

**ANNUAL REPORT OF THE
LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

**ANNUAL REPORT OF THE
OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**

KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD
P.O. Box 310
64 East 4th Street
Winona, MN 55987-0310
(507) 454-2925

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF
LAWYERS PROFESSIONAL
RESPONSIBILITY
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

June 2006

TABLE OF CONTENTS

I.	INTRODUCTION AND HIGHLIGHTS	1
II.	NOTEWORTHY PUBLIC DISCIPLINE DECISIONS	4
III.	DIRECTOR'S OFFICE	6
A.	Budget	6
B.	Personnel	6
C.	Website	7
D.	Complainant Appeals	8
E.	Probation	8
F.	Advisory Opinions	14
G.	Overdraft Notification	15
H.	Judgments and Collections	18
I.	Disclosure	19
J.	Trusteeships	20
K.	Professional Firms	21
IV.	DISTRICT ETHICS COMMITTEES	22
V.	FY'07 GOALS AND OBJECTIVES	23

I. INTRODUCTION AND HIGHLIGHTS

Pursuant to Rules 4(c) and 5(b), Rules on Lawyers Professional Responsibility (RLPR), the Lawyers Professional Responsibility Board and the Director of the Office of Lawyers Professional Responsibility are required to report annually on the operation of the professional responsibility system in Minnesota. These reports are hereby jointly made for the period from June 2005 through June 2006, with much of the statistical information, however, based upon information from calendar year 2005.

Changes to the Board and the Director's Office. The term of only one member of the Lawyers Board ended this past January 2006: non-lawyer Patty Murto of Duluth. Ms. Murto was a member of the Board's Executive Committee as well. Geri L. Krueger of Glenwood, Minnesota, was appointed to replace Ms. Murto. Ms. Krueger runs a paralegal service, and has expertise in mediations, and conservatorships and guardianships. Non-lawyer member Ann Maas was named to the Executive Committee to fill Ms. Murto's spot.

The remaining members of the Board's Executive Committee are Kent Gernander, Chair; Judith Rush, Vice-Chair; Vincent Thomas and Mary Medved. The Board members who act as Panel Chairs for probable cause hearings remained the same this past year: Wood Foster, Patrick McGuigan, Neil Meyer, Cindy Telstad, Dianne Ward and Kenneth White. A complete listing with short biographical information of all Board members is attached at A. 1.

Within the Director's Office significant changes occurred. Kenneth Jorgensen, Director since 2002, was appointed by Governor Pawlenty to the district court bench for the Tenth District. Judge Jorgensen will be chambered in Stillwater, Minnesota. Ken had served in the Director's Office for his entire legal career, ten years as First Assistant Director in addition to the last three as Director. Among his

accomplishments, Ken was largely responsible for creating and perfecting Minnesota's outstanding advisory opinion service. Obviously his vast experience and expertise will be greatly missed by the lawyer disciplinary system.

As they have in the past, the Supreme Court established a search committee to recommend a new Director. This committee was chaired by Justice Helen Meyer, the liaison justice to the Lawyers Board and to the Client Security Board, and by Lawyers Board Chair Kent Gernander. Betty Shaw, Senior Assistant Director, was appointed as Acting Director and served from January through mid-April 2006.

On April 19, 2006, the Court appointed Martin Cole, the First Assistant Director for Mr. Jorgensen, as the new Director, following a national search and interview process. Mr. Cole has served in the Director's Office for over 21 years, following a brief tenure in private practice. He also has been responsible for most day-to-day operations of the Client Security Board since its creation in 1986. The Director of the Office of Lawyers Professional Responsibility also serves as Director for the Client Security Board.

Patrick Burns, another long-serving attorney in the Director's Office, was promoted to First Assistant Director. Ms. Shaw, who performed admirably as Acting Director, is expected to retire in the coming year, which will be another irreplaceable loss of experience for the system.

Amendments to the Minnesota Rules of Professional Conduct (MRPC).

Following a process that lasted over two years, the Supreme Court issued an Order on June 17, 2005, amending the MRPC effective October 1, 2005. An MSBA task force had studied possible changes to the MRPC following the American Bar Association's (ABA) revision to its Model Rules as part of what was known as Ethics 2000. Several significant changes to the rules were approved and numerous minor changes were made, ultimately making Minnesota's rules more similar to the rules in most other

states that have adopted the ABA Model Rules. This recognizes the growing national nature of the practice of law.

Both before the changes took effect and continuing afterwards, attorneys in the Director's Office and several Board members "took to the road" presenting seminars introducing the rule changes to the bar. Seminars were held not only in the Twin Cities metropolitan area, but also live seminars were held in St. Cloud, Rochester, Moorhead and Mankato. Most of these were repeated via video presentations. Copies of the new rules were printed through the Director's Office and distributed to hundreds of lawyers through these seminars. As the current CLE reporting season comes to an end this June, the number of seminars introducing the "new" rules has decreased. A complete list of the speaking presentations made by attorneys in the Director's Office is at A. 2.

Other Rules Petitions and Changes. Rule changes were either implemented or requested this past year in areas closely related to the lawyer discipline system, and in which the Board played a role. Proposals for changes to the Attorney Registration rules to create a new "Inactive" status and to require disclosures concerning malpractice insurance are pending before the Court at this time.

Complaint Statistics. For the first time in several years, the number of complaints received by the Director's Office increased from the previous year, but only insignificantly, from 1,147 in calendar year 2004 to 1,150 in 2005. The pace of complaints received in the first three months of 2006 indicates that this year's number will be almost identical again. Tables outlining these and related statistics are at A. 3 - A. 5.

Lawyers Board Seminar. In September 2005, the Board and Director's Office hosted the annual district ethics committee seminar at the Four Points Sheraton in St. Paul. Highlights included an interview with disbarred and criminally convicted lawyer Stephen Rondestvedt conducted by Assistant United States Attorney Hank

Shea, and the presentation of the annual Volunteer of the Year Award to former Board member Tim Gephart.

Judicial Elections and Pending Litigation. The Eighth Circuit Court of Appeals issued its decision in the *Republican Party of Minnesota et al. v. White et al.* matter this past year, finding several additional portions of Minnesota's Code of Judicial Conduct to be unconstitutional. In response, the Minnesota Supreme Court adopted conforming amendments to the Code of Judicial Conduct. This year's upcoming judicial elections will test these changes. The *RPM* plaintiffs have submitted petitions for attorney fees, which are pending before the federal courts.

Review of Discipline System. Periodic reviews of Minnesota's lawyer discipline system have occurred on three occasions, most recently in 1993 by the Henson-Dolan Commission (named for its co-chairs Robert Henson and Janet Dolan). That commission recommended that such reviews occur regularly. A recent article in *Bench & Bar of Minnesota* magazine, co-authored by Board Chair Kent Gernander and previous Chair Charles Lundberg, expressed the expectation that a similar commission will soon be appointed to conduct such a review. This can present a great opportunity for recognizing what is right about Minnesota's discipline system, but also make any needed suggestions for improvement.

II. NOTEWORTHY PUBLIC DISCIPLINE DECISIONS.

Thirty-five attorneys were publicly disciplined in calendar year 2005: two were transferred to disability inactive status; five were reinstated and one reinstatement was dismissed (A. 6). Twenty-nine more attorneys have been the subject of a public proceeding so far this current calendar year. Six attorneys were disbarred by the Supreme Court during 2005 and five during the first half of 2006.

2005

James J. Boyd
Dale C. Dodge, Jr.
Daniel M. Lieber
James. P. Mulvahill
Brian T. Pierce
Samuel M. Vaught

2006

Richard G. Day
Eric A. L. DeRycke
Todd R. Paulson
William C. Pugh
Willard L. Wentzel, Jr.

In every instance of disbarment for the past year and one-half, intentional misappropriation of client funds, or some similar mishandling of client money, was a major part of the misconduct committed. In only one instance this past year did intentional misappropriation not lead to disbarment, and that only where substantial mitigating circumstances were present.

Two attorneys were suspended for short periods for failing to supervise others. Albert A. Garcia, Jr. was suspended for failing to supervise support staff personnel who altered or fabricated documents, and Donald J. Fraley for failing to supervise a suspended lawyer who was employed by Fraley.

One of the most significant decisions of 2005 was the reinstatement of disbarred attorney David V. Anderley. Few disbarred attorneys have been reinstated in Minnesota, and an attorney disbarred for intentional misappropriation, who was subsequently criminally convicted of a felony, had never been reinstated previously. Mr. Anderley had made significant changes in his life that the Court determined warranted his reinstatement. A Lawyers Board Panel subsequently recommended the reinstatement of another attorney disbarred for similar misconduct. That matter remains pending before the Court.

III. DIRECTOR'S OFFICE

A. Budget.

1. FY'06 and FY'07 Budgets.

Expenditures for the fiscal year ending June 30, 2006, are projected to be \$2,385,576. The FY'07 budget which runs from July 1, 2006 to June 30, 2007, includes anticipated expenditures of \$2,604,205. The FY'07 payroll budget includes a 2% across the board increase and a 3% merit increase for employees who have not reached the top of their salary range.

The Office receives the following portion of the attorney registration fee:

\$ 122.00 - Admitted more than 3 years (\$218.00)/low income (\$193.00);

\$ 24.00 - Non-resident (\$107.00)/low income (\$82.00);

\$ 26.00 - Admitted 3 years and less (\$97.00)/low income (\$84.50).

The Office forecasts surplus funds of \$1,855,102 at June 30, 2007, \$1,660,192 at June 30, 2008, and \$1,344,503 at June 30, 2009. Barring unforeseen circumstances, there appears to be no need for a fee increase in the next three fiscal years.

On May 23, 2006, a hearing to consider proposed amendments to the Minnesota Rules for Registration of Attorneys was held. The petition filed by the Clerk of Appellate Courts, the Board of Law Examiners, Board of Continuing Legal Education and the Office of Lawyers Professional Responsibility seeks to, among other things, create an "inactive" status for attorneys. Inactive status would allow attorneys not currently practicing law to pay a reduced fee and remain in good standing. The petition remains pending as of the date of this report.

B. Personnel.

In November 2005, Director Kenneth Jorgensen was appointed to the Washington County bench. After working in the office for 23 years, Ken's departure, while an outstanding addition to the bench, was a great loss to the disciplinary system. Betty Shaw was appointed Acting Director while a search committee was

formed, and did an outstanding job for approximately four months. On April 19, 2006, Martin Cole was appointed by the Supreme Court as Director. Patrick Burns was thereafter promoted to First Assistant Director. Both Marty and Pat have served in the Director's Office for many years.

The Director's Office is currently hiring two additional attorneys. One attorney is being hired to fill the vacancy created by the above promotions and a second attorney is being hired because Senior Assistant Director Betty Shaw will be retiring from the Director's Office by the end of 2006.

In August 2005, law clerk Siama Chaudhary resigned to clerk for a district court judge. In September 2005, Katie Ketcher was hired. Katie has recently given her resignation notice to clerk for a Hennepin County judge. The Office is currently in the process of hiring a new law clerk.

As these positions have not yet been filled, the Director's Office currently employs 7 attorneys plus the Director, 4.5 paralegals, 1 administrator and 8 support staff (*see* organizational chart at A. 7).

C. Website.

In February 2006, the Office of Lawyers Professional Responsibility launched "Lawyer Search – Public Discipline Record" on its website. This new feature allows lawyers and members of the public to see if attorneys are authorized to practice law and check the public disciplinary history of Minnesota attorneys. If attorneys have been disciplined by the Supreme Court the user may click on the attorney's name and view a copy of the order or opinion imposing the discipline.

The website is maintained and updated regularly by the Director's Office. The address is www.courts.state.mn.us/lprb. Attached at A. 8 is the current title page of the website's homepage.

The Director's Office will shortly launch a new feature to allow attorneys to submit advisory opinion requests via e-mail. An article highlighting this new feature, and other aspects of the website, is scheduled for the July 2006 issue of *Bench & Bar*. The website also contains a search engine enabling users to search *Bench & Bar* and *Minnesota Lawyer* articles using keywords or phrases.

D. Complainant Appeals.

Under Rule 8(e), RLPR, a dissatisfied complainant has the right to appeal most dismissals and all private discipline dispositions. Complainant appeals are reviewed by a Board member, other than members of the Board's Executive Committee, selected in rotation. During 2005, the Director's Office received 227 complainant appeals, compared to 222 such appeals in 2004. There were 225 complainant appeal determinations made by Board members in 2005 as follows:

		<u>%</u>
Approve Director's disposition	205	91
Direct further investigation	17	8
Instruct Director to issue an admonition	2	1
Instruct Director to issue charges	1	-

A total of 38 clerical hours were spent in 2005 processing and routing appeal files. Additional attorney time was expended primarily in reviewing appeal letters and responding to complainants who continued to correspond even after their appeals were denied.

E. Probation.

The past year saw a continued decline in the number of disciplinary probations. In 2005 there were 76 probations, down from 80 in 2004, and 83 in 2003. This is the lowest number of probations since the Director began compiling statistics in 1992. The total number of probations involving impairment also decreased from 25 in 2004 to 23 during the past year.

The one area that saw an increase, albeit still insignificant, was the number of probations revoked. Two probations were revoked in 2005, versus a single revocation in 2004:

Brian J. Peterson – Mr. Peterson had previously been suspended by the Supreme Court for dishonest conduct. On May 2, 2003, the Court reinstated Mr. Peterson and placed him on two years probation. The Director subsequently filed a petition seeking to revoke Mr. Peterson's probation and for further disciplinary action alleging Mr. Peterson's criminal conviction for failure to pay a motor vehicle tax and fraud and misrepresentation involving his representation of an elderly client. Mr. Peterson was temporarily suspended from the practice of law pending a hearing on his underlying petition. The Supreme Court is scheduled to hear arguments in the Peterson case in June 2006.

James M. Burseth – Mr. Burseth had also been suspended by the Court and reinstated to the practice of law subject to probation. A condition of Mr. Burseth's probation was that he maintain abstinence from alcohol. On August 4, 2004, the Director submitted a petition for revocation of Mr. Burseth's probation based upon his failure to maintain abstinence and misrepresentations regarding his use of alcohol. The Director subsequently filed a supplementary petition alleging further non-compliance with his probation. The Director and Mr. Burseth subsequently entered into a stipulation for discipline. On January 24, 2005, the Supreme Court ordered Mr. Burseth indefinitely suspended from the practice of law with no right to apply for reinstatement until he had provided one year of negative non-dilute random urinalysis tests for alcohol and drugs.

YEAR	TOTAL PROBATIONS OPEN DURING YEAR	NUMBER OF NEW PROBATIONS OPENED REQUIRING:			TOTAL ¹
		AA ATTENDANCE	RANDOM UA	MENTAL HEALTH OR THERAPY	
1992	87	1	0	0	1
1993	100	1	0	0	1
1994	114	2	1	7	10
1995	102	1	1	5	7
1996	96	3	0	2	5
1997	87	0	2	3	5
1998	90	0	0	1	1
1999	101	0	0	5	5
2000	97	3	2	4	9
2001	95	1	2	5	8
2002	81	2	2	6	9
2003	83	3	2	8	10
2004	80	1	1	1	2
2005	76	2	2	6	7

Probation Supervisors. During 2005 six probation supervisors (three solo practitioners, one from a small firm with 2 to 4 attorneys, one from a 13-member firm and one from a firm with over 150 attorneys) responded to the Director's survey regarding their experiences supervising probationers. The supervisors had from 10 to 31 years experience practicing law or average of 22 years of experience. The supervisors had volunteered between one and two hours per month reviewing client inventories and client files, speaking with probationers either during in-person visits or over the phone, and reporting their observations quarterly to the Director. One supervisor committed five to ten hours per month working to improve client management by working with the probationer to set clear limits on representations and clarify the conclusion of representations. The primary focus of most probations

¹ Since a probation involving chemical dependency or mental health may require AA attendance, random urinalysis and/or psychological therapy, totals may not balance.

was maintaining and documenting client communications, file organization and closure and law office management skills.

All but one of the six of the supervisors surveyed stated their experience was positive and they would serve again. With the exception of a supervisor whose probationer's probation was revoked, all supervisors believed the purpose of the probation was well served. All would recommend service as a probation supervisor to a friend.

Suggestions for how the Director's Office could better assist supervisors included: impressing upon the probationer the seriousness of the probation, developing a checklist for quarterly reports to the Director and promptly addressing any problems with the probationer with copies to the supervisor.

PROBATION STATISTICS

TOTAL PROBATION FILES OPEN DURING 2005

Public Supervised Probation Files (30.3%)	23	
Public Unsupervised Probation Files (13.1%)	<u>10</u>	
Total Public Probation Files (43.4%)		33
Private Supervised Probation Files (22.4%)	17	
Private Unsupervised Probation Files (34.2%)	<u>26</u>	
Total Private Probation Files (56.6%)		<u>43</u>
Total Probation Files Open During 2005		76

TOTAL PROBATION FILES

Total probation files as of 1/1/05	56
Probation files opened during 2005	19
Private probations extended during 2005	1
Probation files closed during 2005	<u>(32)</u>
Total Open Probation files as of 12/31/05	44

PROBATIONS OPENED IN 2005**Public Probation Files**

Court-ordered Probation Files

Supervised 5

Unsupervised 1

6

Reinstatements

Supervised 3

Unsupervised 14

Total Public Probation Files

10

Private Probation Files

Supervised 4

Unsupervised 6Total Private Probation Files 10**Total New Probation Files in 2005** 20**PROBATIONS OPENED IN 2005 INVOLVING:**

Client Related Violations 6

Non-Client Related Violations 5

Both Client & Non-Client Violations 9**Total New Probation Files in 2005** 20**PROBATION FILES CLOSED IN 2005**

Probations Successfully Completed 30

Probation Revocations 2

Probations Extensions 0**Total Probation Files Closed in 2005** 32

AREAS OF MISCONDUCT

As reflected in 76 open files during 2005²

Competence (Violation of Rules 1.1 and 1.2, MRPC)	7
Neglect & Non-Communication (Violation of Rules 1.3 and 1.4, MRPC)	62
Breach of Confidentiality (Violation of Rule 1.6, MRPC)	2
Conflict of Interest (Violation of Rules 1.7 and 1.8, MRPC)	4
Fees & Opinion 15 Violations	11
Trust Account Books and Records (Violation of Rule 1.15, MRPC, and LPRB Opinion 9)	53
Termination of Representation	8
Unauthorized Practice of Law (Violation of Rule 5.5, MRPC)	5
Taxes	5
Supervision on Non-Lawyer Assistants. (Violation of Rule 5.3, MRPC)	6
Non-Cooperation (Violation of Rule 8.1, MRPC)	20
Criminal Conduct (Violation of Rule 8.4(b), MRPC)	8
Misrepresentations (Violation of Rule 8.4(c), MRPC)	17
Conduct Prejudicial to the Administration of Justice (Violation of Rule 8.4(d), MRPC)	35
Misappropriation	0

DISABILITY RELATED PROBATIONS

Chemical Dependency – existing files on 1/1/05	4
New files opened during 2005	<u>2</u>
Total Chemical Dependency Related Files	6
Psychological Disorders – existing files on 1/1/05	11
New files opened during 2005	<u>6</u>
Total Psychological Disorder Related Files	<u>17</u>
Total Disability Related Probations	23

Probation Department. During 2005, two Senior Assistant Directors monitored the Probation Department. Currently, one Senior Assistant Director, with the assistance of two paralegals, monitors all probations.

² A file may involve more than one area of misconduct.

TIME BY PROBATION DEPT. STAFF (hrs./wk.)	
Attorney 1	8
Attorney 2	8
Paralegal 1	8
Paralegal 2	<u>8</u>
TOTAL PROBATION STAFF TIME PER WEEK	32

F. Advisory Opinions.

The number of advisory opinions requested by Minnesota lawyers and judges continued to rise in 2005. In 2005 the Director's Office received 2,177 requests for advisory opinions.

Advisory opinions are available to all licensed Minnesota lawyers and judges and can be obtained by calling the Director's Office at (651) 296-3952, and soon will be available through the OLPR website (*see above*). Advisory opinions are limited to prospective conduct. Questions or inquiries relating to past conduct, third-party conduct (i.e. conduct of another lawyer), questions of substantive law or advertising and solicitation are not answered. Advisory opinions are the personal opinion of the staff lawyer issuing the opinion and are not binding upon the Lawyers Board or the Supreme Court. Nevertheless, if the facts provided by the lawyer requesting the opinion are accurate and complete, compliance with the opinion would likely constitute evidence of a good faith attempt to comply with the professional regulations.

Set forth below is a statistical summary of advisory opinions for the period 1990 through 2005:

YEAR	OPINIONS GIVEN BY TELEPHONE	OPINIONS GIVEN IN WRITING	TOTAL OPINIONS GIVEN	OPINIONS DECLINED	TOTAL
1990	1130 (83%)	26 (2%)	1156 (85%)	199 (15%)	1355
1991	1083 (84%)	23 (2%)	1106 (86%)	186 (14%)	1292
1992	1201 (86%)	15 (1%)	1216 (87%)	182 (13%)	1398
1993	1410 (87%)	16 (1%)	1426 (88%)	201 (12%)	1627
1994	1489 (84%)	10 (1%)	1499 (85%)	266 (15%)	1765
1995	1567 (87%)	22 (1%)	1589 (88%)	206 (12%)	1795
1996	1568 (88%)	16 (1%)	1584 (89%)	199 (11%)	1783
1997	1577 (90%)	15 (1%)	1592 (91%)	165 (9%)	1757
1998	1478 (91%)	23 (1%)	1501 (92%)	131 (8%)	1632
1999	1464 (90%)	17 (1%)	1481 (91%)	154 (9%)	1635
2000	1600 (90%)*	28 (2%)	1628 (92%)*	142 (8%)	1770*
2001	1682 (92%)	9 (.5%)	1691 (93%)	133 (7%)	1824
2002	1695 (93%)	15 (.8%)	1710 (94%)	115 (6%)	1825
2003	1758 (93%)	9 (.5%)	1767 (94%)	122 (6%)**	1889
2004	1840 (93%)	3 (.2%)	1843 (93%)	131 (7%)	1974
2005	2041 (94%)	1 (.5%)	2042 (94%)	135 (6%)	2177

* 2000 totals revised to reflect additional AO's that were not previously included.

** Percentage amount corrected.

In 2005 the Director's Office expended 424 assistant director hours in issuing advisory opinions. This compares with 411 hours in 2004. Conflict – former clients generally - was the most frequent area of inquiry. The increasing number of opinion requests has resulted in the need to temporarily reallocate office resources to meet the demand.

G. Overdraft Notification.

The lawyer trust account overdraft reporting program provided for by Rule 1.15(j) – (o), MRPC, has been in effect since 1990. Since that time, banks wishing to maintain lawyer trust accounts have had to be “approved” to do so, by agreeing to report all overdrafts on such accounts to the Director's Office. When the Director receives notice of an overdraft on a lawyer trust account, the Director writes to the account-holder and requests an explanation for the cause of the overdraft, together

with three months of the lawyer's trust account books and records, *i.e.*, bank statements, checkbook register, client subsidiary ledgers, trial balances and reconciliations. The purposes of requesting these books and records are to (1) interpret and verify the account-holder's overdraft explanation, and (2) educate the account-holder regarding the trust account books and records requirements and assist him/her in conforming his/her trust account books and records to those requirements.

Overdrafts Reported by Banks

2004	124
2005	111

Closed Inquiries During 2005

• Closed Without Need for Disciplinary Investigation	100
• Inquiry Converted to Disciplinary Investigation	<u>3</u>
Total Trust Account Inquiries Closed	<u>103</u>

Discipline Related to Trust Account Overdraft Inquiry

Public Discipline:

- *In re Edinger*, 700 N.W.2d 462 (Minn. 2005) (three-month suspension).
- *In re Brooks*, 696 N.W.2d 84 (Minn. 2005) (two-year suspension).
- *In re Plummer*, 706 N.W.2d 482 (Minn. 2005) (60-day suspension).
- *In re Boyd*, 691 N.W.2d 472 (Minn. 2005) (disbarment)
- *In re Trudeau*, 705 N.W.2d 409 (30-month suspension)

Private Discipline:

- 1 private probation.
- 1 admonition.

In 67 (or 67%) of the inquiries terminated without a disciplinary investigation, the Director recommended changes or improvements to the lawyer's trust account books, records and/or practices. The most common deficiencies discovered in

lawyers' trust account books and records were again the lack of client subsidiary ledgers and a failure to properly reconcile the trust account.

In 2005 the causes of trust account overdrafts that were closed without a disciplinary investigation were as follows:

Overdraft Cause	No. of Closings
Bank error	27
Mathematical/clerical error	21
Late deposit	19
Check written in error on TA	5
Reporting error	5
Improper/lacking endorsements	5
Bank hold on funds drawn	4
Third party check bounced	4
Service or check charges	3
Deposit to wrong account	2
Other	5

Disciplinary File Openings

The Director will initiate a disciplinary investigation based on an overdraft inquiry if the lawyer fails to respond to the overdraft inquiry, the lawyer's response does not adequately explain the overdraft or significant problems are identified in reviewing the trust account books and records. During 2005, overdraft inquiries were converted into disciplinary investigations for the following reasons:

<u>Reason for Investigation</u>	
Shortages	2
Commingling	1
Total	<u>3</u>

Time Requirements

The Director's Office time requirements to administer the overdraft notification program are as follows:

	<u>1/04-12/04</u>	<u>1/05-12/05</u>
Attorney	198.50 hrs	159.50 hrs
Paralegal and other staff	<u>294.25 hrs</u>	<u>240.75 hrs</u>
Total	492.75 hrs	400.25 hrs

The number of overdraft notices reported to the Director's Office decreased by 10% (from 124 to 111) in 2005. Although the precise cause of this decrease is unknown, it may reflect a growing recognition of proper trust account maintenance by attorneys. The Director's Office continues to monitor the overdraft reporting to ensure compliance with banks' reporting obligations, especially by the three largest banks. The Director's Office time requirements also decreased, but by a slightly greater percentage (18%).

The number of overdrafts converted to disciplinary matters fell off dramatically in 2005 (from 14 to 3). At the end of 2005, 13 discipline files based, at least in part, on trust account overdrafts, remained open. (Two of these files were publicly resolved – one by a transfer to disability status and the other by disbarment – in early 2006.)

H. Judgments and Collections.

In 2005 judgments were entered in 32 disciplinary matters totaling \$32,520.92. The Director's Office collected a total of \$22,622.42 from judgments entered during or prior to 2005. This is the largest amount of judgments collected in one year by the Director's Office since 2000.

Of the total amount collected, \$18,500.36 (or 82%) resulted from judgments entered in 2005. The Director docketed two judgments in 2005, totaling \$2,017.22. The total amount of all outstanding judgments as of January 1, 2006, was \$266,588.72.

A summary of the 2005 statistics and how they compare to 2004 is presented below:

	2005	2004
Number of judgments entered:	32	22
Dollar value of judgments entered:	\$32,520.92	\$30,150.39
Total amount collected:	\$22,622.42	\$18,139.14
Portion attributable to current year's judgment:	\$18,500.36	\$17,696.30
Portion attributable to judgments of prior years:	\$4,122.06	\$442.84

I. Disclosure.

1. Department Function.

The disclosure department responds to written requests for attorney disciplinary records. Public discipline is always disclosed. Private discipline is disclosed only with a properly executed authorization from the affected attorney. In addition, the Director's Office responds to telephone requests for attorney public discipline records. As noted, this information now is also available through the OLPR website. The telephone requests and responses are not tabulated.

2. Source and Number of Written Requests for Disclosure.
Calendar Year 2005.

	<u># of Requests</u>	<u># of Attorneys</u>	<u>Discipline Imposed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	108	108	3	0
B. Individual Attorneys	2	2	0	0
C. Local Referral Services				
1. RCBA	33	77	2	0
2. Hennepin County	2	211	4	0
D. Governor's Office	22	63	2	2
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	344	349	22	7
F. F.B.I.	31	31	1	0
G. MSBA: Specialist Certification Program	10	75	4	2
H. Miscellaneous Requests	19	38	0	0
TOTAL	571	954	38	11
(2004 Totals)	(531)	(1012)	(41)	(5)

3. Press Releases.

The disclosure department also handles the issuance of press releases, which are issued upon the filing of contested public petitions seeking suspension or disbarment, and again with every Supreme Court public disciplinary decision. Just recently, the Office began issuing releases by email to most regular media outlets, in the hope of being more timely and newsworthy.

J. Trusteeships.

Pursuant to Rule 27, RLPR, the Court periodically appoints the Office as trustee to inventory files and, when necessary, trust accounts of disabled, disappeared, deceased, suspended, disbarred or resigned lawyers.

No new trusteeships were undertaken during the past year. In October 2005, client files of Norman P. Friederichs, Jr. were expunged. The Director's Office currently retains 81 files from the Jane E. Brooks trusteeship, which are eligible for expunction in November of 2008.

K. Professional Firms.

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law must file an initial report and annual reports demonstrating compliance with the Act. The Director's Office has handled the reporting requirements under statute since 1973. Annual reports are sought from all known legal professional firms, which include professional corporations, professional limited liability corporations and professional limited liability partnerships. The filing requirements for professional firms are described on the website.

Professional firms pay a filing fee of \$100 for the first report and a \$25 filing fee each year thereafter. In reporting year 2004-2005 there were 104 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of April 30, 2006, the Director's Office received \$49,925 in professional firm filing fees. The Director's Office received \$56,150 during fiscal year 2005. As of April 30, 2006, there were 86 new professional firm filings for reporting year 2005-2006.

An Assistant Director, paralegal, and file clerk staff the professional firms department in the Director's Office. The total attorney work time for overseeing the professional firms department was 40.5 hours. The total non-attorney work time was 221.5 hours.

IV. DISTRICT ETHICS COMMITTEES.

Minnesota is one of a few jurisdictions that continue to use the local district ethics committees (DECs) to investigate the majority of ethics complaints. The Minnesota system continues to work well.

Initial review of complaints by practitioners in their own area and by non-lawyers is valuable in reinforcing confidence in the system. The quantity and quality of the DEC investigative reports remain high. For calendar year 2005, the Director's Office followed DEC recommendations in 91 percent of investigated matters. Several of these matters in which the recommendation was not followed involved attorneys with substantial prior relevant discipline.

In 2005 the monthly average of files under DEC consideration was 142, fluctuating between a low of 127 and a high of 167. The year-to-date average for 2006 is 141 as of April 30.

Rule 7(c), RLPR, provides a 90-day goal for completing investigations. For the calendar year 2005, the DECs completed 425 investigations, taking an average of 3.8 months to complete each investigation. The Hennepin DEC was assigned 161 of these investigations, taking an average of 3.7 months per investigation (*see* A. 9, DEC Investigation Summary).

The Hennepin DEC, the state's largest district, uses a two-tiered complaint review process not employed by other DECs. The Hennepin statistics are separately monitored to reflect file aging at the two decision points in the process. The Hennepin process involves investigator presentation to a screening committee. If the screening committee recommends dismissal, the complaint is returned to the Director's Office for disposition. If the screening committee concludes a violation occurred or that additional investigation is necessary, an Investigative Review Committee (IRC), made up of one of three Hennepin DEC panels, reviews the matter.

Both the complainant and the respondent are invited to attend and testify at the IRC hearing.

In calendar year 2005, 123 matters were referred back to the Director's Office after screening without an IRC hearing; it took an average of 3.3 months to complete the DEC investigation of these matters. There were 34 matters referred to an IRC panel before being sent back to the Director's Office, which took an average of 4.8 months to complete.

For calendar year 2005, of the completed DEC investigations there resulted the following dispositions:

Determination discipline not warranted	308
Admonition	47
Private probation	4

The annual seminar for DEC members, hosted by the Office and the Board, will be held on Friday, September 29, 2006. The Board and the Office remain committed to the support and training of ethics committee volunteers, both lawyer members and public members. In addition, the Hennepin DEC holds training/orientation seminars at least twice a year for its new members. The Director's Office continues to provide support to all of the DEC's through the liaisons assigned to each district.

V. FY'07 GOALS AND OBJECTIVES

With the loss of Ken Jorgensen and the anticipated retirement of Betty Shaw, with a new Director and First Assistant (even though both highly experienced in the Director's Office), and with two new attorneys learning their positions, the Director's Office will, in the short run, be pressed to maintain the high level of quantity and quality work that the Courts, the bar and the public have come to expect. The increasing number of serious discipline cases and requests for advisory opinions and speakers will require extra effort and commitment from many individuals.

Prosecution of those serious cases must remain the system's focus to ensure continued protection of the public.

With the "new" rules becoming more familiar to everyone, the Board's and Director's Office's speaking load may be lessened. Methods of expediting the advisory opinion service are being considered, along with other improvements to the OLPR/LPRB website to provide more information without the need for expending additional staff time, although making the revisions will involve some increased time in the short term. This process began already before Mr. Jorgensen's appointment to the bench, and is continuing under the new Director.

If a review commission is established this year, substantial preparation likely will be needed to provide requested information to that commission. Careful planning for the resource allocation to accomplish this task will be necessary.

Dated: June 21, 2006.

Respectfully submitted,



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

and



KENT A. GERNANDER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

Lawyers Professional Responsibility Board Members

Kent A. Gernander, Winona. – Attorney member; current LPRB Board Chair; term expires January 31, 2010; partner in the firm of Streater & Murphy, P.A.; former member and Chair of Third DEC. Areas of expertise: business and commercial law; nonprofit organizations; civil litigation.

Kathleen Clarke Anderson, Mpls. – Public member; term expires 1/31/09; worked with Hennepin County Bar Association Fee Arbitration Board; served over 8 years as member of the Fourth DEC. Areas of expertise: public policy, political process and governance.

Larry M. Anderson, Mpls. – Public member; term expires 1/31/07; serves on LPRB Opinion Committee; retired Administrator for Hennepin County District Court; served over 8 years on the Fourth DEC. Areas of expertise: civil and family arbitration and mediation.

Mark R. Anway, Anoka – Public member; term expires 1/31/09; Assistant Vice-President, Credit and Compliance, Wells Fargo Equipment Finance, Inc.; served on 21st DEC for five years.

Richard A. Beens, Mpls. – Attorney member; term expires 1/31/08; serves on LPRB Opinion Committee; solo practitioner; served on the Twenty-First DEC for 8 years, including 6 years as Chair. Areas of expertise: general litigation, employment law and labor law.

Joseph V. Ferguson III, Duluth. – Attorney member; term expires 1/31/08; partner in the firm of Johnson, Killen & Seiler, P.A.; served on Eleventh DEC for 12 years, including 6 years as Chair. Areas of expertise: business law/bankruptcy/admiralty.

Wood R. Foster, Jr. - Mpls. – Attorney member; MSBA nominee; term expires 1/31/09; serves on LPRB Rules Committee; partner in the firm of Siegel, Brill, Greupner, Duffy & Foster; former member of the Fourth DEC; past president of Hennepin County Bar Association and the Minnesota State Bar Association. Areas of expertise: commercial litigation, as well as class action litigation.

Lynn J. Hummel, Detroit Lakes - Attorney member; term expires 1/31/07; served 9 years on Seventh DEC, 3 years as Chair. Areas of expertise: civil litigation, employment law, general practice, mediation.

Geri L. Krueger, Glenwood – Public member; term expires 1/31/09; sole proprietor of Geri's Paralegal Service. Areas of expertise: civil and family mediation, guardianship, conservatorship and probate.

Ann E. Maas, Brooklyn Park - Public member; term expires 1/31/08; serves on LPRB Executive Committee; served on the Fourth DEC for 4 years; self-employed as a mental health consultant. Areas of expertise: health care evaluation, law office management, standards and compliance, performance improvement.

Patrick J. McGuigan, St. Paul – Attorney member; term expires 1/31/07; serves as Chair of the LPRB Opinion Committee; partner in the firm of McGuigan & Holly; served a total of 9 years on Second DEC, 6 years as Chair. Areas of expertise: probate/estate administration, estate planning, real estate law, and banking – loan documents.

Katie McWatt, St. Paul - Public member; term expires 1/31/08; served on the Second DEC; retired from her position as Coordinator of St. Paul Central's Minority Education program.

Mary L. Medved, St. Paul – Public member; term expires 1/31/07; serves on LPRB Executive Committee; serves as personnel liaison to Director's Office; served 2 terms (6 years) on the Second DEC; President, Medved Companies. Areas of expertise: Human Resource Generalist, Employment, Benefits, Compensation.

Neil M. Meyer, Mpls. – Attorney member; serves on LPRB Opinion Committee; term expires 1/31/07; partner in the firm of Meyer & Njus; longtime member of the Fourth DEC, served as volunteer trustee appointed by Supreme Court on behalf of the OLPR; named 1999 Lawyers Professional Responsibility Board Volunteer of the Year. Areas of expertise: business organizations, commercial transactions and estate planning.

Wallace Neal, Bloomington – Public member; term expires 1/31/08; serves on LPRB Rules Committee; self-employed as a consultant; served 12 years on the Fourth DEC. Areas of expertise: construction contracts and specifications, as well as interest in advertising issues.

Judith M. Rush, Roseville – Attorney member; MSBA nominee; term expires 1/31/07; LPRB Vice-Chair, serves on LPRB Rules Committee; solo practitioner in the areas of family and appellate law; served 6 years as member of the Second DEC. Areas of expertise: family law, appellate; based on areas of practice.

David L. Sasseville - Mpls. – Attorney member; MSBA nominee; term expires 1/31/09; serves as Chair of the LPRB Rules Committee; partner in the firm of Lindquist & Vennum; served on Fourth DEC for 6 years. Adjunct Professor of Law, Wm. Mitchell College of Law – Professional Responsibility. Areas of expertise: commercial litigation, regulated industries, and administrative law.

Cindy K. Telstad - Winona – Attorney member; MSBA nominee; term expires 1/31/08; serves on LPRB Opinion Committee; partner in the firm of Streater & Murphy; served on the Third DEC for 6 years, including 2 years as Chair. Areas of expertise: real property law, and employment law.

Vincent A. Thomas, St. Paul – Attorney member; MSBA nominee; term expires 1/31/07; serves on LPRB Executive Committee; Assistant Dean for Students and Multicultural Affairs and Adjunct Professor of Law, University of St. Thomas School of Law.

Debbie Toberman, Plymouth - Public member; term expires 1/31/08; served on the Fourth DEC for 12 years; claim representative for Minnesota Lawyers Mutual Ins. Co. Area of expertise: legal malpractice.

Dianne A. Ward, St. Paul – Attorney member; term expires 1/31/09; serves on LPRB Rules Committee; Assistant Director in the Office of the Ramsey County Attorney; served on the Second DEC for 3 years. Areas of expertise: public law – criminal, juvenile, child support and public policy.

Kenneth R. White, Mankato – Attorney member; MSBA nominee; term expires 1/31/08; solo practitioner in the areas of appellate practice and civil litigation. Areas of expertise: appellate practice, personal injury and litigation.

Jan M. Zender, St. James – Attorney member; term expires 1/31/08; served on the Sixth DEC for 6 years; partner in law firm of Sunde, Olson, Kircher and Zender. Areas of expertise: real estate and estate planning.

Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2005 – June 2006

Date	Topic	Location	Organization
8/8/05	Solo Practitioner	Duluth	
8/9/05	Strategic Solutions	Duluth	
8/15/05	New Rules of Professional Conduct	Minneapolis	MNCLE
8/24/05	Public Law	Minneapolis	MSBA
8/31/05	New Rules of Professional Conduct	Duluth	MNCLE
9/6/05	New Rules of Professional Conduct	Anoka	Anoka Cty. Atty. Office
9/7/05	New Rules of Professional Conduct	Mankato	MNCLE
9/8/05	Dealing with Addictions	Minneapolis	HCBA
9/8/05	New Rules	Rochester	MNCLE
9/9/05	Minnesota Trust Seminar	Minneapolis	MNCLE
9/14/05	New Rules of Professional Conduct	St. Cloud	
9/15/06	New Rules of Professional Conduct	Moorhead	MNCLE
9/22/05	Ethics Rules for Paralegals	Apple Valley	MDLA
9/22/05	New Rules of Professional Conduct	Eden Prairie	Central MN Legal Services
9/28/05	Dishonest Lawyers	Rochester	Olmstead Co. Atty's Off.
9/28/05	Dishonest Lawyers	Minneapolis	U of M Law School
9/29/05	Dishonest Lawyers	Collegeville	College of St. Benedict
9/30/05	2005 Professional Responsibility Seminar	St. Paul	LPRB
10/6/05	Reitz PR class	Minneapolis	U of M Law School
10/11/05	New Rules – Criminal Law	Minneapolis	CLE
10/12/05	New Rules of Professional Conduct	St. Paul	Revisor's Office
10/14/05	New Rules of Professional Conduct	Minneapolis	HCBA
10/19/05	Creditor/Debtor	Minneapolis	HCBA
10/25/05	New Rules of Professional Conduct	Minneapolis	MNCLE
10/27/05	New Rules of Professional Conduct	Minneapolis	You Manage Law Series by Peggy Schaefer
10/27/05	New Rules of Professional Conduct	St. Paul	Ramsey County Bar Solo
10/29/05	National Consumer Law Conference	Minneapolis	CLE
11/3/05	Corporate Counsel Symposium	Minneapolis	Dorsey & Whitney
11/4/05	Ethical Responsibilities for Law Clerks	Burnsville	MNCLE
11/8/05	ADR and Recent Rule Changes	Minneapolis	MSBA
11/9/05	New Rules of Professional Conduct		Scott County Bar
11/9/05	Workers' Compensation	Minneapolis	MSBA
11/14/05	New Rules of Professional Conduct	Minneapolis	MSBA
11/18/05	Real Estate Institute – New Rules	St. Paul	MNCLE
11/29/05	Estate Planning for NonTraditional Families	Minneapolis	MNCLE
11/30/05	Rules of Professional Conduct	Minneapolis	MSBA
12/6/05	Nuts and Bolts	Minneapolis	HCBA
12/7/05	Solo Practice	Minneapolis	MNCLE
12/7/05	Life and the Law	Minneapolis	CLE
12/7/05	New Rules of Professional Conduct	Minneapolis	Hennepin Cty Atty's Off.
12/9/05	Ethics for Probate Attorneys	Minneapolis	Hennepin Cty Probate Section

Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2005 – June 2006

Date	Topic	Location	Organization
12/13/05	New Rules of Professional Conduct	Minneapolis	Leonard Street & Deinhard
1/12/06	Real Estate Seminar	Minneapolis	HCBA
1/19/06	Real Property Seminar	Minneapolis	MNCLE
1/20/06	Landlord/Tenant Seminar	Minneapolis	HCBA
1/24/06	Common Ethics Problems	St. Paul	RCBA
1/26/06	New Rules/Recent Cases	Minneapolis	MNCLE
1/27/06	Trust Accounts & Other Ethics Issues	St. Paul	MSBA – Flying Solo Institute
2/1/06	Pro Bono Ethics	Minneapolis	MNCLE
2/8/06	Family Law Section – Rule Changes	Minneapolis	HCBA
2/21/06	New Rules; Discipline Process	Rochester	Olmstead Cty Bar/New Lawyers Sect.
2/21/06	New Rules	Minneapolis	Arthur Chapman
2/22/06	New Rules; Discipline Process		Public Defender's Off.
2/24/06	Ethics and Impairment	Minneapolis	Hennepin County CLE
2/25/06	New Developments	Hinckley	Public Defender Assn.
3/10/06	Client Files, Papers & Property	Minneapolis	HCBA
3/14/06	LAD	Minneapolis	MSBA
3/17/06	New Rules of Professional Conduct	St. Paul	Hamline law School
3/21/06	Family Law Seminar	St. Paul	RCBA
3/21/06	Real Property Section	St. Paul	RCBA
3/24/06	Workers' Compensation Institute	Bloomington	MNCLE
3/27/06	New Rules	Minneapolis	HCBA Probate
3/29/06	Family Law Institute	St. Paul	MNCLE
4/6/06	Ethics for Law Clerks	Buffalo	10 th Judicial Law Clerks
4/10/06	Practice Interruption – Business Attys	Minneapolis	MNCLE
4/10/06	New Rules	Minneapolis	MSBA Civil Lit.
4/12/06	Ethics for Paralegals	Brooklyn Ctr	MN School of Business
4/19/06	Nat'l Assn. of Legal Secretaries	Minneapolis	Robins, Kaplan & Miller
4/19/06	Ethics for In-House Counsel	Minneapolis	Gray, Plant
4/21/06	Corporate Counsel seminar/New Rule Changes	Minneapolis	HCBA
5/4/06	Ethics for Civil Gov't. Attys	St. Paul	MN Cty. Atty. Assn.
5/10/06	New Rules of Professional Conduct	Lake Elmo	Jardine, Logan & O'Brien
5/15/06	Ethics for In-House Counsel	Minneapolis	MNCLE
5/22/06	Employment Law Institute – In-House Counsel Issues	St. Paul	MNCLE
5/23/06	Employment Law Institute	St. Paul	MNCLE
5/24/06	New Rules of Professional Conduct	Minneapolis	MN Trial Lawyers
6/2/06	New Rules	Montevideo	12 th District Bar Assoc.
6/9/06	Preventing Malpractice	St. Paul	MLM
6/12/06	Ethics 2006	St. Paul	MNCLE
6/20/06	Ethical Client Control	Minneapolis	VLN
6/23/06	Changes to OLPR	Brainerd	MSBA

TABLE I
Supreme Court Dispositions and Reinstatements 1990-2005

Number of Lawyers

	Disbar.	Susp.	Probation	Reprimand	Dismissal	Reinstated	Reinstate Denied	Disability	SC AD/Aff	Other	Total
1990	8	27	9	10	0	2	2	2	0	0	60
1991	8	14	10	6	2	3	2	3	0	0	49
1992	7	16	8	5	0	3	0	2	0	0	41
1993	5	15	12	3	1	9	2	1	0	0	48
1994	8	5	7	0	0	4	0	1	0	0	25
1995	6	26	9	4	1	5	0	4	4	0	59
1996	4	27	5	0	3	4	1	2	1	1*	48
1997	10	16	6	2	1	5	2	2	1	1**	46
1998	15	18	10	2	1	4	3	2	1	0	56
1999	3	12	5	0	0	8	1	1	0	2***	32
2000	6	19	10	2	0	3	0	2	1	0	43
2001	3	15	9	2	0	2	0	2	0	1*	34
2002	4	18	6	1	1	5	0	4	0	1**	40
2003	6	15	4	-	-	13	1	3	-	-	42
2004	5	10	3	1	-	7	1	1	-	-	28
2005	6	22	6	1	-	5	-	2	-	-	42

* Supreme Court admonition reversed.

** Supreme Court stay.

*** 1 Supreme Court private admonition ordered, and 1 Supreme Court stay.

TABLE II

	Lawyers Board Goal	<u>12/01</u>	<u>12/02</u>	<u>12/03</u>	<u>12/04</u>	<u>12/05</u>	<u>4/30/06</u>
Total Open Files	500	525	463	487	525	527	500
Cases at Least One Year Old	100	146	106	97	134	147	148
Complaints Received YTD		1,246	1,165	1,168	1,147	1,150	362
Files Closed YTD		1,278	1,226	1,143	1,109	1,148	389

TABLE III

	Percentage of Files Closed						
	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
1. <u>Total Dismissals</u>	82%	80%	77%	76%	79%	84%	82%
a. Summary Dismissals	45%	43%	43%	45%	43.5%	48%	48%
b. DNW/DEC	31%	31%	26%	25%	30%	31%	27%
c. DNW/DIR	5%	6%	8%	6%	5.5%	5%	7%
2. <u>Admonitions</u>	9%	7%	10%	7%	9.5%	8.5%	9%
3. <u>Private Probation</u>	3%	3%	3%	2%	3%	1.5%	2%
4. <u>Supreme Court Dispositions</u>	6%	7%	8%	11%	5%	4%	5%
a. Supreme Court Dismissal	--	--	--	--	--	--	--
b. Supreme Court Reprimand	--	--	--	--	--	--	--
c. Supreme Court Probation	.5%	1%	1%	.5%	.5%	1%	1%
d. Supreme Court Suspension	2%	5%	5%	7%	3.5%	2%	3%
e. Supreme Court Disbarment	1%	1%	2%	4%	1%	1%	1%

TABLE IV
Number of Months File Was Open at Disposition

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Discipline Not Warranted/ District Ethics Committee	--	5	5	5	6	6	6
Discipline Not Warranted/ Director	--	8	8	10	10	7	11
Discipline Not Warranted*	5	--	--	--	--	--	--
Admonition	10	9	9	10	9	10	10
Private Probation	14	14	13	10	20	17	15
Supreme Court Reprimand	--	16	21	10	--	16	27
Supreme Court Reprimand and Probation			14	12	20	18	18
Supreme Court Probation	16	20	12	--	11	4	--
Supreme Court Suspension and Probation			20	27	21	28	--
Supreme Court Suspension	13	20	16	18	22	24	16
Supreme Court Disbarment	8	26	30	21	16	24	15

*ADRS did not calculate number of months for DNW categories separately in 97-99. ADRS enhancements now allow such calculations.

TABLE V
Average Time Cases Under Advisement by Supreme Court - 2005

Disposition	No. of Matters	Actual Total Months	Average Months
Supreme Court Reprimand & Probation	1	1.5	1.5
Supreme Court Reprimand & Probation (Stipulated)	5	7.2	1.4
Supreme Court Reprimand/Permanent Retired Status (Stipulated)	1	1.3	1.3
Supreme Court Suspension & Probation (Stipulated)	6	7	1.2
Supreme Court Suspension (Stipulated)	12	17	1.4
Supreme Court Suspension	4	8.1	2
Supreme Court Disability (Stipulated)	2	0.9	0.5
Supreme Court Disbarment (Stipulated)	4	2.8	0.7
Supreme Court Disbarment	2	3.9	1.9
Reinstatement	2	3.9	1.9
Reinstatement & Probation (Stipulated)	1	1.8	1.8
Reinstatement & Probation	2	1.7	0.8
Total Decisions	42		

OLPR 2005 Summary of Public Matters Decided

43 Decisions Involving 63 Files

Disbarment **12 files 6 attorneys**

BOYD , JAMES J	A05-51	2
DODGE , DALE CHARLES JR.	A05-2144	1
LIEBER , DANIEL MARTIN	A04-636	1
MULVAHILL , JAMES P	A04-955	4
PIERCE , BRIAN TODD	A05-847	3
VAUGHT , SAMUEL M	A04-1438	1

Suspension **33 files 22 attorneys**

ANDERSON , JOHN T JR	A05-335	1
BAGNIEFSKI , JEFF D	A04-1941	2
BORDEN , WINSTON W	A04-2317	1
BROOKS , JANE E	A04-1896	3
BURSETH , JAMES M	CX-00-2004	1
COWAN , JACQUES TREVOR	ADM05-8001	1
CRANDALL , ERIC LEIGHTON	A04-2431	2
EDINGER , RICHARD EDWARD	A04-1276	1
FRIDAY , ROBERT CARL	A04-1766	3
HAEFELE , RICHARD J	A05-498	1
HEALY , ROBERT J	A05-2207	1
JAMBOR , DANIEL FRANCIS	A04-1504	1
JENNINGS , LARRY MARTIN	A04-2371	1
MARTIN , RICHARD H	A05-1650	1
MOEN , JAMES W	A04-1071	1
NICKITAS , PETER JAMES	A05-1202	2
PENNINGTON , JILL J	A05-2239	1
PLUMMER , WILLIAM ALBERT	A05-1026	1
REDBURN , DAVID TIMOTHY	A04-2109	4

SORONOW , STEVEN FRED	A04-1536	1
SWENSON , CHESTER D	A04-2251	1
TRUDEAU , KRISTINE KATHERIN	A05-1616	2

Reprimand & Probation **7 files 6 attorneys**

BENHAM , J RANDALL	A05-867	1
BODENSTEINER , WILLIAM L	A05-1085	2
MOORE , YVONNE B	A04-215	1
OHLSEN , RICHARD A	A04-2432	1
OLSEN , BRIAN M	A05-2258	1
RHODES , BRADLEY C	A04-2252	1

Reprimand/Retired Status **2 files 1 attorneys**

MILLER , ROBERT J	A04-1622	2
-------------------	----------	---

Disability Inactive Status **3 files 2 attorneys**

GEGEN , NICHOLAS JAMES	A05-2331	1
HOOVER , MICHAEL J	A04-1106	2

Reinstatement **2 files 2 attorneys**

ANDERLEY , DAVID V	C5-91-801	1
COWAN , JACQUES TREVOR	ADM05-8001	1

Reinstatement & Probation **3 files 3 attorneys**

ANDERSON , JOHN T JR	A05-335	1
HEAD , WYNETTE MICHELLE	A04-1011	1
JENNINGS , LARRY MARTIN	A04-2371	1

Reinstatement Dismissed **1 files 1 attorneys**

OTIS , JAMES D	A03-1462	1
----------------	----------	---

Office of Lawyers Professional Responsibility

FY'06 Organizational Chart

A. 7

Director¹
Martin A. Cole

First Asst. Director
Patrick R. Burns
Attorney IV

Sr. Asst. Dir.
Betty M. Shaw
Attorney III

Sr. Asst. Dir.
Timothy M. Burke
Attorney III

Sr. Asst. Dir.
Craig D. Klausing
Attorney III

Asst. Director
Cassie Hanson
Attorney II

Law Clerk²
Katie Ketcher

Asst. Director
Thomas F. Ascher
Attorney I

Asst. Director¹
Julie E. Bennett
Attorney I

Asst. Director
Vacant

Asst. Director
Vacant

Word Proc. Sup.
Tina Munos Trejo
Off. Asst. IV

Office Admin.¹
Joanne Daubenspeck
Off. Asst. V

Paralegal Sup.
Lynda Nelson
Supervising Paralegal

Disciplinary Clerk
Cheryl Krueger
Off. Asst. III

Word Proc. Oper.
Jean Capecci
Off. Asst. II

Computer Clerk
Cindy Peerman
Off. Asst. III

Paralegal²
Patricia Jorgensen¹
Paralegal

Paralegal
Valerie Drinane
Paralegal

Paralegal
Jenny Boushley
Paralegal

Paralegal
Patricia La Rue
Paralegal

File Clerk
Anne Hennen
Off. Asst. II

File Clerk
Mary Jo Jungmann
Off. Asst. II

Receptionist/Legal Clerk
Carol Breidel
Off. Asst. II

Receptionist²
Carol Delmonico
Off. Asst. I

Supreme Court Employees³
Accounting - 10% each
Pam Wicker
Sue Ahlgren

¹ Also Client Security Board Staff

² Part-time position

³ Not administratively subject to Director's Office.

Office pays percentage of their salary

⁴ Not administratively subject to Director's Office.

Hired to assist retired referees.

Sandra Robinson⁴
Jud. Asst. II

Louise Livesay⁴
Attorney I


[SEARCH](#)

[ABOUT LAWYERS BOARD &
THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY](#)
[PROFESSIONAL RESPONSIBILITY
ARTICLES AND SUBJECT INDEX](#)
[FILING A COMPLAINT
AGAINST A LAWYER](#)
[LAWYER SEARCH
PUBLIC DISCIPLINE RECORD](#)
[RULES GOVERNING MINNESOTA
LAWYER DISCIPLINE SYSTEM](#)
[TRUST ACCOUNTS](#)
[CROSS BORDER
PRACTICE RULES](#)
[OTHER RESOURCES](#)
[RELATED LINKS](#)

Minnesota Ethics Articles

Changes to Rule 7 of the Minnesota Rules of Professional Conduct

As of October 1, 2005, Rules 7.1 - 7.5, Minn. Rules of Prof. Conduct have been changed. These Rules deal with attorney communications about services and attorney advertising and solicitations, and the amendments create new responsibilities and new specifics in these areas. [more](#)

Reprinted from *Minnesota Lawyer* (May 1, 2006).

[Index to Minnesota Lawyer Ethics Articles](#)

Overdraft Notification

Attorneys must maintain their trust accounts in financial institutions approved by the Office of Lawyers Professional Responsibility. [more](#)

Reprinted from *Bench & Bar* (April 2006).

[Index to Bench & Bar Ethics Articles](#)

Lawyer Ethics Articles by Subject

Use our Subject Matter Index to research our archive of ethics articles from *Minnesota Bench & Bar* and *Minnesota Lawyer*. [more](#)

What's New

Director's Office Seeks Law Clerk

The Office of Lawyers Professional Responsibility is seeking law student for law clerk trainee position.

[Click here for full details.](#)

[Click here for application.](#)

Supreme Court Appoints New Director

The Office of Lawyers Professional Responsibility and Minnesota Client Security Board have a new Director and First Assistant. [more](#)

**Minnesota Lawyer Public Discipline
Search Now Available**

Members of the public can now look up public discipline of Minnesota lawyers on this website. Click the link on the menu to the left entitled "Lawyer Search: Public Discipline Record." Enter a lawyer's last name. A list of lawyers will appear showing whether or not they are authorized to practice in Minnesota and if they have been publicly disciplined. Click on the lawyer you are inquiring about. If the lawyer has been publicly disciplined, there should be a link to the Supreme Court order or opinion.

**Appendix 1 to Minnesota Rules of
Professional Conduct (MRPC)**

Pursuant to Rule 1.15(i), MRPC, the Lawyers Professional Responsibility Board, is required to publish annually the books and records required by Rule 1.15(h), MRPC. [more](#)

[Top](#) | [Home](#)

DEC INVESTIGATION SUMMARY 2005		
DEC	Number of Files	Average Investigation Duration (Months)
1	23	5
2	88	3.6
3	6	2
4	161	3.7
5	3	3.3
6	6	3.8
7	27	3.4
8	12	5.3
9	3	2
10	10	3.9
11	12	4.6
12	3	2.3
13	1	4
14	6	7.7
15	8	5.4
16	4	2.8
17	5	5.2
18	7	3.9
19	15	3.7
20	8	2.5
21	17	3.1
Totals	425	3.8
(non 4th)	264	3.9