

REPORT ON USE OF ADDED RESOURCES

By

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Most of my monthly columns have discussed substantive ethical issues. Last summer's increase in the attorney registration fee and the appointment of the advisory committee to study the lawyer discipline system have heightened interest in the system's administration and its use of resources. This column will report to the bar the results of added resources.

One of the most difficult aspects of my job has been to request additional resources. In so doing I have emphasized repeatedly the need to continue the services which are provided by the board. In addition, however, I have spoken and written repeatedly about the serious backlog of disciplinary matters and the severe problem of delay.

Additional revenues have permitted the director's office to increase the number of lawyers from five to seven. One-fourth of these additional lawyer resources have been devoted to the restoration of the telephone advisory opinion service. The remaining additional lawyer resources have been devoted to case work. Despite very substantial increases in case work, we have made the maintenance and even expansion of service activities a high priority. Previous columns have described the board's services in general as well as the advisory opinion service in particular.

The problems of backlog and delay are inextricably related. Where dismissal of matters is delayed, the lawyer's anxiety concerning the pending complaint has been unduly extended. Where discipline short of suspension is imposed, delay undermines its rehabilitative value. Where suspension or disbarment is imposed, delay may threaten the public. The integrity of the system is also undermined, in the eyes of both complainants and the general public, by delay in disposition.

I am pleased to report that the additional resources devoted to case work have already reduced the backlog substantially. In 1981 there were over 800 matters pending prior to a substantial expansion of resources for the director's office. By 1983 the case load had been reduced to 623. By mid-1984, however, the case load had again risen to 757. The recent addition of resources has enabled reduction of the case load to 599 as of February 1, 1985. This is a very significant improvement in only seven months.

At a recent meeting, the board's executive committee approved a number of objectives which we believe will alleviate our backlog substantially and will virtually eliminate the problem of serious delay. Our case management objectives are as follows:

1. By July 1, 1985, we hope to reduce the system's total case load to approximately 500 cases. About 200 of those cases will be under investigation by district ethics committees, leaving about 300 being handled at various stages by the director's office. Individual attorneys in the director's office will

have case loads of approximately 50-60 cases, as compared to mid-1984 case loads of 150-175 matters. These more manageable assignments, in contrast to the nearly impossible assignments of a year ago, can only enhance the quality and timeliness of work.

2. The backlog of matters over one year old is to be reduced to 100 or fewer by July 1, 1985. The vast majority of those cases will be complicated and serious matters which require public discipline. The backlog of matters over one year old had risen to 300 by mid-1981. Since then it has been gradually reduced to approximately 200 as of February 1985. For the remainder of the fiscal year, our priority will be further reduction of this backlog to meet our July 1, 1985 objective.
3. We have also established time standards for handling disciplinary investigations and proceedings. While we recognize that extraordinary cases may require extended consideration, we hope to meet the following time standards in 90 percent of our cases:
 - a. Dismissals should occur within three months after the file is opened.
 - b. Admonitions should be issued within five months after the file is opened.
 - c. Charges of unprofessional conduct should be issued within six months after the file is opened.
 - d. Panel hearings should occur within three months after the charges are issued.
 - e. If a petition is filed in the Supreme Court, the referee hearing should occur within six months after the petition is filed.

It will take some time to meet these time standards, as there still is a backlog of matters to be resolved. We believe, however, that these time standards should be achieved in 90 percent of our cases sometime during the fiscal year ending in mid-1986.

Without the additional resources recently supplied, the prospects for eliminating our backlog and keeping our case load at a reasonable level would be very dim. Permanent elimination of a serious backlog is essential to solve the problem of delay. We are confident that we are on the verge of solving both of these chronic problems. This development is especially gratifying because it is being accomplished while existing service activities are being maintained and expanded to include the restoration of the telephone advisory opinion service.