

REPORT . . . LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By

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Although I am only in my second month as Administrative Director on Professional Conduct, I have been involved in the lawyer disciplinary process for about two years, first as a member of the Hennepin County Bar Association Ethics Committee, and subsequently as a member of the staff of the Lawyers Professional Responsibility Board. In this, my initial *Bench & Bar* column, I offer some miscellaneous observations on the lawyer disciplinary process in Minnesota.

Of paramount importance is the role played by the District Ethics Committees throughout the state. Over 600 complaints are received annually, and the vast majority of them are initially investigated by the District Ethics Committees. Scores of volunteer lawyers and lay persons throughout the state spend countless hours investigating complaints and drafting reports and recommendations. The value of input from practicing attorneys and citizens who live and work near the attorney complained against cannot be measured. Without the local District Ethics Committees, the cost of lawyer discipline would increase sharply and the work of our office would be hampered severely.

Almost all attorneys complained against voluntarily cooperate with both the District Ethics Committees and our office in the investigation of complaints. Such cooperation is not only appreciated, but also facilitates the prompt disposition of complaints. A significant minority of attorneys, however, resist, at least initially, the efforts of investigators to obtain information concerning the complaints. The Minnesota Supreme Court and the Lawyers Professional Responsibility Board have repeatedly held that attorneys have an affirmative obligation to cooperate with the investigation of ethics complaints against them. "Stonewalling" only delays the final disposition of complaints and may itself be a separate ground for the imposition of discipline.

The bulk of our complaints continues to arise from alleged neglect of clients affairs, dilatory practice, and failure to communicate with clients. Complaints of these types, especially those involving failure to communicate, are avoidable. The implementation of systems for responding promptly to client communications and for keeping clients informed of important developments in their cases significantly decreases the chances of complaints for failure to communicate.

I hope to emphasize the educational and information functions of our office. We receive numerous telephone and written inquiries for ethics opinions each year. I hope that all lawyers will feel free to consult our staff concerning ethics problems and issues.