



Self-esteem, or lack thereof, is an issue for most people ... though we are normally in denial. Another challenge facing most of us is fear ... fear of success (how often do we sabotage ourselves?), fear of failure (sometimes a motivator for success), and fear of intimacy (a major cause of divorces). Few truly embrace success, growth and life itself. But, for those who do, they live longer, are healthier and enjoy life more.

The irony is that we have a choice. This is a matter of volition. So, what's keeping you from having the best life you can? Analyze your life, both personal and professional ... get rid of the toxicity in your life. The choice is yours. I once heard the true maxim: Change, Accept or Move on. So simple to say, yet so hard to do.

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## What Does It Take to Get Disbarred?

When is a Lawyer Subject to Disbarment?

Disbarment - being stripped of one's license to practice law - is the most severe professional penalty a lawyer can receive. Rule of Professional Conduct 8.5 states that a lawyer is subject to disbarment, or any disciplinary action, under the rules of the jurisdiction where that lawyer is admitted to practice, "regardless of where the lawyer's conduct occurs." What conduct? The commentary on Rule 8.4 proposes that, "Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category." Rule 8.4 itself states clearly that "It is professional misconduct for a lawyer to ... commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer ... [or to] engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

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### Financial Fraud

Financial fraud obviously qualifies the perpetrator for disbarment. Several years ago, for example, news stories focused on a St. Louis law firm that sued one of its former associates, alleging that the attorney secretly signed up and hid clients from the firm and prevented it from collecting possibly millions in attorneys' fees. More generally, lawyers can mismanage, carelessly or deliberately, client trust accounts. Every state imposes a fiduciary duty to properly account for clients' trust funds to prevent misappropriation or negligence and imposes severe penalties for violation, up to and including disbarment.

### Non-financial Personal Misconduct

Non-financial personal misconduct is a more indefinite area. Several years ago a Kansas City lawyer was disbarred by the Kansas Supreme Court for shouting profanities at court clerks, brawling with court security officers, suggesting that a judge was a pedophile. Other conduct (according to the Bar Association hearing panel) "resulted in two criminal convictions, a contempt adjudication that led to 120 days in jail, minor injuries to a United States Marshal, and an adverse impact on a [client's] military career" by causing a negotiated settlement in a disciplinary case to break down. Crossing the line from incivility to assault is a sure path to disbarment.

### Moral Turpitude

And from this, it's just a short step to the Florida's Bar Board of Bar Examiners announcement that it will examine applicants' Facebook and MySpace websites under certain circumstances, such as when the Bar receives allegations of substance abuse. No permission is required to review such public material, whether for initial application to the Bar or even license recertification. From abusive behavior and fraud in client billing to a flippant reference about drug or alcohol use on a personal web page, all can come under the heading of moral turpitude that qualifies for disbarment. And of course "temporarily borrowing" from client trust funds to pay a bill creates an open-and-shut case.

### A More Transparent World

While it may not seem as though it will take much to be further examined by the Bar, it's clear that the previous actions of a similar nature were not so well displayed as they are today in our world of greater transparency. And that greater openness, or transparency, will certainly bring the inspectors to one's door far more quickly than ever before.

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### What Clients Are Saying:

"On a personal level, I'm not scared any more. The recession reduced my wife and me from a comfortable two-income family to a one person income and a capital drain. When I first called Ed, I truly was counting the months until we would have to put the house on the market... The things we have put in place and will continue working on guaranteed my business picking up."

**FW**  
**Northern California**

"Ed was coaching me during our firm reorganization when disaster hit! Key personnel departed and I was panic-stricken. Not only did he honor his commitment to 24/7, but his advice enabled me to refocus my priorities. Now, I'm eating, I'm sleeping, and I'm smiling thanks to his guidance."

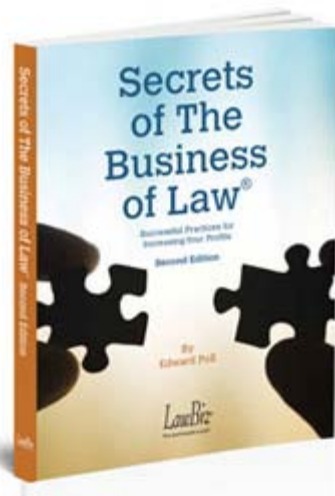
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