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Lawyers Are People Too...

Donald L. Burnett Jr.

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ALWD 6th ed.

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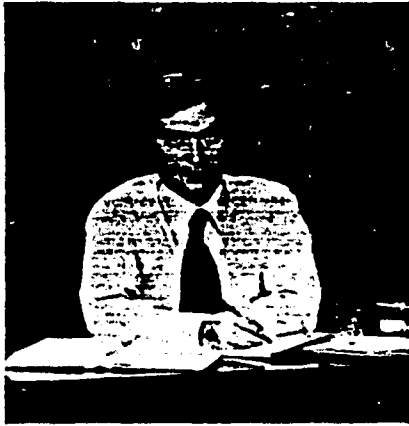
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PRESIDENT'S MESSAGE

Lawyers Are People Too . . .

The alarm clock abruptly ends your sleep. You stumble out of bed, dress hurriedly, and drive to the office. A complaint must be prepared and filled that day. Answers to interrogatories in another case are due tomorrow. An unfinished contract is lying on the desk. Several files awaiting immediate action are stacked nearby. The telephone rings frequently, and pink message slips begin to accumulate. There is a hearing on a motion that afternoon. A client comes into the office without an appointment to discuss a new turn of events in his case. Replies must be dictated to the day's correspondence. Payroll and rent are due this week. Time sheets must be completed. At the end of the day, you escape and drive home. A client calls you that evening for advice. Finally you go to bed. The alarm sounds. Another day begins.



Don Burnett

This is not the side of law practice that the public sees on television. But for most Idaho lawyers, it is the real side. It is not glamorous. It is a hard grind, full of opportunity for satisfying service and remuneration, but also filled with pitfalls, pressure and responsibility.

Law practice comprises a unique mixture of intellectual challenges, regimented tasks and time limitations. When a lawyer fails adequately to serve a client, the reason usually is not a lack of intellectual capacity. Rather, it is difficulty in managing tasks and time. Such difficulty may arise from deficient office systems and administrative skills, or from impairment caused by family problems, alcohol or drug dependency. Lawyers who have chronic difficulty managing tasks or time need help — and they need it before they seriously harm their clients and discredit the profession.

As the saying goes, good help is hard to find. Clients and members of the general public may see the effects of a lawyer's problems, but they cannot identify and help treat the underlying causes. Other lawyers are best suited to do that. Some of us may feel that another attorney's problems are none of our concern. But if the organized bar's accountability to the public means anything, and if our profession is truly more than a mere business, then we must provide help where it is needed.

The new disciplinary rules prepared by the Board of Commissioners reflect this philosophy. Among other changes, the new rules establish a "professional conduct board" in place of the "disciplinary board." They give the new board authority to recommend probation in addition to or in lieu of other sanctions for professional misconduct. The probationary alternative would allow an attorney in an appropriate case to continue or to resume law practice upon condition that he or she participate successfully in a remedial program to alleviate the problems that led to the proceedings before the board.

In order to provide a framework for such remedial programs, the Board of Commissioners is working to develop a peer review project. The project would provide lawyer-to-lawyer assistance for those attorneys who come before the professional conduct board, or who voluntarily refer themselves, as a result of task and time management problems. The Idaho State Bar has applied to the American Bar Association for a grant to help fund the administration of the lawyer-to-lawyer assistance project. It would be one of the first such projects, on a state-wide basis, in the country.

Regardless of whether the project receives grant funding or is financed from our own resources in Idaho, the project can work only through the volunteer efforts of Idaho lawyers helping their fellow practitioners in times of trouble. We will need your efforts in developing office systems, improving office administration, and (for those with requisite expertise) dealing with the special problems of alcohol or drug dependency.

It will not be easy. But nothing could be more important to our profession. Accountability has its human side. After all, lawyers are people too.

OPINIONS AND DISSENT

September 11, 1981

Editor of The Advocate
Idaho State Bar
P.O. Box 895, Boise, Idaho

Dear Readers:

I just received my copy of the August-September Advocate and I noticed that once again it contained an article by Scott W. Reed under the title of "The Tilted Windmill." I doubt that very many Idaho lawyers read his articles. I used to read them and at first I found he had a real message but his articles have become repetitive and I no longer read them.

Why not run an informal survey and ask the next half dozen Idaho lawyers that you meet whether they read "The Tilted Windmill." The Idaho State Bar should not be paying printing costs on articles that are not being read.

Sincerely,
George M. Bell
620 West 7th Apt. 201
Spokane, Washington 99204

You are encouraged to write to comment on the articles or the format of *The Advocate*, offer suggestions for future articles and to simply express opinions on issues facing the legal profession in Idaho today. Letters will be subject to editing in the cases where they are extremely long, however, *The Advocate* will attempt to publish all letters in their entirety.

The Editor

94 Pass Summer Bar Exam

A total of 94 applicants passed the Idaho Bar examination in a grading session held Sept. 11-12 in Boise. Swearing-in ceremonies were held in the Idaho Supreme Court and the U.S. District Court on Sept. 25.

The following are those who have been recommended for admission to the Idaho State Bar.

ATKINSON, GARY MARQUIS, Esq.
c/o Arthur Anderson & Co.
999 Main Street, Suite 1000
Boise, Idaho 83702

BACON, BRUCE R., Esq.
409 Shoshone St. So. #16
Twin Falls, Idaho 83301

BACON, WILLIAM FRANCIS, Esq.
c/o Racine, Huntley & Olson
P.O. Box 1391
Pocatello, Idaho 83201

BALDWIN, ANDREW WAYNE, Esq.
505 Indian Hills #B-6
Moscow, Idaho 83843

BASKIN, THOMAS P. III, Esq.
Prosecuting Attorney's Office
Rupert, Idaho 83350

BLACK, ROBERT KELLY, Esq.
752 Park Lane
Pocatello, Idaho 83201

BEIMBORN, SANDRA LOUISE, Esq.
Idaho Human Rights Commission
Statehouse
Boise, Idaho 83720

BERLIN, ROBERT L., Esq.
P.O. Box 13668
Boise, Idaho 83701

BISHOP, VAN NOY C., Esq.
2922 Pascoe Lane
Nampa, Idaho 83651

BOKIDES, NICHOLAS T., Esq.
R.R. 9, Box 113
Muncie, Indiana 47302

BRADBURY, STEPHEN A., Esq.
10565 Halstead
Boise, Idaho 83704

BRIDGEMAN, KENNETH S., Esq.
516 Sherman Ave.
Coeur d'Alene, Idaho 83814

BURDICK, CHRISTINE, Esq.
P.O. Box 521
Idaho Falls, Idaho 83401

BURNS, MARY, Esq.
P.O. Box 4609
Pocatello, Idaho 83201

BURNS, PHILLIP OWEN, Esq.
3605 Greenbrier Dr.
Boise, Idaho 83705

BYBEE, DALE KIRK, Esq.
2761 Poleline Rd.
Pocatello, Idaho 83201

CHANDLER, THOMAS B., Esq.
c/o Chandler & Dillon
215 Appellate Court Building
537 West Bannock Street
Boise, Idaho 83702

CHASTAIN, ROBERT ROSS, Esq.
Ada County Prosecuting Attorney
Courthouse, Room 103
Boise, Idaho 83702

CHEATHAM, CAROLE W. S., Esq.
341 CDG/JA — Commander: Major Tomes
Malmstrom AFB, Montana 59405

CLARK, CHRISTOPHER W., Esq.
P.O. Box 2898
Boise, Idaho 83701

CLARK, PATRICIA ANN, Esq.
472 West Washington
Boise, Idaho 83702

Continued on Page 41

DIRECTOR'S PERSPECTIVE

This issue of *The Advocate*, in its revised format, gives me an opportunity to say hello to the many lawyers in Idaho I've not yet had the opportunity to meet. Hopefully, during November, I'll meet many of you in my travels around the state as the Board of Commissioners meets with each district bar association as part of the State Bar's resolution process. The resolution process will be a great learning experience for me for I will be able to find out from you directly the specific concerns of the practicing lawyer in Idaho. There are many issues facing the Bar today, such as the concept of peer review systems, the ABA's proposed revisions in the Model Code of Professional Conduct, the cuts in funding of the Legal Services Corporation, and an evaluation of mandatory continuing legal education. It only is possible, however, for me to know those issues which you believe to be the most critical by your telling me. If it isn't possible for you to attend the meeting of your district bar association, I encourage you to write to me. The needs of the practicing attorneys in Idaho can be met only if the Bar is aware of what those needs are.

One of the tasks assigned to me when taking on the responsibility of Executive Director of your Bar Association and your Foundation was the responsibility for improving the quality of services provided

to the membership. Work has begun on this project and the revised format of *The Advocate* is one of the first changes that has been made. In future issues, I hope to be able to provide you with more information about what is going on in the legal community as well as provide you with articles of specific interest to attorneys and reports on books of interest to attorneys. If you have any suggestions regarding the content or format of *The Advocate*, please feel free to write to me and let me know what they are. Also, any suggestions as recommendations concerning specific staff support services which you believe would be helpful to Idaho attorneys are also welcome.

During the coming months, it is my plan to devote part of this page to an introduction to the various members of the staff of the Idaho State Bar and the Idaho Law Foundation. By knowing what the duties of each staff member are it is my hope that you will be able to utilize your staff more effectively. I have been very impressed with the quality of the staff of the State Bar and the Foundation and have seen in them a dedication which is rare today. Six employees not including myself and Barbara J. Miller, Bar Counsel, provide all of the necessary support services for a Bar Association of 1,800 attorneys. You should be proud of your staff for they are indeed a group of exceptional individuals.

The Second Midwinter Meeting of the Idaho State Bar will be held on December 4, 1981 at the Bar's offices in Boise. At this meeting resolutions which have been circulated to the membership will be considered by the district delegates. During the month of November, the Board of Commissioners will be visiting each district bar association. Members are encouraged to attend these meetings which serve as a forum for discussion of the resolutions by the members of the Idaho State Bar and the Board of Commissioners.

OF COUNSEL

The time for completing CLE requirements for attorneys on active status as of January 1, 1979 is growing short. The last day to complete the thirty hours is December 31, 1981, unless attorneys have obtained an extension of time from the Board of Commissioners under Rule 139.

The following procedures will be used to handle requests for extension of time:

1. In order to ensure timely attention by the Board of Commissioners, the Motion for Extension of Time must be filed with Bar Counsel by **November 30, 1981**.
2. Must be supported by:
 - a. Affidavit setting forth the number of hours you have completed as of the date you file the Motion, and stating the **hardship or extenuating circumstances** which support your request for additional time.
 - b. Schedule of approved courses you plan to attend, including dates the courses will be given and the number of hours of each course, to complete the requirement.
3. If the Motion is granted, you will be required to complete the thirty hours according to the schedule of courses approved by the Board of Commissioners.
4. If the Motion is denied, you must complete the thirty hours by December 31, 1981.
In the event an extension of time to complete the

hours is not requested by November 30, 1981 or is denied and the thirty hours are not completed, the following procedure will be in effect:

1. Notice of non-compliance will be mailed on March 15, 1982.
2. Response to the Notice of non-compliance may be filed with Bar Counsel within 28 days of the date of service of the Notice of non-compliance.
3. Failure to respond will be treated as an admission of non-compliance.
4. Response admitting non-compliance or failure to respond will result in administrative suspension of your license to practice law.
5. Response denying non-compliance will result in a reference of the issue to a hearing committee of the Disciplinary Board for hearing on the merits. If non-compliance is found by the hearing committee, the record of the hearing, including the committee's recommendation, will be forwarded to the Disciplinary Board for review and its recommendation to the Supreme Court.
6. Finding of non-compliance may result in suspension of the license to practice law in the state of Idaho.

Remember the dates: Motion for Extension of Time due November 30, 1981; thirty hours completed by December 31, 1981. If you have any questions regarding the procedures outlined above, call Bar Counsel.