A Guide to Lawyer Ethics and Accountability

Short Answer Questions

1. **What is the purpose of Arizona Revised Statute 44-2083?**
2. **According to Arizona Revised Statute 44-2083, what happens if a court finds a party or attorney violated Rule 11(b) of the Arizona Rules of Civil Procedure?**
3. **Describe the two circumstances in which the presumption of sanctions under Arizona Revised Statute 44-2083 can be rebutted.**
4. **What is the Arizona Bar's Client Protection Fund?**
5. **List three examples of situations where the Client Protection Fund might provide reimbursement to a client.**
6. **Who is not eligible to receive money from the Client Protection Fund?**
7. **What is the purpose of lawyer fingerprinting in California?**
8. **According to the article by Koblitz and Ringler, what are some challenges judges face when dealing with attorneys who make unsupportable arguments?**
9. **What are some Rules of Professional Conduct that might be invoked against a lawyer who makes false statements in litigation?**
10. **Besides disciplinary action, what other legal recourse might be available against a lawyer who makes knowingly false statements?**

Answer Key

1. Arizona Revised Statute 44-2083 aims to deter and punish abusive litigation practices by establishing sanctions for violations of Rule 11(b) of the Arizona Rules of Civil Procedure, or its federal or jurisdictional counterparts.
2. If a court finds a violation of Rule 11(b), it must impose sanctions on the offending party or attorney in accordance with Rule 11 or its equivalent in the relevant jurisdiction.
3. The presumption of sanctions can be rebutted if the party or attorney can prove that the award of fees and expenses would be an unreasonable burden or that the violation was de minimis.
4. The Client Protection Fund is a program run by the Arizona Bar that provides financial reimbursement to clients who have been harmed by dishonest conduct of their attorneys.
5. The Fund might provide reimbursement if an attorney fails to perform work paid for, improperly keeps settlement funds, lies to a client causing financial harm, dies without leaving funds to reimburse clients, or engages in other dishonest conduct.
6. Family members of the lawyer, partners or employees of the lawyer, governments, and most businesses are not eligible to receive money from the Fund.
7. Lawyer fingerprinting in California was implemented to ensure compliance with a law requiring the state bar to be notified of lawyer arrests and convictions. It helps identify criminal convictions that lawyers may not have disclosed to the bar.
8. Judges face challenges in balancing free speech concerns with the need to address potentially harmful or frivolous legal arguments. They also must consider whether recusal is necessary to avoid the appearance of partiality.
9. Rules of Professional Conduct that might be invoked include those relating to meritorious claims, candor toward the tribunal, fairness to opposing party and counsel, truthfulness in statements, and general misconduct.
10. A lawyer who makes knowingly false statements could face civil lawsuits, such as defamation claims, in addition to disciplinary actions.

Essay Questions

1. Analyze the arguments for and against imposing sanctions on lawyers who make frivolous legal arguments. Consider the potential impact on free speech and access to justice.
2. Evaluate the effectiveness of Arizona's statutory framework for addressing abusive litigation practices. Compare and contrast it with approaches taken in other jurisdictions.
3. Discuss the ethical obligations of lawyers regarding truthfulness and candor in their interactions with clients, courts, and opposing parties. How do these obligations relate to the concept of zealous advocacy?
4. Critically examine the role of the Client Protection Fund in protecting clients from dishonest lawyers. What are the strengths and limitations of this approach?
5. In light of the case of Ray Bedell, discuss the challenges faced by clients seeking to recover funds from dishonest lawyers. Consider the role of the State Bar and the importance of public awareness regarding client protection programs.

Glossary of Key Terms

- **Abusive Litigation:** Legal proceedings initiated without a legitimate legal basis and intended to harass, intimidate, or financially drain the opposing party.
- **Arizona Revised Statute 44-2083:** An Arizona law that mandates sanctions for attorneys and parties who engage in abusive litigation practices.
- **Rule 11(b) of the Arizona Rules of Civil Procedure:** A rule outlining the requirements for attorneys when filing legal documents, including a certification that the filing is not frivolous and has a good faith basis in law and fact.
- **Sanctions:** Penalties imposed by a court for violations of rules or orders, which may include monetary fines, payment of attorney fees, or dismissal of the case.
- **Client Protection Fund:** A fund established by the Arizona Bar to reimburse clients who have suffered financial losses due to the dishonest conduct of their attorneys.
- **Disbarment:** The revocation of an attorney's license to practice law, permanently prohibiting them from practicing in the jurisdiction.
- **Fingerprinting:** A method used to identify individuals based on their unique fingerprints, often used for background checks.
- **Frivolous Litigation:** Legal claims or defenses that lack a reasonable basis in law or fact and are filed for an improper purpose, such as harassment or delay.
- **Rules of Professional Conduct:** A set of ethical guidelines governing the behavior of attorneys, enforced by state bar associations.
- **Defamation:** The act of making false statements that harm the reputation of an individual or entity.