

**PROFESSIONAL
RESPONSIBILITY
AND DISCIPLINE**

By

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COOPERATION WITH DISCIPLINARY AGENCIES

Subject only to the self-incrimination clause of the Fifth Amendment as absorbed in the Fourteenth Amendment to the United States Constitution, lawyers charged with misconduct are obligated to cooperate with the district ethics committees and the State Board of Professional Responsibility in the investigation of complaints against them. Our Supreme Court has held that the failure of an attorney to cooperate with the disciplinary agencies is professional misconduct calling for discipline.

All district ethics committees are instructed, when a lawyer complained about fails to respond to three requests for answers to the complaints against him, to forward the file to the office of the Administrative Director. I then write the lawyer one letter, certified mail, in which I notify him that unless he makes an immediate response to the complaints, I will assume that the complaints against him are true and will act accordingly.

As this is written, we are coming to the end of the second year of our existence. During this period, a number of lawyers have failed to respond to requests from the district ethics committees, but only two have failed to respond to the demand of the Administrative Director for such response. Petitions against these two lawyers have been filed with the Supreme Court, seeking discipline because of their neglect of legal matters entrusted to them and because of their failure to cooperate with the disciplinary agencies, neither of these lawyers having claimed privilege under the Fourteenth Amendment.

Unless a lawyer is in fact guilty of such misconduct as requires either his disbarment or suspension, he would be well advised to immediately respond to the district ethics committee or the Administrative Director with information concerning the complaints against him.

We know that many lawyers fail to measure up to the requirements of the Code of Professional Responsibility because of personal problems of such nature as to interfere with their ability to function. We know from experience that we can frequently work out the problems with which the lawyer is faced and thus permit him to continue as a useful member of the profession, at the same time fulfilling our cardinal obligation to protect the public, the profession, and the courts in aid of the administration of justice.

In an earlier article in *BENCH & BAR*, we pointed out that the members of the district ethics committees take time from a busy practice to serve on ethics committees without any compensation to themselves. They are entitled to the cooperation of all lawyers in the performance of their duties, and as we have pointed out, in most instances the lawyer complained about will serve his own best interests by affording such cooperation.