Friends and Family

We have just concluded the holiday season, with its traditional spending time with family and friends. Although it can be a time of good feelings, this season can also be stressful. The combination of financial pressures and the emotional demands of close relationships can make it difficult to maintain a healthy balance. In this article, we will explore some of the ethical and legal issues that may arise in these situations.

When it comes to professional responsibility, it is important to recognize the potential conflicts that can arise when handling matters involving close relationships. For example, if you represent both a client and their family member, you may be required to disclose this information to your client and obtain their consent before continuing to represent them. This is to ensure that your representation of the client is not compromised by your personal relationship with their family member.

In addition to these typical issues, there are also some less obvious considerations that need to be addressed. For instance, if you represent a family member in a legal matter, you may need to consider whether you are providing legal advice that is in the best interest of the client or whether your advice is being influenced by your personal relationship with them.

It is important to remember that regardless of how close you are to the client, your professional obligations remain the same. This means that you must always act in the best interest of your client, even if that means going against your personal feelings. By doing so, you can ensure that your representation of the client is not compromised by your personal relationships.

In conclusion, it is essential to approach legal matters involving close relationships with care and diligence. By following the ethical and legal standards outlined in this article, you can ensure that your representation of the client is not compromised by your personal relationships. This will help to maintain the integrity of the legal profession and protect the interests of your clients.
contact, when the motive is pecuniary, only with family members or individuals with whom the lawyer had a prior professional relationship. Now the lawyer is permitted such contact with individuals with whom the lawyer has a "close personal" relationship.

Why the differing treatment? Solicitation of legal business does not involve the transfer of possibly large amounts of money or property to the lawyer or her family, as does the drafting of a will or deed. The potential for an overly elastic interpretation of who is such a close, personal friend (or family-like person) is therefore less of a concern in the solicitation situation. Individuals who have such a relationship with the lawyer may well turn to the attorney naturally to handle their legal affairs. Thus, the need for time to reflect or seek independent advice does not seem as essential in this situation. Complaints concerning in-person or telephone solicitation of legal business are uncommon, so it may take some time to determine whether the addition of the "close personal" relationship to the rule's exceptions will have much impact.

OTHER RULES

Family relationships figure prominently in certain other rules connected with the lawyer discipline system. For example, Rule 30, Rules on Lawyers Professional Responsibility, established an administrative suspension for an attorney who is in an attorney agency of maintenance or child support and who has not entered into a payment agreement. Upon receipt of a court order or report from an administrative law judge pursuant to Minn. Stat. §518.551(12), the Director's Office shall take a motion with the Supreme Court requesting administrative suspension until the arrearages are paid or the attorney enters into a payment plan.

Finally, attorneys who failed to comply with the requirements for continuing legal education (CLE) and were then placed on restricted status—once had particular reason to attend to their family relationships. Prior to 2000, an attorney on restricted status was authorized to represent himself and certain close relatives. Under Rule 12, Rules of the Board of Continuing Legal Education, a restricted attorney is now prohibited from representing anyone except himself or herself. Many lawyers remain unaware of this change, thinking that they can still represent their spouse or child in a legal matter despite their non-compliance with CLE. Such representation would constitute the unlicensed practice of law and violate the MRPC.

The support of caring family and friends can be a blessing. Handling legal matters for family and friends, however, can create professional responsibility issues that must be recognized and dealt with appropriately.

NOTES

A clear example of such a situation may be found in In re Perry, 494 N.W.2d 350 (Minn. 1992).

Another rule, 8.4(F), was dealing with matters connected with the lawyer discipline system. For example, Rule 30, Rules on Lawyers Professional Responsibility, established an administrative suspension for an attorney who is in an attorney agency of maintenance or child support and who has not entered into a payment agreement. Upon receipt of a court order or report from an administrative law judge pursuant to Minn. Stat. §518.551(12), the Director's Office shall take a motion with the Supreme Court requesting administrative suspension until the arrearages are paid or the attorney enters into a payment plan.

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