

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

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OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**

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## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND HIGHLIGHTS .....	1
II. CASELOAD AND STATISTICS .....	5
A. Statistics .....	5
B. Minnesota Supreme Court Disciplinary Cases .....	8
III. DIRECTOR'S OFFICE .....	10
A. Budget .....	10
B. Administration .....	10
C. Personnel .....	11
D. Trusteeships .....	12
E. Probation .....	12
F. Advisory Opinions .....	16
G. Judgments and Collections .....	17
H. Professional Firms .....	18
I. Overdraft Notification .....	19
J. Complainant Appeals .....	21
K. Disclosure .....	22
IV. DISTRICT ETHICS COMMITTEES .....	23
V. FY'00 GOALS AND OBJECTIVES .....	26

## **I. INTRODUCTION AND HIGHLIGHTS**

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. Rules on Lawyers Professional Responsibility 4(c) and 5(b). The reports are hereby jointly made for the period June 1, 1998, through May 31, 1999.

### **The Transition Continues**

This past year was the first full year that the new Chair, Charles E. Lundberg, served along with the Director, who is completing his first two-year term. With two new appointments to the Minnesota Supreme Court within the past 12 months, the Court has now completely changed its membership since 1992, a further reflection of transition among those who decide the direction of professional discipline for the legal community in Minnesota.

Several long time Board members finished their terms this past year. Executive Committee members Nicholas Ostapenko and Janet Johnson both completed six years of service on the Board on February 1, 1999. Mr. Ostapenko had been the Vice-Chair of the Board this past year. Ms. Johnson had been a public member. In addition, former Vice-Chair and Chair of the Opinion Committee, Kent A. Gernander, completed 7 years of service in February. Finally, two public members left the Board. Douglas Faragher who left in mid-1998 after serving one year and John F. Edwards II who completed 6 years of service in February.

Having lost two veteran Board members from greater Minnesota, the Court appointed Charles B. Bateman of Duluth, a former District Ethics Committee Chair from the Eleventh District and Thomas J. LaVelle, of Worthington, a former District Ethics Committee Chair from the Thirteenth District, to replace them. The three departing public members were replaced by Timothy J. Gephart and Kenneth E.

Broin, both former public members of the Fourth District Ethics Committee and Patty Murto from the Duluth area.

The Board elected John C. Lervick as the new Vice-Chair and the Chair appointed Ann M. Bailly to be the new Executive Committee public member. Ms. Bailly will also be acting as Office liaison. Both the Director and the Chair, as well as Ms. Bailly, feel that it will be helpful to maintain lines of communication between the members of the Office and the Board in this manner. A short biographical sketch of current Board members is attached at A. 1.

### **Rule Changes**

The Director, the Chair, and the Vice-Chair, all served on a Supreme Court Advisory Committee to consider changes in the Rules of the Board on Judicial Standards. The committee submitted a report recommending amendments to the rules on October 15, 1998. The recommended amendments included changes both to the Rules of the Board on Judicial Standards and related Rules on Lawyers Professional Responsibility. A hearing on those proposed changes was held on March 16, 1999. Two weeks later, on March 30, 1999, the Court issued an order approving a number of changes to both sets of Rules. Essentially, the rule changes provide that the initial investigation of a judge for alleged misconduct occurring prior to appointment or election would be conducted by the Office of Lawyers Professional Responsibility which, along with the Board, would consider whether discipline as a lawyer is warranted. In an effort to be both cost and time efficient, the results of the investigation would be conveyed to the Board on Judicial Standards which would then make an independent determination based primarily on the findings of the earlier hearing as to what action to take, if any. Prior to these changes, the Board on Judicial Standards retained jurisdiction over any alleged misconduct by a judge before appointment or election.

### **Additional Proposed Rule Changes**

In the past year, the Board and the Office have worked diligently and effectively in examining additional proposed rule changes to the Court. The Rules Committee of the Board was chaired by John Brian who, along with Bill Kronschnabel, examined proposed changes to the Minnesota Rules of Professional Conduct. Rules Committee members Nicholas Ostapenko and Ann Bailly considered changes to the Rules on Lawyers Professional Responsibility. After Board approval, a petition on behalf of the Board and the Office seeking amendments to the Minnesota Rules of Professional Conduct and the Rules on Lawyers Professional Responsibility was filed with the Court on February 18, 1999. The Supreme Court held a hearing on May 26, 1999, to consider the proposed changes.

### **New Opinions Issued**

Members of the Board and Office were also active in examining various proposed areas for issuance of opinions. The Opinion Committee was chaired by Kent Gernander. The remaining members were Tom Feinberg, Sharon Reich and Janet Johnson. Due to developments over the past nine years, the Opinion Committee and the Board felt that it was time for the issuance of a new Opinion 9 on the maintenance of books and records. Having gained experience from the administration of the overdraft notification program, the Board and Office felt confident regarding the types of records that lawyers should maintain to satisfy their ethical obligations to protect client funds.

The Opinion Committee recommended, and the Board approved, a new Opinion 19, addressing the use of technology to communicate confidential information to clients. Although the Office has not seen many complaints in this area, both the Board and Office felt that it was important to address this issue in a timely manner to prevent further problems in the future.

### **Fall Seminar**

On September 10, 1999, the Office will conduct its annual seminar in conjunction with the fall meeting of the Board. The seminar was moved from spring to fall because many district ethics committees change membership in September and these new members are the target audience of the Office. The Chair suggested the seminar be offered in the morning and early afternoon to be followed by the Board meeting. This allows seminar attendees to observe the Board in hearing and allows Board members from greater Minnesota to attend both events.

### **Office Recognition**

In January of 1999, the Minnesota State Bar Association announced that the Director was the winner of the David Graven Public Service Award. The Graven Award is given annually to the lawyer who best exemplifies the high standards of the profession in combination with a commitment to public service. Previous winners of the award, started in 1994, include U.S. District Court Judge John Tunheim and Hennepin County District Court Judge Kevin Burke.

### **Classification/Compensation Study**

The Supreme Court has contracted with the National Center for State Courts and Public Administration Services to act as lead consultants for a position classification and compensation study of approximately 1,500 judicial branch employees. The study will include all 25 employees of the Office of Lawyers Professional Responsibility. It has been the Board's and the Office's position for a number of years that employees of the Office are under-compensated in their respective positions compared to their counterparts in the public sector, both in other states and locally. It is expected that the consultants will issue recommendations regarding both position classifications and position compensation by the fall of 1999.

## Pending Litigation

As noted in last year's annual report, in February of 1998, the Director and the Chair, along with the Chair of the Board on Judicial Standards, were named in a lawsuit filed in federal court over the enforcement of Canon 5 of the Code of Judicial Conduct (U.S. District Court Case No. 98-831, 8<sup>th</sup> Circuit Court File No. 98-1652). The Chair and the Director continue to be represented by the Attorney General's Office. The case remains venued before U.S. District Court Judge Michael Davis. While the past year has seen further developments in the case, including discovery and various stipulations, the matter is not yet resolved. It is anticipated that the matter will be resolved within the next year.

## II. CASELOAD AND STATISTICS

### A. Statistics.

**TABLE I**  
**Supreme Court Dispositions and Reinstatements 1987-1998**  
**Number of Lawyers**

	Disbar.	Susp.	Probation	Censure & Reprimand	Dismissal	Reinstated	Reinstate Denied	Disability	SC AD/Aff	Other*	Total
1987	5	18	7	4	0	3	1	1	0	0	39
1988	4	22	8	4	1	4	0	3	0	0	46
1989	5	19	8	4	2	1	0	1	0	0	40
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

\*1 Supreme Court admonition reversed.

\*\*1 Supreme Court stay.

<b>TABLE II</b>						
	<b>Lawyers Board Goal</b>	<u>12/95</u>	<u>12/96</u>	<u>12/97</u>	<u>12/98</u>	<u>4/30/99</u>
Total Open Files	500	608	558	493	493	477
Cases at Least One Year Old	100	140	115	114	91	106
Complaints Received YTD		1,290	1,438	1,314	1,275	448
Files Closed YTD		1,268	1,488	1,379	1,275	464

**TABLE III**

	Percentage of Files Closed						
	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
<b>1. <u>Total Dismissals</u></b>	<b>80%</b>	<b>78%</b>	<b>81%</b>	<b>78%</b>	<b>78%</b>	<b>78%</b>	<b>77%</b>
a. Summary Dismissals	39%	40%	40%	38%	39%	41%	40%
b. DNW/DEC	37%	31%	36%	36%	32%	31%	31%
c. DNW/DIR	4%	6%	5%	4%	6%	6%	6%
<b>2. <u>Admonitions</u></b>	<b>10%</b>	<b>11%</b>	<b>10%</b>	<b>8%</b>	<b>10%</b>	<b>8%</b>	<b>10%</b>
<b>3. <u>Private Probation</u></b>	<b>2%</b>	<b>2%</b>	<b>2%</b>	<b>3%</b>	<b>1%</b>	<b>1.5%</b>	<b>1%</b>
<b>4. <u>Supreme Court Dispositions</u></b>	<b>6%</b>	<b>6%</b>	<b>5%</b>	<b>8%</b>	<b>6%</b>	<b>7.5%</b>	<b>9%</b>
a. Supreme Court Dismissal	--	--	--	-	-	-	-
b. Supreme Court Reprimand	1%	--	--	-	-	-	-
c. Supreme Court Probation	1%	1%	1%	1%	1%	1%	2%
d. Supreme Court Suspension	3%	3%	1%	4%	4%	4%	3%
e. Supreme Court Disbarment	1%	2%	3%	2%	1%	2.5%	4%

**TABLE IV**

Number of Months File Was Open at Disposition

	1991	1992	1993	1994	1995	1996	1997**	1998
Discipline Not Warranted/ District Ethics Committee	4	4	4	4	5	5	--	--
Discipline Not Warranted/ Director	6	8	8	8	7	7	--	--
Discipline Not Warranted*							6	6
Admonition	8	7	9	10	10	9	8	9
Private Probation	8	12	12	13	14	17	16	14
Supreme Court Reprimand	14	22	19	--	31	--	11	19
Supreme Court Probation	11	18	15	22	20	13	19	14
Supreme Court Suspension	13	14	16	17	20	20	24	18
Supreme Court Disbarment	16	14	24	14	14	17	17	27

\*ADRS does not calculate number of months for DNW categories separately.

\*\*After discovering calculation errors in ADRS reports, ADRS was re-programmed, therefore the numbers for 1997 have been revised.

**TABLE V****Average Time Cases Under Advisement by Supreme Court - 1998**

Disposition	No. of Matters	Average Months
Supreme Court Reprimand (Stipulated)	2	1.5
Supreme Court Probation (Stipulated)	9	1.3
Supreme Court Probation	1	9.8
Supreme Court Suspension (Stipulated)	11	1.2
Supreme Court Suspension	7	6.5
Supreme Court Disability	2	2
Supreme Court Disbarment (Stipulated)	6	0.33
Supreme Court Disbarment	9	6.8

**B. Minnesota Supreme Court Disciplinary Cases.**

Attached at A. 3 is a table identifying the attorneys who were publicly disciplined or reinstated to the practice of law, after suspension or disbarment, during calendar year 1998. Fifteen attorneys were disbarred in 1998; one attorney was disbarred in the first five months of 1999:

<u>1998</u>	<u>1999</u>
Helen A. Dovolis (1/15/98)	George C. Ramler (1/5/99)
Peter I. Orlins (2/24/98)	
Andrew Druck (3/31/98)	
Harold R. Finn, Jr. (4/2/98)	
Rodney J. Olson (4/9/98)	
Donald A. Wheat (4/23/98)	
Gerald McNabb (5/7/98)	
Rebecca H. Frederick (6/5/98)	
Douglas E. Roff (7/2/98)	
Robert M. Goldstein (7/14/98)	
Jeanne T. Chacon (7/30/98)	
David G. Moeller (7/30/98)	
David J. Moskal (9/3/98)	
Stephen C. Davis (10/22/98)	
Lael L. Schmidt (12/10/98)	

The past year was unusual in a number of respects. The number of complaints filed was at a ten year low while the number of disbarments in 1998, 15, was a new record exceeding by five the previous record of 10 disbarments set in 1997. It would appear that 1999 will see a sharp reduction in disbarments, based on the available statistics and the fact that a number of the disbarments in 1997 and 1998 resulted from lengthy investigations.

Among the public disciplinary cases decided in 1998 and during the first five months of 1999 are:

**David G. Moeller** of Minneapolis was disbarred for engaging in a pattern of dishonesty, fraud, deceit and misrepresentation including the backdating of client retainer agreements, the improper alteration of a settlement stipulation, the giving of false testimony, the directing of the forgery of a client name, counseling a client to stage an accident, and submitting false billing statements.

**David J. Moskal** of Minneapolis was disbarred for misappropriation, misrepresentation, forgery and theft. The total amount of funds misappropriated was in the millions of dollars.

**Brian E. Haring** of Wanamingo was indefinitely suspended for a minimum of nine months for the misuse of a trust account including the using of funds for personal expenses, misappropriation of client funds, and neglect.

**Mary I. Johnson** of Virginia received a thirty day suspension for having her client sign a blank piece of paper which she falsely notarized and filed with the district court before the client had the opportunity to review and correct the affidavit.

**Madhulika Jain** of Minneapolis received a public reprimand and two years supervised probation for failing to advise a client that his appeal had been rejected because of her miscalculation of the appeal period while also failing to communicate with the client for nine months, eventually making misrepresentations to the client about the status of the case, and for failing to promptly advise another client of the time available for appeal of a court decision.

**Lori C. Peterson** of Minneapolis was given a public reprimand and placed on unsupervised probation for one year for improperly bringing an action resulting in a sanction by the trial court and for contacting a party represented by counsel and disparaging their choice of counsel.

### **III. DIRECTOR'S OFFICE.**

#### **A. Budget.**

##### **1. FY'99 and FY'00 Budgets.**

Projected expenditures for the fiscal year ending June 30, 1999, are estimated to be \$1,867,468. The FY'00 budget includes expenditures in the amount of \$1,915,968. The budget includes a projected 2.5 percent cost of living adjustment and a 3 percent performance increase or stability payment. The FY'00 budget does not allow for an increase in personnel.

The Supreme Court is currently undergoing a Compensation and Classification Study to review its classification plan to assess whether the judicial branch attracts, retains and fairly compensates its employees. The courts have retained consultants from the National Center for State Courts and Public Administration Services to conduct the study. The study should be completed by October 1999 and could have an impact on current and future budgets.

#### **B. Administration.**

##### **Computerization.**

The Attorney Discipline Record System (ADRS) that was developed for the Office has been a huge success. The system allows users quick access to an attorney's disciplinary history and provides statistical information that was previously unavailable. The Macro Group was contracted last summer to program enhancements and do some fine tuning to the system. The Office has allocated funds and is working towards designing a computerized database for tracking the advisory opinion service.

New computers were purchased this year to replace aging equipment and to bring us in compliance with Year 2000 technology.

### Website.

The Office of Lawyers Professional Responsibility continues to maintain and add to its website. The address is [www.state.mn.us/courts/lprb](http://www.state.mn.us/courts/lprb). Attached at A. 5 is the title page showing the contents of our website.

### Year 2000 Compliance

The Office has undergone an analysis to ensure that we will not experience business interruption due to Year 2000 issues. The ADRS system went through thorough testing and our phone system is scheduled to be upgraded soon.

### **C. Personnel.**

Attached at A. 6 is the Director's Office organizational chart. The Director's Office currently employs 10 attorneys, 4.5 paralegals, one administrator, 7.5 support staff and 2 part-time law clerks.

The Office experienced several personnel changes this year. Law clerks Kathleen FitzGerald and Melannie Matschiner were hired in the summer of 1998 to assist the Office in the administration of a large trusteeship. Kathleen is in her last year of law school and will be leaving the staff in May. Melannie will remain on the staff and work full-time this summer.

In June 1998, Joanne Prillaman was hired to fill the paralegal vacancy. In December 1998, Henry Granison resigned his position as Assistant Director. Henry and his family relocated to New York. In January paralegal Karen McMahon gave her resignation notice. Karen will be graduating from law school this year and she accepted a position with a Minneapolis law firm. In March 1999, Mary L. Galvin was hired to fill the vacant Assistant Director position and Peggy A. Berg was hired to fill the paralegal vacancy. We are once again fully staffed.

#### **D. Trusteeships.**

The Office was appointed as trustee in four separate matters this year. On May 11, 1998, the Director was appointed trustee in the Peter I. Orlins matter. Peter Orlins was disbarred on February 24, 1998. The Office took possession of approximately 3,300 files, and pursuant to court order, approximately 2,000 files were destroyed and the Office attempted to return the remaining 1,300 files. There remain approximately 350 files in storage in the Director's Office.

On August 6, 1998, the Director was appointed trustee for deceased attorney Barry M. Robinson. The Office took possession of approximately 240 files. Approximately 100 files have been returned or destroyed at the client's request. The remaining 140 files will require storage in the Director's Office.

On April 13, 1999, the Director was appointed trustee concerning law firm trust accounts for deceased attorney Karla R. Wahl.

On April 29, 1999, the Director was appointed trustee concerning files of Michael B. Smith of Brainerd, Minnesota, who was placed on disability status in January 1998. The files will be retained in a storage facility in Brainerd for two years.

Trusteeships last year had a significant effect on the staffing and financial resources of the Director's Office.

#### **E. Probation.**

Probation serves a number of functions in the lawyer discipline system. In 1998, private probation provided 47 attorneys the opportunity to correct some of the behaviors that led to violations of the Rules of Professional Conduct without the stain of public discipline on their record. Twenty of these attorneys had the assistance of a volunteer supervisor who reviewed their case load for diligence and communication and met with them on a quarterly basis to determine whether there

were problems in their practice. Of the 27 unsupervised private probations, most involved inadequate or improper maintenance of trust account books and records. Many of these attorneys need education and training concerning the Rules and instruction on how to bring their books and records into compliance. Paralegals in this Office periodically examine each probationer's books and records for compliance with the Rules and LPRB Amended Opinion 9.

During 1998, about half of the attorneys on public probation (22) were placed on probation as a method of re-entry into practice following a suspension for misconduct. Eight of these attorneys were suspended for 90 days or less and placed on probation upon their reinstatement by affidavit. One attorney placed on indefinite probation by the Court was released from probation upon his retirement from practice. The remaining 13 attorneys were placed on probation for varying lengths of time following a Rule 18, RLPR, reinstatement hearing.

The terms and conditions of probation are tailored to the specific issues facing the attorney, such as psychological problems or chemical dependency. Probation terms also attempt to address the specific type of misconduct committed by the attorney.

A high percentage of probations are completed successfully. In 1998, seven of the eight probations closed with no further serious misconduct by the attorney. One attorney who had been reinstated following a 60-day suspension ended his probation with a public reprimand and placement on permanent resigned status. Two attorneys presently on probation following short suspensions are facing petitions for revocation of their probations for additional misconduct while on probation.

The number of attorneys on probation has been falling over the last four years from a high of 114 in 1995 to 90 attorneys in 1998. The number of attorneys

on public probation has remained rather constant; in the mid-40s. The number of private probations has declined from a high of 67 in 1995 to 47 in 1998.

Neglect and non-communication continue to be the most common violations resulting in probation. There has been a reduction in the percentage of probations involving trust account books and records.

The number of attorneys on probation with chemical dependency issues (5) and psychological problems (8) remains relatively small.

**TOTAL PROBATION FILES OPEN DURING 1998**

Public Supervised Probation Files (30%)	27	
Public Unsupervised Probation Files (18.8%)	<u>16</u>	
Total Public Probation Files		43
Private Supervised Probation Files (22.2%)	20	
Private Unsupervised Probation Files (30%)	<u>27</u>	
Total Private Probation Files		<u>47</u>
<b>Total Probation Files Open During 1998</b>		<b>90</b>

**TOTAL PROBATION FILES**

Total probation files as of 1/1/98	67
Probation files opened during 1998	22
Probation files closed during 1998	<u>(26)</u>
<b>Total Probation files open as of 12/31/98</b>	<b>63</b>

**PROBATIONS OPENED IN 1998**

**Public Probation Files**

Court-ordered Probation Files		
Supervised	1	
Unsupervised	<u>7</u>	
		8

**Reinstatements**

Supervised	2	
Unsupervised	<u>1</u>	
		<u>3</u>
<b>Total Public Probation Files</b>		<b>11</b>

<b>Private Probation Files</b>		
Supervised	5	
Unsupervised	<u>6</u>	
Total Private Probation Files		<u>11</u>
<b>Total Probation Files Opened in 1998</b>		<b>22</b>

**PROBATIONS OPENED IN 1998 INVOLVING:**

Client Related Violations	6	
Non-Client Related Violations	10	
Both Client & Non-Client Violations	<u>6</u>	
<b>Total Probation Files Opened</b>		<b>22</b>

**PROBATION FILES CLOSED IN 1998**

Completed Probation Files	21	
Probation Revocations	4	
Extended Probation Files	<u>1</u>	
<b>Total Probation Files Closed in 1998</b>		<b>26</b>

**AREAS OF MISCONDUCT** Reflected in 90 files opened during 1998

Neglect & Non-Communication	66	
Conflict of Interest	7	
Fees & Opinion 15 Violations	9	
Trust Account Books and Records (Violation of Rule 1.15, MRPC, and amended LPRB Opinion 9)	39	
Unauthorized Practice of Law (Violation of Rule 5.5, MRPC)	3	
Taxes	15	
Non-Cooperation (Violation of Rule 8.1, MRPC)	19	
Criminal Conduct (Violation of Rule 8.4(b), MRPC)	11	
Misrepresentations (Violation of Rule 8.4(c), MRPC)	20	
Misappropriation	0	

**DISABILITY RELATED PROBATIONS**

Chemical Dependency - existing files	5	
New files opened in 1998	<u>0</u>	
Total Chemical Dependency Related Probation Files		5
Psychological Disorders - existing files	7	
New files opened in 1998	<u>1</u>	
Total Psychological Disorder Related Probation Files		<u>8</u>
<b>Total Disability Related Probations</b>		<b>13</b>

**TIME BY PROBATION DEPT. STAFF** (hrs./wk.)

Attorney 1	8
Attorney 2	12
Paralegal	16

**F. Advisory Opinions.**

The Director's Office offers an advisory opinion service to Minnesota lawyers and judges. The great majority of opinions are requested and given by telephone; a relatively small number of opinions (1%) are provided in writing. The Director's Office declines to give opinions where the question concerns third-party conduct, a question of law or advertising and solicitation. Advisory opinions are the personal opinion of the assistant director issuing the opinion and are not binding upon the Lawyers Board or the Supreme Court.

In 1998, the Director's Office received 1,632 requests for advisory opinions. This is a slight (7%) decrease from the requests received in 1997 (1,757). While the number of advisory opinions actually given by the Director's Office has generally increased from year to year since 1989, 1998 marked the third consecutive year in which the total advisory opinions requested has decreased. Clearly, the Director's Office is declining to give advisory opinions with less frequency.

Set forth below is a statistical summary of advisory opinions for the period 1989 through 1998:

<b>YEAR</b>	<b>OPINIONS GIVEN BY TELEPHONE</b>	<b>OPINIONS GIVEN IN WRITING</b>	<b>TOTAL OPINIONS GIVEN</b>	<b>OPINIONS DECLINED</b>	<b>TOTAL</b>
1989	948 (83%)	37 (3%)	985 (86%)	158 (14%)	1143
1990	1130 (83%)	26 (2%)	1156 (85%)	199 (15%)	1355
1991	1083 (84%)	23 (2%)	1206 (86%)	186 (14%)	1292
1992	1201 (86%)	15 (1%)	1216 (87%)	182 (13%)	1398
1993	1401 (87%)	16 (1%)	1417 (88%)	201 (12%)	1618
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

In 1998, the Director's Office expended 412.50 hours in issuing advisory opinions (378.75 in assistant director time and 33.75 in paralegal and clerical time). This compares with 428.00 hours in 1997 (403.50 in assistant director time and 24.50 in paralegal and clerical time). Conflict of interest was again the most frequent area of inquiry.

#### **G. Judgments and Collections**

In 1998, the Minnesota Supreme Court entered judgments in 46 disciplinary matters totaling \$51,126.20. The Director's Office collected a total of \$26,732.01 on judgments entered in and prior to 1998; of this amount, \$17,859.49 (or 67% of the total) was for judgments entered in 1998. Thirty-five percent of the judgments entered in 1998 have been collected. The Director's Office filed satisfactions of 23 judgments. The amount of 1998 judgments was approximately 11 percent (\$5,025) more than 1997 judgments, and the total amount collected in 1998 was approximately 9 percent (\$2,242) more than that collected in 1997.

The total amount of outstanding judgments as of January 1, 1999, was \$190,459.93. The statistics for 1998 are substantially similar to those for 1997:

A summary of these 1998 statistics, and how they compare to 1997, is presented below:

	1998	1997
Number of judgments entered	46	43
Dollar value of judgments entered	\$ 51,126.20	\$ 46,101.04
Total amount collected	\$ 26,732.01	\$ 24,489.92
Portion attributable to current year's judgments	\$ 17,859.49	\$ 15,627.49
Portion attributable to prior years' judgments	\$ 8,872.52	\$ 8,862.43

The Director's Office docketed judgments in two matters, but undertook no additional collection action.

The Director's Office filed 54 National Discipline Data Bank Reports in 1998.

#### **H. Professional Firms.**

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, a professional firm engaged in the practice of law must file with the Board an initial report and annual reports thereafter, accompanied by a filing fee. The Professional Firms Act contains limitations on the structure and operation of professional firms and sets forth the information to be contained in the reports.

The changeover to the Minnesota Professional Firms Act from the former Professional Corporations Act has been accomplished with only minor disruption. New reporting forms have been prepared and it is anticipated that there will be a decrease in the amount of time spent monitoring the incoming reports to ensure the proper form has been completed.

The Director's Office has monitored the reporting requirements of the statute since 1973. Annual reports are sought from all known legal professional firms, which includes professional corporations, professional limited liability corporations

and professional limited liability partnerships. Although the statutory authority exists to revoke the corporate charter of professional firms that fail to comply with the reporting requirements, no revocation proceedings have been pursued. The following are the income statistics for the professional firms department as of February 2, 1999:

1043	@	\$25.00	\$26,075.00
12	@	100.00	<u>1,200.00</u>
			<u>27,275.00</u>
23	for	3,820.00*	<u>3,820.00</u>
			<u>31,095.00</u>

\*Funds collected for fees owed for 1997 and prior years.

Total Attorney Hours:	14
Total Non-attorney Hours:	124

A Senior Assistant Director, paralegal, and file clerk staff the professional firms department. The professional firms roster, statistical data, and regular notice letters are retained on computer to facilitate efficient processing.

#### **I. Overdraft Notification.**

Since 1990, banks have reported overdrafts on lawyer trust accounts to the Director's Office. The number of overdraft reports decreased from 155 in 1997 to 124 in 1998.

##### **1. Terminated Inquiries.**

During 1998, the Director's Office received 124 new overdraft notices (ODN's) and terminated 116 overdraft inquiries (some of which were initiated in prior years) without initiating a disciplinary investigation. In 58 of the terminated overdrafts, changes or improvements were recommended in the form of an instructional letter. In general, the most common deficiencies in attorneys' trust account records are a lack of subsidiary client ledgers and unidentified surplus

funds in the trust account. The following statistics for 1998 reflect the various causes of overdrafts on trust accounts:

<u>Overdraft Cause</u>	<u>No. of Closings</u>
Bank error	37
Mathematical/clerical error	19
Late deposit	17
Improper/lacking endorsements	10
Service or check charges	9
Deposit to wrong account	8
Third party check bounced	6
Check written in error on TA	5
Bank hold on funds drawn	1
Other	4

The Director's Office continues to distribute the *Quicken*® brochure and the brochure for manual trust account record keeping to educate attorneys and assist them in maintaining proper records. The latter booklet has been substantially updated and revised to reflect the September 1998 amendments to LPRB Opinion 9 and to clarify attorneys' responsibilities for maintaining their trust accounts.

## 2. Disciplinary File Openings.

The Director opens disciplinary investigations when the attorney's response does not adequately explain the overdraft or significant problems are identified by reviewing the records submitted. During 1998, trust account inquiries resulted in disciplinary file openings in the following situations:

<u>Reason for Investigation</u>	
Grossly inadequate books and records	4
Response fails to explain OD	4
Commingling	3
Using trust account as personal/operating account	1
Shortages	1
<b>Total</b>	<b>13</b>

The following 1998 public discipline cases involved trust account overdraft notices received by the Director's Office in 1998 and/or previous years:

*In re Frederick*, 578 N.W.2d 369 (Minn. 1998) (Disbarment)

*In re Fricker*, 581 N.W.2d 814 (Minn. 1998) (Suspension)

*In re Grathwol*, 574 N.W.2d 70 (Minn. 1998) (Suspension)

*In re Haring*, 583 N.W.2d 926 (Minn. 1998) (Suspension)

*In re Johnson*, 572 N.W.2d 56 (Minn. 1998) (Suspension)

*In re Miera*, 575 N.W.2d 834 (Minn. 1998) (Public Reprimand/Probation)

*In re Mulcahey*, 584 N.W.2d 659 (Minn. 1998) (Suspension)

*In re Palm*, 582 N.W.2d 251 (Minn. 1998) (Transfer to Disability)

*In re Terrazas*, 581 N.W.2d 841 (Minn. 1998) (Public Reprimand/Probation)

### 3. Time Requirements.

Set forth below are the staff time requirements to administer the overdraft notification program:

	<u>1/97-12/97</u>	<u>1/98-12/98</u>
Attorney	231.75 hrs	270.00 hrs
Paralegal and other staff	<u>253.00 hrs</u>	<u>188.00 hrs</u>
<b>Total</b>	<b>484.75 hrs</b>	<b>458.00 hrs</b>

The increase in attorney time and decrease in paralegal time reflects turnover in the paralegal staff during calendar year 1998; the Director expects the proportions of attorney and paralegal staff time to revert to historical norms.

### **J. Complainant Appeals.**

Under Rule 8(e), Rules on Lawyers Professional Responsibility, a complainant has the right to appeal from the Director's disposition in most cases. The file is then reviewed by a Board member. During 1998, the Director's Office

received 232 complainant appeals, compared to 236 such appeals in 1997. This is approximately 21 percent of files closed. Board members made the following determinations:

Approve Director's disposition	226	<u>%</u> 95
Direct further investigation	10	4
Instruct Director to issue an admonition	0	0
Instruct Director to issue charges	3	1
Decisions Pending	17	7

A total of 33.75 clerical hours were spent in 1998 processing the appeal files, as well as an unrecorded amount of attorney time, which includes responding to complainants, respondents and Board members, as well as reviewing files and letters to determine a variety of appeal issues.

**K. 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 consent from the affected attorney. In addition, the Director's Office responds to telephone requests for attorney public discipline records. The telephone requests and responses are not tabulated.

2. Source and Number of Written Requests for Disclosure.  
Calendar Year 1998.

	<u># of Requests</u>	<u># of Attorneys</u>	<u>Discipline Imposed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	148	148	3	0
B. Individual Attorneys	12	12	3	0
C. Local Referral Services				
1. MSBA	25	181	0	0
2. RCBA	8	153	0	0
D. Governor's Office	12	41	2	0
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	242	289	16	2
F. F.B.I.	30	41	0	0
G. MSBA: Specialist Certification Program	46	63	8	2
H. Miscellaneous Requests	7	22	0	0
<b>TOTAL</b>	<b>530</b>	<b>950</b>	<b>32</b>	<b>4</b>
(1997 Totals)	(517)	(956)	(42)	(9)

#### IV. DISTRICT ETHICS COMMITTEES.

Minnesota is one of only a handful of jurisdictions that have succeeded in making effective use of the local district ethics committees (DECs) to investigate complaints of lawyer misconduct. The system in Minnesota continues to work well and result in uniform application of ethical standards because the 21 bar association committees have (1) uniform rules of procedure, pursuant to the Rules on Lawyers Professional Responsibility; (2) are directly supervised by the Director's Office; and (3) have a large enough jurisdiction for the most part that respondents are not routinely known personally by the investigators.

Initial peer review of complaints by practitioners in their own area is exceedingly valuable in reinforcing confidence in the system for lawyers. Input and participation by non-lawyer members instills confidence by the public that the

system is not simply cronyism. The quantity and quality of the DEC investigative reports remains high. For the calendar year 1998, the Director's Office followed the recommendations of the DEC's in 78 percent of the matters referred back. The lawyer discipline system owes much to the hard work and efforts of all those who volunteer significant time to the disciplinary system.

In 1998, the overall monthly average volume of files under consideration by the DEC's was 172, fluctuating between a low of 151 and a high of 186. This is lower than the 1997 overall average of 191, but still remains fairly consistent with prior years. The year-to-date average volume for 1999 through March 31 is 148. The average file age for pending matters in all DEC's for March 1999 was 2.7 months, with the Hennepin DEC at 2.9 months and the Ramsey DEC at 2.4 months. For *completed* DEC investigations in March 1999, the overall average was 3.5 months, with the Hennepin DEC at 4.2 months and the Ramsey DEC at 2.6 months, down slightly from prior years. Since the computerized statistical data kept prior to 1994 reflected only the age of pending, not completed matters, however, there is no basis on which to conclude that investigations are taking significantly longer than in prior years.

For the calendar year 1998, the DEC's were assigned 563 investigations, taking an average of 3.7 months to complete each investigation. The Hennepin DEC was assigned 262 of these investigations, taking an average of 4.1 months per investigation (*See* Attachment A. 7, DEC Investigation Summary).

Because the Hennepin DEC uses a two tiered complaint review process not used by the other DEC's, their statistics are separately monitored and broken down to reflect file aging at the various decision points in the process. In the Hennepin DEC investigators first make their presentation to a screening committee which meets every other Wednesday. Should the committee recommend dismissal of a

complaint, it is referred back to the Director's Office for disposition. Should the committee feel there might have been a rule violation or that additional investigation is warranted, a meeting of one of three Hennepin DEC panels will be scheduled with both complainant and respondent invited to attend and tell their story. Panel meetings are held every other Friday. For calendar year 1998, 169 matters were referred back to the Director's Office after screening. These matters took an average of 3.2 months to complete the DEC investigation. There were 70 matters referred to the Hennepin DEC panel before being sent back to the Director's Office. These matters took an average of 5.7 months to complete the DEC investigation. There were 23 matters withdrawn from the DEC prior to their completion of the investigation. Most often, the reason for withdrawal was delay in completing the investigation. In these cases the investigation was completed by the Director's Office.

For the calendar year 1998, 522 completed DEC investigations resulted in the following dispositions<sup>1</sup>:

Determination discipline not warranted	397
Admonition	92
Suspension	10
Private probation	6
Disbarment	5
Public probation	3
Transfer to disability inactive status	2
Finding of no jurisdiction	1
Admonition issued but reversed by LPRB panel	1
LPRB panel admonition	1
LPRB panel dismissal	1
Public reprimand	1
Supreme Court dismissal	1
Supreme Court affirmance of admonition	1

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<sup>1</sup> 41 files received back from the DEC's in 1998 remained open as of 1/1/99.

The LPRB, in the pending petition for amendment of the RLPR, has asked that the Court amend Rule 7(c), RLPR, to expand the suggested time for completion of DEC investigations from 45 to 90 days. The purpose for the change is to more accurately reflect the actual time it takes to complete DEC investigations.

A statewide seminar for DEC members, hosted by the Director's Office, is scheduled for September 10, 1999. In the Hennepin DEC, a separate training/orientation seminar is held annually in August with an additional session in September for non-attorney members. The Director's Office continues to provide support to the DEC's through the liaisons assigned to each district.

## **V. FY'00 GOALS AND OBJECTIVES**

The coming year will be an opportunity for the Board and Office to build on the accomplishments of the past year.

With regards to the Board, as noted in last year's Annual Report, the Executive Committee has been revived as a group regularly consulted by the Office between Board meetings. Recently a representative from that committee has also revived the position of personnel liaison to the Office. The increased interaction between the Office and the Board facilitates an efficient, professional disciplinary system as the increased channels of communication lead to the consistent setting of policy and the smooth application of that policy by members of the Office and members of the Board in their respective roles.

As previously noted, the Rules Committee and Opinion Committee of the Board were very active this past year and members of those committees will continue to monitor the need for further changes.

As noted a year ago, the Director has, with the Court's approval, emphasized the preventive duties of the Office as an important part of its daily function. With the number of advisory opinions issued each year increasing and with the number

of complaints leveling off and declining, it would appear that the concerted effort to help members of the bar avoid problems is paying off. In addition to educating the bar with bi-weekly articles in the *Minnesota Lawyer* and the monthly column published in the *Bench & Bar*, other efforts in education have included the increasing of teaching assignments at seminars and other forums. As noted earlier, the Office will be producing its own seminar in the Fall. The Director and other members of the Office also regularly agree to speak to other public gatherings, many made up of non-lawyers, in an effort to educate the public as to the function of the Office and as to the ability of the legal profession to regulate itself. In the past twelve months, members of the Office have been involved in over 80 speaking engagements (*see* Attachment A. 8). As part of this effort, the Director has spoken to bar groups this past year in Duluth, Farmington and Mankato, as well as in the metro area.

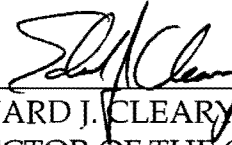
The Office has also been involved in contributing to the rehabilitative aspects of the disciplinary function. While the probation department has continuously done its part in helping to improve the ability of various members of the bar to meet their professional obligations, the Director has also served the past year as a member of the Depression Task Force. This MSBA committee is attempting to build on the Lawyers Concerned for Lawyers model in helping those lawyers suffering from debilitating psychological illnesses.

While making a concerted effort to increase resources and manpower to bolster the preventive and rehabilitative aspects of the professional disciplinary system, the Office has also recently completed a 24-month period that resulted in 25 disbarments, more than double the normal rate. The hope is that preventive and

rehabilitative efforts will continue to reduce the number of complaints while prosecutorial efforts will continue to shield the public in the coming year.

Dated: June 1, 1999.

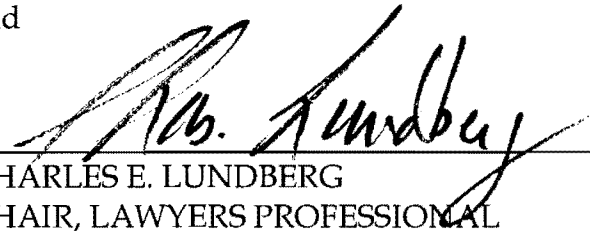
Respectfully submitted,



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EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

and



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CHARLES E. LUNDBERG  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

## **Lawyers Professional Responsibility Board Members**

**Charles E. Lundberg, Mpls.** – Attorney member; current LPRB Board Chair; term expires 1/31/04; partner in the firm of Bassford, Lockhart, Truesdell & Briggs, P.A.; served 6 years as LPRB Board member, and over 8 years on the Fourth District DEC.

**John C. Lervick, Alexandria** – Attorney member; MSBA nominee; current LPRB Vice-Chair; term expires 1/31/02; partner with the firm of Swenson, Lervick, Syverson & Anderson, Ltd.; served many years on the Seventh District DEC as a member and Chair.

**Ann M. Bailly, Mpls.** – Public member; serves on LPRB Executive Committee; serves on the LPRB Rules Committee; term expires 1/31/02; recently retired after working in Academic Administration at U of M for 30 years; served on the Fourth District DEC for 11 years.

**Charles R. Bateman, Duluth** – Attorney member; term expires 1/31/02; partner with Halverson, Watters, Downs, Reyelts & Bateman; served on the Eleventh District DEC for 11 years, including 5 years as Chair.

**John G. Brian III, St. Paul** – Attorney member; term expires 1/31/01; serves as Chair of the LPRB Rules Committee; partner with Felhaber, Larson, Fenlon & Vogt, P.A.; served on the Second District DEC, including several years as Chair.

**Kenneth E. Broin, Robbinsdale** – Public member; term expires 1/31/02; recently retired after 57 years with U.S. Bank; served on Fourth District DEC for 12 years.

**Regina Chu, Mpls.** – Attorney member; MSBA nominee; serves on the LPRB Opinion Committee; term expires 1/31/01; partner in Regina M. Chu, P.A.; served on Fourth District DEC for 3 years.

**Thomas D. Feinberg, Mpls.** – Attorney member; MSBA nominee; serves on LPRB Executive Committee; serves as Chair of the LPRB Opinion Committee; term expires 1/31/01; partner with Leonard, Street & Deinard since 1978; served on Fourth District DEC.

**Timothy J. Gephart, Mpls.** – Public member; term expires 1/31/02; works in the area of legal malpractice claims for Minnesota Lawyers Mutual; served on Fourth District DEC from 1991-1998.

**James P. Hill, Brainerd** – Public member; term expires 1/31/01; Chairman, Crow Wing County Board of Commissioners; forty years experience in Public Administration, Police Administration, and Labor Relations, including 37 years in the Criminal Justice System.

**Kirk D. Kleckner, St. Paul** – Public member; serves on LPRB Executive Committee; term expires 1/31/01; Certified Public Accountant with the firm of Wilkerson, Guthmann & Johnson; served on Second District DEC.

**William M. Kronschnabel, St. Paul** – Attorney member; MSBA nominee; serves on the LPRB Rules Committee; term expires 1/31/01; partner with the firm of Kampmeyer, Kronschnabel & Bader; served 9 years as a member of the Second District DEC.

**Christopher Lake-Smith, St. Paul** – Public member; serves on the LPRB Opinion Committee; term expires 1/31/01; Manager of Information Systems for Knotts Camp Snoopy. Served on Second District DEC.

**Thomas J. LaVelle, Worthington** – Attorney member; term expires 1/31/02; partner in the firm of LaVelle, Darling & LaVelle; in solo practice from April 1997; served as Chair of the Thirteenth District DEC for 5 years.

**Sydney S. Martinneau, Mpls.** - Public member; term expires 1/31/02; worked in human resources at the U of M as an employment specialist for over 20 years; served on the Fourth District DEC for 4 years.

**Michael E. Mickelson, Willmar** – Public member; term expires 1/31/00; President and CEO of the Willmar Cookie and Nut Company, which he founded in 1953; served on the Twelfth District DEC for 10 years.

**Patty Murto, Duluth** – Public member; term expires 1/31/00; responsible for development and implementation of a Volunteer Attorney Program.

**Timothy M. O'Brien, Mpls.** – Attorney member; MSBA nominee; term expires 1/31/00; partner in the firm of Faegre & Benson; served many years on the Fourth District DEC.

**Steven J. Olson, Osakis** – Attorney member; term expires 1/31/02; recently retired as General Counsel for Ceridian Corporation.

**Sharon L. Reich, Mpls.** – Attorney member; MSBA nominee; serves on the LPRB Opinion Committee; term expires 1/31/01; Associate Dean, U of M Law School.

**Mary Alice Richardson, Rochester** – Attorney member; term expires 1/31/01; solo practitioner in the areas of family law, probate and real estate; served over 6 years on the Third District DEC and volunteered as a probation supervisor.

**Joel A. Theisen, Burnsville** – Attorney member; term expires 1/31/01; engaged in the private practice of law as a sole practitioner in personal injury, criminal, family and real estate; served many years on the First District DEC.

**E. George Widseth, Mpls.** – Attorney member; serves on the LPRB Rules Committee; term expires 1/31/00; serves as a prosecutor in the Hennepin County Attorney's office.

# Office of Lawyers Professional Responsibility

## 1998 Summary of Public Matters Decided

### 56 DECISIONS

#### Supreme Court Reprimand      2 files   2 attorneys

Deshotels, Paul J.	C3-98-254	1
Fredin, Conrad M.	C7-96-1080	1

#### Supreme Court Probation      23 files   10 attorneys

Albrecht, Alan J.	C3-97-356	9
Majeski, Michael James	CX-98-1479	1
Miera, Alberto O., Jr.	C3-97-2009	1
Pegg, J.C.	C9-98-372	1
Peterson, Lori C.	C5-98-577	2
Rowe, Thomas G.	C1-98-964	1
Simonson, Ronald A.	C8-97-1454	1
Terrazas, Aldo J.	C0-97-413	2
Vaught, Samuel M.	C9-98-1330	1
Zatz, Peter Bruce	C9-98-209	4

#### Supreme Court Suspension      41 files   18 attorneys

Albrecht, Alan J.	C3-97-356	1
Alley, Ronald D.	C5-98-630	1
Bishop, David L.	C9-97-1432	4
Crosby, Anthony Durriell	C6-97-2246	1
Derycke, Eric A. L.	C1-98-589	4
Diggs, Michael Luther	C2-98-1055	2
Fricker, George L.	C8-97-2393	2
Giberson, Francis E.	C9-96-2392	1
Grathwol, Timothy O.	C4-94-2196	4
Haring, Brian Ellis	C0-98-1409	3
Johnson, Lori Ann	C1-97-1537	1
Madson, James M.	C5-97-1072	2
Merlin, Carol Sue	C4-96-1201	7
Mulcahey, John Marc	CX-96-1213	4
Oberhauser, Louis B., Jr.	C1-97-629	1
Otis, James D.	C4-96-1604	1
Pinotti, Michael A.	C8-97-1955	1
Pribble, William C., Jr.	C4-94-2134	1

#### Supreme Court Disability      15 files   2 attorneys

Palm, Dennis Lee	C5-98-1048	14
Smith, Michael Brian	C7-97-2088	1

**Supreme Court Disbarment      49 files    15 attorneys**

Chacon, Jeanne Therese	C0-96-1261	4
Davis, Stephen C.	C5-97-567	1
Dovolis, Helen A.	C2-97-11	2
Druck, Andrew	C7-98-449	2
Finn, Harold R., Jr.	CX-96-1042	1
Frederick, Rebecca Hanson	C4-96-2218	9
Goldstein, Robert Mark	C1-95-1078	5
McNabb, Gerald	C6-95-2632	7
Moeller, David G.	C3-97-891	6
Moskal, David J.	C6-98-1561	1
Olson, Rodney J.	C0-95-2044	1
Orlins, Peter I.	C1-98-317	2
Roff, Douglas E.	C4-96-2090	1
Schmidt, Lael L.	C6-97-545	1
Wheat, Donald A.	C2-94-1127	6

**Supreme Court Dismissal      1 files      1 attorneys**

Lennon, Thomas A.	C7-98-1083	1
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**Reinstatement      4 files      4 attorneys**

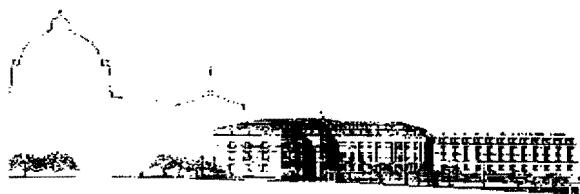
Albrecht, Alan J.	C3-97-356	1
Alley, Ronald D.	C5-98-630	1
Derycke, Eric A. L.	C1-98-589	1
Oberhauser, Louis B., Jr.	C1-97-629	1

**Reinstatement Denied      3 files      3 attorneys**

Haugen, Marlon O.	C6-85-1544	1
Lallier, Raymond C.	C8-95-2065	1
Ramacciotti, Frank P.	C7-95-551	1

**Supreme Court Admonition Affirmed    1 file    1 attorney**

In Re Charges of Unprofessional Conduct against 97-29, an Attorney At Law of the State of Minnesota.	C3-97-2379	1
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## Minnesota Lawyers Professional Responsibility Board & Office

### What's New?

- [New Opinion on Use of E-Mail and Cellphones](#)
- [Ethics Articles from \*Minnesota Lawyer\*](#)
- [Bench & Bar Professional Responsibility Columns](#)

### The Lawyers Professional Responsibility Board

- [About the Lawyers Professional Responsibility Board](#)
- [Board Member Directory](#)

### The Office of Lawyers Professional Responsibility

- [About the Office of Lawyers Professional Responsibility](#)
- [Hours and Staff Directory](#)

### Filing a Complaint Against a Lawyer

- [Complaints and Investigations Procedures Brochure](#)
- [Directions for Filing a Complaint](#)
- [Complaint Form for Filing a Complaint](#)

### Rules Governing Minnesota Lawyer Discipline System

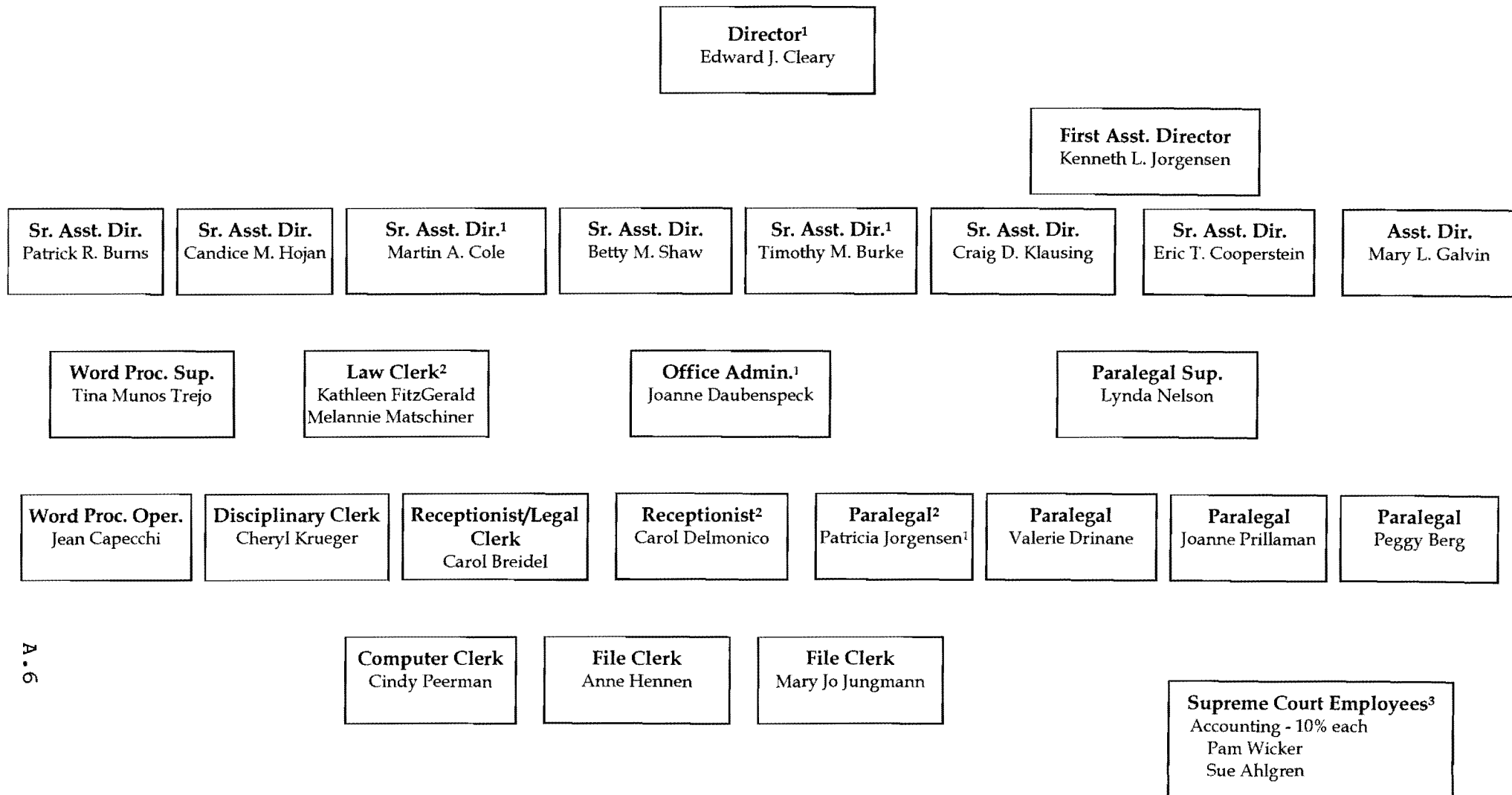
- [Minnesota Rules of Professional Conduct](#)
- [Minnesota Rules on Lawyers Professional Responsibility \(Procedure Rules\)](#)
- [Lawyers Professional Responsibility Board Opinions \(1 through 19\)](#)

### Other Resources

- [Index of \*Bench & Bar\* articles concerning Minnesota Professional Responsibility Issues](#)
- [List of Disbarred and Currently Suspended Lawyers](#)
- [List of Approved Financial Institutions for MN Lawyer Trust Accounts](#)
- [Professional Corporations, Limited Liability Corporations and Partnerships](#)
- [Annual Report and Statistics](#)



**Office of Lawyers Professional Responsibility  
FY'99 Organizational Chart**



<sup>1</sup>Also Client Security Board Staff

<sup>2</sup>Part-time position

<sup>3</sup>Not administratively subject to Director's Office.  
Office pays percentage of their salary

DEC INVESTIGATION SUMMARY		
DEC	Number of Files	Average Investigation Duration (Months)
1	23	5.3
2	103	3.2
3	10	2.3
4	262	4.1
5	9	3.2
6	5	1.8
7	29	2.3
8	12	2.8
9	2	6.5
10	4	5.3
11	19	2.4
12	3	2.7
13	2	2.0
14	10	3.6
15	20	3.3
16	1	1.0
17	1	6.0
18	9	7.7
19	17	2.1
20	9	2.7
21	13	2.9
<b>Totals</b>	<b>563</b>	<b>3.7</b>
<b>(non 4<sup>th</sup>)</b>	<b>(301)</b>	<b>(3.3)</b>

Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 1998 - June 1999

7/22/98	Legal Ethics (Masters students)	St. Mary's University	
7/22/98	Dakota County Bar Assn.	Farmington	
8/21/98	Ethics & Bias - moderator	St. Paul	
8/21/98	Ethics & Bias - panel partic.	St. Paul	
9/1/98	MN Tech Conference	Minneapolis	
9/24/98	Family Law Meeting	Mankato	
9/24/98	Ethics & Bias - moderator	St. Paul	
9/24/98	Ethics & Bias - panel partic.	St. Paul	
10/5/98	Paralegal class	Hamline University	
10/8/98	Hiring and Firing	Bloomington	MILE
10/12/98	Sandy Keith class	Hamline Law School	
10/30/98	MACDL Seminar	St. Paul	
11/4/98	Ethics for New Attorneys	Minneapolis	HCBA
11/13/98	Real Estate Institute	St. Paul	MCLE
11/13/98	Real Estate Institute	St. Paul	MCLE
11/17/98	Hamilton PR class	William Mitchell	
11/19/98	Sixth DEC	Mankato	
11/19/98	HCBA new members	Minneapolis	HCBA
11/24/98	Biernat PR class	Hamline Law School	
12/4/98	West Group: Ethics Seminar	Eagan	
12/8/98	Reinst. Standards/Proc	Bloomington	MILE
12/10/98	Prof. Conduct Comm.	Minneapolis	HCBA
12/11/98	Probation & Impaired Attys	St. Paul	ADL
12/11/98	Probation & Impaired Attys	St. Paul	ADL
12/14/98	Legal Ethics (Masters students)	St. Mary's University	
12/17/98	Ethics for Attys in MN & WI	Minneapolis	MSBA
1/7/99	10 <sup>th</sup> Judicial District Clerks	Stillwater	
1/20/99	Ethics Update	St. Paul	RCBA
1/20/99	Ethics Update	St. Paul	RCBA
1/27/99	Rotary Club	South St. Paul	
1/28/99	Disc. System & Impaired Attys	St. Paul	
2/17/99	11 <sup>th</sup> District Bar Association	Duluth	
2/18/99	WMCL Seminar	St. Paul	
2/23/99	First Amendment/Privacy	Minneapolis	MILE
2/24/99	Purchase/Sale Comm RE	Minneapolis	MCLE
2/24/99	Dean's Luncheon	U of M Law School	
2/25/99	Conflicts in ERISA	Bloomington	MILE
2/26/99	DWI Seminar	Minneapolis	MILE
3/13/99	Public Defender Association	Hinckley	
3/18/99	Dept of Labor & Industry	St. Paul	
3/18/99	Henn. Cty. Solo Practice	Minneapolis	HCBA
3/19/99	3 <sup>rd</sup> District PD Seminar	Rochester	

Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 1998 – June 1999

3/24/99	Washington County Bar	Stillwater	
3/25/99	Preventing Unauthorized Pract.	Minneapolis	NBI
3/31/99	Ethics in Jury Trials	Minneapolis	MILE
3/31/99	Ethics and Judicial Process	U of M Law School	
4/5/99	Ethics and Poverty Law	U of M Law School	
4/9/99	Appellate Advocacy	Minneapolis	MILE
4/14/99	Adoption Law Seminar	Plymouth	
4/14/99	Trust Acct. Maintenance	St. Paul	ADL
4/14/99	Ethics for Litigators	Minneapolis	HCBA
4/16/99	Medical Malpractice	Minneapolis	
4/16/99	Threats in Negotiation	Minneapolis	VLN
4/21/99	Common Ethical Violations	Minneapolis	MCLE
4/26/99	Ethics Seminar	Minneapolis	MCLE
4/27/99	Practical Legal Ethics	Bloomington	NBI
4/28/99	Data Practices	Bloomington	
4/30/99	Protected Class Harassment	Fairmont	DEC
4/30/99	Protected Class Harassment	Fairmont	DEC
5/10/99	Constitutional Law Class	Inver Grove Heights	
5/12/99	Ethics Seminar	Minneapolis	MILE
5/14/99	MN Women Lawyers	Minneapolis	
5/18/99	Legal Ethics (Masters students)	St. Mary's University	
5/18/99	Trust Acct. Maintenance	St. Paul	ADL
5/19/99	Ethics of Estate Planning	Minneapolis	MCLE
5/21/99	Public Lawyers Ethics Seminar	St. Paul	MSBA
5/21/99	Public Lawyers Ethics Seminar	St. Paul	MSBA
5/21/99	Public Lawyers Ethics Seminar	St. Paul	MSBA
5/25/99	Employment Law Inst.	St. Paul	MCLE
5/26/99	Year 2000 Problem	Minneapolis	MILE
6/1/99	Law & Politics Seminar	Minneapolis	
6/8/99	Real Estate & Technology	Minneapolis	MILE
6/9/99	Anoka Family Law Section	Anoka	
6/10/99	Ethics for Litigators	Minneapolis	MCLE
6/11/99	Ethics Seminar	St. Johns Collegeville	
6/11/99	Ethics/Reinstatements	Minneapolis	MTLA
6/11/99	Ethics/Reinstatements	Minneapolis	MTLA
6/16/99	Trust Account Maintenance	Bloomington	MILE
6/21/99	Common Ethical Violations	Minneapolis	MCLE
6/23/99	Civil Pre-Trial Practice Inst.	Bloomington	MILE