

ADMINISTRATIVE ORDER OF THE  
CHIEF JUDGE OF THE STATE OF NEW YORK

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby adopt the following resolution relating to the creation of a Judicial Institute on Professionalism in the Law, to read as follows:

WHEREAS, the legal profession in New York State enjoys the privilege of self-regulation;  
and

WHEREAS, the responsible exercise of that privilege requires continuous attention to the condition of the professionalism of lawyers practicing in New York and to the needs of the clients whom they serve and the public at large; and

WHEREAS, in order to examine these matters, the Chief Judge in 1993 established the Committee on the Profession and the Courts and charged it with the responsibility of recommending measures to address the contemporary public dissatisfaction with the legal profession; and

WHEREAS, the Committee reported that in fact the level of professionalism among lawyers practicing in New York State was high, and recommended measures to support and reinforce that professionalism and to improve public confidence therein; and

WHEREAS, among such measures was the creation of an institute to give continuous attention to matters affecting the professionalism of lawyers in New York and the public's confidence therein; and

WHEREAS, in response to this recommendation the Administrative Board of the Courts formed the Task Force on Attorney Professionalism and Conduct to, among other things, examine further the desirability of establishing such an institute and to suggest the form such an institute might take; and

WHEREAS, a Subcommittee of the Task Force has submitted its "Final Report to the Administrative Board of the Courts" which unanimously recommends that such an institute be

established having the powers, duties and structure set out herein; and

WHEREAS, the Administrative Board has accepted and adopted that report,

IT IS HEREBY RESOLVED:

1. There is established in the Office of Court Administration the Institute on Professionalism in the Law ("Institute").
2. It shall be the purpose of the Institute to:
  - A. Promote the awareness of and adherence to professional values and ethical behavior by lawyers in the State of New York;
  - B. Encourage and support the organized bar, law schools, and other institutions of the legal profession in efforts to undertake effective programs, individually and in concert, for the promotion of such awareness;
  - C. Promote scholarship regarding, and practical attention to, emerging issues in the practice of law that may present issues of professionalism or legal ethics;
  - D. Promote public understanding of matters relating to the role of law, and to professionalism, ethics and discipline in the legal profession;
  - E. Facilitate cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics and public understanding of the legal profession.
3. The Institute shall consist of a Chair and 18 members, each of whom shall be appointed by the Chief Judge in consultation with the Administrative Board of the Courts and serve at the pleasure of the Chief Judge. To the extent feasible, the membership of the Institute shall at all times include attorneys who live or practice in each of the departments of the Appellate

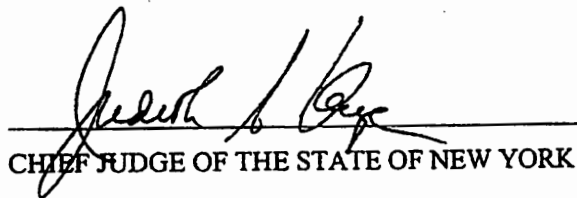
Division and persons who are not members of either the bar or the judiciary.

4. In order to carry out its purposes, the Institute shall:
  - A. Collect information relevant to matters within its jurisdiction;
  - B. Study issues within its jurisdiction, including in cooperation with other entities when appropriate;
  - C. Take steps to encourage dialogue within the profession and between the profession and lay persons concerning the matters within its jurisdiction;
  - D. Take steps to promote public education concerning the role of law and lawyers and public understanding of professionalism and ethics in the law;
  - E. Maintain relationships with bar associations, law schools, courts and other entities within and outside the State of New York to promote the purposes of the Institute;
  - F. Monitor and, when in its judgment appropriate, comment on the conduct of continuing legal education programs in the state insofar as they affect the professionalism and ethical behavior of lawyers in the state;
  - G. Monitor and comment on the methods for enforcing standards of professional conduct for lawyers in the state including, without limitation, the procedures for imposing discipline or sanctions for misconduct and for compensating clients victimized by the misbehavior of lawyers within the state;
  - H. Monitor and, when in its judgment appropriate, comment on the implementation and effectiveness of measures adopted by court officials for the advancement of professionalism and ethics in the practice of law in the state;

- I. Hold public hearings and convene forums, seminars or other meetings in order to carry out its purposes;
  - J. From time to time recommend measures, including, without limitation, proposed legislation, rules of practice, and modifications of the Code of Professional Responsibility, that in its judgment would improve the professionalism and ethical behavior of lawyers within the state;
  - K. Publish reports and report to the Chief Judge and Administrative Board of the Courts from time to time as it deems appropriate or as the Chief Judge requests, but in any event biennially; and
  - L. Conduct such other programs, activities, studies or functions as, in its judgment, may be necessary or proper to the carrying out of its purposes, provided however, that the Institute shall not:
    - (I) issue opinions on ethical matters in response to inquiries in particular cases;
    - (ii) initiate disciplinary complaints against individual attorneys or otherwise participate in disciplinary proceedings or litigation concerning individual attorneys; or
    - (iii) undertake (except in concert with law schools or bar associations) to provide directly, whether for consideration or not, courses or materials for continuing legal education programs.
5. The Institute shall meet at least twice a year and at other times at the call of the Chair. A majority of its members shall constitute a quorum for any action. Meetings may be held at any place within the state and may also be held by means of telecommunication that permits reasonably accurate and contemporaneous participation by the members attending by such means. The Chair may appoint committees of members and assign to them such

responsibilities, consistent with the purposes, powers and duties of the Institute, as the Chair may deem appropriate. The Institute shall have the power, within the limits of its funding, to engage staff and to assign the duties of such staff.

6. The Institute shall be funded by monies made available from the appropriation for the Office of Court Administration.

  
CHIEF JUDGE OF THE STATE OF NEW YORK

Dated: March 3, 1999

AO114799