

A Guide to Professionalism Commissions (2nd Edition)

August 2008

The first edition of this publication was supported by a grant from the Program on Law & Society of the Open Society Institute. Bruce A. Green served as Reporter for the first edition.

Nothing contained in this publication is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own counsel. This publication is intended for educational and informational purposes only.

@2008 by the American Bar Association. All rights reserved.
Printed in the United States of America.

**American Bar Association
Standing Committee on Professionalism
(2007-2008)**

Jim O. Stuckey, *Chair*
Columbia, SC

Pamela Moran Dashiell
Boston, MA

Joanne M. Garvey
San Francisco, CA

Diane L. Karpman
Los Angeles, CA

Ronald C. Minkoff
New York, NY

Errol H. Powell
Tallahassee, FL

Irma S. Russell
Tulsa, OK

Robert J. Saltzman
Brooklyn, NY

Melvin F. Wright, Jr.
Raleigh, NC

Board of Governors Liaison

Charles A. Weiss
Saint Louis, MO

ABA Center for Professional Responsibility

Jeanne P. Gray
Director

Arthur H. Garwin
Professionalism Counsel

Kathleen Maher
Associate Professionalism Counsel

Contents

[Acknowledgements](#)

[Executive Summary](#)

[Introduction](#)

[Section I: Background: The Derivation of the Professionalism Commissions](#)

[Section II: Programs and Activities](#)

- A. Continuing Legal Education
- B. Convocations\Conclaves
- C. Town Hall Meetings\Public Education
- D. Annual Symposia
- E. Law School Programs
- F. Judicial Programs
- G. Law Firm Programs
- H. Mentoring\Transition into Law Practice Programs
- I. Conciliation\Peer Review Programs
- J. Professionalism Awards
- K. Publications, Videos and Websites
- L. Studies
- M. Promoting Community Service
- N. Proposals for Reform
- O. Measuring Professionalism

[Section III: Structure and Organization of the Professionalism Entities](#)

[Section IV: Funding](#)

[Section V: Advice to New Commissions](#)

[Appendix: Contact List and Documents Regarding Creation of Commissions](#)

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 second 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.

[Return to Table of Contents](#)

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.

[Return to Table of Contents](#)

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.¹ The Conference of Chief Justices responded in 1996 by resolving to embark on study and action directed at promoting lawyer professionalism.² 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."

¹ 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).

² "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.

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.

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)
- State Bar of Ohio: 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)³

³ 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,

- South Carolina's Chief Justice's Commission on Professionalism (established 2000)
- The Texas Center for Legal Ethics and Professionalism (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 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

find it difficult to implement one of the state entity models and have a regional association that can fill in the gap.

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.

[Return to Table of Contents](#)

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."⁴

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.⁵

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

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

⁵ 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.

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 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 in 1983 to consider a major project for improvement of the litigation system. 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 of Professionalism in November 1987, 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 and ethics, professionalism, and civility generally. Three former Chief Justices of the Texas Supreme Court were the incorporators and the founding group from the Bar Foundation became the original Board of Trustees, who wrote bylaws and created an advisory council. The Texas Center is a nonpartisan, non-profit independent corporation that is now loosely affiliated for logistical purposes 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.

[Return to Table of Contents](#)

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.

[Return to Table of Contents](#)

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 and an accompanying publication, *A 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 upon pain of suspension. The course is offered up to 10 times a year, and over the internet. The practicing lawyers and judges who teach the course provide the practical ethical knowledge not taught in law school course curricula that young lawyers need but now no longer learn 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
- Advanced Professionalism: The Noble Lawyer

The book that accompanies the course was written by professional responsibility professors from different law schools throughout the state. It includes appendices with sample forms that lawyers use in their practice, as well as the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. In addition, attendees receive a book titled, *Opening and Managing a Law Practice*.

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. Fifteen 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.

Additionally, as part of their effort to develop programs to eliminate ethnic, gender, and sexual orientation bias among lawyers, the Center and the diversity subcommittee have developed CLE videos that deal with diversity issues. Some of these videos are:

- *Gender, Ethnic, and Racial Equality* (consisting of a series of vignettes about bias situations)
- *All Things Being Equal* (exploring how attitudes about certain groups of people affect job expectations and how those expectations are reflected in interviews and evaluations)
- *Breaking Down Barriers* (dealing with lawyers who suffer from disabilities such as blindness, deafness, mobility impairment, learning disabilities, chronic illnesses or psychiatric illnesses)
- *A Firm Commitment* (exploring the obstacles that minorities face in law firms)

- *Inside Out* (dealing with the discrimination and obstacles faced by gay men and lesbians in the legal profession)
- *All in a Day's Work* (exploring the challenges for women trying to advance in the legal field)

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.

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 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.

[Return to Table of Contents](#)

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."⁶ 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.

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.

[Return to Table of Contents](#)

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

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

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 engages in public education in the form of presentations to civic groups, clubs, schools, and other lay groups. In particular, the Center presents its "Noble Lawyer" series of programs, which broadly discuss professionalism through the paradigm of the many lawyers, past and present, who epitomize the highest standards of integrity. This historical paradigm is used to examine various issues, including the meaning and application of various disciplinary rules, the ethics of responding to attacks on the legal profession, and upholding the stature of the profession, the judiciary, and the rule of law. Substantial historical and sociological information and public opinion research are brought to bear on these subjects. The goal is to outline a cohesive and integrated approach to respect for the rule of law and the American democratic tradition by reference to the morality and the persona of the noble lawyer throughout history.

This is pursuant to the part of the Center's mission that seeks to "focus the attention of... the public on excellence in the profession and the adherence by the profession to high ethical standards." The Center is always creating and updating programming about legal ethics and professionalism suitable for audiences beyond traditional CLE audiences, e.g., civic clubs, community organizations, etc. These programs spread a simple and repeatable message about: a) the integrity and professionalism of the vast majority of lawyers; b) the real reasons why lawyers are often derided and attacked and their relationship to disrespect for judges and the rule of law in general, c) how lawyers can and should lead a constructive response to those attacks, and d) why the broader society should care.

[Return to Table of Contents](#)

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 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 re-enforce 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 Florida Center also seeks to raise awareness of professionalism among law students. It conducts law school orientation programs that consist of opening remarks by a judge, then breakout groups of students and lawyers, a reconvening, and finally a reception where the students can mingle with faculty, judges, and lawyers to discuss some of the issues of the program. In addition, the Florida Center sponsors a law student essay contest, with monetary prizes and with the winning essay being published in the Florida Bar Journal. In 2000, the essay topic was "Professionalism and Zealous Advocacy: How the Two Co-Exist."

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 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 Texas, The Ethics Center cooperates with the Texas law schools, the State Bar Litigation Section, and the State Bar Law Office Management Program to provide one-day seminars and colloquia specifically designed for senior law students, particularly those who will begin their careers in small firm or solo practice or soon move into such areas. The focus is on providing practical knowledge and advice on professionalism, ethics, and basic law office, personnel, and financial management.

In Illinois, the Commission conducts a segment of the orientation program for new law students in Illinois law schools.

[Return to Table of Contents](#)

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 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.

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 are mentoring programs 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 www.sconet.state.oh.us/mentoring/default.asp. 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 has produced a mentoring guide, adapted from the Georgia and Ohio mentoring resources, to help local court and bar organizations implement Lawyer to Lawyer mentoring programs.

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.

[Return to Table of Contents](#)

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.

[Return to Table of Contents](#)

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, in conjunction with various local bar associations, bestows an annual series of awards called The Texas Center Professionalism Award, which is 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 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.

[Return to Table of Contents](#)

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, as well as to lawyers throughout the state. 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.⁷ The Texas Center has an exemplary website that provides electronic publications of all resources of the Center, links to other legal

⁷ The website addresses for all the commissions are included in the contact information in the Appendix.

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
- 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 www.sconet.state.oh.us/CP/default.asp. 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*. An electronic version of these materials is available at www.sconet.state.oh.us/publications/proIdeals.pdf.

[Return to Table of Contents](#)

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>

[Return to Table of Contents](#)

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. The Supreme Court, in conjunction with the Ohio Legal Assistance Foundation, is developing a way for lawyers to voluntarily and anonymously report their pro bono activities and financial support for legal aid programs.

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.

[Return to Table of Contents](#)

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.

[Return to Table of Contents](#)

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, and it also screens new programs and sponsors a professionalism award. 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.

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 to a small degree. Once a year the Commission puts on a Symposium on Professionalism, and at that time staff from the State Bar Meetings Department and Communications Department assist the Commission.

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 but does not have a designated administrative assistant. An intern or extern from a local law school also assists the Secretary 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 is organized and run a little 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, one-third of whom are members of the public and the rest of whom are lawyers. The Board is governed by an Executive Committee composed of a Chair, a Treasurer, a Secretary, and a Chair-elect. The Texas Center has found this structure to be quite successful since it remains independent and apolitical. Over time, the size of the board has been reduced to facilitate efficient operations. Vacancies on the board are currently filled about half by the State Bar president and the rest by the board itself. Thus, the Center, over time, has found it necessary to integrate organizationally to a greater extent with the Bar. In fact, recently the Center entered into joint service agreements with the State Bar, whereby it furnishes bookkeeping and accounting services and office space to the Center in exchange for a monthly fee.

The Center employs three full-time staff persons, the Executive Director, a Director of Compliance and Programs, and an administrative assistant. As part of the cooperative arrangement with the State Bar, each of these employees is nominally an employee of the State Bar, and is loaned to the Center as a borrowed servant, the details of whose work is controlled by the Center. In this way payroll, benefits, and other technical HR matters are handled by the State Bar, which has much greater economies of scale. Nonetheless, the governance and operations of the Center remain independent and under the control of its separate Board of Trustees. The Center has an independent contract with a website coordinator and with a separate provider of web-based platforms for online delivery of the Center's distance learning CLE programs.

[Return to Table of Contents](#)

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 funding for specific programs is sought from other sources, such as the U.S. District Court. Since New Jersey is not a mandatory CLE state, the Commission cannot count on revenue from required programs and is often searching for other sources of funding beyond that provided by the State Bar. 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 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. 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 mandatory professionalism course *A Guide to the Basics of Law Practice*. The course is offered to about 3000 new lawyers each year, so funding from that source is substantial and 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. The Center's website offers a list and description of various books and videos, as well as a compilation of Texas Ethics Opinions for sale, and the Center has an 800 number for anyone wishing to receive more information about these products before purchasing them. Additionally, the Center receives funds by contracting with law firms,

corporations, government agencies, and bar-related groups with whom it periodically contracts to provide ethics training and programming.

[Return to Table of Contents](#)

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.

[Return to Table of Contents](#)

APPENDIX TABLE OF CONTENTS

Contact Information

Documents Regarding Creation of Commissions

Alabama

No information available.

Florida

Supreme Court of Florida Administrative Order (July 19, 1996)
Letter from President of Florida Bar to Chief Justice (July 9, 1996)
Professionalism Center's Role

Georgia

Supreme Court Rule 9-101 (Mar. 15, 1989, last amended Nov. 15, 2007)
Organizational Chart
Mandate, Mission Statement and Calling to Tasks

Hawaii

Supreme Court Order (March 14, 2005)

Illinois

Supreme Court Rule 799. Supreme Court Commission on Professionalism (Sept. 29, 2005)

Maryland

Administrative Order Continuing Professionalism Commission 2006

New Jersey

No information available.

New Mexico

Supreme Court Order 00-8300 (May 2, 2000)
Mission Statement and Goals

New York

Administrative Order of the Chief Judge (Mar. 3, 1999)

North Carolina

Order of Court - September 22, 1998

Ohio

Supreme Court Rule XV (Sept. 1, 1992)

Oregon

Supreme Court Order 94-049 (Sept. 15, 1994)

South Carolina

Supreme Court Order and Rule 420 (Nov. 22, 2000)

Regulations for Implementation of Rule 420

Texas

Center Bylaws (adopted Jan. 17, 1990, last amended Sept. 19, 1997)

Articles of Incorporation (Nov. 30, 1989)

CONTACT INFORMATION

Supreme Court of Florida's Commission on Professionalism

Becky Blackburn

The Florida Bar

651 E. Jefferson Street

Tallahassee, FL 32399-2300

(850) 561-5743

Fax: (850) 561-5750

Email: rblackbu@flabar.org

Website:

<http://www.floridabar.org/tfb/TFBProfess.nsf/5D2A29F983DC81EF85256709006A486A/70A2904F12D21F4785256B2F006CD781?OpenDocument>

Chief Justice's Commission on Professionalism

Avarita L. Hanson, Executive Director

104 Marietta Street, NW

Suite 620

Atlanta, GA 30303

(404) 225-5040

Website:

http://www.gabar.org/related_organizations/chief_justices_commission_on_professionalsm/

James E. Duffy

Associate Justice

Chair, Hawaii Supreme Court Commission on Professionalism

417 South King Street

Honolulu, Hawaii 96813-2912

808-539-4715

Cheryl Niro, Executive Director

Commission on Professionalism of the Illinois Supreme Court

Two Prudential Plaza, Suite 1950
180 N. Stetson
Chicago, IL 60601
312.363.6210
Website: <http://ilsccp.org/>

Maryland
Judge Lynne A. Battaglia
Court of Appeals of Maryland
Robert C. Murphy Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401-1699
410-260-1565
Lynne.Battaglia@courts.state.md.us

New Jersey Commission on Professionalism in the Law
Charles Hollenbeck, Executive Director
New Jersey Law Center
One Constitution Square
New Brunswick, NJ 08901-1500
(732) 937-7504
Fax: (732) 249-2815
E-mail: chollenbeck@njsba.com
Website: http://www.njsba.com/commission_on_prof/

Commission on Professionalism of the State Bar of New Mexico
Joe Conte, Executive Director
State Bar of New Mexico
P.O. Box 02860
Albuquerque, NM 87199-2860
(505) 797-6099
E-mail: jconte@nmbar.org
Website: <http://www.nmbar.org/Attorneys/commissiononprofessionalism.html>

New York State Judicial Institute on Professionalism in the Law
Louis A. Craco, Chair Emeritus
Craco & Ellsworth, LLP
7 High Street
Suite 200
Huntington, New York 11743
(631)271-5000 Fax: (631)271-7290
E-mail: louiscraco@optonline.net or professionalism@courts.state.ny.us
Website: <http://www.courts.state.ny.us/jipl/index.html>

North Carolina Chief Justice's Commission on Professionalism
Melvin F. Wright, Jr., Executive Director

901 Corporate Center Drive
Raleigh, NC 27607
(919)890-1455
Fax: (919)890-1934
Email: Melvin.F.Wright@nccourts.org
Website: <http://www.nccourts.org/Courts/CRS/Councils/Professionalism/>

Ohio Supreme Court Commission on Professionalism
Lori Keating
Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, Ohio 43215-3431
614.387.9317
Fax: 614.387.9529
E-mail: keatingl@sconet.state.oh.us
Website: <http://www.sconet.state.oh.us/CP/>

Oregon Supreme Court/Oregon State Bar Joint Commission on Professionalism
M. Kay Pulju, Communications Manager
Oregon State Bar
5200 SW Meadows Road, Lake Oswego, OR 97035
(503) 620-0222 ext. 402
E-mail: kpulju@osbar.org

Multnomah Bar Association Professionalism Committee
Judy Edwards, Executive Director
630 SW 5th Avenue Suite 200
Portland, OR 97204
(503) 222-3275
Fax: (503) 243-1881
E-mail: mba@mbabar.org

South Carolina Chief Justice's Commission on Professionalism
Justice John W. Kittredge
Greenville County Courthouse
305 East North Street, Suite 216
Greenville, SC 29601
(864) 467-8593
Fax: (864) 467-8596
E-mail: jkittredge@sccourts.org

The Texas Center for Legal Ethics and Professionalism
Bill Chriss, Executive Director
Suite 600A
P.O. Box 12487
Capitol Station Austin

Texas 78711-2487
(512) 463-1477
Fax: (512) 463-4125
E-mail: Bill.Chriss@TEXASBAR.COM
Website: <http://www.txethics.org/>

Nelson Mullins Riley & Scarborough Center on Professionalism at the University of
South Carolina School of Law
Professor John Montgomery, Director
University of South Carolina School of Law
701 S Main St
Columbia, SC 29208-0001
(803) 777-3360
Fax: (803) 777-2368
E-mail: jemontgo@law.sc.edu
Website: <http://professionalism.law.sc.edu/>

American Bar Association Center for Professional Responsibility
Arthur Garwin, Professionalism Counsel
321 N. Clark, 15th Floor
Chicago, IL 60610
(312) 988-5294
Fax: (312) 988-5491
E-mail: agarwin@staff.abanet.org

[Return to Appendix Table of Contents](#)

DOCUMENTS REGARDING CREATION OF COMMISSIONS

ALABAMA

Not Available.

FLORIDA

SUPREME COURT OF FLORIDA

IN RE: FLORIDA SUPREME COURT COMMISSION ON PROFESSIONALISM

ADMINISTRATIVE ORDER

The Florida Bar has suggested that the Court constitute a commission to address the subject of professionalism among all members of Florida's legal community, including

members of the bar, the judiciary, as well as the teachers and students of the law at Florida's law schools. We concur in the suggestion and applaud the leadership of the Bar for this initiative. Adherence to the fundamental ideals and values of our justice system and the legal profession by all of those privileged to serve in the system is an essential requirement if the system is to carry out its obligation of service to the people of Florida.

Accordingly, under the authority vested in the undersigned as Chief Justice, a Florida Supreme Court Commission on Professionalism is hereby created. The Commission is charged with the planning and implementation of an ongoing plan and policy to ensure that the fundamental ideals and values of the justice system and the legal profession are inculcated in all of those persons serving or seeking to serve in the system. The Commission shall serve indefinitely, at the pleasure of this Court, and shall work closely with The Florida Bar to carry out its charge. In turn, The Florida Bar is charged to provide the Commission with all necessary assistance to see that the mission of the Commission is carried out.

The suggestion of the Bar that the Commission's membership be appointed in part by nominees from this Court and in part by nominees from the Florida Bar is also accepted. Justice Harry Lee Anstead is hereby appointed as the Chair of the Commission. Upon the receipt of nominations from the Bar, the Court will appoint the full membership of the Commission so that the Commission may thereafter conduct an organizational meeting and adopt bylaws and rules to guide the Commission's continuing operation.

Attached to this order and marked Exhibit A is the letter of President John W. Frost II of July 9, 1996, containing an outline of the proposal for membership of the Commission. That proposal is approved. Also attached as Exhibit B to this order is the report and proposal for the creation of a center for professionalism of the Florida Bar's Standing Committee on Professionalism, as approved by the Board of Governors of the Bar. That report will serve as a guideline for the Commission in its efforts to formulate policy for the carrying out of its mission as set out herein.

Done and Ordered at Tallahassee, Florida, this 19th day of July, A.D 1996.

Gerald Kogan
CHIEF JUSTICE SUPREME COURT OF FLORIDA

By: Debbie Causseaux, Chief Deputy Clerk
SUPREME Court OF FLORIDA

THE FLORIDA BAR

July 9, 1996

John W. Frost, II, President
John F. Harkness, Jr. Executive Director
Edward IL Blumberg, President-elect

The Honorable Gerald Kogan
Chief Justice
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1925

RE: Creation of Supreme Court of Florida Commission on Professionalism

Dear Chief Justice Kogan:

Please consider this letter as a petition of The Florida Bar seeking an administrative order of the court creating the Supreme Court of Florida Commission on Professionalism, which shall serve at the pleasure of the court.

Creation of the commission and the bar's center for professionalism were proposed to the bar by its standing committee on professionalism, of which Justice Anstead is the chair. The commission is intended to be the entity that will establish the policies of the bar's center and the center's governing board. The full report and recommendation of the standing committee, as approved by the board, is attached.

The standing committee proposed, and the bar agreed, that the commission should consist of:

1. The Chief Justice of the Supreme Court of Florida or the chief justice's designee (the Chair of the commission);
2. a judge of one of the district courts of appeal;
3. a judge of one of the judicial circuits;
4. a judge of one of the county courts;
5. the law school dean or the dean's designee of each of the ABA accredited law schools in the state (1 of whom must be a member of the standing committee on professionalism);
6. a former public member of the bar's board of governors;
7. the president of the bar;
8. the president elect of the bar;
9. the president of the Young Lawyers Division;
10. the president elect of the Young Lawyers Division;
11. 7 practicing members of the bar, in good standing.

The court appoints or designates the judicial members (1 -4) and the bar appoints the former public member of the board (6) and the 7 practicing lawyers (11).

Terms of office should be for the respective term of office for the chief justice and the presidents and presidents-elect of the bar and young lawyers division. All others shall serve a 4 year term, with no one being reappointed thereafter.

As usual, the initial appointees should be appointed for staggered terms and the bar suggests as follows:

1. the district court of appeals judge serves until June 30, 1997;
2. the circuit court judge serves until June 30, 1998; and
3. the county court judge serves until June 30, 1999;
4. 4 law school deans or designees serve until June 30, 1998, with the remainder serving until June 30, 2000;
5. 2 practicing lawyers serve until June 30, 1998, with the remaining 5 serving until June 30, 2000; and
6. the former public member of the board serves until June 30, 2000.

We do not believe that formal rules are required to create either the court's commission or the bar's center. However, the bar will file a petition to amend the continuing legal education requirement, adding a professionalism component to the ethics hours.

For your information I have attached the report and recommendations of the standing committee on professionalism, which has been amended to reflect the action of the board of governors.

Respectfully yours,
John W. Frost, II

cc: Justices of the Supreme Court of Florida
John F. Harkness, Jr.
Paul A. Remillard
John T. Berry
all with enclosures

THE ROLE OF THE CENTER FOR PROFESSIONALISM

Professionalism Center's Role

The mission of the Center for Professionalism is to support and encourage law students, lawyers, and judges to exercise the highest levels of professional integrity in their relationship with clients, other lawyers, the courts and the public. This is being accomplished through the following:

1. The consciousness of lawyers about professionalism is being raised through the new CLE requirement, attendance at professionalism seminars and activities, and through publications focusing on various aspects of professionalism. Presentations by speakers, panelists, and facilitators at CLE events, law school orientations on professionalism, as well as mentor programs, articles and columns on professionalism have all served to heighten awareness of professionalism issues.
2. "Quality control" for the required CLE professionalism courses is being assured through (a) the review of the content of proposed professionalism CLE courses by the Center's staff; and (B) the introduction of professionalism materials developed by the Center for other CLE courses.

(A) The Center reviews applications for professionalism credit submitted for approval by CLE sponsors, including local bar associations, law firms, corporate and government legal departments, legal services programs, and inns of court. The Center also assists in the planning and implementation of a number of CLE professionalism courses for these sponsors.

(B) The materials compiled by the Center include guided videotape programs with discussion materials that are appropriate for courses on professionalism in general, as well as in civil practice, criminal prosecution and defense, and the in-house setting. The tapes are also used for in-house CLE and retreat programs for law firms, corporate legal departments, and governmental agencies. The Center's ability to provide solid instructional materials assure that what the professionalism courses teach is educationally as well as professionally sound.

3. The Center serves as an archive and a clearinghouse for exchange of information regarding professionalism efforts past and present, local and national. The Center identifies opportunities for promoting professionalism within and among all of these constituencies and is a resource for lawyers and judges when preparing for presentations on professionalism or developing their own professionalism initiatives. As part of its role as a clearinghouse, the Center maintains a survey of professionalism activities within other states and within the American Bar Association. Articles on professionalism issues are catalogued, entered in a computerized database, and filed for easy distribution to judges, lawyers and law schools to assist in development of continuing legal education, law school or other professionalism presentations or for use in local and state bar news articles.

4. Emphasis has been placed on seminars, presentations, awards and meetings with interested groups and individuals. While this approach has been valuable, it has not been as productive as hoped. The Center is moving in a new direction toward a comprehensive educational and legal practice system which establishes, inculcates, and enforces professionalism and ethical values within the students of Florida law schools and young lawyers, ultimately impacting the entire legal profession of Florida. Recent studies in Florida support the notion that change is possible when professionalism principles are introduced at the earliest stages of a legal career. Clearly law school is the place to start. It is an intense period of indoctrination into what it means to be a lawyer, and is the time to teach about the true social obligations of the legal profession. Law school should be the place where the mores, history, ideals and character of the profession can be imprinted upon the youth of the profession.

The Director of the Center in conjunction with the Chair of the Commission on Professionalism and the Division Director of the Legal Division will conduct a series of visits to all Florida law schools to begin a dialogue about an educational framework which emphasizes professionalism and character development through the whole law school experience.

5. The transition of law students into the practice of law is currently unmanaged by the Bar and this ‘teaching moment’ in the career of many young lawyers is often wasted. The Commission is investigating the idea of a mandatory mentoring program for all new lawyers.

[Return to Appendix Table of Content](#)

GEORGIA

Chief Justice's Commission on Professionalism

About the Commission

ABOUT THE COMMISSION

The Chief Justice's Commission on Professionalism, the first body of its kind in the nation, was created in 1989 by the Georgia Supreme Court with the primary charge to enhance professionalism among Georgia's lawyers. In carrying out its charge, the Commission provides ongoing attention and assistance to the task of assuring that the practice of law remains a high calling, enlisted in the service of client and public good. Composed of representatives of the organized bar, practicing bar, judiciary, law schools, and the public, the Commission serves as a catalyst for the positive change in the legal profession through educational programs and coordination of professionalism activities of the organized bar, courts, law schools, and law firms.

MISSION STATEMENT

The mission of the Chief Justice’s Commission on Professionalism 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.

CALLING TO TASKS

The Commission seeks to foster among lawyers an active awareness of its mission by calling lawyers to the following tasks, in the words of former Chief Justice Harold Clarke:

1. To recognize that the reason for the existence of lawyers is to act as problem solvers performing their service on behalf of the client while adhering at all times to the public interest;

2. To utilize their special training and natural talents in positions of leadership for societal betterment;
3. To adhere to the proposition that a social conscience and devotion to the public interest stand as essential elements of lawyer professionalism.

MANDATE

The Commission's primary charge is to promote professionalism among Georgia's lawyers. In carrying out its charge, the Commission seeks to provide sustained attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of client and public good.

Specifically, the Commission's major responsibilities include:

- (1) the consideration of efforts to improve the administration of justice;
- (2) the examination of ways to make the system of justice more accessible to the public;
- (3) the monitoring and coordinating of Georgia's professionalism efforts in such institutional settings as its law firms, courts, law schools, and Bar;
- (4) the researching of professionalism efforts in jurisdictions outside Georgia;
- (5) the conducting and reporting of a study on the present state of professionalism within Georgia;
- (6) the planning of the annual convocation on professionalism;
- (7) the promotion of various regional professionalism meetings;
- (8) the providing of guidance and support to the Institute of Continuing Legal Education and other Commission-approved sponsors in the implementation of the continuing legal education professionalism requirement;
- (9) the furnishing of assistance to implement a professionalism component in the Bridge-the-Gap Program of the State Bar of Georgia;
- (10) the making of recommendations to the Georgia Supreme Court and to the State Bar of Georgia concerning additional means by which professionalism can be enhanced in the state and nation;
- (11) the receiving and administering of gifts and grants; and
- (12) the Commission shall have no authority to impose sanctions of any kind upon any member of the State Bar of Georgia.

GUIDING PRINCIPLES

The Commission came into being as a result of the conclusion that although professionalism flows from the moral development of individual practitioners of the law, lawyers need the help of an appropriate institution to guide the formation of a voluntary

desire to act professionally. In carrying out its primary charge to promote professionalism among Georgia's lawyers, the Commission has been guided by four principles:

- (1) Professionalism is an umbrella concept, encompassing certain essential elements.
- (2) The Commission serves as both a clearinghouse for professionalism efforts and a catalyst for systemic change.
- (3) The Commission cultivates the professional community of the Bar.
- (4) The Commission endorses the *Stop and Think* approach to professionalism.

Professionalism as an Umbrella Concept

Since its inception, the Commission has viewed professionalism as a structure with essential elements or values. The elements are values based on respect for the courts, clients, other lawyers, and the public. The Commission espouses the values of competence, civility, character, commitment to the rule of law, to the lawyer's roles as counselor, officer of the court and solver of problems, commitment to pro bono, community and public service, and to work for the improvement of the law and the legal system and to ensure access to that system. Focus on one element, such as civility, results in a narrow view which overlooks other facets which offer great advantages to the Bar and more importantly, to the public. The professionalism movement in Georgia spawned two other commissions appointed by the Supreme Court of Georgia, the Commission on Equality, and the Commission on Dispute Resolution. The Community Service Task Force was created under the auspices of the Commission on Professionalism to bring an expanded focus to the community and public service aspects of professionalism. The State Bar of Georgia through its Committee on the Standards of the Profession joined forces with the Commission in designing and conducting a Transition into Practice Pilot Program to test the feasibility of requiring newly admitted lawyers to complete a skills and values curriculum linked with mentoring by experienced lawyers, which fostered the development of the bar's present mandatory Transition Into Law Practice Program (TILPP). As a joint effort of the Georgia Supreme Court and Bar, the Commission works closely with the Law Practice Management, Lawyer Assistance, Consumer Assistance, Diversity, and Pro Bono Programs of the State Bar and with the Office of Dispute Resolution. Each of these is effectively dealing with subjects which fall under the umbrella of professionalism.

Clearinghouse and Catalyst

Composed of representatives of the organized bar, practicing bar, judiciary, law schools, and the public, the Commission provides a forum where representatives of each of these constituencies can come together on a regular basis. The Commission has become both an archive and a clearinghouse for exchange of information regarding professionalism efforts past and present, local and national. Georgia's efforts to improve professionalism

have become coordinated to avoid duplication and loss of effort due to a failure of communication. The Commission coordinates and oversees the professionalism projects of some twenty-seven State Bar committees. The Commission also is seen as a resource for individual lawyers and judges when preparing for presentations on professionalism or developing their own professionalism initiatives.

The Commission serves as a catalyst for systemic change in the legal profession through reinforcement of the fundamental professional values of competence, civility, character, and commitment to the public good. To that end, the Commission engages in educational programming and makes periodic recommendations to the bar, the judiciary, and the law schools of Georgia.

While it is difficult to arrive at measures of success of a long-range effort to raise the professional aspirations of the lawyers in Georgia, one way to gauge the impact of the professionalism movement is to look at the level of activity aimed at improving professionalism in 1989, when the Commission was created, and then today. The following examples show how the recommendations and initial efforts of the Commission have been taken up, sustained, and moved forward by increasing numbers of lawyers, judges, and legal educators:

- (1) The initiation by lawyers and bar groups of innovative programs to bridge the chasm between opposing counsel, such as the Atlanta Bar Litigation Section's "Take Your Adversary to Lunch" program, the Macon Bar's "Assurances of Professionalism to Opposing Counsel," and "Resolving Litigation's Civil Wars," a day-long joint CLE conference of the Georgia Trial Lawyers Association and the Georgia Defense Lawyers Association.
- (2) The development by local bar associations of pledges and creeds, such as the Atlanta Bar Association's Lawyer's Pledge, and the creative uses of such pledges and creeds, i.e., displayed on counsel tables and at bar meetings, announced by judges at calendar calls, printed in bar publications.
- (3) The creation of at the judicial district level of increasing numbers of local professionalism committees made up of lawyers and judges whose task is to promote and establish traditions of civility and professionalism by developing programs to honor colleagues adhering to high professional standards. These professional committees also give the bench and bar the opportunity to address vexing problems, such as incivility, in an informal manner that promotes education and self-improvement.
- (4) The institutionalization of Law School Orientations on Professionalism for entering students at each of the state's law schools and the increasing number and variety of courses on professionalism in law school curricula, such as Beyond Law School, the Ethics of Shaping a Professional Life, Making the Transition from Law School to Hanging Out a Shingle.

- (5) The expansion of mentoring programs in the law schools and local bar associations.
- (6) The growing numbers of lawyers and judges participating in community service through the Great Day of Service, Law Day service programs, and Law Related Education, such as the Forsyth County Bar's commitment to assign lawyers to all Law Related Education classes and to purchase Law Related Education materials for every public school in Forsyth County.
- (7) The proliferation of articles on professionalism in bar journals, section, and local bar newsletters, and other publications in the legal community.

Increasing the Community of the Bar

In its efforts to increase the sense of community among members of the bar, the Commission encourages among lawyers and judges the habit of talking with colleagues in dialogue that is essential to a healthy professional life. These efforts include Professionalism CLE programs, town hall meetings, convocations, law school professionalism programs, mentoring, recognition for community and public service by members of the bar. To assure the perpetuation of professionalism efforts in Georgia, the Supreme Court issued an order, effective January 1, 1990, requiring each of the active members of the State Bar of Georgia to attend at least one hour per year of continuing legal education (CLE) on the topic of professionalism. This Professionalism CLE requirement was the first of its kind in the nation. The general goal of the Professionalism CLE requirement is to create a forum where lawyers, judges, and legal educators can explore and reflect upon the meaning of professionalism in contemporary legal practice. Building a community among the lawyers of the state is a specific goal of this requirement.

The *Stop and Think* School of Professionalism

The Commission encourages the habit of reflection ("*stop and think*") about professionalism issues. Convinced that exposure to various methods of analysis, weighing of values, and resolution of dilemmas can lead to frameworks for addressing professionalism and ethical issues, the Commission believes that these habits can be learned. Scholarly research ranging across some thirty years reveals that human beings develop in their ability to construct ethical judgments (in the sense of moral, upright conduct) along a continuum toward increasingly adequate ethical reasoning. We know that the potential for ethical development can be activated and nurtured by education. And we know that all humans develop ethically, regardless of their gender, age, race, class, culture, or religion.

Teaching and learning ethics and professionalism involves at least four skills and capacities:

- (1) the ability to recognize ethical and professionalism dilemmas
- (2) the ability to form sound judgments

- (3) the ability to prioritize values
- (4) the ability to implement judgments - which requires cultivating personal and interpersonal skills and habits - communication, honesty, courage, prudence.

Not surprisingly, Professionalism CLE discussions rarely bring forth a consensus, for individuals give differing priorities to values. However, these programs do give the participants an awareness of the issues and exposure to a framework for analysis of similar issues when they occur in the future.

While acknowledging the harsher realities of the profession, the professionalism effort also attempts to equip lawyers with a variety of strategies for coping with these realities through coordination with the Law Practice Management, Lawyer Assistance, and Consumer Assistance Programs, Pro Bono Project, and the Office of Dispute Resolution. The professionalism effort also seeks to expand horizons with respect to the richness and variety of the profession and the range of interests compatible with practice in the profession.

Commission CLE Guidelines

Professionalism CLE Guidelines

INTRODUCTION

In 1989, the Supreme Court of Georgia took two significant steps to confront the concerns and further the aspirations of the profession. First, it created the Chief Justice's Commission on Professionalism (the "Commission") and gave it a primary charge of ensuring that the practice of law in this state remains a high calling, enlisted in the service not only of the client, but of the public good as well. This challenging mandate was supplemented by the Court's second step, that of amending the mandatory continuing legal education (CLE) rule to require all active Georgia lawyers to complete one hour of Professionalism CLE each year [Rule 8-104 (B)(3) of the Rules and Regulations for the Organization and Government of the State Bar of Georgia and Regulation (4) thereunder]. The Court designated the Institute of Continuing Legal Education in Georgia (ICLE) as the sole sponsor of professionalism training and made the rule effective January 1, 1990. On May 31, 1991, the Supreme Court changed the rule to allow sponsors in addition to ICLE to conduct professionalism events so long as the sponsor is approved by the Commission according to its policies and procedures and complies with the *Professionalism CLE Guidelines*.

The Commission recognizes the need to provide guidance to ICLE and any other proposed Professionalism CLE provider as to the Court's expectations regarding this training. In adopting these guidelines, the Commission intends that ICLE, other CLE sponsors, and individual trainers or speakers be clear as to the goals of this requirement and what the desired outcomes from this training are.

GENERAL PURPOSE

The general goal of the Professionalism CLE requirement is to create a forum in which lawyers, judges and legal educators can explore the meaning and aspirations of professionalism in contemporary legal practice and reflect upon the fundamental premises of lawyer professionalism – competence, civility, integrity, and commitment to the rule of law, to justice, and to the public good. Building a community among the lawyers of this state is a specific goal of this requirement.

RESULTS DESIRED

More than a one-time reminder of the problems of contemporary law practice, Professionalism CLE seeks to turn professionalism into a constant awareness for every Georgia lawyer. If successful, Professionalism CLE courses will inculcate a habit of talking with colleagues and engaging in dialogue that is essential to a healthy professional life. They also will encourage the habit of reflection (or the "*stop and think*" rule of morality). They will acquaint lawyers with the harsher realities of the profession, but also will equip them with a variety of strategies for coping with these realities. They will also deepen one's awareness of a lawyer's particular professional situation and can provide a sense of empowerment or control over a professional career rather than a passive acceptance of an untenable situation. They should expand the horizons of participants with respect to the richness and variety of the profession and the range of interests compatible with practice in the profession. And lastly, they can stimulate the imagination about the potential of a professional life.

ROLE OF THE COMMISSION

The Commission should be viewed as a resource for information and materials on Professionalism by any sponsor, group, or person planning a CLE session on professionalism. The Commission encourages sponsors to tailor their Professionalism sessions to the issues relevant to the group to whom the sessions are presented. Once a format for the Professionalism session has been determined by the sponsor, the Commission may be contacted and asked to search its files to ascertain whether relevant materials are available for the session being planned. While the Commission itself cannot plan, implement, and conduct all of the nearly 1000 annual CLE Professionalism sessions which are offered by various sponsors, the Commission is willing to assist, to the extent it receives sufficient advance notice, in the planning of a CLE session on Professionalism.

BACKGROUND

At least three separate topics are tied up in what is generally referred to as legal ethics: the disciplinary rules and "the law of lawyering," the concept of professionalism and role differentiation, and the question of how to do justice. A fourth topic, legal malpractice avoidance, is also of concern since the same fact situation will oftentimes

give rise to both ethics and malpractice considerations. All of these topics, of course, are interrelated. As the Preamble to the Georgia Rules of Professional Conduct cautions:

In the nature of law practice conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict among a lawyer's responsibilities to clients, to the legal system, and to the lawyer's own interest in remaining an upright person. The Rules of Professional conduct prescribe terms for resolving such conflicts. Within the framework of these Rules, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules.¹

DISTINCTION BETWEEN ETHICS AND PROFESSIONALISM

The Supreme Court has distinguished between ethics and professionalism, to the extent of creating separate one-hour CLE requirements for each. The best explanation of the distinction between ethics and professionalism that is offered by former Chief Justice Harold Clarke of the Georgia Supreme Court:

" . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers."

Laws and the Rules of Professional Conduct establish minimal standards of consensus impropriety; they do not define the criteria for ethical behavior. In the traditional sense, persons are not "ethical" simply because they act lawfully or even within the bounds of an official code of ethics. People can be dishonest, unprincipled, untrustworthy, unfair, and uncaring without breaking the law or the code. Truly ethical people measure their conduct not by rules but by basic moral principles such as honesty, integrity and fairness.

The term "Ethics" is commonly understood in the CLE context to mean "the law of lawyering" and the rules by which lawyers must abide in order to remain in good standing before the bar. Legal Ethics CLE also includes malpractice avoidance. "Professionalism" harkens back to the traditional meaning of ethics discussed above. The Commission believes that lawyers should remember in counseling clients and determining their own behavior that the letter of the law is only a minimal threshold describing what is legally possible, while professionalism is meant to address the aspirations of the profession and how we as lawyers should behave. Ethics discussions tend to focus on misconduct -- the negative dimensions of lawyering. Professionalism discussions have an affirmative dimension -- a focus on conduct that preserves and strengthens the dignity, honor, and integrity of the legal system.

¹ GEORGIA RULES OF PROFESSIONAL CONDUCT, Preamble [8], Part IV, Rules and Regulations for the Organization and Government of the State Bar of Georgia.

As former Chief Justice Benham of the Georgia Supreme Court says, “We should expect more of lawyers than mere compliance with legal and ethical requirements.”

THE MEANING OF PROFESSIONALISM

The three ancient learned professions were the law, medicine, and ministry. The word profession comes from the Latin *professus*, meaning to have affirmed publicly. As one legal scholar has explained, “The term evolved to describe occupations that required new entrants to take an oath professing their dedication to the ideals and practices associated with a learned calling.”² Many attempts have been made to define a profession in general and lawyer professionalism in particular. The most commonly cited is the definition developed by the late Dean Roscoe Pound of Harvard Law School:

The term refers to a group . . . pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of a public service is the primary purpose.³

Teaching and Learning Professionalism, the 1996 Report of the Professionalism Committee of the American Bar Association Section of Legal Education and Admissions to the Bar, expands the Pound definition and particularizes it for lawyers:

A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good.⁴

Retired Chief Justice Harold Clarke defined a professional as “a member of a group which provides an essential service in which the public has a vital interest and which requires of the performer extensive training and the exercise of qualitative judgment.”⁵

Retired Chief Justice Norman Fletcher often explained his sense of professionalism as follows:

I have concluded that professionalism, in a legal sense, is to a great extent practicing the golden rule. It is not -- do my opponent in before my opponent does me in, -- but rather, it is do unto your fellow attorneys, the judges and society as you would have them do unto you.

Retired Justice Sandra Day O’Connor of the United States Supreme Court gave us this definition:

² DEBORAH L. RHODE, *PROFESSIONAL RESPONSIBILITY: ETHICS BY THE PERVASIVE METHOD* 39 (1994).

³ ROSCOE POUND, *THE LAWYER FROM ANTIQUITY TO MODERN TIMES* 5 (1953).

⁴ AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *Teaching and Learning Professionalism, Report of the Professionalism Committee* 6 (1996).

⁵ HAROLD G. CLARKE, *Professionalism: Repaying the Debt*, 25 Georgia Bar Journal 170 (1989).

To me, the essence of professionalism is a commitment to develop one's skills to the fullest and to apply that responsibly to the problems at hand. Professionalism requires adherence to the highest ethical standards of conduct and a willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all.⁶

The Commission believes that the ability to define professionalism in words is not as important as the pursuit of professionalism in our work. Thinking about professionalism and discussing the values it encompasses can provide guidance in the day-to-day practice of law. Professionalism is a wide umbrella of values encompassing competence, civility, legal ethics, integrity, commitment to the rule of law, to justice and to the public good. Professionalism calls us to be mindful of the lawyer's roles as officer of the court, advocate, counselor, negotiator, and problem solver. Professionalism asks us to commit to improvement of the law, the legal system, and access to that system. These are the values that make us a profession enlisted in the service not only of the client but of the public good as well. While none of us achieves perfection in serving these values, it is the consistent aspiration toward them that defines a professional. The Commission encourages thought not only about the lawyer-client relationship central to the practice of law but also about how the legal profession can shape us as people and a society.

ISSUES AND TOPICS

In March of 1990, the Chief Justice's Commission adopted a Creed for Georgia Lawyers and an Aspirational Statement for the Profession. (Refer to Table of Contents.) These two documents should serve as the beginning points for professionalism discussions, not because they are to be imposed upon Georgia lawyers or bar associations, but because they serve as words of encouragement, assistance and guidance. These comprehensive statements should be utilized to frame discussions and remind lawyers about the basic tenets of our profession.

⁶ COURT OF APPEALS OF MARYLAND PROFESSIONALISM COURSE FOR NEW ADMITTEES TO THE MARYLAND BAR, *Professionalism Above and Beyond Ethics* 15 (1992).

The kinds of issues implicit in the Lawyer's Creed and Aspirational Statement and which can be the subject of Professionalism CLE include:

- o the independence of the lawyer in the context of the lawyer-client relationship
- o the conflict between duty to client and duty to the system of justice or to the public good
- o the conflict in the duty to the client versus the duty to the opposing lawyer
- o the responsibility of the lawyer to use effective oral and written communication skills in general
- o the responsibility of the lawyer to employ effective client communications and client relations skills in order to increase service to the client and foster understanding of expectations of the representation, including accessibility of the lawyer and agreement as to fees
- o the lawyer's responsibilities as an officer of the court
- o misuse and abuse of discovery and litigation
- o the lawyer's responsibility to perceive and protect the image of the profession
- o the responsibility of the lawyer to the public generally and to public service
- o the duty of the lawyer to be informed about all forms of dispute resolution and to counsel clients accordingly

Specific topics which can be the subjects of Professionalism CLE include:

- o Access to Justice
- o Administration of Justice
- o Alternative Dispute Resolution - negotiation, settlement, mediation, arbitration, early neutral evaluation, other dispute resolution processes alternative to litigation
- o Advocacy - effective persuasive advocacy techniques for trial, appellate, and other representation contexts
- o Billable Hours
- o Civility
- o Client Communication Skills
- o Client Concerns and Expectations
- o Client Relations Skills
- o Commercial Pressures
- o Communication Skills (oral and written)
- o Discovery - effective techniques to overcome misuse and abuse
- o Diversity Issues - ethnic, gender, racial, socioeconomic status
- o Law Practice Management - issues relating to development and management of a law practice including client relations and technology to promote the efficient, economical and competent delivery of legal services, in accordance with Regulation (11) to Rule 8-106(B) of the Rules and Regulations for Organization and Government of the State Bar of Georgia:

Practice Management CLE includes, but is not limited to, those activities which (1) teach lawyers how to organize and manage

their law practices so as to promote the efficient, economical and competent delivery of legal services; and (2) teach lawyers how to create and maintain good client relations consistent with existing ethical and professional guidelines so as to eliminate malpractice claims and bar grievances while improving service to the client and the public image of the profession.

- o Mentoring
- o Proficiency and clarity in oral, written, and electronic communications - with the court, lawyers, clients, government agencies, and the public
- o Public Interest
- o Quality of Life Issues - balancing priorities, career/personal transition, maintaining emotional and mental health, stress management, substance abuse.
- o Responsibility for improving the administration of justice
- o Responsibility to ensure access to the legal system
- o Responsibility for performing community, public and pro bono service
- o Restoring and sustaining public confidence in the legal system, including courts, lawyers, the systems of justice
- o Roles of Lawyers
 - The Lawyer as Advocate
 - The Lawyer as Architect of Future Conduct
 - The Lawyer as Consensus Builder
 - The Lawyer as Counselor
 - The Lawyer as Hearing Officer
 - The Lawyer as In-House Counsel
 - The Lawyer as Judge (or prospective judge)
 - The Lawyer as Negotiator
 - The Lawyer as Officer of the Court
 - The Lawyer as Problem Solver
 - The Lawyer as Prosecutor
 - The Lawyer as Public Servant

A major goal of Professionalism CLE is to encourage introspection and dialogue about these issues. It is very difficult, if not impossible, to accomplish this in large, undifferentiated groups. The Commission encourages the designers of these events to provide for smaller, more intensive groups. These programs can involve the lawyer/student in the process of lawyering. By definition, they present the sorts of problems lawyers typically face, and they search for solutions or ways of thinking about these problems. In courses such as these, the interest of the lawyer/student usually rises in direct proportion to his or her personal engagement in the session.

Therefore, the Commission strongly encourages the designers of the sessions to explore more creative, introspective, interactive and simulation-based methods for presenting professionalism issues in the CLE course. Experiential training should be emphasized. Lawyers tend to learn best by example, so models of behavior and professional values should be identified and discussed. Above all, courses should be

structured to confront the question, "**How will you handle this situation when it occurs in your practice?**" and the more confrontational the better. Practicing lawyers invariably respond better to realism in teaching, and professionalism issues can be made just as real as any other CLE-taught topic.

The Commission recognizes that it is possible and legitimate to define other training topics as encouraging professionalism. Training in a substantive area of the law enhances competency and, therefore, assists lawyers in meeting their professional responsibilities to their clients. Nevertheless, the Commission feels that, given the very limited and minimal requirement of one professionalism CLE hour per year and the aspirational goals envisioned by the Supreme Court, substantive training in particular practice areas are eligible only for general CLE credit and not for professionalism CLE credit. For example, learning how to write a legally enforceable contract would not be an appropriate topic for Professionalism CLE. Learning how to explain to your client what a legally enforceable contract is would be appropriate for Professionalism CLE.

EXAMPLES OF FORMATS FOR COURSES

A number of different designs for professionalism courses have been developed which have been well-received by the participants while meeting the goals set out by the Supreme Court.

The following formats have proven effective in eliciting active participation and fostering reflection in CLE professionalism courses:

1. **The hypothetical format:**

A panel is asked to respond to hypothetical situations which raise questions or concerns ranging from pure ethical issues to professionalism concerns. The panel is facilitated in its discussion by a lawyer whose job it is to push the discussion and point out inconsistencies or disagreements. The ethical issues can be addressed in terms of the Code of Professional Responsibility and the Standards of Conduct, but the professionalism concerns tend not to be subject to right/wrong answers. This format tends to work best with discrete groups (i.e., lawyers who work in the same practice area) where the hypotheticals can be drawn from the day-to-day practice of those particular lawyers.

[Hypotheticals developed by the Commission are available to planners of CLE events.]

2. **Use of role play through videotapes:**

A valuable training technique, especially when interaction with the audience is a goal, is to use role-plays to dramatize a particular issue or concern. There are now available several videotapes which were developed specifically to demonstrate through role plays various ethical and professionalism dilemmas. Videos produced by the American Bar Association, the University of

Pennsylvania Center on Professionalism, and the Commission are particularly well-suited for these courses, and have been used successfully in both large and small group sessions. The use of role plays can be an effective technique for generating active and spirited audience participation in a discussion. Descriptions of the videotapes produced by the Commission are attached. A list containing more detailed descriptions of the videotape programs produced by the Commission and others is available from the Commission.

3. **Use of non-role play videotapes:**

The Commission and other organizations have developed videotapes on various professionalism topics, such as civility, clients, discovery, gender, service (For example, the Commission's *Perspectives on Lawyer Professionalism*, a 9-videotape series of interviews with Georgia lawyers and judges). Detailed descriptions of the programs produced by the Commission and others are available from the Commission. (Refer to Table of Contents.)

4. **Town hall meeting:**

Particularly conducive to discussions of professionalism for local bar associations, in-house CLE, office or firm retreats is the town hall meeting format. After introductory remarks about the need to explore professionalism in contemporary practice, the major portion of the meeting is devoted to discussions in small breakout groups of professionalism concerns in the particular practice setting. These discussions can be stimulated by oral questions or a written questionnaire. Responses to the questions provide data for the sponsoring organization to use as it deems appropriate. For example, some firms have responded to town meeting data highlighting the need for more feedback and guidance for associates by instituting mentoring programs.

5. **ADR training:**

Training in the processes of dispute resolution in addition to litigation, such as arbitration, mediation, and early neutral evaluation, qualify for professionalism CLE credit.

There are a variety of other designs and programs which are appropriate for in-house CLE programs, firm retreats, for specialized groups and for large groups. The goal of any design, however, should be to generate thought-provoking and introspective discussion among the participants about the meaning of professionalism in contemporary legal practice.

WHAT THIS TRAINING SHOULD NOT BE

The Lawyer's Creed and Aspirational Statement on Professionalism have been adopted by the Chief Justice's Commission as encouragement, guidance and assistance to individual lawyers, law firms, and local and circuit bar associations. They are specifically not intended:

- o To supersede or amend the disciplinary rules established by the Supreme Court;
- o To establish a standard of conduct against which lawyer negligence might be judged or to become a basis for the imposition of civil liability of any kind;
- o To establish a new basis for any formal disciplinary proceedings or enforcement; or
- o To establish any State Bar policy or set of principles, unless the State Bar or any local bar chooses to adopt a particular "Lawyer's Creed."

The Commission's hope is that members of this profession will recognize the special obligations that attach to their calling and will also recognize their responsibility to serve others and not be limited to the pursuit of self interest. The Creed and Aspirational Statement cannot be imposed by edict, because moral integrity and unselfish dedication to the welfare of others cannot be legislated. Nevertheless, a public statement of principles of ethical and professional responsibility can provide guidance for newcomers and a reminder for experienced members of the bar about the basic ethical and professional tenets of our profession.

RELATION TO COMMISSION ON CONTINUING LAWYER COMPETENCY (CCLC) AND INSTITUTE OF CONTINUING LEGAL EDUCATION (ICLE)

- A. All rules, accreditation standards, and regulations of Commission on Continuing Lawyer Competency (CCLC) shall be observed.
- B. The criteria for co-sponsorship should be observed by any group wishing to co-sponsor a session with ICLE. These criteria are available from ICLE (1-800-422-0893; 770-466-0886; 706-369-5664).
- C. Written materials should be designed to stimulate discussions about the nature of the profession, the lawyer-client relationship, and the relationship between business and professional values. CCLC accreditation standards provide as follows:

Thorough, high quality, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule.

- D. Each attendee should be given an evaluation form to be completed and returned to the sponsor which not only evaluates the particular course and trainers, but offers ideas or suggestions to the Commission on how best to address professionalism concerns.

CLOSING THOUGHTS

Professionalism is about both principles and character. All lawyers would prefer that their practices be character-building rather than debasing. They want to be able to achieve a good life in the practice of law.

Professional behavior, however, is not simply a matter of character and principle; it is a matter of choice and decision-making. Thus, the issue is not all or nothing. It is not a question of being or not being ethical. It usually is not a question of right or wrong. It is a question of doing or not doing the ethical or professional thing. In our high pressure world, it may not be possible to act professionally all the time. It is, however, possible and important to act more professionally more often.

Karl N. Llewellyn, jurisprudential scholar who taught at Yale, Columbia, and the University of Chicago Law Schools, often cautioned his first-year law students:

The lawyer is a man of many conflicts. More than anyone else in our society, he must contend with competing claims on his time and loyalty. You must represent your client to the best of your ability, and yet never lose sight of the fact that you are an officer of the court with a special responsibility for the integrity of the legal system. You will often find, brethren and sistern, that those professional duties do not sit easily with one another. You will discover, too, that they get in the way of your other obligations – to your conscience, your God, your family, your partners, your country, and all the other perfectly good claims on your energies and hearts. You will be pulled and tugged in a dozen directions at once. You must learn to handle those conflicts.⁷

Professionalism discussions are too often framed as simple issues of rule-following or rule-violation. But the real issue facing lawyers as professionals is developing the capacity for critical and reflective judgment and the ability to “handle those conflicts,” described by Karl Llewellyn. The CLE sessions should strive to cultivate reflective judgment about the practice of law and to assess how well current practices are serving the legal profession and the system of justice in light of the best traditions of our practice.

Supreme Court Rule

March 15, 1989,
as amended, May 4, 1989, December 1, 1989,
May 23, 1990, October 15, 1990, February 14, 1992
May 19, 1992, October 9, 1992, November 29, 1994,

⁷ MARY ANN GLENDON, A NATION UNDER LAWYERS 17 (1994).

November 8, 1996, September 10, 2003, February 3, 2005,
November 27, 2006, November 15, 2007

It is ordered that Part IX Professionalism of the Rules and Regulations for the Organization and Government of the State Bar of Georgia, establishing Rule 9-102, the Chief Justice's Commission on Professionalism, be amended as to the criteria for appointment of a non-lawyer by the Board of Governors of the State Bar of Georgia, as follows:

Rule 9-101. Purpose.

This Part of the State Bar Rules is adopted in recognition of the importance of professionalism as the ultimate hallmark of the practice of law. The purpose of this Part is to create within the State Bar a Commission to identify, enunciate and encourage adherence to non-mandatory standards of professional conduct. These standards should involve aspirations higher than those required by the Georgia Rules of Professional Conduct in Part IV.

Rule 9-102. Chief Justice's Commission on Professionalism.

(A) Membership, Appointment and Terms

There is established a permanent Commission of the State Bar of Georgia known as the Chief Justice's Commission on Professionalism. The Commission shall consist of twenty-two (22) members as follows: (1) the Chief Justice of the Supreme Court of Georgia or his or her designee, who shall serve as Chair of the Commission; (2) The Chief Judge of the Court of Appeals or his or her designee; (3) one superior court judge designated by the Council of Superior Court Judges; (4) one state court judge designated by the Council of State Court Judges; (5) 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; provided, however, such faculty members shall not be from the same law school; (6) two non-lawyer citizens from the public at large; (7) the President of the State Bar of Georgia; (8) the President of the Young Lawyers Division of the State Bar of Georgia; (9) one Federal District Judge; and (10) eight members of the State Bar of Georgia 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.

Three of the practicing lawyers and one of the non-lawyer citizens from the public at large shall be appointed by the Board of Governors of the State Bar of Georgia. The remaining members of the Commission, with the exception of the President of the State Bar of Georgia, the President of the Young Lawyers Division of the State Bar of Georgia, the superior court judge, and the state court judge, shall be appointed by the Supreme Court. The terms of the members of the Commission shall be staggered and that shall be accomplished by the initial appointments being as follows:

two of the practicing lawyer members appointed by the Board of Governors shall serve until the conclusion of the State Bar Annual Meeting in 1990; the non-lawyer general public member shall serve until the conclusion of the State Bar Annual Meeting in 1990; the superior court judge member, one practicing lawyer member appointed by the Board of Governors and one law faculty member shall serve until the conclusion of the State Bar Annual Meeting in 1991. The remaining members of the Commission shall serve until the conclusion of the Annual Meeting of the State Bar in 1992. Thereafter, the superior court judge member shall serve for a two year term as designated by the Council of Superior Court Judges, the state court judge member shall serve for a two year term as designated by the Council of State Court Judges, and all other members of the Commission shall serve for three (3) year terms, and no member (except the Chief Justice, that member appointed by the Court of Appeals, and the law school representatives) may serve more than two (2) terms on the Commission.

(B) Powers and Duties of the Commission:

The Commission's major responsibilities shall be:

- (1) To consider efforts by lawyers and judges to improve the administration of justice;
- (2) To examine ways of making the system of justice more accessible to the public;
- (3) To monitor and coordinate Georgia's professionalism efforts in such institutional settings as its bar, courts, law schools and law firms;
- (4) To monitor professionalism efforts in jurisdictions outside Georgia;
- (5) To conduct a study and issue a report on the present state of professionalism within Georgia;
- (6) To plan the yearly Convocation on Professionalism;
- (7) To promote various regional convocations on professionalism;
- (8) To provide guidance and support to the Commission on Continuing Lawyer Competency in its implementation and execution of the continuing legal education professionalism requirement;
- (9) To help implement a professionalism component in the Bridge-the-Gap program;
- (10) To make recommendations to the Supreme Court and the State Bar concerning additional means by which professionalism can be enhanced;
- (11) To receive and administer gifts and grants; and

(12) The Commission shall have no authority to impose sanctions of any kind upon any member of the State Bar of Georgia.

(C) Finances

Funding for the Chief Justice's Commission on Professionalism shall be provided by an additional surcharge for each active State Bar member who attends a course in professionalism sponsored by the Institute of Continuing Legal Education (ICLE) or by any other sponsor approved by the Commission. The rate shall be set annually by the Chief Justice's Commission on Professionalism, and the surcharge shall be remitted directly to it by ICLE, by any other such sponsor, or, in an appropriate case, by the individual State Bar member who attended a course in professionalism approved by the Commission.

A LAWYER'S CREED

(The Lawyer's Creed, Aspirational Statement and the General & Specific Aspirational Ideals were entered by Order of Supreme Court of Georgia, October 9, 1992, nunc pro tunc July 3, 1990; Part IX of the Rules and Regulations of the State Bar of Georgia)

To my clients, I offer faithfulness, competence, 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, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of 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.

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we should remember that the primary justification for who we are and what we do is the

common good we can achieve through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should remember, and we should help our clients remember, that the way in which our clients resolve their disputes defines part of the character of our society and we should act accordingly.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

GENERAL ASPIRATIONAL IDEALS

As a lawyer, I will aspire:

- (a) To put fidelity to clients and, through clients, to the common good, before selfish interests.
- (b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.
- (c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.
- (d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
- (e) To make the law, the legal system, and other dispute resolution processes available to all.
- (f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.
- (g) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.

- (h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.
- (i) To practice law not as a business, but as a calling in the spirit of public service.

SPECIFIC ASPIRATIONAL IDEALS

As to clients, I will aspire:

- (a) To expeditious and economical achievement of all client objectives.
- (b) To fully informed client decision-making. As a professional, I should:
 - (1) Counsel clients about all forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and,
 - (5) Reach clear agreements with clients concerning the nature of the representation.
- (c) To fair and equitable fee agreements. As a professional, I should:
 - (1) Discuss alternative methods of charging fees with all clients;
 - (2) Offer fee arrangements that reflect the true value of the services rendered;
 - (3) Reach agreements with clients as early in the relationship as possible;
 - (4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;
 - (5) Provide written agreements as to all fee arrangements; and
 - (6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.
- (d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

As to opposing parties and their counsel, I will aspire:

- (a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
 - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
 - (2) Grant reasonable requests for extensions or scheduling changes; and,
 - (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.
- (b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- (3) Respond promptly to all requests by opposing counsel;
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
- (5) Prepare documents that accurately reflect the agreement of all parties; and
- (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts, other tribunals, and to those who assist them, I will aspire:

- (a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
 - (1) Avoid non-essential litigation and non-essential pleading in litigation;
 - (2) Explore the possibilities of settlement of all litigated matters;
 - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
 - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
 - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
 - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- (b) To model for others the respect due to our courts. As a professional I should:
 - (1) Act with complete honesty;
 - (2) Know court rules and procedures;
 - (3) Give appropriate deference to court rulings;
 - (4) Avoid undue familiarity with members of the judiciary;
 - (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
 - (6) Show respect by attire and demeanor;
 - (7) Assist the judiciary in determining the applicable law; and,
 - (8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

- (a) To recognize and to develop our interdependence;
- (b) To respect the needs of others, especially the need to develop as a whole person; and,
- (c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

As to our profession, I will aspire:

- (a) To improve the practice of law. As a professional, I should:

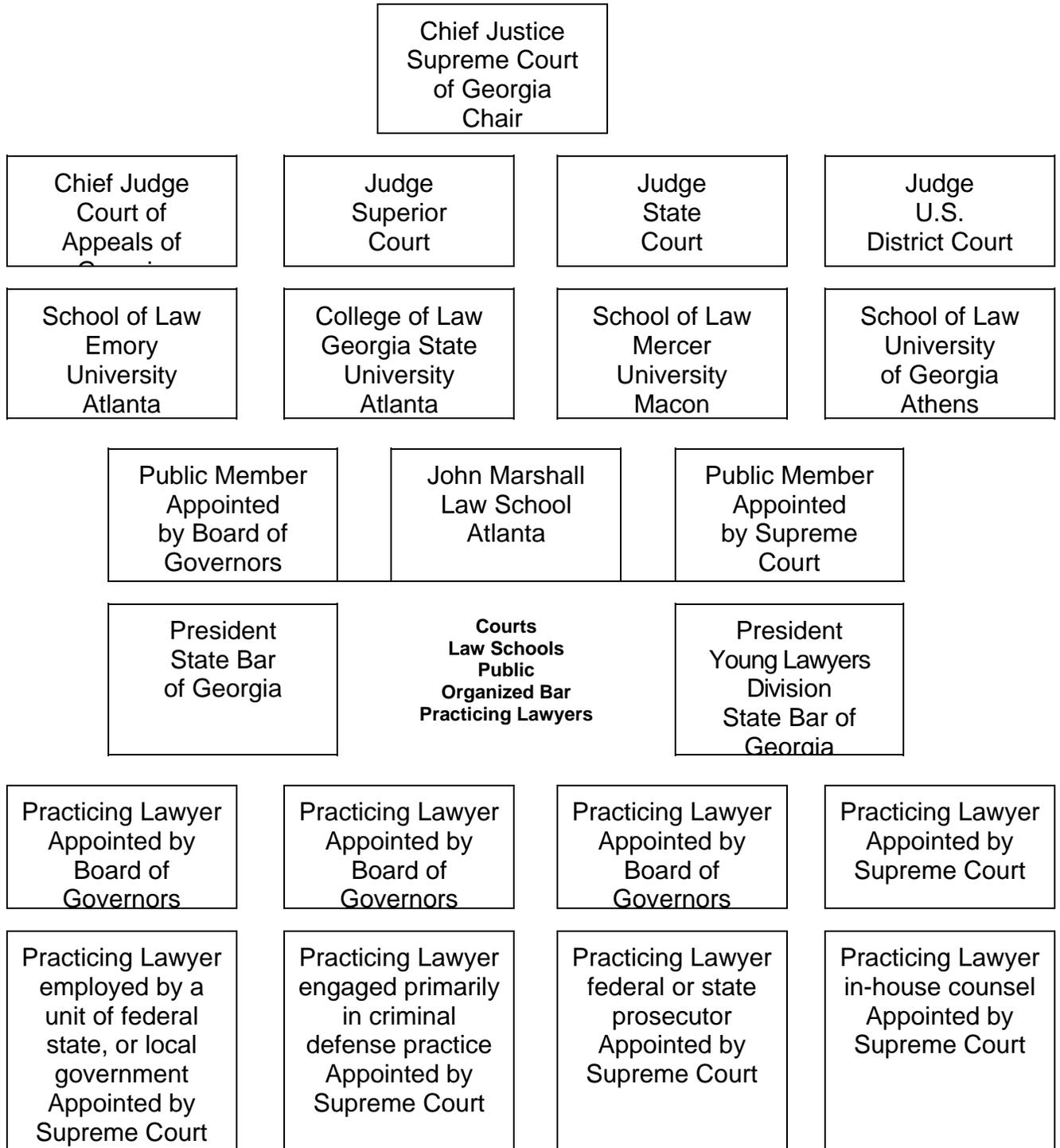
- (1) Assist in continuing legal education efforts;
 - (2) Assist in organized bar activities; and,
 - (3) Assist law schools in the education of our future lawyers.
- (b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:
- (1) Assist in bar admissions activities;
 - (2) Report violations of ethical regulations by fellow lawyers; and,
 - (3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

As to the public and our systems of justice, I will aspire:

- (a) To counsel clients about the moral and social consequences of their conduct.
- (b) To consider the effect of my conduct on the image of our systems of justice including the social effect of advertising methods.
- (c) To provide the pro bono representation that is necessary to make our system of justice available to all.
- (d) To support organizations that provide pro bono representation to indigent clients.
- (e) To improve our laws and legal system by, for example:
 - (1) Serving as a public official;
 - (2) Assisting in the education of the public concerning our laws and legal system;
 - (3) Commenting publicly upon our laws; and,
 - (4) Using other appropriate methods of effecting positive change in our laws and legal system.

Chief Justice's Commission on Professionalism

Structure



[Return to Appendix Table of Content](#)

HAWAII

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Establishment of the

HAWAII SUPREME COURT'S COMMISSION ON PROFESSIONALISM

ORDER ESTABLISHING THE HAWAII SUPREME COURT'S COMMISSION ON PROFESSIONALISM

(By: Moon, C. J., for the court)

WHEREAS, in August 1996, the Conference of Chief Justices (CCJ) passed a resolution calling for a national study and action plan regarding lawyer conduct and professionalism, wherein the CCJ noted a significant decline in professionalism in the bar and a consequent drop in the public's confidence in the profession and the justice system in general and concluded that a strong coordinated effort by the state supreme courts to enhance their oversight of the profession was needed; and

WHEREAS, in March 1999, the CCJ's January 1999 National Action Plan on Lawyer Conduct and Professionalism was published and disseminated to chief justices, lawyer disciplinary agencies, and state bar associations throughout the United States; and

WHEREAS, the National Action Plan sets forth programs, initiatives, and recommendations designed to increase the efficacy of the state supreme courts' exercise of their inherent regulatory authority over the legal profession; and

WHEREAS, on August 2, 2001, the CCJ adopted the strategies for implementing the National Action Plan formulated by the American Bar Association in its report, entitled the Role of the Court in Improving lawyer Conduct and Professionalism: Initiating Action, Coordinating Efforts and Maintaining Momentum; and

WHEREAS, the Hawaii Supreme Court's Committee to Formulate Strategies for Implementing the Conference of Chief Justices' National Action Plan on lawyer Conduct and Professionalism (National Action Plan Committee), charged with the task of reviewing the National Action Plan and Making recommendations to the supreme court, issued its final report on May 24, 2004.

NOW, THEREFORE, upon the recommendation of the National Action Plan Committee,

IT IS HEREBY ORDERED that:

(1) The Hawaii Supreme Court's Commission on Professionalism is hereby established.

(2) The commission is charged with enhancing professionalism among Hawaii's lawyers. The Commission's major responsibilities shall be to:

- (a) develop strategies and recommendations to implement the National Action Plan initiatives, including the ABA's accompanying plan, as prioritized;
- (b) identify barriers to implementation;
- (c) identify action steps to overcome barriers;
- and
- (d) propose a post-implementation evaluation process.

(3) The Chair of the Commission shall be the Chief Justice or the Chief Justice's designee. Commission members shall be appointed by the Chief Justice, upon a concurrence of a majority of the justices of the supreme court. In addition to the Chair, the Commission shall be comprised of a total of nineteen (19) members that reflect racial, ethnic, gender, and geographic diversity and as prescribed below:

(a) Judges.

- (i) Four (4) incumbent Hawaii trial court judges chosen from the First, Second, Third, and/or Fifth Judicial Circuits;
- (ii) Two (2) incumbent judges chosen from the Hawaii Supreme Court or the Intermediate Court of Appeals or both; and
- (iii) One (1) incumbent judge chosen from the United States District Court for the District of Hawaii or the United States Court of Appeals for the Ninth Circuit.

(b) Practicing Lawyers. Four (4) practicing lawyers who are members of the Hawaii State Bar Association, chosen from a list of ten (10) nominees recommended by the Board of Directors of the Hawaii State bar Association.

(c) Law School Faculty. One (1) law school faculty member who is a full-time faculty member from the University of Hawaii Richardson School of Law, chosen from a list of three (3) nominees recommended by the dean of the law school.

(d) Attorney Regulatory Entities. One representative each from (i) the disciplinary Board of the Hawaii Supreme Court, (ii) the Lawyers' Fund for Client Protection, (iii) the Attorneys and Judges Assistance Program, and (iv) the Board of bar Examiners, chosen from a list of three (3) nominees recommended by the board and/or trustees of each respective entity.

(e) Public Members. Three (3) non-lawyer citizens active in public affairs.

(4) With the exception of the Chair of the Commission, the members of the Commission shall serve for a term of four (4) years provided, however, in the discretion of the chief justice, the initial appointments may be for a term of less than four (4) years so as to accomplish staggered terms for the membership of the Commission. A Commissioner may be appointed for additional terms.

(5) A Commissioner who no longer meets the qualifications of this rule shall be deemed to have completed the Commissioner's term and Commissioner's office shall be deemed vacant. Any vacancy on the Commission shall be filled by the chief justice, upon the concurrence of a majority of the justices of the supreme court, for the unexpired term.

(6) The Commission shall serve in an advisory capacity only, shall give continuing consideration to the enhancement of professionalism in the practice of law, and shall make reports and/or recommendations to the supreme court, annually, regarding implementation of the National Action Plan and any other relevant information regarding the work of the Commission.

(7) Commission members shall not receive compensation for their services, but may be reimbursed for travel and other expenses that are incidental to the performance of their duties.

(8) The Commission shall have no authority to impose discipline upon any members of the Hawaii State Bar or to amend, suspend, or modify the Hawaii Rules of professional Conduct (HRPC). The Commission, however, may, if appropriate, recommend amendments to the HRPC to the supreme court for consideration.

IT IS FURTHER ORDERED, pursuant to the foregoing, that the following individuals are appointed as members of the Commission on Professionalism, effective immediately upon the filing of this order and for the term as specified below:

For a term expiring on March 13, 2007

Hon. Karen Radius, First Judicial Circuit
Hon. Terence Yoshioka, Third Judicial Circuit
Hon. Daniel Foley, Appellate Court
Hon. Susan Oki Mollway, federal Court
Susan Arnett, HSBA
Terence O'Toole, HSBA
Carol Muranka, Lawyers Fund for Client Protection
Steven Dixon, Attorneys & Judges Assistance Program
Wesley Park, Public member

For a term expiring on March 13, 2009

Hon. Joseph Cardoza, Second Judicial Circuit
Hon. Trudy Senda, Fifth Judicial Circuit
Hon. Steven Levinson, Appellate Court
Calvin Young, HSBA
Michael Nauyokas, HSBA
Carol Mon Lee, Richardson School of Law
Carole Richelieu, ODC
Grace Nihei Kido, Board of Bar Examiners
Petra Bray, Public member
Nathan Nikaido, Public member

IT IS FINALLY ORDERED that the HONORABLE JAMES E. DUFFY JR., is appointed as the Chief Justice's designee and shall serve as Chair of the Commission.

DATED: Honolulu, Hawaii, March 14, 2005.

ILLINOIS

Rule 799. Supreme Court Commission on Professionalism

(a) Purpose

The Supreme Court Commission on Professionalism is hereby established in order to promote among the lawyers and judges of Illinois principles of integrity, professionalism and civility; to foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and to ensure that those systems provide equitable, effective and efficient resolution of problems and disputes for the people of Illinois.

(b) Membership and Terms

(1) The Court shall appoint a Chair and ~~13~~ 14 additional members to the Commission. These members shall include three individuals who are faculty members at accredited Illinois law schools, two judges engaged in active service in the trial courts of Illinois, one judge engaged in active service in the appellate courts of Illinois, six practicing lawyers who are active members in good standing of the Illinois bar, one member of the Minimum Continuing Legal Education (MCLE) Board, and two nonlawyers who are active in public affairs in Illinois. The Administrator of the Attorney Registration and Disciplinary Commission shall serve as an *ex-officio* member in addition to the Chair and the ~~13~~ 14 members appointed by the Court but shall have no vote.

(2) In addition to the members described above, the Chief Justice may invite to serve on the Commission a judge of the United States District Courts located in Illinois.

(3) The appointed members of the Commission shall be selected with regard to their reputations for professionalism, and for their past contributions to the bar and to their communities, to the extent feasible, the appointees should reflect a diversity of geography, practice areas, race, ethnicity, and gender.

(4) Members of the Commission shall be appointed for terms of three years, except that in making initial appointments to the Commission, the Court may limit appointments to ensure that the terms of the Commission's members are staggered, so that no more than one third of the members' terms expire in any given year. The MCLE Board member shall be appointed to a term concurrent with his or her term on the Board.

(5) None of the members of the Commission shall receive compensation for their service, but all members shall be reimbursed for their necessary expenses.

(c) Duties

The Commission's duties shall include:

(1) Creating and promoting an awareness of professionalism by all members of the Illinois bar and bench;

(2) Gathering and maintaining information to serve as a resource on professionalism for lawyers, judges, court personnel, and members of the public;

(3) Developing public statements on principles of ethical and professional responsibility for distribution to the bench and bar for purposes of encouraging, guiding and assisting individual lawyers, law firms and bar associations on the ethical and professional tenets of the profession;

(4) Assisting CLE providers with the development of courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1);

(5) Determining and publishing criteria for, monitoring, coordinating, and approving, courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1);

(6) Reviewing and approving the content of courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1) and forwarding the Commission's determination to the Minimum Continuing Legal Education (MCLE) Board;

(7) Monitoring activities related to professionalism outside the State of Illinois;

(8) Collaborating with law schools in the development and presentation of professionalism programs for law student orientation and other events as coordinated with law school faculty;

(9) Facilitating cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics, and public understanding of the legal profession; and

(10) Recommending to the Court other methods and means of improving the profession and accomplishing the purposes of this Commission.

The Commission shall have no authority to impose discipline upon any member of the Illinois bar or bench, or to exercise any duties or responsibilities belonging to either the Judicial Inquiry Board, the Attorney Registration and Disciplinary Commission, the Board of Admissions to the Bar, or the MCLE Board.

(d) Administration

(1) The Commission shall have the authority to appoint, with the approval of the Supreme Court, an Executive Director, who shall be an attorney who is an active member in good standing of the Illinois bar. The Executive Director shall have the authority to hire such additional staff as necessary to perform the Commission's responsibilities.

(2) The Commission shall meet at least twice a year and at other times at the call of the Chair. A majority of its members shall constitute a quorum for any action. Meetings may be held at any place within the state and may also be held by means of

telecommunication that permits reasonably accurate and contemporaneous participation by the members attending by such means.

(3) The Chair may appoint committees of members and assign them to such responsibilities, consistent with the purposes, powers and duties of the Commission, as the Chair may deem appropriate.

(4) The Commission shall file annually with the Court an accounting of the monies received and expended for its activities, and there shall be an annual independent audit of the funds as directed by the court, the expenses of which shall be paid out of the fund.

(5) The Commission shall submit an annual report to the Court describing and evaluating the effectiveness of its activities.

(6) Approving CLE Programs.

(i) The Commission shall receive from the MCLE Board applications for accreditation of those courses and activities offered to fulfill the professional responsibility requirement for minimum continuing legal education under Rule 794(d)(1). The Commission shall establish procedures for approval of such courses or activities consistent with the criteria published under paragraph (c)(5) of this rule. Professional responsibility courses and activities, the content of which is approved by the Commission, shall be forwarded to the MCLE Board for accreditation. Absent Commission approval, such courses and activities are not eligible for CLE accreditation. The Commission shall complete its review as expeditiously as possible and with regard to the applicable time lines contained in Rule 795.

(ii) Providers that have been designated “Accredited Continuing Legal Education Providers” under Rule 795(b) must, in addition to that accreditation, obtain Commission approval of any course or activity offered to fulfill the professional responsibility requirement of Rule 794(d)(1), but will not be required to pay an accreditation fee in addition to the fee the provider has paid to the Minimum Continuing Legal Education Board.

(e) Funding

The Commission shall be funded by an annual assessment as provided in Rule 756.

Adopted September 29, 2005, effective immediately; amended December 6, 2005, effective immediately; amended June 5, 2007, effective immediately.

MARYLAND

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER CONTINUING PROFESSIONALISM COMMISSION

WHEREAS, Throughout the 1990s, members of the Maryland Bench and Bar had become increasingly aware of issues and repercussions of unprofessional behavior by lawyers, which spurred adoption of civility codes and, since 1992, a mandatory course in professionalism for all new admittees to the Maryland Bar; and

WHEREAS, The Conference of Chief Justices in 1996 adopted a resolution which called for a study of lawyer professionalism and encouraged the appellate court of highest jurisdiction in each state 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 and Bar by establishing a Commission on Professionalism; and

WHEREAS, By Order dated April 25, 2002, a Professionalism Task Force was established to study the concept of professionalism within the Maryland bench and Bar and to identify the qualities of, and a consensus as to, professionalism; and

WHEREAS, The Task Force completed its work and, among other proposals, recommended the establishment of a Professionalism Commission; and

WHEREAS, On November 10, 2003, the Court of Appeals adopted the recommendation to establish a Professionalism Commission which occurred on February 17, 2004; and

WHEREAS, The Professionalism Commission, over a two-year period, explored the recommendations of the Professionalism Task Force and on May 10, 2006 adopted its first report.

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, §18 of the Constitution, do hereby order this day of _____, 2006, effective immediately:

1. Creation. The Court Commission on Professionalism shall continue for a period of _____ years.
2. Members.
 - a. Commission. The Commission shall consist of the following members:
 - i. The Chief Judge of the Court of Appeals or a designee of the Chief Judge, as the Chair;
 - ii. The Chief Judge of the Court of Special Appeals or a designee of the Chief Judge;
 - iii. The Chair of the Conference of Circuit Judges or a designee of the Chair;
 - iv. The Chief Judge of the District Court or a designee of the Chief Judge;
 - v. A judge from the United States District Court for Maryland, designated by that Court;
 - vi. The Dean of each of the accredited law schools in Maryland or a designee of the Dean;
 - vii. A lawyer representative from each Maryland County and Baltimore City, appointed by the Chief Judge of the Court of Appeals;
 - viii. The president of the Maryland State Bar Association, Inc. or the president's designee;
 - ix. A representative from the Attorney Grievance Commission, appointed by the Chief Judge of the Court of Appeals;

- x. A representative from the Standing Committee on Rules of Practice and Procedure, appointed by the Chief Judge of the Court of Appeals;
 - xi. A representative from the Judicial Disabilities Commission, appointed by the Chief Judge of the Court of Appeals; and
 - xii. A reporter, appointed by the Chief Judge of the Court of Appeals.
- b. Advisors. To the extent provided in the Judiciary's budget or other source of funds, the Commission may invite others to provide advice to, or otherwise participate in, the Commission's work, through invitations to the public for, appointment to subcommittees or assignment of specific tasks such as statistical and academic research.
- c. Compensation. The members and advisors are not entitled to compensation but, to the extent provided in the Judiciary's budget, may be reimbursed for expenses in connection with travel related to the work of the Commission.
3. Meetings.
- a. Scheduling. The Commission shall meet at the call of the Chair.
 - b. Quorum. A majority of the authorized membership of the Commission shall constitute a quorum for the transaction of business.
4. Forums.
- a. Purposes. The primary tasks of the Commission are to explore, as well as monitor, the implementation of the professionalism policies adopted by the Court of Appeals, examine ways to promote professionalism among Maryland lawyers, and provide sustained attention and assistance to the task of ensuring that the practice of law remains a high calling that is focused on serving clients and promoting the public good.
 - b. Mission. The mission of the Commission is to support and encourage members of the Judiciary to exhibit the highest levels of professionalism and 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 to fulfill their obligations to improve the law and the legal system and to ensure access to that system.
 - c. Duties. To carry out its purposes, the Commission shall:
 - i. Plan, implement, monitor and coordinate professionalism efforts in the Bar, courts, law schools and law firms;
 - ii. Continue to develop mechanisms to advance professionalism as an important core value of the legal profession and the legal process;
 - iii. Gather and maintain information to serve as a resource on professionalism for lawyers, judges, court personnel and members of the public;
 - iv. Serve as a catalyst for positive change;
 - v. Cultivate the professional community of the Bar;
 - vi. Consider efforts by lawyers and judges to improve the administration of justice;
 - vii. Monitor professionalism efforts in jurisdictions outside Maryland;
 - viii. Promote and sponsor state and local activities that emphasize and enhance professionalism to include a yearly Convocation on Professionalism and promote regional and county convocations on professionalism;
 - ix. Make recommendations to the Court of Appeals, the Maryland State Bar

- Association, and local and specialty Bars concerning additional means by which professionalism can be enhanced;
- x. Receive and administer gifts and grants and to make such expenditures therefrom as the Commission shall deem prudent in the discharge of its responsibilities;
 - xi. Monitor the efforts of the Maryland State Bar Association and other associations and committees in carrying out the mandate of this Court with respect to advancement of professionalism and submit periodic reports to this Court on those efforts.
5. Staff. The Commission shall have the staff assistance assigned by the Chief Judge of the Court of Appeals.
6. Source of Funding. The Commission shall be funded by an annual assessment imposed upon every attorney admitted to practice in Maryland.
7. Authority. The Commission on Professionalism has no authority to receive complaints within the province of the Attorney General's Office, the Attorney Grievance Commission or the Commission on Judicial Disabilities and shall refer any such complaints received to the appropriate Commission.
8. Rescission of Prior Order. The Order dated February 27, 2004 is rescinded.

Robert M. Bell
Chief Judge
Court of Appeals of Maryland
Filed:
Clerk
Court of Appeals of Maryland

NEW JERSEY

Not available.

NEW MEXICO

FROM THE NEW MEXICO SUPREME COURT NO. 00-8300

IN RE THE ESTABLISHMENT OF A COMMISSION ON PROFESSIONALISM

ORDER

WHEREAS, the Supreme Court hereby establishes a permanent Commission on Professionalism of the State Bar of New Mexico to guide and support the principles of professionalism under the terms of this order.

Purpose:

The purpose of the Commission on Professionalism is to:

1. Support the concept and principles of professionalism;
2. Encompass competence, civility, integrity, attitude, and respect for the rule of the law, for other lawyers and the courts, for clients and the public, and fidelity to lawyers' roles as officers of the court and as problem solvers;
3. Create and promote an awareness of professionalism by all members of the New Mexico bench and bar and reinforce the values of professionalism;
4. Serve as the statewide clearinghouse for professionalism;
5. Serve as the oversight and advisory commission for professionalism training, education, and resources to support a catalyst for positive change;
6. Uphold and support the definition of professionalism and educational (MCLE) requirements adopted by the New Mexico Supreme Court; and
7. Serve as a forum for communication, support and collaboration among legal constituencies in New Mexico.

Commission on Professionalism:

Professionalism oversight and support efforts in New Mexico shall be carried out by the Commission on Professionalism, to be composed of twenty-three (23) members from the profession and the public as follows: four (4) judges; fourteen (14) lawyers; the Dean of the University of New Mexico School of Law; one (1) member representing the Legal Assistants Division; and three (3) public members.

Membership:

The membership, terms and appointing authority for each member of the Commission on Professionalism shall be as follows:

Member	Appointing Authority	Term
Judicial Members:		
1. Chief Justice of New Mexico Supreme Court (or designee)	---	Indefinite
2. Chief Judge of the U.S. District Court for the District of New Mexico (or designee)	---	Indefinite
3. Two (2) State District Court Judges	District Judges Association	1-year-term
Lawyer Members:		
1. President of the State Bar of New Mexico (or designee)	---	Indefinite
2. President of the New Mexico Criminal Defense Lawyers Association (or	---	Indefinite

designee)		
3. President of the New Mexico Trial Lawyers Association (or designee)	---	Indefinite
4. President of the New Mexico Defense Lawyers Association (or designee)	---	Indefinite
5. President of the New Mexico District Attorneys Association (or designee)	---	Indefinite
6. Chair-elect of the State Bar of New Mexico Young Lawyers Division		Indefinite
7. President (or designee) of each of the following: State's Voluntary Bar Associations: Hispanic Bar Association of New Mexico; Indian Bar Association of New Mexico; New Mexico Black Lawyers Association; New Mexico Women's Bar Association	---	Indefinite
8. Chair of the New Mexico MCLE Board (or designee)	---	Indefinite
9. Chair of the New Mexico Disciplinary Board (or designee)	---	Indefinite
10. One (1) Active Status Member of the State Bar of New Mexico	State Bar President	2-year-term
11. One (1) Active Status Member of the State Bar of New Mexico	State Bar President	3-year-term
Other Members:		
1. Chair-elect of the State Bar of New Mexico Legal Assistants Division (or designee)	---	Indefinite
2. Dean of the University of New Mexico School of Law (or designee)	---	Indefinite
Public Members:		

1. One (1) Public Member	Chief Justice	2-year term
2. Two (2) Public Members	State Bar President or entity designated by the President	2-year term

The Chief Justice of the New Mexico Supreme Court and the President of the State Bar of New Mexico shall serve as co-chairs of the Commission. The Director of the Administrative Office of the Courts and the Executive Director of the State Bar of New Mexico shall serve as ex-officio members of the Commission.

Any appointed member of the Commission may be removed as a member by majority vote of the members of the Commission, for cause, including but not limited to, failure to attend to the duties and responsibilities of the Commission or for non-attendance at three consecutive meetings of the Commission.

Terms:

Terms shall commence on May 1, 2000, and shall be effective based on a calendar year, the first term to be expired on December 31, 2000. Subsequent appointments shall be effective January 1, 2001.

Administration and Functions:

The Commission may conduct its work through committees, either standing or ad hoc. One standing committee shall be composed of the current members of the State Bar's standing committee called the Commission on Professionalism. A new standing committee of the Commission shall be assigned tasks delegated to it by the co-chairs of the Commission. Other standing or ad hoc committees shall be appointed as deemed necessary by the Commission.

The State Bar of New Mexico shall administer the Commission and shall develop and approve the goals, duties, programs, budget, operation, and staffing of the Commission.

The State Bar of New Mexico's governing board, the Board of Bar Commissioners, shall review and approve all policies relating to the Commission on Professionalism.

The State Bar of New Mexico shall provide an annual status and progress report to the New Mexico Supreme Court on the goals, programs, accomplishments, and operation of the Commission on Professionalism.

Upon the establishment and creation of the initial Commission on Professionalism, by this Order of the New Mexico Supreme Court, on May 1, 2000, the Commission shall develop the mission statement, goals, objectives, responsibilities, and first year programs

and activities of the Commission on Professionalism, which shall be subject to approval and adoption by the State Bar of New Mexico Board of Bar Commissioners.

IT IS SO ORDERED.

Done at Santa Fe, New Mexico, this 2nd day of May, 2000.

Pamela B. Minzner, Chief Justice

DEFINITIONS OF PROFESSIONALISM

Professionalism is conduct consistent with the tenets of the legal profession as demonstrated by a lawyer's civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rule of law, the courts, clients, other lawyers, witnesses, and unrepresented parties.

MISSION STATEMENT

The mission of the Commission on Professionalism is to support and encourage lawyers to exercise the highest levels of professionalism.

GOALS

1. Promote the practice of professionalism by all members of the New Mexico Bench and Bar.
2. Establish a statewide clearinghouse for professionalism.
3. Serve as the oversight and advisory commission for professionalism training and education as set forth by the New Mexico Supreme Court.
4. Encourage discussion and communication and support collaboration about professionalism among the bench, bar and public.
5. Implement standards to promote and measure professional conduct.

[Return to Appendix Table of Content](#)

NEW YORK

ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THE STATE OF NEW YORK

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby adopt the following resolution relating to the creation of a Judicial Institute on Professionalism in the Law, to read as follows:

WHEREAS, the legal profession in New York State enjoys the privilege of self-regulation; and

WHEREAS, the responsible exercise of that privilege requires continuous attention to the condition of the professionalism of lawyers practicing in New York and to the needs of the clients whom they serve and the public at large; and

WHEREAS, in order to examine these matters, the Chief Judge in 1993 established the Committee on the Profession and the Courts and charged it with the responsibility of recommending measures to address the contemporary public dissatisfaction with the legal profession; and

WHEREAS, the Committee reported that in fact the level of professionalism among lawyers practicing in New York State was high, and recommended measures to support and reinforce that professionalism and to improve public confidence therein; and

WHEREAS, among such measures was the creation of an institute to give continuous attention to matters affecting the professionalism of lawyers in New York and the public's confidence therein; and

WHEREAS, in response to this recommendation the Administrative Board of the Courts formed the Task Force on Attorney Professionalism and Conduct to, among other things, examine further the desirability of establishing such an institute and to suggest the form such an institute might take; and

WHEREAS, a Subcommittee of the Task Force has submitted its "Final Report to the Administrative Board of the Courts" which unanimously recommends that such an institute be established having the powers, duties and structure set out herein; and

WHEREAS, the Administrative Board has accepted and adopted that report,

IT IS HEREBY RESOLVED:

1. There is established in the Office of Court Administration the Institute on Professionalism in the Law ("Institute").
2. It shall be the purpose of the Institute to:
 - A. Promote the awareness of and adherence to professional values and ethical behavior by lawyers in the State of New York;
 - B. 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;

C. Promote scholarship regarding, and practical attention to, emerging issues in the practice of law that may present issues of professionalism or legal ethics;

D. Promote public understanding of matters relating to the role of law, and to professionalism, ethics and discipline in the legal profession;

E. Facilitate cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics and public understanding of the legal profession.

3. The Institute shall consist of a Chair and 18 members, each of whom shall be appointed by the Chief Judge in consultation with the Administrative Board of the Courts and serve at the pleasure of the Chief Judge. To the extent feasible, the membership of the Institute shall at all times include attorneys who live or practice in each of the departments of the Appellate Division and persons who are not members of either the bar or the judiciary.

4. In order to carry out its purposes, the Institute shall:

A. Collect information relevant to matters within its jurisdiction;

B. Study issues within its jurisdiction, including in cooperation with other entities when appropriate;

C. Take steps to encourage dialogue within the profession and between the profession and lay persons concerning the matters within its jurisdiction;

D. Take steps to promote public education concerning the role of law and lawyers and public understanding of professionalism and ethics in the law;

E. Maintain relationships with bar associations, law schools, courts and other entities within and outside the State of New York to promote the purposes of the Institute;

F. Monitor and, when in its judgment appropriate, comment on the conduct of continuing legal education programs in the state insofar as they affect the professionalism and ethical behavior of lawyers in the state;

G. Monitor and comment on the methods for enforcing standards of professional conduct for lawyers in the state including, without limitation, the procedures for imposing discipline or sanctions for misconduct and for compensating clients victimized by the misbehavior of lawyers within the state;

H. Monitor and, when in its judgment appropriate, comment on the implementation and effectiveness of measures adopted by court officials for the advancement of professionalism and ethics in the practice of law in the state;

I. Hold public hearings and convene forums, seminars or other meetings in order to carry out its purposes;

J. From time to time recommend measures, including, without limitation, proposed legislation, rules of practice, and modifications of the Code of Professional Responsibility, that in its judgment would improve the professionalism and ethical behavior of lawyers within the state;

K. Publish reports and report to the Chief Judge and Administrative Board of the Courts from time to time as it deems appropriate or as the Chief Judge requests, but in any event biennially; and

L. Conduct such other programs, activities, studies or functions as, in its judgment, may be necessary or proper to the carrying out of its purposes, provided however, that the Institute shall not:

(I) issue opinions on ethical matters in response to inquiries in particular cases;

(ii) initiate disciplinary complaints against individual attorneys or otherwise participate in disciplinary proceedings or litigation concerning individual attorneys; or

(iii) undertake (except in concert with law schools or bar associations) to provide directly, whether for consideration or not, courses or materials for continuing legal education programs.

5. The Institute shall meet at least twice a year and at other times at the call of the Chair. A majority of its members shall constitute a quorum for any action. Meetings may be held at any place within the state and may also be held by means of telecommunication that permits reasonably accurate and contemporaneous participation by the members attending by such means. The Chair may appoint committees of members and assign to them such responsibilities, consistent with the purposes, powers and duties of the Institute, as the Chair may deem appropriate. The Institute shall have the power, within the limits of its funding, to engage staff and to assign the duties of such staff.

6. The Institute shall be funded by monies made available from the appropriation for the Office of Court Administration.

JUDITH KAYE
CHIEF JUDGE OF THE STATE OF NEW YORK
Dated: March 3, 1999

[Return to Appendix Table of Content](#)

[North Carolina](#)

Supreme Court Order (Sept. 22, 1998)

Commission Description

NORTH CAROLINA

**THE CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM
IN THE SUPREME COURT OF NORTH CAROLINA
BY ORDER OF THE COURT**

In recognition of the need for the emphasis upon and encouragement of professionalism in the practice of law, the Court hereby creates THE CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM.

The membership of the Commission shall be as follows:

The Commission's chair will be the Chief Justice or his designee. The chair will appoint the Commission's other members. The Commission's members will reflect the profession's four main constituents: practicing lawyers, judges, law school faculty, and the public. The chair will appoint from the constituents as follows:

1. Judges:

(a) two judges chosen from those who serve actively on the trial benches of the courts of North Carolina or the United States, and

(b) an appellate court judge chosen from the North Carolina Supreme Court, the North Carolina Court of Appeals, or the United States Court of Appeals.

2. Law School Faculty: two law school faculty members who are full-time faculty members from accredited North Carolina law schools, chosen on recommendations of the deans thereof.

3. Practicing Lawyers: seven practicing lawyers giving due and appropriate regard for diversity of representation and taking into account such factors as the chair shall deem just.

4. Public Members: Three non-lawyer citizens active in public affairs.

With the exception of the chairman, the members of the Commission shall serve for a term of three years provided, however, in the discretion of the chair, the initial appointments may be for a term of less than three years so as to accomplish staggered terms for the membership of the Commission.

BY THIS ORDER, the Court issues to the Commission the following charge: The Commission's primary charge shall be to enhance professionalism among North Carolina's lawyers. In carrying out its charge, the Commission shall provide ongoing attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of clients and in the public good.

The Commission's major responsibilities should include:

1. to consider and encourage efforts by lawyers and judges to improve the administration of justice;
2. to examine ways of making the system of justice more accessible to the public;
3. to monitor and coordinate North Carolina's professionalism efforts in such institutional settings as the bar, the courts, the law schools, and law firms;
4. to monitor professionalism efforts in jurisdictions outside North Carolina;
5. to conduct a study and issue a report on the present state of lawyer professionalism within North Carolina;
6. to plan and conduct Convocations on Professionalism;
7. to provide guidance and support to the Board of Continuing Legal Education and to the various CLE providers accredited by the Board, in the implementation and execution of a CLE professionalism requirement of not less than one hour per year;
8. to implement a professionalism component in bridge-the-gap programs for new lawyers;
9. to make recommendations to the Supreme Court, the State Bar, the voluntary bars, and the Board of Continuing Legal Education concerning additional means by which professionalism can be enhanced among North Carolina lawyers;
10. to receive and administer grants and to make such expenditures therefrom as the Commission shall deem prudent in the discharge of its responsibilities.

Provided, however, the Commission shall have no authority to impose discipline upon any members of the North Carolina State Bar or to amend, suspend, or modify the rules and regulations of the North Carolina State Bar including the Revised Rules of Professional Conduct.

By order of the Court in conference, this the 22nd day of September, 1998.

Orr, J.
For the Court

**The Chief Justice's Commission on Professionalism
North Carolina**

The North Carolina Chief Justice's Commission on Professionalism (CJCP) was established on September 22, 1998, by order of the North Carolina State Supreme Court. The order established the Commission's membership and major responsibilities.

The North Carolina CJCP consists of a Chair, the Chief Justice of the North Carolina Supreme Court or his designee; two judges serving on trial benches of the courts of the state or the United States; and one appellate court judge either from the state or United States; two law school faculty members from accredited North Carolina law schools; seven practicing lawyers; and three non-lawyer citizens who are active in public affairs. All members, with the exception of the Chairman, serve for a term of three years.

The CJCP has no disciplinary authority. The CJCP meets quarterly. Nine members present constitute a quorum for the transaction of business, and the latest edition of Roberts Rules of Order govern the proceedings. Voting may be in person, by proxy, by letter or by telephone.

In November 1999, the CJCP hired an Executive Director to control and administer the day-to-day operations, Melvin F. Wright, Jr.

Major Responsibilities

The major responsibilities of the Commission include its primary charge: to enhance professionalism among North Carolina's lawyers. In carrying out this charge, the CJCP is required to provide ongoing attention and assistance to ensure the practice of law remains a high calling, dedicated to the service of clients and the public good.

Other major responsibilities include:

1. Considering and encouraging efforts by lawyers and judges to improve the administration of justice;
2. Examining ways of making the system of justice more accessible to the public;
3. Monitoring and coordinating North Carolina's professionalism efforts in such institutional settings as the bar, the courts, the law schools and law firms;
4. Monitoring professionalism efforts in jurisdictions outside North Carolina;
5. Conducting a study and issue a report on the present state of lawyers professionalism within North Carolina;
6. Providing guidance and support to the Board of Continuing Legal Education and to the various CLE providers accredited by the Board, in the implementation and execution of a CLE professionalism requirement of not less than one hour per year;
7. Implementing a professionalism component in bridge-the-gap programs for new lawyers;
8. Making recommendations to the Supreme Court, the State Bar, the voluntary bars, and the Board of Continuing Legal Education concerning additional means by which professionalism can be enhanced among North Carolina lawyers;
9. Receiving and administering grants and making such expenditures therefrom as the Commission deems prudent in the discharge of its responsibilities.

Routine Activities

- Law School programs on professionalism and assisting law schools with their own professionalism programs.
- Professionalism presentations provided throughout the state to voluntary bar associations, judicial district bar associations, civic organizations, and law firms.
- Participation and membership on professional boards and committees in order to help implement ideas that affect professionalism.
- Write and provide articles on professionalism for professional publications (legal, business and educational).
- Provide suggestions and lobby for changes to the State Bar CLE requirements in order to ensure lawyers have adequate professionalism related programs.
- Seek involvement in established programs or in establishing programs to further enhance professionalism in our state.

OHIO

The Commission is governed by Rule XV of the Ohio Rules for the Government of the Bar. The rule in its entirety is as follows:

RULE XV. SUPREME COURT COMMISSION ON PROFESSIONALISM

Section 1. Creation of Commission; Purpose.

(A) There shall be a Supreme Court Commission on Professionalism, which shall have the duties set forth in this rule.

(B) The Commission is created for the purpose of promoting professionalism among attorneys admitted to the practice of law in Ohio. Professionalism connotes adherence by attorneys in their relations with judges, colleagues, clients, employees, and the public to aspirational standards of conduct. The Commission shall devote its attention to the law as a profession and to maintaining the highest standards of integrity and honor among members of the profession.

Section 2. Membership of the Commission.

(A) The Commission shall consist of fifteen members appointed as follows:

- (1) Five judges appointed by the Supreme Court;
- (2) Six attorneys admitted to the practice of law in Ohio for at least six years, three of whom shall be appointed by the Ohio Metropolitan Bar Association Consortium and three of whom shall be appointed by the Ohio State Bar Association;
- (3) Two law school administrators or faculty, each of whom shall be admitted to the practice of law in Ohio for at least six years and employed full-time by a different law school in Ohio, appointed by the Supreme Court;

(4) Two persons who are not admitted to the practice of law in any state, appointed by the Supreme Court.

(B)(1) Except as provided in division (C) of this section, members of the Commission shall serve three year terms beginning on the first day of January. Members shall be eligible for reappointment, but shall not serve more than two consecutive terms of three years.

(2) Vacancies on the Commission shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall hold office for the remainder of the unexpired term. If an attorney member no longer practices in Ohio, if a judge member leaves office, or if a law school administrator or faculty no longer is employed full-time by a law school in Ohio, the member shall be disqualified and a vacancy shall occur.

(3) The Supreme Court shall appoint one member of the Commission as chair and one member as vice-chair. The chair and vice-chair shall serve one year terms and may be reappointed, but shall not serve more than two consecutive terms of one year.

(C) Initial attorney appointments to the Commission after the effective date of this amendment shall be made as follows:

(1) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium to a term ending December 31, 2006;

(2) Attorney members serving on the Commission on the effective date of this amendment shall continue to serve on the Commission until the expiration of the term of office to which they were appointed and, upon expiration of their terms, may be reappointed pursuant to division (C)(2) of this rule if otherwise eligible for reappointment. Upon the first expiration of terms of office after the effective date of this amendment, appointments shall be made as follows:

(a) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium, and one attorney shall be appointed by the Ohio State Bar Association, each member to serve a term commencing January 1, 2005 and ending December 31, 2007;

(b) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium, and one attorney shall be appointed by the Ohio State Bar Association, each member to serve a term commencing January 1, 2006 and ending December 31, 2008;

(c) One attorney shall be appointed by the Ohio State Bar Association to a term commencing January 1, 2007 and ending December 31, 2009.

(3) If an attorney member serving on the Commission on the effective date of this amendment resigns from the Commission prior to the expiration of his or her current term of office, that member's successor shall be appointed to the balance of the unexpired term. Any appointments to fill vacancies under division (C)(3) of this rule shall be alternated by the Ohio Metropolitan Bar Association Consortium and the Ohio State Bar Association, with the Ohio State Bar Association making the first appointment to fill a vacancy.

(D) Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

Section 3. Duties of the Commission.

(A) The Commission shall do all of the following:

(1) Monitor and coordinate professionalism efforts and activities in Ohio courts, bar associations, and law schools and by other entities;

- (2) Monitor professionalism efforts and activities in jurisdictions outside Ohio;
 - (3) Promote and sponsor state and local activities that emphasize and enhance professionalism;
 - (4) Develop and make available educational materials and other information for use by judicial organizations, bar associations, law schools, and other entities in emphasizing and enhancing professionalism;
 - (5) Assist in the development of law school orientation programs, law school curricula, new lawyer training programs, and continuing education programs that emphasize professionalism;
 - (6) Make recommendations to the Supreme Court, judicial organizations, bar associations, law schools, and other entities on methods by which professionalism can be enhanced.
- (B) The Commission shall seek and may accept grants, contributions, and other awards to supplement funding provided by the Supreme Court.

Section 4. Staff and Budget.

In consultation with the administrative director, the Commission may employ staff appropriate to perform the duties of the Commission. On or before the first day of May each year, the Commission shall prepare and submit to the administrative director a proposed budget for the fiscal year that begins on the ensuing first day of July. The budget shall be in the form prescribed by the administrative director, include a narrative of planned activities, and identify additional sources of funding that the Commission intends to pursue to supplement funding being requested from the Supreme Court.

[Effective: September 1, 1992; amended effective September 1, 2004.]

Gov. Bar R. XV is posted at

<http://www.sconet.state.oh.us/Rules/govbar/govbar.pdf#Rule15>.

[Return to Appendix Table of Content](#)

OREGON

IN THE SUPREME COURT OF THE STATE OF OREGON

In re: JOINT BENCH/BAR COMMISSION ON PROFESSIONALISM
No. 94-049 ORDER

This matter coming before the Court on application of the Oregon State Bar, and the Court finding that a comprehensive plan for fostering professionalism among lawyers is in the best interest of the bar, the judiciary, and the citizens of Oregon, and further finding that:

1. Education is the key to preserving and encouraging professional conduct;
2. Non-discrimination is an aspect of professionalism that warrants special emphasis;

3. The support and active involvement of the judiciary is essential to the promotion of professionalism and non-discrimination; and
4. To have any significant impact, the educational effort must be thorough, coordinated and ongoing.

Based on those findings, IT HEREBY IS ORDERED that a Joint Bench/Bar Commission on Professionalism shall be established as follows:

I. PURPOSE

To promote among lawyers and judges principles of professionalism, including civility and commitment to the elimination of discrimination within the judicial system to ensure that it equitably, effectively, and efficiently serves the people of Oregon.

II. MEMBERSHIP

A. Standing Members

The Commission shall include the following standing members:

1. The Chief Justice of the Supreme Court or an Associate Justice designated by the Chief Justice;
2. The Chief Judge of the Court of Appeals or an Associate Judge designated by the Chief Judge;
3. The Chief Judge of the U. S. District Court for Oregon or a District Judge or Federal Magistrate designated by the Chief Judge; and
4. The President of the Oregon State Bar or a member of the Board of Governors designated by the President.

B. Appointed Members

1. The appointed members of the Commission shall be selected with regard to their reputations for professionalism; their past contributions to their communities, the bar, and the state; and to racial, ethnic, gender and geographic diversity.
2. The appointed members shall serve staggered three year terms.
3. The appointed members shall include the following:
 - a. A faculty member from one of the three Oregon law schools; and

b. Ten members, not less than one member from each region of the Oregon State Bar, distributed as follows:

- (1) Four state or federal court judges;
- (2) Four lawyers selected with regard to inclusion of representatives from the public sector, federal and state courts, and criminal and civil practitioners; and
- (3) Two non-lawyers who have demonstrated an interest in the goals of the Commission.

4. The appointed judicial members and one lay member of the Commission shall be selected by the Chief Justice of the Oregon Supreme Court. The appointed lawyer and law school members and one lay member of the Commission shall be appointed by the President of the Oregon State Bar.

III. CHARGE OF THE COMMISSION

The Commission shall:

- A. Periodically review and revise the Statement of Professionalism approved by the Supreme Court on January 23, 1991;
- B. Promote educational opportunities for lawyers, judges, and the public;
- C. Promote professional and non-discriminatory conduct among members of the bar through encouragement and training; and
- D. Design and develop creative approaches to promotion of professionalism and equality, including possible implementation of programs to:
 1. Prepare advisory opinions concerning professionalism issues;
 2. Develop local bar groups to foster discussion of professionalism and equality;
 3. Provide through its members a resource for lawyers, judges, and members of the public on professionalism issues.

IV. MEETINGS OF THE COMMISSION

A. The Commission shall meet four times per year to conduct its business in conjunction with public and bar educational activities. The Commission may choose to reduce the number of annual meetings held for educational purposes based on evaluation of needs and resources.

B. The Commission shall meet once annually in Oregon State Bar Region 1, once annually in Oregon State Bar Region 3, once annually in Oregon State Bar Regions 2, 4 or 6, and once annually in Oregon State Bar Region 5.

C. Commission members located in the Regions in which a meeting is held will be responsible for promoting the educational and informational portions of the meeting to members of the public, of the bar, and of the judiciary in the local area.

D. The Commission may choose to operate in local areas through non-member task forces appointed by the Commission to participate in Commission meetings in the local areas.

V. ADMINISTRATION AND FINANCING

A. The Commission shall have funds available to pay a portion of members' travel expenses and for secretarial and administrative assistance.

B. Expenses of the Commission will be paid by one or more of the following means:

1. Private donations;
2. Private or public endowment;
3. Project or special assistance grants;
4. In-kind contributions and assistance;
5. Fees and tuition charges for Professional CLE programs provided and sponsored by the Commission;
6. Special assessment on Ethics or other MCLE programs approved by the Bar; and
7. Other sources.

DATED this 15th day of September 1994.

Wallace P. Carson, Jr.
Chief Justice

[Return to Appendix Table of Content](#)

SOUTH CAROLINA

The Supreme Court of South Carolina
ORDER

Pursuant to Article V, § 4, of the South Carolina Constitution, the attached Rule 420, SCACR, Chief Justice's Commission on the Profession, is adopted and the attached Regulations for the Commission are approved.

Rule 420, SCACR, and the Regulations shall be effective immediately.

Columbia, South Carolina
November 22, 2000

RULE 420 CHIEF JUSTICE'S COMMISSION ON THE PROFESSION

(a) Purpose. The Chief Justice's Commission on the Profession is created in recognition of the need for the emphasis upon and encouragement of professionalism in the practice of law.

(b) Membership. The Commission's chairperson will be the Chief Justice or the Chief Justice's designee. The Chief Justice will appoint the Commission's other members as follows.

(1) State Judges: Two Circuit Court Judges, two Family Court Judges; and additional judges from either the state appellate or trial bench as the Chief Justice may deem necessary.

(2) Practicing Lawyers: Seven practicing lawyers, giving due regard for diversity of representation, nominated by the Board of Governors of the South Carolina Bar.

(3) Law School Faculty: Two members of the faculty of a South Carolina Law School.

(4) Instructor/Administrator: One person who is involved in the instruction of legal assistants, is involved in instruction at the undergraduate or technical college level, or serves as a law office administrator.

In addition, the Chief Justice may extend an invitation to serve on the Commission to a U.S. District Court Judge from the District of South Carolina.

(c) Responsibilities. The Commission shall ensure that the practice of law remains a high calling which serves clients and the public good. Its major responsibilities are:

(1) To monitor and coordinate South Carolina's professionalism efforts in the bar, the courts and the law school;

(2) To monitor professionalism efforts in other jurisdictions;

(3) To plan and conduct symposiums, seminars, and other meetings on professionalism;

(4) To ensure the presence of a professionalism component in Bridge the Gap;

(5) To make recommendations to the Court, the South Carolina Bar, voluntary bar associations and the law school concerning additional means by which professionalism can be enhanced;

(6) To receive and administer grants and to make expenditures therefrom as the Commission shall deem prudent; and

(7) To receive and respond to inquiries concerning professionalism from the judiciary and the bar. The Commission shall have no authority to respond to complaints within the province of the Commission on Lawyer Conduct or the Commission on Judicial Conduct.

(d) Commission Regulations. Regulations may be promulgated by the Court or the Commission. Regulations will be effective only upon approval of the Court.

Last Amended by Order dated October 6, 2005 and effective immediately. This amendment revised Rule 402(b)(3) to allow membership on the Commission by Professors from any law school in the state.

REGULATIONS FOR THE CHIEF JUSTICE'S COMMISSION ON THE PROFESSION

I. SCOPE

These regulations implement Rule 420, SCACR. The purposes of the Chief Justice's Commission on the Profession shall be as set forth in Rule 420(c).

II. MEMBERSHIP

A. The membership is defined in Rule 420(b). Members will serve for a term of three years provided, however, that initial appointments and subsequent appointments may be for terms less than three years to accomplish staggered terms.

B. Termination of membership of a member other than upon completion of a term will be upon resignation of that member or upon vote of two-thirds of the other members and approval of the chairperson.

III. OFFICERS AND COMMITTEE CHAIRPERSONS; STAFF

A. The chairperson may designate officers and committee chairpersons as needed.

B. The Commission is empowered to hire or contract for staff as it deems necessary.

IV. MEETINGS; QUORUM; VOTING

A. The Commission will meet at least twice annually at the call of the chairperson. Notice of the time and place will be given at least two weeks in advance of the meeting.

The meeting may be convened by telephone conference call, videoconference or Internet conference.

B. At all meetings eight members will constitute a quorum. The latest edition of Robert's Rules of Order will govern proceedings.

C. Voting may be in person, by proxy, by letter, by telephone, by fax or by email. Any matter or proposition will not be action of the Commission without affirmative vote of at least seven members.

VI. EFFECTIVE DATE; DISSOLUTION

A. These regulations will be effective upon adoption by the Court.

B. Upon dissolution of the Commission all assets will revert to the Supreme Court of South Carolina.

[Return to Appendix Table of Content](#)

TEXAS

BYLAWS OF THE TEXAS CENTER FOR LEGAL ETHICS AND PROFESSIONALISM

PREAMBLE

The Texas Center for Legal Ethics and Professionalism shall be governed and operated in accordance with the Articles of Incorporation and these Bylaws; however, the Bylaws are not intended to proscribe or prohibit activities which are consistent with the purposes stated in the Articles of Incorporation.

It is the intent of the Corporation to be organized and operated exclusively for educational purposes as a public foundation pursuant to Section 501(c)(3) of the Internal Revenue Code, as amended.

The Center recognized its origin and purpose as an affiliate of the Texas Bar Foundation and seeks to foster the highest aspirations of the legal professions in fulfilling its public trust and responsibility.

ARTICLE I TRUSTEES AND EXECUTIVE BOARD

1. Board of Trustees:

The activities and affairs of the Center shall be managed and conducted and its property controlled by its Trustees, or subject to their direction. The initial Board of Trustees shall

consist of not more than twenty-one (21) persons, one third of whom shall be public members.

The initial board shall be nominated and elected by the Trustees of the Texas Bar Foundation, with their successors to be nominated and elected by the members of the Trustees then serving.

2. The Executive Board:

The Executive Board shall consist of the following together with at least three (3) members at large from the membership of the Board of Trustees: the Immediate Past Chair, the Chair, the Chair-elect, the Vice-Chair for Development, the Vice-Chair for Program Development, the Vice-Chair for Administration, the Secretary, the Treasurer and the Executive Director. The Immediate Past Chair and the Executive Director shall be ex-officio, non-voting members. The Trustees shall elect as such members of the Executive Board (except the Immediate Past Chair and Executive Director) at the annual meeting of the Center at any regular or special meeting called for that purpose.

The Executive Board shall have such powers as the Trustees shall delegate to it for specific actions and shall be entitled to take all actions for which the entire Board could act during periods when the entire Board of Trustees is not in session or scheduled to meet.

3. Terms of the Trustees:

The Trustees shall serve for a term of three years (next following and in addition to the "initial term") with one additional consecutive three (3) year term, if nominated and elected; except that, at the first election of the Trustees, one-third of those elected shall be elected for year one, one-third for two years, and one-third for three years (the "initial term") with the "initial term" to be selected by lot and with the first regular three year term to follow automatically without further election.

4. Terms of the Executive Board:

The Executive Board shall serve for terms of one year each or until their successors are elected and qualify.

5. Meetings:

The Board of Trustees shall meet at least annually within ninety days preceding the end of the fiscal year of the Center. Notice of its annual meeting shall be given in writing by any officer of the Center not less than ten days preceding the day of the meeting.

Special meetings of the Trustees may be called by any three officers or any five members of the Board upon not less than five days notice in writing or by telephone. Notice of any special meeting may be waived by writing executed by a majority of the Board.

The annual meeting and all special meetings shall be held at the Texas Law Center in Austin, Texas, or at such other place the Chair or Secretary shall designate within the State of Texas at the time of such notice.

6. Quorum:

A quorum of the Trustees of the Center shall consist of one-half of the number of Trustees then serving. Trustees present by proxy may not be counted toward a quorum.

7. Committees:

The Board of Trustees or the Executive Board shall be entitled to appoint such committees and subcommittee as they may deem necessary or appropriate to carry out their responsibilities, including such appointments from persons who are not members of the Board of Trustees of the Center.

8. Voting:

A Trustee may vote in person or by proxy executed in writing by the Trustee. No proxy shall be valid after three months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable, and unless otherwise made irrevocable by law.

9. Unanimous Written Consent:

Any action required to be taken or which may be taken at a meeting of the Trustees or of any committee, including the Advisory Council, may be taken without a meeting if a consent in writing, setting forth action to be taken, shall be signed by all the Trustees, or all of the members of the committee entitled to vote with respect to the subject matter thereof. Such consent shall have the same force and effect as a unanimous vote.

ARTICLE II
MEMBERSHIPS

Purpose of membership in the Center is to offer a means of providing financial and personal support for the aims of the organization. The Board of Trustees shall be entitled to establish as many different categories of membership in the Center as it may deem necessary or appropriate to carry out the purposes of the Center. The requirements, terms, duties and benefits of membership in the Center shall be such as may be determined by Board of Trustees from time to time. Membership in the organization shall not be published or recognized as indicating any special competence or qualification in legal ethics.

Members of the Center shall be invited to offer their suggestions and recommendations for conducting the affairs of the Center. There shall be no meeting and no voting rights attached to membership in the Center.

The Trustees may provide publications, videos, and other work products of the Center among the benefits of membership in the organization.

ARTICLE III **OFFICERS**

1. Title of Officers:

The officers of the Center shall be the following: Chair, Chair-elect, Vice-Chair for Development, Vice-Chair for Program Development, Vice-Chair for Administration, Secretary, Treasurer, Immediate Past Chair and Executive Director, together with such assistant secretaries and treasurers as the Board of Trustees shall appoint.

2. Election:

The officers of the Center shall be elected at the annual meeting of the Board of Trustees.

3. Term of Office:

The officers of the Center shall serve for terms of one year each or until their successors are elected. The Immediate Past Chair shall serve until his successor replaces him, which shall be when a newly elected Chair is elected.

4. Duties of Chair:

The Chair shall be the Chief Executive Officer of the Center. He or she shall preside at all meetings of the Trustees, be an ex officio and voting member of all standing committees, have general and active management of the conduct and activities of the Center, and see that all orders and conveyances and other written instruments affecting the affairs of the Center, except in those instances required or permitted by law to be otherwise signed and the execution of which shall have been expressly delegated by the Trustees to some other officer or agent of the Center.

5. Duties of Chair-elect:

The Chair-elect shall be deemed the successor to immediately follow the Chair at the next election called for election of a Chair. The Chair-elect shall, in the absence of the chair, perform the duties and exercise the powers of the chair and shall perform such other duties as the Board of Trustees shall prescribe.

6. Duties of Vice-Chairs:

The Vice-Chair for Administration shall, in the absence of the Chair, perform the duties and exercise the powers of the Chair and shall perform such other duties as the Trustees shall prescribe. In the absence of the Vice-Chair for Administration, either the Vice-Chair for Development or the Vice-Chair for Program Development shall perform the duties

and exercise the powers of the Chair and shall perform such other duties as the Trustees shall prescribe.

The Vice-Chair for Administration shall oversee administrative, budget and financial matters and shall perform such other related duties as the Trustees shall prescribe.

The Vice-Chair for Development shall develop and oversee fund raising efforts and shall perform such other related duties as the Trustees shall prescribe.

The Vice-Chair for Program Development shall initiate and coordinate new and ongoing programs of the Center to accomplish its purposes, and shall perform such other related duties as the Trustee shall prescribe.

7. Duties of Secretary:

It shall be the duty of the Secretary to attend all sessions of the Trustees, record all minutes of all proceedings in a book to be kept for that purpose, and perform all like duties for the standing committees when required. He or she shall give or cause to be given notice of all meetings of the Trustees for the Chair. He or she shall keep and maintain the corporate records of the Center and shall be empowered to attest to all actions of the Chair and other officers of the Center.

8. Duties of Treasurer:

The Treasurer shall be responsible for maintenance of the financial records of the Center. He or she shall be responsible for making regular financial reports to the Trustees of the financial affairs of the Center and shall prepare or see to the preparation of the required statements and forms to the Internal Revenue Service and to the State of Texas, where appropriate.

9. Duties of Immediate Past Chair:

The Immediate Past Chair shall serve as an advisor to the officers and Trustees.

10. Duties of Executive Director:

The Executive Director shall be the Chief Operating Officer of the Center and shall be empowered to act for and on behalf of the Center in planning and executing the executive functions of the Center.

The Executive Director of the Center shall be an officer ex officio with vote, but whose responsibility shall be to see that the day-to-day administrative, ministerial, and clerical functions of the Center are executed, under such direction and guidance as the Chair and the Trustees, or in the Chair's absence, and Vice-Chair acting on the Chair's behalf; and Trustees shall give, in accordance with the Articles of Incorporation, the Bylaws and such resolutions as the Board of Trustees shall from time-to-time adopt.

It shall not be the duty of the Executive Director to determine the propriety or impropriety of any instructions coming to him from the Chair of the Board of Trustees, the Vice- Chair of the Board of Trustees or resolution of the Board of Trustees; but if the Executive Director be concerned at any time about the propriety of any such assignment or instruction, it will be the Executive Director's duty to communicate such concerns to an officer other than the one giving such instruction. The appointment and employment of the Executive Director shall be continuous, for a term of one year, subject to recurrent annual appointment or resolution of the Board of Trustees; but the terms of employment may be amended from time-to-time as the Trustees deem appropriate.

ARTICLE IV **ADVISORY COUNCIL**

1. Purpose:

The Advisory Council shall provide guidance and consultative assistance in recommending (a) the most effective individuals and resource materials for the enhancement of the educational programs of the Center; (b) suggested strategies for encouraging the teaching and study of legal ethics and professionalism; (c) suggested techniques for integrating the study of legal ethics with the implementation of the knowledge in private and public practice; (d) the evaluation of the programs for the Center with recommendations for their improvement; and (e) such other recommendations as the Council may choose for the accomplishment of the goals and purposes of the Center.

2. Number and Selection:

The Advisory Council shall be composed of not more than twenty-one (21) persons, one-third of whom shall be public members to be selected by the Board of Trustees. The Trustees of the Texas Bar Foundation shall be invited annually to nominate members to the Advisory Council. The president of the State Bar of Texas and Chairman of the Texas Bar Foundation shall annually be invited as ex officio members of the Advisory Council.

3. Term:

The Advisory Council shall be elected for terms of three years with the initial terms to be selected by lot for one year, two year, and three years, respectively, and with each Council member entitled to two consecutive terms of three years each following the initial term.

4. Meetings:

The Advisory Council shall not be required to hold annual meetings except that they shall be entitled to attend all meetings of the Board of Trustees and shall be requested to meet in panels not less than bi-annually. Failure to meet shall not terminate the Advisory Council.

Special meetings of the Advisory Council shall be called by the Chair of the Board of Trustees or by the Chair for the Advisory Council upon ten days written notice.

5. Officers of the Advisory Council:

Such officers shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair shall seek to encourage participation and advice from the Council and to preside at all meetings with the Council.

The initial officers shall be elected by the Trustees and they shall serve until their successors are elected. In the event of a vacancy, their successors may be appointed by the Board of Trustees unless elected by the Advisory Council at a meeting called for that purpose.

ARTICLE V
FISCAL AFFAIRS

1. Funds:

All money of the Center shall be deposited in its name in such bank or banks as may be designated by the Trustees, and funds shall be withdrawn therefrom only as authorized by the Trustees. The Executive Board may authorize the change of depository and the signatures required for the execution of any financial transaction.

2. Audit:

The books of the Center shall be audited annually by an independent firm of accountant, and report of such audit shall be made to the Board of Trustees annually. The books and records of the Center shall be kept current and open for inspection by any officer or any Trustee of the Foundation at all reasonable times, on reasonable notice.

3. Borrowing of Funds:

No funds shall be borrowed for the account of the Center, except on resolution of the Board of Trustees, certified by the Chair or the Secretary, except that short term borrowing of funds may be authorized by the Executive Board in an amount not more than \$10,000.00 and for a term not to exceed one year.

4. Signatures on Checks:

Checks and other orders for payment of Center funds shall not be valid unless same bear at least two signatures, as the Trustees may specify from time-to-time.

5. Corporate Seal:

The Center shall not maintain a corporate seal except on specific resolution and order of the Board of Trustees.

6. Trustee Expenses:

No Trustee or officer of the Center except the Executive Director as such shall receive any salary or remuneration of any kind for his or her services, but by resolution of the Trustees the actual expenses of any officer or Trustee may be reimbursed from the Center's funds.

7. Employees:

The employees of the Center, the respective offices, salaries, titles, duties, and terms of office shall be such as may be determined by the Trustees from time-to-time.

8. Fiscal Year:

The fiscal year of the Center shall be June 1 through May 31 until such fiscal year may be changed by action of the Board of Trustees.

ARTICLE VI
INDEMNIFICATION OF OFFICERS AND DIRECTORS

The Corporation shall indemnify any officer or members of the Board of Trustees who was, is, or is threatened to be made a named defendant or respondent in a proceeding because the person is or was a Trustee only if it is determined in accordance with Article 1396-2.22A that the person (1) conducted himself in good faith; (2) had reason to believe: (a) in the case of conduct in his official capacity as a director of the Corporation, that his conduct was in the Corporation's best interest; and (b) in all other cases, that his conduct was at least not opposed to the Corporation's best interest; and (3) in the case of any criminal proceeding, had no reasonable cause to believe that his conduct was unlawful.

Any officer or director may be indemnified under the provisions of Article 1396-2.22A under Section B of said Article against judgments, penalties (including excise or similar taxes), fines, settlements, reasonable expenses actually incurred by the person in connection with the proceeding; but if the person is found liable to the Corporation or is found liable on the basis that personal benefit was improperly received by the person, the indemnification (1) is limited to reasonable expenses actually incurred by the person in connection with the proceeding, and (2) shall not be made in respect of any proceeding in which the person shall have been found liable for willful or intentional misconduct in the performance of his duties to the Corporation.

ARTICLE VII
AFFILIATION WITH THE TEXAS BAR FOUNDATION

The Center recognizes and affirms its affiliation with the Texas Bar Foundation as a source of its initial existence and of the work of the Task Force on Professionalism which preceded its incorporation. The Center shall seek to cooperate and maintain close working relationships with the Trustees and officers of the Texas Bar Foundation, to be mutually supportive and alert to means for the mutual benefit and achievement of their respective goals and purposes.

ARTICLE VIII
AMENDMENT OR REPEAL

These Bylaws may be amended or repealed at any meeting of the Trustees by the affirmative vote of two-thirds of all Trustees present, provided that, in a written notice mailed at least ten days in advance of the meeting, a statement of the actual wording of the proposed change shall be made.

ARTICLE IX
DISSOLUTION

The Center may be dissolved upon resolution of the Board of Trustees, adopted by at least two-thirds of the members of the Board of Trustees present and voting at a meeting called for the purpose of voting upon the dissolution thereof; written notice having been given to all the Trustees at least thirty (30) days in advance, and provided that all assets of the Center shall be transferred and dedicated to one or more tax exempt organizations qualified as public foundations under Section 501 (c)(3) of the Internal Revenue Code, and related sections, as amended. No substantial part of the activities of the Center shall consist of engaging in activities tending to influence legislation or to intervene in any way in political campaigns. All of the activities of the Center shall be nondiscriminatory as to race, sex, religion, or previous national origin, and students, teachers or other persons related to the educational program of the Center shall have equal access to the resources of the Center without regard to any reference to race, gender, religion, or national origin.

Adopted January 17, 1990
Amended June 7, 1990
Amended January 24, 1992
Amended June 24, 1992
Amended February 24, 1994
Amended April 7, 1995
Amended September 22, 1995
Amended September 19, 1997

THE STATE OF TEXAS

June 30, 1995

ANTONIO ALVARADO
1414 COLORADO
AUSTIN, TX 78701-1627

RE: THE TEXAS CENTER FOR LEGAL ETHICS AND PROFESSIONALISM
CHAPTER NUMBER 01134638-01

THIS IS TO ADVISE YOU THAT THE ABOVE REFERENCED CORPORATION'S
REPORT REQUIRED BY ARTICLE 1396-9.01, TEXAS NON-PROFIT
CORPORATION ACT, HAS BEEN FILED IN THIS OFFICE, AND YOUR
REMITTANCE OF \$5.00 HAS BEEN APPLIED AS THE FILING FEE FOR SAME.

AS THE LAW DOES NOT PROVIDE FOR THE FURNISHING OF A CERTIFICATE
OF FILING, THIS LETTER MAY BE USED AS EVIDENCE OF SUCH FILING.

SINCERELY,

CORPORATIONS SECTION STATUTORY FILINGS DIVISION
Antonio O. Garza, Jr., Secretary of State

ARTICLES OF INCORPORATION

ARTICLE ONE

The name of the corporation is: THE TEXAS CENTER FOR LEGAL ETHICS AND
PROFESSIONALISM.

ARTICLE TWO

The corporation is a nonprofit corporation.

ARTICLE THREE

The period of its duration is perpetual.

ARTICLE FOUR

The purpose or purposes for which the corporation is organized are:

1. The corporation is organized and it shall be operated exclusively for charitable and educational purposes as defined in Sec. 501(c) (3) of the Internal Revenue Code, as amended.
2. The purposes of the Foundation shall include the following:

- a. To provide a permanent center for the enhancement of legal ethics and professionalism in the legal profession to the end that justice and the public interest shall be served
- b. To provide a comprehensive educational and research program for the investigation and dissemination of ethical and professional values exemplifying the highest and best examples of those attributes in the legal profession;
- c. To provide a continuing review of the legal, moral and ethical standards of the legal profession;
- d. To provide research and investigation in and to the system of professional responsibility for the legal profession at the national and state levels among the various jurisdictions;
- e. To provide a bibliography of resource materials for the public and the profession in addressing the ethical, moral and public responsibility of lawyers;
- f. To provide seminars, symposia, institutes, and forums for consideration of the issues and concerns of the ethical standards of the legal profession;
- g. To provide publications, journals, audio and video materials for dissemination to the profession and to the public concerning the issues of legal ethics and professionalism for the legal profession;
- h. To provide a forum for the public in addressing concerns affecting the public interest in legal ethics and professionalism; and
- i. To make grants to individuals and institutions for scholarly research and publication in the area of professional ethics and professionalism.
- j. To carry on such other educational and charitable activities as the Trustees may deem appropriate to enhance and perpetuate the highest ethical, moral and professional standards of lawyers and judges.

ARTICLE FIVE

The street address of the initial registered office of the corporation is: 1414 Colorado, Austin, Texas; and the name of the registered agent at such address is: Larry K. Montgomery.

ARTICLE SIX

The number of Trustees constituting the initial Board of Trustees is twelve, and the names and addresses of the persons who are to serve as the initial Trustees are:

Name and Address

Mr. F. W. Baker
106 S. St. Mary's St., Suite 800
San Antonio, Texas 78205

Mr. James L. Branton
737 Travis Park Plaza
711 Navarro
San Antonio, Texas 78205

Mr. Ed Coultas
100 Congress, Suite 1100
Austin, Texas 78701

Ms. Berry Crowley
100 Congress, Suite 1100
Austin, Texas 78701

Mr. Franklin B. Davis
4200 Texas Commerce Tower
Houston, Texas 77002

Mr. William R. Edwards
P. O. Box 480
Corpus Christi, Texas 78403

Mr. William B. Hilgers
P. O. Box 2063
Austin, Texas 78768

Mr. Phil Jenkins
5425 West Oak Street
Palestine, Texas 75801

Mr. Franklin Jones, Jr.
P. O. Drawer 1249
Marshall, Texas 75670

Mr. Robert L. Meyers, III
2001 Ross Avenue, Suite 2300
Dallas, Texas 75201

Dean Frank Newton
School of Law
Texas Tech University
Lubbock, Texas 79409

Mr. Harlow Sprouse
P. O. Box 9158
Amarillo, Texas 79105

ARTICLE SEVEN

The name and street address of each incorporator is:

Name and Address

Robert W. Calvert
1300 Capitol Center
Austin, Texas 78701

Joe R. Greenhill
Suite 1600, 98 San Jacinto Blvd.
Austin, Texas 78701

Jack Pope
2803 Stratford
Austin, Texas 78746

ARTICLE EIGHT

No part of the net earnings of this corporation shall ever inure to the benefit of any private individual or business corporation, and no substantial part of the activities of the corporation shall consist of carrying on propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

ARTICLE NINE

None of the activities, programs, publications, courses, seminars, or grants shall ever discriminate or exclude participation on the grounds of race, sex or religion.

ARTICLE TEN

In the event of the dissolution of the corporation, either voluntary or involuntary, the net assets, if any, shall be distributed as determined by the Board of Trustees of the corporation, but only to one or more educational or charitable organizations or governments or governmental agencies to which gifts and devises are deductible for all gift, estate, inheritance and income taxes, if any, imposed by the State or Federal government.

Robert W. Calvert
Joe R. Greenhill
Jack Pope

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT W. CALVERT, known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, severally declared that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of November, 1989.

JOSE M. RIVAS, NOTARY PUBLIC
State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared JOE R. GREENHILL, known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, severally declared that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of November 1989.

JOSE M. RIVAS, NOTARY PUBLIC
State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared JACK POPE, known to me to be the person whose name is subscribed to the foregoing instrument, and being by me first duly sworn, severally declared that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 30th day of November 1989.

JOSE M. RIVAS, NOTARY PUBLIC
STATE OF TEXAS

[Return to Appendix Table of Content](#)

