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April 16, 1980

Honorable Robert J. Sheran
Chief Justice
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota 55155

Re: Judicial Observation of Apparent Lawyer Misconduct

Dear Judge Sheran:

The Court has asked for my comments concerning the role of judges in reporting possible unethical conduct by lawyers.

The role of the judiciary in bringing possible unethical conduct to our attention is critical. It is our observation that judges have, with increasing frequency, reported possible misconduct to us. Several public disciplinary matters, and a considerable number of private disciplinary matters, were initially reported to us by judges. There does, however, still appear to be some judicial reluctance to report lawyers' misconduct to us.

All judges should know that their assistance is of paramount importance to the disciplinary system in Minnesota. Judges are often in a unique position to observe the initial signs of trouble. From our experience, surface problems may often have very deep roots and potentially very grave consequences.

We have had more than one case in recent years where lawyer misconduct first manifested itself in unexplained delays in completing estates. An examination of estate records, upon the receipt of a neglect complaint, revealed misappropriation of estate funds by the lawyer. Other cases which started as an isolated neglect complaint mushroomed as we discovered other matters in which lawyers had neglected their clients' affairs. We are happy to say that in some of those cases, the habitual neglect was the

Hon. Robert J. Sheran

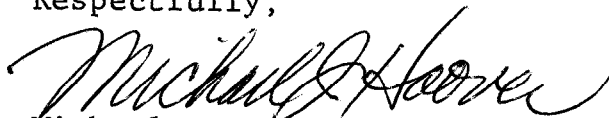
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result of correctable alcohol or psychiatric problems which are now under control. Thus, often a judge who makes a report to the Board of apparent misconduct will do not only the profession and public great good, but may also perform a profound service to the individual lawyer.

We are most appreciative of the past cooperation we have received from members of the bench. Knowledge by judges of the results of our past work, as well as of our belief in the importance of their cooperation, will, I hope, lessen any residual reticence to advise of possible attorney misconduct. I know that judges, like the attorneys of Minnesota, are committed to enhancing professional standards.

Respectfully,



Michael J. Hoover
Administrative Director

MJH:ajs

cc: To all members of the Court.