

# A MATTER OF ETHICS

*Ethics School to help lawyers deal with demands of the profession*

The irate voice of a dissatisfied client rankles at one end of the phone line as charges are leveled against the attorney. "You're taking too long to handle this case and where were you on Thursday? Why didn't you show up in court for the hearing? You're not answering my telephone calls. I can't get hold of you and I don't know what's happening."

The issues raised by this hypothetical client, like neglect and poor communication, can land legal practitioners in trouble. A minor grievance could be filed against the attorney, and some of these can result in formal proceedings. In fact, last year a total of 137 formal complaints were filed with the Attorney Discipline Board on issues that ranged from neglect to the misappropriation of client's money. Recent statistics from the Attorney Grievance Commission show that a total of 3,557 grievances were filed against attorneys in 2002. According to Grievance Administrator Robert Agacinski, 90 percent of these complaints were closed or dismissed because they were "minor" or "improper."

To help lawyers better cope with the demands of the profession, the State Bar of Michigan, in conjunction with the Attorney Grievance Commission and the Attorney Discipline Board, has established an Ethics School that opens its doors May 8, 2003 at the Michael Franck Building in Lansing. The one-day program will give lawyers an option of either staying in the discipline process, or attending the Ethics School as part of the resolution of a grievance or formal proceeding.

The executive director of the State Bar of Michigan, John T. Berry, who served on the American Bar Association's McKay Commission that originally instituted these programs, thinks that they have proven to be a win-win situation for the public, the attorney, and the profession as a whole. It's a way, he said, of

dealing with the kinds of offenses that are preventable and where there's not been major harm. "Ethics Schools recognize that many lawyers receive grievances not because they lack integrity or a good heart, but because they need help with law office management, dealing with stress, and developing the skills to deal with disgruntled clients."

Berry has been successful with similar programs that he instituted in Florida and Ari-

Initially, Ethics School will be held twice a year, and will be limited to 20–30 people. The program will be totally funded by those attending. The fee for the session is \$250 and will include written materials. The interactive format will feature many opportunities for questions and answers on a wide range of topics like the lawyer discipline system, the attorney client relationship, how to avoid fee disputes, substance abuse and stress manage-

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zona. Michigan, he says, is also in the forefront of this effort. His observation is that lawyers often come into the program angry, nervous, or embarrassed, but by the end of the session [if it's done appropriately], relationships are built and the anger and fear are gone and people are usually very happy that they participated. "The Ethics School will not only educate participants, it is also an opportunity for dialogue—for the Bar to hear from these lawyers and for all to come out of it with a better understanding of how to serve our clients and build a closer relationship between the Bar, lawyers, and the people we serve," Berry stressed.

ment, handling client property, law office management, conflicts of interest, professionalism and civility, and current issues in ethics.

Frances Rosinski from the Attorney Grievance Commission will be one of the instructors for the program. Her focus will be on fee-related issues, which she says are a substantial part of the overall complaints against lawyers. "Attorneys do not know how to use their trust accounts," she said. "We are going to give them practical answers on when to put their retainer fee into a trust account and when to pull that money to put it into their own business account." Rosinski is hoping that those who attend Ethics School will walk away knowing more than when they walked in, and will leave at least, with a list of faculty members that they can contact in the future to get answers to specific questions. ♦

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