

**REPORT...**  
**LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

By  
Mike Hoover, Administrative Director  
Minnesota Office of Lawyers Professional Responsibility  
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**1980 PANEL ACTIONS**

The Rules on Lawyers Professional Responsibility provide that disciplinary proceedings are initially submitted to Panels of the Lawyers Professional Responsibility Board. The three options open to Panels are to dismiss the matter, to make a private disciplinary disposition, or to direct the filing of a public disciplinary petition in the Supreme Court.

In 1980, the number of public petitions filed remained at a high level. Panels directed the filing of 16 such petitions during the past year.

In addition, 42 other cases were considered by Panels during 1979. Dismissals were ordered in 15 cases and private warnings were ordered in 9 others. Panels also issued 4 private reprimands.

The remaining 14 cases resulted in a conditional stay of disciplinary proceedings subject to the lawyer's compliance with various conditions. The conditions imposed often included abstinence from alcohol, prompt completion of specific legal matters involved in the individual cases and supervision by an attorney acceptable to the Board. The periods of the conditional stays varied from one to five years. The Board's usual practice, assuming successful completion of what amounts to private probation, is the issuance of a private reprimand at the termination of the stay. Conditional stays were imposed in a variety of cases, but most often in those involving repeated neglect or failure to communicate with clients.

**WARNINGS ISSUED IN 1980**

Rule 8(c)(2), Rules on Lawyers Professional Responsibility, permits the Director to issue private warnings. The lawyer may either accept the Director's warning or request a hearing before a Panel of the Board. If he accepts the warning, the file is closed.

The following is a complete summary of the warnings issued to and accepted by lawyers during 1980:

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|----|--|----|
| 1. | Neglecting a legal matter — DR 6-101(A)(3) |    |
|    | (a) Probate                                | 18 |
|    | (b) Civil claims or civil litigation       | 9  |

(c) Real estate	5
(d) Family matters	2
(e) Criminal	1
(f) Corporate	1
	36
2. Improper assertion of attorneys' lien — DR 2-110, DR 9-102(B)(4), Formal Opinion No. 11	
(a) On client files	9
(b) On client funds	4
	13
3. Conflict of interest — DR 5-101 or DR 5-105	
(a) Civil claims or civil litigation	4
(b) Real estate	3
(c) Criminal	1
	8
4. Denial of liability for law office debts — Formal Opinion No. 7	7
5. False, fraudulent, deceptive or misleading statements or claims in advertising — DR2-101(A)	6
6. Direct contact with adverse party represented by counsel without consent of adverse counsel — DR 7-104(A)(1)	5
7. Failure to maintain reasonable communication (failure to respond to telephone calls or letters) — DR 1-102(A)(6) or DR 6-101(A)(3)	4
8. Improper withdrawal from litigation — DR 2-110	3
9. Threatening or enticing ethics complainant to withdraw complaint — DR 102(A)(5)	3
10. Failure to protect the interests of medical creditors after promise to do so — DR 1-102(A)(5)	3
11. Threatening criminal prosecution to attempt to	

	gain advantage for client in civil matter — DR 7-105	2
12.	Failure or refusal to cooperate with investigation of ethics complaint — DR 1-102(A)(5) and DR 1-102(A)(6)	2
13.	Failure to disclose to court information required by law to be disclosed — DR 7-102	1
14.	Failure to keep proper trust account books and records — DR 9-103	1
15.	Misrepresentation to personal creditors concerning ability to pay — DR-102(A)(4)	1
16.	Failure to honor arbitration agreement concerning attorneys' fees — DR 1-102(A)(5)	1
17.	Improper solicitation in writing under former DR 2-103(C)	1
18.	Improper advancements to client engaged in civil litigation — DR 5-103(B)	1
19.	Misrepresentation to court in brief — DR 1-102(A)(4)	1
20.	Misrepresentation to court to obtain continuance — DR 1-102(A)(5)	1
21.	Advancement of funds to adverse party without client consent — DR 7-101(A)(3)	1
22.	Charging interest on client fees without client consent — DR 2-106(A)	1
23.	Testifying in a matter where attorney acted as counsel — DR 5-101(B)	1
24.	Pursuing garnishment efforts despite actual	

	knowledge of the party's bankruptcy — DR 1-102(A)(5)	1
25.	Providing a creditor with pre-signed correspondence on law office stationary — Opinion No. 10	1
26.	False notarization — DR 1-102(A)(4)	1
27.	Associating counsel in a matter without the client's consent — EC 4-2	1
	Total Warnings Issued in 1980	107

A number of the warnings issued in 1980 involve more than one Code violation. In order to simplify our recordkeeping, only the most serious violation in an individual warning was recorded in the foregoing summary.

The 107 warnings issued during 1980 compare with 70 in 1979.