

#### 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.