

Bar Discipline Hindered by Resignations, Low Morale

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Resignations and low morale among attorneys are hobbling the Los Angeles office of the State Bar of California's Office of Trial Counsel (OTC) as the Bar works to streamline its lawyer discipline system, say lawyers familiar with the office.

"Morale is extremely low," said staff attorney Allen Blumenthal, shop steward for the Bar's Los Angeles attorneys' unit of the Service Employees International Union. "We're going to lose a large portion of staff if drastic changes aren't made."

Attorneys who spoke on the condition that their names not be used said the office is in chaos.

"The atmosphere is real panic for a lot of people," said one lawyer. "People are leaving for different reasons, but there is a lot of concern about the way attorneys are treated."

During the past few weeks, attorneys Sandra Dunn, Marco Gomez and Arthur "Skip" Braudrick have resigned.

Another lawyer, Earl Thompson, indicated to the Bar that he plans to resign soon, officials said. Thompson was unavailable for comment.

Bascue said Thompson may not resign. He said Dunn was resigning in part for personal reasons, to join her husband in another state, and that Gomez may join a private law firm.

Neither Dunn nor Gomez would discuss their reasons for quitting the 59-lawyer agency, but Braudrick, who is joining the office of the Los Angeles County Public Defender May 9, said he is leaving in large measure "because I am disappointed in the way this place is run."

Braudrick, who has been with the Office of Trial Counsel in Los Angeles since November, complained of morale prob-

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lems, inefficiency and mismanagement.

He and other attorneys in the office said responsibility for office management is unclear.

"I don't know who is responsible, and I mean that," Braudrick said. Pressed for specifics, Braudrick said, "It certainly doesn't have to do with personalities . . . I'm not angry."

Bascue said that in the past few weeks he has met with Dunn, Gomez and Thompson and that he plans to meet with Braudrick.

Blumenthal, who met Monday with OTC Director James Bascue about the office's morale problems, said staff attorneys feel they have little or no discretion in the handling of attorney discipline cases.

"They have full responsibility, but no real authority," he said.

Blumenthal, who has been with the OTC for more than two years, said lawyers in the office see "no real promotional opportunity" and are demoralized by management inattention to employee concerns.

"They haven't been speaking to employees on a regular basis," he said. "Employee input is at the end rather than at the beginning."

Blumenthal and other lawyers in the office place the blame as much on Deputy Chief Trial Counsel Francis Bassios as on Bascue, who they say is focusing his efforts on lobbying in Sacramento for the controversial Bar dues and discipline bills to reform the discipline program.

"He tends to be rigid and difficult to talk to," Blumenthal said of Bassios, a 14-year veteran of the Bar's discipline arm. "He makes policy without input, and there is a sense that he doesn't want input. Employees get the impression that we are interchangeable cogs in a machine."

Bascue and Bassios said they are aware of morale problems and are taking steps to remedy them.

"Morale is a problem," said Bascue, a veteran Los Angeles prosecutor who was brought in by the Bar to reform the discipline program. He blamed much of the problem on "lack of resources, the fact that we are not able to hire additional lawyers in 1988," an enormous volume of cases for attorneys to process and a feeling among some lawyers that "it's a hopeless situation."

"The battle we're fighting right now is 1989 funding," he said, referring to legislative debate over a proposed 63-percent dues increase to pay for discipline reforms. "But the crisis is a 1988 crisis."

As the case backlog has been reduced in the Office of Investigations, which is also under Bascue's authority, he said case processing problems have moved to the Office of Trial Counsel, where attorneys are overburdened by cases waiting to be filed.

In addition, Bascue said, legislation affecting the discipline program includes major improvements in the discipline process — improvements recommended by State Bar Monitor Robert Fellmeth. Fellmeth was unavailable for comment.

Bascue said attorneys in the office have "a sense of frustration" prompted by a lack of "finality" in the discipline system — a reference to the lengthy review process required in discipline disbarment proceedings.

"You can go to the criminal and civil courts, and you get closure," Bascue said. "But here you have to go all the way to the Supreme Court for finality."

He said the discipline reform legislation, sponsored by Sen. Robert Presley, D-Riverside, will speed the process in discipline cases. "That will come, but I think some of the attorneys aren't willing to wait for it," he said.

Bascue was less sympathetic to attorneys' perceived lack of discretion in handling cases.

"Some attorneys who come from private practice and aren't familiar with

public agencies [don't understand] that you've got to have standardization," Bascue said. "I have to have a consistent policy and consistent standards. Their expectations may be unrealistic. Total discretion is unrealistic."

"Discretion is always an issue with prosecutors and always will be," he added. "A lot of them want to be lone rangers riding off into the sunset with their cases, and you can't do that. There is no way you can have 60 different attorneys [making separate decisions] on cases. That is not acceptable."

At the urging of Martin Pinon, an aide to Sen. Presley, Bascue met April 15 with former OTC senior trial counsel Arthur Margolis, who left the Bar in December 1986 and is now a defense attorney handling Bar discipline cases. Margolis maintains regular contact with other Bar staff attorneys and, Pinon said, is regarded as knowledgeable about the office.

"We have a lot of respect for Jim Bascue," said Pinon. "He has a tremendous amount of integrity and honesty."

If Bascue is made aware of attorney dissatisfaction in the OTC, Pinon said, "I felt he would do something about it." Pinon emphasized that he merely helped arrange the meeting and made no recommendations for specific action.

Bascue has since taken steps to meet with attorneys and encourage his managers in the OTC and the Office of Investigations to seek out the concerns of the 220 employees under his direction.

"I've instructed my managers to not just discuss cases, but to get constructive comments," Bascue said. "I'm in the process of accumulating a lot of information, and as soon as I get the information together, I plan to work out some plan of action."

Bassios said intensive efforts to redesign the discipline system and lobby for more funding have taken a toll on the office.

"Overall the last seven or eight months

have been very disruptive to the office," he said.

Like Bascue, Bassios blamed much of the problem on inadequate staff. He denied that he is insensitive to attorney concerns.

"I have strong views on things, and I believe strongly in quality legal work," he said. "And I think we ought to be tough prosecutors."

Other lawyers said many of the failings cited by the monitor in the discipline program — including lack of discretion in the handling of cases and too many levels of review — remain a problem.

"Bascue was hired . . . because the Bar needed a politician who could hobnob with the Legislature," said one lawyer in the office. "He's very smooth. He does that very well. But he's not the one running the day-to-day office."

Lawyers interviewed by The Recorder said the Bar has taken positive action to address concerns about lawyer turnover in the discipline program as a result of low salaries, and salaries have been raised. But other problems remain, they say.

"They brought in all these experienced people, and then they give them no discretion," one lawyer said. "We're not asking for unbridled discretion because that opens us up to criticism. But we do [expect] professional treatment."

"In the ideal world, you have a supervisor following [a case] all along, and the supervisor pretty much trusts you. But here, you may be in trial, and a witness falls apart — and we're supposed to call our supervisor in the middle of trial. It's the same in mandatory settlement conferences . . . It's crazy. It undermines our authority. It makes you feel like a kid, even though we're on the front lines."

Another staff attorney who is a relative newcomer and asked not to be identified said the office atmosphere has been "very disappointing to me, because I'm really quite happy here and the work is fascinating. But people are so demoralized and in such a funk. It's an atmosphere of absolute dejection."

That lawyer complained that Bassios is not a "people-oriented person. People are not treated with any kind of respect or compassion. I don't feel threatened, but I am troubled by it."

One staff lawyer who came to the Bar last year expressed keener disappointment. "I thought coming to work for the State Bar was a prestigious thing to do, something I could take pride in, and that's just not so," that lawyer said.

Defense counsel Margolis, who spent 13 years with the Bar and was a senior trial counsel when he left, said dissatisfaction among staff attorneys at the Bar is "obvious to me as defense counsel in pretty regular contact with staff attorneys."

"There has been no real change in management," said Margolis. "The people running the disciplinary function are the same people, with a new face for public and legislative [purposes]."

"My experience in dealing with the staff attorneys demonstrates that they have made the problems clear to upper management, and there has been nothing done to correct things. Morale is catastrophic, and many people are looking for work."