

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.