

# Key report expected to cite weaknesses in attorney discipline

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SACRAMENTO — The state bar discipline monitor's first report to the Legislature — 176 pages long with more than 250 pages of exhibits and the results of interviews with 100 persons — will be released Monday in a news conference at the state Capitol.

Robert Fellmeth, director of the Center for Public Interest Law at the University of San Diego, will announce the results of his first five months' review of the oft-criticized system of lawyer discipline administered by the State Bar of California.

Although no advance details of Fellmeth's findings are being released until the Monday news conference, the report is expected to point to major weaknesses in and possible legislative remedies for the beleaguered state bar disciplinary process.

The monitor position, believed to be the only one of its kind in the nation — was the result of legislation by Sen. Robert Presley, D-Riverside. The bill was a compromise measure designed to give the bar an opportunity to "clean its own house," as some critics put it, rather than be stripped of the responsibility for lawyer discipline altogether.

The monitor is appointed by and reports to Attorney General John Van de Kamp. Established with a legislative appropriation of \$90,000 for the first five months of the study, additional appropriations and modifications of the study will be made after the preliminary report is released Monday.

Fellmeth, a law professor and

former Ralph Nader activist who directed a controversial report on Congress in the 1970s, has been assisted in his study by University of San Diego attorneys James Wheaton, Julie D'Angelo and Kelly Salt.

Special Assistant Attorney General Richard Jacobs, Van de Kamp's staff liaison with the monitor, said Fellmeth's review "is really the first full-scale review" ever conducted of the bar's disciplinary process. He said he expects the monitor's report to present "an entirely accurate picture" of the system.

D'Angelo, a supervising attorney in the center's San Diego office and one of the three attorneys who worked with Fellmeth on the report, said the team interviewed 100 persons. She said the monitor and his staff reviewed bar documents and conducted "considerable on-site" review of bar discipline procedures. A follow-up report is planned Nov. 1.

D'Angelo said copies of the report will be given to members of the state Senate and Assembly judiciary committees, the Senate Rules Committee, the California chief justice and the attorney general. She said an earlier 150-page draft of the text was reviewed by top state bar officials, and their comments were included.

Paulette Eaneman-Taylor, senior executive for discipline at the state bar, said the disciplinary process "is being improved and is undergoing a number of changes. The state bar is open to making changes."

The disciplinary staff has increased 38 per cent in the past two years to 285 positions, including 55 attorneys in the Office of Trial Counsel — the bar's principal prosecuting arm — and 60 investigators' positions, including 10 added in March.

Eaneman-Taylor said 10 of the 55 Office of Trial Counsel attorney positions are vacant, and 12 resignations have occurred there. Salaries comparably lower than other similar positions have been cited in some resignations, and Eaneman-Taylor said the bar is reviewing attorney salary schedules.

"We are concerned about attorney salaries," she said. "Entry-level salaries appear to be low."

Anne Charles, the bar's media relations director, said 8,574 complaints against California lawyers were received by the bar in 1986, up from 7,981 in 1985. A persistent backlog of complaints is being reduced — from 3,919 in March 1986 — the highest ever — to 2,439 last April.

From February 1986 to April 1987, Charles said the complaint backlog dropped by 38 percent.

She said 107 disbarments were recommended to the California Supreme Court by the bar in 1986, an 81-percent increase over 1985, when 59 were recommended. The court actually disbarred 69 lawyers in 1986, Charles added, more than double the 34 disbarred in 1985.

Charles said nearly 103,000 lawyers are licensed to practice in California, and an estimated 92,000 are active.