

**Office of Professional Conduct
Statistics on Complaints Received
2006-2007**

The Office of Professional Conduct ("OPC") collects and categorizes statistics every fiscal year which list the types of complaints received and the sources of those complaints. This information is included in an annual report to the Utah Supreme Court and is provided below to inform and educate lawyers about potential problem areas and to suggest renewed attention to the improvement of practices and conduct, rededication to high ethical standards and renewed commitment to professionalism and client services.

For informal complaints reviewed in fiscal year 2006 - 2007, in approximate percentages, the cases resulted in violations of the following Rules of Professional Conduct:

<u>Percentage</u>	<u>Rule</u>	
55.6%	1.4	(Communication)
40.7%	1.3	(Diligence)
27.8%	1.16	(Declining or Terminating Representation)
24.1%	8.1	(Bar Admission and Disciplinary Matters)
24.1%	8.4 (c)	(Misconduct - Deceit, Fraud, Misrepresentation)
22.2%	1.1	(Competence)
22.2%	8.4 (d)	(Misconduct Prejudicial to the Administration of Justice)
18.5%	1.5	(Fees)
16.7%	1.15	(Safekeeping Property)
11.1%	1.2	(Scope of Representation and Allocation of Authority)
9.3%	5.3	(Responsibilities Regarding Non-lawyer Assistants)
9.3%	8.4 (b)	(Misconduct - Criminal Act)
7.4%	3.2	(Expediting Litigation)
5.6%	1.7	(Conflict of Interest: Current Clients)
5.6%	3.3	(Candor Toward the Tribunal)
5.6%	3.4	(Fairness of Opposing Party and Counsel)
5.6%	5.5	(Unauthorized Practice of Law)
3.7%	3.7	(Lawyer as Witness)
3.7%	4.1	(Truthfulness in Statements to Others)
1.9%	1.6	(Confidentiality of Information)
1.9%	1.8	(Conflict of Interest: Current Clients: Specific Rules)
1.9%	4.2	(Communication with Persons Represented by Counsel)
1.9%	5.1	(Responsibilities of Partners, Managers & Supervisory Lawyers)
1.9%	5.4	(Professional Independence of a Lawyer)
1.9%	7.1	(Communication Concerning a Lawyer's Services)

The OPC's impression is that:

- Violations of **Rule 1.1 (Competence)** commonly derive from attorneys missing court appearances;
- Violations of **Rule 1.5 (Fees)** commonly arise from attorneys collecting fees without performing meaningful work;
- Violations of **Rule 1.15 (Safekeeping Property)** often arise from attorneys failing to promptly provide an accounting of how fees were used;
- Violations of **Rule 1.16 (Declining or Terminating Representation)** commonly result from attorneys withholding the client file upon termination of the representation; and
- Violations of **Rule 8.1 (b) (Bar Admission and Disciplinary Matters)** usually are based upon attorneys failing to respond to the OPC's lawful requests for information in the course of disciplinary investigations.

Accordingly, the OPC's CLE presentations often focus on helping practitioners avoid these particular problems.

Looking at the source for information received in fiscal year 2005 - 2006, in approximate percentages the sources were as follows:

<u>Percentage</u>	<u>Source</u>
54.4%	Client
20.4%	Opposing Party
7.4%	Financial Institution
6.1%	Family Member of Client or Former Client
3.2%	Opposing Counsel
1.8%	Lawyer - Not Opposing Counsel
1.7%	OPC
1.5%	Non-lawyer
1.2%	Other Outside Disciplinary Source
1.0%	Judiciary
0.4%	Employee
0.4%	Witness
0.3%	Respondent
0.1%	Court Reporter
0.1%	Reciprocal Discipline