

The COMMISSION QUARTERLY

News from the New Jersey Commission on Professionalism in the Law

County Bar Leaders Share Thoughts on Promoting Professionalism

On April 12, 2002 county bar association presidents, officers and executive directors met at the Law Center with members of the Commission, and a number of assignment judges, to explore ways to encourage professionalism among the bench and bar.

Chief Justice Deborah Poritz, chair of the Commission, started off the half-day conference by urging bar leaders to continue to offer seminars and programs aimed at "teaching, promoting professionalism, and encouraging excellence in the law through continuing legal education." She also encouraged county bar associations to adopt the Professionalism Counseling Program developed by the Commission. The program permits a bar professionalism committee to receive and address complaints about lawyers who fail to act in accordance with recognized standards of professional behavior. Fifteen county bar associations have adopted the program in some form. The Chief Justice asked for statewide implementation, noting that the Supreme Court has endorsed the program and the Commission considers it to be "an essential component of the professionalism efforts of county bar associations."

The Chief Justice also said that the judiciary must do its part, and not leave it to the bar to shoulder all responsibility. "Judges are in a unique position to elevate the level of conduct in the courtroom and during the course of litigation. They have a responsibility to do so. It is not enough for a judge to act as a benign referee who simply lets lawyers fight through their differences," she said.

The Commission was fortunate to have speakers who addressed three primary areas of concern: education, professionalism counseling, and cooperation with the judiciary. The speakers, who later led discussion groups on these topics, included Harold Braff, a member of the national board of directors of the American Inns of Court;

Joseph Bottitta, a Commission member and former president of the State Bar Association; and Steven Menaker of the Professionalism Committee of the Hudson County Bar Association.

The subsequent discussion on education, was headed by Hal Braff with assistance from Robert Hollingshead of the Morris County Bar Association and William Brigiani of the Middlesex County Bar Association. The group touched upon seminars, mentoring, lawyer-to-lawyer consultation, and how best to facilitate the entry of young lawyers into the bar through mandatory CLE and other measures. Hollingshead outlined a seminar he is developing for law firms, and Brigiani described mentor programs offered by the Middlesex County Bar Association.

The professionalism counseling group, led by Steve Menaker and Edward Broderick Jr. of the Morris County Bar Association, discussed the development and effectiveness of the program and concluded that the positive response to the program should encourage all county bar associations to implement it in some form. They noted that

although committees have not handled a large number of cases, they have nonetheless addressed and cured some serious situations and provided members of the bar a place to turn for assistance. They also discussed the application of the program to complaints about judges.

The judiciary relations group was led by Joe Bottitta with help from Judge Rudy Coleman. The discussion included ways to foster bench-bar communication, whether judges should be subject to county bar professionalism committees and whether the committees may serve as a means of alerting assignment judges to non-tenured judges who may have civility problems.

As a result of the conference, issues referred to the Commission included ways to encourage the development of innovative educational seminars, the appropriateness of professionalism counseling for judges, possible methods to recognize demeanor problems among recently appointed judges, the feasibility of professionalism seminars for municipal court judges, and the education of newly admitted lawyers. ☞

Awards Luncheon Scheduled

On Thursday, September 26 the Commission will host a special awards luncheon at the Law Center, New Brunswick. Professional Lawyer of the Year awards will be distributed to selected lawyers, in cooperation with county bar associations, and other bar groups from across the state. In addition, the Daniel J. O'Hern Award for exemplary career achievement in advancing professionalism will be presented. For further information, please contact the Commission's executive director, Charles Hollenbeck at 732-937-7504.

Appellate Division Will Note Unprofessional Behavior

At the request of the Commission, the management committee of the Appellate Division agreed last fall to call attention in written opinions to offensive and unprofessional conduct by lawyers that does rise to the level of a disciplinary infraction. The procedure is supported by Presiding Judge Sylvia B. Pressler. Such opinions will be sent to the Commission for forwarding to the appropriate county bar association

professionalism committee. Commission Executive Director Charles Hollenbeck says the arrangement "will enable the court to address instances of egregious conduct, while at the same time helping to educate the bar about its professional obligations." Professionalism counseling programs, now offered by most county bar associations, can impose no disciplinary or other sanction but rather aim to educate lawyers

about appropriate professional behavior through discussion and counseling. The committees include senior members of the bar and many committees have judges as members.

The New Jersey Supreme Court has endorsed the professionalism counseling program and has encouraged the cooperation of judges in referring appropriate matters to county bar professionalism committees. ☞

Mercer Bar Scores Hit With Ethics Play

The reviews were resoundingly positive for the Mercer County Bar Association's "Down the Hatch" three act play that was actually a seminar on ethics and professionalism. The

event, presented at the annual county bench-bar luncheon, attracted a sold-out audience and featured luminaries from the local legal community including Assignment Judge Linda

Feinberg who portrayed a bumbling legal secretary. The play concerned a boating accident and a host of situations that tested the audience's reactions to professional responsibility dilemmas. Included was a disingenuous client, a possible conflict of interest, divulging client confidences, and the use of an expert's report after it was mistakenly faxed to the wrong party. Those interested in the seminar should contact the Mercer County Bar Association's executive director Francine Kowalczyk at 609-585-6200. ☞



(From left) Superior Court Judge Jack M. Sabatino, Lawrence E. Popp, Esq., and Catherine Fitzpatrick, Esq. enact a host a ethical dilemmas as cast members during the Mercer County Bar Association's three act play, "Down the Hatch."

Middlesex Bar Launches Mentor Program

The Middlesex County Bar Association has developed a new mentor program titled the "Colleagues Program." Designed to help recently admitted lawyers, the program offers group mentoring. Each group consists of five lawyers with five years or less of experience, and three other lawyers with from five to over 20 years experience. The groups meet according to an agreed upon schedule and discuss topics of importance to the recently admitted

members, such as practice management techniques, professional responsibilities and ethical concerns, relations with other lawyers and the courts, local practice and customs, current issues in the legal community, and lifestyle and personal concerns. If you would like further information, please contact the Middlesex County Bar Association's executive director Jonathan Cowles at 732-828-3433, or go to the association's website www.mcbalaw.com. ☞

New Jersey Commission on Professionalism in the Law

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