

## PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

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Reprinted from *Bench & Bar of Minnesota* (September 1973)

The Watergate Hearing has brought about a lot of discussion as to whether a lawyer is subject to discipline for misconduct committed by him while acting in some capacity other than that of a lawyer.

Whatever the answer may be in other states, it is clear that in Minnesota a lawyer guilty of misconduct while acting in some capacity other than that of lawyer is subject to discipline.

DR 1-102 of the Code of Professional Responsibility of the American Bar Association, which has been adopted by the Supreme Court of Minnesota, provides in part as follows:

“A lawyer shall not:

- (1) Violate a Disciplinary Rule.
- (2) Circumvent a Disciplinary Rule through actions of another.
- (3) Engage in illegal conduct involving moral turpitude.
- (4) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- (5) Engage in conduct that is prejudicial to the administration of justice.
- (6) Engage in any other conduct that adversely reflects on his fitness to practice law.”

All of the foregoing provisions are applicable to misconduct of a lawyer in whatever capacity he is acting when the misconduct occurs.

Some years ago, the Supreme Court of Minnesota disbarred a lawyer for misconduct committed by him as president of a corporation.

A Minnesota lawyer has been disciplined for using abusive language towards police officers following his arrest. Other lawyers have been disciplined for failure to file Minnesota and Federal income tax returns.

We wish to make it clear that the State Board of Professional Responsibility will take appropriate action against any Minnesota attorney guilty of misconduct reflecting on his fitness to practice law, wherever such misconduct occurs, within or without the state, without consideration as to whether such misconduct arises out of the practice of law or otherwise.