

Report 201E

**AMERICAN BAR ASSOCIATION
COMMISSION ON MULTIJURISDICTIONAL PRACTICE
REPORT TO THE HOUSE OF DELEGATES**

RECOMMENDATION

- 1 RESOLVED, that the American Bar Association encourages the use of the National Lawyer
2 Regulatory Data Bank to promote interstate disciplinary enforcement mechanisms and urges
3 jurisdictions to adopt the International Standard Lawyer Numbering System®.
4
5 FURTHER RESOLVED, that the American Bar Association urges jurisdictions to require
6 lawyers to report to the lawyer regulatory agency in the jurisdiction in which they are licensed,
7 all other jurisdictions in which they are licensed and any status changes in those other
8 jurisdictions.

REPORT

The ABA National Regulatory Data Bank (“Data Bank”) was established in 1968 to facilitate effective reciprocal discipline by providing a national clearinghouse for information about lawyers publicly disciplined for misconduct. The 1992 McKay Report, in a section titled “Improving Interstate Enforcement,” identified the need to enhance the Data Bank in order to promote the imposition of reciprocal discipline and to deter lawyers who are suspended or disbarred in one state from practicing in another state. The report noted that the effectiveness of the Data Bank had been greatly reduced, in large part, because “of lawyers practicing in more than one jurisdiction,” and that “[a]s the interstate practice of law continues to grow, the need for the National Discipline Data Bank increases.” The report made two specific recommendations: that the Data Bank be funded adequately to automate the dissemination of reciprocal discipline information, and that the ABA and regulatory officials in each jurisdiction establish a system of assigning a universal identification number to each lawyer licensed to practice law.

Over the past decade, the growth in the lawyer population and advances in technology and communications have fostered a significant increase in the interstate practice of law. As a result, the need and the demand for the information in the Data Bank as a vehicle to improve interstate enforcement has grown. The Commission therefore recommends that the ABA urge jurisdictions to adopt the Martindale-Hubbell International Standard Lawyer Numbering System® and to universally use the National Lawyer Regulatory Data Bank.

Specifically, the ABA should encourage jurisdictions to adopt Recommendation 21.2 of the McKay Report, which provides:

The highest court in each jurisdiction should require all lawyers licensed in the jurisdiction to (a) register annually with the agency designated by the Court stating all other jurisdictions in which they are licensed to practice law, and (b) immediately report to the agency designated by the Court changes of law license status in other jurisdictions such as admission to practice, discipline imposed, or resignation.

Additionally, through its website, the ABA should provide direct on-line reporting to the Data Bank of public regulatory actions involving lawyers' licenses by reporting agents designated by each jurisdiction's highest court. This process will greatly enhance the speed and accuracy with which data is incorporated into and disseminated from the Data Bank.

Finally, the ABA should make available on its website selected public information from the Data Bank, such as the lawyer's name, date of birth, and registration/identification number, regulatory actions involving the lawyer's license, and links to state websites containing lawyer regulatory data and other contact information for lawyer disciplinary agencies.

