justices' supervisory authority over the judiciary.

That unique forum and the conference materials distributed to the chief justices and other participants provided a substantive basis for the formulation of the Conference of Chief Justices' January 1999 report entitled *A National Action Plan on Lawyer Conduct and Professionalism*. The *Action Plan* and the report of the proceedings of the Rancho Bernardo conference were published and disseminated as a single volume in March 1999 to the chief justices, lawyer disciplinary agencies and state bar associations throughout the United States.

Since Rancho Bernardo, discussions have been ongoing about the importance of continuing the valuable dialogue started at that program, evaluating efforts to implement the *Action Plan*, and assisting the chief justices in maintaining their leadership role in the regulation of the legal profession. One of the recommendations of the Action Plan was for the courts to take a leadership role in establishing professionalism commissions. Now, as more and more states look to create these commissions, the experience of those states that have led the way is invaluable. The Open Society Institute, a part of the Soros Foundations Network, agreed to provide necessary financial support for the preparation of this guide to aid the efforts to create new commissions and for a follow-up conference to be held in March 2001. The ABA Standing Committee on Professionalism provided the lead in developing this guide, with assistance from representatives of the existing professionalism commissions.

The Center owes a debt of gratitude to Angela Bennett, Chair of the Standing Committee on Professionalism and Allan Joseph, chair of the committee's working group on this project. In addition, thanks are due to the commissions that responded to the committee's survey, and in particular to Beryl P. Crowley (The Texas Center for Legal Ethics and Professionalism), Louis Craco (New York State Judicial Institute on Professionalism in the Law), Charles Hollenbeck (New Jersey Commission on Professionalism in the Law), Roy Sobelson (State Bar of Georgia Chief Justice's Commission on Professionalism), and Melvin F. Wright, Jr. (North Carolina Chief Justice's Commission on Professionalism) for their participation at the working group meeting on behalf of their state's professionalism commissions. Roy Stuckey (University of South Carolina School of Law Center on Professionalism) also participated in that meeting. Carole Mostow, Assistant Professionalism Counsel, served as the staff coordinator and, following her departure, Arthur Garwin, Professionalism Counsel, helped complete the project. Jeanne P. Gray, Director of the Center, Charlotte (Becky) Stretch, Special Counsel, and Ellyn Rosen, Associate Regulation Counsel, all were involved in conceptualizing the project and working with the Open Society Institute, as was Dean Burnele V. Powell, Chair of the Center's Coordinating Council. Professor Bruce Green, Fordham Law School, with the aid of student assistant Cathy Horta, served as reporter for the project.

## **ACKNOWLEDGMENTS**

This 2011 edition of A Guide to Professionalism Commissions was made possible through the efforts of the members of the Consortium on Professionalism Initiatives who provided updates to the information regarding their states. A special thanks to Avarita Hanson, the Chair of the Consortium, for her leadership.

## **EXECUTIVE SUMMARY**

In 1996, the Conference of Chief Justices decided to study and take action directed at promoting lawyer professionalism. The study that followed culminated in the development of "A National Action Plan on Lawyer Conduct and Professionalism," and its adoption by the Conference of Chief Justices on January 21, 1999. The National Action Plan included a series of recommendations, one of which was the establishment of a "Commission on Professionalism or other agency under the direct authority of the appellate court of highest jurisdiction."

This publication contains information from the professionalism commissions in Alabama, Florida, Georgia, Hawaii, Illinois, Maryland, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, South Carolina and Texas and is designed principally to assist judges and lawyers in states that do not yet have a professionalism commission as they contemplate the possibility of establishing one. This guide is directed specifically at the state chief justices, who are in the best position to promote, help establish and make a positive contribution to the success of such a commission through their endorsement and active involvement.

Part I of this guide offers a short discussion of how the various professionalism commissions originated and describes their objectives. Part II concentrates on the varied activities and programs that these commissions have undertaken to promote lawyer professionalism. Part III describes the commissions' structure and organization. Part IV discusses how the commissions have been funded. Part V summarizes suggestions that representatives of the existing commissions have offered to those interested in following in their footsteps. Finally, the Appendix to this guide includes the contact information for the existing commissions and, to the extent relevant, the court orders establishing or the bylaws regulating those commissions.

### **I. Background: The Derivation of the Professionalism Commissions**

Among the considerations that have shaped the organization and mission of professionalism commissions are: the nature of law practice in the state and the extent to which law practice varies between rural and urban areas or between other geographical sections of the state; whether the state has an integrated bar or a voluntary bar; the nature of the activities and resources already in place to promote lawyer professionalism; and the nature of the relationship, and extent of cooperation, among the bar, the judiciary, and the legal academic community.

Some of the professionalism commissions were initiated directly from the state supreme court, while others were initiated on the recommendation of court or bar appointed committees or task forces. Their missions generally include promoting lawyer professionalism and some have specific additional goals such as promoting scholarship regarding professionalism and ethics and promoting public understanding of the legal profession.

### **II. Programs and Activities**

The professionalism commissions sponsor and host a variety of programs and activities that are the

cornerstone of their efforts. These activities have included: continuing legal education programs; convocations; town hall meetings; law school programs; professionalism awards; mentoring programs; conciliation programs; publications and websites; studies; activities to promote community service; and proposals for law reform.

#### A. Continuing Legal Education

Several of the commissions take responsibility for designing and sponsoring continuing legal education ("CLE") courses that focus on various aspects of lawyer professionalism, such as discrimination, one's role as a lawyer and communicating with clients. A number of the states have professionalism CLE requirements, either for all lawyers or for newly admitted lawyers. Some professionalism commissions have designed educational programs specifically for particular segments of the legal community, for example large law firms or judges.

#### B. Convocations/Conclaves

Periodic convocations bring together representatives from the practicing bar, the judiciary, and the law schools to discuss issues of ethics and professionalism, such as the social responsibilities of lawyers in the practice of law and the roles that law schools and legal employers play in shaping the professional values of new lawyers.

#### C. Town Hall Meetings/Public Education

Town hall meetings bring together lawyers, judges, law professors and deans, and members of the public to discuss matters of professionalism. Examples include Georgia's "Attorney Concerns about Ethics and Professionalism" and "Professionalism in Client Relations." Those meetings have led to the development of three new programs: the Law School Orientations on Professionalism, the Law Practice Management Program and the Consumer Assistance Program. In addition to town hall meetings, other avenues for public education include presentations to civic groups, clubs, schools, and other lay groups.

#### D. Annual Symposia

The Georgia Center works with the law schools in that state, which each year present, on a rotating basis, a symposium on Ethics and Professionalism.

#### E. Law School Programs

Several professionalism centers assist in developing programs designed to contribute to the law schools' efforts to integrate elements of professionalism into orientation programs, the curriculum or extra-curricular programs such as law student essay contests or a professionalism retreat for graduating law students where the students would spend as much as a day and a half with professors and experienced lawyers to discuss professionalism and ethics.

#### F. Judicial Programs

Judicial programs include training, education and response to unwarranted media attacks on the judiciary.

#### G. Law Firm Programs

The New Jersey Commission has put together seminar materials for new associates.

#### H. Mentoring/Transition into Law Practice Programs

Mentoring programs help to smooth the transition from law school to legal practice, and allow new lawyers and law students to learn about different practice areas as well as to have a reference for

questions they may face in their work.

#### I. Conciliation\Peer Review Programs

Commissions have developed programs to enable lawyers, both individually and collectively, to overcome the differences between and among them, such as the Multnomah Committee's conciliation program and the New Jersey Commission's Professionalism Counseling Program.

#### J. Professionalism Awards

Several commissions sponsor annual professionalism awards that are given to lawyers who best exemplify the standards of professionalism articulated by the commissions.

#### K. Publications and Websites

Professionalism commissions have developed a variety of publications and other writings that have addressed areas such as the independence of lawyers in their relationships with clients; conflicts of duty that lawyers face in various situations; the lawyer's responsibility to communicate effectively with clients; the lawyer's responsibilities as an officer of the court; the lawyer's responsibility to protect the image of the profession; and the responsibilities of lawyers to the public. Most of the commissions have websites, which may include electronic publications, professionalism CLE information and links to other legal sites.

#### L. Studies

Another possible function of professionalism commissions is to engage in continued study of the professionalism issues facing lawyers, and how those issues and concerns change over time. A number of the commissions have undertaken historical projects that document the varying views of professionalism among members of their respective state bars. The New York Institute has appointed a working group on "core values," which seeks to formulate an authentic premise for American professionalism in the twenty-first century. The Institute also has undertaken a project to examine barriers faced by lawyers seeking to enter the profession, lawyers seeking mobility within the profession, and clients seeking affordable legal assistance and a project that will assess the current disciplinary system, suggest possible alternatives to it, and recommend how the image of lawyers can be improved through education or publicity.

#### M. Promoting Community Service

An important function that professionalism commissions might serve is to promote public service and pro bono work among lawyers. In Georgia, a Community Service Task Force was created in 1996 under the auspices of the Professionalism Commission, and it sponsored convocations, awards, the publication of a newsletter, and Habitat for Humanity projects, to name a few of its activities. The Community Service Task Force has become the Selection Committee for the Justice Robert Benham Awards for Community Service, a partnership of the State Bar of Georgia and the Professionalism Commission.

#### N. Proposals for Reform

A professionalism commission may be the source of ideas for reforming the law, legal practice, or judicial processes, in ways that will enhance lawyer professionalism. The North Carolina Commission developed a proposal that led to the enactment of an innovative state statute that allows all trial lawyers to take up to three weeks of vacation each year.

#### O. Measuring Professionalism

While it is very difficult to measure personal or systemic change in this area, the Georgia

Commission has suggested a number of ways of looking at increases in awareness of professionalism issues.

### III. Structure and Organization of the Professionalism Entities

The professionalism commissions have chosen different structures and organizations to meet their needs. A common link among all, however, is that they strive to include members of the bar, the judiciary, the law schools and the public among their leadership and membership.

### IV. Funding

The commissions have found that the most effective route is to obtain funding from several sources at once. For the commissions that are considered part of bar associations, the funding generally comes from state bar funds, and these commissions are subject to the same budgetary procedures as other components of the bar. For the professionalism commissions that are part of the court system, the judicial budget generally provides funding. However, judicial funding is not always adequate to run all of the programs of these entities. Commissions have also derived income from CLE programs; sales of books or videotapes; contracts with law firms, corporations, and bar-related groups to which they provide assistance with ethics programs; and grants from public foundations.

### V. Advice to New Commissions

First, a new entity must have the cooperation and support of both the bench and the bar. Also, the bench, bar, and the law schools must all be involved with and participate in its work.

Second, it is extremely important to secure adequate funding. Sources include bar funds, revenues from CLE courses, and private donations and grants.

Third, it is important for a professionalism commission to define its goals, which may include developing quality professionalism CLE programs or initiating studies.

Fourth, staff and directors of the commissions play essential roles. The most successful entities have full-time employees. It is helpful to involve influential and well-known members of the legal community in the commission's work, in particular the Chief Justice of the state.

Fifth, publicity is important. Several commissions have newsletters or submit articles to legal journals and newspapers. A website is another route to reaching the target audience.

Sixth, the quality and originality of programming is of utmost importance.

## A GUIDE TO PROFESSIONALISM COMMISSIONS

### Introduction

Since their founding, the American Bar Association and other bar associations across the country have regarded it as central to their mission to promote the highest ideals of professionalism. Other institutions of the legal profession, especially the courts and the law schools, have joined in this endeavor.

In the late 1980s and early 1990s, renewed attention was given to the state of professional practice among American lawyers.<sup>1</sup> The Conference of Chief Justices responded in 1996 by resolving to embark on study and action directed at promoting lawyer professionalism.<sup>2</sup> Its resolution recognized that "there is the perception and frequently the reality that some members of the bar do not consistently adhere to principles of professionalism and thereby sometimes impede the effective administration of justice." The study that followed culminated in the development of "A National Action Plan on Lawyer Conduct and Professionalism," and its adoption on January 21, 1999.

The Conference's action plan included a series of recommendations directed at state courts, bar associations, law schools, individual lawyers and others. It called upon the highest state appellate courts, in particular, to "take a leadership role in evaluating the contemporary needs of the legal community with respect to lawyer professionalism and coordinating the activities of the bench, the bar, and the law schools in meeting those needs." Further, it identified four specific efforts that the state judiciaries should undertake. The first was the establishment of "a Commission on Professionalism or other agency under the direct authority of the appellate court of highest jurisdiction."

At the time the Conference endorsed state professionalism commissions, only a handful existed. Thus, there were only a limited number of models to which courts and bar associations of other states might look for guidance. Even at that time, however, there was no singular conception of a state professionalism commission. As described in a briefing paper prepared for the Conference, the existing entities generally shared the objective of "ensur[ing] the promotion of professionalism among legal professionals" but differed in emphasis. For example,

Florida offers efforts that spread to law schools, local bar associations and the judiciary. The Georgia Chief Justice's Commission on Professionalism recognizes that lawyers exist to solve problems on behalf of their clients while acting within public interests, that lawyers can use their talents and leadership to help better society, and that social conscience and devotion to the public interest are integral units to lawyer professionalism. The New Jersey Commission emphasizes the spirit of professionalism; and the Ohio Commission serves in a supervisory role in working with judicial organizations, bar associations, law schools and other entities in emphasizing and enhancing professionalism.

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<sup>1</sup> See, e.g., *Teaching and Learning Professionalism*, Report of the Professionalism Committee of the American Bar Association Section of Legal Education and Admissions to the Bar 2-3 and nn.5-7 (citing books, articles and bar association reports).

<sup>2</sup> "National Study and Action Plan Regarding Lawyer Conduct and Professionalism," adopted by the Conference of Chief Justices in Nashville, Tennessee, at the Forty-eighth Annual Meeting on August 1, 1996.

In the past few years, the number of state professionalism entities has grown. Professionalism commissions, which go by a variety of names, now operate in fourteen states – Alabama, Florida, Georgia, Hawaii, Illinois, Maryland, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, South Carolina, and Texas-as follows:

- Alabama Chief Justice’s Commission on Professionalism (no date available)
- Florida Bar's Center for Professionalism and the Supreme Court Commission on Professionalism (established 1996)
- Georgia's Chief Justice's Commission on Professionalism (established 1989)
- Hawaii Supreme Court Commission on Professionalism (established 2005)
- Illinois Supreme Court Commission on Professionalism (established 2006)
- Maryland Court Commission on Professionalism (established 2004)
- New Jersey Commission on Professionalism in the Law (established 1995)
- Commission on Professionalism of the State Bar of New Mexico (established 2000)
- New York Judicial Institute on Professionalism in the Law (established 1999)
- North Carolina's Chief Justice's Commission on Professionalism (established 1998)
- Supreme Court of Ohio Commission on Professionalism (established 1992)
- Oregon Supreme Court/Oregon State Bar Joint Commission on Professionalism (established 1994) and Multnomah Bar Association Professionalism Committee (established 1987)<sup>3</sup>
- South Carolina's Chief Justice's Commission on Professionalism (established 2000)
- The Texas Center for Legal Ethics (established 1989)

These entities differ in a variety of ways, including not only in how they define their mission and the nature of the activities that they undertake, but also in how they are organized, operated, and funded. Thus, judges and lawyers seeking to establish a new professionalism entity in the future have an array of experiences on which to draw.

This publication describes the professionalism commissions now in operation. The first edition was developed under the auspices of the ABA Standing Committee on Professionalism and prepared in anticipation of the March 2001 conference of the Conference of Chief Justices on implementation of *A National Action Plan on Lawyer Conduct and Professionalism*. This guide is designed principally to assist judges and lawyers in states that do not yet have a professionalism commission as they contemplate the possibility of establishing one. It draws on the generous contributions of all fourteen existing professionalism entities, each of which responded to surveys and provided useful materials and some of which were represented at a meeting organized by the Standing Committee in October, 2000 at which information was exchanged and experiences shared.

As this guide describes, a state commission may select from a rich array of activities to promote professionalism among its state's lawyers. Those activities may, and probably should, differ from state to state depending on a variety of considerations, including the extent of the entity's resources, the nature of activities undertaken by other institutions within the state to promote professionalism, and the particularities of law practice and legal institutions within the state. Likewise, there is no single, best approach to how a professionalism entity should be operated and organized. The models described here should stimulate thinking about what will work best in one's own state. They might

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<sup>3</sup> Although the Multnomah Bar is not a state professionalism entity, it has been the most active professionalism entity in Oregon and serves a large segment of the Oregon lawyer population. Therefore, references to it have been included throughout this guide to benefit those states that, for whatever reasons, find it difficult to implement one of the state entity models and have a regional association that can fill in the gap.

inspire further innovation. At the same time, the work of the fourteen existing entities should serve to confirm the Conference's conclusion twelve years ago that, however constituted, a state professionalism commission can make an important contribution to the combined efforts of the bench, the bar, and the law schools to promote professionalism among the jurisdiction's lawyers.

Although designed for judges and lawyers generally, this guide is also directed specifically at the state chief justices, not only because of the importance of their collective support for the establishment of state professionalism centers nationwide, but also because of their individual ability to promote the future development and success of professionalism centers in their own states. A state professionalism center may be established in many ways, as this guide describes. But, there is no question that a state chief justice is generally in a better position than anyone to ensure that a professionalism center is initiated in his or her state. Further, once established, a state professionalism center is most likely to thrive and to make the most positive possible contribution if it has the endorsement and active involvement of the state chief justice.

By way of background, Part I of this guide offers a short discussion of how the various professionalism commissions originated and describes their objectives. Part II concentrates on the varied activities and programs that these commissions have undertaken to promote lawyer professionalism. Part III describes the commissions' structure and organization. Part IV discusses how the commissions have been funded. Part V summarizes suggestions that representatives of the existing commissions have offered to those interested in following in their footsteps. Finally, the Appendix to this guide includes the contact information for the existing commissions and, to the extent relevant, the court orders establishing or the bylaws regulating those commissions.

## I. Background: The Derivation of the Professionalism Commissions

Although the existing professionalism commissions came about in various ways and their missions are defined somewhat differently, generally speaking they were established in response to two insights. The first is that, as the bar has become larger, more spread out geographically, more diverse, and more highly specialized, traditional informal mechanisms have become inadequate in and of themselves to educate lawyers about professional expectations and to encourage lawyers to strive to achieve the highest professional ideals. It has therefore become increasingly important for the legal profession, collectively and more formally than in the past, to promote professional values widely among practitioners and future practitioners. The second insight is that, although existing entities in each state - in particular, state and local bar associations, law schools and the courts - currently make important contributions to promoting lawyer professionalism, this important objective can be further and materially advanced by a new entity - namely, a professionalism commission - which undertakes the task of promoting lawyer professionalism as its principal mission.

The founders of the existing commissions typically undertook serious study before reaching these conclusions, organizing and establishing a commission, and defining its mission. Considerable groundwork was necessary for a variety of reasons. Thought needed to be given to the questions of how to successfully establish and finance a professionalism commission and how to bring together existing institutions and individual practitioners to support it. Thought also needed to be given to the structure of the commission and to the question of what activities it would undertake. Among the considerations that have shaped the organization and mission of professionalism commissions are: the nature of law practice in the state and the extent to which law practice varies between rural and urban areas or between other geographical sections of the state; whether the state has an integrated bar (as in Alabama, Florida, Georgia, New Mexico, Oregon, South Carolina and Texas) or a voluntary bar (as in Hawaii, Illinois, Maryland, New Jersey, New York, North Carolina and Ohio); the nature of the activities and resources already in place to promote lawyer professionalism; and the nature of the relationship, and extent of cooperation, among the bar, the judiciary, and the legal academic community.

*Alabama.* No information available.

*Florida.* In Florida, the state bar association established a task force in 1989 to study the apparent decline in professionalism among lawyers in the state. The task force's work led to the creation of The Florida Bar's Standing Committee on Professionalism. The success of the Committee's work was, in turn, the impetus for the creation of a permanent organization to oversee daily operations of the committee. Thereafter, The Florida Bar's Center on Professionalism and the Supreme Court of Florida's Commission on Professionalism were established to work together to promote professionalism throughout the state. The collaborators began with a "vision," a "mission," and a prescribed "path." The vision was "[t]o realize a just legal system and a legal profession warranting the trust of society;" the mission was "[t]o promote the fundamental ideals and values of the justice system and the legal profession, and to instill those ideals in all those persons serving and seeking to serve in the system;" and the path toward that objective was "[t]o identify the problems that have frustrated the achievement of the ideals of the system of justice and the legal profession; to suggest solutions; and to develop methods to improve our professional behavior through leadership, education and allocation of resources."

*Georgia.* In Georgia, the Chief Justice's Commission on Professionalism was established by the Supreme Court, whose judges had previously written extensively on the subject of professionalism. The court order, dated February 1, 1989, described the impetus for its creation as the "recognition of

the need for emphasis upon and encouragement of professionalism in the law practice." In part because of concerns about frequent changes in state bar leadership, the Commission was created separately from the bar and is, essentially, an agency of the Supreme Court. Its mission is "to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system." Toward this end, the Commission calls lawyers to three tasks: to recognize that lawyers exist "to act as problem solvers performing their service on behalf of the client while adhering at all times to the public interest," [t]o utilize their special training and natural talents in positions of leadership for societal betterment," and "[t]o adhere to the proposition that a social conscience and devotion to the public interest stand as essential elements of lawyer professionalism."

*Hawaii.* The Commission was established on March 14, 2005 by an Order of the Hawaii Supreme Court. Establishment of the Commission was recommended by the Hawaii Supreme Court's Committee to Formulate Strategies for Implementing the Conference of Chief Justice's National Action Plan on Lawyer Conduct and Professionalism.

*Illinois.* On November 19, 2001, the Illinois Supreme Court issued an order establishing the Special Supreme Court Committee on Professionalism. The Committee was created in response to the growing perception of lawyers' diminishing regard for the core values of the profession. Concerns about the lack of civility, the decline of the public understanding and appreciation of the legal system generally, and of judges and lawyers, motivated the activities of the Committee. Through a variety of formal and informal mechanisms including town hall meetings, symposia, surveys and the collection of anecdotal evidence, observers expressed substantial and growing concern about the decline of professionalism amongst the members of the bar. In 1999 the Conference of Chief Justices had recommended that each state establish a Commission on Professionalism or similar agency under the direct authority of the appellate court of highest jurisdiction. With the support and leadership of the Chief Justice, the Illinois Supreme Court adopted the recommendations of their Special Committee on Professionalism and in December 2005 created the Illinois Supreme Court Commission on Professionalism.

*Maryland.* On April 25, 2002, in response to a recommendation by the Maryland State Bar Association that all licensed Maryland attorneys be required to complete a mandatory continuing legal education course on professionalism, the Chief Judge of the Maryland Court of Appeals established the Maryland Judicial Task Force on Professionalism. The Task Force was composed of twenty-four Maryland lawyers: one from each Maryland jurisdiction and a lawyer reporter. After an initial organizational meeting, the Task Force embarked upon a state-wide "self study" of the concept of professionalism. This was accomplished through a series of town meetings held in each Maryland jurisdiction. The Task Force found a near unanimous perception that professionalism in the legal profession had declined over the years. In order to further professionalism as an important core value, the Task Force recommended that a Professionalism Commission be established and that the Commission, drawing on the findings of the Professionalism Task Force, identify indicia of professionalism, develop standards of professional conduct to be published to the bench and Bar, and study specific ways to improve professionalism throughout the State. On November 10, 2003, the Maryland Court of Appeals adopted the Professionalism Task Force's recommendation to establish a Professionalism Commission.

*New Jersey.* In New Jersey, the State Bar Association was the driving force behind the Commission. It initially appointed a Professionalism Committee that studied lawyer professionalism during 1992

and 1993. The Committee recommended that a commission be established as a joint undertaking of the New Jersey State Bar Association, the judiciary, and the state's three law schools. The State Bar and the deans of the law schools issued a joint letter to the Supreme Court asking for its support, and in 1995, the Supreme Court agreed to the creation of the New Jersey Commission on Professionalism in the Law. Its goal is to promote and encourage professionalism within New Jersey's legal community through education and other efforts. The objectives of the New Jersey Commission are reflected in the *Principles of Professionalism for Lawyers and Judges* that it developed. The Principles, which focus on the goals of professionalism and civility, address lawyers' relations with clients, other counsel, and the courts. The preamble recognizes that:

Adherence to standards of professional responsibility, along with a broad respect for the law, is a hallmark of an enlightened and effective system of justice. The conduct of lawyers and judges should be characterized at all times by professional integrity and personal courtesy in the fullest sense of those terms. Both are indispensable ingredients in the practice of law, and in the orderly administration of justice by our courts.

While acknowledging that the Principles "are aspirational in nature and are designed to assist and encourage judges and lawyers to meet their professional obligations," the preamble "encourage[s] all judges and lawyers to make a commitment to these Principles, and to conduct themselves in a manner that preserves the dignity and honor of the judiciary and the legal profession."

*New Mexico.* The New Mexico Commission was established by order of the Supreme Court on May 2, 2000.

*New York.* The New York State Judicial Institute on Professionalism in the Law was established by an administrative court order of the Chief Judge of the Court of Appeals (the state's highest court) in March, 1999. This was the product of four years of study and planning, beginning in 1995, when the Chief Judge appointed the Committee on the Profession to examine the issue of professionalism in New York. The Committee issued a host of recommendations among which was the establishment of a professionalism institute in New York State. To propose how to implement various recommendations, including this one, the Chief Justice then appointed a Task Force on Attorney Professionalism and Conduct. Its subcommittee intensively studied the question of what role a professionalism institute could best serve and how it could best be organized and funded. Among other things, the subcommittee polled state and local bar association presidents and law school deans and gathered material from the then-existing professionalism commissions of other states. Its ultimate recommendations were adopted by the Chief Judge, who appointed the new Institute's members.

The administrative order creating the New York Institute lists the following five purposes: "to promote the awareness of and adherence to professional values and ethical behavior by lawyers in the State of New York; to encourage and support the organized bar, law schools, and other institutions of the legal profession in efforts to undertake effective programs, individually and in concert, for the promotion of such awareness; to promote scholarship regarding, and practical attention to, emerging issues in the practice of law that may present issues of professionalism or legal ethics; to promote public understanding of matters relating to the role of law, and to professionalism, ethics and discipline in the legal profession; [and] to facilitate cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics and public understanding in the legal profession." To date, the institute has concentrated on studying how the changes in the legal profession - e.g., the increase in the number of

lawyers, lawyer diversity, and international practice - have affected the level of attorney professionalism. As the Institute Chair, Louis Craco, has explained, "If you wait for crisis and then put together some blue ribbon commission, you are both too late and insufficient . . . The notion was that since these changes are not going away and these pressures are not going away and the need for legitimate understanding of what professionalism means and implies is not going away, there ought to be an institute . . . that is not going away."<sup>4</sup>

*North Carolina.* In North Carolina, the Chief Justice of the North Carolina Supreme Court and the officers of the North Carolina State Bar were the driving forces behind the Chief Justice's Commission on Professionalism, which was founded in 1998. The Commission was created after study of the organization and programs of already-established professionalism entities around the country. Its mission is embodied in its lawyer's professionalism creed:

To my clients, I offer competence, faithfulness, diligence, and good judgment. I will strive to represent you, as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, truthfulness, and courtesy. I will strive to do honor to the search for justice.

To the profession, I offer assistance. I will strive to keep our profession a high calling in the spirit of *pro bono* and public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.<sup>5</sup>

*Ohio.* In 1989, the Chief Justice of the Supreme Court of Ohio created a Committee to Study Creeds of Professionalism, which met throughout 1989 and 1990. Among other things, the Committee recommended the formation of a permanent Commission that would serve an oversight function and that would make recommendations to the Supreme Court about lawyer professionalism. In 1992, the Supreme Court adopted Rule XV for the Government of the Bar of Ohio, which created the Supreme Court of Ohio Commission on Professionalism. The Commission was directed to address the Court's concern that lawyers were increasingly overemphasizing commercialism in the practice of law and giving insufficient importance to the tradition of law as a learned profession to be conducted with dignity, integrity and honor and as a high calling dedicated to the service of clients and the public good. This trend, the Court believed, was reflected in lawyers' emphasis on financial rewards, a diminishing of courtesy and civility among lawyers in their dealings with each other, a reduction in respect for the judiciary and the system of justice and a lessening of regard for others and commitment to the public good.

*Oregon.* The Oregon Supreme Court/Oregon State Bar Joint Commission on Professionalism was established in 1994 by order of the Oregon Supreme Court. The purpose of the Commission is "to promote among lawyers and judges principles of professionalism, including civility and commitment

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<sup>4</sup> John Caher, *Call for Bridge From Academia to Practice*, N.Y.L.J., Nov. 15, 2000.

<sup>5</sup> The Lawyer's Professionalism Creed of the North Carolina Chief Justice's Commission on Professionalism is modeled after The Lawyer's Creed of the state of Georgia.

to the elimination of discrimination within the judicial system to ensure that it equitably, effectively, and efficiently serves the people of Oregon." The Commission's efforts focus on education through CLE panel discussions, articles in the Oregon State Bar Bulletin, and outreach to law schools.

The Oregon Commission has had limited activity. The Professionalism Committee of the Multnomah Bar Association, which serves the metropolitan region of Portland, has been the leader in promoting professionalism initiatives throughout the state of Oregon. Although not a statewide Commission as such, it provides an excellent example of what a large bar within a state can accomplish. The original driving force behind the creation of the Committee in 1987 was the then-president of the Multnomah Bar Association. The Committee's objectives are reflected in the bar's Professionalism statement: "Professionalism goes beyond observance of the legal profession's ethical rules and serves the best interests of clients and the public in general; it fosters respect and trust among lawyers and between lawyers and the public, promotes the efficient resolution of disputes, and makes the practice of law more enjoyable and satisfying."

*South Carolina.* On November 22, 2000, the Supreme Court of South Carolina, in response to a recommendation by the Board of Governors of the South Carolina Bar, created the Chief Justice's Commission on the Profession. The Court adopted Rule 420, which stated that the Chief Justice's Commission was created in recognition of the need for the emphasis upon and encouragement of professionalism in the practice of law.

*Texas.* In Texas, the Texas Bar Foundation began to consider a major project for improvement of the litigation system in 1983. Thereafter, both the Bar Foundation and the Texas Supreme Court appointed task forces on Legal Ethics and Professionalism. They were mandated to look at a number of projects, including a lawyers' creed of professionalism and "a Texas Center for Legal Ethics and Professionalism." The Texas Supreme Court and Court of Criminal Appeals then jointly promulgated *The Texas Lawyers' Creed: A Mandate for Professionalism* in November 1989, and the Texas Bar Foundation established the Texas Center for Legal Ethics and Professionalism a month later in order to promote and embody the values of the Creed as well as ethics, professionalism, and civility generally. The Center – its name was changed to the Texas Center for Legal Ethics in 2009 – was incorporated by three former Chief Justices of the Texas Supreme with the founding group from the Bar Foundation serving as the original Board of Trustees. In 1996, the Supreme Court of Texas mandated that all newly-licensed attorneys in the State of Texas take a new four-hour course created by the Center now known as the *Justice James A. Baker Guide to the Basics of Law Practice* course. Today the Texas Center for Legal Ethics is a nonpartisan, non-profit independent corporation that is loosely affiliated with the integrated bar. Its mission is to enhance professionalism, ethics and civility among lawyers by using all available resources to focus the attention of lawyers, law students, the judiciary, and the public on excellence in the profession and the adherence by the profession to high ethical standards.

## II. Programs and Activities

The existing professionalism commissions sponsor and host a variety of programs and activities that are the cornerstone of their efforts to promote lawyer professionalism. As discussed below, these activities have included: continuing legal education programs; convocations; town hall meetings; law school programs; professionalism awards; mentoring programs; conciliation programs; publications and websites; studies; activities to promote community service; and proposals for law reform. No commission undertakes all these activities. In general, the nature and extent of a commission's activities has depended on the resources available to it and the needs of the legal community, including the nature and extent of existing activities undertaken by other state and local institutions. Further, the activities of a professionalism center may depend on its philosophy. A center may elect to take a "micro" or "nuts-and-bolts" approach, emphasizing discrete projects to enhance professionalism within particular segments of the bar; it may take a "macro" or "big-picture" approach, examining the forces that influence professional conduct in light of changes in the profession and within society in general and exploring how to promote professionalism against the background of professional and societal developments; or, it may eschew any particular philosophy but elect to promote professionalism from a variety of angles.

### 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.

## B. Convocations/Conclaves

Another possible function of a state professionalism commission is to hold periodic convocations that bring together representatives from the practicing bar, the judiciary, and the law schools to discuss issues of ethics and professionalism. In Georgia, statewide convocations on professionalism were conducted in the early years of the Commission. They were deemed highly successful in drawing interest to the subject of professionalism and in defining the ideals and practice of professionalism. The Georgia convocations have addressed the following topics:

- "The Practice of Law - Is There Anything More to It than Making Money?"
- "A New Era of Professionalism"
- "The Social Responsibilities of Lawyers in the Practice of Law - The Lawyer as Citizen"
- "Professionalism - Passing it Along"
- "Town Hall Meetings - Attorney Concerns about Ethics and Professionalism"
- "Ethics-Beyond the Code"
- "Town Hall Meetings - Professionalism in Client Relations"
- "Professionalism and Community Service"
- "Professionalism and Public Service"

In Georgia, statewide Convocations on Professionalism allow conversation around one or two issues. The format has been adopted by State Bar sections where it is helpful to address professionalism in the practice of law, i.e., Family Law Convocation on Professionalism. Similar convocations have been held in New Jersey and elsewhere.

The New York State Judicial Institute on Professionalism in the Law conducted, as its inaugural public event, a convocation titled, *The Face of the Profession*. It was designed to explore the transition from law school to legal practice and the roles that law schools and legal employers play in shaping the professional values of new lawyers. The convocation brought together leaders of the practicing bar and select representatives of the state's law schools to examine the profile of students accepted into law school, the socialization of law students into the profession, and law students graduating and starting employment. Among the questions that participants explored were: How successful is the LSAT in choosing students for admission? What is the role of law schools as gatekeepers of the profession? Why do people choose law school? What is the impact of clinics on students' sense of professionalism? What is the extent and impact of economic stress upon law students? How do law professors perceive their role in the formation process? What are the expectations of new law graduates? What types of employment do new graduates seek? What principles and values do employers look for in graduates?

The New York convocation included breakout sessions in which groups of lawyers, judges, and academics discussed how to improve the relationship between the practicing bar and the academy. The groups reported their findings to the general assembly. According to the organizers, the groups suggested excellent ideas for "a major bridge-building effort to wed the idealism of law school with the practicalities of modern practice."<sup>6</sup> Some of these suggestions included a recommendation for a mentoring program for law students, a recommendation that more clients be brought into the classroom, a recommendation for a pro bono requirement for law students, a suggestion that law professors write more often for practice-oriented publications rather than focusing predominantly on law reviews, and the suggestion that law professors strive to bring more real-life examples and stories into the classroom discussions.<sup>6</sup>

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<sup>6</sup> John Caher, *Call for Bridge From Academia to Practice*, N.Y.L.J., Nov. 15, 2000.

The Illinois Commission held its first conclave in December, 2007, with the co-sponsorship of the Illinois Judges' Association, Illinois State Bar Association, and the Chicago Bar Association. The outcome of the conclave was the identification of initiatives in two specific areas: the diversity of our profession; and the appropriate balance of the traditional core values of the profession in a more competitive marketplace.

### C. Town Hall Meetings/Public Education

Professionalism commissions might also use the format of town hall meetings to bring together lawyers, judges, law professors and deans, and members of the public to discuss matters of professionalism. Most notably, Georgia conducted two successful series of town hall meetings, which each drew about 1000 participants. The first, conducted during the period from 1992 to 1994, was titled, "Attorney Concerns about Ethics and Professionalism." Conducted in twelve communities, the meetings brought together members of the legal profession to develop a shared vision of the profession of law. The discussions contributed to the later work of the Commission in a variety of ways. In particular, two new programs - the Law School Orientations on Professionalism and the Law Practice Management Program - were developed in response to the concerns of lawyers at the meetings. In 1993, the Town Hall Meetings received the ABA's E. Smythe Gambrell Professionalism Award.

The second set of Georgia town hall meetings, conducted from 1994 to 1996, was titled, "Professionalism in Client Relations." Members of the community and clients were invited to participate to better explore client concerns about representation, client relationships with lawyers, public access to the justice system, public perceptions of the justice system, and effective communication between clients and lawyers. In response to the concerns articulated at these meetings, in 1995 the State Bar of Georgia established the Consumer Assistance Program to resolve non-disciplinary complaints through conciliation, negotiation, and education. Also in response to these town hall meetings, in 1996 the State Bar established a Committee on the Standards of the Profession to investigate the bar's responsibility to train new lawyers in competent and professional client representation. As a result, Georgia adopted the first mandatory mentoring program for new lawyers, the Transition Into Law Practice Program (TILPP).

The Texas Center for Legal Ethics engages in public education in the form of presentations to civic groups, clubs, schools, and other lay groups. In addition, the Center recently created a new blog entitled *On the Merits* on its redesigned web site at [www.LegalEthicsTexas.com](http://www.LegalEthicsTexas.com). *On the Merits* looks at media accounts of lawyers and the legal system with an eye toward correcting the common myths and misconceptions that increase public cynicism about how the legal system works. It is designed to take advantage of Facebook and other newer forms of social media to educate the public about what lawyers do and why the rule of law is essential to a democratic society.

#### D. Annual Symposia

On a rotating basis, every year a law school in Georgia presents a symposium on Ethics and Professionalism. The Commission assists the law school with the design and presentation of these programs, supported by funds allocated pursuant to a 1998 settlement order of the U.S. District Court for the Middle of District of Georgia. The programming is applicable to both law student and legal practitioners.

Since 2001, these symposia have addressed a wide variety of topics starting with the first symposium presented by Professor Patrick E. Longan of Mercer Law School on “Ethics in Settlement Negotiations.” This program was based on the ABA Litigation Section’s Proposed Guidelines. The 2002 symposium, “Problems in Discovery and Professionalism,” was spearheaded by Professor C. Ronald Ellington of the University of Georgia School of Law, followed in 2003 by Emory’s conference created by Professor Anita Bernstein, “What Do Clients Want?” In 2004 Professor Clark Cunningham led Georgia State University College of Law in presenting its symposium on “Teaching Ethics and Professionalism” and inaugurated the National Award for Innovation and Excellence in Teaching Professionalism. The second cycle of symposia started in 2004 with Mercer’s symposium on “Professionalism and Ethics in Judicial Selection. Professor C. Ronald Ellington of the University of Georgia Law School in 2005 presented “Taking Your Case to the Court of Public Opinion.” In 2007, Professor Anita Bernstein hosted Emory’s symposium, “Lawyers and Disability.” In 2008, it was Georgia State’s turn, with their program, “International Conference on the Future of Legal Education.”

The Georgia commission is also a founding sponsor of The National Institute for Teaching Ethics and Professionalism (“NIFTEP “), which was established in 2005 through the leadership of Georgia State University College of Law to provide the opportunity for legal practitioners to join with law school faculty and creatively engage in an educational discourse on teaching ethics and professionalism as continuing legal education and in the law school classroom. During 2005-2008, the first three years of operations, three NIFTEP workshops were held to which participants were invited as fellows. The fellows include law professors, practicing lawyers with substantial CLE teaching experience and state bar officials from several states. Session topics have included 1) Pilot Project for Professional Proficiency Testing; 2) Teaching Demonstration: The O.M. Client Meeting Exercise; 3) The Practice of Law as a Business: Not a Bad Thing?; 4) Teaching Ethics and Professionalism as Part of a Course on Fundamentals of Law Practice; 5) development of moral decision-making and ethical commitment during law school and the first five years of practice and 6) what can be done in one hour and how to design a one-hour class or CLE session that makes a difference. Funding is provided by a grant from the Commission and from other sponsors.

#### E. Law School Programs

Several professionalism centers assist in developing programs designed to contribute to the law schools' efforts to integrate elements of professionalism into the curriculum or into extra-curricular programs. For example, the Multnomah Committee has reported success with a law school program it developed. During first year students' orientation, lawyers meet with the law students to discuss the book, *A Civil Action*, by Jonathan Harr. Thereafter, throughout the academic year, faculty refer to the book in their classes and members of the Committee participate in panel presentations on the subject of professionalism as well as in regular classroom instruction. With an eye toward promoting discussions of professionalism in the upper class years, the Committee's law school subcommittee has proposed organizing a professionalism retreat for graduating law students where the students would spend as much as a day and a half with professors and experienced lawyers to discuss professionalism and ethics.

Along similar lines, the Georgia Commission joined the State Bar's Committee on Professionalism to develop "Orientations on Professionalism," which received the ABA/Information America Client Relations Project Award in 1994. The programs are presented with the cooperation of the law schools, the organized bar, the practicing bar, and the judiciary. An expanded version of the orientation program, conducted at Emory Law School, received the ABA Gambrell Professionalism Award in 1999, and includes two sessions held during the first year of law school. One aspect of the program is a series of hypothetical questions that focus solely on the law school experience to reinforce the notion that lawyers' professionalism begins with their experiences as law students.

The Georgia Commission has also created pilot professionalism programs for second and third year law students in response to requests by students and group leaders to expand the professionalism programs. One program uses the video *The Case of the Silent Alarm* to stimulate discussion. Another program uses the text *Lives of Lawyers* by Georgetown Law Professor Michael Kelly to explore the link between legal academia and the profession. The Commission has found it useful to continue discussions of professionalism beyond the first year of law school because students express increasing concern as they near graduation and the beginning of practice.

The North Carolina Commission assists with implementing a Professionalism Orientation Program at its North Carolina law schools for first year students. The program includes volunteer lawyer and judge alumni leading discussion groups on hypothetical situations related to professionalism and ethics. Some of the law schools prefer to conduct the orientation during the Orientation Week, while others present the program between the first and second semesters.

The North Carolina Commission has also provided grants to the law schools to assist with developing and implementing other professionalism programs in order to supplement their professionalism curriculum. Duke University's Blueprint program, Campbell University's Professionalism Lecture Series and Wake Forest University's professionalism efforts have each received the ABA Gambrell Professionalism Award. Due to the grants, North Carolina Central University, Campbell University and Elon University have been able to establish professionalism dinners, where students are invited to participate with judges and lawyers in speaking about a professionalism and ethics hypothetical. In addition, the University of North Carolina was able to expand its already successful Witt Professionalism Roundtable and hold a professionalism dinner for its Charlotte area alumni. All of these dinners are modeled after the Witt Professionalism Roundtable at the University of North Carolina.

In Ohio, the Commission has a Law School Committee that works to develop professionalism

initiatives for Ohio's law schools. In past years, the Law School Committee assisted Ohio's law schools with their orientations by helping develop scenarios that address professionalism issues for students to discuss and suggesting language for a law school student oath. In more recent years, the Commission on Professionalism hosted Ohio's law school deans at its December 2009 Commission meeting and held a Student to Lawyer Symposium in December 2010. The purpose of the Student to Lawyer Symposium was to bring together law school deans and academics, experienced practicing attorneys, judges, law school students, and new lawyers to discuss how law schools and the rest of the legal community may better prepare students to be exemplary legal professionals. Several of Ohio's law school deans, as well as Justices of the Supreme Court of Ohio, were in attendance. For more information about the Student to Lawyer Symposium or to view a video of the event, please see <http://www.supremecourt.ohio.gov/Boards/CP/symposium.asp>.

In South Carolina, the Commission has appointed a subcommittee to assist the two law schools in the state in developing law school courses on professionalism. The Commission has also appointed a subcommittee on Judicial Internships wherein qualified law students have the opportunity to work with state court judges during the summer.

In Illinois, drawing upon models from other states and as developed by the Southern Illinois School of Law, the Commission coordinates orientation programs in most of the Illinois law schools that consists of a speech on the importance of professionalism by a Supreme or Appellate Court Justice, administration of a Pledge of Professionalism to matriculating 1L students, and facilitated small group discussions with practicing lawyers. The law school orientation programs are designed to introduce law students to some of the myriad of professionalism issues that will challenge them when they begin to practice.

In 2010, the Illinois Commission collaborated with some law schools to introduce professionalism programming beyond the orientation of new students. For example, at the John Marshall Law School, the Justice Anne E. Burke Professionalism Series brought together lunch time panels of practicing lawyers and judges that gave students perspectives on topics such as considerations for starting your own practice and courtroom demeanor, and scenarios designed to address issues of civility, diversity and inclusion.

The orientation for first year students at each of New Jersey's three law schools includes a professionalism component featuring an address by the state bar president, who concludes by administering The Lawyers' Pledge to the students. The Lawyers Pledge was developed by New Jersey's Commission as a supplement to the statutory oath administered to newly admitted members of the bar. The Lawyers' Pledge stresses adherence to the noble ideals of the profession.

## F. Judicial Programs

In New Jersey, the commission participates in two annual programs for judges. The first is a mandatory training session for new judges, including a seminar on professionalism. It deals with the responsibility of judges to set an example, to fairly and firmly deal with errant lawyers, control the courtroom, and observe the highest standards of professional behavior. The second program is the annual New Jersey Judicial College, a two and a half day educational program that all trial and appellate judges must attend. The commission has participated on a number of occasions (through a seminar on a professionalism topic). The commission also provides speakers for annual training seminars for local (municipal court) judges.

The North Carolina commission is the home to a Judicial Response Committee, which is comprised of highly respected members of the legal community and responds to unwarranted attacks in the media on the judiciary.

The Supreme Court of Ohio Commission on Professionalism has a judicial committee, consisting of the five judges who are members of the Commission. Members of this group have developed a judicial education program entitled Promoting Professionalism On and From the Bench. This presentation features a discussion of hypothetical situations where attorneys are behaving unprofessionally but not necessarily unethically. The goal of the program is to encourage judges and magistrates to be more proactive in addressing unprofessional behaviors they see inside and outside of the courtroom. The program features realistic scenarios and allows judges and magistrates to vote electronically (and anonymously) as to how they would react to each hypothetical situation. Promoting Professionalism On and From the Bench has been presented at state-wide meetings sponsored by the Ohio Judicial College for trial court judges, appellate court judges, and magistrates.

In Illinois, a representative of the Commission has been invited to take part in a judicial civility program at the semi-annual Education Conference for all members of the judiciary.

### G. Law Firm Programs

In New Jersey, the commission has put together seminar materials for one of the state's largest firms, to be used for newer associates (up to 4 years experience).

## H. Mentoring\Transition into Law Programs

A cornerstone of several of the commissions' efforts is a mentoring program for new lawyers and, in some states, for law students. These programs help to smooth the transition from law school to legal practice, and allow new lawyers and law students to learn about different practice areas as well as to have a reference for questions they may face in their work.

In addition to assisting various bar associations with implementing their own mentoring programs, the Georgia Commission has overseen a law student mentoring program that provided continued contact between students and lawyers throughout the students' time in law school. The Commission hosted an orientation program for mentors, provided materials for the program, planned events to bring together mentors and students, and served as a resource for questions and suggestions from both mentors and law students.

The Georgia Transition Into Law Practice Program (aka "Mentoring Program or TILPP"), was launched in 2006, after the Supreme Court of Georgia in 2005 authorized the State Bar of Georgia to proceed with a mandatory mentoring program. Under this program, all newly-admitted lawyers for their first year of practice are required to engage in a formal mentoring program that includes a curriculum and mentoring by experienced attorneys. The program is designed to teach the skills, professional values and judgment necessary to practice law in accordance with the highest ideals of the profession. The program consists of three (3) kinds of mentoring arrangements – inside, outside and group. Inside mentoring is where mentees are matched with mentors in law firms, prosecutorial and defense offices. Outside mentoring is where solo practitioner mentors are matched with beginning solo practitioners. Group mentoring includes new lawyers who may be unemployed or who are employed in a non-legal setting. Mentors are experienced lawyers who are approved by the Supreme Court of Georgia. During the mentoring year, mentees attend CLE programs that emphasize lawyering skills, as well as the lawyer's relationships with clients, other lawyers, the courts and the public. The CLE curriculum provides the foundation for the activities and discussions between the mentor and beginning lawyer, as each pair develops a Mentoring Plan tailored to their circumstances.

The Mentoring Program, approved in June 2008 by the State Bar Board of Governors and Supreme Court of Georgia, is now a permanent mandatory program. Other states have been replicating this program and it has attracted international interest.

In Ohio, the Commission's Lawyer to Lawyer Mentoring Program matches attorneys newly admitted to the practice of law in Ohio to experienced, ethical, and professional attorneys. The purpose of the program is to elevate the competence, professionalism, and success of Ohio lawyers through positive mentoring relationships. Mentoring creates an opportunity for an experienced lawyer to provide professional guidance and share practical knowledge and skills with a new lawyer during the critical transition from law student to legal practitioner.

A new lawyer and mentor create a mentoring plan together based upon their selection of suggested activities and topics. Each activity and topic is supported by curriculum materials, which include discussion questions, cites to the Ohio Rules of Professional Conduct, and instructive articles.

This program functioned as a pilot program available to new lawyers admitted to the Ohio bar in 2006. Survey responses received by program participants were overwhelmingly positive, and the Supreme Court approved mentoring as a permanent program for new lawyers, starting with lawyers

admitted to the Ohio bar in November 2008.

Participation in this program is voluntary. Participating mentors receive CLE credit and new lawyers receive new lawyer training credit. More information, including the mentoring implementation plan and curriculum materials, may be found at the program's website at <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/>. Participant surveys can be obtained from the Secretary to the Commission upon request.

In 2006, the South Carolina Commission on the Profession received approval from the South Carolina Supreme Court to initiate a mandatory Lawyer Mentoring Pilot Program to assist beginning lawyers in their transition from student to professional. The Supreme Court ordered that a segment of those taking a recent bar exam be required to participate in the pilot mentoring program. This program was conducted and both the mentors and mentees submitted critiques of the program. The Supreme Court is now considering a second pilot program and making some changes in the proposed mentoring program base on the experience from the first pilot program.

The North Carolina Commission has developed, with the assistance of the Georgia Commission and its local Bar pilot program, a Voluntary Mentoring Program. The program involves local Bar associations having a one year mentoring relationship between volunteer lawyers and judges and newly licensed attorneys. The formal program is a nine month commitment, with the intention of the mentor-mentee relationship continuing informally.

The Illinois Commission adapted the Georgia and Ohio mentoring resources to produce a Lawyer to Lawyer Mentoring Guide that was used in a pilot program in one of the judicial circuits. Based on feedback from that pilot program, the Commission recommended that the Court allow participants in a structured year long mentoring program earn professional responsibility continuing legal education credits, and the Court adopted that recommendation in the fall of 2010. In 2011, the Commission began rolling out the program statewide. Programs must be pre-approved by the Commission. Mentees must be within the first three years of bar admission and mentors must have been admitted for at least six years. The Commission has prepared and made available a template Mentor Plan with structured worksheets setting forth activities in the five areas of professional responsibility CLE. The voluntary program involves collaboration with law firms, law schools, bar associations and other organizations that act as program administrators, handling the matching of mentors and mentees and other administrative tasks on a decentralized basis. At the successful end of the year, both mentor and mentee are qualified to receive six hours of professional responsibility CLE credit, thus satisfying the professional responsibility requirement for the two-year reporting period.

The Maryland Court of Appeals has adopted a pilot mentoring program for newly admitted Maryland attorneys. The pilot program is administered by the Court through the Executive Director of the Commission on Professionalism. The purpose of the mentoring program is to elevate the competence, professionalism and success of Maryland attorneys through positive mentoring relationships. Mentoring creates an opportunity for an experienced lawyer to provide professional guidance and share practice knowledge and skills with a new admittee during the critical transition from law student to legal practitioner.

The Multnomah Committee's six-month lawyer-to-lawyer mentoring program strives to match mentors and mentees as closely as possible. Some questions included on the mentee questionnaire include: What kind of practice do you work in? What type of law or practice do you have an interest in? What are you looking for in a mentor? Ideally, what would you expect from a mentor? What

other personal or professional information can you give us that might help us to find a compatible mentor? Are you willing to fully and actively participate in this program? These questions help the committee to pair lawyers who have the same visions and ideals about what they want to get out of the mentor program, as well as to help match lawyers in similar practice fields. Participants in the Multnomah mentoring program reportedly find it to be both helpful and enjoyable.

## I. Conciliation\Peer Review Programs

Commissions have developed programs to enable lawyers, both individually and collectively, to overcome the differences between and among them. For example, the Multnomah Committee is among those that oversee a "conciliation program," which serves as a forum for addressing lawyers' complaints about the conduct of other lawyers without forcing the parties to go through formal disciplinary procedures. The program is free and entirely confidential. Complaints are screened and then callers are assigned to a lawyer who will serve as a "conciliator." The conciliator makes an effort to assist in resolving the complaint. Conciliators provide advice and assistance but do not serve a disciplinary function or adjudicate the merits of the dispute. Along similar lines, the New Jersey Commission's Professionalism Counseling Program, which has been endorsed by the state Supreme Court, allows local bar associations to receive complaints about unprofessional lawyer behavior and "counsel" the errant lawyer, if necessary.

Other commissions seek to bring together groups that are usually adversarial in their practice, thereby encouraging cooperation and civil discourse among lawyers who typically represent opposing parties. For example, the North Carolina Commission has brought together the Academy of Trial Lawyers and the Association of Defense Lawyers to enact a joint resolution on professionalism. The Georgia Commission has provided guidance for the creation of the Atlanta Bar Association's *Take Your Adversary to Lunch* program, the Macon Bar's *In-House Ethics Seminars: Invite Your Opponent* and the seminar *Resolving Litigation's Civil Wars*, which was sponsored jointly by the trial and defense lawyers' associations, the State Bar Professionalism Committee's *Take Your Adversary to Lunch Program* and *Creative Connections*, which seeks to enhance the professional relationships of attorneys who may initially be adversaries or strangers, by encouraging positive contacts with and providing a network for those attorneys who have artistic leanings and endeavors.

In addition, the North Carolina Commission has developed and implemented the Professionalism Support Initiative (PSI). This program began with a local Bar association as a pilot in 2002. With support from the North Carolina State Bar's Client Assistance Program, the North Carolina Judicial Standards Commission, and judicial district bar associations, the PSI serves as a positive peer influence venue to improve professional conduct between lawyers and judges. The program is confidential and often involves incivility, unprofessional conduct, misunderstandings, bad business practices or other problems such as alcohol or substance abuse. The problem conduct does not rise to the level of an ethics violation, so the grievance process does not resolve the issues. A PSI trained volunteer from the local committee and a respected member of the Bar attend a confidential meeting to discuss the complaints with the attorney or judge and render assistance when necessary. The Commission has a training manual and video and encourages local Bar associations to begin a PSI program.

The goal of the Georgia Judicial District Professionalism Program (JDPP), a joint effort of the Commission and the Bench and Bar Committee of the State Bar, is to promote professionalism through increased communication, education, and the informal use of peer influence to alter unprofessional conduct. It provides a vehicle to promote traditions of civility and professionalism at the local level, aimed directly at improving the profession and bolstering public confidence in the legal system. Authorized by resolution of the Board of Governors of the State Bar and Supreme Court Rule, the JDPP is charged with the responsibility of confidentially receiving and attempting to resolve inquiries regarding questionable conduct of members of the bench and bar. Inquiries from only lawyers and judges are referred to the JDPP. Inquiries from clients and other members of the practice are handled by the Consumer Assistance Program or other approved State Bar programs.

JDPP is an informal, voluntary and confidential program. The Judicial District Professionalism Program operates independently from the disciplinary system in place with the Office of General Counsel and the Judicial Qualifications Commission. The program operates at the local level through the Judicial District Professionalism Committees. The JDPC is composed of Board of Governors (BOG) members and judicial advisors within each of the ten judicial districts.

Inquiries and requests for assistance from attorneys and judges are received by the chair of the Judicial District Professionalism Committee. Upon receiving an inquiry, the chair of the JDPC calls a meeting to consider the inquiry. The inquiring lawyer or judge may be referred to the State Bar's Consumer Assistance Program (CAP), Fee Arbitration Program, Lawyer Assistance Program (LAP), or Law Practice Management Program.

The JDPP may address the following conduct by State Bar members:

#### Unprofessional Judicial Conduct

- Incivility, bias, or conduct unbecoming a judge;
- Lack of appropriate respect or deference;
- Failure to adhere to Uniform Rules;
- Excessive delay;
- Consistent lack of preparation;
- Other conduct encompassed within the umbrella of professionalism deemed inappropriate by each Judicial District Professionalism Committee with the advice of the Judicial Advisors.

#### Unprofessional Attorney Conduct

- Harassing conduct;
- Lack of appropriate respect or deference;
- Abusive discovery practices;
- Incivility, bias, or conduct unbecoming an attorney;
- Consistent lack of preparation;
- Communication problems;
- Deficient practice skills;
- Other conduct encompassed within the umbrella of professionalism deemed inappropriate by each Judicial District Professionalism Committee.

The Commission worked with the State Bar to produce a video/DVD-based program to educate Georgia lawyers and judges about the JDPP.



## J. Professionalism Awards

Several commissions sponsor annual professionalism awards that are given to lawyers who best exemplify the standards of professionalism articulated by the commissions. The awards, and the ceremonies at which they are presented, have been found to be successful in highlighting the importance of professionalism within the legal community.

For example, in Texas, the Center for Legal Ethics, in conjunction with various local bar associations, bestows an annual series of professionalism awards that are presented jointly by the Center and local bars at local bar events. The recipients are lawyers admired by the local bar and believed to be exemplars of professionalism. The award symbolizes the purpose of the Texas Center, which is to enhance civility, professionalism and ethics among the state's lawyers.

In addition, the Center created a new award in 2009 called the Chief Justice Jack Pope Professionalism Award, which is awarded each year to an appellate judge and an appellate lawyer who epitomize the highest standards of ethics and professionalism. The Awards honor the former Chief Justice of the Supreme Court of Texas, Jack Pope, who was licensed to practice law in 1937 and whose long career exemplified these high standards. Chief Justice Pope, an extremely popular judge during his many years on the bench, recently turned 98 years old and still attends the presentation of this award in his honor.

In New Jersey, the Commission holds an annual award program. Lawyers selected by the state and local bar associations as outstanding examples of professionalism are presented with Professional Lawyer of the Year Awards, and the Commission presents its major award to a senior member of the bar whose career is marked not only by achievement, but consistent commitment to the highest standards of the profession.

In North Carolina, the Chief Justice presents an annual award to an outstanding lawyer, judge or program that exhibits the principles of professionalism in all aspects of his or her career. In addition, the North Carolina Commission established the Chief Justice's Commission on Professionalism Award for Meritorious and Extraordinary Service, an honor bestowed on members of the legal profession, on an as nominated or recommended basis.

The Georgia Commission presents Annual Statewide Community Service Awards.

#### K. Publications, Videos and Websites

Professionalism commissions have developed a variety of publications, videos and other writings that are used statewide and in some cases, nationwide. These publications range from materials that are distributed throughout the legal community to articles that are published in bar journals.

For example, the Florida Center distributes *The Rules Regulating The Florida Bar/Ideals and Goals of Professionalism* to all first year law students in Florida. The handbook addresses: the independence of lawyers in their relationships with clients; conflicts of duty that lawyers face in various situations; lawyers' responsibility to communicate effectively with clients; the lawyer's responsibilities as an officer of the court; the lawyer's responsibility to protect the image of the profession; and the responsibilities of lawyers to the public. This handbook is intended to spark discussion in small group formats, and it is suggested that the handbook be used with practical and hypothetical examples.

The New Jersey Commission has published *Principles of Professionalism* and distributed it to lawyers and judges. Adopted in 1997, these principles are organized around the headings "Lawyers' Relations With Clients," "Lawyers' Relations With Other Counsel", "Lawyers' Relations With the Court," and "Judges' Relations With Lawyers and Others." These principles range from the general, such as the duties of honesty, respect, and courtesy owed by all members of the legal community to each other and to clients, to the specific, such as the principle that lawyers should respect their colleagues' schedules by accommodating requests for date changes or extensions. In addition, the New Jersey Commission writes articles about professionalism that have been published in state and county bar publications and in the weekly legal newspaper.

The North Carolina Commission circulates the *Principles of Professionalism for Attorneys and Judges* and encourages each district to adopt or amend and adopt these guidelines for professionalism.

The North Carolina Commission also has produced an Historical Video Series. The Commission conducts video interviews with distinguished lawyers, judges and professionals across the state in order to preserve their thoughts and commentary on the professionalism issue and its evolution throughout the years. These videos serve as historical memoirs for the purpose of spreading the professionalism message at law schools, law firms and voluntary bar associations.

A website may serve not only as an additional means of disseminating material concerning professionalism, but also as a way to provide information about the commissions and to attract new members.<sup>7</sup> The Texas Center has an exemplary website that provides electronic publications of all resources of the Center, links to other legal and ethics sites, and links to law schools and bar associations across the country. The information available on the website at <http://www.txethics.org/> includes:

- Professional Ethics Committee Opinions
- The Texas Lawyers' Creed
- Texas Bar Journal articles
- The Texas Disciplinary System Seminar Schedule
- Rules Concerning Lawyer Advertising
- Texas Disciplinary Rules
- Gender-Neutral Courtroom Procedures

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<sup>7</sup> The website addresses for all the commissions are included in the contact information in the Appendix.

- Comparison Tables of Ethics Codes
- Legal Assistants' Code of Ethics
- Bibliography of Professional Ethics Topics
- Links to Related Websites

The North Carolina Commission's website at <http://www.nccourts.org/Courts/CRS/Councils/Professionalism/> provides information about the Commission's programs and documents and also serves as a resource for professionalism articles and links to other related websites.

The Ohio Commission's website is <http://www.supremecourt.ohio.gov/Boards/CP>. The website includes descriptions of Commission events, programs, and initiatives in development. It also provides a link to the Lawyer to Lawyer Mentoring Program webpage and access to electronic copies of Commission publications. The Commission has published *Professional Ideals for Ohio Lawyers and Judges*. This publication includes *A Lawyer's Creed*, *A Lawyer's Aspirational Ideals* and *A Judicial Creed*, which were adopted by the Supreme Court upon recommendation by the Commission. Also included is the Supreme Court *Statement Regarding Provision of Pro Bono Legal Services by Ohio Lawyers*. In a joint effort with the Supreme Court of Ohio Clients' Security Fund, the Commission has also published *A Consumer's Practical Guide to Managing a Relationship with a Lawyer*. This guide provides general, practical information about the lawyer-client relationship, including how to find a lawyer, what to expect after hiring a lawyer, and how to avoid problems in the lawyer-client relationship. Attorneys may distribute this guide to their clients and judges may provide it to persons involved in the court system. Copies of the *Consumer's Guide* and other Commission publications may be mailed, free of charge, upon request.

The Texas Center for Legal Ethics completely redesigned its website in 2009 to better serve the bar and the public. The new website, [www.LegalEthicsTexas.com](http://www.LegalEthicsTexas.com), includes a more user-friendly access to ethics resources, including all applicable ethics rules and ethics opinions promulgated by the Professionalism Committee of the Supreme Court of Texas. The web site also includes a new blog, *On the Merits*, which looks at media accounts of lawyers and the legal system with an eye toward correcting the common myths and misconceptions that increase cynicism about how the legal system works. Future expansion of the website will include an expanded library of ethics resources for members of the Center.

In 2011, the Illinois Commission on Professionalism redesigned its website, [www.ilsccp.org](http://www.ilsccp.org), to present in a clearer, more user-friendly format, information about the projects and initiatives of the Commission. The website contains applications for approval of professional responsibility CLE courses and resources and guidelines for the development of quality professional responsibility CLE. With respect to mentoring, the website contains applications for approval of mentoring programs, a list of the approved program administrators, and resources for mentoring. The website will continue to be updated to accommodate communication between mentoring pairs and program administrators, CLE providers, and others. Launch of a blog is planned for late 2011.

The Commission has published several articles in various bar journals and newsletters, and intends to expand its publication in 2011 and beyond.

## L. Studies

Another possible function of professionalism commissions is to engage in continued study of the professionalism issues facing lawyers, and how those issues and concerns change over time. For example, the North Carolina Commission, the Florida Center, and the Texas Center have undertaken historical projects that document the varying views of professionalism among members of their respective state bars. The resources include videotaped interviews with pre-eminent lawyers and judges regarding their views on professionalism and the practice of law. In addition, the Florida Center has compiled a collection of famous quotations about the law and the legal profession. These projects give a sense of continuity to the profession, showing both how attitudes have changed and how some values have remained constant throughout the years.

The New York Institute has made studying the profession a central focus of its efforts by initiating several different projects. First, it has appointed a working group on "core values," which seeks to formulate an authentic premise for American professionalism in the twenty-first century. So far, the group has considered existing definitions of professionalism, as well as current notions of professional values described by lawyers, professors, and judges throughout the state. The group plans to identify the essential beliefs and values that will always endure in the profession regardless of the changes occurring in society.

A second project to be undertaken in New York is the "economics and access project," which examines barriers faced by lawyers seeking to enter the profession, lawyers seeking mobility within the profession, and clients seeking affordable legal assistance. One area of concern is lawyer advertising and its implications for professionalism, lawyer competition, and clients. This will include exploration of the role of the Internet in lawyer advertising and the effects that web-based advertising have had on the image and professional values of lawyers.

In addition, the New York Institute will undertake an "accountability project" that is considering topics such as the confidentiality of grievance committees and substance abuse among lawyers. The study will explore the ways in which clients and the public measure the abilities and values of lawyers as individuals and the legal profession in general. The Institute hopes to assess the current disciplinary system, suggest possible alternatives to it, and recommend how the image of lawyers can be improved through education or publicity.

In North Carolina, the Commission sponsored an update to the 1991 North Carolina Bar Association Quality of Life Survey, in conjunction with LAWLEAD/NIELLP, a leadership and professionalism organization headed by Dean Leary Davis of Elon Law School. The State of the Profession Survey was completed in 2003 and addressed professionalism as well as quality of life issues. The results of the survey can be accessed through the Commission's website at <http://www.nccourts.org/Courts/CRS/Councils/Professionalism/Survey.asp>

### M. Promoting Community Service

An important function that professionalism commissions might serve is to promote public service and pro bono work among lawyers. In Georgia, a Community Service Task Force, created in 1996 under the auspices of the Professionalism Commission, sponsored convocations, awards, the publication of a newsletter, and Habitat for Humanity projects, to name a few of its activities. The Task Force adopted its own mission statement, which reflects its goals: "To encourage, support, and recognize within the profession the tradition that all lawyers perform community service and measure their success in ways other than just financial gain." Today many community service activities are sponsored by the State Bar of Georgia, the Young Lawyers Division, and local, specialty and circuit bar associations. The Community Service Task Force has become the Selection Committee for the Justice Robert Benham Awards for Community Service. Now entering its 10th year, the Benham awards are given annually to attorneys and judges in the ten judicial circuits. Those few who have an extraordinarily long record of community service may receive the Lifetime Achievement Award. These awards are considered quite prestigious and draw favorable media attention to the bench and bar and are listed prominently on the recipients' resumes and law firm websites.

In 2007, the Ohio Supreme Court issued a *Statement Regarding Provision of Pro Bono Legal Services by Ohio Lawyers*. This statement encourages all Ohio attorneys to devote professional time and resources and use civic influence to ensure equal access to our system of justice for those who because of economic or social barriers cannot afford or secure legal counsel. Lawyers may search pro bono activities available in Ohio by practice area or geographical location at [www.ohioprobono.org](http://www.ohioprobono.org). The Supreme Court, in conjunction with the Ohio Legal Assistance Foundation, sends an email and online survey every year to all Ohio attorneys registered as "active" who have provided an email address to the Supreme Court of Ohio. This provides a way for Ohio attorneys to voluntarily and anonymously report their pro bono activities and financial support for legal aid programs. For more information about this program, visit the Ohio Legal Assistance Foundation's website at <http://www.olaf.org>.

In Illinois, the Commission contracted a national expert in veterans' legal issues to train lawyers in various organizations. Lawyers participating in the first training made two commitments: 1) to represent Illinois veterans for no cost, or "pro bono" service, and 2) agree to assist in the training of other lawyers across the state, in future training programs organized by the COP and their partner organizations.

#### N. Proposals for Reform

Finally, a professionalism commission may be the source of ideas for reforming the law, legal practice, or judicial processes, in ways that will enhance lawyer professionalism. The North Carolina Commission has been most strikingly successful in this respect. It developed and promoted a proposal that led to the enactment of an innovative state statute that allows all trial lawyers to take up to three weeks of vacation each year.

The Hawaii Commission's recommendation that the Hawaii Supreme Court broaden its list of agencies, entities and individuals authorized for referrals for non-disciplinary proceedings for minor misconduct was adopted by the court.

### O. Measuring Professionalism

The Georgia Commission has met many of its goals in terms of education, recommendations to the bar and bringing sustained attention to the professionalism effort. If the goal was to create more awareness of these issues and build some sensitivity among practitioners to how they behave and how they are perceived, the Commission has succeeded.

In fact, awareness has been achieved to the extent that money has flowed into the professionalism effort through a consent order entered by a federal judge in settlement of a protracted discovery dispute. In late 1998, Judge Hugh Lawson's order required the defendant to pay to each of the four ABA-accredited law schools in Georgia the sum of \$2.5 million to endow at each school a chair of Ethics and Professionalism in the Practice of Law. This act lent immediate credibility to this area of the curriculum. The order further required the defendant to pay \$1 million to set up a fund to endow an annual Symposium on Ethics and Professionalism in the Practice of Law, to be hosted on a rotating basis by each of the law schools. Additionally, the sum of \$250,000 was required by the order to be paid to the Chief Justice's Commission on Professionalism to be used to further its mission.

Fundamentally, the professionalism effort in Georgia has assisted in rebuilding the community of the bar. Scores of lawyers throughout the state have volunteered to participate as speakers, panelists, and facilitators at CLE events and the law school programs, as mentors, and as authors of published articles and columns on professionalism. Being associated with the professionalism movement in Georgia is seen as an honor. Membership on the Commission, the State Bar Committee on Professionalism, serving as a mentor, speaking on Professionalism at CLE programs are highly sought after designations.

Professionalism has become a shorthand way of communicating the values of competence, civility, character, and commitment to the public good. The professionalism movement has led the Georgia lawyers and judges to develop a common vocabulary, making the values of professionalism the coin of the realm for high standing in the legal community.

However, if the goal is to bring about change (both personal and systemic) it is very difficult to measure. The Commission would have more empirical data if, at the time of the creation of the Commission, a survey had been done of Georgia lawyers' and judges' attitudes about professionalism in the practice of law. This would have established a baseline for comparison. The University of Georgia School of Law undertook an empirical survey in 2002 on the frequency with which Georgia lawyers encounter various types of unprofessional conduct in discovery and their responses to it. The results of this survey will provide a basis for assessing the state of professionalism in pre-trial discovery since 2002.

Those state supreme courts and bars considering a statewide professionalism effort would be well-advised to include at the outset an empirical study of the current state of professionalism to provide a benchmark for later studies seeking to assess the effectiveness of the effort.

Although Georgia lacks scientific measurement, numerous examples can be cited of the attention drawn to professionalism among the lawyers, judges, and legal educators of Georgia. Many of these are local bar professionalism initiatives.

Creative uses of professionalism creeds and pledges. In the litigation context, the courts are making it easier for the professional lawyer to show clients that professionalism is expected in the legal

profession when the clients seek litigation tactics that traverse the unprofessional road. The Atlanta Bar's Lawyers' Pledge is one example. Printed copies of the concise pledge are displayed on counsel tables in the courtrooms in Atlanta, in Bar publications, and repeated at all Atlanta Bar functions. Some judges announce the pledge at calendar calls, at the beginning of each motion, trial, or hearing, and as part of juror orientations. Some judges are reminding counsel of the pledge orally or in writing if instances of questionable conduct occur in the course of a case. The Macon Bar Association created Assurances of Professionalism to Opposing Counsel sent with the initial complaint or responsive pleading. The Assurances have two key features:

- (1) They are voluntarily accepted by counsel at the start of the case, rather than imposed by a court; and
- (2) They are unilateral, not conditional upon the opponent's agreement to adhere to them, though they are designed to encourage reciprocity.

Innovative programs to bridge the chasm between opposing counsel, such as the Atlanta Bar Association's "Take Your Adversary to Lunch," the Macon Bar's "In-House Ethics Seminars: Invite Your Opponent," the trial and defense lawyers' associations' joint sponsorship of a seminar on "Resolving Litigation's Civil Wars." These efforts seek to bring collegiality back to the practice of law.

The Law School Orientations on Professionalism for entering students at each of the state's law schools and the growing number and variety of courses on professionalism in law school curricula. For instance, Professor Patrick Longan of Mercer created a course called The Legal Profession which was approved as a required first year course by the faculty. The Legal Profession is taken in addition to the required course on Professional Responsibility which focuses on the Model Rules of Professional Conduct and the Georgia variations. In contrast, The Legal Profession course is designed to introduce new law students to broader topics such as the role of lawyers in society and the concept of the law as a noble profession.

Some local bar associations have initiated Law Related Education efforts, providing LRE materials to public schools and assigning a lawyer to each school to assist teachers in law related education. Some State and superior court judges are working with elementary school fifth graders on a mock trial of "The Three Little Pigs and the Big Bad Wolf."

The addition of a score for professionalism for Mock Trial Competitions in Georgia.

The increasing number and variety of courses on professionalism in CLE and law school curricula, such as Angst and the Billable Hour, Beyond Law School.

The expansion of mentoring programs in the law schools and local bar associations.

The growing numbers of lawyers and judges participating in community service through the Great Day of Service, Law Day service programs, and the like.

The proliferation of articles on professionalism in bar journals, section and local bar newsletters, and other publications in the legal community.

In Illinois, a statewide Survey on Professionalism was conducted in 2007 shortly after the Commission was established. The purpose of the survey was to provide a record of the prevailing

attitudes of lawyers and judges and a baseline of the prevalence of unprofessional conduct in order to both guide the nature of the Commission's initiatives and projects and, in the future, measure their effect. A report of the survey results is posted on the website, [www.ilscpp.org](http://www.ilscpp.org). The Commission developed a strategic plan that calls for another survey in 2013.

### III. Structure and Organization of the Professionalism Entities

The professionalism commissions have chosen different structures and organizations to meet their needs. A common link among all, however, is that they strive to include members of the bar, the judiciary, and the law schools among their leadership and membership. All agree that it is essential that the three different portions of the legal community be represented.

*Alabama.* No information available.

*Florida.* The Florida Bar Center for Professionalism is housed and funded by The Florida Bar, and it is guided by the Supreme Court's Commission on Professionalism. The Florida Center's structure is organized into three parts. The first is the Supreme Court Commission, which is a voluntary body consisting of members of the judiciary, the law schools, practicing lawyers, and the leadership of the board of governors of the state bar. The Supreme Court Commission meets a few times per year to work on projects that are then carried out by the Center. Second, the bar's Standing Commission on Professionalism acts as a resource to assist the Center. The third part is the Center itself, which handles the day to day operations and is responsible for the research, the design, and the implementation of professionalism programs and activities. The members of the Florida Supreme Court's Commission on Professionalism include: the Chief Justice of the Supreme Court, a District Court of Appeals judge, a judicial circuit court judge, a county court judge, the dean of each of the accredited law schools in the state, the president and president-elect of The Florida Bar, the president and president-elect of The Florida Bar's Young Lawyers Division, a former public member of the Board of Governors of The Florida Bar, and seven practicing members of The Florida Bar.

The staff of the Center for Professionalism is employed by The Florida Bar. They are hired for their specific areas of expertise, from internet research to public relations to creative writing skills. The Center staff is comprised of a director, an assistant director, a resource specialist, a course developer, and a secretary. Each is a full-time employee and spends most of their time on Commission/Committee projects. They each are responsible for and have specific projects that fall under either the Supreme Court's Commission on Professionalism or the Standing Committee on Professionalism.

*Georgia.* The Georgia Commission, which was created by the Supreme Court, is chaired by the Chief Justice. The day-to-day operations of the Commission are the responsibility of the Assistant Director. The Commission is structured to include representatives of the organized bar, the practicing bar, the judiciary, the law schools, and the public. All of these parties have responsibilities and have a voice in making decisions. The members of the Commission include: the Chief Justice, the Chief Judge (or designee) of the Court of Appeals, one federal district court judge, one superior court judge, one state court judge, the president of the State Bar, the president of the State Bar Young Lawyers Division, five law school faculty members designated by the deans of the accredited law schools in the State of Georgia, one of whom must be a member of the State Bar Committee on Professionalism, eight members of the State Bar actively engaged in the practice of law, one of whom must be employed by a unit of federal state, or local government, one must be engaged primarily in criminal defense practice, one must be a federal or state prosecutor, and one must be in-house counsel, and two non-lawyer citizens, who are recognized for being civic-minded.

The Commission has three full-time paid employees, the Executive Director, the Assistant Director and an Administrative Assistant, all paid by the Commission out of CLE fees.

*Hawaii.* The Hawaii Commission consists of twenty members, including judges, practicing lawyers,

law school faculty, representatives of entities regulating lawyers and nonlawyer public members. The Chair is a member of the state supreme court designated by the chief justice. Three committees have been established – the Mandatory Continuing Legal Education Committee, the Lawyer Regulation Committee and the Remedial Programs Committee.

*Illinois.* The Illinois Professionalism Commission consists of a Chair and law school faculty members, judges, lawyers, and non-lawyers appointed to volunteer service by the Court. The Commissioners serve terms of three years, staggered so that no more than one third of the members' terms expire in any given year. There is a full time Executive Director and Deputy Director, as well as an Education Director. The staff also includes several part-time individuals devoted to IT, finance, and some seasonal programmatic assistance.

*Maryland.* No information available.

*New Jersey.* The New Jersey Commission has a unique organizational structure, which consists of a changing Chair and joint appointment system. The Chair rotates between the judiciary, the bar, and the law schools every two years. The New Jersey State Bar Association funds the Commission, houses the Commission, and the Executive Director is a State Bar employee. The Chief Justice is a member and appoints four other members. The Chief Judge of the U.S. District Court also designates a judge-member. The judges serving on the Commission have been helpful as mentors and they give the Commission advice about what programs and policies would work with the judiciary. The New Jersey State Bar Association designates six members, the deans of the state's law schools are members, there is a member of the public, and there is an academic member (a university professor). The Commission is staffed by the New Jersey State Bar Association. The Commission's Executive Director spends about 60% of his time on Commission work. A secretary spends about 40% of her time on Commission work. The Executive Director relies on other State Bar staff for assistance, such as printing and distributing materials, setting up meetings, and developing communications and press releases about Commission activities.

*New Mexico.* No information available.

*New York.* The New York Institute was created by a judicial administrative order of the Chief Judge of the State of New York and is an agency of the Office of Court Administration. The Institute was loosely modeled on existing state judicial commissions that deal with issues about minorities, women, and children. Members of the Institute are appointed by the Chief Judge of the state's highest court and the Presiding Justices of the intermediate appellate courts. Membership includes lawyers from different practice areas and different geographical areas, judges from both trial and appellate courts, legal educators, and a member of the public. The Institute may meet anywhere within the state, and may meet through any form of telecommunication that is effective in facilitating discussion and decision-making. The Institute's first meeting was held in April 1999, and additional meetings have been held quarterly. Small working groups of the Institute meet as often as necessary to meet their goals.

The Institute has no permanently assigned paid staff of its own. Counsel to the Institute is employed full-time as the Chief Clerk of the Appellate Division First Department, where she has a number of other special assignments from the court system. Nevertheless, she spends an extraordinary amount of time as, in effect, the Executive Director of the Institute for which she receives no additional compensation. In addition, Counsel to the Chief Administrative Judge of the State of New York has

as one of his responsibilities assisting the Institute. He acts as liaison to the Chief Administrative Judge and works on special assignments including, most prominently, the creation of the Institute's website. The amount of time he spends on Institute work varies depending on the activity and his role in it. A rough estimate is that Institute work takes approximately 20% of his time. In addition to administrative responsibilities, he is a significant substantive advisor to the Institute and its Chair. He is paid by the Office of Court Administration, without any increased compensation for his work on the Institute. A junior staff member at the Office of Court Administration assists with administrative functions as required. Her work for the Institute is on an as-needed basis and, in the aggregate, probably takes 10% of her time. She is paid by the Office of Court Administration and receives no additional compensation for her work with the Institute. The Chief Judge and the Chair of the Institute have agreed to expand the assignment of a senior staff member at the New York Court of Appeals to include special tasks for the Institute on an as-needed basis. Currently, for example, she is the editor and publisher of the Journal of Proceedings of the Convocation on the Face of the Profession that the Institute sponsored at the Court of Appeals in November, 2000.

The Institute freely uses and generously receives pro bono assistance from the law firms to which various of its Board members belong. For example, substantive legal analyses of various aspects of an important program the Institute is planning were undertaken at five New York law firms with the use of teams of summer associates during the summer of 2000.

*North Carolina.* In North Carolina, the Commission enjoys the support of the Supreme Court and the North Carolina Bar Association. As in several other states, the Chief Justice of the Supreme Court serves as the Chair, and she, along with the Commission's Executive Committee and Executive Director, has oversight over the Commission. Day to day operations is the responsibility of the Executive Director. The North Carolina Commission's format is patterned after the Georgia Commission. The Chair appoints the Commission's members, who consist of judges, practicing lawyers, law school faculty, and representatives of the public. Currently, there are three public members, three judges (in addition to the Chief Justice), two law school deans, and seven practicing lawyers.

The Commission has two paid staff. Both the Executive Director and Executive Assistant are full-time employees and are considered employees of the State of North Carolina Administrative Office of the Courts for pay and benefits purposes.

*Ohio.* The Commission has fifteen members: five judges, six lawyers admitted to practice law in Ohio for at least six years, two law school faculty from different schools, and two non-lawyers. The Supreme Court appoints the judges, law school faculty and non-lawyer members to the Commission. Three of the lawyer members are appointed by the Ohio Metropolitan Bar Association Consortium and three of the lawyer members are appointed by the Ohio State Bar Association. The Supreme Court appoints one member as chair and one as vice-chair.

The only staff person currently assigned to the Commission is the Secretary, who is an attorney employed by the Supreme Court. Most of the Secretary's time is dedicated to staffing the Commission. The Secretary is provided with administrative support for large projects and shares an administrative assistant with her director and the Secretary of the Court's Board on the Unauthorized Practice of Law. The Secretary also enjoys the resources and assistance provided by other divisions in the Court, including, but not limited to, the public information office (which provides publication design and printing), the IT department (which developed a mentoring database and online application for the Commission's Lawyer to Lawyer Mentoring Program)

and meetings and events (which coordinates hosting preparations for Commission meetings, mentor orientations, and other events). An intern or extern from a local law school also assists the Secretary at various times throughout the year.

*Oregon.* In Oregon, the Supreme Court created the Commission on Professionalism upon application of the Oregon State Bar. The Commission's standing members include the Chief Justice (or designated Associate Justice), the Chief Judge of the Court of Appeals (or designated Associate Judge), the Chief Judge of the U.S. District Court for Oregon (or designated District Judge or Federal Magistrate) and the President of the Oregon State Bar or designated member of the Board of Governors). The Commission's appointed members include four judges, four lawyers, two public members, and a law school faculty member. Appointments are made by the Chief Justice of the Oregon Supreme Court and the President of the Oregon State Bar.

The Commission has no full-time employees. At this point, State Bar staff spend about five hours per month helping with meetings.

The Multnomah Bar Association Professionalism Committee is made up of members of the bench and the bar. The Chair of the Committee has oversight and the day to day operations are handled by the Bar Association's Executive Director, the staff manager and the committee.

*South Carolina.* In South Carolina, the chair of the Commission on the Profession is the Chief Justice or the Chief Justice's designee. The other members of the Commission includes six judges from both the trial and appellate bench, seven practicing lawyers, two members from the faculties of the two law schools in South Carolina, and an instructor/administrator who serves as a law office administrator.

The Commission currently has no full-time employees. The general staffing has been done by the Commission on Continuing Legal Education Liaisons and some projects have been staffed by the South Carolina Bar Association.

*Texas.* The Texas Center for Legal Ethics is organized and run somewhat differently from the other commissions since it is an independent non-profit corporation with its own Articles of Incorporation. It is governed by the Board of Trustees, which consists of fifteen members, ten lawyers and five members of the public. The Board is governed by an Executive Committee composed of a Chair, a Treasurer, a Secretary, and a Chair-elect. The Center has found this structure to be quite successful since it remains independent and apolitical. Vacancies on the board are currently filled about half by the State Bar president and the rest by the board itself. The Center has, over time, integrated itself to an increasing extent with the State Bar, including entering into joint service agreements with the State Bar for bookkeeping and accounting services and office space in exchange for a monthly fee.

The Center employees four full-time staff persons: the Executive Director, a Director of Compliance and Programs, and two administrative personnel. As part of the cooperative arrangement with the State Bar, each of these employees is nominally an employee of the State Bar and leased to the Center, thereby creating economies of scale in payroll, benefits, and other HR matters, which are handled by the State Bar. Nonetheless, the governance and operations of the Center remain independent and under the control of its separate Board of Trustees.

#### IV. Funding

Representatives of all of the existing professionalism commissions stress the importance of securing adequate funding, preferably before embarking on programming. Depending on how the commissions are organized, funding may come from a variety of sources, including the state bar association, the court, or outside sources. The commissions have found that the most effective route is to obtain funding from several sources at once.

For the commissions that are considered part of bar associations, the funding generally comes from state bar funds, and these commissions are subject to the same budgetary procedures as other wings of the bar. For example, The Florida Bar Center for Professionalism is funded by the general fund of The Florida Bar. The Center follows the same budget process as other divisions of the bar, and so must justify and defend its budget yearly. The New Jersey Commission is funded by the State Bar Association, and additional funding is sought from other sources, such as the judiciary and law schools. The Multnomah Committee in Oregon is funded through the operating budget of the Multnomah Bar Association. In Multnomah, the Bar Association has committed to making professionalism a priority. However, the State Bar has not, so the Oregon state professionalism commission, which depends primarily upon private donations, fees from its CLE programs, and special assessments approved by the Bar, has been relatively inactive.

For the professionalism commissions that are part of the court system, the judicial budget generally provides funding. However, judicial funding is not always adequate to run all of the programs of these entities. The Ohio Commission is funded through the Supreme Court's Attorney Registration Funds and the Court's general revenue funds. The Commission has found it to be beneficial to receive funds directly from the court, particularly when making requests for budget increases. Since the Court created the Commission, budget increases are usually approved if they are justified. The New York Institute is funded from the Office of Court Administration's appropriation. Through these funds, the Institute is authorized to collect relevant information about professionalism matters, conduct studies using their own members or staff or conduct studies in cooperation with other entities, and use the money to staff the Institute and assign duties to the staff. Although this is a steady and consistent source of funding, the New York Institute is also looking into other avenues of funding.

In states where there is a mandatory Continuing Legal Education requirement, the professionalism commissions that present CLE programs may have the opportunity to generate funds from the fees charged for their programs. For example, the North Carolina Commission is funded by a portion of the funds for its CLE programs. Annually, its share is over \$250,000. The Commission has found these funds to be adequate and has had no difficulty in obtaining them. In Georgia, CLE fees have generated over \$300,000 annually. The Illinois Commission is funded by a \$10 increase in the annual registration fee paid by attorneys.

The professionalism commissions in Georgia and Texas have been the most successful in obtaining funding, and as a result, they have been able to engage in the most substantial number of activities. Because the Georgia Commission and the Texas Center have achieved success through different means of funding and structure, their unique situations are discussed separately below.

*Georgia.* Initially, the Georgia Commission's funding was provided by a grant from the Commission on Continuing Lawyer Competency (CCLC) of Georgia. The CCLC was created by the Supreme Court to administer the CLE rules. In 1989, to ensure that Georgia's professionalism efforts would

continue, the Supreme Court, after issuing the order establishing the Commission, issued an order that required all active members of the bar to attend one CLE hour per year on professionalism, which is separate from the one hour ethics CLE requirement. This requirement is not just for new lawyers, but for every lawyer. There is a surcharge for each active bar member who attends the professionalism course, which as of 1998, was \$15 per lawyer per professionalism hour. Through this means, the Commission produces over \$300,000 annually, which provides the primary support for the Commission staff of three persons, office space, equipment, operating expenses, a professionalism library, database collection, management, and programming. In addition, the Commission has received additional grants from the Commission on Continuing Lawyer Competency and the Institute of Continuing Legal Education in Georgia to develop instructional videotapes with guided discussion materials for professionalism CLE programs. The Georgia Commission reports that their sources of funding are adequate and it may from time-to-time seek grant funds from such entities as the Georgia Bar Foundation for special projects. The Commission chose not to seek funding from bar dues or from the Legislature because of the political implications involved in doing so. In essence, the founders of the Commission used the approach that the Commission should be an effort by lawyers, for lawyers, and therefore, paid for by lawyers.

*Ohio.* The Commission is funded through the Supreme Court's Attorney Registration Funds and the Court's general revenue funds. Since the Court created the Commission, budget increases are usually approved if they are justified.

*Texas.* In Texas, the initial funding for the Center came from the Texas Bar Foundation and from grants from the Litigation and Tort and Insurance Sections of the State Bar. The State Bar of Texas initially offered free office space and accounting support. In 1994, the Center began to obtain grants from foundations and began a membership drive. However, the primary method of funding the Center rapidly became the fees charged for the ethics and professionalism course required of all new lawyers by the Supreme Court of Texas, which now known as the *Justice James A. Baker Guide to the Basics of Law Practice* course.. The course is offered to approximately 3000 new lawyers each year, so funding from that source has allowed the Center to enter into formal lease and business/accounting service arrangements with the integrated State Bar. The Center has also developed other revenue-producing CLE programs, including web-based and live Ethics CLE seminars.

## V. Advice to New Commissions

Through both their successes and their mistakes, the fourteen existing professionalism commissions have accumulated wisdom that should be of value to those seeking to establish a professionalism commission in a state that does not have one. On some issues, representatives of the commissions agree and offer uniform advice; however, on other issues, the advice differs.

First, and foremost, the experience of the existing commissions is that a new entity must have the cooperation and support of both the bench and the bar. Also, the bench, bar, and the law schools must all be involved with and participate in its work. The most successful commissions have appealed to all three and have worked to address the professionalism concerns of each. In some states, the professionalism commission represents the only forum for joining together representatives of the bar, the bench, and the law schools.

Second, it is extremely important to secure adequate funding, although there is no single way to do so. The Georgia Commission has remained under the auspices of the Supreme Court, funded primarily by income generated through CLE course fees. This arrangement has given the Commission prominence, stability and continuity, as opposed to being subject to leadership change and priorities of the State Bar. The Texas Center has had great success in getting money through contracts with private organizations. Regardless of how funding is obtained, it was thought best to secure funding from several sources.

Third, it is important for a professionalism commission to define its goals. Of course, the goals will vary depending on such considerations as the needs of the jurisdiction's lawyers, the nature of professionalism initiatives already underway, and the available resources. For some commissions, such as those in Georgia, Texas and Florida, developing quality CLE programs on the subject of professionalism is a primary objective. In contrast, in New York, where lawyers are offered an array of CLE programs on issues of ethics and professionalism by bar associations, law schools, other not-for-profit institutions, and in-house providers, the Institute does not offer such programs, and thus far has focused its efforts on organizing a convocation and initiating various studies. In general, however, there is agreement that the commission, while promoting professionalism through education, study or other means, should not serve a disciplinary function.

Fourth, it was recognized that the staff and directors of the commissions play an essential role. Passionate and committed staff and directors are key to making these commissions a success. This is particularly important in the beginning stages of the effort. The most successful entities have full-time employees. It is also helpful to involve influential and well-known members of the legal community in the commission's work, as their participation will draw attention to and help to legitimize the commission. For example, having the Chief Justice of the state actively involved in the work of a commission has proven extremely beneficial in underscoring the importance of professionalism.

Fifth, publicity is important. Several commissions have newsletters or submit articles to legal journals and newspapers. A website is another route to reaching the target audience. Bestowing professionalism awards helps to generate publicity about the commission and its objectives. By whatever means, it is important to get the word out.

Sixth, the quality and originality of programming is of utmost importance. Most entities have found that lawyers are eager to talk about professionalism, but it is the quality of the programming that will

determine how successful and productive discussions are. Lawyers have responded well to videotapes and to interactive programs like the Texas Center's *EthicsJeopardy*. Not only do interesting programs and activities help to better deliver the message, but they also attract organizations like law firms that may want to purchase them for in-house programs.

Finally, new entities are encouraged to look to the existing entities as models (both positive and negative). For example, the Executive Director of the North Carolina Commission has visited several commissions and studied their programs' successes and failures. Many of the existing commissions have taken successful ideas from one another and adapted these ideas to the needs and concerns of their own states. In adapting other ideas it is essential to remember that no one model is perfect, and founders of new commissions may want to pick and choose from various aspects of the existing ones. It is important to take into account the unique circumstances that affect one's own legal culture, such as the differences between urban and rural areas, the diverse make-up of the bar, the nature of the bar (i.e., whether there is an integrated bar, whether CLE is mandatory, how many bar associations there are, etc.) and the relationship between the bar, the judiciary, and the law schools.

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