

Disciplinary Committee Members Representing Respondents in Ethics Proceedings

March 9, 1990
Issued by: Stephen W. Townsend
Clerk, Supreme Court

The Supreme Court has adopted a policy prohibiting members of Supreme Court committees who serve in the attorney or judicial disciplinary system from appearing before any other committee in the system or before the Court as counsel for a respondent. The Court determined that an appearance of impropriety would be created by having a member of one committee in the disciplinary system represent a client before another committee. The Court wishes to avoid the possibility that disciplinary action taken against an attorney or a judge might be viewed as having been affected by the relationship of the respondent's counsel to the disciplinary system. Regardless of which it may be, the attorney may not represent either a judge or a lawyer.

Please note that the prohibition as adopted by the Court is personal to the members of the committees and does not extend to other members of any firm with which they may be affiliated. The policy takes effect immediately and applies to any matter pending before a District Ethics Committee, a Fee Arbitration Committee, the Disciplinary Review Board, the Advisory Committee on Judicial Conduct, the Committee on Attorney Advertising, or the Court.

EDITOR-S NOTE

This interoffice memorandum from the Clerk of the Supreme Court was directed to the Office of Attorney Ethics, the Disciplinary Review Board, the Advisory Committee on Judicial Conduct, the Committee on Attorney Advertising and the Advisory Committee on Professional Ethics on March 9, 1990.

At its Administrative Conference of March 26, 1990, the Court decided that the prohibition relating to representation in ethics proceedings by members of District Ethics Committee, the Disciplinary Review Board, the Advisory Committee on Judicial Conduct, the Committee on Attorney Advertising and the Advisory Committee on Professional Ethics will be given prospective effect only. This decision was made in response to inquiries from several attorneys who were members of Supreme Court Committees and represented respondents in attorney and judicial disciplinary proceedings. Therefore, attorneys who were representing such respondents prior to March 9, 1990 may continue to do so through all stages of the disciplinary process. This was confirmed by a memorandum from the Administrative Director, dated April 2, 1990, and addressed to the Office of Attorney Ethics, Disciplinary Review Board, Advisory Committee on Judicial Conduct, Committee on Attorney Advertising, and the Advisory Committee on Professional Ethics.