

ABA Center for Professional Responsibility

Consulting Services

For three decades, the American Bar Association Center for Professional Responsibility has provided leadership and a national vision in developing and interpreting legal policy and scholarly resources and providing professional consultation legal and judicial ethics, professional regulation, competence, professionalism and client protection mechanisms. Through the coordinating efforts of its entities and professionals, the ABA Center promotes discussion and resolution of pressing issues of professional responsibility law and fosters communication among diverse legal organizations and agencies that supervise and regulate the conduct of the legal profession and the judiciary.

Several of the entities within the ABA Center provide consulting services to courts, bar associations, disciplinary agencies and client protection funds on a national level. Please advise us of how we can assist you.

*Jeanne P. Gray, Director
ABA Center for Professional Responsibility*

Discipline Systems

The ABA Standing Committee on Professional Discipline has developed lawyer discipline consultation criteria adapted from the ABA Model Rules for Lawyer Disciplinary Enforcement and from the 1992 McKay Commission Report, Lawyer Regulation for a New Century. (See www.abanet.org/cpr/regulation)

Since 1980, the Committee has conducted 49 lawyer discipline system consultations, including revisits to several states. The process is initiated upon the receipt of an invitation from a jurisdiction's highest court and consists of a review of the entire lawyer discipline system by a team of national experts. The team reviews relevant court rules, reports and statistics, and conducts extensive interviews with disciplinary staff, discipline system adjudicators, bar officials, and others who have had contact with or a role in the state's disciplinary system. These interviews provide the team with an understanding and broad cross-section of views about the disciplinary process, including factors unique to the jurisdiction, areas that need improvement and those that are functioning well.

The Committee provides its report and recommendations to the highest court on a confidential basis. The report is designed to assist the court and others responsible for the administration of the disciplinary process to improve their system by providing constructive recommendations based upon the team's investigation, its collective knowledge and experience, and consideration of the consultation criteria.

The Committee also provides judicial discipline system consultation services. The criteria utilized by the Committee for these consultations are the ABA Model Rules of Judicial Disciplinary Enforcement. (See: www.abanet.org/cpr/juddis)

For more information contact Mary M. Devlin at (312) 988-5295, devlinm@staff.abanet.org or Ellyn S. Rosen at (312) 988-5311, rosene@staff.abanet.org

Client Protection

Lawyers' funds for client protection exist in every jurisdiction in the United States and Canada. The ABA Standing Committee on Client Protection offers an on-site consultation program that involves sending a team of individuals experienced in the field of client protection, including members of the ABA Standing Committee and the National Client Protection Organization (NCPO), to examine the structure, operations and procedures of the host jurisdiction's lawyers' fund for client protection.

The team reviews relevant court rules, reports and statistics, and examines sample files. At the consultation, the team conducts interviews with the fund's staff, fund trustees, bar executives, laypersons, disciplinary counsel, members of the judiciary and others who have contact with or roles in the system.

At the conclusion of its study, the consultation team reports its findings and recommendations on a confidential basis with the highest court in the jurisdiction, the state bar association or the fund's trustees. Follow-up assistance is available to help implement the recommendations contained in the report.

For more information contact Selina S. Thomas at (312) 988-6721, <mailto:thomass@staff.abanet.org>.

Policy Implementation

The ABA Center's Policy Implementation Committee is available to assist state and federal jurisdictions in reviewing the revised ABA *Model Code of Judicial Conduct*, adopted by the American Bar Association in 2007.

The Committee offers a variety of assistance, depending on a jurisdiction's needs, including on-site meetings with state and federal committees studying the Code; drafting or reviewing of rules of judicial conduct; access to the materials and resources contained in the Committee's national clearinghouse of information on implementation efforts; tracking of state and federal contacts and efforts to implement the revised Code; and providing resources, expertise and speakers for conferences and other programs.

The Committee also provides extensive resources on the ABA *Model Rules of Professional Conduct* (Ethics 2000), and the policies of the ABA Commission on Multijurisdictional Practice, and the Standing Committee on Client Protection, including the Model Rule for the Licensing and Practice of Foreign Legal Consultants, the Model Rule for Temporary Practice by Foreign Lawyers, and Model Rules of Professional Conduct 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice) and 8.5 (Disciplinary Authority; Choice of Law), the Model Court Rule on Insurance Disclosure and the Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. The Committee works with many state supreme court justices and staff counsel on these implementation initiatives.

Additional information and resources can be found online at www.abanet.org/cpr/jclr. For information about implementation resources, please contact John A. Holtaway at (312) 988-5298, jholtaway@staff.abanet.org.

ABA National Lawyer Regulatory Data Bank

The ABA National Lawyer Regulatory Data Bank, the only national repository of public lawyer regulatory actions, is now available to received submissions electronically. Disciplinary Counsel may also view approved records in the Data Bank via a secure, on-line service and derive reports that will allow for expedited reciprocal disciplinary enforcement.

For more information contact Ruth Woodruff at (312) 988-5299, woodrufr@staff.abanet.org or Vita Levar at (312) 988-5290, levarv@staff.abanet.org.

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Visit the ABA Center for Professional Responsibility online at www.abanet.org/cpr for a wealth of resources including model codes, rules, opinions, reports and surveys. Contact us at cpr@abanet.org or (312) 988-5325 if we can be of assistance to you.