

# LIST OF COMMON RESOURCES BY ATTORNEYS FOR ATTORNEYS ON SELF-POLICING, SELF REGULATION, THE HONOR SYSTEM AND THE HIMMEL RULE

Mary T. Robinson, *A Lawyer's Duty to Report Another Lawyer's Misconduct: The Illinois Experience*, THE PROF . LAW. SYMP . ISSUE, May-June 2007

Aaron-Michael H. Sapp, *POLICE YOURSELF: A Guide for Understanding an Illinois Lawyer's Duty to Report Other Lawyers' Misconduct*

Charles B. Plattsmier, *Self Regulation and the Duty to Report Misconduct: Myth of Mainstay?*, THE PROF . LAW. SYMP . I SSUE, May-June 2007

Thomas P. Sukowicz, *The Himmel Duty: Observations by an ADRC Lawyer*, CHI. B. ASS ' N REC ., Nov. 1997

STEPHEN GILLERS, *REGULATION OF LAWYERS : PROBLEMS OF LAW AND ETHICS* 2 (7th ed. 2005)

T. MORGAN & R. ROTUNDA , *SELECTED STANDARDS ON PROFESSIONAL RESPONSIBILITY* 412 (1989)

Cynthia L. Gendry, *Comment, Ethics – An Attorney's Duty to Report the Professional Misconduct of Co-Workers*, 18 S. I LL. U. L.J. 603, 605 (1994).

David C. Olsson, *Reporting Peer Misconduct: Lip Service to Ethical Standards Is Not Enough*, 31 ARIZ. L. REV. 657, 659-60 (1989).

W. BRADLEY WENDEL, *PROFESSIONAL RESPONSIBILITY* 5 (2d. ed. 2007)

Nikki A. Ott & Heather F. Newton, *A Current Look at Model Rule 8.3: How Is It Used and What Are Courts Doing About It?*, 16 GEO. J. LEGAL ETHICS 747, 757-58 (2003) (arguing that self-regulation does not occur unless combined with court enforcement).

Ronald D. Rotunda, *The Lawyer's Duty to Report Another Lawyer's Unethical Violations in the Wake of Himmel*, 1998 U. I LL. L. REV. 977, 979 (1988) ("On August 12, 1969, the American Bar Association's House of Delegates adopted an entirely new code, then called the ABA Code of Professional Responsibility.") at 991 ("Himmel was a dramatic surprise to the bar."). To say that the decision has provided fodder for legal academics is an understatement. An April 2008 LexisNexis citator report identified 108 law review articles citing to the decision.

Douglas R. Richmond, *The Duty to Report Professional Misconduct: A Practical Analysis of Lawyer Self-regulation*, 12 GEO J. LEGAL ETHICS 175, 182 (1999) ("In the first year after Himmel was decided, Illinois attorneys' reports of professional misconduct increased by 500%.")., at 182 ("Illinois attorneys now report misconduct at a rate unmatched by any other state.")

Julie L. Hussey, *Reporting Another Attorney for Violating the Rules of Professional Conduct: The Current*

Status of the Law in the States Which Have Adopted the Model Rules of Professional Conduct, 23 J. LEGAL PROF. 265, 265 (1998-99) (identifying the unpleasantness associated with the role of reporting other attorneys).

**Robert A. Creamer & Richard J. Jacobson, *Revisiting Himmel Under the 1990 Illinois Rules of Professional Conduct***, 1 LL. B.J. (Oct. 1990)

**Bruce A. Campbell, *To Squal or Not to Squeal: A Thinking Lawyer's Guide to Reporting Lawyer Misconduct***, 1 F LA. COSTAL L.J. 265, 275 (1999).

**Patricia A. Sallen, *Combating Himmel Angst***, THE PROF. LAW. SYMP. ISSUE, May-June 2007, at 55, 60-61 (arguing that “(i)f a lawyer files a lawsuit against another lawyer and the alleged misconduct qualifies as the type that must be reported under [Arizona’s reporting rule], the cat is out of the bag and [the confidentiality rule] doesn’t stand in the way”)

**AMERICAN BAR ASSOCIATION STANDARDS FOR IMPOSING LAWYER SANCTIONS**, reprinted in ABA/BNA LAWYERS’ MANUAL ON PROFESSIONAL CONDUCT § 1.1, § 01:807 cmt. (1992) (listing the objectives of lawyer sanctions in general: (i) protecting public, (ii) protecting integrity of legal system, (iii) administering justice, and (iv) preventing unethical behavior)

See 7 *C.J.S. Attorney & Client* § 42 (2004) (“Attorneys are subject to a Code of Professional Responsibility, and they must adhere to the moral standards prescribed by rules of ethics. Compliance with canons of professional ethics is a personal duty of each attorney.”).

See *Skolnick*, 191 Ill. 2d at 226, 730 (noting that the duty to report “and the certain discipline that flows from a breach of that duty, is animated by a desire to: maintain the integrity of the legal profession”); See also, IRPC, Preamble (explaining that the duty to report “misconduct can be a formidable deterrent to such misconduct, and a key to maintaining public confidence in the integrity of the profession as a whole in the face of the egregious misconduct of a few”).

See *In re Riehlmann*, 891 So.2d 1239, 1249 (La. 2005). In analyzing its own duty to report, the Louisiana Supreme Court succinctly explained:

“[T]he lawyer’s duty to report professional misconduct is the foundation for the claim that we can be trusted to regulate ourselves as a profession. If we fail in our duty, we forfeit that trust and have no right to enjoy the privilege of self-regulation or the confidence and respect of the public.”