

Arizona State Bar Complaint Handling

DATA PRESENTATION

<u>YEAR</u>	<u>BAR</u>			<u>Supreme Court</u>				<u>non-forma</u> <u>charges</u>	<u>formal</u> <u>charges</u>
	<u>Inquires</u>	<u>written</u>	<u>ACAP</u> <u>dismissed</u>	<u>recv'd</u>	<u>early</u> <u>dismissed</u>	<u>investigater</u> <u>dismissed</u>			
2005	4,940	2,247	797	1,341	197	1,124	298	105	78
2006	4,977	2,076	615	1,306	294	1,060	294	97	67
2007	3,914	2,142	812	1,172	380	977	380	111	96
2008	4,324	2,259	915	1,205	374	1,035	374	134	123
2009	0	0	0	0	0				
Totals	18,155	8,724	3,139	5,024	1,245	4,196	1,346	447	364

NOTES

1. The columns do not tally due to "pending status" or to some other process.
2. The data was taken from the State Bar annual reports on lawyer regulation, which presented the data in a complex and confusing manner.
<http://azbar.org/WorkingWithLawyers/reports.cfm>

ANALYSIS OF DATA

<u>Ratio category</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>Overall</u>
written pct* - D/C	45.5%	41.7%	54.7%	52.2%	48.1%
Bar dismissed - E/D	35.5%	29.6%	37.9%	40.5%	36.0%
SC handling - col G/D	59.7%	62.9%	54.7%	53.3%	57.6%
SC not investigated of all - H/D	8.8%	14.2%	17.7%	16.6%	14.3%
SC dismissed after invest - K/D	13.3%	14.2%	17.7%	16.6%	15.4%
SC not investigated of rec'd - H/G	14.7%	22.5%	32.4%	31.0%	24.8%
SC investigated - J/G	83.8%	81.2%	83.4%	85.9%	83.5%
SC dismissed of investgated - K/J	26.5%	27.7%	38.9%	36.1%	32.1%
SC charged of investgated -(L+M)/J	16.3%	15.5%	21.2%	24.8%	19.3%
SC charged of total handled - (L+M)/G	13.6%	12.6%	17.7%	21.3%	16.1%
SC charged of total written# - (L+M)/D	8.1%	7.9%	9.7%	11.4%	9.3%
Total sanctioned**	13.0%	15.4%	17.0%	17.5%	15.7%

NOTES

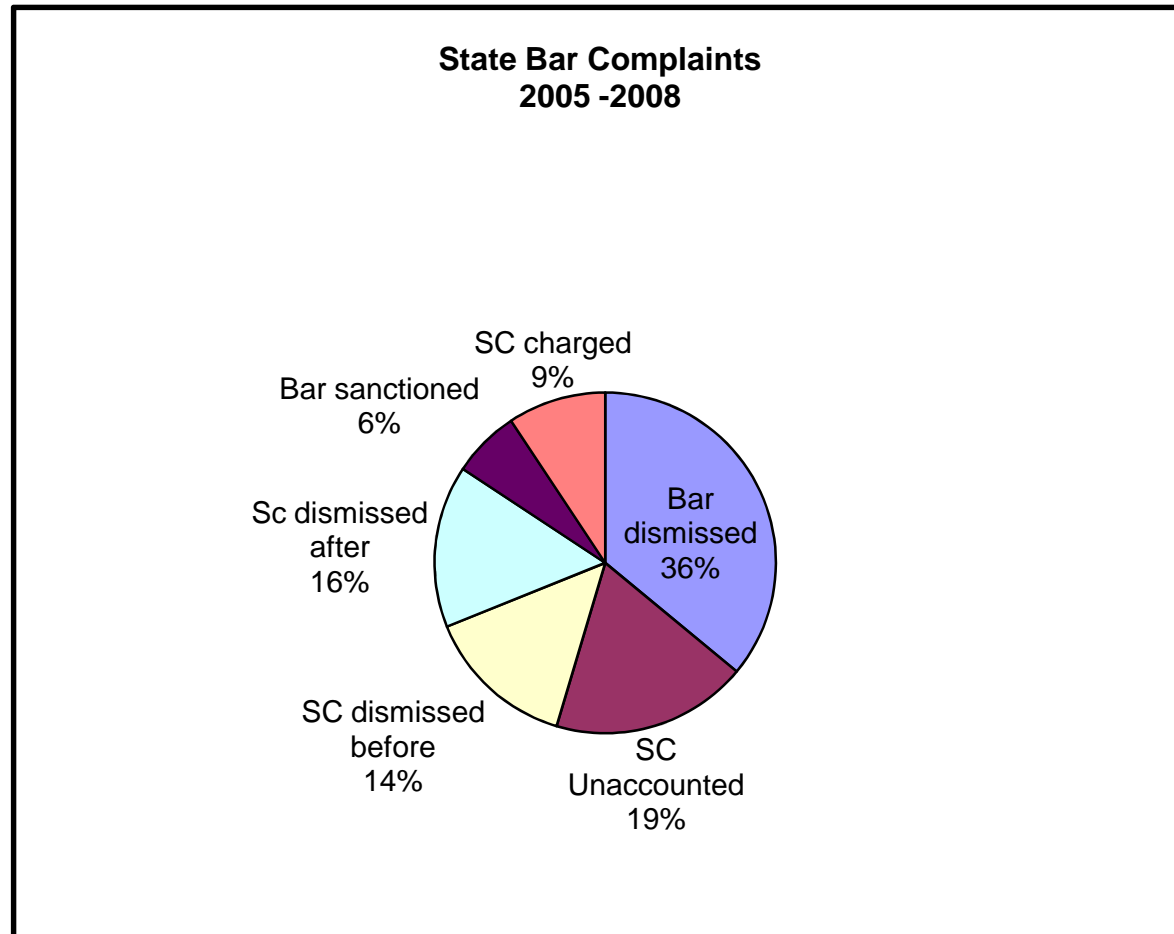
* The unwritten inquiries were telephone calls, which are unaccounted in the Bar data; presumed to be dismissed, unless followed up in writing.

** Total of all written complaints subjected to a Bar action or a SC finding of wrongdoing.

Formula from Data Table= $((D-E-G)+L+M)/D$

This ratio is solely for comparison with the Matrix ratios of punitive action by the SC.

No attempt was made to reconcile State Bar data with SC data.



Arizona Supreme Court Complaint Matrix

(selected ethics rules)

<u>YEAR</u>	<u>1.2(d)</u>	<u>1.13</u>	<u>3.1</u>	<u>3.3</u>	<u>4.1</u>	<u>total violations</u>	<u>total cases</u>	<u>violations pct of cases</u>
2005	0	0	4	4	3	11	34	32.4%
2006	0	0	6	6	4	16	45	35.6%
2007	0	1	2	4	3	10	39	25.6%
2008	3	0	1	10	6	20	96	20.8%
2009*	0	1	3	10	5	19	69	27.5%
Totals	3	2	16	34	21	76	283	26.9%
pct of total	1.1%	0.7%	5.7%	12.0%	7.4%			
pct violations	3.9%	2.6%	21.1%	44.7%	27.6%			

NOTES

* through November 1, 2009

1. This report contains actions by the SC after receiving Formal Complaints from the State Bar. These formal complaints are the result of Bar investigations that survived the initial review and screening, and were not dismissed by the Bar.
2. No attempt was made to reconcile State Bar data with SC data.

Ethic Rules

- 1.2(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.
- 1.13 Organization as client. (Namely, that the HOA is the client, not the members.)
- 3.1 Meritorious Claims and Contentions. A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a good faith basis in law and fact for doing so that is not frivolous, which may include a good faith and nonfrivolous argument for an extension, modification or reversal of existing law.
- 3.3 Candor toward the Tribunal. (Namely, the making of false statements or offer false evidence).
- 4.1 Truthfulness in Statements to Others. (Namely, making false statements to others or assisting clients in wrongful acts).