

Commission on the Legal Profession
Minutes of Meeting
May 5, 2011

The meeting began with everyone introducing themselves. Chief Justice Bender specifically recognized the newest members of the Commission and the liaison members from various specialty bar associations.

Chief Justice Bender described a minor change to the new attorney swearing-in ceremony resulting from Commission discussions. The new attorneys will all sit together to take the oath.

As the representative of the chairs of the working groups, Judge Carparelli introduced the topics and chairs of the four working groups. He then noted the various organizations that have defined ethics and professionalism for attorneys and presented a draft of the concepts developed by the working groups. So far the groups have defined the core attributes of professionalism as: service, competence, trustworthiness, ethics, diligence and civility and respect. The report of the chairs of the working group is attached. One member suggested that “expertise” be added to this list. Another member focused on the lack of economic realities in the report.

Chief Justice Bender commended the reports of the working groups but wants to see expanded acknowledgement of the historical role of lawyers and how lawyers have been the impetus for significant social change.

The working group chairs then gave the reports and findings from their working group meetings. These reports are attached to these minutes.

Lorenzo Trujillo, chair of working group A. “Development of professional identity, social responsibility, and practice skills in law school and involvement of judges and leaders of the bar in law school” presented his working group report. One item that the working group particularly recommended was that we should start talking about identity and social responsibility from the first day of law school.

Dean Getches noted that the law schools have many ongoing efforts to address many of the issues and concerns of the Commission. He promised to inventory and to describe for the Commission these efforts. Assistant Dean Fred Cheever of University of Denver law school also agreed to present such a report.

Judge Neil Gorsuch wondered if the Commission should think “bigger” and not deal with just the symptoms of a dysfunctional system. He noted that we are dealing with dissatisfied lawyers, judges, clients and community that mentoring will not solve. He suggested that we have a conversation about radically re-inventing the civil justice system and to rethink the ethics rules. He also expressed concern about the possibility that we have too many lawyers who cannot get jobs.

Mark Fogg, chair of working group B. “Development of professional identity and social responsibility for new attorneys and thereafter” presented his working group report. He specifically presented information on e-mentoring and training, and veterans help program for Colorado. The later would be a Colorado Bar Association initiative, implemented by the local bar associations, for Colorado lawyers to provide pro bono assistance to Colorado veterans. The Commission gave approval for the working group to move forward on those proposals. Fogg reported that his group was gathering information from other states regarding mentor programs and that the group would have a report and recommendation regarding mentoring at the next Commission meeting.

Judge Russ Carparelli, chair of working group C. “Communication and professionalism between and among judges and attorneys” presented his working group report. He noted that his group currently is discussing ideals and core principles with practical problems and solutions to follow.

David Stark, chair of working group D. “Relationship between the legal profession (judiciary, bar, legal academies) and the community—access to justice, delivery of justice, and education of the public” presented his working group report. He noted that his group wants to stress pro bono work as less of an obligation and more of an expectation. He also discussed the problem that small cases are not heard and that most cases are not decided on the merits, but rather are won or lost on the mistakes of the attorneys.

The next Commission meetings are scheduled as follows:
September 22, 2011 at 3:00 pm
December 1, 2011 at 3:00 pm

Submitted by Andrea Bloom, May 10, 2011