

**Office of Professional Conduct  
Statistics on Complaints Received  
2005-2006**

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 2005 - 2006, in approximate percentages, the cases resulted in violations of the following Rules of Professional Conduct:**

<u>Percentage</u>	<u>Rule</u>	
72.2%	1.4	(Communication)
48.6%	1.3	(Diligence)
34.7%	8.1	(Bar Admission and Disciplinary Matters)
31.9%	1.5	(Fees)
31.9%	1.16	(Declining or Terminating Representation)
30.6%	1.15	(Safekeeping Property)
29.2%	1.1	(Competence)
18.1%	8.4 (c)	(Misconduct - Deceit, Fraud, Misrepresentation)
18.0%	1.7 and 1.8	(Conflicts of Interest)
15.3%	1.2	(Scope of Representation)
13.9%	8.4 (d)	(Misconduct Prejudicial to the Administration of Justice)
12.5%	5.3	(Responsibilities Regarding Non-lawyer Assistants)
6.94%	3.3	(Candor Toward the Tribunal)
6.94%	8.4 (b)	(Misconduct - Criminal Act)
4.17%	1.6	(Confidentiality of Information)
4.17%	3.4	(Fairness of Opposing Party and Counsel)
4.17%	7.5	(Firm Names and Letterhead)
2.78%	3.2	(Expediting Litigation)
2.78%	4.3	(Dealing with Unrepresented Person)
2.78%	5.5	(Unauthorized Practice of Law)
2.78%	7.1	(Communications Concerning a Lawyer's Services)
1.39%	7.3	(Direct Contact with Prospective Clients)
1.39%	1.9	(Duties to Former Clients)
1.39%	1.14	(Client with Diminished Capacity)
1.39%	3.1	(Meritorious Claims and Contentions)
1.39%	3.5	(Impartiality and Decorum of the Tribunal)
1.39%	4.4	(Respect for Rights of Third Persons)
1.39%	5.1	(Responsibilities of Partners, Managers & Supervisory Lawyers)
1.39%	8.2	(Judicial Officials)

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>
34.7%	Former Client
17.3%	Current Client
16.4%	Opposing Party
7.1%	Family Member of Client or Former Client
6.5%	OPC
4.9%	Non-lawyer
4.1%	Lawyer - Not Opposing Counsel
3.6%	Financial Institution
1.6%	Opposing Counsel
1.2%	Law Enforcement/Government Agency
1.1%	Employee
0.5%	Witness
0.5%	Judiciary
0.4%	Reciprocal Discipline
0.2%	Other Outside Disciplinary Source