



IS THE LAWYER ON THE OTHER SIDE GETTING IN THE WAY?

Consider the CMBA's Professionalism Conciliation Panel

Heather Zirke

You have an adversarial matter that you are trying to move forward — to a settlement, to an agreement or to an eventual trial — but you are being stymied because opposing counsel constantly fails or refuses to cooperate with respect to basic procedural matters. What can you do, especially when the busy judge who is presiding over the case has neither the time nor the inclination to become involved with such problems, believing, quite understandably, that licensed lawyers should know how to deport themselves in a professional manner?

This is where the CMBA's Professionalism Conciliation Panel can be of help.

The CMBA's Professionalism Conciliation Panel was created to help improve the department of lawyers in Cuyahoga County in their interaction with each other and with courts. The Panel uses the Statement

of Professionalism issued by the Supreme Court of Ohio in 1997 and the Lawyer's Creed of Professionalism adopted by the CMBA in 2013 as the guiding principles for the program.

A lawyer or judge who believes that the conduct of a lawyer, or of multiple lawyers, has been inconsistent with the Principles of Professionalism and that the assistance of the Panel may help alleviate the situation may call (216) 696-3525. Bar Counsel will make an initial determination as to whether the call should be referred to the Panel or whether the call gives rise to a possible grievance under the Rules of Professional Conduct (and should therefore not be referred to the Panel). If Bar Counsel determines that the matter falls within the purview of the Panel, Bar Counsel will send the information on to a member of the Panel.

Upon receiving the information from Bar Counsel, the Panel member will contact the caller to obtain more information. After that, the Panel member will contact the lawyer who is the subject of the call. The identity of the caller who made the report will be given to the lawyer unless circumstances warrant keeping the identity of the caller confidential.

If the Panel member decides the behavior complained of by the caller is inconsistent with the Principles of Professionalism, the Panel member may provide a copy of the applicable principle to the lawyer as a means of persuading the lawyer to change his or her conduct. The Panel member may take further steps as needed to help resolve the situation through informal discussions, counseling, mediation or other action to

help the lawyer act in a manner consistent with the Principles of Professionalism in the future.

The conciliation process is **confidential** and is entirely voluntary. The purpose of the conciliation is to improve the atmosphere or climate in which lawyers are interacting with each other or with the court.

One recent caller who used the services of the Panel said, "It was great to have someone to turn to in order to help get a thorny professionalism issue solved! The panel definitely fills a need."

The distinguished Panel members who have been appointed to carry out the purposes of the Panel are:

- Marvin L. Karp, Chair
- Deborah A. Coleman
- Frank R. DeSantis
- Barbara K. Roman
- Karen E. Rubin
- Niki Z. Schwartz
- Roger M. Synenberg
- Adrian D. Thompson
- Michael N. Ungar

The CMBA strongly urges all Cuyahoga County lawyers and judges to make use of this program and to thereby help improve the level of professionalism in this community. Therefore, do not hesitate to call Bar Counsel if you have a situation that you believe can benefit from this procedure or if you would like further information.

Heather Zirke serves as Bar Counsel for the CMBA. She has been with the CMBA since 2005. She can be reached at (216) 696-3525 or hzirke@clemetrobar.org.

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