

PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

By

R. B. Reavill, Administrative Director
Minnesota Office of Lawyers Professional Responsibility

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MORE ABOUT COMMUNICATION

The Arizona Bar Association reports:

“Nearly two-thirds of all complaints filed with the State Bar office are based on an alleged inability of clients to communicate with their attorneys. The frequency and volume of such complaints make it appear that many attorneys are not giving enough attention to keeping their clients informed of the progress of their cases.”

Our percentage of this type of complaint is not as high as Arizona, but is altogether too high, having in mind that the failure of a lawyer to keep his client and others entitled to information informed is inexcusable.

I recognize that occasionally a client will make a nuisance of himself by making unnecessary telephone calls and writing unnecessary letters. However, this is not the usual thing, and when it occurs, the lawyer is probably best advised to get rid of the client.

A lawyer who has an employee who fails to keep the lawyer informed of matters he should know about would fire the employee. I suggest that the client who is not kept informed of the progress of his matters should fire the lawyer.

If all lawyers would put themselves in the position of their clients, and would keep in mind that the business they are handling is not their business but the client's business, this type of professional misconduct should cease.

Lawyers are professionals. They should conduct themselves as such. A great majority of them do. The comparatively few who do not will have to measure up or face the consequences.

OPINION NO. 3

It is improper for a part-time judge, or his partners or associates, to practice law in the court on

which the part-time judge serves, or in any court of record subject to the appellate jurisdiction of the court on which the part-time judge serves.

Adopted: November 1972

MEMO

Standards of Professional Responsibility adopted by the Supreme Court of Minnesota on March 29, 1972, provide:

“A part-time judge should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, nor act as a lawyer in a proceeding in which he has acted as a judge or in any other proceeding related thereto”

Opinion #203 of the New York State Bar Association Committee on Profession Ethics states:

“The relations of partners in a law firm are such that neither the firm nor any member or associate thereof may accept any professional employment which any member of the firm cannot properly accept.”

To the same effect is Opinion #257 of the New York State Bar Association Committee on Professional Ethics.

Formal Opinion No. 142 of the American Bar Association Ethics Committee holds:

“It is improper for an attorney or his partners to practice in a court over which he occasionally presides as judge pro tempore, whether a state statute authorizes the practice or not.”

In Opinions 49, 50, 72, 103 and 104 of the American Bar Association Ethics Committee, it is held that neither a law firm nor a partner thereof can properly accept employment which any member of the firm cannot properly accept.

Canon 9 of the Code of Professional Responsibility provides that a lawyer should avoid even the appearance of professional impropriety.