

A LITTLE PROFESSIONAL CIVILITY MAY GO A LONG WAY

by

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Complaints to the Minnesota Office of Lawyers Professional Responsibility often include allegations that the respondent attorney was rude, unprofessional, unsympathetic, or was just a plain old jerk. There is no shortage of discussion by attorneys about how professional civility seems to have gone out the window. Of course, it seems that questions like this are brought up in every generation. If we could speak to lawyers from 100 years ago, perhaps they would be having the same discussion about professional civility.

As modern technology has evolved, so has the OLPR director's office. Now, a complainant can merely search on the Internet for generic terms like "Minnesota lawyer complaints" or "how to file a complaint against a lawyer in Minnesota" and be directed to the director's office website. Our website (lprb.mncourts.gov) has a quick link on the main page that allows someone to file a complaint right on the website. Complaint forms are also online in five languages (English, Spanish, Russian, Hmong and Somali). Filing a complaint has never been easier for complainants in Minnesota. In fact, it is estimated that the director's office will receive approximately 1,300 complaints this year, which is a slight increase over 2013.

Attorneys should be mindful that a lack of common courtesy or civility is often one of the reasons that someone files a complaint. (The attorney's fee is another common reason that complaints are filed.) If the complaint is only that the attorney was rude, used harsh language or exhibited bad manners, the director's office would not investigate the complaint because even though such conduct would fall short of the profession's best standards, such conduct would not necessarily violate a Rule of Professional Conduct.

However, it is fairly common for a complaint that includes allegations related to a lack of professionalism to also contain other allegations that may need to be investigated. Thus, if an attorney wants to avoid having a complaint filed and a possible investigation, an increase in professional civility might be a good idea.

It might be as simple as remembering that, as lawyers, we spend most of our workday dealing with the law; to the client, however, it could very well be the only time in their

lives that they are meeting with a lawyer. A client may be frustrated because they don't fully understand some legal words that you use day in and out and may be too embarrassed to ask you what the terms mean.

It might be as easy as understanding that when a client fires you it is not a personal statement on how competent you are as a lawyer.

It might be as easy as being respectful of opposing parties and opposing counsel.

It might be as easy as understanding that perhaps there is value in granting the opposing parties' request for a continuance.

It might be as easy as not responding in anger to an email or other correspondence that upsets you.

It might be as easy as promptly refunding unearned money to a client.

Sometimes a little professional civility goes a long way in preventing complaints.