May 28, 2002

TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF THE SUPREME COURT

Enclosed is the State of the Attorney Discipline System Report for 2001.

This year was another challenging year for the attorney disciplinary system and the final results, when compared to last year, bear this out. Nevertheless, our statistics reflecting the average age of pending investigations remain favorable. At the end of the calendar year, more than three out of four statewide disciplinary investigations (76%) were within Supreme Court goals. This represents a decrease from last year's all-time high of 83%. The Office of Attorney Ethics' (OAE) full-time investigators staffing the District Investigative Group achieved the highest rate of compliance at 91%, while 15 volunteer districts operated at 77%. The OAE's Complex Group's in-goal percentage dropped from 76% in 2000 to 71% in 2001 due to two factors: personnel losses of experienced forensic investigators and auditors and increasing caseloads.

This year's report contains a special section (page 11) entitled "Most Frequently Disciplined Attorneys." This research analyzes the number of attorneys disciplined three or more times over the past decade. The worst offender was disciplined a total of seven times. Four other repeat offenders were disciplined six times each and nine respondents each had five separate sanctions imposed. These habitual offenders challenge the disciplinary system by requiring a disproportionate amount of our resources.

In 2001, the Court's Random Audit Program had its 20th anniversary. RAP checks compliance with trust account responsibilities at private law firms throughout the state. Since its inception, RAP has audited 7,254 law firms. Nearly 99% of all audits are closed administratively when firms certify correction of accounting deficiencies. In 1.3% of audits (93 cases), serious violations have resulted in discipline. Of those disciplined as a result of random audits, 53% were disbarred for knowingly misappropriating trust funds and 15% were suspended. After 20 years experience, I have undertaken a comprehensive review and evaluation of the random program to insure that we are meeting the Court's goals and the challenges of an ever increasing private bar population. I will provide the Court with that report in 2002.

The Attorney Fee Arbitration Program continues to benefit attorneys and clients by providing the speedy and confidential resolution of disputes over lawyers' bills. Fee committees ruled on over $15.6 million dollars in disputed legal fees in 2001, a 20% increase from last year. For the third out of the last five years, the program cleared its calendar by disposing of more matters than were docketed. Great credit goes to the over 290 attorneys and public members who volunteer their time to serve the Court.

Respectfully submitted,

David E. Johnson, Jr.
Director

DEJ/gms