

**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. This report is made for the period from July 2017 to June 2018 (FY2018), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2017, unless otherwise noted.

### **A Note from Board Chair Robin Wolpert.**

The longstanding mission of the Office and the Board is to protect the public and promote trust and confidence in the legal profession. This fiscal year, the OLPR Director continued to lead the transformation of the Office with the full support of, and oversight from, the Board.

First, the Director continued her implementation of enhanced performance expectations regarding the processing and closure of disciplinary case inventories and old files. Meeting these performance standards is critical to protecting the public and providing attorneys with due process of law. Achieving the Board's target of 500 open files and 100 year-old files has been challenging in light of the significant turnover in staff this year, the increasing complexity of disciplinary matters, the growing number of advisory opinions provided by the Office, and the significant increase in compliance training across the State. Nevertheless, the Director has instituted active case management strategies, staff training, and performance standards to meet these targets, with active engagement by the Board.

Second, the Director has enhanced the transparency and accountability of the Office through significant outreach to the legal community. All attorneys in the Office conduct outreach and training, creating a more accessible disciplinary system and elevating attorneys' understanding of the standards of professional conduct. In the

long term, we expect this proactive compliance work to benefit the public by reducing instances of ethical misconduct and discipline.

Third, the Office and the Board participated in strategic planning this year led by the Director—the first Office in the country to do so. With approval by the Supreme Court, the ambitious plan proposed by the Director and adopted by the Board will be implemented in stages over the coming years. We have every expectation that this plan, and its implementation, will make the OLPR a leader in the nation on critical ethical issues facing the profession.

Finally, the Office and the Board have enthusiastically embraced the recommendations of the National Task Force on Lawyer Well-Being. Educating the legal profession regarding the challenges to our well-being is a priority of the Office and the Board. Our goal is to partner with other stakeholders to create a culture here in Minnesota that is supportive of lawyer well-being and makes it safe to ask for and expect help, without stigma. The ethical practice of law is inextricably linked with lawyer well-being. Implementation of the Task Force Recommendations not only benefits individual lawyers, it is good for business and serves the public interest.

The OLPR and Director have done great work this year and are well-poised for future success. The Board continues its extraordinary hard work on multiple fronts, always with good cheer. We are unable to do the work we do without our volunteer attorneys and members of the public who generously donate their time to the District Ethics Committees and our probation system. Finally, we thank our former Supreme Court Liaison Judge David Stras and our current liaison Justice David Lillehaug for all the tremendous contributions they have made and will continue to make to the performance of the Office and Board. Thank you to all.

### **Highlights.**

Fiscal year 2018 was another year of transition for the OLPR! Stacy Vinberg, Chair, resigned her position due to a career move to South Dakota. Congratulations to Ms. Vinberg and thank you so much for your service on the Board. Robin Wolpert, a

private practice attorney from Minneapolis, was appointed Chair of the Board in October 2017. Ms. Wolpert has embraced her role as Chair with enthusiasm, and we look forward to her leadership. Justice David Stras, the Minnesota Supreme Court's liaison justice to the LPRB, was nominated by President Trump, and confirmed by the U.S. Senate, as a judge on the Court of Appeals for the Eighth Circuit. Congratulations to Judge Stras on his appointment to the federal bench! Justice Stras was a wonderful liaison justice: he was engaged and focused on ways to improve the disciplinary system in Minnesota, and he will be missed.

Justice David Lillehaug was named liaison justice to the LPRB. Welcome Justice Lillehaug. Justice Lillehaug reported to members of both the Board and the OLPR how thrilled he is to be the new liaison. He has loved being a lawyer, and really appreciates the important work being done to protect the public and the profession from unethical conduct. Susan Humiston, Director, was reappointed as Director of the OLPR for a two-year term, effective March 7, 2018. Thank you to the Board for the recommendation for reappointment, and thank you to the Court for reappointment. It is truly an honor to serve the public and legal professional in this interesting and challenging role.

In addition to lots of changes, the Office continued its focus on case processing times. As of June 29, 2018, the number of year-old files was 149, with 61 under investigation with the OLPR, and the remainder in various stages of litigation. This number is greater than the 115 files more than a year old as of June 28, 2017, and a step back for the Office. The cause of this step back was largely the retirements of two senior attorneys, and the departures of two additional attorneys during the last half of calendar 2017. As every employer knows, it takes time to hire and train new employees. The OLPR is once again at full strength, and we look forward to meeting the Board-established targets of no more than 500 open files, and no more than 100 open files more than one year old, in the near future.

While change can be challenging and our departing colleagues are dearly missed, it has also given us the opportunity to expand the skill sets and practice diversity of attorneys in the OLPR. Among our staff, we have attorneys with prosecution experience, public defender experience, small firm experience, public sector experience, in-house experience, large firm experience, and substantial trial experience. This diversity of practice perspective, in addition to existing core ethics expertise, is invaluable to the Office.

Fiscal year 2018 also marked the year the Board and OLPR prepared its first-ever strategic plan. Over the course of six months, the Strategic Planning Committee sought feedback from hundreds of OLPR stakeholders, engaged in structured analysis around key drivers of change, and conducted a review of the OLPR's strengths, weaknesses, opportunities and threats. In addition to adopting strategic priorities and objectives, the Plan includes a tagline, vision statement, mission statement and regulatory objectives to guide the work of the OLPR. The resulting five-year plan provides a clear framework for the future work of the Office.

#### **Statistics.**

Calendar 2017 was a "high average" year for public discipline with 41 attorneys receiving public discipline, down slightly from 44 attorneys in 2016. An "average" year for public discipline is 36. Suspensions remained high at 26. Private discipline was down modestly with 90 admonitions, and 14 private probations, compared to 115 admonitions and 17 private probations in 2016.

A review of attorney demographics shows that similar to 2016, attorneys practicing between 11 - 20 years received the most private and public discipline. Also like 2016, more male attorneys received discipline than female attorneys. In 2017, 77% of private discipline was issued to male attorneys; 23% to female attorneys. The male/female ratio for public discipline in 2017 was identical: 77% male, 23% female. For comparison, in 2016, female attorneys received 18% of private discipline and 9% of

public discipline. Of active practitioners, approximately 40% of lawyers are female and 60% are male.

Substantively, diligence (Rule 1.3) and communication (Rule 1.4) remain the most frequently violated rules, clients continue to submit the greatest number of complaints (followed by opposing parties), and the most frequent areas of practice generating complaints remain criminal law and family law, followed by general litigation and probate.

The first half of 2018 remains busy in matters of public attorney discipline. Five attorneys year to date have been disbarred, compared to five attorneys total disbarred in 2017. As of June 29, 2018, a total of 17 attorneys have been publicly disciplined: 5 disbarred, 9 suspended, 1 reprimanded and placed on probation and 2 reprimanded. This number is identical to public disciplines at this time a year ago.

### **Complaint Filings.**

The number of complaints received in 2017 was 1,110, down from the number received in 2016 (1,216). This is an approximate 9% decrease in new complaints. Closings were down significantly year-over-year (1,073 vs. 1,264), for a calendar year-end file inventory of 517. Tables outlining these and related statistics are at A. 3 - A. 10.

Files open at start of 2017:	480
Complaints received in 2017:	1,110
Files closed in 2017:	1,073
Files open at end of 2017:	517

Complaint filings for the first six months of 2018 are modestly up year over year, with 556 year-to-date; case closings year to date also are modestly ahead of 2017 numbers, which is positive. With a full complement of attorneys who have been progressing well through training, additional progress is anticipated.

**Public and Private Discipline.**

In 2017, 41 lawyers were publicly disciplined: 5 attorneys were disbarred, 26 were suspended, 5 were reprimanded and placed on probation, 4 were reprimanded, and 1 attorney received an extension of public probation. The five disbarred attorneys were Terri Lynn Fahrenholtz, Diane Lynn Kroupa, Jesse David Matson, Steven Michael O'Brien and Geoffrey R. Saltzstein. The most notable fact about 2017 disbarments was that three of the five attorneys had been in practice ten years or less at the time they were disbarred. Typically, more senior attorneys are the ones disbarred.

During 2017, 90 admonitions were issued. 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.” Prior year totals are as follows:

	2010	2011	2012	2013	2014	2015	2016	2017
Admonitions	120	113	122	143	143	115	115	90
Total Files Closed	1252	1386	1287	1279	1248	1332	1264	1073
%	10%	8%	9%	11%	11%	8%	9%	8%

The areas of misconduct involved in the admonitions are set forth in Table V at A. 6. Fourteen attorneys were placed on private probation, compared to 17 attorneys in 2016.

**Other Highlights.**

Fiscal year 2018 was a busy year for proposed rule changes. The Minnesota State Bar Association (MSBA) proposed changes to Rule 5.5, Minnesota Rules of Professional Conduct (MRPC), and Rule 1.6, MRPC. The Rule 5.5 proposed changes relate to the unauthorized practice of law in Minnesota, and seek to expand the types of activities non-Minnesota attorneys can engage in in the state, without running afoul of Minnesota’s licensing requirements. The LPRB and Director support some of these proposed changes, and are opposed to others.

Additionally, the MSBA proposed changes to Rule 1.6(b)(8) to allow attorneys to disclose confidential information in response to public criticism of an attorney under certain circumstances. The LPRB and Director are opposed to the proposed changes but support amending Rule 1.6(b)(8) to eliminate the word “controversy,” and replace it with language proposed by the MSBA that essentially replaces the term “controversy” with “proceeding.” These proposals will likely be before the Court in FY2019.

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

On September 29, 2017, the Board and the Director’s Office hosted their 32<sup>nd</sup> annual professional responsibility seminar. Presentations included sessions on the life cycle of a complaint, lawyer well-being, lessons from the DOJ investigations into Ferguson, Missouri, departures from DEC determinations, best practices in report writing and investigations, and a panel presentation for investigators. Justice Stras also presented on key Court ethics decisions.

During the seminar, Justice Stras presented the Volunteer of the Year Award to Terrie Wheeler, who completed her last year on the Board. As a public member volunteer, Ms. Wheeler gave tirelessly of her time and talents, particularly to support the work of DEC volunteers. Justice Stras also recognized Pat Burns, Deputy Director, who retired from the OLPR after 29 years. 2017 was a banner year for Pat, who also won the Hennepin County Bar Association’s Professionalism Award for his contribution to the ethical practice of law in Minnesota. Pat has always been an outstanding lawyer and advocate for the highest standards in the profession, and he will be missed.

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. 17 – A. 19. This year, staff spoke at 68 events, devoting almost 300 hours to educating the profession. The number of presentations by the Office increased by 21% over 2017, reflecting the Office’s commitment to proactive outreach.

## **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 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 Robin Wolpert was appointed in October 2017 to succeed resigning Board Chair Stacy Vinberg. Board member Terrie Wheeler completed her second and final term on the Board. Mark Lanterman and MSBA nominee Brent Routman were appointed to full-terms expiring January 31, 2021.

Shawn Judge and Gail Stremel were reappointed to second terms, to expire in 2021. Susan Rhode, who was originally appointed in March 2017 to fill a stub term, was appointed to her first full three-year term. A complete listing of Board members and their backgrounds as of July 1, 2018, is attached at A. 1 – A. 2.

### **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. The committee consists of Chair Robin Wolpert, Vice-Chair Cheryl Prince, Joseph Beckman, Roger Gilmore and Bentley Jackson. Two members of the Executive Committee are public members, demonstrating the significant contribution public members make to the Minnesota disciplinary system.

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, Bentley Jackson, is the liaison to the OLPR staff; another member, Roger

Gilmore, oversees the review of file statistics and aging of files; and member, Joe Beckman, 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: James Cullen, Thomas Evenson, Christopher Grgurich, Gary Hird, Anne Honsa and Susan Rhode.

### **Standing Committees.**

The Board has three standing committees. The Opinion Committee, chaired by Anne Honsa, 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 Christopher Grgurich, makes recommendations regarding possible amendments to the MRPC and the RLPR. The DEC Committee, chaired by Peter Ivy, 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.

As mentioned previously, the Rules and Opinions Committees spent significant time studying and debating the MSBA proposed rule changes and, with respect to the Rule 1.6 proposal, its impact on Opinion No. 24, issued by the LPRB in September 2016. The full Board also spent significant time on these proposals, including a special Board meeting in September 2017, and dedicated meeting time at several meetings.

The DEC Committee continued to focus on public member recruitment as well as recruitment of attorney members in districts where term limits have been met. The DEC Committee also focused its efforts on supporting the DEC Chairs, and hosted a very successful DEC Chairs Symposium in May 2018 at the Earle Brown Center in Minneapolis.

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

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

Expenditures for the fiscal year ending June 30, 2018, are projected to be approximately \$4,139,900. The projected reserve balance at the end of FY18 is projected to be \$2,093,719. In June 2017, the Court approved the OLPR budgets for FY18 and FY19. The FY19 budget, which begins July 1, 2018, and runs through June 30, 2019, projects anticipated expenditures of \$3,969,600. Expenses in FY2018 were favorable to budget by approximately \$340,000. This was largely due to the delay in several initiatives such as delays to office security upgrades, courtroom upgrades, and the timing on equipment expenditures. Further, a portion of this savings occurred due to the timing of employee hirers. Expenses in FY2019 will encounter an additional charge of approximately \$50,000 due to proposed change requests for the database project in order to automate additional features. We are currently reviewing overall budget categories to accommodate this additional expense. The database project, launched in 2016, is expected to go live in the fall of 2018.

The Director's Office budget is funded primarily by lawyer registration fees, and therefore is not dependent upon legislative dollars. FY19 projected revenue is essentially flat at \$3,335,500. Accordingly, it is anticipated that the Office will continue to utilize its reserve to fund the revenue shortfall.

In FY18, the Court provided for merit increases for Court employees from a merit pool equal to 2.5% of salaries. All employee salary increases are performance based. In FY19, merit increases will be awarded based on performance appraisals completed in May 2018 for the previous fiscal year. The merit pool for FY19 is anticipated to be equal to 2.5% of salaries.

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

The Director's Office employs 12 attorneys including the Director, 7 paralegals, an office administrator, 10 support staff and one law clerk (*see* organizational chart at A. 20).

In this fiscal year, the Office lost three long term staff to retirement, which losses were deeply felt in a small period of time.

- In November 2017:
  - Pat Burns retired from his position as Deputy Director after 29 years with the Office;
  - Jenny Laing resigned her position as panel clerk to work at a position closer to home; and
  - Receptionist/clerk Laurie Johnson was promoted to fill the position of panel clerk vacated by Ms. Laing.
- In December 2017:
  - Craig Klausing retired from his position as senior attorney after 23 years with the Office;
  - Nicole Frank was hired to fill a vacant attorney position; and
  - Kevin Slator resigned his position as attorney.
- In January 2018, office administrator Tina Munos Trejo confirmed her retirement date of July 6, 2018, after more than 30 years with the Office, and a total of 38 years as a public employee.
- In February 2018:
  - Rebecca Huting and Aaron Sampsel were hired to fill two vacant attorney positions;
  - Megan Engelhardt resigned her position as attorney; and
  - Quintiny Flakes was hired to fill the receptionist/clerk position vacated by Ms. Johnson.
- In April 2018, Keshini Ratnayake was hired to fill the last vacant attorney position.
- In May 2018, Christine Wengronowitz was hired to fill the office administrator position vacated by Ms. Trejo.

- Three personnel celebrated 30-year service awards: Tricia Jorgensen, Lynda Nelson, and Tina Munos Trejo. Congratulations and thank you to these team members for their years of service to the public.

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

The OLPR website continues to be updated regularly to ensure it remains current. While the site contains a substantial amount of useful information regarding the discipline system, as well as services provided by the Director's Office, it is old and not mobile-friendly. Work on a new website was expected to begin in FY18 but has been moved to FY19. Attached at A. 21 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. The Director's Office provides regular training to new and current Board members and DEC volunteers on the use and navigation of the sites. The Office also employs a DEC/SharePoint coordinator as the main contact for volunteers regarding questions about the sites.

**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 2017, the Director's Office received 158 complainant appeals, compared to 175 appeals received in 2016. The breakdown of the 158 determinations made by reviewing Board members in 2017 is as follows:

		<u>%</u>
Approve Director's Disposition	152	96
Direct Further Investigation	5	3
Instruct Director to Issue an Admonition	0	0
Instruct Director to Issue Charges	1	1

Approximately 140 clerical hours were spent in 2017 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 private and public probation in conjunction with attorney discipline. In 2017, 31 new probations were opened. This number represents 29 new probations and two extended probations. The Court extended one public probation on a stipulation for additional discipline. Additionally, the Director and probationer stipulated to a one-year extension of a private probation. There were 37 new probations in 2016. Of the new probations in 2017, 18 were public and the remaining 13 were private. One-third (11) of the public probations were ordered as a condition of reinstatement to the practice of law.

Four of the new probations in 2017 involved lawyers with mental health issues and/or substance use issues; two of the four involved both mental health and substance use issues. Overall, of all open probations in 2017, 23 included a disability-related condition, either mental health, chemical use, or both. Seventeen of the new probations resulted from a lawyer's failure to properly maintain his or her trust account. Close to half (14) of the new 2017 probations involved experienced lawyers who had 20 or more years of practice, including eight lawyers with 30 or more years of practice. The Director filed petitions for revocation of probation and for further discipline in two public probations, one of which awaits a referee hearing for new misconduct. The Director also revoked two private probations; one is pending a referee hearing and the other attorney was suspended pursuant to Rule 12(c), RLPR.

During 2017, 30 Minnesota attorneys served as volunteer probation supervisors. Three attorneys and two paralegals staff the probation department, and consistently commit between 40 and 50 hours collectively per week. Additional probation statistics can be found at A. 15–A. 16. In 2017, the Director continued efforts to redesign the probation department with a renewed focus on providing more resources to both probationers and supervisors. In alignment with the strategic plan, the Director commits to the study and implementation of recommendations from the August 2017 task force report, *The Path to Lawyer Well-Being*. Each OLPR attorney in the probation department has or will attend the National Conference for Lawyer Assistance Programs to obtain uniform practices. Additionally, the Director has initiated office-wide training on lawyer wellness with Lawyers Concerned for Lawyers (LCL). The Director has also collaborated with LCL and the Board of Law Examiners on education and outreach at the law schools.

**F. Advisory Opinions.**

Advisory opinions are available to all licensed Minnesota lawyers and judges, and out-of-state attorneys with questions about Minnesota’s rules. 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 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 increased in 2017. In 2017, the Director’s Office received 2,051 requests for advisory opinions, compared to 1,888 in 2016. This represents a 9% increase over last year. (A. 11 - A. 12.) Table XIII at A. 13 shows the areas of inquiry of opinions.

In 2017, the Director's Office expended 406 assistant director hours in issuing advisory opinions. This compares with 300 hours in 2016. Dissolution/custody was the most frequently inquired about area of law. Client confidentiality was the most frequent area of specific inquiry, along with conflicts of interest, conflicts-former clients and trust account compliance.

**G. Overdraft Notification.**

Pursuant to Rule 1.15(j) – (o) of the MRPC, lawyer trust accounts, including IOLTA accounts, must be maintained in eligible financial institutions approved by the Director's Office, and the bank must agree to report all overdrafts on trust accounts to the Director's Office. Administration of the trust account overdraft program includes books and records review and forensic auditing. Individualized education is also provided through the overdraft program to target specific deficiencies and to ensure compliance with Rule 1.15, MRPC, and Appendix 1.

There were 43 trust account overdraft notices reported to the Director in 2017, well below the 52 notices received in 2016, and 75 received in 2015. Of those 43 overdraft notices, 12 resulted in disciplinary files being opened. The most common reasons for commencing an investigation are shortages found, significant record-keeping deficiencies noted, commingling of client and attorney funds and failure to cooperate. There were 38 overdraft inquiries closed by the Director in 2017, far fewer than the 66 closed in 2016. Oftentimes, these closures involve the Director making recommendations to the attorney's record-keeping practices. The most common deficiencies were a lack of strict compliance with the books and records requirements, and a failure to properly reconcile the account.

In 2017, 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	8
Mathematical/clerical error	3
Bank error	4
Service or check charges	7
Late deposit	3
Deposit to wrong account	0
Bank hold on funds drawn	0
Third party check bounced	0
Reporting error	0
Improper/lacking endorsements	0
Other	1

A total of 141.00 hours – 43.25 hours of attorney time and 97.75 of paralegal/staff time – was spent administering the overdraft program in 2017. This was significantly less than the 255.50 hours expended in 2016.

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

In 2017, judgments totaling \$41,734.68 were entered in 43 disciplinary matters. The Director’s Office collected a total of \$29,151 from judgments entered during or prior to 2017. This amount is greater than the amount collected in four of the past eight years, but below the amounts collected in 2015 and 2016. In 2017, the Director received \$761 toward judgments through the Department of Revenue recapture program.

#### **I. Disclosures.**

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. The following formal requests were received in 2017:

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	188	188	9	0
B. Individual Attorneys	364	364	23	1
C. Local Referral Services				
1. RCBA	9	44	1	0
2. Hennepin County	0	0	0	0
D. Governor's Office	16	43	4	0
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	87	87	0	0
F. F.B.I.	25	26	0	0
G. MSBA: Specialist Certification Program	10	115	4	3
H. Miscellaneous Requests	30	77	3	0
<b>TOTAL</b>	<b>729</b>	<b>944</b>	<b>44</b>	<b>4</b>
(2016 Totals for comparison)	709	983	44	7

#### J. Trusteeships.

Rule 27(a), RLPR, authorizes the Supreme Court to appoint the Director as trustee of an attorney's files or trust account when no one else is available to protect the clients of a deceased, disabled or otherwise unavailable lawyer. In FY18, the Director was appointed trustee of the client files belonging to four attorneys who were either deceased or had abandoned their practice: Rachel Bengtson-Lang, Francis Muelken, Ronald Resnick and Jan Stuurmanns. For the second year in a row, this is an unusually high number of trusteeships to be handled by the Director's Office in a short period of time. Typically, the Office sees one a year. In each of these matters, the Director has inventoried client files and attempted to contact each client whose file is less than seven years old.

During 2017, the Director was appointed trustee of the client trust accounts of two attorneys: Ronald Resnik and Jan Stuurmanns. The Director gathered bank records for both accounts in order to determine entitlement to the funds in those accounts.

The following trust account trusteeships remained open from the prior year: Roger Belfay, William Aase, Access Justice (Thomas Handorff) and John Tackett. The Director completed her audits of all these accounts and has been discharged as trustee of the Belfay, Access Justice and Tackett trust accounts. The Aase trust account trusteeship remains open.

The Director continues to retain the following files:

- Hugh P. Markley trusteeship—19 files were expunged in December 2017. The remaining 574 wills are eligible for expunction in December 2019.
- Roger Lincourt Belfay trusteeship—140 files which are eligible for expunction in April 2021.
- Michael J. Corbin trusteeship—213 files which are eligible for expunction in March 2021.
- Michael Joseph Keogh trusteeship—121 files which are eligible for expunction in June 2020.
- John Wade Tackett trusteeship—97 files which are eligible for expunction in September 2020.

**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 2016 (December 1, 2016 – November 30, 2017), there were 151 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of June 25, 2018, the Director's

Office received \$79,150 from 2589 professional firm filings during fiscal year 2018. There were 83 new professional firm filings for the period of 12/1/17- 4/30/18. The Director's Office received \$74,950 during fiscal year 2017.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2018 (as of April 30, 2018), the total attorney work time for overseeing the professional firms department was 115 hours. The total non-attorney work time was 587.50 hours.

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

Minnesota is one of only a few jurisdictions which continues to extensively use local volunteers 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 works well and strongly urged its continuation. Each DEC corresponds to the MSBA bar district, and each is assigned a staff lawyer from the OLPR as a liaison to that DEC. Currently, there are approximately 279 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 2017, the Director's Office followed DEC recommendations in 82% of investigated matters which 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 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 2017, the monthly average number of files under DEC consideration was 96, fluctuating between a low of 69 and a high of 116. The year-to-date average for 2018 is 75, as of April 30, 2018. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC

portion of the investigation. For calendar year 2017, the DEC's completed 279 investigations, taking an average of 3.8 months to complete each investigation.

For calendar year 2017, of the completed DEC investigations statewide, the following dispositions were made (measured by the number of files, rather than lawyers):

Determination discipline not warranted	169
Admonition	44
Private probation	2

The annual seminar for DEC members, hosted by the Office and the Board, will be held this year on Friday, September 28, 2018. All DEC members, plus select members of the bench and bar with some connection to the discipline system, are invited. The seminar will be held at the Earle Brown Heritage Center in Brooklyn Center. Active DEC members attend the annual DEC Seminar at no cost.

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's did not meet the 20% non-lawyer membership requirement. As of May 1, 2018, three districts are not in full compliance. The Office and Board continue to work with these districts to bring them into compliance.

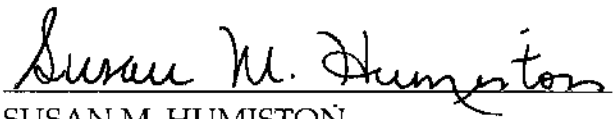
## **V. FY2019 GOALS AND OBJECTIVES.**

The OLPR has two primary objectives for FY19: compliance with the Board goal of no more than 100 cases more than one year old, and beginning implementation of the Strategic Plan. In addition to meeting Board goals, the Office will also work toward the goal of all cases charged or dispositioned within one year. As it relates to the Strategic Plan, the Plan establishes four priorities: (1) Partner with the Board and legal community to provide proactive, educational resources designed to promote competence, ethical practices, professionalism, and well-being in the legal profession;

(2) Maintain operational excellence to ensure the ability to execute the mission of the Office; (3) Strengthen awareness of and confidence in the attorney regulation system; and (4) Strengthen organizational competence and efficiency by ensuring OLPR staff and DEC volunteers have the skills and support necessary to tackle forthcoming challenges within the legal profession. Although each are important, early emphasis will be around lawyer well-being and training, and DEC support and training.

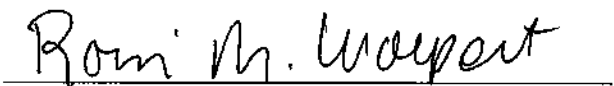
Dated: July 1, 2018.

Respectfully submitted,



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

and



ROBIN M. WOLPERT  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

## **LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

**Robin M. Wolpert, St. Paul** - Chair. Attorney member. Partial term expires January 7, 2019. Serves on LPRB Executive Committee and DEC Committee. Served on Nineteenth District Ethics Committee for seven years. Served as MSBA President from 2016 - 2017. Attorney at Sapia Law Group in Minneapolis. Principal areas of practice: Appellate practice, white collar criminal defense, complex civil litigation, and data privacy.

**Cheryl M. Prince, Duluth** - Vice Chair. Attorney member. Term expires January 31, 2019. Serves on LPRB Executive Committee and Rules 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.

**Joseph P. Beckman, Edina** - Attorney member. MSBA nominee. Term expires January 31, 2020. Serves on LPRB Executive Committee and Opinions Committee. 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).

**Jeanette M. Boerner, Minneapolis** - Attorney member. First term expires January 31, 2020. Hennepin County First Assistant Public Defender. Area of law: 25 years experience in criminal defense work.

**James P. Cullen, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2020. Serves on LPRB Rules Committee. 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 MacLean & Michales Family Law. Areas of expertise: Family Law, Debtor/Creditor, Real Estate and Business Litigation.

**Thomas J. Evenson, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2021. 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, 2020. Serves on LPRB Executive Committee and DEC Committee. 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. Chair of LPRB Rules Committee. Partner at Ballard Spahr. Focus on securities and commercial litigation. Also serves as Loss Prevention Partner 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.

**Mary L. Hilfiker, St. Paul** - Public member. Term expires January 31, 2020. Serves on the LPRB DEC Committee. Served on Second District Ethics Committee. Education Specialist/Consultant for University of Wisconsin and Bureau of Indian Education. Areas of expertise: Special education, mediation, arbitration, investigation, public administration and FINRA arbitrator.

**Gary M. Hird, St. Paul** - Attorney member. MSBA Nominee. Term expires January 31, 2021. Serves on the LPRB Rules Committee. Served on Tenth District Ethics Committees. 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. Chair of LPRB Opinions Committee. Served on the Fourth District Ethics Committee for 12 years - four years as Vice-Chair. Founder of Honsa Rodd Landry. Area of law: Family Law.

**Peter Ivy, Chaska** - Attorney member. First term expires February 1, 2020. Chair of LPRB DEC Committee. Serves as Chief Deputy Carver County Attorney. Carries a felony caseload and provides legal advice to all Carver County officials and divisions. Serves as Co-Chair of the Minnesota County Attorneys Association's Ethics Committee. Area of practice: Currently involves conducting internal investigations for Carver County.

**Bentley R. Jackson, St. Paul** - Public member. Term expires January 31, 2020. Serves on LPRB Executive Committee. Operations Specialist for Children's Minnesota. Adjunct instructor and retired Burnsville police sergeant. Areas of expertise: Risk management, criminal and internal investigations, and project management.

**Shawn Judge, Minneapolis** - Public member. Term expires January 31, 2021. 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.

**Virginia Klevorn, Plymouth** - Public member. First term expires February 1, 2020. Served on Fourth District Ethics Committee for three years. Business management consultant specializing in alternative dispute solution services.

**Michael J. Leary, Burnsville** - Public member. Term expires January 31, 2019. 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.

**Susan C. Rhode, Minneapolis** - Attorney member. Term expires January 31, 2021. Served as Fourth District Ethics Committee Chair for six years. Partner at Moss & Barnett. Area of practice: Family law focusing on complex financial issues in dissolution matters.

**Brent E. Routman, Minneapolis** - Attorney member. MSBA nominee. Partial term expires January 31, 2019. Serves on LPRB Rules Committee. Served on Hennepin County District Ethics Committee. Partner and General Counsel at Merchant & Gould. Past President of the MSBA and HCBA and former chair of the ABA/IPL Ethics Committee. Member of the Association of Professional Responsibility Lawyers. Areas of practice: Intellectual Property, licensing, contested matters and agreements.

**Gail Stremel, St. Paul** - Public member. Term expires January 31, 2021. Serves on LPRB Rules Committee. Served on Ramsey County District Ethics Committee for six years. Served as division director of public assistance programs at Ramsey County Community Human Services. Area of expertise: Public administration.

**Bruce R. Williams, Virginia** - Attorney member. Partial term expires January 31, 2019. Serves on LPRB DEC Committee. Served as Twentieth District Ethics Committee Chair from 2011 to 2017. Served as Chair for the Supreme Court Board of Continuing Legal Education from 2001 - 2002. Appointed to the Minnesota Supreme Court Advisory Committee to Review the Lawyer Discipline System in July 2007. Part-time attorney for the Sixth Judicial Public Defenders Office in Virginia, Minnesota, since 1990. Sole practitioner. Areas of expertise: General litigation, family, criminal defense. Certified as a criminal trial specialist since 2005.

**Allan Witz, Rochester** - Attorney member. First term expires January 31, 2020. Serves on LPRB DEC Committee. 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). Served three years on the Third District Ethics Committee. Former Chair of the Third District Bar Association Fee Dispute Resolution Committee. Former President of the Olmsted County Bar Association. Former President of the Third District Bar Association. Principal practice areas: Business law, estate planning and immigration law.

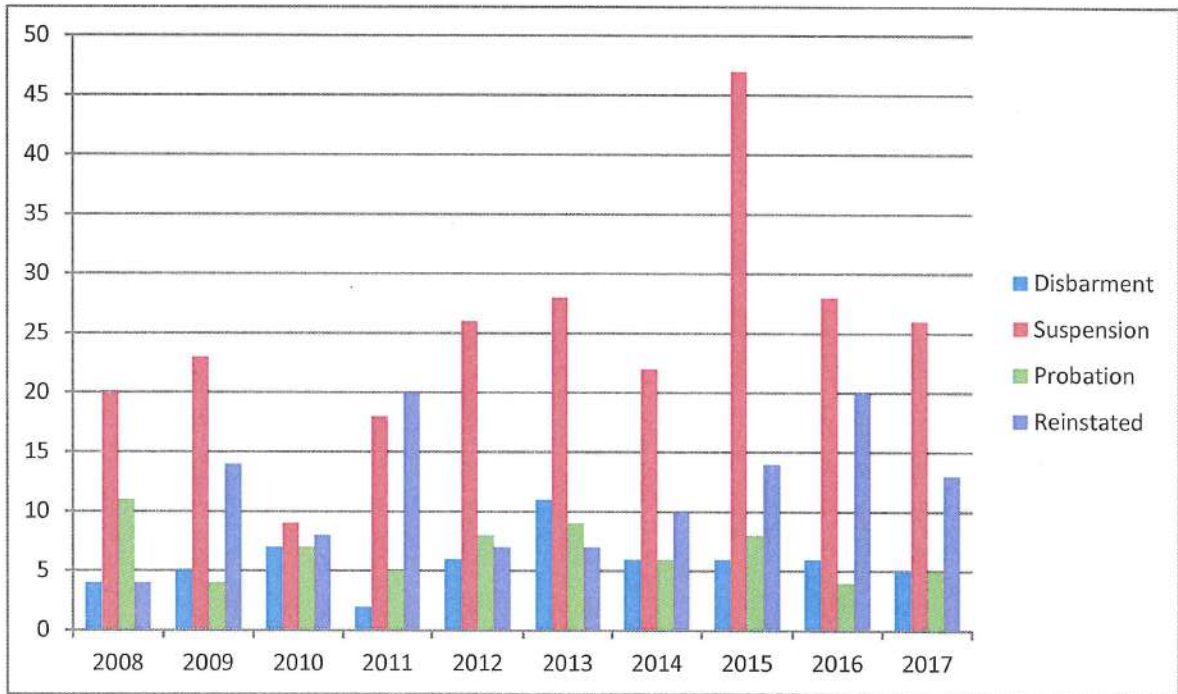
**Table I**  
**Complaint Statistics 2000–2017**

<u>Year</u>	<u>Files</u> <u>Opened</u>	<u>Files</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
2016	1215	1264
2017	1110	1073

**TABLE II**  
**Supreme Court Dispositions and Reinstatements 2008-2017**  
**Number of Lawyers**

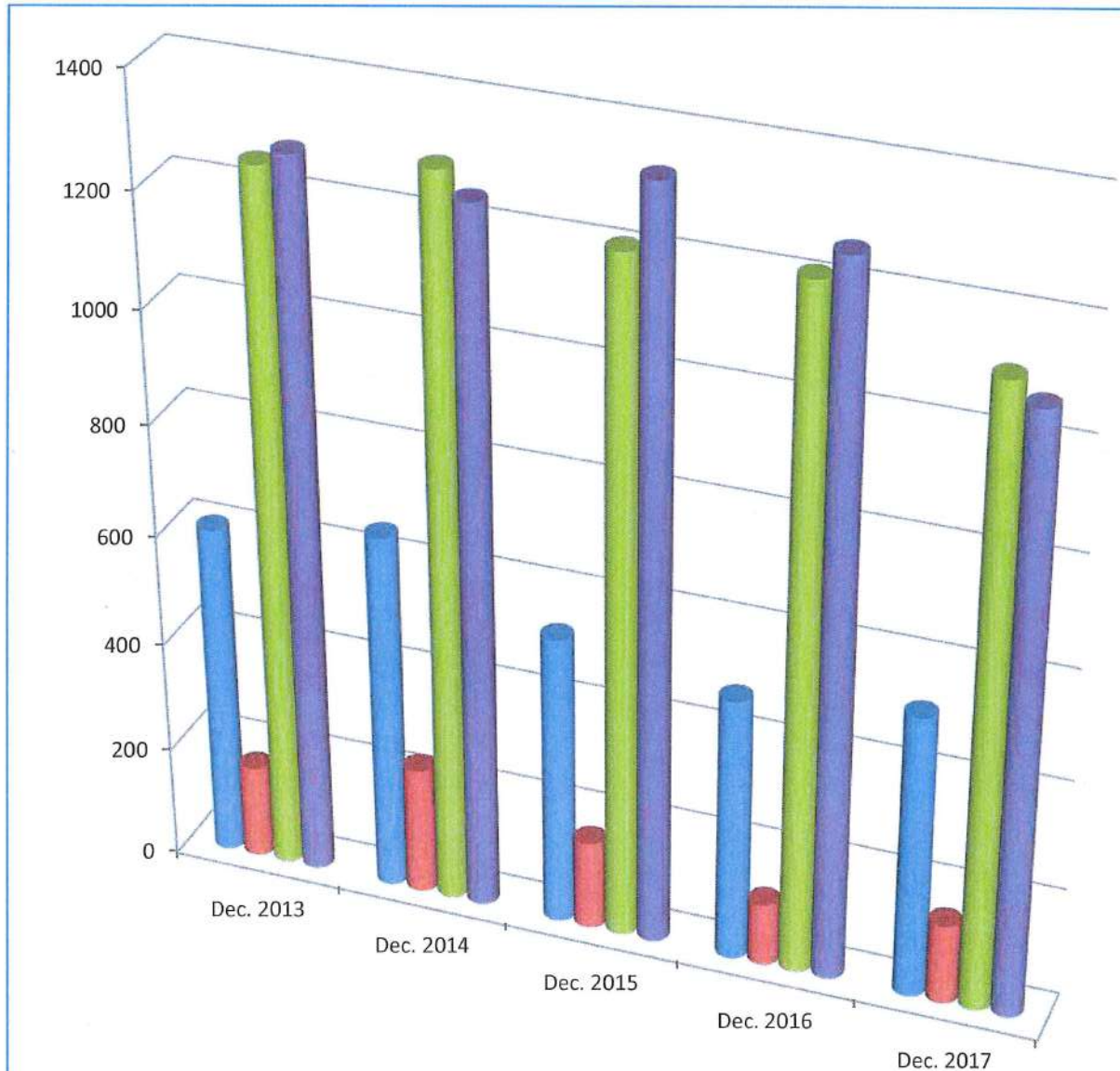
	Disbar.	Susp.	Reprimand Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
2008	4	20	11	2	-	4	2	2	-	-	45
2009	5	23	4	6	-	14	1	1	-	-	54
2010	7	9	7	3	1	8	2	4	-	-	41
2011	2	18	5	2	-	20	-	1	-	-	48
2012	6	26	8	1	1	7	-	-	-	-	49
2013	11	28	9	4	-	14	-	2	-	-	68
2014	6	22	6	5	-	10	1	0	0	1**	51
2015	6	47	8	4	-	14	-	1	-	-	80
2016	6	28	4	6	2	20	2	2	1	1**	72
2017	5	26	5	4	-	13	-	3	1	-	58

**TABLE III**  
**Disbarments, Suspensions, Probations and Reinstatements 2008-2017**



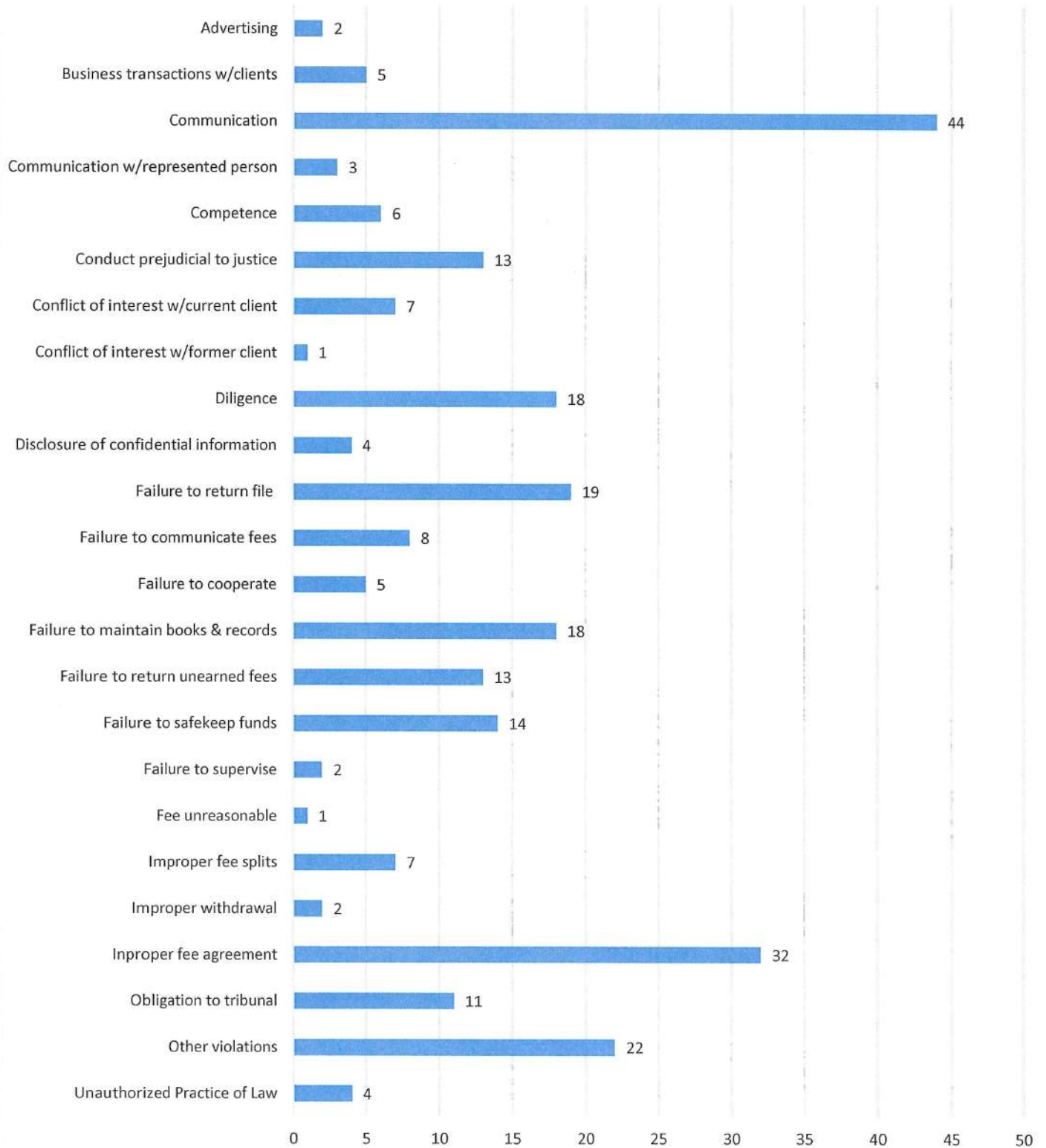
\*\*Reinstatement dismissed

**TABLE IV**  
**File Openings, Closings and Year Old Files 2013-2017**



	Dec. 2013	Dec. 2014	Dec. 2015	Dec. 2016	Dec. 2017
Total Open Files	605	650	528	480	517
Cases at Least One Year Old	168	231	161	115	149
Complaints Received YTD	1,253	1,293	1,210	1,216	1,110
Files Closed YTD	1,279	1,248	1,332	1,264	1,073

**TABLE V**  
**AREAS OF MISCONDUCT-ADMONITIONS 2017\***



\*In 2017, the Office issued 90 admonitions involving 261 rule violations. This chart reflects the number of rule violations involved in those 90 admonitions, organized by area of misconduct.

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

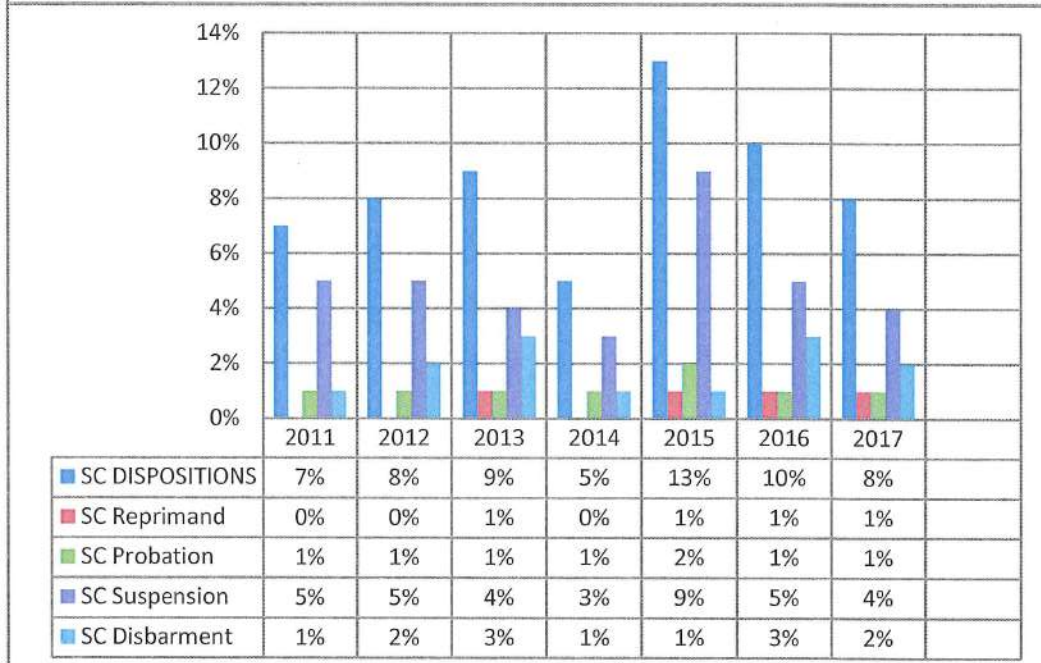
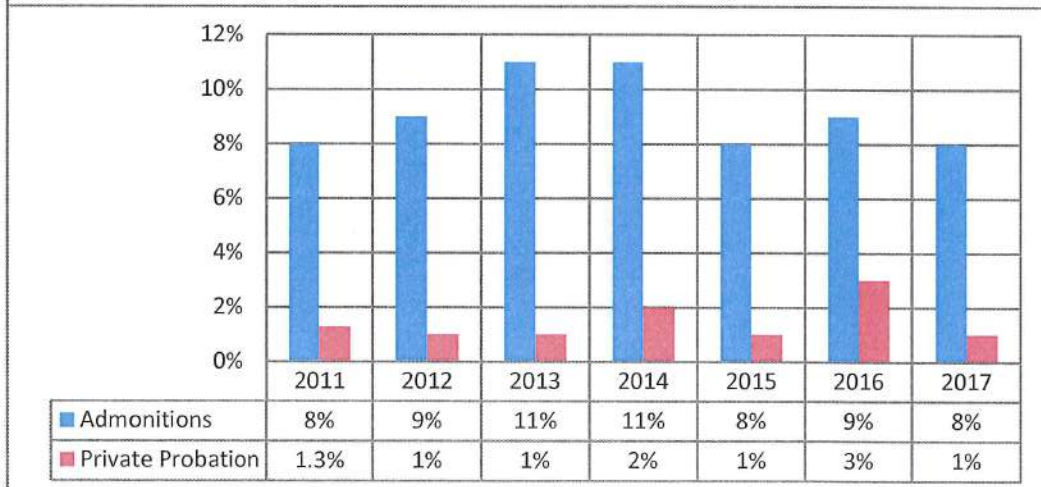
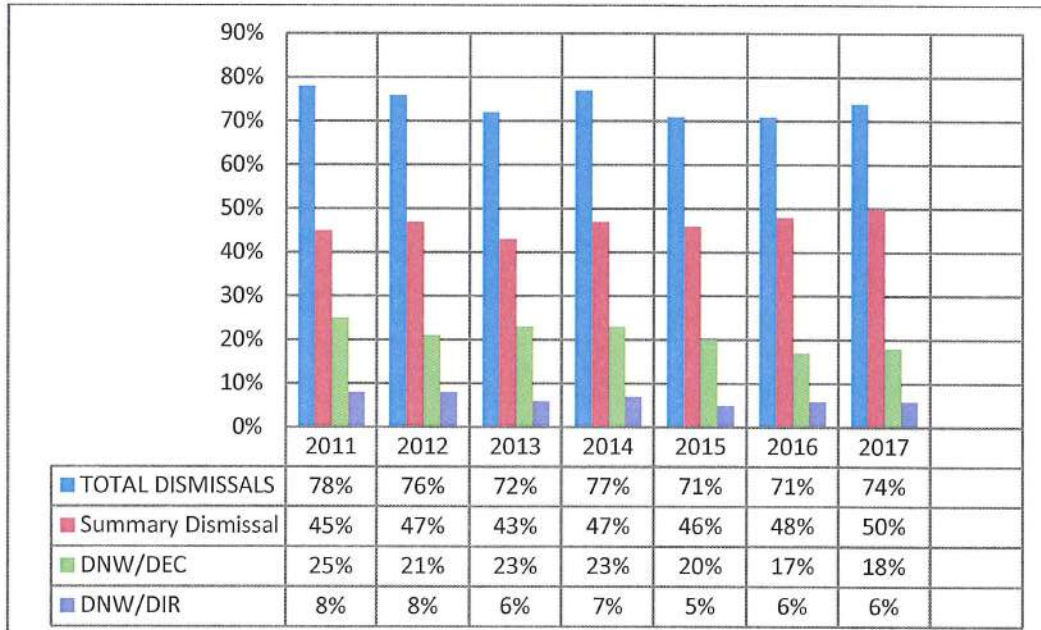


TABLE VII

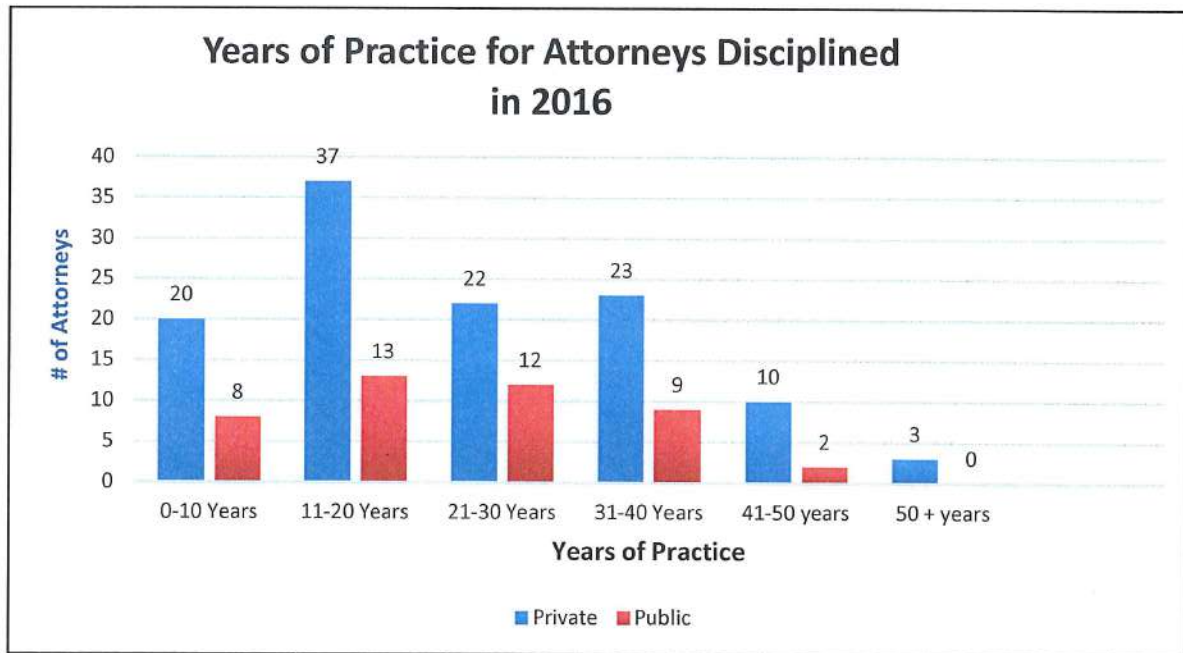
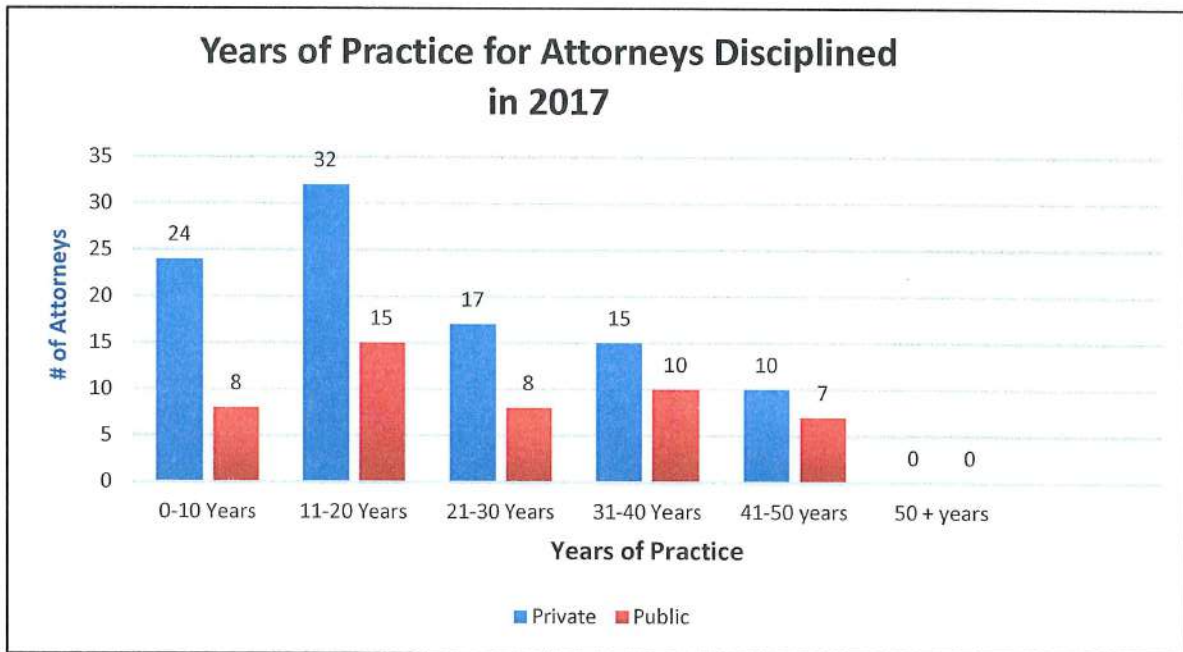
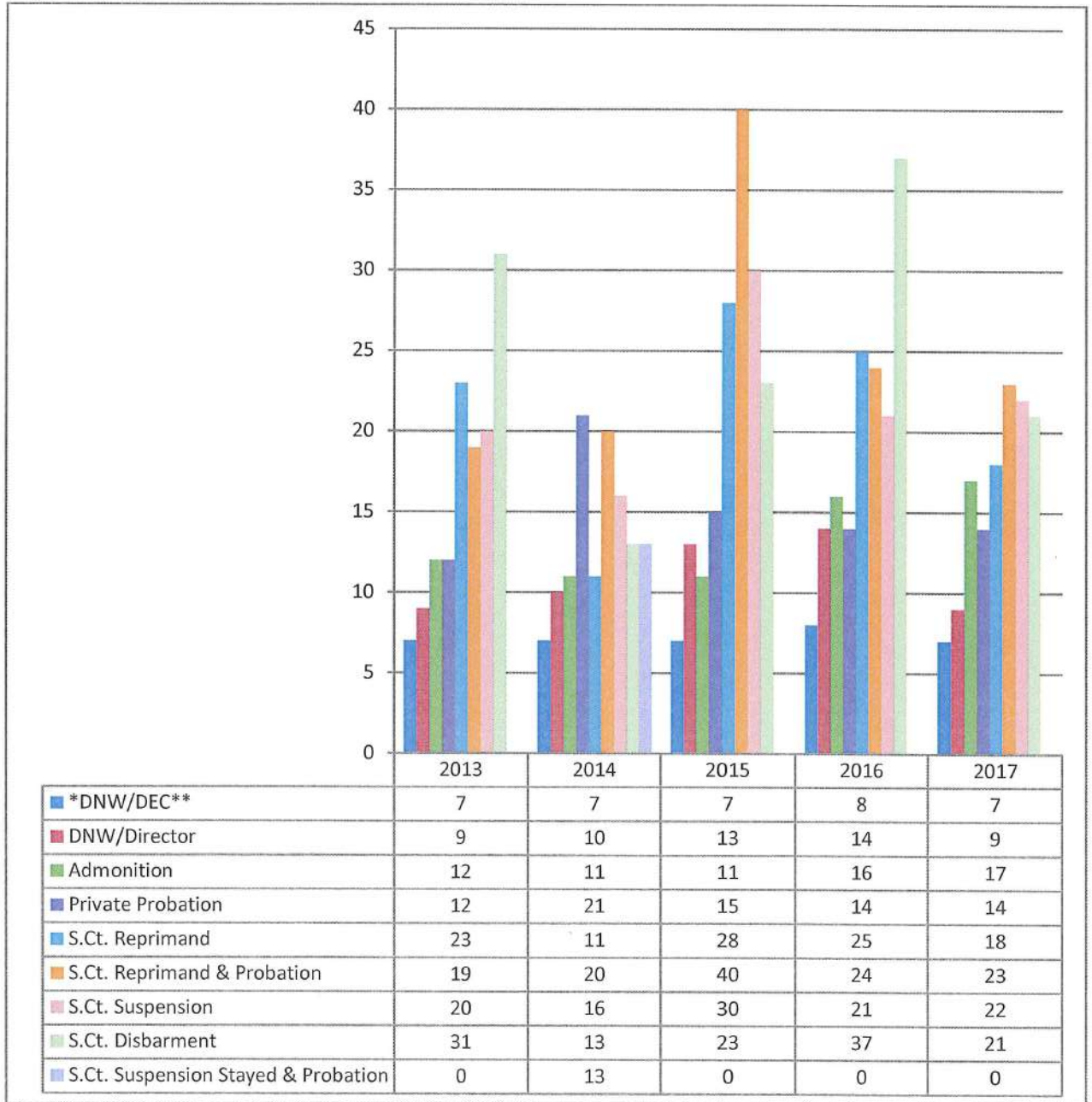


TABLE VIII



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

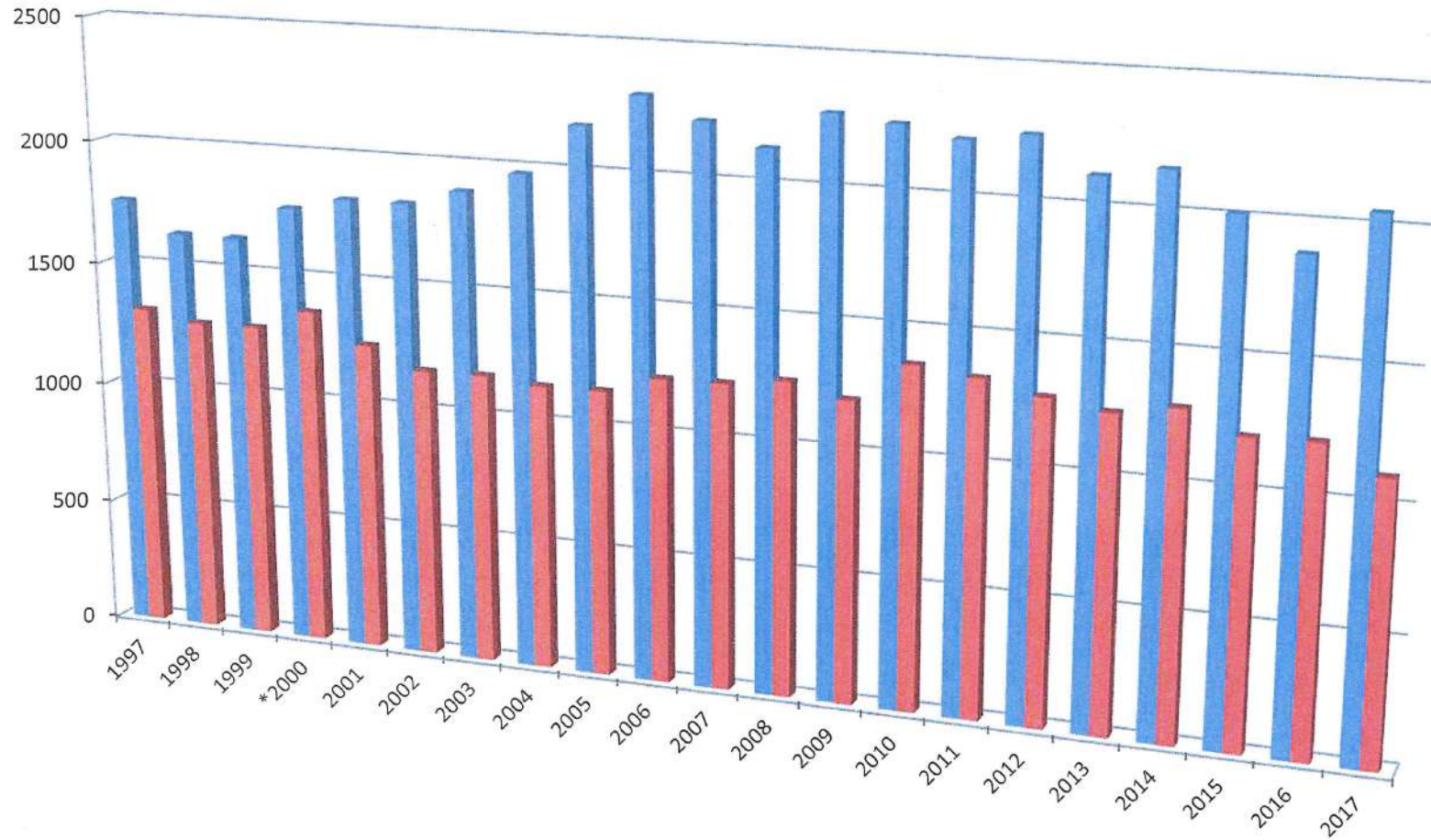


\*Discipline Not Warranted  
\*\*District Ethics Committee

**TABLE X**  
**PUBLIC DISCIPLINE DECISIONS 1985-2017**

<b>Year</b>	<b>Disbarments</b>	<b>Suspensions (all)</b>	<b>Probations</b>	<b>Reprimands</b>	<b>Total</b>
1985	4	13	13	<b>12</b>	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	<b>12</b>	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	<b>15</b>	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	<b>47</b>	8	4	65
2016	6	28	4	6	44
2017	5	26	6	4	41
<b>TOTALS</b>	<b>200</b>	<b>647</b>	<b>234</b>	<b>113</b>	<b>1194</b>

**TABLE XI**  
**Advisory Opinion Requests Received**  
**and**  
**Number of Complaints Opened**  
**1997 - 2017**



	1997	1998	1999	*2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
■ Advisory Opinions Received	1757	1632	1635	1770	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2012	1888	2051
■ Complaints Opened	1314	1275	1278	1362	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210	1216	1110

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

**TABLE XII**  
**Advisory Opinions 1991-2017**

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
2016	1770 (94%)	2 (.0%)	1772 (94%)	116 (6%)	1888
2017	1912 (93%)	1 (.0%)	1913 (93%)	138 (7%)	2051

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

\*\* Percentage amount corrected.

Table XIII			
Advisory Opinions Subject Matter by Rule*			
Rule	Description	2016	2017
1.1	Competence	17	17
1.2	Scope of Representation	52	51
1.3	Diligence	7	9
1.4	Communication	50	82
1.5	Fee Agreements and Fees - Generally	119	93
1.6	Client Confidentiality	271	328
1.7	Conflict of Interest - Generally	279	273
1.8	Conflict of Interest - Transactions	69	59
1.9	Conflict - Former Clients Generally	193	186
1.10	Imputed Disqualification - Generally	41	41
1.11	Government Lawyer Conflicts Generally	13	23
1.12	Former Judges & Law Clerks	8	8
1.13	Organization as Client	25	20
1.14	Disabled Client - Generally	38	68
1.15	Trust Accounts - Generally	162	208
1.16	Withdrawal from Representation	281	271
1.17	Sale or Termination of Law Practice	50	37
1.18	Prospective Clients	43	40
2.1	Advisor	0	1
2.4	Lawyer Serving as 3rd Party Neutral	4	0
3.1	Meritorius Claims	10	17
3.2	Expediting Litigation	2	3
3.3	Candor Toward the Tribunal	49	43
3.4	Fairness to Opposing Counsel	30	34
3.5	Contact with jurors or venire	2	1
3.6	Trial Publicity	0	5
3.7	Attorney as Witness	15	20
3.8	Special Prosecutor Duties	5	0
4.1	Candor to Others	7	10
4.2	Contact with Represented Party	72	76
4.3	Contact with Unrepresented Party	30	27
4.4	Respect for Third Persons' Rights	26	33
5.1	Supervisory Lawyers	2	0
5.2	Subordinate Lawyers	1	5
5.3	Non-Lawyer Employees	8	6
5.4	Professional Independence	13	17
5.5	Unauthorized Practice	76	101
5.6	Covenants Not to Compete	7	5
5.7	Responsibilities Regarding Law Related Services	3	4
5.8	Employment of Suspended Attorney	8	4
6.1	Voluntary Pro Bono	1	0
6.3	Legal Services Organizations	0	0
6.5	Pro Bono Limited Legal Services Programs	2	3
7.1	Advertising Generally	25	27
7.2	Technical Requirements	16	19
7.3	Solicitation Generally	29	23
7.4	Specialization	0	2
7.5	Letterhead & Firm Name	25	31
8.1	Admission and Discipline	2	2
8.2	Legal Officials	1	0
8.3	Duty to Report Attorney Misconduct	69	78
8.4	Misconduct	47	58
99	Dormant File Procedures	100	151
	<b>Totals</b>	<b>2405</b>	<b>2620</b>

\* Some calls involve more than one rule.

## 2017 OLPR Summary of Public Matters Decided

### 57 Decisions Involving 96 Files

<b>Disbarment</b>	<b>18 files</b>	<b>5 attorneys</b>	<b>Reprimand</b>	<b>4 files</b>	<b>4 attorneys</b>
FAHRENHOLTZ , TERRI LYNN	A15-1227	1	HISLOP , TERENCE JAMES	A17-877	1
KROUPA , DIANE LYNN	A17-1277	1	PADDEN , MICHAEL BRADY	A17-1190	1
MATSON , JESSE DAVID	A16-137	7	SATER , KELLY MOORE	A17-541	1
O'BRIEN , STEVEN MICHAEL	A15-2042	2	USUMANU , ALBERT ISIAKA	A17-1495	1
SALTZSTEIN , GEOFFREY R	A16-1308	7			
<b>Suspension</b>	<b>47 files</b>	<b>26 attorneys</b>	<b>Probation Extended</b>	<b>1 files</b>	<b>1 attorneys</b>
ADAMS POWELL , KARLOWBA R.	A17-386	1	PEARSON , TODD CURTIS	A17-1613	1
ASK , MITCHELL J	A17-969	1	<b>Disability Inactive Status</b>	<b>7 files</b>	<b>3 attorneys</b>
BONNER , JOHN F III	A15-1813	1	OLMON , JOHN E	A17-511	2
BOSMAN , PAUL JOSEPH	A15-1930	1	ROJAS , SARA MARIE GRANT	A16-92	4
BULMER , WILLIAM KEITH II	A17-299	2	SPELHAUG , ROBERT B	A17-369	1
CASANOVA-ROERS , JENNIFER LYN	A17-1011	4	<b>Reinstatement</b>	<b>1 files</b>	<b>1 attorneys</b>
COWELL , WILLIAM H	A17-97	1	NWANERI , PATRICK CHINEDU	A16-57	1
ESKOLA , RICHARD S	A16-269	1	<b>Reinstatement &amp; Probation</b>	<b>12 files</b>	<b>12 attorneys</b>
FISCHER , BRIAN CAMPBELL	A15-1483	8	ADAMS POWELL , KARLOWBA R.	A17-386	1
FREEMAN , THERESA A	A17-712	1	AKWUBA , JOHN NWABUWANE	A15-1316	1
HAYES , JERRIE MARLENE	A17-432	1	ASK , MITCHELL J	A17-969	1
ISAACSON , NAOMI DAWN	A15-953	1	BOSMAN , PAUL JOSEPH	A15-1930	1
KENNEDY , DUANE A	A17-1448	2	BRANTINGHAM , JEREMY LLOYD	A16-674	1
MILO , MICHAEL	A17-516	3	CASANOVA-ROERS , JENNIFER LYN	A17-1011	1
NWANERI , PATRICK CHINEDU	A16-57	1	FISCHER , BRIAN CAMPBELL	A15-1483	1
OBASI , CHRISTOPHER OZIOMA	A16-1718	1	KENNEDY , DUANE A	A17-1448	1
OLSON , DAVID WALTER	A16-1374	1	OBASI , CHRISTOPHER OZIOMA	A16-1718	1
PENDLETON , ALAN F	A15-1996	1	OBASI , CHRISTOPHER OZIOMA	A16-1718	1
SIDERS , SHAWN PATRICK	A17-514	2	STOCKMAN , LOUIS ANDREW	A15-689	1
SMITH , THOMAS TIPPET	A16-1563	3	UDEANI , IGNATIUS CHUKWUEMEK	A16-227	1
STEWART , ALAN RICHARD	A16-1309	1			
TIGUE , RANDALL D	A16-694	2			
UDEANI , IGNATIUS CHUKWUEMEK	A16-227	4			
UPIN , JEFFREY D	A17-1541	1			
WESTERMAN , DANIEL THOMAS	A17-622	1			
ZITNICK , KARA JANE JENSEN	A15-743	1			
<b>Reprimand &amp; Probation</b>	<b>6 files</b>	<b>5 attorneys</b>			
ANUNOBI , ERIC CHIADIKOBI	A16-1978	2			
ELFELT , ANTHONY J	A17-1464	1			
MCKIBBIN , WILLIAM HENRY	A17-443	1			
SCHAFFER , BRENT	A17-346	1			
WIEGERT , JOANNA M	A17-1017	1			

**PROBATION STATISTICS**

**TOTAL PROBATION FILES OPEN DURING 2017**

Public Supervised Probation Files (35%)	36	
Public Unsupervised Probation Files (26%)	<u>27</u>	
Total Public Probation Files (61%)		63
Private Supervised Probation Files (15%)	15	
Private Unsupervised Probation Files (24%)	<u>25</u>	
Total Private Probation Files (39%)		<u>40</u>
<b>Total Probation Files Open During 2017</b>		<b>103</b>

**TOTAL PROBATION FILES**

Total probation files as of 1/1/17		72
Probation files opened during 2017		31
Probation files closed during 2017		<u>(31)</u>
<b>Total Open Probation Files as of 12/31/17</b>		<b>72</b>

**PROBATIONS OPENED IN 2017**

**Public Probation Files**

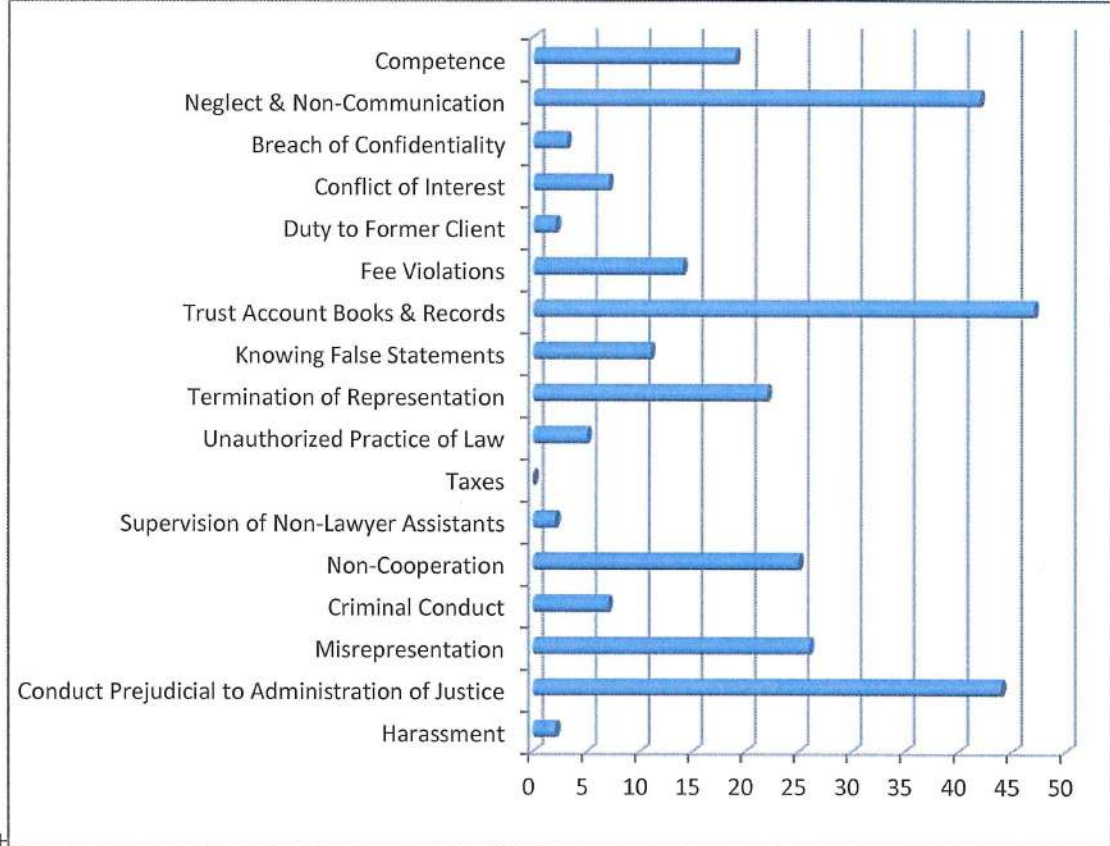
Supervised	9	
Unsupervised	<u>9</u>	
<b>Total Public Probation Files</b>		<b>18</b>

**Private Probation Files**

Supervised	4	
Unsupervised	<u>9</u>	
<b>Total Private Probation Files</b>		<b><u>13</u></b>
<b>Total New Probation Files in 2017</b>		<b>31</b>

### AREAS OF MISCONDUCT-PROBATION

As reflected in 103 open probations during 2017<sup>1</sup>



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

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2017 – June 2018**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>Initials</b>
7/25/17	Everything you need to know about trust accounts	Minneapolis	MNCLE	CBH MDE LJN
8/3/17	Hennepin County public defenders' CLE	Minneapolis	Hennepin County Public Defender's Office	JSB
8/8/17	Real Estate Ethics	Minneapolis	Gray Plant Mooty	AMM
8/11/17	Follow the Money: The Ethics of Trust Accounts and Third Party Litigation Finance - Trust Account Basics	Minneapolis	MNCLE	CBH
8/12/17	Minnesota Society for Criminal Justice	Minneapolis	Minnesota Society for Criminal Justice	KTS
8/17/17	Maple Grove Rotary Club	Maple Grove	Maple Grove Rotary Club	AMM
8/21/17	Implicit Bias and Ethical Considerations in Pro Bono Legal Contexts	Minneapolis	MNCLE	CDK
8/30/17	Moderate Trust Account CLE	Minneapolis	MNCLE	MDE
9/13/17	CHIPS Professional Responsibility Presentation	Brooklyn Park	Minnesota Judicial Branch	AMM
9/15/17	Dirty Deeds & Other Unethical Conduct	Minneapolis	Midwest Construction Defect & Dispute Conference	JSB
9/18/17	Ethics Issues in Labor and Employment Practice	Minneapolis	MNCLE	PRB
9/21/17	Behind the Scenes of a DEC	Mankato	Sixth District Bar	JSB
9/27/17	Ethics for Small Firms	Minneapolis	University of St. Thomas School of Law	JHB
9/29/17	Professional Responsibility Seminar	Minneapolis	Office of Lawyers Professional Responsibility	SMH JSB PRB AMM
10/17/17	St. Cloud Rotary Club	St. Cloud	St. Cloud Rotary Club	AMM
10/17/17	West Metro CLE Consortium	Excelsior	West Metro CLE	JHB
10/19/17	Working with Paralegals	Minneapolis	MNCLE	LJN
11/1/17	Ethics in Class Actions	Stinson Leonard Street	Federal Bar Association	SMH
11/2/17	Year in Review	Virginia	Iron Range Bar	SMH
11/3/17	From the Director's Office: Trust Account Basics	St. Paul	MNCLE and the MSBA Real Property Section	MDE
11/9/17	Year-in-Review	Moorhead	Clay County Bar Ass'n	SMH
12/1/17	Year in Review-Professional Responsibility	Owatonna	Steele County Bar Association	AMM
12/1/17	The Minnesota Workers' Compensation Attorney - Top 10 Ethical Pitfalls to Avoid	Minneapolis	MNCLE	TMB
12/1/17	Complaint Investigation Process and Common Ethics Missteps	Faribault	Fifth District Ethics Committee	JHB

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2017 – June 2018**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>Initials</b>
12/8/17	What to Expect/Do When a Complaint Gets Filed	Minneapolis	Hennepin County Public Defender's Office	JSB
12/8/17	Ethics for Prosecutors	Minneapolis	MN County Attorneys Ass'n	SMH
12/8/17	Rule 5.5 & UPL	Minneapolis	MSBA Assembly	SMH
1/10/18	Trauma and Stress and Lawyer Behavior	Minneapolis	MNCLE	SMH
1/11/18	E is for Ethics; E is for Estate Planning	St. Paul	Ramsey County Bar Association	BTT
1/22/18	Professional Responsibility in Real Estate Practice	Minneapolis	MNCLE	TMB
2/2/18	Record Keeping for Regulators	Vancouver, BC	NOBC	CBH
2/28/18	Legal Ethics and Malpractice 2018 - Identifying Trends & Practical Tips	Minneapolis	MNCLE	SMH
3/9/18	The Path to Lawyer Well-Being: A Lawyer's Duty of Competency	Minneapolis	Lawyers Concerned for Lawyers	CBH
3/14/18	Multijurisdictional Practice	Minneapolis	MSBA Communications Law Section	SMH
3/19/18	Ethics in Negotiations	St. Paul	Mitchell Hamline School of Law	AMM
3/2018	Real World Ethics: Advising the Disadvantaged	Minneapolis	MNCLE	BTT RLH
3/26/18	Speak at Judge Alexander's class	Minneapolis	University of St. Thomas School of Law	JHB
4/6/18	Ethics for Family Lawyers	St. Paul	Academy of Matrimonial Lawyers	CBH ADS
4/10/18	Ethics for Legal Administrators	Minneapolis	ALAMN	JHB
4/12/18	Harassment & Ethics	Minneapolis	Page Foundation	SMH
4/13/18	Year in Review	St. Paul	MN Attorney General	SMH
4/18/18	Round Table for Law Students w/LCL/BLE/OLPR	Minneapolis	University of Minnesota Law School	CBH
4/18/18	How to Use Retainer Agreements Ethically	Minneapolis	MNCLE	SMH NSF
4/18/18	Year in Review - Professional Responsibility	Shakopee	Eighth District Ethics Committee	AMM
4/24/18	Ethics and #metoo: Harassment and Discrimination	Minneapolis	MNCLE	JSB
4/25/18	ALAMN Certified Legal Manager Study Group	Minneapolis	ALAMN	NSF
4/26/18	Ethics for the Solo or Small Firm Lawyer	St. Paul	Ramsey County Bar Association	SMH
4/26/18	Legal Ethics 2018 - Analyzing Scenarios Relevant to Work Comp Practice	Minneapolis	MNCLE	SMH
4/27/18	Competence and Well-Being: Can We Have it All?	Minneapolis	Minnesota Women Lawyers	CBH

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2017 – June 2018**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>Initials</b>
5/2/18	Modern Marketing Tactics for Lawyers in a “Like, Share, Follow” World	Minneapolis	Basford Remele	AMM
5/10/18	Ethics Update: Client Confidences, Social Media and Advertising	Minneapolis	MNCLE	TMB
5/10/18	Ethics: The Importance of Being a Trauma Informed Criminal Practitioner	Webcast	MNCLE	JSB
5/15/18	The Ethical Paralegal: Your Guide to Compliance with Legal Ethical Rules	Minneapolis	MNCLE	AMM LJN
5/17/18	Trust Account Basics	Minneapolis	MN Lawyers Mutual	SMH
5/18/18	DEC Chairs Symposium	Brooklyn Center	LPRB	SMH TMB CBH SCB CB
5/18/18	Major Ethics Developments in 2017	Minneapolis	Hennepin County Law Library	BTT ADS
5/21/18	Employment Law Institute: Top 10 Ethics Pitfalls Employment Lawyers Should Avoid	St. Paul	MNCLE	TMB
5/21/18	Employment Law Institute: Ethical Issues of Joint Representations	St. Paul	MNCLE	SMH
5/22/18	Employment Law Institute: Watch What you Say!	St. Paul	MNCLE	BTT
5/24/18	MPA Annual Convention: MN Rules of Professional Conduct Relative to Paralegals’ Conduct	Brooklyn Park	Minnesota Paralegal Association	JSB
5/30/18	Ethics Beyond a Reasonable Doubt	Minneapolis	Minneapolis City Attorney’s Office	SCB
6/5/18	Probate and Trust Law Section Conference: Top 20 Things All Lawyers Should Remember About Ethics	St. Paul	MNCLE	TMB ADS
6/15/18	Ethics for Child Support Prosecutors	St. Cloud	MN County Attorneys Association	SMH
6/15/18	Ethical Jeopardy and the Path to Lawyer Well-Being	Apple Valley	Legal Aid	TMB CBH
6/15/18	Impaired Driving: New Laws, New Issues, and New Decisions - Ethics	St. Paul	Minnesota County Attorneys Association	JSB
6/27/18	Ethics for Legal Aid and Attorney Well-Being	Minneapolis	Legal Services State Support	SMH
6/28/18	Critical Conversation: #metoo movement	Prior Lake	MSBA Convention	CBH
6/29/18	Legal Ethics and Malpractice	Prior Lake	MSBA Convention	SMH





MINNESOTA  
Lawyers Professional Responsibility Board  
Office of Lawyers Professional Responsibility

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### Announcements

- Draft April 27, 2018, LPRB Meeting Minutes
- Supreme Court Announces Attorney Member Vacancy on Minnesota Client Security Board
- National Task Force on Lawyer Well-Being
- Lawyers Board Meetings 2018
- Court Appoints Public Member Mark Lanterman and MSBA Nominee Brent Routman to Lawyers Professional Responsibility Board and Reappoints Board Members Shawn Judge, Gail Stremel and Susan Rhode
- Court Appoints Attorney Robin M. Wolpert as Chair of the Lawyers Professional Responsibility Board Effective October 17, 2017
- Congratulations to Terrie S. Wheeler 2017 Volunteer of the Year
- 2017 Professional Responsibility Seminar Materials
- LPRB and OLPR File Annual Report July 3, 2017
- Court Amends Rule 18, Rules on Lawyers Professional Responsibility, Effective January 1, 2017

### Quick Links

FILE A  
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### Legal References

MN RULES OF  
PROFESSIONAL  
CONDUCT

FOR LAWYERS ONLY:  
ADVISORY OPINIONS

#### Professional Responsibility Seminar

- 
- Trust Accounts
- 
- Professional Firms
- 
- LPRB Opinions
- 
- Disciplinary History Request
- 
- Proposed and Pending Rules & Opinions
- 

### What's New

- "Spring trust account cleanup," MN Bench and Bar, April 2018
- "Private discipline in 2017," MN Bench and Bar, March 2018
- "2017 year in review: Public discipline," MN Bench & Bar, February 2018
- "Harassment and attorney ethics," MN Bench and Bar, January 2018
- "Lawyer well-being and lawyer regulation," MN Bench and Bar, December 2017
- "Is your firm complying with the Minnesota Professional Firms Act?" MN Bench and Bar, November 2017
- "Ethically unbundling legal services," MN Bench and Bar, October 2017

### Contact

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### Resources

- MN Client Security Board
- MN Lawyer Registration Office
- MN IOLTA Information
- MN Board of Continuing Legal Education
- MN Board of Law Examiners
- MN Board of Legal Certification
- MN Judicial Branch
- MN State Bar Association
- ABA Center for Professional Responsibility

### Links

- Lawyers Board Directory
- OLPR Lawyer Directory
- Annual Reports
- Contact Us

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