

TO: The Vermont Supreme Court
Honorable Paul L. Reiber, Chief Justice
Honorable John A. Dooley, Associate Justice
Honorable Denise Johnson, Associate Justice
Honorable Marilyn Skoglund, Associate Justice
Honorable Brian L. Burgess, Associate Justice

FROM: The Professional Responsibility Board

RE: Annual Report of the Professional Responsibility Program for FY 2007

DATE: December 7, 2007

The Professional Responsibility Board is required by Administrative Order 9, Rule 1 E.(2) to provide to the Supreme Court “an annual report, including statistics and recommendations for any rule changes, which report shall be public.” The following is the eighth annual report submitted in accordance with this mandate.

I. Report of Activities of Board

Pursuant to [A.O. 9, Rule 1.A.](#), the Board is appointed by the Supreme Court and consists of seven members; three of the members of the bar of this state, three public members and one judge or retired judge. The members of the Board as FY 2007 (June 30, 2007) closed were:

Joan Loring Wing, Esq. - Chair
George Nostrand, Esq. - Vice-Chair
Honorable Dean Pineles
Ms. Marion Milne
Larry Novins, Esq.
Mr. Randolph Rowland
Mr. Donald Keelan, CPA

The Board is responsible for overseeing the program and implementing, coordinating and periodically reviewing its policies and goals.

A. Policies

On October 20, 2006, the Board rescinded Policy No. 24 which had provided that assistance panels would not have access to a respondent's disciplinary history. On that same date, the Board adopted Policy No. 29 which states “In making a referral to an Assistance Panel, Disciplinary Counsel shall explain his rationale to the Respondent and the Panel for a referral, which may include reference to relevant past disciplinary history.”

After the fiscal year ended, the Board reconsidered Policy No. 3, our records retention policy, to clarify that the policy only applies to paper records. The Board has not adopted a policy with respect to electronic records.

The complete list of policies adopted and/or amended by the Board, can be found online at: <http://www.vermontjudiciary.org/Committes/boards/PRBPoliciesAdopted.mht>.

B. Proposed Amendments to the Rules of Professional Conduct

The Board continued to keep abreast of the work of the study committee of the Civil Rules Committee. On March 4, 2005, numerous proposed amendments to Rules of Professional Conduct were circulated to members of the Bar for comment. Based on the comments received, the Committee made several new revisions and the affected proposed rules were sent out again for comment on February 16, 2007. The Board considered the proposed amendment to Rule 1.8 regarding sex with clients and recommended that Rule 1.8 should include an explicit prohibition against having sexual relations with a current client. The Board believes that there is an inherent risk of conflict of interest and questions about the use of independent judgment arising from such relationships. In addition, the Board believes that, absent a bright-line prohibition, it will be too difficult for Disciplinary Counsel to prosecute a lawyer who has sexual relations with a current client. Therefore, the Board recommended that the original language be re-inserted. "A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced."

In addition, the Board also reviewed the proposed amendment to Rule 1.15. The proposal submitted by the Civil Rules Committee requires a financial institution to notify Disciplinary Counsel whenever an attorney trust account is overdrawn. As proposed, the rule would not extend the mandatory reporting of overdrafts to any other type of account. The Board commented that overdraft notification is an important tool in the effort to deter, detect, and prevent the misappropriation of client funds. Therefore, the PRB opposed the proposed rule to the extent that it exempts all accounts other than pooled interest trust accounts from being set up so as to require financial institutions to notify Disciplinary Counsel of overdrafts. The Board believes that the overdraft notification requirement should apply to all accounts into which an attorney places funds held in connection with a representation, whether as trustee, agent, guardian, executor or otherwise. Therefore, the Board proposed that the following language be included in Rule 1.15C(a) "Funds held in trust include funds held in any fiduciary capacity in connection with a representation, whether as trustee, agent, guardian, executor or otherwise."

As the fiscal year ended, the Civil Rules Committee was still reviewing the comments to the proposed amendments to the Rules of Professional Conduct.

The Board considered the need for courses on professionalism and considered the advisability of allowing such courses to earn MCLE ethics credit. It was the consensus that this focus was not necessary given the present nature of the MCLE ethics credits which addresses professionalism.

It also considered the need for banks to pay the same interest on IOLTA accounts as paid on other business accounts. No formal action was taken regarding this matter.

C. Appointment of Hearing Panels

The following individuals served as members of standing hearing panels:

Hearing Panel No. 1

Larry Miller, Esq., Chair
Sue Ritter, Esq.
Diane Drake

Hearing Panel No. 2

Jesse M. Corum, Esq., Chair
Theodore C. Kramer, Esq.
Christopher G. Chapman

Hearing Panel No. 3

Leo Bisson, Esq., Chair
Marianne Kennedy, Esq.*
Paul Rumley

Hearing Panel No. 4

Bruce C. Palmer, Esq., Chair
Robert M. Butterfield, Esq.
Florence Chamberlin

Hearing Panel No. 5
Robert P. Keiner, Esq., Chair
Elizabeth Miller, Esq.
Dr. Kim Montgomery

Hearing Panel No. 6
Alison J. Bell, Esq., Chair
Eric A. Johnson, Esq.
Lisa Ventriss

Hearing Panel No. 7
Richard H. Wadhams, Esq., Chair
Keith Kasper, Esq.
Sam Hand

Hearing Panel No. 8
Eileen Blackwood, Esq., Chair
Peter Bluhm, Esq.
Tim Volk

Hearing Panel No. 9
Stephen Dardeck, Esq., Chair
Shannon Aldridge, Esq.
Barbara Carris

Hearing Panel No. 10
Lon T. McClintock, Esq., Chair
Kristina Pollard, Esq.
Dr. Bob Bergman

*Marianne Kennedy resigned in the spring of 2007 and Oreste V. Valsangiacomo, Jr., Esq., was appointed to fill the vacancy.

D. Compliance Audits of Trust Accounts

The Professional Responsibility Program continued to apply an increased level of scrutiny to Client Trust Accounts. In the fall of 2006, approximately 100 lawyers were selected to respond to a questionnaire relating to the management of their client trust accounts. Disciplinary Counsel reviewed the responses and forwarded ten to a Certified Public Accounting firm that had been retained by the Board. The firm audited the trust-accounting systems of the lawyers and provided Disciplinary Counsel with reports as to compliance, or lack thereof, with the trust accounting rules. As the Fiscal Year closed, Disciplinary Counsel had launched a formal investigation of one of the lawyers who had been audited. The audits of the other attorneys did not reveal serious violations of the rules.

E. Annual Training Meeting

The Professional Responsibility Program held its annual meeting on June 12, 2007, at the Comfort Inn Suites in White River Junction, Vermont. Approximately 40 members of the Program attended the full day program. Disciplinary Counsel Michael Kennedy discussed some of the proposed rule amendments to the Rules of Professional Conduct, and Leslie Black, Esq., counsel for the Hearing Panels, provided a summary of the decisions that have issued during the past year. Board member Donald Keelan, CPA, put together a program entitled "*Money Matters: A CPA's View on Lawyer Trust Accounts*" with Jeff Fothergill, CPA, as a co-presenter. The meeting also included a dialogue with Chief Justice Reiber, the Board's liaison, and a panel discussion with Chair Joan Loring Wing, Michael Kennedy and Bar Counsel Wendy Collins regarding "*Strategies and Resources to Deal with Impaired Lawyers.*" Attorneys who attended the Program earned 4.25 CLE ethics credits.

F. Supervision of the Program's Case Docket and Review of Case Management Procedures

Each month the Program Administrator provided the Board with a caseflow statistics report. The Board reviewed the caseflow reports at each Board meeting.

G. Web page

The Board participated in rewriting the Program's web page and in securing technical services to post the changes. The Board approved of posting FAQ's to assist both lawyers and members of the public in obtaining information about the Professional Responsibility Program.

H. LAP

The Board reviewed the availability of resources to attorneys suffering from medical or substance abuse issues by meeting with the VBA Executive Director and with representatives of the Employee Assistance Plan. Although the PRB agreed that it would not participate in the EAP program, it is a tool that may be made available to Assistance Panels.

I. Lawyer Trust Accounts

The Program was allocated \$70,000 for auditing of lawyer trust accounts. The Board convened a subcommittee to determine the best use of the funds. The subcommittee recommended that accounting firm of Jeff Fothergill, CPA, be retained to conduct audits. Audits are ongoing.

II. Report of Activities of Disciplinary Counsel

A. Introduction

Disciplinary Counsel administers the disciplinary side of the Professional Responsibility Program. In FY 2007, the administration of the disciplinary program included the screening of new complaints, the formal investigation of complaints that were not resolved at the screening phase, and the prosecution of disciplinary cases. In addition, Disciplinary Counsel continued to spend a significant amount of time working with both the Professional Responsibility Board and the Bar on issues related to attorney ethics.

Throughout FY 2007, Disciplinary Counsel's office consisted of two full-time attorneys, Disciplinary Counsel and Deputy Disciplinary Counsel, and a part-time administrative assistant. The office worked closely with the Board, Bar Counsel, and the Board's Program Administrator.

B. The Investigation and Prosecution of Ethics Complaints

Disciplinary Counsel's core function is to investigate and prosecute disciplinary complaints. In FY 2007, Disciplinary Counsel received or otherwise opened 250 complaints.

C. Screening

Upon receipt, an ethics complaint is "screened" by Disciplinary Counsel or Deputy Disciplinary Counsel. [See A.O. 9, Rule 10.](#) The screening process is rather informal and is intended to determine the nature of the complaint and whether it can be resolved through non-disciplinary methods. Indeed, the screening attorney may attempt to resolve any complaint that does not require formal action by an assistance panel or the disciplinary program.

Most disciplinary investigations begin with a complaint directly to Disciplinary Counsel, Michael Kennedy. Sometimes an investigation may begin in response to a newspaper, radio, or television story about an attorney. Many assume that the Disciplinary Counsel is aware of stories that appear in the media. This is not always the case, especially when the stories appear in some of the state's smaller news outlets. Anyone concerned about attorney discipline should feel free to forward news stories about Vermont attorneys to Mr. Kennedy.

In general, if a complaint alleges misconduct that might require a disciplinary sanction, the complaint is referred for a formal investigation by Disciplinary Counsel. Otherwise, the screening attorney either dismisses the complaint or refers it to an Assistance Panel for non-disciplinary resolution.

In FY 2007, 262 complaints were screened by counsel for the Professional Responsibility Program.¹ Disciplinary Counsel screened 256, and 6² cases were assigned to Conflict Counsel for screening. Of the 256 complaints screened by Disciplinary Counsel, 71 were dismissed at screening. The other 185 were referred for formal disciplinary investigations.

1. Complaints Dismissed at Screening

If a complaint does not allege conduct that appears to require a disciplinary sanction, it is dismissed at screening. Upon dismissal, each complaint is assigned a “dismissal code.” Each dismissal code represents a different reason for the decision to dismiss a particular complaint. The 71 complaints that were dismissed at screening in FY 2007 were dismissed for the following reasons:

**Table 1
Complaints Dismissed by Disciplinary Counsel at Screening**

Resolved by Screening Attorney	3
No Cause of Action	57
Insufficient Evidence to Open Investigation	4
Referred to Fee Dispute Program	1
Petition for Post-Conviction Relief	4
Lack of Disciplinary Jurisdiction	1
Disciplined in Another File	1
Total	71

If a complaint is dismissed at screening, the complainant may appeal the dismissal to the Chair of the Professional Responsibility Board. [A.O. 9, Rule 10\(D\)](#). The complainant is advised, in writing, of the reason for the decision to dismiss. The complainant is also advised of his or her right to appeal the decision, within 60 days, to the Chair of the Board. By contrast, if Disciplinary Counsel dismisses a complaint after the conclusion of a formal investigation, the complainant has no right to appellate review.

In FY 2007, 20 complainants appealed Disciplinary Counsel’s decision to dismiss a complaint at screening; 18 of the appeals were upheld by the chair; 2 cases were referred to Disciplinary Counsel for further investigation. Both of those cases were investigated and subsequently dismissed.

¹ The total includes 12 files that was opened in FY2006 but were not screened until FY 2007.

² If Disciplinary Counsel has a conflict that prohibits his office from screening a particular complaint, the Board’s Program Administrator refers the complaint to private counsel for screening.

D. Formal Investigations by Disciplinary Counsel

As mentioned above, a complaint is referred for a formal investigation by Disciplinary Counsel if it alleges misconduct that appears to require a disciplinary sanction. The first step in the investigation is to require the attorney who is the subject of the complaint to file a written response to the allegations. Disciplinary Counsel reviews the response and then conducts whatever additional investigation is appropriate.

Upon concluding an investigation, Disciplinary Counsel has three options: (1) dismiss the complaint; (2) refer the complaint to an Assistance Panel for non-disciplinary resolution; or (3) ask a hearing panel to review for probable cause Disciplinary Counsel's decision to file formal disciplinary charges against the attorney.

As FY 2007 began, Disciplinary Counsel was investigating 50 complaints. Another 181 were referred to Disciplinary Counsel formal investigations during the fiscal year.

1. Formal Disciplinary Proceedings

By rule, formal disciplinary proceedings can be commenced in one of two ways: the filing of a petition of misconduct, or, the filing of a stipulation of facts. [A.O. 9, Rule 11\(D\)\(1\)](#). In FY 2007, Disciplinary Counsel commenced formal disciplinary proceedings in 14 cases.

a. Petitions for Interim Suspension

Rule 18 of Administrative Order 9 requires Disciplinary Counsel, upon the "receipt of sufficient evidence" showing that an attorney has violated the ethics rules and presently poses a substantial threat of harm to the public, to transmit the evidence to the Court along with a proposed order for the interim suspension of the attorney's license to practice law. Disciplinary Counsel did not file a Petition for Interim Suspension in FY 2007.

b. Petitions of Misconduct

Disciplinary Counsel's charging document is known as a "Petition of Misconduct." The petition must be sufficiently clear so as to notify the attorney of the alleged misconduct and the rules allegedly violated. An attorney has twenty days to answer a petition. Once an Answer is filed, each party has the right to conduct discovery in advance of a disciplinary hearing. In FY 2007, Disciplinary Counsel filed seven petitions of misconduct.

c. Stipulations

As an alternative to a Petition of Misconduct, Disciplinary Counsel and a respondent may commence formal disciplinary proceedings by filing a Stipulation of Facts. From there, the parties may either join to recommend a particular sanction or present argument as to the appropriate sanction.

In FY 2007, there were seven cases in which Disciplinary Counsel joined with a respondent to commence formal proceedings via stipulated facts. In five of those cases, Disciplinary Counsel and the respondent joined to recommend a particular sanction. In the other two, Disciplinary Counsel and the respondent stipulated to the facts, but presented argument as to the appropriate sanction.

2. Referrals to Non Disciplinary Resolution

Upon concluding an investigation, and as an alternative to commencing formal disciplinary proceedings, Disciplinary Counsel may refer a case to an Assistance Panel for non-disciplinary resolution. In FY 2007, Disciplinary Counsel referred 14 cases to an Assistance Panel.

3. Dismissals

If Disciplinary Counsel's investigation indicates that neither formal charges nor a referral to an Assistance Panel is appropriate, a case is dismissed. In FY 2007, Disciplinary Counsel investigated and dismissed 156 complaints. The reasons for the dismissals are set out in below:

Table 2
Complaints Dismissed by Disciplinary Counsel After Investigation

Resolved	21
No Cause of Action	83
Insufficient Evidence to Prove a Violation	41
Refer to Fee Dispute	6
Screening Dismissal Affirmed	2
Denial of Probable Cause	2
Disciplined in Another File	1
Total	156

4. Docket as FY 2007 Ended

In sum, Disciplinary Counsel completed 181 investigations in Fiscal Year 2007. As the fiscal year closed, 53 complaints were under investigation by Disciplinary Counsel.

III. Report of Activities of Bar Council

A. Lawyer Education. [A.O. 9, Rules 9](#), 3B.(1)

1. *Personalized educational services:* Bar Council provides informal, confidential information and assistance to lawyers who have questions regarding professional responsibility. This service is provided primarily on a one-to-one basis, usually by telephone. Each is logged in as an "Inquiry." Data as to the numbers of these inquiries is maintained from year to year in order to assess work load and demands for services. All other information is confidential.

Most questions posed by lawyers concern conflicts of interest, which is the most complex area of modern ethics law, particularly when dealing with former clients, disqualification, and imputed representation. Other common questions concern withdrawal from representation, client files, duties of confidentiality, trust accounts, obstreperous opposing counsel, obligation to report misconduct, unauthorized practice of law, limiting scope of representation, and advertising.

Interestingly, although neglect and lack of communication are the main violations that motivate clients to seek help here, they are not issues which lawyers contacted Bar Counsel.

Lawyers commented that the information received from Bar Counsel satisfied their query; they were grateful that this service is available. Many commented on the scarcity of mentors and more experienced practitioners from whom they might otherwise obtain advice. Most lawyers who had contacted Bar Counsel during the fiscal year reported that they had learned of this available service from colleagues. Some lawyers reported that their initial contact with Bar Counsel was due to a request or directive from the bench to do so.

Demand for this service has increased markedly over the past 20 months. Twice as many inquiries were received from lawyers in FY 2007 as were received in FY 2006. Bar Counsel speculates that the increasing request for assistance may be caused by, first, the increasing complexity and isolation of private legal practice and, second, the increased awareness within the bar of this free confidential service.

As to disposition, all received inquiries were closed by the end of the fiscal year. The vast majority - 86% - were resolved; i.e., Bar Counsel was able to satisfy the lawyer's request for information or advice. *See Tables 3 and 4 below for a break down of case flow and disposition statistics.*

2. *General educational services:* Bar Counsel may be called upon to write articles for publication and present continuing legal education (CLE) programs.

In FY 2007, Bar Counsel wrote an article on maintenance and destruction of client files; it was published in the summer issue of the VBA journal. The article generated a number of calls from lawyers seeking more information about client file management.

Bar Counsel presented a course at the annual meeting of the Windham County Bar Association concerning client trust fund management .

**Table 3
Intake of Informal Inquiries FY 2001-2007**

	2001 ³	2002	2003 ⁴	2004 ⁵	2005	2006	2007
Total Inquiries Received: All Sources	169	201	145	119	245	232	331
New From Public	127	137	84	73	137	135	185
New From Lawyers	42	64	61	46	108	97	146

³ 2001 statistics reflect activity in only 11 months of services rendered.

⁴ 2003 statistics reflect activity in only 9 months of services rendered to the general public.

⁵ 2004 statistics reflect activity in only 7 months of services rendered to general public and only 9 months of services rendered to lawyers.

Table 4
Disposition of Informal Inquiries FY 2001-2007

	2001	2002	2003	2004	2005	2006	2007
DISPOSITION:							
Total Cases Closed	169	201	145	119	245	230	335
Issues Resolved: All Sources	119	111	90	81	157	160	226
From Public	89	54	40	45	65	73	100
From Lawyers	30	57	50	36	92	87	126
Advised to File Complaint: All	42	84	49	30	67	46	66
From Public	38	81	39	25	57	45	56
From Lawyers	4	3	10	5	10	1	10
Other Disposition: All Sources	8	6	6	8	21	24	43
From Public	0	2	5	3	15	16	31
From Lawyers	8	4	1	5	6	8	12
Cases Carried Over to Next FY						4	0

B. Alternative Dispute Resolution - [A.O. 9, Rule 3.B.1., 4, 10](#)

1. Assistance Panels: Bar Counsel is responsible for the administration of the alternative dispute resolution program, which consists of the work done by the Assistance Panels. Essentially, formal complaints which Disciplinary Counsel declines to charge, but which nevertheless need some formal response, are referred to Bar Counsel for assignment to *ad hoc* Assistance Panels. Assistance Panels are convened throughout the state, their locus varying with that of the complainant and respondent.

Over the past three years, Assistance Panels have received and resolved about a dozen cases each year. FY 2007 was consistent with that pattern.

Questionnaires are usually distributed to participants at the conclusion of each hearing, although responses are not always returned. At the end of FY 2007, Bar Counsel began informal polling of participants at the end of the process to garner fuller and more candid reactions.

Based upon the information thus gathered, it is clear that the Assistance Panel process is an effective tool to address complaints which would otherwise be dismissed. It is, however, highly labor intensive, for both staff and the volunteers who serve on the panels.

2. Informal Inquiries from Members of the Public. Many members of the public contact the Professional Responsibility Program during the year, wanting help in resolving an on-going problem with a Vermont lawyer. Many of these calls do not raise issues which belong in the lawyer disciplinary system, either because they are of a minor nature or are not provable violations.

Recognizing the need to respond to the public's requests for help, Administrative Order No. 9 was rewritten in 1999 to allow counsel to mediate or informally resolve minor disputes whenever possible. One of the many results of this program is that the backlog in the disciplinary docket was virtually eliminated. The numbers of citizens frustrated by lack of assistance from the disciplinary agency has been greatly reduced.

As with lawyer inquiries discussed above, all inquiries from members of the public are docketed, separate from the disciplinary docket. Statistics as to the number of calls received and how they were resolved are maintained. In all other aspects, the content of the inquiries is confidential.

Most calls are from clients, although some are opposing parties in pending litigation or transactions. Client inquiries usually raise issues of lack of communication, neglect, or incompetence.

Many, if not most, of these callers express fear as well as frustration. It is common to hear from a caller that he/she has no choice but to remain with a lawyer who is not satisfactory, that he/she is afraid to complain because the lawyer will quit the representation, that he/she might lose time or money if he/she switches lawyers, that another lawyer cannot be found, etc. This often articulated power imbalance is usually a factor as to why these clients are unable to resolve their problems themselves directly with the lawyer in question.

Bar Counsel explains to all callers how the disciplinary system works, what assistance, if any, she can offer in resolving a dispute informally, and what the system cannot do for the caller. Early on into the review of the problems described by the caller, Bar Counsel is usually able to determine whether the matter belongs in the disciplinary system, whether there are potential issues of lawyer misconduct, or whether the matter is so complex that it cannot be resolved informally over the telephone but requires a written submission of information. In these situations, Bar Counsel recommends that the caller file a formal complaint. The caller receives either a written brochure or directions on how to access on-line instructions and information.

If the case is not a disciplinary matter, Bar Counsel will endeavor to provide the caller with information about his or her options. Bar Counsel will provide information regarding fee dispute resolution, terminating a representation, appearing *pro se*, finding new counsel, malpractice, the identity of another state's disciplinary agency, and the availability of services from other government and private agencies. In many cases, the caller will ask Bar Counsel to intercede by contacting the attorney directly. These conversations are often fruitful, succeeding in getting the attorney-client relationship back on track.

As with the lawyer inquiry program, the number of public inquiries has markedly increased over the past 20 months. Bar Counsel received 38% more inquiries from the public this year than in the preceding one. About half of the cases were resolved. *See Tables 3 and 4 above for complete breakdown of data.*

C. Interaction with Other Agencies: Rule 3 B.1

Bar Counsel was not in close communication with the VBA in FY 2007 regarding issues of mutual interest. There was some limited communication regarding the VBA's lawyers' assistance program which provides a venue by which to respond to lawyer depression, substance abuse, and other health problems. Depression and substance abuse are generally considered the major causes for lawyer misconduct.

Bar Counsel had more occasion to interact with agencies within the government, such as Licensing, Mandatory Continuing Legal Education Committee, and the Attorney General's Office. For a number of years, Bar Counsel and Martha Hicks-Robinson, the Program Administrator for the Licensing Board, have been discussing the need for a closer working relationship. They had worked together to convene a preliminary meeting of interested parties in April of 2006. A second meeting was held in FY 2007 and attended by the Chief Justice, the Court Administrator, Judge Joseph on behalf of the licensing/exam committee, Judge Carroll on behalf of the continuing legal education committee, Martha Hicks-Robinson, the Chair of the Professional Responsibility Board, Bar Counsel, representatives of other standing committees within the Judiciary, and representatives of the Attorney General's office, the VBA, and Vermont Law School. Bar Counsel gathered, analyzed, and distributed data to the Committee which described the professional conduct issues which come within the purview of the Professional Responsibility Program.

D. Disseminating Disciplinary Information. Rule 13

Bar Counsel is responsible for publishing the final decisions of the Professional Responsibility Program and ensuring that they are properly distributed to other courts and agencies both within and without Vermont. All of the technical work, such as tracking cases, preparing cover letters, transmitting text of decisions for posting on the web, has been delegated to our Program Administrator, Deb Laferriere. Eleven decisions were published in FY 2007.

Bar Counsel writes a digest of each decision so that the reader can skim through the synopses to locate relevant cases. Although the [digest](#) and the text of the [decisions](#) are online, neither are searchable. As of the end of the fiscal year, 103 cases are in the digest. Creation of a search mechanism would be desirable.

E. Miscellaneous

During FY 2006, Bar Counsel began a revision of the Professional Responsibility Program web page which contains some confusing and incomplete information. For instance, the web page discusses only the disciplinary part of the system; it contains no information about alternative ways to resolve disputes with attorneys. The web page does not lead the reader immediately to those sections helpful to the attorney and those helpful to the public. It does not cross reference other sections of the Judiciary's web page which are relevant to ethics and professional regulation.

During FY 2007, Bar Counsel wrote proposed Frequently Asked Questions, often referred to as FAQ's. These were approved by the Board and posted on the web site with the assistance of the Research and Information Services Division. A number of other significant changes remain to be done but will not be attempted until further technical services can be made available to Bar Counsel.

IV. CONCLUSION

This past year, the Professional Responsibility Program continued to administer the lawyer discipline program and to assist attorneys and the public to maintain and enhance the highest standards of professional responsibility.

The Board acknowledges with gratitude the many volunteers serving on hearing and assistance panels, who have contributed significantly to the overall success of the Program.