



Committee on Professional Ethics

Opinion #396 - 6/10/75 (29-75)

Topic: Lawyer's failing to return
client's telephone calls

Digest: Improper for lawyer as a
course of conduct to fail
to respond to clients calls.

Code: Canon 6, 9;
EC 9-1.

QUESTION

Does a lawyer who regularly fails to respond to telephone calls from his clients as a course of conduct act improperly?

OPINION

The consistent failure of a lawyer to respond to calls from his clients is in violation of Canons 6 and 9.

It is axiomatic that the client has an absolute and continuing right to have reasonable access to his or her lawyer with respect to the matter for which the lawyer was retained. The lawyer's failure to respond to client's calls, although not necessarily, might very well indicate that the lawyer has failed to properly prosecute, defend or handle the matter.

It would be consistent with EC 9-1, concerning the lawyer's obligation to promote public confidence in the legal system and profession and maintaining an open relationship between lawyer and client to inform the client of the status of their matters which is an integral part of the obligations and duty of the profession.

It does not necessarily follow that a lawyer must repetitively respond to those requests for status from those clients who repetitiously and unreasonably make requests for a status on a more than regular basis.

It would further follow that ethically a lawyer must represent a client competently. Canon 6. It is more significant, that once having undertaken representation, the lawyer's obligation to his clients requires him to prepare adequately and give appropriate attention to his legal work. In order to do so, the lawyer necessarily would have to respond to client's calls to keep reasonably apprised of any changes in the status of his clients or even if only to keep the client advised as to the progress of the matter being handled by the lawyer.
