

## THE PROFESSION AND THE COURTS

**T**he New York bar—famous for its skill, vigor and creativity—sets a standard for the practice of law across the nation. In 1998, the court system continued implementation of its Program on the Profession and the Courts, a set of initiatives designed to reinforce traditional standards of professionalism and further enhance the attorney-client relationship.

### **Mandatory Continuing Legal Education Requirements**

Under new rules adopted by the court system's Administrative Board last December, all 120,000 attorneys practicing in New York State are now required to complete a minimum of 24 hours of accredited continuing legal education (CLE) over a two-year period. With a goal of fortifying the already high level of competence of the New York State Bar, the CLE rules require a minimum of four hours of training in the area of ethics and professionalism, but leave the choice of additional topics to the discretion of the practitioner. Attorneys must report their compliance with the rules upon filing their biennial attorney registration statements.

### **Rules for Mediation of Attorney-Client Disputes**

In New York State, attorney disciplinary matters are handled by grievance committees established under the four departments of the Appellate Division. Many of the complaints received by these committees concern conduct that is irksome to clients but does not rise to the level of professional misconduct. When the Committee on the Profession and the Courts (better known as the "Craco Committee" in recognition of the contributions of its chair, Louis A. Craco, Esq.) studied this issue, it noted that a terse letter of dismissal of the complaint from a disciplinary office—without comment on the conduct or suggestions as to alternative avenues to resolve the dispute—only increases clients' feelings of frustration and decreases their regard for the disciplinary process. Last year, the court system took action to address this issue with the adoption of rules establishing mediation programs to handle those cases that do not allege a violation of the disciplinary rules, and that

can best be resolved by a process of conciliation.

Under the guidelines for the program, mediators for such complaints are to be attorneys appointed by the court or by bar associations who have agreed to serve as volunteer mediators. In the First Department, over 100 complaints were referred for mediation this past year. Recruitment and training of mediators is now under way in the other three departments.

## **Ethics Institute**

In May 1998, a Subcommittee of the Task Force on Attorney Professionalism and Conduct issued a Final Report to the Administra-

tive Board recommending the establishment of a permanent Ethics Institute devoted to studying and speaking to issues pertaining to professionalism. The Report notes that over the years, many temporary committees have studied ethical and professional issues and made recommendations, but then disbanded before any true change could be accomplished. A permanent institute would have the opportunity to consider current challenges through long-term, consistent attention, "all with the object of nourishing the professionalism of lawyers in the State and encouraging confidence on the part of the public at large in the bar as a whole." Work on implementation of this proposal is expected to be completed shortly.

**"Mediation is a proven means of dispute resolution which enables parties to meet together in an informal atmosphere with the assistance of a neutral mediator in order to find solutions that address their interests and needs. Mediation can provide attorneys, clients and the disciplinary office with an effective means of resolving minor disputes in a non-adversarial manner. Mediation provides an opportunity to address a client's underlying interests and needs, while minimizing costs for attorneys in defending minor complaints and encouraging a positive relationship between attorneys and their clients and the disciplinary office."**

**Attorney-Client Mediation  
Program Guidelines**