

HALT Speaks at American Insurance Association's Annual Meeting

At the invitation of the American Insurance Association, HALT Associate Counsel Suzanne M. Blonder presented a seminar on the lawyer discipline system at the group's annual meeting on June 22, 2006. Blonder's remarks focused on the process of filing a complaint, the rights of complainants in most states and alternatives to the attorney discipline system.

In response to concerns about complaints against lawyers being ignored, Blonder offered tips on getting an attorney discipline complaint noticed. She recommended keeping written complaints brief and to the point. Filings should also cite specific violations of the state's rules of professional conduct (available on most disciplinary boards' Web sites) rather than provide general accusations of misconduct. Blonder also suggested that complainants enclose copies of bills, letters, receipts, case pleadings and any other documentation that supports their claim. Before filing the charges, dated copies of the complaint should be made.

Blonder warned that disciplinary agencies are taking months and occasionally years to review complaints, and bar counsel offices rarely inform consumers that their complaint has been received or provide an explanation for a case dismissal. Despite these problems, Blonder encouraged the group to file complainants against unethical, incompetent and fraudulent attorneys.

"Complaining about your attorney's misconduct can help assure that future clients of the same lawyer are spared your experience," stated Blonder. "Your case may be the third or fourth time that your attorney's name has come up in such proceedings, establishing a pattern the committee can't ignore. Also, pursuing your complaint can bolster a claim that you fired your attorney for good cause and therefore shouldn't be required to pay fees."

In response to a question about whether consumers should fear retaliation when they file complaints against lawyers, Blonder explained that most jurisdictions grant absolute immunity to complainants—meaning that individuals in those states cannot be sued in court for the allegations made in their complaints. Only four states—New Mexico, North Carolina, Vermont and Virginia—refuse to grant any form of immunity to complainants.

In addition to discussing the attorney discipline system, Blonder informed the group about other ways of seeking recourse against unscrupulous attorneys. If an attorney has committed fraud, clients can apply to the state's client security fund for the money that was lost as a result of the lawyer's intentional misconduct. When a consumer believes she is being unreasonably charged, she can resolve the dispute through her state's fee arbitration committee. If a client can demonstrate that a lawyer's negligence

has caused her harm, she could consider bringing a malpractice lawsuit against him in court.

“All of these avenues may be pursued at the same time that the consumer files a disciplinary complaint against her lawyer,” explained Blonder. “The more mechanisms that you pursue, the greater your chance of resolution and recovery.”