

## **I. Introduction.**

In August, 1996, the Administrative Board of the Courts adopted in principle all but two of the recommendations set forth by the Committee on the Profession and the Courts in its "Final Report to the Chief Judge." The Board directed the creation of two task forces to propose plans for implementing the recommendations. A part of the Task Force on Attorney Professionalism and Conduct, this Subcommittee has been asked to determine whether the establishment of an ethics institute is desirable in New York, and if so, suggest its function, structure, governance and funding sources.

We conclude that such an institute, designed to meet the needs, opportunities and constraints particular to New York State, is desirable and we unanimously recommend that it be established. We reach this conclusion on the basis of the extensive inquiry described in this Report and the application of the practical judgment and varied experience of this diverse Task Force to those research results.

The idea of establishing a "permanent body to study and speak to issues pertaining to professionalism" was grounded in the finding of the Committee on the Profession and the Courts that many of the topics upon which it deliberated had already been the focus of other task forces, academicians and committees. With remarkable frequency, these forerunners reached conclusions and proposed recommendations that dovetailed with those of the Committee. And like the Committee, once these forerunners concluded their short-term, usually crisis-driven consideration of an issue pertinent to the profession, they filed a report and disbanded.

But the underlying social, economic and technological forces that spawn the public's crises of confidence in the profession and the profession's own crises of morale are not short-lived. They outlive any particular crisis and the episodic efforts at reform directed to it. Moreover, those forces themselves change, and rapidly so, producing new and unpredicted challenges to the ideal and practice of professionalism. The Subcommittee sees the formation of a permanent institute as an opportunity to advance the consideration of these 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.

The continuity of discourse generated by a permanent institute will reinforce an already vigorous profession that, by virtue of the central role lawyers play in society, finds itself subject to the stresses articulated in the 1995 "Final Report." An institute will provide another structure through which the profession can counter the centrifugal forces that play upon it and acculturate its members to their obligations to the profession, each other and their clients. It also will demonstrate to the public the profession's commitment to ensuring that it deserves the privilege accorded to few professions - the privilege of regulating itself. One Subcommittee member gave practical effect to these aspirational functions with the observation that a lasting entity will "support lawyers who practice ethics every day."