

PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

By

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December 31, 1975, will be my last day as Administrative Director of the State Board of Professional Responsibility. My three month service is the shortest tenure in the history of the Board. However, 90 days is an adequate time to form some definite opinions concerning the effectiveness of the disciplinary processes under the Court Rules on Professional Responsibility. Here are a few of my observations.

Overall, I am of the opinion that the basic plan of the Rules rightly emphasizes local participation in the disciplining of attorneys through use of the district ethics committees. This process is not only convenient, but also offers the opportunity for a solution of the complaint by those who are familiar both with the persons involved and with the environment in which the problem arose. On the other hand, the district ethics committee approach has its limitations. One is that some district ethics committee chairmen are more vigorous than others in pursuing their caseloads. A complaint of dilatory conduct which is not timely investigated leaves the complainant with a double bad taste. We must find ways to accelerate the fact-finding and decision-making process in disciplinary cases.

The addition of lay persons to the district ethics committees, as provided in the proposed amended Rules on Professional Responsibility, is already a practice in some districts. Such participation in the disciplinary process undoubtedly is the most important provision in the proposed amended Rules. These lay persons restore public confidence in the investigatory process and also offer valuable new insights which we lawyers often do not possess.

The thing that has impressed me the most during my service with the State Board of Professional Responsibility is the unselfish dedication of those persons, both attorneys and lay members, who serve on the Board of Professional Responsibility and on local ethics committees. These volunteers have contributed endless hours investigating allegations of unprofessional conduct. Their conscientiousness, sincerity, and impartiality is an inspiration. During the past month, I have sat with a district ethics committee holding a meeting at 7:30 A.M. in Minneapolis, and with another meeting at 7:00 P.M. in Duluth. I have spent the best part of several Saturdays working with Board members who have freely given their time to draft the new proposed Rules on Professional Responsibility. Would that the news media told this story of the contributions these lawyers are making to the betterment of the profession and to the good of the justice

system. The public has heard the tale of the tarnished lawyer. Yes, there is a job to be done. However, it is about time we started to tell the good news, too.