



Camden County Bar Association Committee on Professionalism Informal Diversion Program

Former New Jersey Chief Justice Poritz signed an Order of the Supreme Court approving the establishment of Professionalism Counseling Programs to be managed and operated by county bar associations and to be administered by the Commission on Professionalism to address the issue of promoting civility at the bar. Since 1989, the Camden County Bar Association (CCBA) has had a Committee on Professionalism to address unprofessional conduct of attorneys and to act as a forum to address such grievances. The Committee created a grievance procedure to facilitate reporting unprofessional conduct and will work closely with the Assignment Judge in this process. Unprofessional conduct will be assessed, in part, according to the Code of Professionalism published by the CCBA.

What is Unprofessional Conduct?

Lack of Civility
Harassing Conduct
Lack of appropriate respect for other attorneys or the Court
Failure to understand the basics of the professional practice of law
Communication problems
Deficient legal practice skills
Questionable courtroom conduct
Questionable litigation practices
Abusive discovery practices

THE INFORMAL DIVERSION PROGRAM

The guiding principle of the Informal Diversion Program is to assist lawyers and judges in maintaining and improving professionalism in our practice and in our conduct toward the court, colleagues and clients.

Complaints are addressed by the Committee at an early stage in the hope of avoiding further escalation of complaints that otherwise may find their way into the ethics or other serious remediation process.

PROCEDURE

When notified of a grievance, a member of the Committee on Professionalism, will provide the grievant with an intake form, which will be used to obtain information to assist in assessing the complaint. In addition to requests for basic information, the form will also let the grievant know that the Committee's role is to address unprofessional conduct, but not unethical conduct and show the gravamen of the complaint facts which could involve a violation of the Rules of Professional Conduct, and that the matter may be turned over to the District Ethics Committee.

PROCESSING GRIEVANCES The manner with which a grievance is handled will depend upon many factors. The nature of the offending conduct, the people involved, the context within which the issue arose, and more will have to be weighed in determining how to proceed. It is anticipated that the process will likely involve the following steps:

A. **Mediating the Dispute.** The Committee member will determine the nature of the grievance and if the complaint on its face has merit, will contact the person whose conduct is being called into question to elicit that person's understanding of the facts which form the basis for the grievance.

B. **Hearing the Dispute.** If the grievance cannot be resolved informally, a hearing may be required. Generally, a two-member panel will be utilized in cases where the transgression alleged appears isolated and/or seems relatively mild. More serious circumstances will cause a three-member panel to be assembled.

At the hearing, the grievant and respondent may present whatever facts or documents they each wish to have the panel consider. After the hearing is conducted, the panel will render a decision, which will fairly respond to the credible evidence presented. The panel disposition may include various determinations such as:

1. The respondent did not violate the Code of Professionalism or otherwise act inappropriately.
2. The respondent acted inappropriately, although the circumstances suggest that no further comment or action is required.
3. The respondent acted inappropriately, and he or she must send a letter or apology to the grievant.
4. The respondent acted inappropriately, and the findings will be given to the assignment judge to make him or her aware of the seriousness of the violation and/or repetitious nature of the conduct.
5. The respondent acted inappropriately, and a recommendation will be made to the CCBA's Board of Trustees to suspend or terminate and Camden County Bar Association member's privileges with the Association. The Association may be asked to publish this action in its publication, *The Barrister*, if it is deemed that such a public notice is warranted.

UNWILLING RESPONDENTS If an attorney who is alleged to have acted unprofessionally refuses to participate in the Informal Diversion Program, the Committee on Professionalism will communicate this fact to the assignment judge and request his or her assistance in securing the cooperation of the alleged transgressor.

NOT EVIDENCE In order to elicit the candor and cooperation which is critical to the effective administration of the Informal Diversion Program, anything which is said or produced by any participants in the program, including any information, facts or documents which come to light during the counseling process may not be admissible in any other proceeding.

FILING A GRIEVANCE If you have been the victim of, or have witnessed serious unprofessional conduct on the part of another attorney and wish to file a grievance, contact the Camden County Bar Association by calling 856.482.0620, or by email to kee@camdencountybar.org. You may also contact one of the Committee co-chairpersons as listed on the committee directory on our website, www.camdencountybar.org.

A Grievance Intake form will be sent to begin the remediation process.