

Professionalism Support Initiative Program Description

The Professionalism Support Initiative (herein after referred to as the PSI) is an informal voluntary local lawyer and judge assistance program that handles client-lawyer, lawyer-lawyer, and lawyer-judge issues. The purpose of the PSI is to promote professionalism and thereby bolster public confidence in the legal profession. PSI uses local volunteer peers to communicate privately and informally with lawyers and judges. The Chief Justice's Commission on Professionalism (hereinafter referred to as the CJCP) encourages judicial district bar associations to establish a professionalism committee with the PSI as a voluntary program under the committee's purview. The PSI offers counsel and assistance to lawyers and judges who receive repeated complaints at the State Bar, the Judicial Standards Commission, or through local bar associations that may not rise to the level of ethics or professional responsibility violations. The PSI is comprised of volunteers from the individual judicial district bar associations who seek to enhance professionalism by confidential peer influence.

No judge or lawyer is required to cooperate or counsel with the PSI volunteers. If the party against whom the inquiry is addressed refuses to cooperate by meeting voluntarily with PSI volunteers, the PSI volunteers will not take further action regarding the inquiry. Should the lawyer or judge agree to a meeting, the privacy and confidentiality of all inquiries will be maintained.

Specifically, inquiries include any query concerning "unprofessional conduct" as defined here: Unprofessional Judicial Conduct: Incivility, bias or conduct unbecoming a judge; lack of appropriate respect or deference to litigants, attorneys, court personnel, witnesses, clients, etc.; excessive delay in courtroom proceedings or filing court documents (orders, opinions); and consistent lack of preparation. Unprofessional Lawyer Conduct: Lack of appropriate respect or deference to litigants, attorneys, court personnel, witnesses, clients, etc.; abusive discovery practices; incivility, bias or other conduct unbecoming a lawyer; consistent lack of preparation; communication problems; deficient practice skills; consistent failure to return client telephone calls; and consistent failure to keep appointments and court dates. In addition, inquiries may include any rules or documents adopted by each judicial district's professionalism committee. Inquiries will not include any disciplinary charge, ethics violation, criminal conduct or any other matter falling under the provisions of Subchapter B: Discipline and Disability Rules of the Rules of the North Carolina State Bar or any sections of the Code of Judicial Conduct. In addition, inquiries will not include: Fee disputes - these can be handled by the Fee Arbitration Committee on local judicial district bar associations or similar programs at the State Bar; employment matters - examples include: lawyer uses racist or sexist language in the office, managing attorney sexually harasses associates and support staff; and lawyer/vendor disputes.

Inquiries will be referred to the PSI from the State Bar's Client Assistance Program, local bar associations, voluntary bar associations, the CJCP, and individual judges and lawyers (herein referred to as "complainants"). The PSI will not deal directly

with client complainants. Client complainants who contact the PSI directly will be referred to the Client Assistance Program and/or judicial district bar association within their country of residence. Each judicial district's PSI will follow their own internal operating procedure to determine how to best address and resolve the matter. PSI volunteers or local professionalism committee members have discretion to decide the appropriate professional to contact the lawyer or judge in question. The professionalism committees may also solicit assistance from any member of the Bar who is in the best position to be of assistance to the lawyer or judge in question. The PSI volunteers may determine that certain inquiries do not merit consideration or counseling, while others may warrant consideration and/or counseling. The PSI may inform the complainant that the PSI has received the inquiry, explain the nature of the PSI, and provide general information. The complainant should be informed that the process may take several weeks to complete, and he or she will not receive further information about the inquiry. Bar associations and the CJCP will maintain statistical records only.

The CJCP has advisory and oversight responsibility for the PSI. The CJCP has the authority to adopt additional operating procedures for the administration of the PSI. The CJCP has developed an orientation program for the purpose of having each judicial district bar association train their volunteers on how to handle professionalism inquiries. The training program may be given in conjunction with continuing legal education or professionalism committee meetings.

If your local bar is interested in implementing the PSI program, call the CJCP at (919) 890-1455 for any assistance.