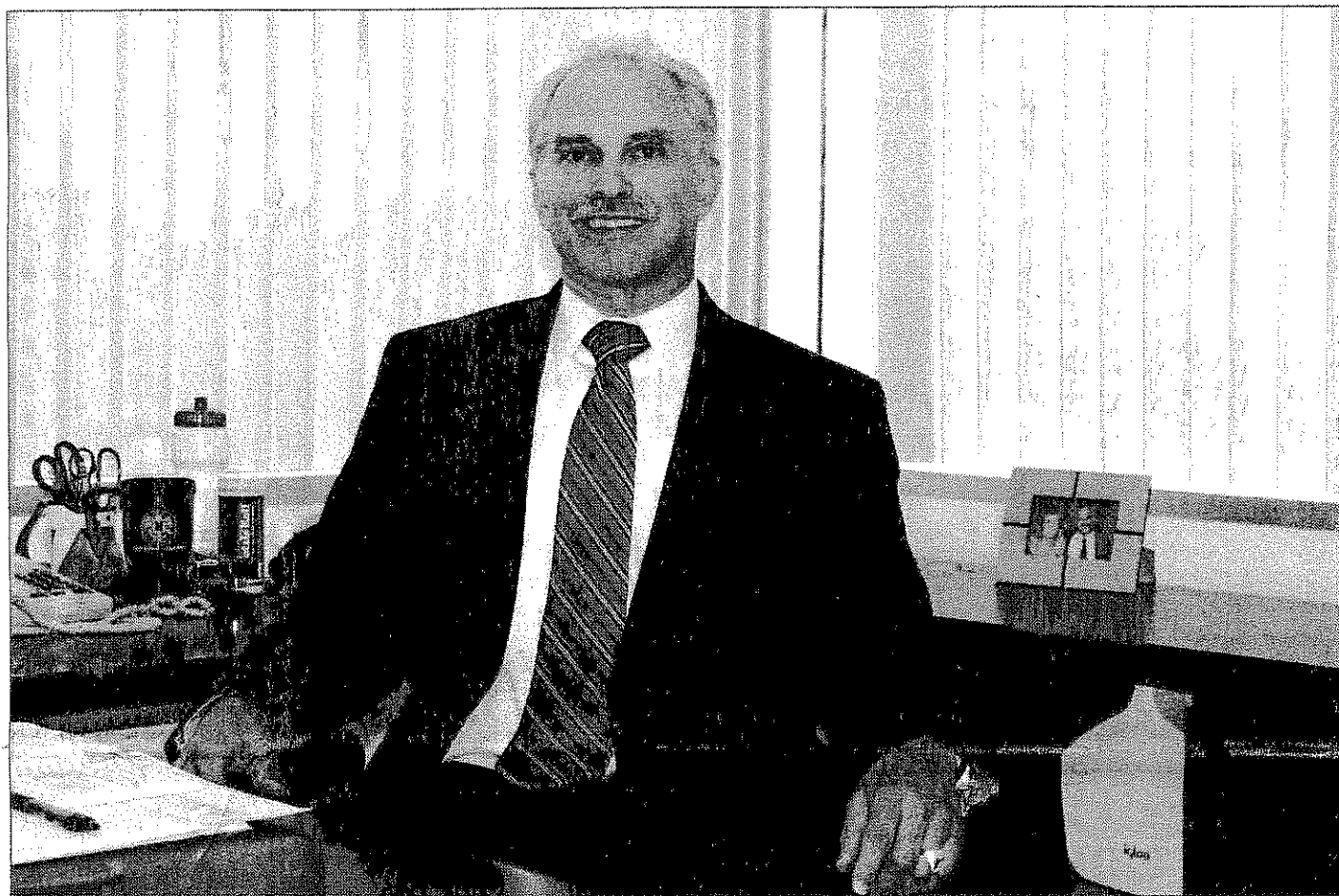


# GRACEFUL EXIT



Don DeBenedictis/ Daily Journal

Murray B. Greenberg

## Rescue plan for older lawyers

*Attorney exploring alternatives to disbarring aging or ill lawyers*

By Don J. DeBenedictis  
Daily Journal Staff Writer

LOS ANGELES — Soon after Murray B. Greenberg started working as a lawyer for the State Bar, he was assigned to oversee all the cases in which the bar took over the practices of lawyers grown too old or ill to function or who had died or been disbarred.

“It was quite an eye-opener,” he said, “especially solo practitioners not having a safety net for their practices.”

Two decades later, the problem of lawyers who are infirm and can't safely practice still matters to him. Greenberg took office this month as president of the National Organization of Bar Counsel, and one of his first acts was to launch a study of how to put such lawyers on “permanent retirement” as an

alternative to disbarring them.

The problem is important because all lawyers of the baby boom generation are moving into their 60s, but many can't retire because of the poor economy. G. Fred Ours, the Louisiana deputy disciplinary counsel who chairs Greenberg's new special committee, calls what's coming a “tsunami.”

The committee's goal over the coming year

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# Lawyer aims to dignify older attorneys

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is to propose a model rule and best practices for a disciplinary category "that accomplishes the protection of the public but at the same time doesn't take a guy who's practiced for 50 years ... and cut him off at the knees," Ours said.

"After 40 or 50 years in practice with no discipline, do we want to let them go out with some semblance of dignity?" Greenberg said.

That attitude of wanting to help lawyers even as he has them disciplined is classic Greenberg, defense attorneys say.

"He's very compassionate," said Paul J. Virgo, a defense lawyer who used to work with Greenberg as a prosecutor. "He'll give you the bad news, but you don't feel it."

Arthur Margolis said Greenberg is very fair. "He never, ever lied to me once, and I know he never will," Margolis said. "He is exactly what the State Bar needs more of."

Lawyers say he's also is a very nice man. "He's the guy I call when I'm having an anxiety attack," said Diane Karpman. "He's the force that keeps everybody calm throughout the defense bar."

He is the bar prosecutor "who is able to translate the words of the defense bar to his office," she said.

Greenberg's view of the State Bar's latest discipline-related controversy displays the same calm, moderate attitude. The state Supreme Court recently sent back two dozen proposed discipline plea bargains to the bar for further consideration, sparking widespread belief the court wants the bar to get tougher.

But he isn't so sure. "I don't see it that way," he said. "A lot of the rhetoric, I take with a grain of salt. Let's wait till the dust settles."

Greenberg's bosses likes him, too. Jayne Kim, the bar's chief trial counsel, said he's an excellent choice to lead the national organization because he has "the perfect temperament to bring people together in a collaborative and productive way."

Scott J. Drexel, who held Kim's post in 2005-09, also likes Greenberg. "He's very collegial, very knowledgeable."

But his kindly demeanor shouldn't

"discredit him as a prosecutor," said Judy Johnson, another former chief trial counsel. "He's serious about the work ... but he doesn't take himself too seriously."

Greenberg began his legal career as a deputy public defender in Chicago. Some of the prosecutors he faced regarded defense lawyers as their enemies. "I never felt that way," he said.

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"Yes, we are adversaries in certain ways. You can disagree without being disagreeable."

Greenberg grew up in Chicago, where his father worked a series of odd jobs for a time and sometimes took his son along to stock pharmacy shelves or to candle eggs, or hold them up to light to check for those with problems.

He worked for Columbia Records while attending the University of Illinois and went to the Chicago-Kent School of Law with the hopes of going into entertainment law.

Instead, he became an investigator for the local public defender's office, staying on as a deputy after getting his law degree in 1979. Still dreaming of the entertainment industry, he moved to Los Angeles in 1987 with no prospects.

He ended up working as a paralegal and investigator for a pair of well-known criminal defense lawyers in Sana Monica, Michael Nasatir and Richard G. Hirsch.

Eager for the employment stability his father hadn't always had, in 1988 Greenberg took a position with the State Bar, first as an investigator and then as a prosecutor. He has been there ever since, almost.

Over the following nine years, he handled some major cases, includ-

ing one against a family law attorney accused of trading legal work for sex from at least 13 female clients. The attorney committed suicide the evening before his State Bar trial was to begin.

The death shook Greenberg. "Yes, he lost his moral compass, but we don't want harm to come to any of them," he said, referring to lawyers in trouble. "If there's a way we can protect the public but get ... an attorney back on track, we're happy to do it."

The gap in Greenberg's bar career came in June 1998 when he and 400 other employees were laid off following Gov. Pete Wilson's veto of State Bar dues legislation. He found a job with Los Angeles County handling juvenile dependency cases, but he returned to the bar in February 1999 once the Supreme Court restored limited funding.

When he returned from layoff, he was put in charge of cleaning up the 7,000 complaints against lawyers that had sat untouched while the State Bar was largely shuttered. "I love a challenge," he said.

As he and his staff worked through the files one by one, the massive backlog slowly shifted from the office's intake section to its investigative section and then on to "notice drafting," where formal complaints are drafted.

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— Diane Karpman

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Greenberg followed the backlog. "He's a fixer," Karpman said of Greenberg.

When Drexel became chief trial counsel, he put Greenberg in charge of the audit and review section. That unit gives a second look to cases when aggrieved clients are upset when the bar closes out their complaints without seeking discipline.

"There was a huge backlog in that unit," with some cases sitting around for up to a year untouched, Drexel said. The assignment wasn't very glamorous, but Greenberg revamped systems and boosted the quality of case review, Drexel said.

"Murray has a can-do attitude," he said.

Over the following several years, Greenberg and his staff whittled the time that review requests lingered from many months to a few weeks. Then, in 2010, a new chief trial counsel closed the audit unit as part of a restructuring of the office.

Greenberg moved back to the intake section, where he remains today. The 20 drawers of pending complaints that greeted him there in 1999 is down to one drawer that he empties out each week, he said.

He's a good fit for units like intake or audit and review that deal directly with aggrieved clients, former boss Johnson said. "Consumers love him," she said. "He's always nice to them, he listens to them. They appreciate that."

Greenberg is the first Californian to lead the National Organization of Bar Counsel in 19 years. The group includes discipline and ethics authorities from 75 state and federal jurisdictions, including some from Canada and Australia.

Beyond the issue of permanent retirement for elderly or impaired lawyers, which he said "is near and dear to my heart," Greenberg also wants to help young people who aren't yet lawyers.

He plans to continue a push by his predecessor to improve ethics and professionalism education in law schools. Professionalism, in particular, needs to be re-emphasized, he said.

"We're all colleagues here. We don't have to win at all costs.

"Professionalism means more than just following the rules and regulations," he said. "Yes, you can stay out of trouble, but that doesn't mean you have to be a jerk."

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