

## REPORT . . . LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By

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*Editor's Note: By way of introduction to Walt Bachman, Administrative Director, of the Lawyer's Professional Responsibility Board — as promised in the May/June issue of BENCH & BAR — a brief biography is indeed in order. Walter Bachman graduated Summa Cum Laude from the University of Minnesota in 1966 with a B.A. in Political Science. He was a Student Body President, and was also a member of Phi Beta Kappa, and was awarded a General Motors Scholarship. He attended Exeter College, Oxford University, Oxford, England, earning an M.A. in law, (Jurisprudence) in 1968, with Second Class Honors . . . through a Rhodes Scholarship. He attended Stanford Law School, earning a J.D. Degree in 1970, and participated in Legal Aid Society activities. He served on the faculty of the Stanford Law School as a Teaching Fellow in the field of Legal Writing. He was a member of the law firm of Gray, Plant, Mooty and Anderson as an Associate Attorney from 1970 to 1971. He formed the law firm of Broeker and Bachman, in 1971 where he served until his appointment to his position as Administrative Director, Lawyers Professional Responsibility Board, effective June 1, 1976. He has been admitted to practice before the Minnesota Federal District Court and Eighth Circuit Court of Appeals, and has been involved in civil litigation and appellate matters. Indeed, Walter Bachman brings to his position impressive scholarly qualifications, honors and experience. And if the "first impressions" noted in his initial column are any indication, the Bar can expect an active, constructive and meaningful Lawyers Professional Responsibility Board in the year's ahead.*

Having held the position of Administrative Director for only two months as of this writing, I am in no position to make sweeping generalizations as to the image of the legal profession or the state of professional discipline. Such observations as I have to offer at this point are in the nature of miscellaneous first impressions.

During the month of June, we received 67 new complaints of unprofessional conduct against Minnesota attorneys. This figure exceeds the largest number of complaints received during any previous month of the five-year existence of the Lawyers Professional Responsibility Board.

Consistent with the experience of previous Administrative Directors, the bulk of our complaints continue to arise from alleged neglect of clients' affairs, dilatory practice, and failure to communicate with clients. However, I have been surprised at the diversity of complaints received. Citing a few examples:

1. **Solicitation**—We have received several complaints of alleged solicitation, most of which arise in the personal injury area.
2. **Advertising**—We have several new complaints which have enclosed copies of newspaper advertisements, handbills, and mailings which are clearly violative of the existing disciplinary rules.
3. **Trust Fund Misuse**—Three new complaints allege that an attorney has appropriated trust account funds to pay an attorney's fee known to have been disputed by the client. Investigation of other complaints has shown that some attorneys routinely fail to deposit clients' funds in a trust account.
4. **Conflicts of Interest**—It is apparent from our complaints that some attorneys fail to disclose financial, business, property, or personal interests which may conflict with their handling of a client's matters.

I hope to focus on each of the above issues in future issues of *Bench & Bar*.

I have also been surprised to encounter a significant minority of attorneys who fail to accept or understand the role of the district ethics committees or the Lawyers Professional Responsibility Board. In most cases, the attorney complained against is asked to make a detailed response to the complaint lodged. Some attorneys mistakenly believe that the request for such a response reflects an adoption of the complainant's allegations by the district ethics committee or the Administrative Director. By requesting a detailed response to a complaint, the district ethics committees are performing their duty to investigate all complaints thoroughly.

Another point which apparently bears repeating is the fact that ethics complaints, unlike civil lawsuits, are not automatically dismissed when the complainant states he is satisfied. Once a complaint has been filed, it may be dismissed only upon finding by the district ethics committee or the Lawyers Professional Responsibility Board that no unprofessional conduct was committed. Satisfaction of the complainant is important—but not dispositive.

Finally, I would like to remind all lawyers that our staff is available for consultation on ethics problems and issues. I was astounded to learn that we answer more than 1,000 telephone and written requests for ethics interpretations each year. Approximately half of these inquiries come from lawyers. We encourage such consultations, particularly by attorneys who are grappling with ethics issues.