

PROFESSIONAL RESPONSIBILITY AND DISCIPLINE

By

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

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

THE BROKEN RECORD

As I thought about an article for *Bench & Bar*, I was reminded of the broken record, that over and over again gives forth the same few bars of music to the dismay of the hearer. It is not to my liking that I be identified with such an unpopular specimen of inanimity. But if I must, so be it.

The theme of my broken record continues to be a warning to the practicing attorney that repeated neglect of legal matters entrusted to him and failure to communicate with his clients may well result in his suspension from the practice of law, if not disbarment. It is with a complete sense of frustration that I continue to review files where those two areas of professional misconduct and personal irresponsibility are present. While the isolated instance may be venial, its repetition can be so cancerous as to require the imposition of severe sanctions.

It is not only the individual practitioner who is the culprit. I find too often the attorney initially retained refers the matter to a junior associate who, perhaps because of his lack of expertise, does not take over the file with due diligence, with consequent prejudice to the client; and who, perhaps because of his reluctance to admit that lack, fails to communicate timely with the client. However, the first attorney cannot absolve himself from responsibility by such reference. It is still his obligation to assure the client of competent representation and see that he is kept informed as the matter progresses.

Attorneys must recognize that their representation cannot be a record of broken promises and inadequate performance.