

REPORT . . . LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By

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We continue to receive many complaints about the manner in which attorneys handle their financial obligations. Some of the complaints concern the personal financial obligations of attorneys. Others involve obligations incurred while rendering professional services for clients.

We do not believe that we should serve as a collection agency for creditors of attorneys. District Ethics Committees and the Lawyers Professional Responsibility Board are generally inappropriate forums in which to litigate the validity and amount of an alleged debt and the defenses thereto. Moreover, the vast majority of cases involving the personal financial obligations of attorneys fail to raise any ethical issues. Consequently, we usually summarily dismiss such complaints and advise the complainants to utilize the judicial system to seek relief.

Not all complaints of non-payment of personal obligations are summarily dismissed. Repeated complaints involving the same attorney may warrant closer scrutiny. Other exceptions are made when the complaint alleges fraud, misuse of the attorney's knowledge of the judicial system to hinder or delay the collection of a legitimate obligation, or other acts of professional impropriety covered by the Code of Professional Responsibility. Because such complaints involve ethical issues, they are investigated in the usual manner. Even in cases where an ethical investigation is initiated, the complainants are advised to utilize the courts to obtain payment.

After the majority of complaints involving attorneys' personal obligations are screened there, unfortunately, remains a significant number of cases involving obligations incurred in the practice of law. Many professional obligations, such as those to office products suppliers, are treated like complaints involving personal financial obligations. Thus, in the bulk of such cases, the complainant is advised to utilize the judicial process to obtain payment, and the ethics complaint is dismissed.

Obligations to providers of services rendered to attorneys for their clients are covered by Opinion No. 7 of the Lawyers Professional Responsibility Board, which provides as follows:

**"Indebtedness Incurred for Professional Services
on Behalf of Client**

It is professional misconduct for an attorney to deny responsibility for the payment of compensation for services rendered by doctors, engineers, accountants, or other persons if the attorney has ordered or requested the services without informing the provider of the service, by express written statement at the time of the order or request, that he will not be responsible for payment.”