

PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

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TAKE HEED!

Two recent decisions in disciplinary matters should be taken to heart by the profession.

An attorney who admitted willfully and knowingly failing to file Federal and State income tax returns was placed on probation, largely because this same action had been taken by agreement with other attorneys guilty of the same offenses. However, the Court said:

“Hereafter, absent extreme, extenuating circumstances, a failure by an attorney to file Federal or State income tax returns will result in either suspension or disbarment.”

If there are any attorneys who are in default in filing income tax returns, either State or Federal, or who are otherwise in violation of the State or Federal income tax laws, we advise them to make their peace with the tax authorities immediately.

Also, the Supreme Court recently publicly censured a lawyer who had consistently neglected legal matters entrusted to him, in violation of the Code of Professional Responsibility of the American Bar Association and adopted by the Supreme Court. The Court limited its action to a severe censure for two reasons. First, there were extenuating circumstances, and secondly, complaints of this kind, until recently, were not always made the basis for charges for disciplinary actions. The Court, however, then said:

“Attorneys have now been advised by the Administrative Director of Professional Conduct that neglect in disposing of legal matter which are accepted is a violation of the Code of Professional Responsibility adopted by this Court, and that disciplinary action will be taken on matters of that kind in the future.”

The Court concludes its opinion by saying:

“... we again state for the benefit of the bar that neglect in disposing of legal matters accepted will in the future be considered a violation of the Code of Professional Responsibility. Attorneys should not accept more work than they can handle. They should either decline to accept the work or they should procure whatever help is necessary to handle it properly.”

