

LAWYERS PROFESSIONAL RESPONSIBILITY SEMINAR 2023

Friday, September 22, 2023

Wilder Center & Webinar
451 Lexington Parkway North
St. Paul, MN 55104

Seminar Agenda

- 8:30-9:00 Registration and Breakfast (provided); Webinar Opens
- 9:00-10:00 **Considering “Reasonable Efforts” under Rule 1.6: The Human Element of Cybersecurity**
Mark Lanterman, Chief Technology Officer, Computer Forensic Services
- 10:00-10:45 **Stress, Trauma, Burnout, and the Overlap with Discipline – the Human Factor**
Joan Bibelhausen and Chase Andersen, Lawyers Concerned for Lawyers
- 10:45-11:00 *Break*
- 11:00-12:00 **Year in Review: Key Supreme Court Discipline Cases**
Honorable Natalie E. Hudson, Associate Justice, Minnesota Supreme Court
- 12:00-12:05 **Presentation of Volunteer of the Year Award**
Honorable Natalie E. Hudson, Associate Justice, Minnesota Supreme Court
- 12:05-1:00 *Box Lunch and Networking (provided for in-person)*
- 1:00-2:00 **When We Depart**
Deanna Natoli, Senior Assistant Director, OLPR
- 2:00-3:00 **Let’s Spot the Ethics Issues: Scenario-Based Training**
Susan Humiston, Director, OLPR, and Nicole Frank, Senior Counsel, Bradford Andresen Norrie & Camarotto

Session Descriptions:

Considering “Reasonable Efforts” under Rule 1.6: The Human Element of Cybersecurity

In our digital world, no organization is immune to cyber threats. Cyberattacks can happen despite the best technological defenses, written policies, and proactive solutions. Oftentimes, vulnerabilities come down to the human element and security culture. This presentation will cover how the human element can either make or break a security posture, serving as its strongest defense or worst vulnerability, all with the background of Rule 1.6’s command that a lawyer shall make reasonable efforts to prevent inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Stress, Trauma, Burnout, and the Overlap with Discipline – the Human Factor

When respondents enter the discipline system their alleged misconduct may be accompanied by trauma response, stress, burnout, or a mental health issue. The process itself can give rise to shame, embarrassment, and fear, possibly resulting in additional charges of non-cooperation or other unexpected conduct during the process. Exposure to the individuals and challenges can also impact Ethics Committee, LPRB and OLPR attorneys and others in ways that may be unexpected and may affect conduct during the process.

This program will discuss how: (1) mental health (including substance use) or stress and burnout can play a part in lawyer discipline, (2) recognizing and responding to indications of these issues, and (3) the importance and impact of respect for the whole person.

Year in Review: Key Supreme Court Discipline Cases

The Minnesota Supreme Court has original jurisdiction over attorney discipline cases and issues a significant number of public discipline decisions each year. This session, presented by LPRB and OLPR liaison justice, the Honorable Natalie Hudson, will highlight some of the key cases the court addressed during the last year, and will also cover other items and happenings of note relevant to Minnesota’s disciplinary system.

When We Depart

District ethics committee recommendations are carefully reviewed and considered by OLPR attorneys, and we follow the recommendations in approximately 80%-85% of investigations. What about the other 15-20%? This ever-popular session will explore specific situations (anonymized) where the Office departed from DEC

recommendations, exploring the various reasons for departure and will include suggestions and lessons for both new and more experienced ethics investigators.

Let's Spot the Ethics Issues: Scenario-Based Training

This round-table exercise will review typical scenarios you will see as an ethics investigator. Can you spot the issues? What rules will apply and should be analyzed? Correctly framing the relevant ethics issues and focusing on the relevant rules is key to keeping an investigation focused and productive even though there might be other legal or non-legal issues floating through the fact pattern.

Speaker Biographies:

Chase Andersen: Chase has always been committed, both personally and professionally, to assisting others. Chase received his B.S. in Criminal Justice from the University of South Dakota, located in Vermillion, South Dakota. Following undergraduate school, Chase worked several years in the social services arena as a residential counselor and then as a child-protective social worker. In 2006, Chase earned his J.D. from Drake University Law School in Des Moines, Iowa. Chase then practiced family law for several years and understands the pressures facing today's legal professionals.

Since joining LCL in 2015, Chase has worked daily with attorneys, law students and judges on issues related to well-being, mental health, substance use and addiction, ethics, and everyday practice stressors. He regularly presents at Minnesota's three law schools as well as CLE programming focusing on ethics, client impairments, and the intersection of technology and practice. Chase facilitates LCL's Discipline and Practice (DAP) Group, a free and confidential group that supports those dealing with professional conduct or character and fitness issues. He is an active member of the American Bar Association's Commission on Lawyer Assistance Program's Law School Assistance Committee, the Board of Law Examiners Bar Exam and Competency Working Group and has co-chaired the Minnesota State Bar Association's Well-Being Committee.

Chase's article, "Therapy: Being a Zealous Advocate for Yourself," was featured in the September/October 2021 volume of the Hennepin Lawyer magazine. In 2014, 2015, 2017 and 2018, Chase was honored as a "Rising Star" attorney by Super Lawyers Magazine. Chase enjoys traveling, spending time with his family and friends and cheering on his step-daughter at the hockey rink.

Joan Bibelhausen: Joan Bibelhausen has served as Executive Director of Lawyers Concerned for Lawyers since 2005. She is an attorney and is nationally recognized for her work in the lawyer assistance and diversity and inclusion realms. Joan has significant additional training in counseling, mental health and addiction, diversity, employment issues, and management. She has spent more than two decades working with lawyers, judges, and law students at a crossroads because of mental illness and addiction concerns and well-being, stress, and related issues.

Joan coauthored "Stress and Resiliency in the US Judiciary" for the ABA 2020 Journal of the Professional Lawyer, "Reducing the Stigma – William Mitchell College of Law – Spring 2015," published in the Mitchell Hamline Law Review (Vol. 41, Issue 3), and

frequently writes for Minnesota and national bar publications. Minnesota Lawyer recognized her with a 2017 Diversity and Inclusion Award for her work regarding implicit bias and mental health in the legal profession.

Nicole Frank: Nicole is Senior Counsel at Bradford Andresen Norrie & Camarotto. Nicole's practice focuses on a variety of commercial and civil litigation, appellate law, and professional responsibility. Prior to starting at Bradford Andresen Norrie & Camarotto, Nicole served as a Senior Assistant Director at the Minnesota Office of Lawyers Professional Responsibility, and before that, a Senior Associate at Robins Kaplan LLP. Nicole also clerked for the Honorable Michelle A. Larkin on the Minnesota Court of Appeals. Nicole received her undergraduate degree from the University of Minnesota and her law degree from the University of St. Thomas, magna cum laude.

Justice Natalie Hudson: Justice Natalie Hudson was appointed by Governor Walz on August 23, 2023, as Chief Justice, effective October 2, 2023. She first joined the Minnesota Supreme Court in 2015 by appointment of Governor Mark Dayton. Justice Hudson served on the Minnesota Court of Appeals from 2002-2015.

Justice Hudson was a staff attorney with Southern Minnesota Regional Legal Services (1982-1986); an associate attorney at Robins, Kaplan, Miller, and Ciresi (1986-1988); Assistant Dean of Students at Hamline University School of Law (1989-1992); St. Paul City Attorney (1992-1994); and an Assistant Attorney General at the Office of Minnesota Attorney General, Criminal Appellate Division (1994-2002).

Justice Hudson received her B.A. from Arizona State University and her J.D. from the University of Minnesota Law School.

Justice Hudson is a member of American Bar Association, Minnesota State Bar Association, Ramsey County Bar Association, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, and Minnesota Association of Black Women Lawyers. She is also a past member of the Board of Advisors for the University of Minnesota Law School.

Susan Humiston: Susan Humiston is the Director of the Office of Lawyers Professional Responsibility and Client Security Board in Minnesota. Prior to her appointment in 2016, Susan was Vice-President and Assistant General Counsel for Alliant Techsystems Inc. and its public company spin-off, Vista Outdoor Inc., and was a partner at Leonard, Street and Deinard, now Stinson LLP, where she practiced product liability and general commercial litigation. Susan clerked for U.S. District Court Judge David S. Doty, is a graduate of the University of Iowa College of Law, and received her B.A. from the

University of Nebraska-Lincoln. She is currently vice-chair of the board for Doing Good Together, a non-profit focused on empowering families to raise children who care and contribute. Susan is a former board chair of the Minnesota Boychoir, the oldest boychoir in the Twin Cities, with a mission of, through inspirational music and performance, developing exceptional character and musical ability in boys of many backgrounds.

Mark Lanterman: Mark Lanterman is the Chief Technology Officer of Computer Forensic Services. Before entering the private sector, Mark was a sworn member of the United States Secret Service Electronic Crimes Taskforce. Mark has over 30 years of security and forensic experience and has testified in over 2000 cases.

Mark is faculty for the Federal Judicial Center in Washington, D.C.; the National Judicial College in Reno, Nevada; the University of Minnesota; and Hamline University. Mark is also a professor in the cybersecurity program at the St. Thomas School of Law in Minneapolis, Minnesota. Mark has provided training in digital evidence, computer forensics, and cyber security to the United States Supreme Court. He has also presented to several Federal and State Judicial Conferences across the United States.

Mark completed his postgrad studies in cybersecurity at Harvard University and is certified as a Seized Computer Evidence Recovery Specialist (SCERS) by the Department of Homeland Security.

Mark is a member of the Minnesota Lawyers Professional Responsibility Board.

Deanna Natoli: Deanna Natoli joined the Office of Lawyers Professional Responsibility in November 2021 after spending over 11 years as a criminal prosecutor in both Minnesota (Dakota and Isanti counties) and Michigan (Eaton County). Deanna received her J.D. from Western Michigan University Cooley School of Law and two Bachelor of Arts degrees from Michigan State University.

Deanna is a member of the Minnesota State Bar Association and has volunteered as an MSBA Mock Trial judge. Deanna previously served on the Minnesota County Attorney Association's Appellate and Diversity committees.