

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

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OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**

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## **I. INTRODUCTION AND HIGHLIGHTS.**

Pursuant to Rules 4(c) and 5(b), Rules on Lawyers Professional Responsibility (RLPR), the Lawyers Professional Responsibility Board (LPRB) and the Director of the Office of Lawyers Professional Responsibility (OLPR) report annually on the operation of the professional responsibility system in Minnesota. These reports are made for the period from July 2015 to June 2016 (FY2016), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2015, unless otherwise noted.

### **Highlights.**

Fiscal year 2016 has involved a lot of changes, primarily relating to personnel, in Minnesota's professional responsibility system. Upon the retirement of Justice Alan C. Page, Justice David R. Stras was appointed to serve as the Minnesota Supreme Court's liaison to the LPRB and OLPR. Justice Stras has been an engaged liaison, and is obviously dedicated to ensuring a strong system of attorney regulation that is a credit to the State of Minnesota. After 31 years in service to the OLPR, and more than nine as Director, Martin Cole retired on December 31, 2015. Mr. Cole served the Office well, and will be remembered as a true subject matter expert in the area of professional responsibility.

After six years as Board Chair, and an additional 90-day special appointment, Judith Rush ended her exemplary volunteer service with the LPRB on April 30, 2016. Ms. Rush was a dedicated advocate for the Board, and proudly spearheaded the Board's efforts to increase public, non-lawyer participation in the discipline process, as well as guided the Board's oversight into file aging challenges at the OLPR.

Effective May 1, 2016, Stacy Vinberg, an Assistant County Attorney for Yellow Medicine County in Granite Falls, Minnesota, was appointed Chair of the Board. As a prosecutor and out-state Minnesota attorney, Ms. Vinberg brings valuable insight into the State's attorney disciplinary system. Effective March 7, 2016, the Minnesota Supreme Court appointed Susan Humiston as the new Director of the OLPR.

Ms. Humiston is the 11th Director of the Office, and brings with her a background as in-house counsel for a highly-regulated public company, and civil litigation experience at a large Minneapolis law firm. First Assistant Director Pat Burns served as Acting Director from January 1, 2016 - March 6, 2016. Mr. Burns is a 28-year veteran of the Office, and his willingness to lead the Office during transition, in addition to his own case management responsibilities, was greatly appreciated by the Court, the Board and all members of the Office.

Calendar 2015 was a record year for public discipline with 65 attorneys receiving public discipline. The prior record was 55 in 1990. Perhaps the most astonishing thing about the 2015 statistics is that the number of suspensions, 47, was materially greater than the previous high of 27, which occurred in 1990, 1995 and 1996. Conversely, private discipline was down slightly with 112 admonitions in 2015, compared to 143 in 2014. As a percentage of total closed files, however, in 2015, 8% of closures were from admonitions, which is generally consistent with historical averages between 8-11%.

Substantively, diligence (Rule 1.3) and communication (Rule 1.4) continue to be the most frequently violated rules, clients continue to submit by far the greatest number of complaints, and the most frequent areas of practice generating complaints are criminal law and family law.

The attorneys disbarred in 2015 were disbarred for a variety of professional misconduct including predominantly misappropriation of client funds, and felony convictions involving fraud, money laundering, wire fraud and sexual misconduct with a client. Five attorneys received the next most serious discipline; three-year suspensions for felony convictions for lying to federal officials, criminal sexual misconduct, on-line solicitation of a minor and participation in a trust account scam and related misappropriation.

The first half of 2016 remains busy in matters of attorney discipline. As of June 14, 2016, 25 attorneys have been publicly disciplined: 2 disbarred, 12 suspended,



9 reprimanded/placed on probation and 2 reprimanded. An additional 39 matters are pending with the Supreme Court and a total of 557 files are open as of June 14, 2016. Of those, 155 have been pending more than one year, a significant decrease in historical numbers.

Additional office statistics will be discussed in detail in the following sections.

### **Complaint Statistics.**

The number of complaints received in 2015 was 1,210, a decrease of 83 from the previous year's total of 1,293. Closings also outpaced the prior year's total (1,332 vs. 1,248), for a year end file inventory of 528. Tables outlining these and related statistics are at A. 3 - A. 8.

Files open at start of 2015:	650
Complaints received in 2015:	1,210
Files closed in 2015:	1,332
Files open at end of 2015:	528

Complaint totals for the first five months of 2016 are trending slightly downward, and project to a year-end total of approximately 1,125, if the pace remains unchanged. Closings for 2016 continue to trend toward the 2015 number, which was a multiyear high. Case inventory as of June 14, 2016, is 557, which remains significantly down from the start of 2015 (650). In fact, at the end of March 2016, case inventory was 495, below the Board target of 500 open files. The Office continues to make great progress regarding case movement.

In 1985, the Board established a target of no more than 100 files over one year old, which target has been met only once since 2002. At the end of 2015, 161 files were more than one year old. While historically year-old files have remained in the range of 190-230, the Office has continued to significantly reduce the number of year-old files, which stand at 155 as of June 14, 2016 (Table IV at A. 5).

## **Public and Private Discipline.**

As mentioned, 2015 was a record year for public disciplines. Sixty-five lawyers were publicly disciplined: 6 attorneys were disbarred, 47 were suspended, 8 were reprimanded and placed on probation and 4 were reprimanded. The six disbarred attorneys were Tedman John Heim, David A. Overboe, Jeremy Thomas Kramer, Christopher Daniel Leroi, Robert Andrew Huff and Douglas A. Ruhland. As of June 14, 2016, 25 attorneys have been publicly disciplined, and 39 public matters are pending with the Supreme Court.

2015 saw a modest drop in the number of admonitions, the lowest form of discipline. Pursuant to Rule 8(d)(2), RLPR, if “the Director concludes that a lawyer’s conduct was unprofessional but of an isolated and non-serious nature, the Director may issue an admonition.” In 2015, the Director issued 112 admonitions, compared to 143 admonitions in 2014. Prior year totals are as follows:

	2009	2010	2011	2012	2013	2014	2015
Admonitions	117	120	113	122	143	143	112
Total Files Closed	1229	1252	1386	1287	1279	1248	1332
%	10%	10%	8%	9%	11%	11%	8%

The areas of misconduct involved in the admonitions are set forth in Table V at A. 6.

## **Annual Professional Responsibility Seminar and Continuing Legal Education Presentations.**

On October 2, 2015, the Board and Director’s Office hosted their 30<sup>th</sup> annual professional responsibility seminar. Presentations included sessions on how small acts can cause serious discipline sanctions, the unseen work of the Director, non-lawyer participation in the lawyer discipline system and immigration law and attorney discipline.

During the seminar, Justice Page presented the Volunteer of the Year Award to Vance B. Grannis, Jr. Mr. Grannis is a third generation of Grannis attorneys. His

grandfather started the firm in South St. Paul in 1906. Mr. Grannis served 33 years as a member of the First District Ethics Committee.

Each year, attorneys in the Office devote substantial time to CLE presentations and other public speaking opportunities in an effort to proactively educate the bar about professional responsibility issues. A full list of those engagements can be found at A. 16 – A. 17.

## **II. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

### **Board Members.**

The Lawyers Professional Responsibility Board is composed of 23 volunteer members, which includes the Chair, 13 lawyers, and 9 nonlawyers. The terms of Board members are intentionally staggered so that there is roughly equal turnover in members each year. Board members are eligible to serve two three-year terms (plus any stub term if applicable). Terms expire on January 31. This year, Board Chair Judith Rush and members Christopher Cain and Kenneth Engel completed their second and final terms on the Board. Newly appointed members are Christopher Grgurich, Lisa Radzak and Allan Witz. Norina Dove, Anne Honsa, Michael Leary, Cheryl Prince and Robin Wolpert were reappointed to second terms, to expire in 2019. A complete listing of Board members as of May 1, 2016, is attached at A. 1 – A. 2.

The Court extended Chair Rush's term for 90 days to facilitate a new Board Chair transition as well as a newly appointed OLPR Director. The Court appointed Director Susan Humiston effective March 7, 2016, and Board member Stacy Vinberg as Chair effective May 1, 2016. Chair Rush's willingness to extend her term was much appreciated during these significant changes.

### **Executive Committee.**

The Board has a five-member Executive Committee, charged with oversight of the Director's Office and the Rules on Lawyers Professional Responsibility. Two of the

five Executive Committee members were among the Board members whose terms ended in January 2016. The committee now consists of Chair Stacy Vinberg, newly-named Vice-Chair Terrie Wheeler, Robin Wolpert, Roger Gilmore and Bentley Jackson.

Each member of the Executive Committee has assigned tasks. The Chair directly oversees panel assignments pursuant to Rule 4(f), RLPR, and oversees the Director's review and reappointment process. The Vice-Chair oversees the timely determination of complainant appeals by Board members, reviews dispositions by the Director that vary from DEC recommendations, and reviews complaints against the Director or staff. One member, currently Bentley Jackson, is the liaison to the OLPR staff; another member, currently Roger Gilmore, oversees the review of file statistics and aging of files; and one member, currently Robin Wolpert, is responsible for addressing any former employee disqualification matters that arise.

#### **Panels.**

All members of the Board, other than Executive Committee members, serve on one of six panels which make discipline probable cause and reinstatement determinations. The Board members who act as Panel Chairs are currently: Paul Carlson, Joseph Beckman, Timothy Churchwell, Todd Wind, Anne Honsa, and Cheryl Prince. All are experienced Board members.

#### **Standing Committees.**

The Board has three standing committees. The Opinion Committee, chaired by Todd Wind, makes recommendations regarding the Board's issuance of opinions on issues of professional conduct pursuant to Rule 4(c), RLPR. The Rules Committee, chaired by Cheryl Prince, makes recommendations regarding possible amendments to the MRPC and the RLPR. The DEC Committee, chaired by Terrie Wheeler, works with

the DEC's to facilitate prompt and thorough consideration of complaints assigned to them and assists the DEC's in recruitment and training of volunteers.

During this fiscal year, the Opinion Committee took no action, though it is considering a potential opinion relating to guidance for attorneys on how to respond to on-line criticism by former clients.

The Rules Committee recommended, and the Board approved, a petition to the Minnesota Supreme Court to amend Rule 18, RLPR, to establish a time by which the parties must order a transcript of panel proceedings relating to reinstatement. This amendment would establish the same procedures currently in place under Rule 14, RLPR, regarding referee proceedings. This petition is currently open for public comment.

The DEC Committee focused on public member recruitments, and reported at the April 2016 Board meeting that all DEC's were in compliance with the requirement that 20% of members be non-attorneys. Unfortunately, one DEC then fell out of compliance due to adding new attorney volunteers. The DEC Committee also focused its efforts on supporting the DEC Chairs, and hosted a very successful DEC Chairs Symposium in May 2016 in Duluth.

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

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

##### **1. FY16 and FY17 Budgets.**

Expenditures for the fiscal year ending June 30, 2016, are projected to be approximately \$3,300,000. The projected reserve balance at the end of FY16 is a healthy \$3,535,000. Pursuant to revised judicial branch procedures, budgets are now made for two-year periods. In June 2015, the Court approved the OLPR budgets for FY16 and FY17. The FY17 budget, which begins July 1, 2016, and runs through June 30, 2017, projects anticipated expenditures of \$3,895,000.

The Director's Office budget is funded primarily by lawyer registration fees, and therefore is not dependent upon legislative dollars. FY17 projected revenue is \$3,377,000. Accordingly, it is anticipated that the Office will utilize a portion of its current reserve to fund the revenue shortfall.

In FY16, the Court provided for 4% merit increases for Court employees. The Court has determined that beginning in FY17, all employee salary increases will be performance based. Across-the-board (ATB) raises will no longer be given. Accordingly, employee salaries beginning July 1, 2016, will reflect merit increases awarded based on performance appraisals in May 2016.

The FY17 budget, once again, includes funds to rebuild the Attorney Disciplinary Record System (ADRS). In November 2015, the Director's Office, in conjunction with Judicial ITD, selected a vendor for the new Lawyer Data Management System (LDMS) project. Work will begin in approximately July 2016, and is anticipated to last 18 months.

#### **B. Personnel.**

The Director's Office now employs 12 attorneys including the Director, 6.5 paralegals, an office administrator, 10 support staff and one law clerk (*see* organizational chart at A. 18).

- In September 2015, Martin Cole announced his retirement after 31 years with the Office, and more than 9 as Director, effective December 31, 2015.
- On March 2, 2016, the Court appointed Susan Humiston as Director of the OLPR effective March 7, 2016.
- In May 2015, Nicholas Slade resigned his position as attorney.
- In August 2015, attorney Amy Mahowald was hired to fill the position vacated by Mr. Slade.
- In August 2015, Molly Vo resigned her position as law clerk trainee.
- In November 2015, Hannah Lindeborg was hired as law clerk trainee to fill the position vacated by Ms. Vo.

- In August 2015, Kelli Dornbusch resigned her position as Panel clerk.
- In October 2015, Jennifer Laing was hired to fill the position of Panel clerk vacated by Ms. Dornbusch.
- In February 2016, Sofia Manning was hired to fill a newly created paralegal position.
- In June 2016, Xenia Labacevic resigned her position as DEC coordinator/SharePoint clerk. This position will be filled by mid-July.
- In June 2016, Hannah Lindeborg resigned her law clerk position to focus on the bar and full-time employment. The law clerk position will be posted in July.

**C. Website and Lawyers Professional Responsibility Board Intranet.**

The OLPR website continues to be updated regularly to ensure it remains current and user friendly. The site contains a substantial amount of useful information regarding the discipline system, as well as services provided by the Director's Office. Attached at A. 19 is a recent printout of the home page for the website.

The LPRB and DEC intranet (SharePoint) sites are widely used by volunteer Lawyers Board members, DEC chairs and investigators. More volunteers are using the sites as they come to see the sites are convenient.

**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 2015, the Director's Office received 193 complainant appeals, compared to 186 such appeals in 2014. During 2015, 190 complainant appeal determinations were made by Board members. The breakdown of those determinations is as follows:

		<u>%</u>
Approve Director's Disposition	181	95.0
Direct Further Investigation	7	4.0
Instruct Director to Issue an Admonition	1	0.5
Instruct Director to Issue Charges	1	0.5

Approximately 114 clerical hours were spent in 2015 processing and routing appeal files. A limited amount of attorney time was expended in reviewing appeal letters and responding to complainants.

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

The probation department administers two types of attorney disciplinary probation: private and public. Private probation is agreed to as part of the resolution of a complaint against a lawyer, and is subject to approval by the Lawyers Board Chair. Public probation is imposed by the Minnesota Supreme Court.

In 2015, there were 30 new probations. This is the same number of new probations as in 2014. Of the new probations, 18 were public and the remaining 12 were private. Of the public probations, eight were ordered by the Court as a condition of reinstatement to the practice of law. Seven of the new probations in 2015 involved lawyers with mental health issues. The lawyer's failure to properly maintain his or her trust account was a factor leading to probation in 16 of the new probations in 2015. The Court revoked three public probations in 2015 pursuant to the recommendation of the Office.

During 2015, 27 Minnesota attorneys served as volunteer probation supervisors. Of the probationers whose probations opened in 2015 (and accordingly for whom the Director has data on the nature of their practice while on probation), the majority were either in solo practice or were part of very small (i.e., 2- to 3-person) firms. With the exception of six probationers who were in practice less than ten years, almost two-thirds (17) of the new probations in 2015 were for lawyers with 20 or more years of experience. Six probationers had practiced 30 or more years, including two lawyers with 39 years of practice and another with 43 years' experience.



Two attorneys and two paralegals staff the probation department, and commit a total of 40 hours per week. Additional probation statistics can be found at A. 11 – A. 12.

**F. Advisory Opinions.**

Advisory opinions are available to all licensed Minnesota lawyers and judges. Advisory opinions are limited to prospective conduct. Questions or inquiries relating to past conduct, third-party conduct (i.e., conduct of another lawyer) or questions of substantive law are not answered. Advisory opinions 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. As a part of most Continuing Legal Education presentations by members of the Director's Office, attorneys are reminded of the advisory opinion service and encouraged to make use of it.

The number of advisory opinions requested by Minnesota lawyers and judges decreased in 2015. In 2015, the Director's Office received 2,012 requests for advisory opinions, compared to 2,156 in 2014. This represents a 7% decrease over last year. (A. 9 - A. 10.) Minnesota attorneys submitted 279 advisory opinion requests via the email link on the OLPR website in 2015, compared to 320 email requests received in 2014. Like telephone advisory opinion requests, inquiries from the website are responded to by telephone. The remainder of requests were made by phone.

In 2015, the Director's Office expended 303 assistant director hours in issuing advisory opinions. This compares with 316 hours in 2014. Dissolution/custody was the most frequently inquired about area of law. Client confidentiality was the most frequent area of specific inquiry.

### **G. Overdraft Notification.**

Minnesota banks maintaining lawyer trust accounts must agree to report all overdrafts on trust accounts to the Director's Office pursuant to Rule 1.15(j) – (o), MRPC. When the Director receives notice of an overdraft on a lawyer trust account, the Director reviews the lawyer's trust account books and records, i.e., bank statements, checkbook register, client subsidiary ledgers, trial balance reports and reconciliation reports, in order to (1) verify the account-holder's overdraft explanation, (2) where necessary, 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, and (3) if applicable, identify shortages and other serious deficiencies requiring discipline.

The number of trust account overdraft notices reported to the Director in 2015 (75) was slightly greater than those reported in 2014 (68). The total number of overdraft inquiries closed by the Director in 2015 (67) was slightly less than those closed in 2014 (76). The percentage of total closings that did not involve conversion to a disciplinary investigation in 2015 (53 or 79%) was comparable to 2014 (62 or 82%). At the end of 2015, 18 overdraft inquiry files remained open.

#### **Public Discipline Decisions Related to Trust Account Overdraft Notifications**

Eighteen disciplinary matters arising from a trust account overdraft inquiry were resolved in 2015, a significant increase from the number resolved in 2014 (11). Nine such matters contributed to a public discipline decision:

*In re Swanson*, 860 N.W.2d 677 (Minn. 2015) (suspension).

*In re Brody*, unpublished (Minn. 2015) (suspension).

*In re Swaray*, 2015 WL 4751021 (Minn. 2015) (reprimand and probation).

*In re Schulte*, unpublished (Minn. 2015) (suspension).

*In re Hansen*, 2015 WL 4634375 (Minn. 2015) (suspension).

*In re Gall*, unpublished (Minn. 2015) (suspension).

*In re Jones*, unpublished (Minn. 2015) (suspension).

*In re Olson*, unpublished (Minn. 2015) (suspension).

*In re Goldstein*, unpublished (Minn. 2015) (reprimand and probation).

The other nine disciplinary matters were resolved as follows:

Private probation:	5
Admonition:	3
Dismissal:	1

In 36 (or 68%) of the inquiries closed without a disciplinary investigation, the Director recommended changes or improvements to the lawyer's trust account books, records and/or practices. This is a significant but positive decrease from the percentage of inquiries in which such guidance was given in 2014 (62 or 84%). The most common deficiencies discovered in lawyers' trust account books and records were a lack of proper books, failure to properly reconcile the account and minor unintentional commingling of funds.

In 2015, the overdraft inquiries closed without a disciplinary investigation were closed for the following reasons:

<b>Overdraft Cause</b>	<b>No. of Closings</b>
Check written in error on TA	10
Bank error	13
Service or check charges	6
Late deposit	7
Mathematical/clerical error	8
Third party check bounced	1
Reporting error	1
Deposit to wrong account	3
Improper/lacking endorsements	0
Bank hold on funds drawn	0
Other	4

### Disciplinary File Openings

As noted, the Director will convert an overdraft inquiry into a disciplinary investigation if shortages or other significant problems are identified in the lawyer's trust account books and records, and the lawyer fails to respond to the overdraft inquiry or the lawyer's response does not adequately explain the overdraft. During 2015, overdraft inquiries were converted into disciplinary investigations for the following reasons:

<u>Reason for Investigation</u>	
Shortages found	5
Response fails to explain overdraft	3
Commingling	2
Inadequate books/records	1
Disciplinary file already open	1
Other	2
<b>Total</b>	<b>14</b>

### Time Requirements

A total of 226.75 hours – attorney (69.50) and paralegal and staff (157.25) – were spent to administer the overdraft program. The total time requirements in 2015 (226.75 hours) decreased slightly from 2014 (240.25 hours). This was the case even though the number of overdrafts reported in 2015 (75) were slightly greater than those reported in 2014 (68).

### **H. Judgments and Collections.**

In 2015, judgments totaling \$60,730.98 were entered in 50 disciplinary matters. The Director's Office collected a total of \$44,283.87 from judgments entered during or prior to 2015.

A comparison of the 2014 statistics and 2015 statistics is presented below:

	2014	2015
Number of judgments entered:	32	50
Dollar value of judgments entered:	\$30,660.25	\$60,730.98
Total amount collected:	\$23,023.18	\$44,283.87
Portion attributable to current year's judgment:	\$13,680.93	\$33,965.63
Portion attributable to judgments of prior years:	\$9,342.25	\$7,728.24 <sup>1</sup>

Twenty-two out of the 50 judgments entered in 2015 were paid in full during the 2015 calendar year. The Director's Office collected substantially more in 2015 than in 2014, consistent with the fact that 2015 saw the most disciplinary decisions ever issued. In fact, the Director collected more in 2015 than the yearly amount collected in at least the past 15 years.

**I. Disclosures.**

**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 an executed authorization from the affected attorney. In addition, the Director's Office responds to telephone requests for attorney public discipline records. Public discipline information also is available through the OLPR website. Informal telephone requests and responses are not tabulated.

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<sup>1</sup> Judgment was not entered in three matters in which the respondent paid the costs pursuant to the Court's disciplinary order. In two additional matters, costs were paid in 2015 but judgment was not entered until 2016.

2. Source and Number of Written Requests for Disclosure.  
Calendar Year 2015.

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	193	193	10	2
B. Individual Attorneys	263	263	16	1
C. Local Referral Services				
1. RCBA	8	47	1	1
2. Hennepin County	1	17	0	0
D. Governor's Office	13	40	3	1
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	200	200	8	4
F. F.B.I.	27	32	0	0
G. MSBA: Specialist Certification Program	13	111	4	0
H. Miscellaneous Requests	42	300	13	0
<b>TOTAL</b>	<b>760</b>	<b>1203</b>	<b>55</b>	<b>9</b>
(2014 Totals for comparison)	(840)	(1297)	(60)	(10)

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. The Director's Office continues to see an increase in the number of news organizations requesting to be added to the list of recipients of news releases issued by the Office.

**J. Trusteeships.**

Rule 27(a), RLPR, authorizes the Supreme Court to appoint the Director as trustee of an attorney's files or trust accounts when no one else is available to protect the clients of a deceased, disabled or otherwise unavailable lawyer.

In FY16, the Director was appointed trustee of the client files belonging to four deceased attorneys: John Wade Tackett, Michael Joseph Keogh, Roger Lincourt Belfay

and Michael J. Corbin, an unusually high number in a short period of time. Typically, the Office sees one a year. In each of these matters, the Director has or is in the process of inventorying and attempting to return client files less than seven years old.

The Director was appointed trustee of the client trust accounts of three deceased attorneys: Donna Rae Johnson, Access Justice (Thomas Handorff), and William J. Aase. The trusteeship for Ms. Johnson has been closed. The other two remain open.

The Director continues to retain the following files:

- Steven K. Marden trusteeship—149 files which are eligible for expunction in March 2017.
- George C. Riggs trusteeship—753 files which are eligible for expunction in October 2017.
- Rudolph G. Maurine trusteeship—244 files which are eligible for expunction in October 2017.
- Hugh P. Markley trusteeship—19 files and 574 wills which are eligible for expunction in December 2017 and December 2019, respectively.
- Joseph Awah Fru trusteeship—596 files which are eligible for expunction in June 2018.

#### **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 thereafter demonstrating compliance with the Act. The Director's Office has handled the reporting requirements under this 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 OLPR website.

Professional firms pay a filing fee of \$100 for the first report and a \$25 filing fee each year thereafter. In reporting year 2014 (December 1, 2014 – November 30, 2015),

there were 175 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of April 30, 2016, the Director's Office received \$70,725 from 2,360 professional firm filings. There were 96 new professional firm filings for the current reporting year. The Director's Office received \$81,025 during fiscal year 2015.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2016 (as of April 30, 2016), the total attorney work time for overseeing the professional firms department was 43 hours. The total non-attorney work time was 834 hours.

#### **IV. DISTRICT ETHICS COMMITTEES (DECs).**

Minnesota is one of a few jurisdictions that continue to extensively use local DECs to conduct the preliminary investigation of the majority of ethics complaints. The Supreme Court Advisory Committee considered the continued vitality of the DEC system in 2008 and determined that the Minnesota system continues to work well, and strongly urged its continuation. Each DEC corresponds to the MSBA bar districts, and each is assigned a staff lawyer from the OLPR as a liaison to that DEC. Currently, there are approximately 300 DEC volunteers.

Initial review of complaints by practitioners and nonlawyers is valuable in reinforcing confidence in the system. The overall quantity and quality of the DEC investigative reports remain high. For calendar year 2015, the Director's Office followed DEC recommendations in 85% of investigated matters that were closed during the year. Many of the matters in which the recommendation was not followed involved situations in which the DEC recommended a particular level of discipline, but the Director's Office sought an increased level of discipline. This typically involved attorneys with substantial prior relevant discipline that was not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.



In 2015, the monthly average number of files under DEC consideration was 120, fluctuating between a low of 109 and a high of 145. The year-to-date average for 2016 has decreased to 119 as of April 30, 2016.

Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of the investigation. For calendar year 2015, the DEC's completed 374 investigations, taking an average of four months to complete each investigation.

The Hennepin DEC is the state's largest district and Hennepin statistics are separately monitored. In calendar year 2015, 165 matters were referred back to the Director's Office from the Hennepin DEC; it took an average of 4.1 months to complete the DEC investigation of these matters. Nine matters were withdrawn.

For calendar year 2015, of the completed DEC investigations statewide, the following dispositions were made (measured by number of files rather than lawyers):

Determination discipline not warranted	261
Admonition	68
Private probation	7
Deceased	3

The annual seminar for DEC members, hosted by the Office and the Board, will be held this year on Friday, September 30, 2016. All DEC members, plus select members of the bench and bar with some connection to the discipline system, are invited. The seminar again will be held at the Ramada Plaza Minneapolis. Active DEC members are able to attend the annual DEC Seminar at no cost.

The Lawyers Board DEC Committee has continued its efforts to strengthen the DEC process and effectiveness, assists the DEC's in volunteer member recruitment, training and retention, and makes recommendations for improving the processing and handling of complaints at the DEC level. Particular aims of that committee are to ensure that all DEC's have the requisite number of non-lawyer (public) members and that more effective recruitment efforts are made for DEC members, both lawyer and non-lawyer. Rule 3(a)(2), RLPR, requires that at least 20% of each DEC be nonlawyers.

The rule's 20% requirement is crucial to the integrity of the disciplinary system and to the public's perception that the system is fair and not biased in favor of lawyers. Compliance with that requirement has improved since 2011, when 11 of the 21 DEC did not have 20% non-lawyer membership. Currently, only one district is not in full compliance. That district (the 8<sup>th</sup>) need only add one additional member (or reduce the number of lawyers by one). The Board's DEC committee continues to address how best to assist the DECs in meeting both the language and the spirit of the rule.

On May 6, 2016, the Fifth Annual DEC Chairs Symposium, sponsored by the Lawyers Board DEC Committee, was held in Duluth. There, members of the Board and staff members from the Director's Office discussed a variety of matters of importance to the DECs. Recruitment, training, investigation, meaningful participation of all committee members, and the relationship between the DECs and the OLPR liaisons were discussed.

Each of the DECs is assigned a lawyer from the OLPR to serve as liaison to the DEC. The OLPR liaisons have been urged to try to meet with each of their DECs at least once a year to work on training and recruitment and to discuss any issues that the DECs might wish to raise. Many of the DECs have taken advantage of their liaisons to assist in the training of new investigators. Feedback from the DEC Chairs at the recent DEC Chairs Symposium was positive with respect to the assistance received from the liaisons.

The Office continues to implement and improve the DEC SharePoint intranet site to facilitate effective involvement of, and communication between, DEC members by making it easier for DEC investigators to share reports, proposed recommendations, and provide input. The intranet permits DEC members to post reports and recommendations on a secure site available only to the Office and the DEC members. DEC members are able to discuss the report and vote on a proposed recommendation via the intranet. Additionally, DEC members have access to a variety of resources

through the intranet. This last year, dispositions of complaints investigated by the DEC's have been posted to the intranet so that DEC investigators may view the ultimate result of matters they investigated. In the last year, the number of DEC's utilizing the intranet has increased.

The DEC's provide a valuable service to the lawyer discipline system. The Board and the Office remain committed to the support and training of DEC volunteers, both lawyer and public members.

## **V. FY2017 GOALS AND OBJECTIVES.**

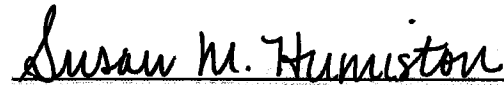
The primary goal of the Office in FY2017 is improvement in case processing times, particularly relating to matters under investigation by the Office. The Office is working toward a goal of all cases being closed or charged out within one year, excepting only cases on hold pending directly related collateral proceedings, which, provided annual filings do not materially increase, is likely an attainable goal. The Office is committed to increasing continuing legal education presentations and bar outreach by all attorneys in the Office in order to fulfill its related responsibility to prevent ethics violations before they occur, while still maintaining timely case movement. The Office is also dedicated to implementation of a new and improved database (a first step toward a paperless environment) and improved internal processes that effectively utilize technology.

Substantively, the Board and Office remain cognizant of the significant impact chemical dependency and mental health issues have on the profession, particularly as it relates to technical violations of the rules and cooperation with the Director. Effective partnerships with Lawyers Concerned for Lawyers and the MSBA remain important to tackling this issue. Effective succession planning for small firm and solo practitioners,

particularly in outstate Minnesota, is also an area of interest for the Board to ensure appropriate protection of client interest.

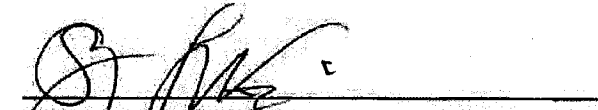
Dated: July 1, 2016.

Respectfully submitted,



SUSAN M. HUMISTON  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

and

  
STACY L. VINBERG  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD



## LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

**Stacy L. Vinberg, Granite Falls** - Chair. Attorney member. Term expires January 31, 2019. Assistant County Attorney for the Yellow Medicine County Attorney's Office. Served on Twelfth District Ethics Committee for 10 years, including one year as Chair. Areas of law: Real estate transactions, criminal prosecution, family law and probate.

**Terrie S. Wheeler, Rush City** - Public member. Term expires January 31, 2018. Serves on LPRB Executive Committee and DEC Committee. Served on Hennepin County District Ethics Committee for two years. President of Professional Services Marketing, Inc. for over 20 years. Areas of law: Strong background in ethical marketing practices for lawyers, marketing consulting and coaching for lawyers, marketing CLE presenter.

**Joseph P. Beckman, Edina** - Attorney member. MSBA nominee. Term expires January 31, 2017. Partner in the law firm of Hellmuth & Johnson. Areas of law: Current - Business Transactions (corporate governance, commercial transactions, technology); Past - Civil Litigation (contract disputes, business breakups, insurance coverage).

**Paul F. Carlson, Wadena** - Attorney member. Term expires January 31, 2017. Served on Seventh District Ethics Committee for six years. Partner in the law firm of Kennedy, Carlson & Van Bruggen. Focus on civil litigation and defense of electrical cooperatives in liability cases throughout the State of Minnesota. Veteran of the U.S. Army and was awarded two Army Commendation Medals and the Korea Defense Service Medal.

**Timothy M. Churchwell, Long Prairie** - Attorney member. Term expires January 31, 2018. Served on Seventh District Ethics Committee as an investigator for six years, and as Chair since 2012. Shareholder in the firm of Peters & Churchwell, P.A. Areas of law: Municipal law, litigation and public service-oriented matters.

**James P. Cullen, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2017. Served on Hennepin County District Ethics Committee for eight years. Owner of Cullen Law Firm, Ltd. Areas of legal experience: Commercial and individual client litigation in state and federal courts; personal injury and professional liability civil actions; representation of medical professionals in civil, criminal and peer review matters and proceedings; criminal defense in state and federal courts; and service as an arbitrator in American Arbitration Association commercial and no-fault arbitration proceedings.

**Norina Jo Dove, Minneapolis** - Public member. Term expires January 31, 2019. Employed as a Senior Paralegal and Business Manager at Marilyn J. Michales & Associates, P.A. Areas of expertise: Family Law, Debtor/Creditor, Real Estate and Business Litigation.

**Thomas J. Evenson, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2018. Shareholder at Lind, Jensen, Sullivan & Peterson, PA. Participant in Minnesota Automobile Assigned Claims Bureau, MSBA Assembly, and Hamline University School of Law Alumni Association Board. Areas of law: General litigation, with an emphasis on products liability, wrongful death, construction defects, and fraud.

**Roger Gilmore, Brooklyn Park** - Public member. Term expires January 31, 2017. Served 10 years on Hennepin County District Ethics Committee. Served as member of the Supreme Court Advisory Committee to Review Lawyer Discipline System 2007-2008. Retired Captain, U.S. Navy Supply Corps., and retired Manager, FMC Corporation, Fridley. Areas of expertise: Defense Department contracting; contract administration and claims resolution; logistic support; program management; community mediation.

**Christopher A. Grgurich, Minneapolis** - Attorney member. MSBA nominee. First term expires January 31, 2019. Partner at Lindquist & Vennum. Focus on securities and commercial litigation. Also serves as General Counsel to assist partners and associates in meeting and understanding their ethical obligations under the MRPC. Served three years on Fourth District Ethics Committee. Chair of Hennepin County Bar Assn. Professionalism and Ethics Section.



**Nancy L. Helmich, Minneapolis** - Public member. Term expires January 31, 2017. Retired. Serves on LPRB Rules Committee. Formerly Senior Civil Litigation Paralegal at the Office of the Minnesota Attorney General for 29 years.

**Mary L. Hilfiker, St. Paul** - Public member. Term expires January 31, 2017. Served on Second District Ethics Committee. Consultant for Indian Education for University of Wisconsin and DOE. Areas of expertise: Special education, mediation, arbitration, investigation.

**Gary M. Hird, St. Paul** - Attorney member. MSBA Nominee. Term expires January 31, 2018. Serves on the LPRB Rules Committee. Served on Tenth District Ethics Committees. Chief Operating Officer, Southern Minnesota Regional Legal Services, Inc. (SMRLS). Areas of law: Family, real estate, bankruptcy, juvenile, criminal and corporate law as well as labor relations.

**Anne M. Honsa, Minneapolis** - Attorney member. Term expires January 31, 2019. Served on the Fourth District Ethics Committee for 12 years - four years as Vice-Chair. Founder of Honsa & Associates, P.A. Area of law: Family Law.

**Bentley R. Jackson, St. Paul** - Public member. Term expires January 31, 2017. Adjunct Instructor at Rasmussen College - Law Enforcement Skills Program and Mankato State University. Retired Burnsville police officer. Areas of expertise: Criminal, internal, and forensic investigations.

**Shawn Judge, Minneapolis** - Public member. Term expires January 31, 2018. President and founder of The Speaker's Edge, LLC. Areas of expertise: Strategic-communications consultant and certified Qualified Administrator of the Intercultural Discovery Inventory, experienced in leading small-group and individual training sessions to develop confident speakers who get results. Clients include attorneys from major law firms and corporate executives.

**Michael J. Leary, Burnsville** - Public member. Term expires January 31, 2016. Serves on LPRB DEC Committee. Served on the First District Ethics Committee for two years and the Second District Ethics Committee for three years. Retired as Executive Vice President of International Dairy Queen, Inc. Areas of expertise: Mediation and arbitration; management and contract issues.

**Cheryl M. Prince, Duluth** - Attorney member. Term expires January 31, 2019. Chair of LPRB Rules Committee. Serves on LPRB DEC Committee. Shareholder in the Duluth firm of Hanft Fride, P.A. Served on Eleventh District Ethics Committee for many years, including six years as Chair. Areas of law: Family law and mediation.

**Lisa M. Radzak, St. Paul** - Attorney member. First term expires January 31, 2019. Senior Counsel & Managing Director, Governmental & Regulatory Affairs, Minnesota Public Radio. Focus on business matters including e.g., property/leases, contracts, intellectual property, and regulatory matters.

**Gail Stremel, St. Paul** - Public member. Term expires January 31, 2018. Served on Ramsey County District Ethics Committee for six years. Served as division director of public assistance programs at Ramsey County Community Human Services. Areas of expertise: Social work and public administration.

**Todd A. Wind, Minneapolis** - Attorney member. Term expires January 31, 2017. Chair of LPRB Opinion Committee. Shareholder in the firm of Fredrikson & Byron. Served on Hennepin County District Ethics Committee from 1998 to 2010 as investigator, Vice-Chair and Chair. Areas of law: Civil litigation, antitrust, employment and construction.

**Allan Witz, Rochester** - Attorney member. Partial term expires January 31, 2017. Attorney, mediator and arbitrator who practices in the Rochester, Minnesota office of Witz Law P.A. Licensed to practice law in Minnesota, Florida, Michigan, and South Africa (inactive), and has a Minnesota Real Estate license. Principal practice areas: Business law, estate planning and immigration law.

**Robin M. Wolpert, St. Paul** - Attorney member. MSBA nominee. Term expires January 31, 2019. Serves on LPRB Executive Committee. Served on Nineteenth District Ethics Committee for seven years. Employed as Assistant County Attorney, Washington County Attorney's Office.



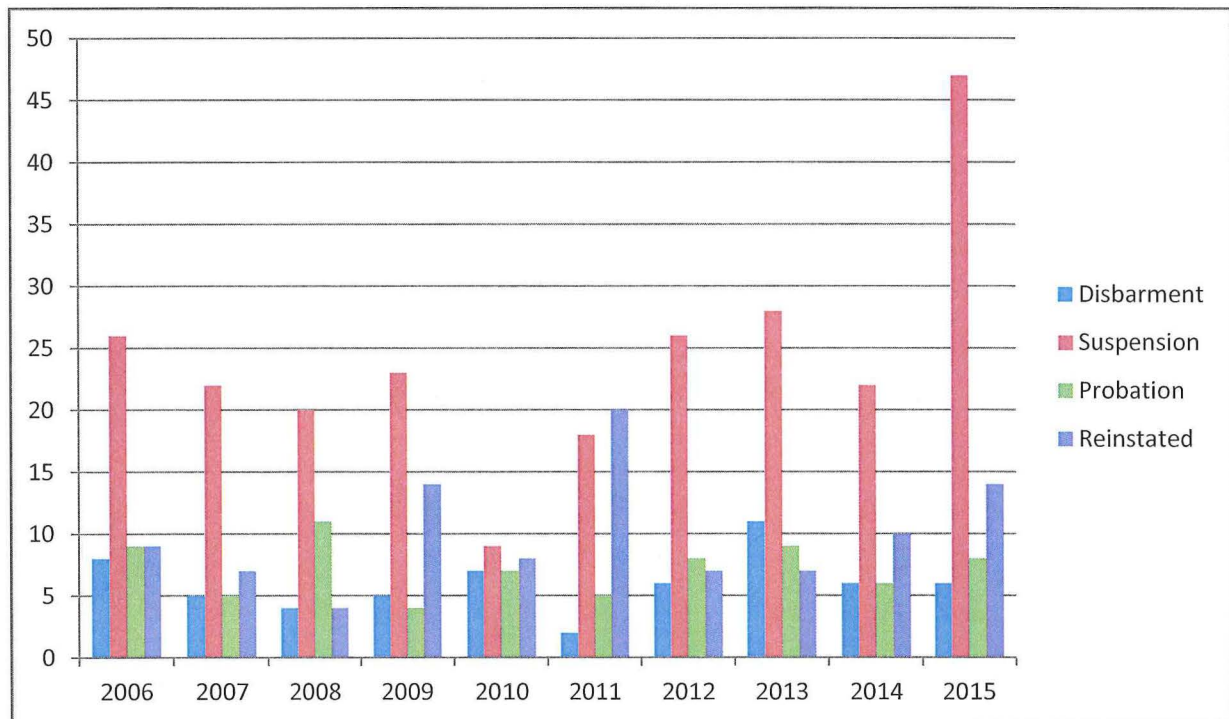
**Table I**  
**Complaint Statistics 2006–2015**

	Files	Files
<u>Year</u>	<u>Opened</u>	<u>Closed</u>
2000	1362	1288
2001	1246	1277
2002	1165	1226
2003	1168	1143
2004	1147	1109
2005	1150	1148
2006	1222	1171
2007	1226	1304
2008	1258	1161
2009	1206	1229
2010	1366	1252
2011	1341	1386
2012	1287	1287
2013	1256	1279
2014	1293	1248
2015	1210	1332

**TABLE II**  
**Supreme Court Dispositions and Reinstatements 2006-2015**  
**Number of Lawyers**

	Disbar.	Susp.	Probation	Reprimand	Dismissal	Reinstated	Reinstate Denied	Disability	SC AD/Aff	Other	Total
2006	8	26	9	5	-	9	-	2	-	6*	67
2007	5	22	6	-	-	7	2	-	1	-	43
2008	4	20	11	2	-	4	2	2	-	-	45
2009	5	23	4	6	-	14	1	1	-	-	54
2010	7	9	7	3	1	8	2	4	-	-	41
2011	2	18	5	2	-	20	-	1	-	-	48
2012	6	26	8	1	1	7	-	-	-	-	49
2013	11	28	9	4	-	14	-	2	-	-	68
2014	6	22	6	5	-	10	1	0	0	1**	51
2015	6	47	8	4	-	14	-	1	-	-	80

**TABLE III**  
**Disbarments, Suspensions, Probations and Reinstatements 2006-2015**

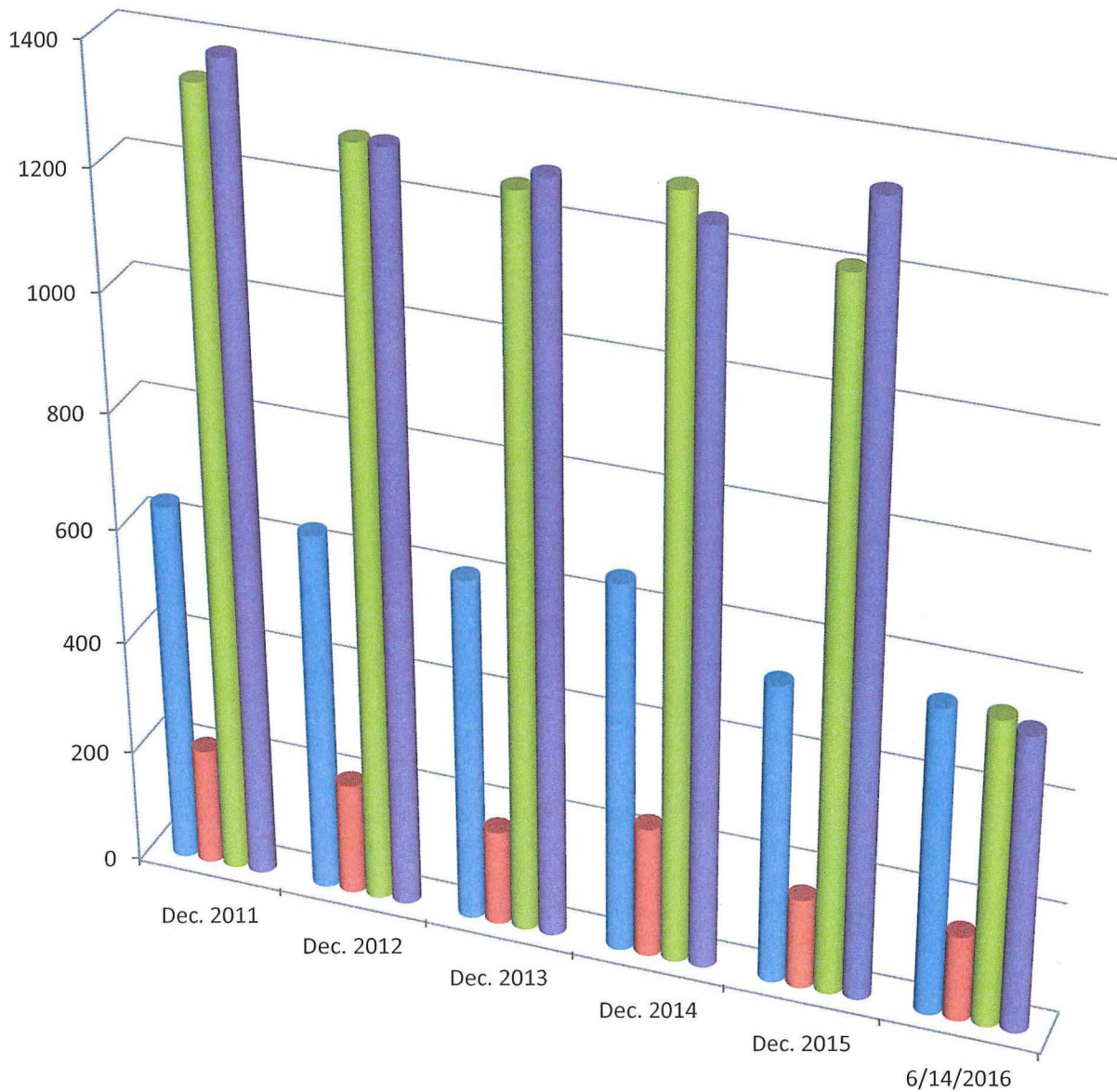


\* 3 Supreme Court stays, 2 reinstated to retired status, 1 conditional reinstatement pending.

\*\* Reinstatement dismissed.

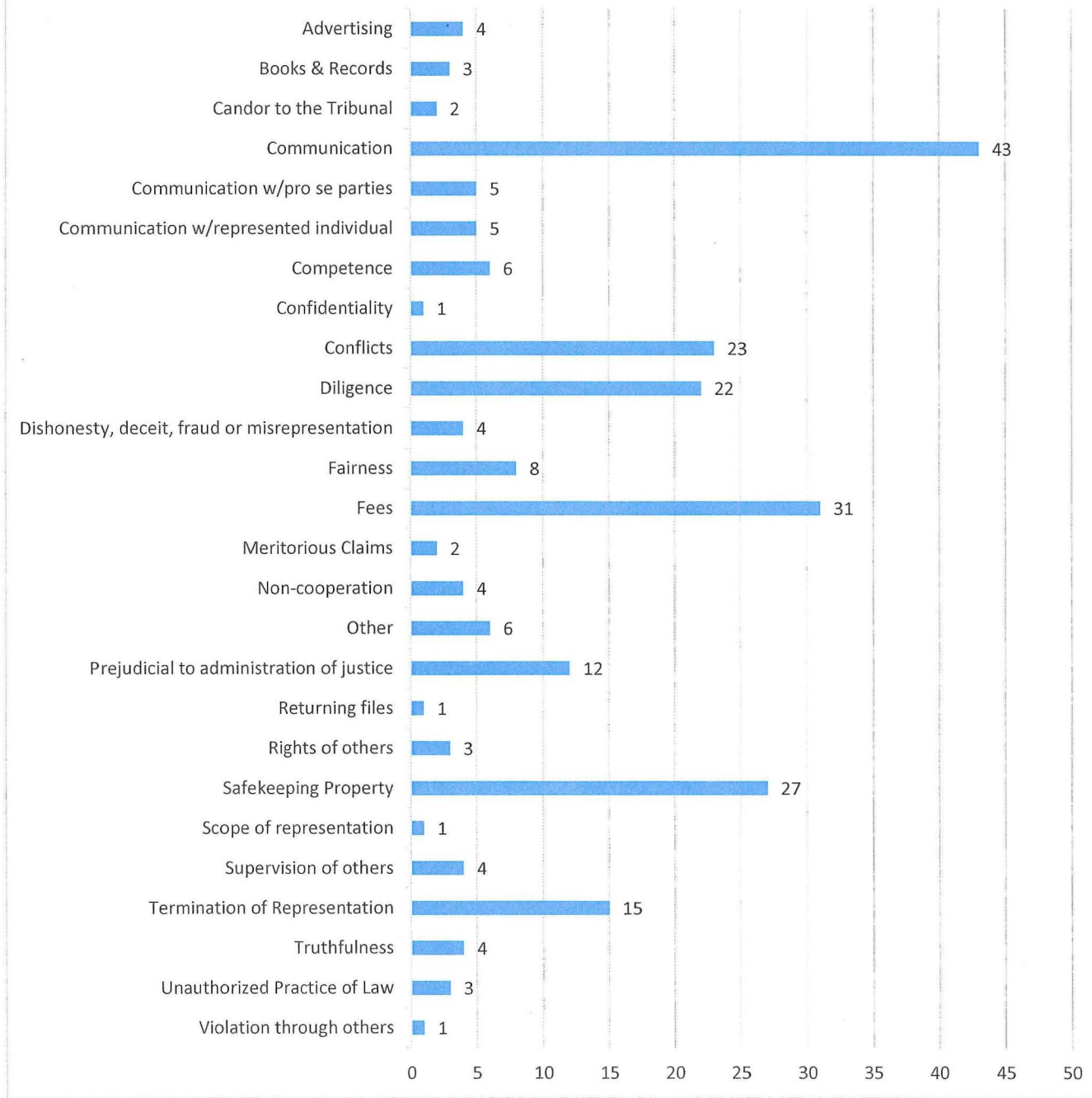


**TABLE IV**  
**File Openings, Closings and Year Old Files 2011-Present**



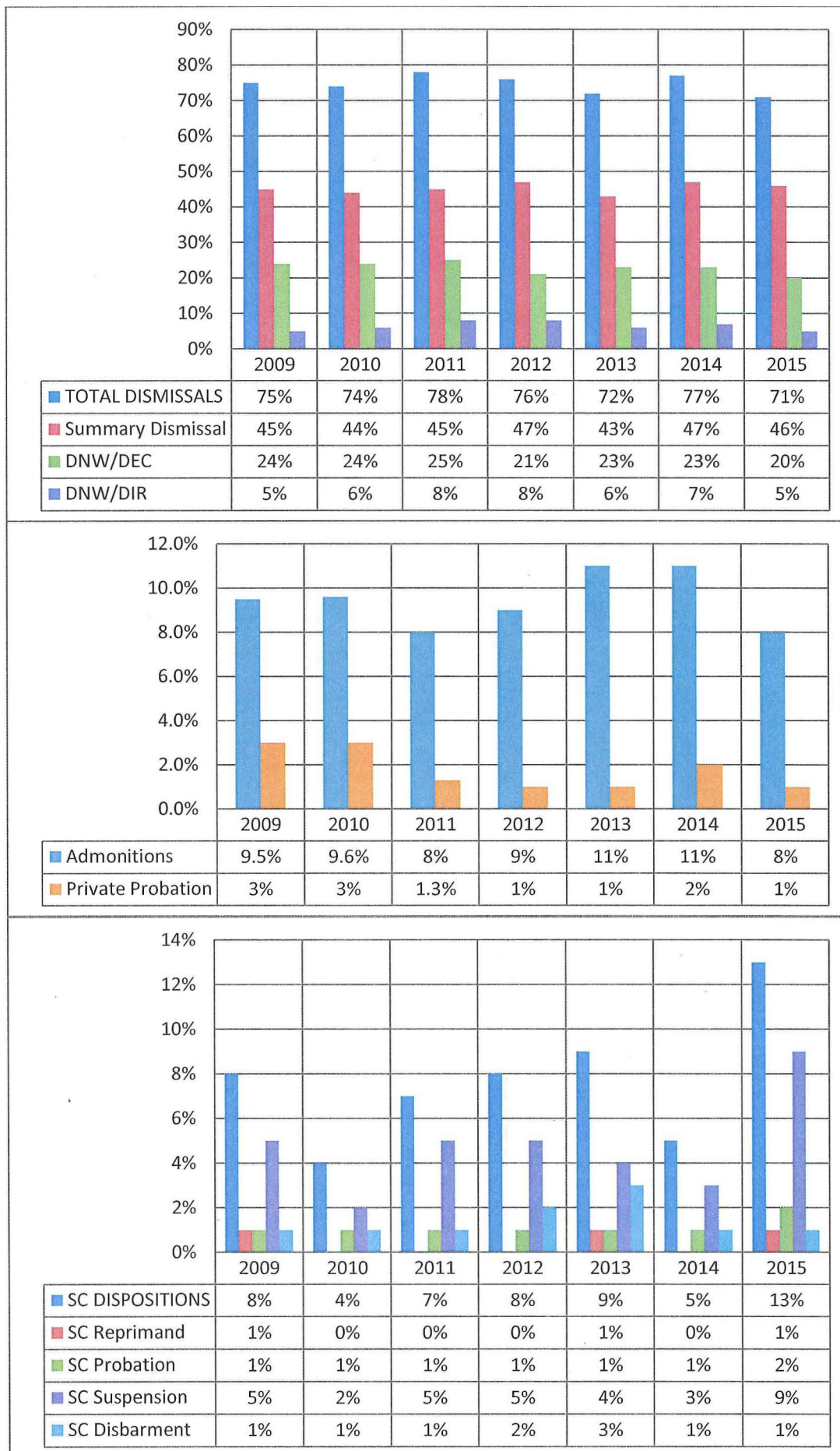
	Dec. 2011	Dec. 2012	Dec. 2013	Dec. 2014	Dec. 2015	6/14/2016
Total Open Files	634	632	605	650	528	544
Cases at Least One Year Old	206	197	168	231	161	155
Complaints Received YTD	1,341	1,287	1,253	1,293	1,210	544
Files Closed YTD	1,386	1,287	1,279	1,248	1,332	527

**TABLE V**  
**AREAS OF MISCONDUCT-ADMONITIONS (2015)\***



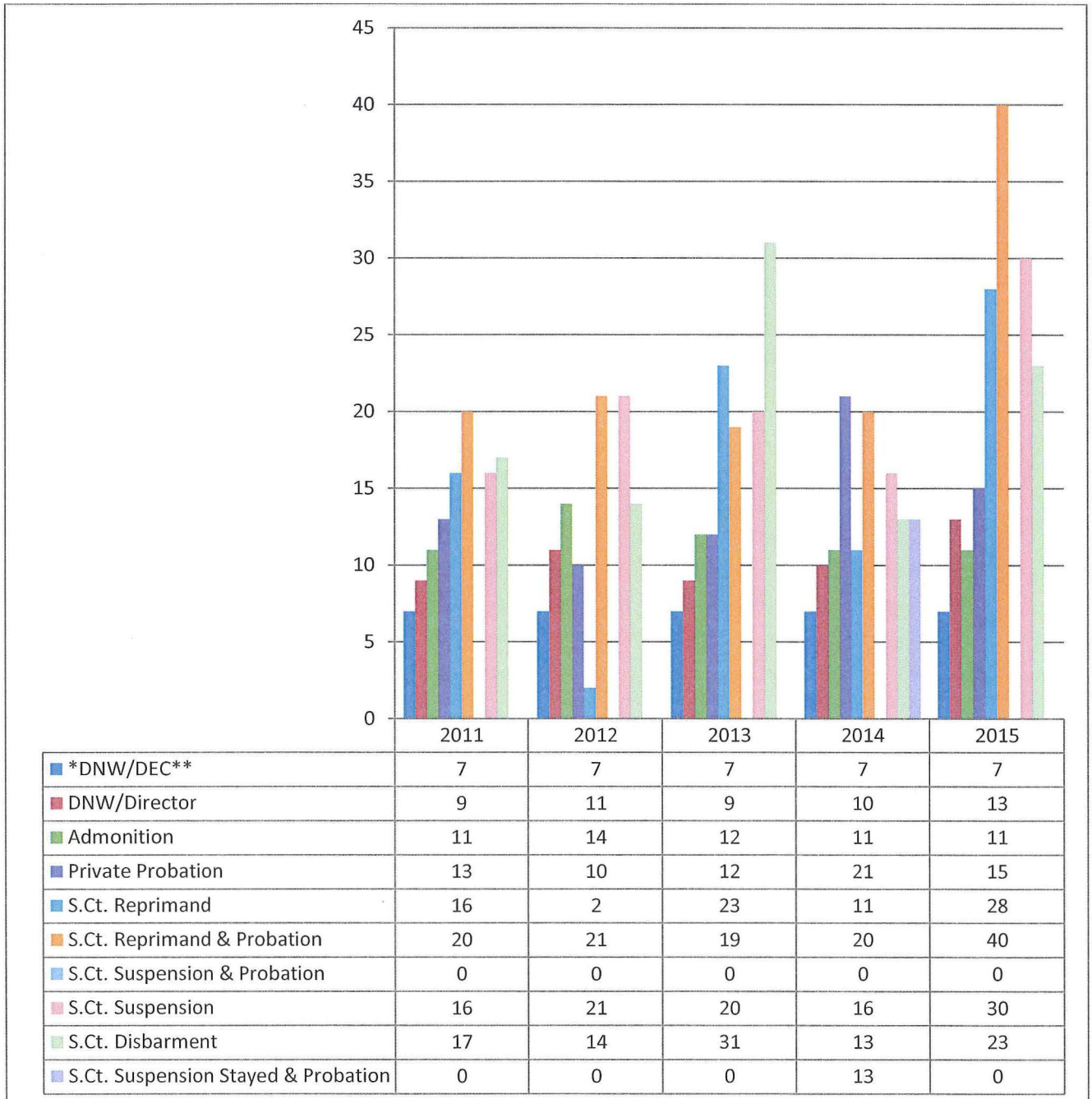
\*In 2015, the Office issued 112 admonitions involving 240 rule violations. This chart reflects the number of rule violations involved in those 112 admonitions, organized by area of misconduct.

**TABLE VI**  
**Percentage of Files Closed**





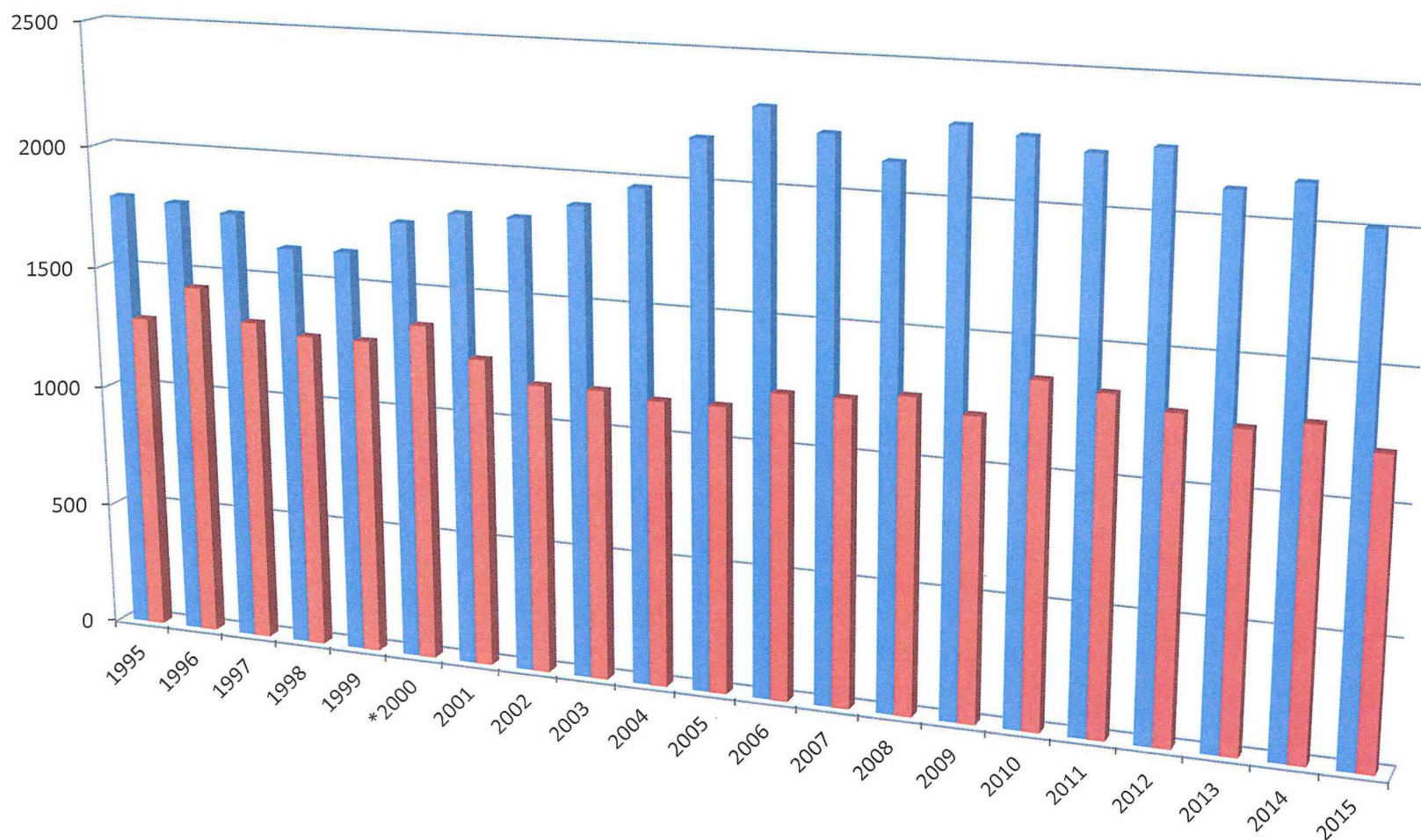
**TABLE VII**  
Average Number of Months File was Open at Disposition



\*Discipline Not Warranted

\*\*District Ethics Committee

**TABLE IX**  
**Advisory Opinion Requests Received**  
**and**  
**Number of Complaints Opened**  
**1995 - 2016**



	1995	1996	1997	1998	1999	*2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
■ Advisory Opinions Received	1795	1783	1757	1632	1635	1770	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2012
■ Complaints Opened	1290	1438	1314	1275	1278	1362	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210

\* 2000 total advisory opinions (AO) received was revised to reflect additional AO's not previously included.



**TABLE X**  
**Advisory Opinions 1991-2015**

YEAR	OPINIONS GIVEN BY TELEPHONE	OPINIONS GIVEN IN WRITING	TOTAL OPINIONS GIVEN	OPINIONS DECLINED	TOTAL
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
2006	2119 (92%)	2 (.8%)	2121 (92%)	186 (8%)	2307
2007	2080 (94%)	2 (.9%)	2082 (94%)	141 (6%)	2223
2008	1982 (93%)	2 (.9%)	1984 (93%)	151 (7%)	2135
2009	2137 (94%)	1 (.4%)	2138 (94%)	144 (6%)	2282
2010	2134 (95%)	2 (.0%)	2136 (95%)	122 (5%)	2258
2011	2080 (99%)	2 (.0%)	2082 (94%)	133 (6%)	2215
2012	2137 (99%)	4 (.0%)	2141 (95%)	108 (5%)	2249
2013	1976 (93%)	3 (.0%)	1979 (94%)	137 (6%)	2116
2014	2020 (94%)	1 (.0%)	2021 (94%)	135 (6%)	2156
2015	1866 (93%)	3 (.0%)	1869 (93%)	143 (7%)	2012

\* 2000 totals revised to reflect additional AOs that were not previously included.

\*\* Percentage amount corrected.

## PROBATION STATISTICS

### **TOTAL PROBATION FILES OPEN DURING 2015**

Public Supervised Probation Files (34%)	30	
Public Unsupervised Probation Files (24%)	<u>21</u>	
Total Public Probation Files (58%)		51
Private Supervised Probation Files (15%)	13	
Private Unsupervised Probation Files (27%)	<u>24</u>	
Total Private Probation Files (42%)		<u>37</u>
<b>Total Probation Files Open During 2015</b>		88

### **TOTAL PROBATION FILES**

Total probation files as of 1/1/15	69
Probation files opened during 2015	30
Public probation extended during 2015	0
Probation files closed during 2015	<u>(28)</u>
<b>Total Open Probation Files as of 12/31/15</b>	71

## **PROBATIONS OPENED IN 2015**

### **Public Probation Files**

Court-ordered Probation Files		
Supervised	7	
Unsupervised	<u>3</u>	
		10

### **Reinstatements**

Supervised	5	
Unsupervised	<u>3</u>	
		<u>8</u>
<b>Total Public Probation Files</b>		18

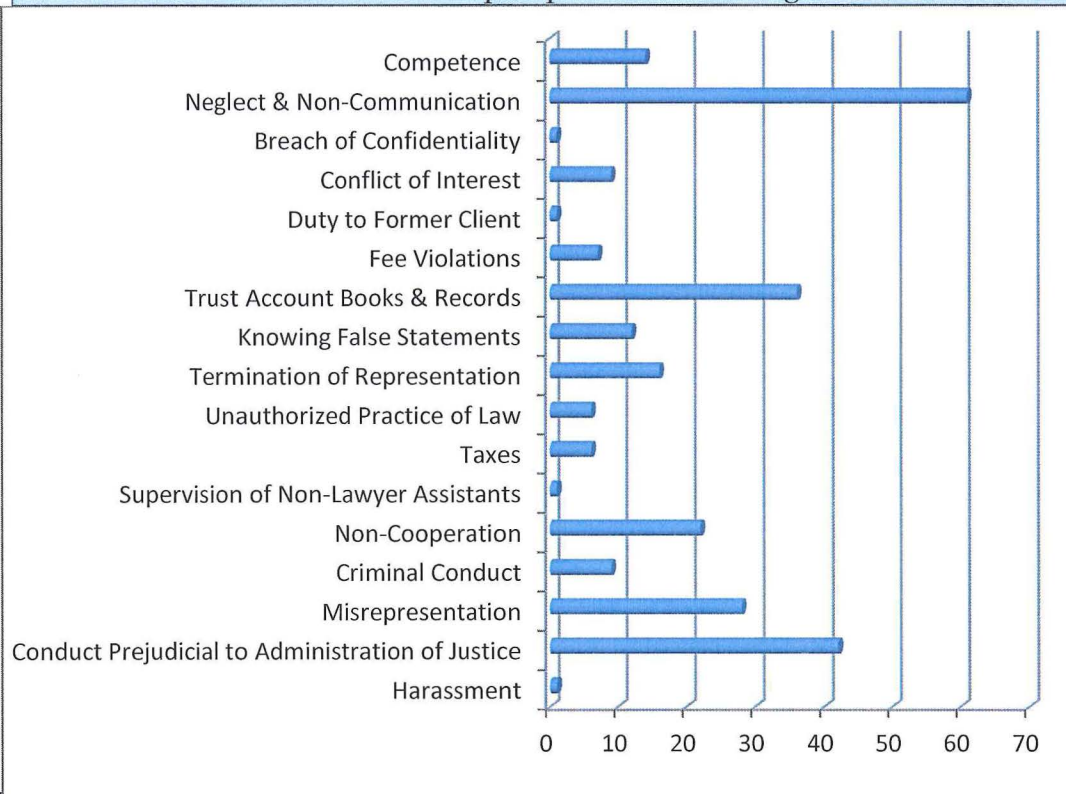
### **Private Probation Files**

Supervised	4	
Unsupervised	<u>8</u>	
		<u>12</u>
<b>Total Private Probation Files</b>		12
<b>Total New Probation Files in 2015</b>		30



## AREAS OF MISCONDUCT-PROBATION

As reflected in 88 open probations during 2015<sup>1</sup>



Competence (Violation of Rules 1.1 and 1.2, MRPC)	14
Neglect & Non-Communication (Violation of Rules 1.3 and 1.4, MRPC)	61
Breach of Confidentiality (Violation of Rule 1.6, MRPC)	1
Conflict of Interest (Violation of Rules 1.7 and 1.8, MRPC)	9
Duty to Former Client (Violation of Rule 1.9, MRPC)	1
Fee Violations (Violation of Rule 1.5, MRPC)	7
Trust Account Books and Records (Violation of Rule 1.15, MRPC)	36
Termination of Representation (Violation of Rule 1.16, MRPC)	16
Knowing False Statements to Others (Violation of Rule 4.1, MRPC)	12
Unauthorized Practice of Law (Violation of Rule 5.5, MRPC)	6
Taxes	6
Supervision of Nonlawyer Assistants (Violation of Rule 5.3, MRPC)	1
Non-Cooperation (Violation of Rule 8.1, MRPC)	22
Criminal Conduct (Violation of Rule 8.4(b), MRPC)	9
Misrepresentation (Violation of Rule 8.4(c), MRPC)	28
Conduct Prejudicial to the Administration of Justice (Violation of Rule 8.4(d), MRPC)	42
Harassment (Violation of Rule 8.4(g), MRPC)	1

<sup>1</sup> A file may involve more than one area of misconduct.



# OLPR Summary of Public Matters Decided

January - December 2015

80 Decisions Involving 174 Files

<b>Disbarment</b>	<b>12 files</b>	<b>6 attorneys</b>
BOEDIGHEIMER , ROBERT DAVID	A14-1914	1
HEIM , TEDMAN JOHN	A13-435	1
HUFF , ROBERT ANDREW	A14-24	1
KRAMER , JEREMY THOMAS	A15-1382	6
OVERBOE , DAVID A	A14-1607	1
RUHLAND , DOUGLAS A	A15-1048	2
<b>Suspension</b>	<b>116 files</b>	<b>46 attorneys</b>
AKWUBA , JOHN NWABUWANE	A15-1316	2
BEETY , ALBERT B	A14-1602	1
BOHANEK , ROBERT MICHAEL	A15-462	1
BRODY , BRUCE E	A14-1571	1
BUTLER , WILLIAM BERNARD	A14-834	3
CAPISTRANT , JOSEPH MICHAEL	A14-1076	1
CARPENTER , KERRY J	A15-1147	1
DUCKSON , TODD ALLEN	A15-567	1
ELBERT , PHILIP JAY	A15-350	1
ENGEL , BRIAN JAMES	A13-1497	4
FITZPATRICK , SHANNON M	A14-2158	1
GALL , JORDAN EDWARD	A15-246	4
GREENMAN , MARK ALAN	A13-1963	9
GRIFFIN , ALFRED AARON	A15-1146	2
HANDEVIDT , STEVEN L	A15-740	1
HANSEN , DALE ALLEN	A14-2061	2
IGBANUGO , HERBERT AZUBUIKE	A13-2350	6
JONES , MATTHEW HARVEY	A14-504	8
KENNEDY , DUANE A	A14-570	3
KURZMAN , MARC G	A14-1416	3
LAMB , BRADLEY ALLAN	A14-774	1
MCPHEE , GREGORY GERARD	A14-1901	1
MYERS , BENJAMIN EUGENE	A15-728	6
NIELSEN , MATTHEW THOMPSON	A14-1843	8
NIMIS , BARBARA ANN	A14-703	1

NOLAN , PATRICK J III	A15-137	1
NYBERG , KENT E	A15-1632	1
OLSON , JEFFREY H	A15-223	3
OYEN , KRISTIAN LEE	A14-1384	3
RUTGERS , DENNIS JAMES	A14-1852	3
SCANNELL , TIMOTHY CHRISTOPHE	A14-1930	2
SCHLEUSNER , DEANNA JEANNE	A14-2111	2
SCHULTE , FRANK AREND	A14-1311	1
SELMER , SCOTT	A14-98	1
SEVERSON , LARRY S	A13-1382	1
SHEAHAN , WILLIAM MICHAEL	A15-768	1
SWANSON , SCOTT WILLIAM	A15-1011	1
SWANSON , RICHARD LEE	A14-1589	5
TAYARI GARRETT , MPATANISHI SY	A14-995	1
THEILER , ROLAND JAMES	A14-889	4
THOMAS , DARRYL CHARLES II	ADM05-8001	1
TIGUE , RANDALL D	A13-519	1
TORGERSON , LYNNE A	A13-2305	5
WALSH , CHRISTOPHER ROBERT	A14-213	5
WEILER , DARCY A	A14-2104	1
ZITNICK , KARA JANE JENSEN	A15-743	1
<b>Administrative Suspension (Rule 30)</b>	<b>1 files</b>	<b>1 attorneys</b>
KOEPKE , KEVIN MICHAEL	ADM05-8001	1
<b>Reprimand &amp; Probation</b>	<b>20 files</b>	<b>8 attorneys</b>
FRENCH , WILLIAM L	A14-143	2
GILMORE , JOHN HUGH B	A15-1148	1
GOLDSTEIN , CHARLES MAYER	A15-1641	2
HECHTER , RICHARD WILLIAM	A15-259	1
MCNEILLY , KRISTI DANNETTE	A14-1553	7
SHOEBERG , KEVIN KENNETH	A15-139	4
SMITH , THOMAS TIPPET	A15-555	1
SWARAY , AMADU EDWARD	A15-1079	2

<b>Reprimand</b>	<b>10 files</b>	<b>4 attorneys</b>
COHEN , JAMES HILLSON	A15-890	6
HOESCHLER , JOHN G	A15-1710	1
LARSON , BRADLEY V	A15-1526	2
NOKES , SCOTT LEE	A15-357	1
<b>Disability Inactive Status</b>	<b>1 files</b>	<b>1 attorneys</b>
LEROI , CHRISTOPHER DANIEL	A15-1947	1
<b>Reinstatement</b>	<b>4 files</b>	<b>4 attorneys</b>
ELBERT , PHILIP JAY	A15-350	1
GREENMAN , CHRISTOPHER CHARL	A14-1035	1
KOEPKE , KEVIN MICHAEL	ADM05-8001	1
MICHAEL , LORI MAE	A12-1101	1
<b>Reinstatement &amp; Probation</b>	<b>10 files</b>	<b>10 attorneys</b>
FITZPATRICK , SHANNON M	A14-2158	1
IGBANUGO , HERBERT AZUBUIKE	A13-2350	1
KENNEDY , DUANE A	A14-570	1
MCCLOUD , SAMUEL A	A13-1381	1
MYERS , BENJAMIN EUGENE	A15-728	1
ONYEMEH SEA , BOBBY GORDON	A15-820	1
SCHLEUSNER , DEANNA JEANNE	A14-2111	1
SWANSON , RICHARD LEE	A14-1589	1
TIGUE , RANDALL D	A13-519	1
TORGERSON , LYNNE A	A13-2305	1

**TABLE VIII**  
**PUBLIC DISCIPLINE DECISIONS 1985-2016**

Year	Disbarments	Suspensions (all)	Probations	Reprimands	Total
1985	4	13	13	12	42
1986	7	17	2	4	30
1987	5	18	4	7	34
1988	4	22	7	5	38
1989	5	19	8	3	35
1990	8	27	10	10	55
1991	8	14	10	6	38
1992	7	16	7	5	35
1993	5	15	12	3	35
1994	8	5	7	0	20
1995	6	27	8	4	45
1996	4	27	5	0	36
1997	10	16	7	2	35
1998	15	18	10	2	45
1999	3	12	6	0	21
2000	6	19	10	2	37
2001	3	15	9	2	29
2002	4	18	6	1	29
2003	6	14	4	0	24
2004	5	10	3	1	19
2005	6	22	6	1	35
2006	8	26	9	5	48
2007	5	21	5	0	31
2008	4	20	11	2	37
2009	5	23	4	6	38
2010	7	9	7	3	26
2011	2	17	5	2	26
2012	6	24	8	1	39
2013	11	23	8	5	47
2014	6	19	5	5	35
2015	6	47	8	4	65
2016*	2	12	9	2	25
<b>TOTALS</b>	<b>194</b>	<b>613</b>	<b>238</b>	<b>109</b>	<b>1154</b>

(\* - as of June 14, 2016)



**Office of Lawyers Professional Responsibility**  
**Speaking Engagements and Seminars July 2015 – June 2016**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>OLPR Atty.</b>
7/6/15	UST Judicial Externship Class (Judge Alexander)	Minneapolis	University of St. Thomas School of Law	JHB
7/23/15	Legal Services Seminar	Minneapolis	HCBA	PRB
7/29/15	MPA Litigation Sectional	Minneapolis	MN Paralegal Association	JEB
8/20/15	William Mitchell Practicum briefing	St. Paul	William Mitchell	PRB
9/8/15	UST PR Class (Professor Hamilton)	Minneapolis	University of St. Thomas School of Law	JHB
9/11/15	Legal Services Seminar	Detroit Lakes	Legal Services of NW Minnesota	PRB
9/29/15	Technology, Social Media & Ethics	St. Paul	MCAA	JHB
10/8/15	Law Clerks, Ethics, & Social Media	Stillwater	Tenth District Law Clerks	JHB
10/12/15	Labor & Employment Law Seminar	Minneapolis	MNCLE	PRB
10/21/15	St. Thomas Law School	Minneapolis	University of St. Thomas School of Law	PRB
11/12/15	Clay County Bar Association Seminar	Moorhead	Clay County Bar Association	PRB
11/12/15	New Lawyers Leadership Conference	Minneapolis	MNCLE	CDK
11/12/15	Social Media, Metadata, Cloud Computing	St. Paul	Trish Volpe -Interview taped CLE	JHB
11/18/15	Ethics CLE	Hellmuth & Johnson	William Mitchell	KTS
12/4/15	Immigration Law	Minneapolis	CLE	KTS
12/11/15	Professionalism Committee	Minneapolis	HCBA	MDE
1/8/16	Ethical Use of Evolving Technologies	Minneapolis	MNCLE	CBH
1/13/16	West Metro	Excelsior	MNCLE	PRB
1/21/16	Real Property Law Seminar	Minneapolis	MNCLE	PRB
1/26/16	Ethical Use of Evolving Technologies	Minneapolis	MNCLE	CBH
2/12/16	Ethics for Paralegals	St. Paul	Hamline University	AMM
2/18/16	Family Law Seminar	Rochester	Olmsted County Bar Association	PRB
3/7/16	Advising the Disadvantaged Seminar	Minneapolis	MNCLE	PRB
3/8/16	MN Paralegal Association Real Estate Section	Minneapolis	Gray, Plant, Mooty	MDE
3/24/16	Hot Topics in Billing Ethics	Minneapolis	MSBA/CLE	MDE
3/24/16	Hot Topics in Billing Ethics	Minneapolis	MSBA/CLE	AMM
3/29/16	Family Law Institute Panel Discussion	St. Paul	MNCLE	KTS
4/4/16	Mitchell Hamline Workshop	St. Paul	Mitchell Hamline	PRB
4/7/16	Speak at LeAnn Fruith's class	St. Paul	Mitchell Hamline	PRB

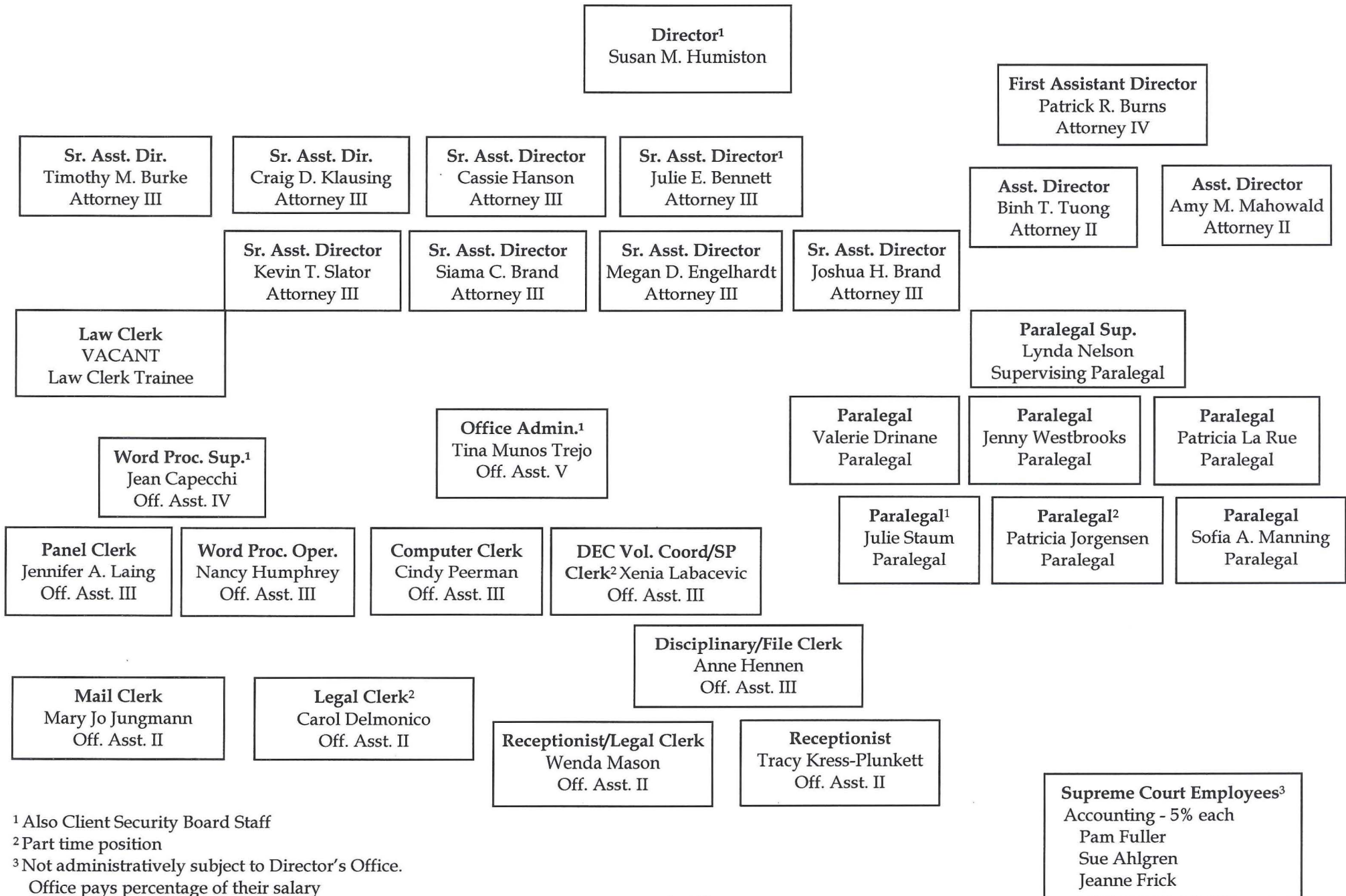
**Office of Lawyers Professional Responsibility**  
**Speaking Engagements and Seminars July 2015 – June 2016**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>OLPR Atty.</b>
4/7/16	Overview of Ethics Investigations	Foley, MN	Stearns/Benton Bar Association	AMM
4/15/16	Ethics Issues in Lawyers' Use of Technology	St. Paul	Attorney General's Office	JHB
4/15/16	Current Issues in Professional Responsibility	Elmer L. Anderson Building	Attorney General's Office	SMH
4/20/16	Presentation at Warren Burger Inns of Court	Town & Country Club	Warren Burger Inns of Court	PRB
4/21/16	Public Access TV	Duluth	Falsani, Balmer, Peterson, Quinn & Beyer	MDE
4/25/16	Ethics Investigations	Champlin	District Court Show – 10th District	SMH
5/3/16	Ethics for Paralegals	Minneapolis	Fredrikson & Byron	MDE
5/6/16	DEC Chairs Symposium	Duluth	LPRB	SMH TMB
5/12/16	Ethical Considerations in Real Property	Minneapolis	HCBA	AMM
5/12/16	E is for Ethics E is for Estate Planning	St. Paul	RCBA	BTT
5/18/16	Ethical Issues In Pro Bono Work	Minneapolis	MSBA – Veteran/Military Section	AMM
5/29/16	Dirty Deeds and Other Unethical Conduct	Minneapolis	HCBA	JHB
6/1/16	Changing of the Guard – Legal Ethics Summit VI	Minneapolis	MNCLE	SMH
6/8/16	Employment Law Issues Seminar	Minneapolis	Minnesota Defense Lawyers Association	PRB
6/9/16	Ethics & Elimination of Bias CLE	Minneapolis	Minnesota Association for Justice	PRB
6/14/16	Stampede CLE	Minneapolis	Minnesota Intellectual Property Law Association	PRB
6/16/16	Clients with Diminished Capacity and Conflicts of Interest	Minneapolis	Children's Justice Initiative	SMH
6/17/16	Recent Updates in Professional Responsibility for Public Lawyers	Minneapolis	Hennepin County Attorney's Office	SMH
6/22/16	Ethics and Pro Se Litigants	Stillwater	Washington County Bar Association	SMH
6/22/16	Ethical Considerations in Family Law	St. Paul	RCBA and HCBA Family Law Sections	MDE
6/24/16	Impaired Driving, New Laws, New Issues, and New Decisions	St. Paul	Minnesota County Attorneys Association	TMB
6/30/16	Ethics – Lessons Learned from the Mistakes of Others	Minneapolis	MNCLE – Webcast	SMH
6/30/16	Ethical Issues in Eminent Domain for Public and Landowner Lawyers	Minneapolis	HCBA	CDK



# Office of Lawyers Professional Responsibility

## FY'16 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



## MINNESOTA Lawyers Professional Responsibility Board Office of Lawyers Professional Responsibility

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345 St. Peter Street 1-800-657-3601  
St. Paul, MN 55102-1218



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### Announcements

#### Attention Attorneys - Phishing Alert!

**Court appoints Susan Humiston as Director of the Office of Lawyers Professional Responsibility effective March 7, 2016**

**Court appoints Yellow Medicine Assistant County Attorney Stacy L. Vinberg as Chair of the Lawyers Professional Responsibility Board effective May 1, 2016.**

**Lawyers Board Amends Appendix 1 to MRPC**

**Congratulations to Vance B. Grannis, Jr. 2015 Volunteer of the Year**

**Lawyers Board Meetings 2016**

**Lawyers Board Seeks Volunteer Ethics Investigators**

**Court Amends Rule 7.3(b), MN Rules of Professional Conduct, effective June 11, 2015**

**Court Amends MN Rules of Professional Conduct, effective April 1, 2015**

### What's New

**"Demystifying the handling of lawyer complaints," MN Bench and Bar, May/June 2016**

**"That's a terrible job.' How this lawyer ended up director," MN Bench and Bar, April 2016**

**"Our Ethical Responsibility to Help Ourselves and Our Colleagues," MN Bench and Bar, March 2016**

**"Summary of Private Discipline," MN Bench and Bar, February 2016**

**"To Every Thing There Is a Season," MN Bench and Bar, December 2015**

**"Crunching Numbers," MN Bench and Bar, November 2015**

**"Private Probation: Saving a Career?" MN Bench and Bar, October 2015**

**"Client Files The ABA Weighs In," MN Bench and Bar, September 2015**

**2015 LPRB-OLPR ANNUAL REPORT**

### Quick Links

### Legal References

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### Contact

Lawyers Professional Responsibility Board  
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