

ETHICS COMPLAINTS DECLINE

By

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The number of complaints filed against Minnesota attorneys declined substantially in 1983. During the past year, 921 new files were opened, compared with 1,013 in 1982. The decline in the number of complaints is particularly heartening since the number of licensed Minnesota attorneys increased by about 700 in 1983.

Of the 921 complaints received, almost 25 percent of them were summarily dismissed without investigation. This occurs when we determine that the allegations of the complaint, even if true, do not constitute an ethics violation. The remaining 701 complaints were investigated either by the district ethics committees or by the Director's office.

The decline in the number of new complaints permitted the Director's office to continue to reduce the backlog of disciplinary matters which had reached alarming proportions about two years ago. 968 files were closed during 1983, which is the second consecutive year in which more files have been closed than opened. This was only the third year in the Board's 13-year history in which closings outpaced new filings.

Of the 968 files closed, 806 or 83.3 percent were closed with a determination that discipline was not warranted. Seventy-five files were closed with administrative discipline. Most of these filed (69) involved admonitions, with six involving private stipulated probation.

There were 80 files closed with a notation of supreme court discipline. Since public disciplinary dispositions often involve multiple files, there were, of course, far fewer than 80 lawyers publicly disciplined.

The foregoing statistics are not dissimilar from those of recent years. They reflect that the vast majority of files handled by our office result in determinations of no discipline. In those cases where discipline is imposed, most lawyers receive private admonitions or private stipulated probation. In only a few cases are lawyers disciplined publicly. But how do these statistics compare with other states?

A 1981 American Bar Association survey of U.S. discipline agencies reveals that there is a tendency on the part of Minnesotans to complain against attorneys more frequently than in other states. In 1981, there were approximately 16 lawyers per complaint, compared with 24 lawyers per complaint nationally. On the other hand, serious discipline was less likely in Minnesota than in other states. There were 929 lawyers per public disciplinary disposition in Minnesota, compared to 386 per public disposition nationally. There were 1,444 lawyers per suspension or disbarment in Minnesota, compared to 1,165 lawyers per suspension or disbarment nationally.

While statistics may be cited to prove many things, these are my own conclusions:

1. The number of complaints filed reflects the Board's visibility and the confidence the public has in it. The high standards Minnesota consumers have also contribute to the complaint numbers.
2. The high standards of the practicing bar are reflected in a lower incidence of severe discipline.
3. The higher incidence of complaints does not deter the Board and Director from disposing efficiently of the frivolous complaints and focusing on the serious matters. Nor based upon this data can the Bar complain with justification that Minnesota discipline is too severe.

On the whole I believe the Bar and the public are well served by the system.