

## 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.