

HALT



HOW ACCOUNTABLE IS THE CIVIL JUSTICE SYSTEM?

- According to a 2007 American Bar Association study, the number of legal malpractice cases worth \$2 million or more jumped 60 percent between 1996 and 2003. The number of claims under \$10,000 rose by just 8 percent in the same period. Most legal malpractice claims result from personal injury and real estate cases. Close to 70 percent of malpractice suits were lodged against solo practitioners or members of firms with 10 lawyers or fewer, the segment of the attorney population most likely to be without malpractice insurance.

Are measures designed to protect legal consumers against unethical lawyers working?

- A 2006 American Bar Association survey found that out of 123,927 complaints, only 3.5 percent led to formal discipline and less than one percent resulted in disbarment.
- Of these 123,927 complaints, 92 percent led to no discipline or only informal slaps on the wrist in the form of “private sanctions.”
- According to a 2002 HALT study, in 50 states (including the District of Columbia), lawyers make up at least two-thirds of the committee adjudicating attorney discipline complaints.

How does lawyer self-regulation contribute to consumer mistrust in the civil justice system?

- A 2002 Columbia Law School nationwide survey found that two out of three Americans do not think lawyers are even “somewhat honest”, 60% of Americans believe lawyers were “overpaid” and only 2% felt lawyers were “underpaid.”
- A 2003 CNN/*USA Today*/Gallup poll found that 84% percent of Americans do not believe lawyers have “high ethical standards.”
- According to the *National Law Journal* in 2002, 69% of Americans think that lawyers are more focused on making money than serving their clients.
- In a 2002 American Bar Association survey of 750 households, less than one-quarter (19%) of respondents expressed confidence in lawyers’ work and three quarters of respondents contended that lawyers focused more on making money than serving their clients.

- A 2002 American Bar Association Consumer Survey found that only 19% of respondents were “extremely” or “very” confident in lawyers and the legal profession and 34% of respondents thought lawyers deserved their poor image, characterizing lawyers as greedy, manipulative and corrupt and that the profession fails to police itself adequately. Respondents with personal experience emphasized excessive fees that were poorly explained upfront, lengthy delays and poor communications. Of 71% of respondents who had an event in the past year that could require a lawyer, such as a car accident, credit problems or estate needs, only 41% hired or planned to hire one. Of those who had hired lawyers, 58% were very satisfied and 12% were dissatisfied to some degree.
- A 1994 ABA Study of Legal Needs found that 50% of respondents disagree that lawyers “try to try to help make a divorce simpler and less painful” and 45% believe that "lawyers are more concerned with their own self promotion than their client's best interest." 51% believe that "we would be better off with fewer lawyers"
- 95% of respondents to a 1999 ABA survey mistakenly believed that state and local bar associations ensure that lawyers in each state pass minimum standards.

What do lawyers think about their profession?

- In a 2002 American Bar Association survey of 2000 lawyers, less than a third responded that they were “very satisfied” and almost three-quarters felt “somewhat satisfied” or “very dissatisfied.” Over three-quarters say that their expectations of improving society were not fully met.
- According to a John Hopkins University study of 105 professions, lawyers have the highest rate of depression.
- According to the “California Lawyer” magazine, over two-thirds of lawyers said they would start a new career if they could and over half said they would not recommend a legal career for their children.
- A 2004 ABA Young Lawyers Division study, as reported by The National Law Journal, found that more than half of the lawyers they interviewed said they would consider switching to non-lawyering jobs within the next two years. The most frequently given reason was a stated inability to contribute to the social good through the practice of law.