

Briefing Doc: Lawyers, Lies, and Litigation

This briefing document reviews key themes and facts from four sources related to lawyer conduct, disciplinary actions, and a fund for victims of dishonest lawyers.

Theme 1: Sanctions for Abusive Litigation (Source: 44-2083 - Sanctions for abusive litigation.pdf)

- **Arizona law (44-2083) mandates sanctions for lawyers and parties who violate Rule 11(b) of the Arizona Rules of Civil Procedure (or its federal/jurisdictional counterparts).** This rule focuses on ensuring legal filings are grounded in fact and law, not frivolous or intended to harass.
- **Sanctions often involve awarding attorney fees and expenses to the opposing party.** This serves as a deterrent and compensates victims of baseless litigation.
- **The law presumes these sanctions are appropriate for non-compliant responsive pleadings, dispositive motions, and substantially non-compliant complaints.**
- **Rebuttals against sanctions are possible but require demonstrating an unreasonable burden, injustice, or a de minimis violation.**

Theme 2: Client Protection Fund for Victims of Dishonest Lawyers (Source: Bedell Case in AZ.pdf)

- **The State Bar of Arizona offers a Client Protection Fund that refunds clients up to \$100,000 per victim of dishonest lawyers.**
- **Examples of covered misconduct include failure to perform work, misappropriation of funds, lying causing financial harm, and cases where a lawyer dies without provisions for client reimbursement.**
- **The fund is financed by yearly dues from Arizona's licensed lawyers.**
- **The article highlights the case of Ray Bedell, who successfully recovered \$5,500 after his lawyer abandoned his case.**
- **The application process is thorough and can take time, involving documentation, attorney responses, and board review.**

Theme 3: Unreported Criminal Convictions Among Lawyers (Source: Lawyer fingerprinting in this state turns up over 2.pdf)

- **A California court rule mandating lawyer fingerprinting revealed over 2,200 previously unreported criminal convictions, including 20 felonies.** This highlights a potential gap in background checks during bar admission.
- **The fingerprinting requirement aims to ensure compliance with a law mandating the state bar receive notifications of lawyer arrests and convictions.**
- **The article emphasizes the importance of continuous monitoring and updated background checks for practicing lawyers.**

Theme 4: Addressing Lawyer Misconduct, Including Lying (Source: koblitz.pdf)

- **The article, written by two legal professionals, explores challenges and tools within the judicial and disciplinary systems to address lawyer misconduct, particularly lying in and out of court.**
- **It uses the example of lawyers representing former President Trump to illustrate concerns about unfounded legal arguments and potential consequences.**

- While courts often tolerate heated rhetoric and prioritize case resolution, judges have options like sanctions, contempt findings, and referrals to disciplinary authorities for egregious behavior.
- The disciplinary system can investigate lawyers based on grievances and the Rules of Professional Conduct, potentially leading to sanctions ranging from admonishment to suspension.
- Civil litigation, such as defamation lawsuits, provides another avenue for accountability and damages when lawyers make false statements.

Important Quotes:

- "It gives consumers some recourse when there is a bad apple in the bunch. It's all the lawyers in the state who are pooling the resources together to help them." (Bedell Case in AZ.pdf)
- "The judicial system, judges and professional ethics watchdogs must decide where the bumpers on acceptable conduct lie and then act to preserve the boundaries on attorney conduct." (koblitz.pdf)

Key Takeaways:

- Mechanisms exist to hold lawyers accountable for misconduct, including abusive litigation, dishonesty, and criminal behavior.
- Client protection funds offer financial recourse for victims of lawyer dishonesty.
- Continuous monitoring and updated background checks are crucial to ensure lawyer integrity.
- The legal and ethical boundaries of lawyer conduct, especially concerning truthfulness, are subject to ongoing debate and refinement.