

PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

By

R. Paul Sharood, Administrative Director
Minnesota Office of Lawyers Professional Responsibility

Reprinted from *Bench & Bar of Minnesota* (September 1975)

BROKEN PROMISES

I wonder how many of our brethren remember that the oath they took at the time of their admission to the bar reads as follows:

"You swear that you will support the constitution of the United States and that of the State of Minnesota, and will conduct yourself as an attorney and counselor at law in an upright and courteous manner, to the best of your learning and ability, with all good fidelity as well to the court as to the client, and that you will use no falsehood or deceit, nor delay any person's cause for lucre or malice. So help you God." (Italics supplied)

From complaints that are received by District Ethics Committee and by this office, it is apparent there are far too many lawyers whose clients are not served with "all good fidelity". Promises made to the client, to the Ethics Committees, and to this office that the lawyer is giving close attention to the matter at hand are too often broken. DR 6-101(A)(3) of the Code of Professional Responsibility provides that "a lawyer shall not neglect a legal matter entrusted to him". It happens with some frequency that the attorney will develop such a mental block that he cannot perform even a relatively small task notwithstanding his repeated promises that he will do so without further delay.

More often, as in the case of probate proceedings, the attorney causes his full fee to be paid before the administration is completed. Because further effort on his part produces no compensation, he ignores the matter for other work in process which is profitable. The list of persons to whom promises are made, and later broken, is broadened to include the probate or county judge and members of his staff.

But I assure you of one promise that will not be broken: That we will seek the imposition of sanctions upon those whose track record of performance leaves much to be desired.