

Top Ten Things Lawyers Should Never Do

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Number Ten

- Ignore Your Physical and Mental Health
 - Work/Life Balance
 - Correlation between mental health and misconduct
 - Two real life examples:
 - Alcoholism
 - Depression

Number Nine

- Borrow From Your Client Trust Account
 - 4% (2004)
 - 18% (2008)
 - 19% (2012)
 - 23% (2018)
 - Accounting Practices must comply with Prof. Cond. R. 1.15
 - Individual Client Ledger
 - What to keep and for how long
 - Writing requirements
 - ODC v. Riek

Number Eight

- Ignore Technology
 - Client Expectations
 - TV
 - Internet
 - Kids
 - If you can't do it, get someone that can
 - Recent Example from Disciplinary Investigation

Number Seven

- Be Insensitive to Conflicts
 - Prof. Cond. R. 1.7
 - User-friendly
 - Attorney Hotline
 - Prof. Cond. R. 1.8
 - Business Transactions
 - Sex
 - Does it pass the smell test?

Number Six

- Ignore Boundaries with Clients
 - Familiarity breeds contempt
 - Misconduct?
 - Usually the extreme cases
 - Remedies?
 - Keep it formal, professional
 - Don't cut corners

Number Five

- Fail to Use Written Fee Agreements
 - PPPP
 - Fee Agreements spawn fee disputes, no fee agreements spawn grievances
 - The non-refundable fee and Prof. Cond. R. 1.5(d)(3)
 - *Cleveland Metro Bar Assn. v. Gruttadaurio*

Number Four

- Treat Clients Disrespectfully
 - Number 6
 - But is it unethical?
 - Investigation
 - File retention
 - Prof. Cond. R. 1.4 [comment 4]
 - CYA Letter
 - Benefits
 - Typical neglect case

Number Three

- Miss Deadlines
 - Number Eight
 - Assistant & Technology
 - A good assistant makes a good practice great!
 - But doesn't everyone miss a deadline?
 - Yes, but...WHY?
 - What has been done to remedy the problem?

Number Two

- Fail to Communicate With Clients
 - Prof. Cond. R. 1.4
 - Put yourself in your client's shoes
 - If you screw up, admit it promptly!
 - Neglect cases
 - *ODC v. Manning*
 - *ODC v. Wallace*

Number One

- Accept Clients Outside Your Comfort Zone
 - Just say NO or get someone to help you
 - Disengagement letter
 - Interview the client
 - Why did they leave their previous lawyer?
 - What are their expectations?
 - Are they reasonable?
 - The Shark
 - Prof. Cond. R. 1.1
 - Be upfront about your qualifications
 - Prof. Cond. R. 1.5 (*Fordham Case*)

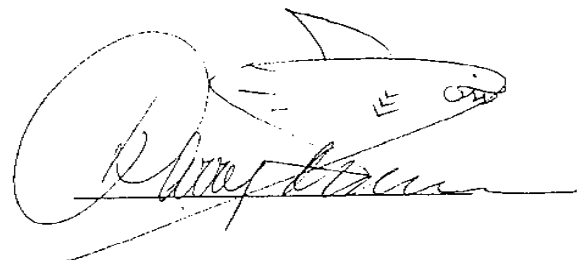
The End

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STATE OF OHIO
COUNTY OF FRANKLIN } ss:

AFFIDAVIT

Sworn to and subscribed in my presence this 17th day of FEBRUARY,
2004.


A handwritten signature in cursive script, written over a horizontal line. To the left of the signature is a large, faint circular outline, likely a ghosted image of the notary seal.

SEAL

[REDACTED]

NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

