

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 *Ethics Jeopardy*. 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.