

Popular Threads on Solosez

Can a lawyer be disciplined or disbarred for padding his resume?

Per the DC Bar website: District of Columbia Rules of Professional Conduct:7.1 (a) prohibits "false or misleading communications". Misleading is defined as "misrepresentation of a material fact" or contains an "assertion.that cannot be substantiated"/

Robert J. Strupp, Herndon, Virginia

This actually happened to a judge in GSOT. I can't remember his name, but this guy was a beneficiary of straight party ticket voting, elected to the Court of Criminal Appeals with his sole criminal law experience handling a traffic ticket. Turned out he had also put false information on either his resume or his application for admission to the bar. He was disciplined, got some minor punishment, end of story. Fortunately, he was not re-elected. Although, in fairness, I did read that he was regarded to have done a fair job and worked hard while in office.

Sharon Campbell, Dallas, Texas

Did anyone hear about the partner at Sonnenschein Nath Rosenthal in Chicago who later admitted to not having graduated law school or having passed the bar exam years before he was elected to partner? I read that Sonnenschein got hit with massive malpractice claims and the partner was permanently disbarred and became a legal consultant / paralegal.

Somewhat off-topic, I know. But this thread reminded me of the story, nonetheless.

Gene Lee

My impression is probably not - that it's pretty tough to get disbarred once admitted to the bar. My memory (admittedly faded) from taking PR in law school is that admission to the bar isn't a Constitutional right and that there isn't a ton of due process available; but that disbarment after admission does require a higher standard of proof/due process and that it's not likely for relatively minor problems.

Resume padding that was discovered/publicized might make it difficult to get admitted to the bar in a new state, might result in some sort of public reproval or discipline, probably wouldn't result in disbarment, unless the



Subscribe to Solosez

First Name

Last Name

E-mail Address

Submit (input element)



Unsubscribe from Solosez

E-mail Address

Submit (input element)



Books

Click on the book for more info



"padding" concerned a fact material to being admitted, e.g., didn't really go to law school, or pretended to be admitted in State X and got reciprocal admission in State Y but was never admitted in State X.

Greg Broiles, San Jose, California

In Maryland a recent opinion said a disbarred attorney cannot work as a paralegal.

Deborah Matthews, Alexandria, Virginia

However, Robert, the comment to that rule states: "This Rule governs all communications about a lawyer's services, including advertising." A resume, i.e., a document used to get hired by a law firm, or other employer, is not, in my humble opinion, a communication about a lawyer's services. A resume is a communication about a lawyer's experience. Hence, I do not think padding your resume violates DC rule 7.1.

Michael Blake, Milford, Connecticut

Interesting. I would think a resume IS a promotional statement for prospective employers & clients.

Robert J. Strupp, Herndon, Virginia

New Jersey Rules of Professional Conduct

RPC 8.4 MISCONDUCT

"It is professional misconduct for a lawyer to:...

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;..."

Charlie Abut, New Jersey

There was also a similar case with a fake lawyer at Department of Justice who claimed to graduate from Stanford and screwed up a major litigation matter for them. <http://www.ewg.org/news/story.php?id=3795>

Carolyn Elefant

Again, the comment to the New Jersey Rule 8.4 begins: "This rule amendment (the addition of paragraph g) is intended to make

discriminatory conduct unethical when engaged in by lawyers in their professional capacity." I read that to mean, that when a lawyer is doing his "lawyering" work, he must not engage in fraud. However, looking for a job by sending out a resume, is not "lawyering" and is not a communication in their "professional capacity", in my humble opinion.

Michael Blake, Milford, Connecticut

"Your Honor, the ethical prohibition does not apply to my client's fudging, puffing and exaggeration contained in her resume submitted as part of a job application. It is our position that lawyers are freely permitted to prevaricate when it comes to seeking employment [said with a straight face]."

Charlie [ducking as the gavel is hurled from the bench] Abut

Too clarify - can a lawyer be disciplined or disbarred for padding his resume that is posted on his/her website or posted on a site that charges to be listed?


Terry Berger, Maryland

So, if you are a lawyer and you tell your 4 year old child that Santa Claus is coming on Christmas Eve, you are violating your ethical obligation under NJ rules regarding dishonesty?

Mike [ducking for killing Santa Claus] Blake, Milford, Connecticut

I think in that case, you are committing a fraud in a communication to the public regarding your professional qualifications, and thus are possibly violating ethical rules in your jurisdiction.

Michael Blake, Milford, Connecticut

-----Clarified Answer: It depends. 

Seriously, there are lines drawn between putting things in the best light, misrepresentation (intentional or unintentional) or outright fraud. Distinguish between the claim that one is a summa cum laude graduate of Harvard J.D. when never attended a law school and a dispute regarding the title of one's editorial position on a law review journal, or whether one was a material participant in a specific litigation matter that one claims to have handled.

Darrell G. Stewart, San Antonio, Texas

I agree with Robert. But the question begs - why would an attorney pad their resume? It is a dishonest act and violates the creed.

Shelley Ajax

Shelly, I truly doubt this is the case. A quick perusal of the WA Rules of Professional Conduct state:

" RULE 8.4 MISCONDUCT It is professional misconduct for a lawyer to:...(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation..."

I think the term "professional misconduct" is the operative term. If you tell a lie in a supermarket, e.g. "can I cut in front of you, because I need to hurry to pick up my son from school", when you have no children, will not get you disbarred, because it is not an act of "professional misconduct".

Michael Blake, Milford, Connecticut

Sorry, you are reading it backwards. It is a definition of prof. misconduct. Then, strictly, engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation..." is prof. misconduct no matter the circumstances of the acts.

John P. Page, Tampa, Florida

Here's the long and short of it: It's up to the Bar Committee in your particular state. If they feel resume padding has become an epidemic among lawyers, they'll start issuing disbarments and suspensions, because it behooves them to protect the image of lawyers, such as it, in the public eye. The ethics rules are drafted pretty broadly, so they're not going to provide much of an answer. They just provide the bounds of the sandlot that the Bar Committee can play in. The rest is policy.

At least that's my take on it.

Gene Lee

No FAIR. How dare you use common sense in a hypertechnical discussion of rules of professional conduct! <grin>

Eugene Lee

In WA a lawyer can be disbarred for ANY dishonest acts (whether on the job or in the super market).

Shelley A. Ajax, Kennewick, Washington

[Back to Popular Threads](#)