

ATTORNEY DISCIPLINE PROGRAM

2011-12 Budget Request: \$15,547,143

Lawyers who violate the Disciplinary Rules of the Code of Professional Responsibility (22 NYCRR Part 1200) are subject to professional discipline for their actions. Attorney Grievance Committees are appointed by each Appellate Division within their respective departments to enforce the disciplinary provisions of the Code and to preserve the integrity of the legal profession. The Attorney Discipline Committees are empowered to conduct investigations of misconduct, privately discipline attorneys in minor matters, and, in serious cases of misconduct, prosecute actions before the Appellate Divisions which may then lead to censure, suspension or disbarment pursuant to section 90 of the Judiciary Law.

In December 2008, the Administrative Board of the Unified Court System adopted a new set of attorney ethics rules that brings New York lawyers in line with their counterparts in most of the rest of the country. The new rules, which went into effect in April 2009, align ethics standards in form and numbering sequence with the American Bar Association's Model Rules of Professional Conduct. This change will make it easier for New York attorneys to reference ethics rules and advisory and legal opinions nationwide when researching issues.

The Attorney Grievance Committees handle a variety of cases, and the workload of this program continues to evolve. The committees are responsible for enforcing the attorney escrow account dishonored checks rule; monitoring multi-disciplinary practice in New York and enforcement of diversion rules; insuring compliance with the attorney registration requirements; and pursuing action against those attorneys who are delinquent in payment of their biennial registration fees. They are also involved in monitoring compliance with continuing legal education requirements.

The workload of the Attorney Grievance Committees has remained consistent over the years. However, the number of serious investigations resulting in formal charges and litigation has increased in the last few years. It is anticipated that the economic downturn will result in an increase in the number of grievance matters particularly for debtor-creditor collection matters. In addition, revised rules on attorney advertising have impacted the committees' caseloads. Under joint rules promulgated in February 2007, personal injury lawyers are now prohibited from soliciting clients within 30 days of accidents and all attorneys are subject to stricter guidelines on the use of web domain names.

In an effort to expedite fee disputes between attorneys and clients, the Attorney Grievance Committees have implemented a Fee Dispute Resolution Program to resolve matters through arbitration and mediation.

Summary of 2011-12 Funding Request:

Attorney Discipline Program

2011-12 Budget Request: \$15,547,143

<i>Personal Service:</i>	<i>13,652,803</i>
<i>Nonpersonal Service:</i>	<i>1,894,340</i>
<i>Maintenance Undistributed:</i>	<i>0</i>

The 2011-12 Attorney Discipline program budget request of \$15.5 million reflects a decrease of \$333,754 (-2.1%) from the current year adjusted appropriation. This change consists of a decrease in personal service of \$345,483 (-2.5%) and an increase in nonpersonal service of \$11,729 (0.6%). This program is solely

funded by the Attorney Licensing Fund which is supported by a biennial attorney registration fee paid by attorneys who are licensed to practice law in New York State.

The personal service funding request of \$13.7 million supports existing nonjudicial positions as well as salary increments for all eligible employees. Personal service funding also reflects continuation of savings realized from participation in the early retirement incentive program as well as ongoing savings from the vacancy control initiative.

The temporary service request of \$485,370 supports existing temporary service lines for clerical staff and two attorney positions.

The nonpersonal service request of \$1,894,340 includes inflationary increases for real estate rentals (18,566) in the 2nd Department as well as an increase in transcript costs (2,000) and office supplies (5,500) in the 1st Department due to an increase in the number of serious misconduct matters. These increases are offset by expenditure-based reductions in travel (-7,230) in the 1st and 4th Departments and rentals of equipment (-4,188) in the 1st Department.

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE

	Current Appropriation as Adjusted	UCS Recommended	Changes to Current Appropriation
<u>Personal Service</u>			
PS Regular	13,500,131	13,166,633	(333,498)
PS Overtime	250	800	550
PS Temporary	497,905	485,370	(12,535)
Total Personal Service	13,998,286	13,652,803	(345,483)
<u>Nonpersonal Service</u>			
Legal Reference/CALR	119,358	121,958	2,600
Travel	98,906	91,676	(7,230)
Prof Services Other	133,450	135,150	1,700
Legal Services	64,390	64,140	(250)
In-Part Services	5,800	4,800	(1,000)
JHO's	18,000	18,000	0
Transcripts	175,500	177,500	2,000
Other NPS	1,267,207	1,281,116	13,909
Total Nonpersonal Service	1,882,611	1,894,340	11,729
Grand Total	15,880,897	15,547,143	(333,754)

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE
STATE SPECIAL REVENUE

	Current Appropriation as Adjusted	UCS Recommended	Changes to Current Appropriation
<u>Personal Service</u>			
PS Regular	13,500,131	13,166,633	(333,498)
PS Overtime	250	800	550
PS Temporary	497,905	485,370	(12,535)
Total Personal Service	13,998,286	13,652,803	(345,483)
<u>Nonpersonal Service</u>			
Legal Reference/CALR	119,358	121,958	2,600
Travel	98,906	91,676	(7,230)
Prof Services Other	133,450	135,150	1,700
Legal Services	64,390	64,140	(250)
In-Part Services	5,800	4,800	(1,000)
JHO's	18,000	18,000	0
Transcripts	175,500	177,500	2,000
Other NPS	1,267,207	1,281,116	13,909
Total Nonpersonal Service	1,882,611	1,894,340	11,729
Grand Total	15,880,897	15,547,143	(333,754)

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE
APPELLATE AUX OPS 1ST DEPT.

	Current Appropriation as Adjusted	UCS Recommended	Changes to Current Appropriation
<u>Personal Service</u>			
PS Regular	4,663,424	4,454,868	(208,556)
PS Overtime	250	800	550
PS Temporary	21,000	0	(21,000)
Total Personal Service	4,684,674	4,455,668	(229,006)
<u>Nonpersonal Service</u>			
Legal Reference/CALR	27,000	29,100	2,100
Travel	8,600	3,200	(5,400)
Prof Services Other	49,600	49,600	0
Legal Services	13,250	13,000	(250)
In-Part Services	4,300	3,300	(1,000)
Transcripts	70,000	72,000	2,000
Other NPS	167,450	164,700	(2,750)
Total Nonpersonal Service	340,200	334,900	(5,300)
Grand Total	5,024,874	4,790,568	(234,306)

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE
APPELLATE AUX OPS 2ND DEPT.

	Current Appropriation as Adjusted	UCS Recommended	Changes to Current Appropriation
<u>Personal Service</u>			
PS Regular	5,782,304	5,643,829	(138,475)
PS Temporary	386,337	402,955	16,618
Total Personal Service	6,168,641	6,046,784	(121,857)
<u>Nonpersonal Service</u>			
Legal Reference/CALR	65,675	65,675	0
Travel	31,289	31,289	0
Prof Services Other	30,200	33,600	3,400
Legal Services	46,000	46,000	0
Transcripts	77,000	77,000	0
Other NPS	711,164	726,125	14,961
Total Nonpersonal Service	961,328	979,689	18,361
Grand Total	7,129,969	7,026,473	(103,496)

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE
APPELLATE AUX OPS 3RD DEPT.

	Current Appropriation as Adjusted	UCS Recommended	Changes to Current Appropriation
<u>Personal Service</u>			
PS Regular	1,211,703	1,202,695	(9,008)
PS Temporary	56,311	58,325	2,014
Total Personal Service	1,268,014	1,261,020	(6,994)
<u>Nonpersonal Service</u>			
Legal Reference/CALR	4,000	4,500	500
Travel	32,787	32,787	0
Prof Services Other	45,900	44,200	(1,700)
Legal Services	5,140	5,140	0
Transcripts	8,500	8,500	0
Other NPS	124,845	126,071	1,226
Total Nonpersonal Service	221,172	221,198	26
 Grand Total	 1,489,186	 1,482,218	 (6,968)

State of New York - Judiciary
Budget Summary for Fiscal Year 2011-2012

ATTORNEY DISCIPLINE
APPELLATE AUX OPS 4TH DEPT.

	<u>Current Appropriation as Adjusted</u>	<u>UCS Recommended</u>	<u>Changes to Current Appropriation</u>
<u>Personal Service</u>			
PS Regular	1,842,700	1,865,241	22,541
PS Temporary	34,257	24,090	(10,167)
Total Personal Service	1,876,957	1,889,331	12,374
<u>Nonpersonal Service</u>			
Legal Reference/CALR	22,683	22,683	0
Travel	26,230	24,400	(1,830)
Prof Services Other	7,750	7,750	0
In-Part Services	1,500	1,500	0
JHO's	18,000	18,000	0
Transcripts	20,000	20,000	0
Other NPS	263,748	264,220	472
Total Nonpersonal Service	359,911	358,553	(1,358)
Grand Total	2,236,868	2,247,884	11,016