

**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 2020 to June 2021 (FY2021), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2020, unless otherwise noted.

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

To be a good lawyer, you must be a healthy lawyer. The ethical practice of law is inextricably linked with well-being. This fiscal year, the Board experienced and observed the disruptions to the legal profession from the pandemic, the murder of George Floyd, and the controversies surrounding the 2020 presidential election. As Joan Bibelhausen from Lawyers Concerned for Lawyers pointedly remarks, "the entire legal profession feels the impact." The Board recognizes the great stresses and demands of these events on Minnesota's lawyers, the Board, the Office, and the profession. We further recognize the challenges of uncertainty, re-socialization, and civility as we engage in the post-pandemic world. The Board remains steadfast in its commitment to providing the best resources and education on well-being to advance the Supreme Court's Call to Action. We acknowledge Lawyers Concerned for Lawyers for its tireless work on behalf of our profession and its close partnership with the disciplinary system.

The Board turned pandemic-related challenges into opportunities for elevating our performance and strengthening the efficiency of our Panel proceedings. We worked harder than ever. The Board reconstituted its Panel proceedings to protect the health and safety of all participants in disciplinary matters. Our Panel Chairs (Thomas Evenson, Gary Hird, Susan Rhode, Landon Ascherman, Peter Ivy and Allan Witz),

Executive Committee members (Jeanette Boerner, Virginia Klevorn, Shawn Judge, and Bruce Williams), and the Board Chair took the lead in creating new protocols to establish seamless virtual proceedings. We met regularly throughout the year to refine and perfect procedural details and safeguards. The entire Board consistently addressed these issues and provided input and guidance. This achievement showcased the best of the Board—working collaboratively and bringing its collective breadth of experience to constantly improving Panel proceedings, a core Board function. As we move back into in-person proceedings, the Board will continue to evaluate the benefits of virtual proceedings against the backdrop of access to justice, due process, transparency, and public health and safety.

This year, the Opinions Committee, chaired by Mark Lanterman, was tasked with reimagining the Board’s processes and procedures in light of the Board’s anticipated revisions to the Panel Manual. Panel Chairs Susan Rhode, Peter Ivy, Landon Ascheman, Katherine Brown Holmen, Kristi Paulson, and Allan Witz, joined by Jeanette Boerner, Bruce Williams, and the Board Chair, met regularly with the Director to review the new draft Panel Manual and provide input. These discussions led to many ideas regarding improvements, big and small, to the Board’s operations. The Opinions Committee will continue to evaluate and provide recommendations regarding changes to Board policies and other matters, thereby institutionalizing a proactive process of improvement.

The Board also leveraged the challenges of the pandemic to enhance our onboarding and training of new Board members. The District Ethics & Training Committee, chaired by Allan Witz, with members of the Executive Committee, developed virtual onboarding and training for our new Board members. Allan Witz developed a protocol for virtual training and conducted the onboarding, with additional onboarding by the Board Chair. Mr. Witz also spent the last two years creating a draft training manual that will eventually serve as a written resource for our

Board. The draft training manual will be evaluated, edited, and enhanced by the Rules Committee, chaired by Peter Ivy. This manual is expected to be ready for presentation to the Board in 2022.

The Rules Committee remained unstoppable in its commitment to evaluating the Rules of Professional Conduct in light of emerging issues, changes to the ABA Model Rules of Professional Conduct, and new ABA opinions. The Rules Committee worked in partnership with the Minnesota State Bar Association's Rules of Professional Regulation Committee regarding proposed amendments to Rules 7 and 1.8(e), Minnesota Rules of Professional Conduct (MRPC). In addition, the Committee drafted proposed amendments to Rule 20 of the Rules on Lawyers Professional Responsibility. The Board's petitions for amendments to Rules 7 and 20 were submitted to the Supreme Court in June 2021. The Committee's pending work on Rule 1.8(e) continues.

The Equity, Equality and Inclusion Committee, led by the Board Chair and Vice-Chair Jeanette Boerner, became a formal committee of the Board this year and has an ambitious agenda. Much of the Committee's work centered on developing diversity and inclusion training, building diversity and inclusion into the operations of the Board, and developing a pipeline of qualified diverse applicants for future Board positions. Future work includes an equity and inclusion strategic plan. The work of this Committee will shape the future of the Board and enhance public trust and confidence in the disciplinary system.

The Board's vision for the future is a lawyer regulation system that operates with uncompromising integrity in protecting the public and enhancing the ethical practice of the law. This vision does not simply mean that the disciplinary system satisfies case processing targets and performance standards. It means that we are who we hold ourselves out to be, authentic stewards of lawyer ethics. The ultimate test is whether members of the public and the legal profession know, based on their own experience in

interacting with us, that they can trust the integrity of the process. I am very proud of the work the Board has done to effectuate this vision.

Walt Whitman called America the “greatest poem” because we are the first experiment in self-creation whose promise remains forever unachieved. The biggest threat to the promise of democracy is what John Dewey called “stasis,” a time in which people take for granted that the purpose of democracy has been accomplished. When we are in stasis, we become spectators rather than agents, diminishing our role in continually enacting the American potential. The Supreme Court has proposed amendments to Rules 4 and 5, RLPR. This year, the Executive Committee has not been able to effectuate all of the duties set forth in Rules 4(c) and (d). Regardless of the Court’s decision, the Board remains committed to the core values of accountability, responsibility, transparency, and public participation. This, in the end, is the way to enhance Minnesota’s disciplinary system and continue to create the promise of our “greatest poem.”

The Board is part of the larger disciplinary system and we acknowledge all of the contributions of the Director, the attorneys and staff of the Office, and Supreme Court Liaison Justice Natalie Hudson to the work of the Board. We also are grateful for the participation and contributions of key stakeholders in the disciplinary system, especially the volunteers of our District Ethics Committees, Lawyers Concerned for Lawyers, the members of the Minnesota State Bar Association’s Rules of Professional Regulation Committee, and Minnesota State Bar Association President Dyan Ebert.

### **Highlights.**

Fiscal year 2021 was a challenging year for the legal profession and the discipline system due to the COVID-19 pandemic, but resiliency and resourcefulness pulled the profession, the Board and the Office through those challenging times. Overall, new complaints were down, likely due to an initial slowdown in consumer spending on

legal services in the summer of 2020, but new complaints have generally been down modestly each of the last several years. Whether this trend will continue is anyone's guess. As we move through 2021, we are seeing a general return to pre-pandemic levels of new complaints, but are still not trending toward the levels of complaints seen in the early part of the prior decade. After an initial pandemic-related slow down, speaking engagements and advisory opinion requests have returned generally to pre-pandemic levels.

Although complaints have been down, 2020 was again an "average" year in attorney discipline, with 33 attorneys receiving public discipline. Private discipline was down modestly, as was overall file inventory over the course of both the calendar year and fiscal year. And more seasoned attorneys, as in years past, are the ones who receive the most discipline, as compared to more junior colleagues. Specifically, attorneys practicing between 11-20 years and 21-30 years received the most private and public discipline, very similar to the demographics for public and private discipline in 2019. Unfortunately, 2020 also saw a high number of lawyers transferred to disability inactive status in lieu of discipline, as well as a continuance of a higher than normal number of trusteeships as lawyers passed away without a succession plan or abandoned their practices for a variety of reasons.

Throughout the pandemic, a small staff remained in person, supporting the majority of the team that worked remotely. Thank you in particular to Mary Jo Jungmann, our mail clerk, who worked day in and day out in the Office during the pandemic to make sure that mail was processed. With the Judicial Branch in the process of lifting pandemic restrictions, personnel are returning to the Office in early July, although we plan to continue to incorporate the option to work a hybrid schedule to the extent possible and consistent with Judicial Branch teleworking policies.

Oral arguments and hearings occurring during the pandemic took place remotely, but we are beginning to transition back to in-person proceedings, consistent

with the Court's operational orders, and already have several in-person hearings scheduled for the summer and fall. Most District Ethics Committees met remotely over the last year and continue to do so, taking advantage of remote technology to stay connected. The annual District Ethics Committee Seminar in September 2020 was held remotely, boosting attendance to over 200. In 2021, the Seminar will return to the Earle Brown Center for in-person presentations, while offering a remote option.

In June 2021, the Board filed two rule change petitions, one relating to the advertising rules, and one relating to the confidentiality of the Director's files at various stages of the proceedings; both petitions were discussed in depth in last year's annual report. The proposed rule changes will be published by the Court for public comment. On its own motion, the Court also proposed amendments to Rules 4 and 5 of the RLPR, and accepted comments on those proposed changes. The Court has those proposed changes under advisement.

Substantively, the most frequently violated rules are diligence (Rule 1.3) and communication (Rule 1.4), with trust account and retainer agreement (fee) issues following close behind. 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 (with real estate running a close fifth). Client confidentiality, conflicts of interest, withdrawal from representation and trust accounts are the most frequent topics addressed on the Office's advisory opinion line.

The first half of 2021 remains generally consistent with 2020 in matters of public attorney discipline. Four attorneys year to date have been disbarred. As of June 30, 2021, a total of 19 attorneys have been publicly disciplined: 4 disbarred, 11 suspended, 2 publically reprimanded and placed on probation, and 2 reprimanded. Private discipline year to date is ahead of 2020 but is generally consistent with historical levels.

## **Complaint Filings.**

The number of complaints received in 2020 was 930, down from 1,003 in 2019. Closings were also down slightly (969 vs. 1,029), for a calendar year-end file inventory of 442. Tables outlining these and related statistics are at A. 3 - A. 10.

Files open at start of 2019:	482
Complaints received in 2019:	930
Files closed in 2019:	969
Files open at end of 2019:	442

Complaint filings for the first five months of 2021 are modestly ahead of 2020 numbers.

## **Public and Private Discipline.**

In 2020, 33 lawyers were publicly disciplined: 3 attorneys were disbarred, 24 were suspended, 5 were reprimanded and placed on probation, and 1 was reprimanded. The three disbarred attorneys were Paul Hansmeier, Daniel Lieber and Thomas Pertler. Each disbarment in 2020 was notable. Mr. Hansmeier was disbarred for bankruptcy fraud, after previously being suspended for fraud relating to the infamous porn-trolling cases. Mr. Hansmeier is currently serving a lengthy federal prison sentence due to his conduct in those cases. Mr. Lieber is the first Minnesota attorney to be disbarred, reinstated, and then subsequently permanently disbarred. Mr. Lieber was also disciplined twice in 2020, first with the unusual discipline of a “stayed disbarment” followed by his permanent disbarment. Mr. Pertler was the former Carlton County attorney. He was disbarred for failing to discuss discipline information relating to a police officer found to have engaged in dishonest work-related conduct. Mr. Pertler’s rule and constitutional violations resulted in the dismissal of several cases, and the reversal of a conviction. Mr. Pertler is the first prosecutor disbarred for practice-related misconduct in Minnesota.

During 2020, 82 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:

	2013	2014	2015	2016	2017	2018	2019	2020
Admonitions	143	143	115	115	90	117	107	82
Total Files Closed	1279	1248	1332	1264	1073	1115	1029	969
%	11%	11%	8%	9%	8%	11%	10%	8.5%

The areas of misconduct involved in the admonitions are set forth in Table V at A. 6. Twenty matters closed with private probation, more than the fourteen closed with private probation in 2019.

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

On September 25, 2020, the Board and the Director’s Office hosted the 35th annual Professional Responsibility Seminar. Sessions included a very well-received presentation on the importance of using plain language in drafting to ensure equity, inclusion and accessibility, an address by Justice Natalie Hudson, the LPRB’s new Liaison Justice, a targeted well-being session focused on interrupting stigma and how to strive and thrive in challenging times, as well as sessions on ethically using retainer agreements, how the OLPR follows or departs from District Ethics Committee recommendations and tips on conducting fair and equitable investigations. During the Seminar, a video was shown awarding the Volunteer of the Year Award to volunteer probation supervisor and former Board chair, Judie Rush. Ms. Rush was recognized for her talents in assisting solo practice probationers to improve office procedures and case management to enhance and maintain an ethical practice. The Seminar also included breakout training sessions for Board members and a break out session for District Ethics Committee Chairs. Feedback for the Seminar was extremely positive, and the on-line webinar format allowed for robust attendance. The annual Seminar is both a “thank you” to individuals who

volunteer or have volunteered in the discipline system, and an important training and outreach program for the Office and Board.

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 50 events, devoting over 243.50 hours to educating the profession.

## **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.

Board members Tom Evenson, Gary Hird, Gail Stremel and Shawn Judge completed their second and final terms on the Board. Ben Butler, Bill Pentelovitch, Andrew Rhoades, Antoinette Watkins, and Geri Sjoquist were appointed to the Board. Susan Rhode and Mark Lanterman were reappointed to second terms to expire in 2024. In June 2021, Chair Robin Wolpert announced the early completion of her term as Chair, effective June 30, 2021. Jeanette Boerner, Vice-Chair, was appointed by the Court to serve as Chair effective July 1, 2021, through January 31, 2022. A complete listing of Board members and their backgrounds as of June 30, 2021, is attached at A. 1 – A. 2.

### **Executive Committee.**

The Board has a five-member Executive Committee, charged with general oversight of the Director's Office and the Rules on Lawyers Professional Responsibility. The Committee consists of Chair Robin Wolpert, Vice-Chair Jeanette Boerner, and

members Virginia Klevorn, Bruce Williams and Tommy Krause. Two members of the Executive Committee are public members, demonstrating some of the significant contribution public members make to the Minnesota disciplinary system.

Members of the Executive Committee have assigned tasks. For example, 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 District Ethics Committee (DEC) recommendations, and reviews complaints against Board members, the Director or staff.

### **Panels.**

All members of the Board, other than Executive Committee members, serve on one of six Panels which make discipline probable cause determinations, reinstatement recommendations and handle admonition appeals. The Board members who act as Panel Chairs are currently: Landon Ascherman, Katherine Brown Holmen, Peter Ivy, Kristi Paulson, Susan Rhode, and Allan Witz.

### **Standing Committees.**

The Board has three standing committees, and added a fourth standing committee in 2020. The Opinion Committee, chaired by Mark Lanterman, 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 Peter Ivy, makes recommendations regarding possible amendments to the MRPC and the RLPR. The DEC and Training Committee, chaired by Allan Witz, works with the DECs to facilitate prompt and thorough consideration of complaints assigned to them, assists the DECs in recruitment and training of volunteers, and trains Board members.

In 2020, the Board formed an Equity, Equality and Inclusion Committee, focused on recruitment of diverse Board and DEC volunteers, as well as the larger issue of how

to examine and eliminate bias in the discipline system. In 2021, the Board voted to establish the EEI Committee as a standing committee. The EEI Committee is currently chaired by the Chair of the Board. All committees were active in FY21.

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

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

Expenditures for the fiscal year ending June 30, 2021, are projected to be approximately \$4.2 million. The projected reserve balance at the end of FY21 is projected to be approximately \$895,000. FY21 expenses were favorable to budget, but revenues were not due to the decision to delay a \$1 million transfer from the Client Security Fund, which had been budgeted for FY20. In FY21, the Office executed a ten-year lease for office space in the Town Square Center in downtown St. Paul. The Office received favorable leasing terms as compared to its prior location in the Landmark Tower, including several months free rent and a build to specification layout. Moving costs and additional charges relating to this move were offset by a tenant allowance and rent savings. The Office reduced its overall footprint with a better work space layout. Perhaps more importantly, the move afforded the opportunity to increase security measures at the Office including a fully secure reception area, and updated security measures for conference rooms.

The Director's Office budget is funded primarily by lawyer registration fees (\$128 for most lawyers), and therefore is not dependent upon legislative dollars. FY21 projected revenue from all sources is \$3.6 million. The Office will continue to utilize its reserve to fund the revenue shortfall, and will come close, as noted above, to exhausting its reserve over the biennium. To address the funding shortfall, in June 2019, the Court reallocated \$6 of the annual registration fee from the Client Security Board to the OLPR, in addition to approving the \$1 million transfer from the Client Security Fund as needed. In May 2021, the Court also approved modest increases in lawyer registration fees going forward to ensure overall funding for the various Boards tasked with

regulation of the profession, while also directing the Boards to continue to focus on cost containment, cost sharing and economies where available.

**B. Personnel.**

The Director's Office employs 13 attorneys including the Director, six paralegals, one investigator, an office administrator, nine support staff and one law clerk (*see* organizational chart at A. 20). Personnel highlights in FY21 include the retirement of two long-term employees (clerk Mary Jo Jungmann and paralegal Val Drinane), the departure of four attorneys (Siana Brand, Alicia Smith, Jennifer Wichelman and Keshini Ratnayake) and the addition of one attorney, Karin Ciano. Additional attorneys have been hired and will begin work in July and August 2021. Paralegal Supervisor Lynda Nelson is also scheduled to retire in August 2021, after 34 years with the Office. Her replacement, a forensic auditor, has been hired to start in July 2021, with a training overlap with Ms. Nelson. A paralegal replacement for Ms. Drinane will start in August 2021. The Office has also realigned management of paraprofessional staff under Managing Attorneys Jennifer Bovitz and Binh Tuong. Due to the efficiencies gained through our new electronic management system, the Office was able to reduce staffing numbers by one upon Ms. Jungmann's retirement.

**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, however, was tabled again due to the office move and other challenges relating to managing through a pandemic. Attached at A. 21 is a recent printout of the home page for the website.

The LPRB and DEC intranet (SharePoint) sites are used by Lawyers Board members, DEC Chairs and volunteer investigators. 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. The Office has incorporated slides in its Continuing Legal Education presentations to promote volunteerism in the discipline system.

**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 2020, the Director’s Office received 137 complainant appeals, compared to 129 appeals received in 2019. The breakdown of the 137 determinations made by reviewing Board members in 2020 is as follows:

		<u>%</u>
Approve Director’s Disposition	136	99
Direct Further Investigation	1	1
Instruct Director to Issue an Admonition	0	0
Instruct Director to Issue Charges	0	0

Approximately 120 clerical hours were spent in 2020 processing and routing of 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 2020, the Director opened 29 new probations, 14 of which were public and 15 private. Nearly 60 percent of the new public probations were supervised, whereas approximately 40 percent of the new private probations were supervised. Four of the new probations were ordered as a condition of reinstatement to the practice of law. In 2020, there was one extension of a probation term.

This year, the Director filed three petitions for revocation of probation and for further discipline. This figure marks a decrease from the seven petitions for revocation filed in 2019. One of the three petitions for revocation is under advisement with the Court.

Probations involving mental health and chemical dependency remain an ongoing concern. In 2020, two of the 29 new probations, or 7 percent, involved lawyers with mental health issues and/or substance/alcohol use issues. However, of the 85 open probations in 2020, approximately 25 percent (20 probations) implicated consideration of lawyer wellness issues—either as part of the underlying disposition, or as a specific term of probation monitoring.

This year, the Court transferred no probationers to disability inactive status. Eighteen of the new probations, or more than 60 percent, resulted from a lawyer's failure to properly maintain his or her trust account. Twenty-two of the new 2020 probations involved experienced lawyers who had 20 or more years of practice, including six lawyers with 30 or more years of practice, six who had 40 or more years of practice, and one who had more than 50 years of practice.

During 2020, 25 Minnesota attorneys served as volunteer probation supervisors. Their volunteer service to assist lawyers in need is greatly appreciated. Four attorneys and five paralegals staff the probation department, and consistently commit between 40-50 hours collectively per week. Additional probation statistics are provided at A. 15-A. 16.

#### **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

declined. 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 decreased modestly in 2020. In 2020, the Director's Office received 1,700 requests for advisory opinions, compared to 1,943 in 2019. (A. 11 - A. 12.) Table XIII at A. 13 shows the areas of inquiry of opinions.

In 2020, the Director's Office expended 414 assistant director hours in issuing advisory opinions. This compares with 396 hours in 2019. Dissolution/custody was the most frequently inquired about area of law. Client confidentiality (Rule 1.6) was the most frequent area of specific inquiry, along with conflicts of interest (Rule 1.7), conflicts-former clients (Rule 1.9) and trust accounts (Rule 1.15).

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

Pursuant to Rule 1.15(j) – (o), 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 reviews and 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.

Forty-one trust account overdraft notices were reported to the Director in 2020, which was exactly the same number reported in 2019. During 2020, the Director

converted seven overdraft inquiries into disciplinary files. The most common reasons for opening a disciplinary file were shortages (2) and commingling (2), which are often the result of significant record-keeping deficiencies. Additional reasons to open a discipline file included improper books and records. The Director closed 39 overdraft inquiries in 2020, down from the 49 closed in 2019. Of these closures, 32 were closed without a disciplinary investigation. In 27 of these 32 closures, or 84 percent, the Director made recommendations regarding the attorney’s trust account practices. The most common such recommendations concerned a lack of strict compliance with the books and records requirements, and a failure to properly reconcile the account.

In 2020, 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	7
Bank error	4
Service or check charges	7
Late deposit	3
Mathematical/clerical error	6
Third party check bounced	4
Other	1

A total of 141.25 hours – 32.75 hours of attorney time and 108.50 of paralegal/staff time – was spent administering the overdraft program in 2020. This was a slight decrease from the 151.75 hours spent in 2019.

One attorney and one paralegal have historically staffed the overdraft program. The Office has hired a forensic auditor, who will take over the paralegal’s overdraft program responsibilities. The forensic auditor’s responsibilities will also include conducting the Office’s disciplinary and probationary trust and business account books and records reviews and audits, with additional paralegal backup. And, since the

paralegal who has administered the overdraft program since its inception will soon be retiring, another paralegal is currently being trained regarding those responsibilities.

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

In 2020, judgments totaling \$25,397.58 were entered in 27 disciplinary matters. The Director's Office collected a total of \$27,428.65 from judgments and orders entered during or prior to 2020. Of the amount collected in 2020, \$2,300 was received through the Department of Revenue recapture program.

In 2019, judgments were entered in 32 disciplinary matters totaling \$31,214.67 and the Director's Office collected a total of \$24,579.85. Although the judgments entered in 2020 were \$5,817.09 less than in 2019, the Director's Office collected \$2,848.80 more in 2020 than in 2019.

#### **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 is also available through the OLPR website. Informal telephone requests and responses are not tabulated. The following formal requests were received in 2020:

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	154	154	4	0
B. Individual Attorneys	344	344	13	0
C. Local Referral Services				
1. RCBA	0	0	0	0
2. Hennepin County	0	0	0	0
D. Governor's Office	16	63	5	0
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	64	64	2	0
F. F.B.I.	38	40	0	0
G. MSBA: Specialist Certification Program	16	154	6	3
H. Miscellaneous Requests	14	49	6	0
<b>TOTAL</b>	<b>646</b>	<b>868</b>	<b>36</b>	<b>3</b>
(2019 totals for comparison)	837	975	34	13

#### **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 September 2020, the Director was appointed trustee over the client files belonging to a disbarred attorney who abandoned his client files, Boris A. Gorshteyn. The Director conducted an inventory of the client files and this trusteeship was closed in June 2021.

In February 2021, the Director was appointed trustee over the client files belonging to disabled attorney Steven B. Szarke. The Director took possession of approximately 35 banker's boxes of documents in May 2021. The Director is currently conducting an inventory of the client files and, upon completion, will begin contacting

clients whose files are less than seven years old and/or contain a valuable original document(s).

In May 2021, the Director filed a petition for appointment of trustee over the client files belonging to deceased attorney David O.N. Johnson, and was appointed trustee. Mr. Johnson had a modest number of records to inventory and review, which work is currently in process.

In FY21, the Director closed the trusteeship of David J. Van House. Significant staff time is spent annually administering the trusteeship department, including the time of a paralegal and the Director, who also staff this department.

The Director continues to retain the following client files:

- Rachel Bengtson-Lang trusteeship – 74 files are eligible for expunction in August 2021, with the exception of documents the Director determines to be of value, which are eligible for expunction in August 2023.
- Ronald Resnik trusteeship – 160 files are eligible for expunction in August 2021, with the exception of documents the Director determines to be of value, which are eligible for expunction in August 2023.
- Jan Stuurmans trusteeship – 37 files are eligible for expunction in June 2022, with the exception of documents the Director determines to be of value, which are eligible for expunction in June 2024.
- Francis E. Muelken trusteeship – 291 files are eligible for expunction in June 2024.
- Joel Ray Puffer trusteeship – 16 files are eligible for expunction in July 2022, with the exception of documents the Director determines to be of value, which are eligible for expunction in July 2024.
- David A. Lingbeck trusteeship – 108 files are eligible for expunction in October 2023, with the exception of documents the Director determines to be of value, which are eligible for expunction in October 2025.
- David J. Van House trusteeship – 187 files are eligible for expunction in December 2023, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2025.

#### **K. Professional Firms.**

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law for profit 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 2019 (December 1, 2019—November 30, 2020), there were 96 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of May 28, 2021, the Director's Office received \$64,725 from 2,362 professional firm filings during fiscal year 2021. There were 49 new professional firm filings for the period of December 2020—May 28, 2021. The Director's Office received \$67,575 during fiscal year 2020.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2021 (as of May 28, 2021), the total attorney work time for overseeing the professional firms department was 155 hours. The total non-attorney time was 416 hours.

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

Minnesota is one of only a few jurisdictions in the United States 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 246 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 2020, the Director's Office followed DEC recommendations in 80% of investigated matters which were closed during the year. Many of the matters 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 known, and thus, not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2020, the monthly average number of files under DEC consideration was 81, fluctuating between a low of 62 and a high of 100. The year-to-date average for 2021 is 72, as of April 30, 2021. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of the investigation. For calendar year 2020, the DEC's completed 226 investigations, taking an average of four months to complete each investigation.

For calendar year 2020, of the completed DEC investigations statewide, the following dispositions were made (measured by the number of files, rather than lawyers):

Determination discipline not warranted	150
Admonition	53
Private probation	3

The annual seminar for DEC members, hosted by the Office and the Board, will be held this year on Friday, September 17, 2021. 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 in person at the Earle Brown Center in Minneapolis, with a virtual option. Active DEC members attend the annual DEC Seminar at no cost.

Rule 3(a)(2), RLPR, requires that at least 20 percent of each DEC be nonlawyers. The rule's 20 percent 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 DECs did not meet the 20 percent nonlawyer membership requirement. As of May 1, 2021, two districts are not in full compliance. Additionally, one DEC is focused on recruiting new members as several current members have exceeded their term limits. The Office and Board continue to work with these districts to bring them into compliance.

**V. FY2022 GOALS AND OBJECTIVES.**

The OLPR is very close to obtaining compliance with the Board and Court's case processing goals in a sustainable way and saw significant progress toward that goal in FY21. The OLPR also looks forward to updating its website, a much needed overhaul, and continuing to focus on implementation of the Strategic Plan, which prioritizes proactive educational outreach to the profession and public.

Dated: June 30, 2021.

Respectfully submitted,

/s/ Robin M. Wolpert

ROBIN M. WOLPERT  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

and

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

## **LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

**Robin M. Wolpert, St. Paul** - Chair. Attorney member. Term expires June 30, 2021. Serves on LPRB Executive Committee and Equity, Equality & Inclusion 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.

**Landon J. Ascheman, St. Anthony** - Attorney member. MSBA nominee. First term expires January 31, 2022. Served on Fourth District Ethics Committee for three years. Serves on LPRB DEC and Training Committee and Equity, Equality & Inclusion Committee. Founder of Ascheman Law, LLC. Area of law: Criminal.

**Jeanette M. Boerner, Minneapolis** - Vice Chair; Chair effective July 1, 2021; member term expires January 31, 2022. Attorney member. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Director of Hennepin County Adult Representation Services. Area of law: criminal and child protection defense.

**Benjamin J. Butler, St. Paul** - Attorney member. MSBA nominee. Term expires January 31, 2024. Serves on LPRB Rules Committee. Managing Attorney, Office of the Minnesota Appellate Public Defender. Area of expertise: Criminal law.

**Daniel J. Cragg, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2023. Partner at Eckland & Blando, LLP. Serves on LPRB Opinion Committee and Rules Committee. Member of MSBA's Professional Regulation Committee since 2014.

**Michael Friedman, Minneapolis** - Public member. Term expires January 31, 2023. Serves on LPRB Opinion Committee and Equity, Equality & Inclusion Committee. Served on Hennepin County District Ethics Committee nearly seven years. Executive Director of Legal Rights Center. Former Board Chair of the Minneapolis Civilian Police Review Authority.

**Katherine A. Brown Holmen, Eagan** - Attorney member. Term expires January 31, 2022. Serves on LPRB DEC and Training Committee. Served on Second District Ethics Committee for six years. Attorney at Dudley and Smith, P.A. Area of practice: Personal Injury.

**Peter Ivy, Chaska** - Attorney member. Term expires January 31, 2023. Chair of LPRB Rules 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: Criminal and in-house counsel to county divisions.

**Virginia Klevorn, Plymouth** - Public member. Term expires January 31, 2023. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served on Fourth District Ethics Committee for three years. Business management consultant specializing in alternative dispute resolution services. Minnesota House Representative for District 44A.

**Tommy A. Krause, Virginia** - Public member. Term expires January 31, 2022. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served on 20th District Ethics Committee for six years. Serves as President on the Board of Directors for Range Mental Health Center and as President of the Virginia Area United States Bowling Congress Association. Served as member of the Board of the Northern St. Louis County Habitat for Humanity. Retired law enforcement officer for the Virginia Police Department. Areas of expertise: Criminal and internal investigations.

**Mark Lanterman, Minnetonka** - Public member. Term expires January 31, 2024. Serves as Chair of the LPRB Opinion Committee. Chief Technology Officer for Computer Forensic Services. A former sworn law enforcement investigator assigned to the United States Secret Service Electronic Crimes Task Force who has also served as a neutral computer forensic analyst in both federal and state court. Faculty at the Mitchell Hamline School of Law, the University of St. Thomas School of Law, the National Judicial College, the Federal Judicial Center in Washington D.C., and the University of Minnesota's Security Technologies Program. Completed postgrad studies in cybersecurity at Harvard University and is certified as a Seized Computer Evidence Recovery Specialist (SCERS) by the Department of Homeland Security. Areas of expertise: digital forensics and cybersecurity.

**Paul J. Lehman, Minnetonka** - Public member. Term expires January 31, 2023. Serves on LPRB Rules Committee. Member of Minnesota Client Security Board. Served on Hennepin County District Ethics Committee for three years.

**Kristi J. Paulson, Burnsville** - Attorney member. MSBA nominee. Term expires January 31, 2022. Serves on LPRB Opinion Committee. President of Kristi J. Paulson, Chartered, Law Firm since 1998. Minnesota Rule 114 Qualified Mediator and Arbitrator since 2017.

**William Z. Pentelovitch, Minneapolis** - Attorney member. Term expires January 31, 2022. Serves on LPRB Equity, Equality & Inclusion Committee. Of Counsel at Maslon, LLP. Trial lawyer for more than 46 years. Fellow, International Academy of Trial Lawyers and 2020 Recipient of Lifetime Achievement Award from Minnesota State Bar Association. Served on HCBA District Ethics Committee. Served eight years on Civil Trial Certification Council of the MSBA. Area of expertise: Complex business litigation.

**Andrew N. Rhoades, Woodbury** - Public member. Term expires January 31, 2024. Serves on LPRB DEC and Training Committee. Assistant Federal Security Director at Minneapolis-St. Paul International Airport.

**Susan C. Rhode, Minneapolis** - Attorney member. Term expires January 31, 2024. Serves on LPRB Rules Committee. 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.

**Geri C. Sjoquist, Tower** - Attorney member. MSBA nominee. Term expires January 31, 2024. Serves on LPRB Opinion Committee. Solo practitioner at Sjoquist Law LLC. Served as co-chair of Diversity Committee for the RCBA. Voted Attorney of the Year by her peers in 2018. Attorney Supervisor at Mitchell Hamline's self-help clinic and Mobile Law Office. Previously worked for Community Corrections in Washington County and on the roster for the 8th Judicial District as a custody evaluator. Formerly employed by the Prairie Island tribe as a Guardian ad Litem. Areas of expertise: general practice that particularly includes civil litigation and family law, as well as an ever-expanding ADR practice as a Rule 114 Qualified Neutral featuring restorative justice practices and mediations.

**Susan T. Stahl Slieter, Olivia** - Public member. Term expires January 31, 2022. Serves on LPRB Opinion Committee. Retired Renville County Court Administrator with 35 years of service to the judicial branch. Certified Court Executive, Institute for Court Management, NCSC. Areas of expertise: Court operations, budget and finance, and personnel management.

**Mary L. Waldkirch Tilley, Marine on St. Croix** - Public member. Term expires January 31, 2023. Serves on LPRB Equity, Equality & Inclusion Committee. Retired Victim Services Supervisor with Washington County.

**Antoinette M. Watkins, Minneapolis** - Public member. Term expires January 31, 2024. Serves on LPRB DEC and Training Committee. Regional Director for Wells Fargo Institutional Retirement and Trust, Northeast and Mid-Atlantic Territory. Ongoing and ad hoc volunteer for various organizations within the Twin Cities.

**Bruce R. Williams, Virginia** - Attorney member. Term expires January 31, 2022. Serves on LPRB Executive Committee and Equity, Equality & Inclusion 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. Handles serious felony matters as part-time attorney for the Sixth District 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. Term expires January 31, 2023. Chairs the LPRB DEC and Training Committee. 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.

**Julian C. Zebot, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2023. Serves on LPRB Opinion Committee. Co-General Counsel and Ethics Partner for Maslon LLP. Served on the Hennepin County District Ethics Committee for more than 10 years. Served as Vice Chair of the Ethics and Malpractice Committee within the ABA Real Property Trust & Estate Section for the past several years.

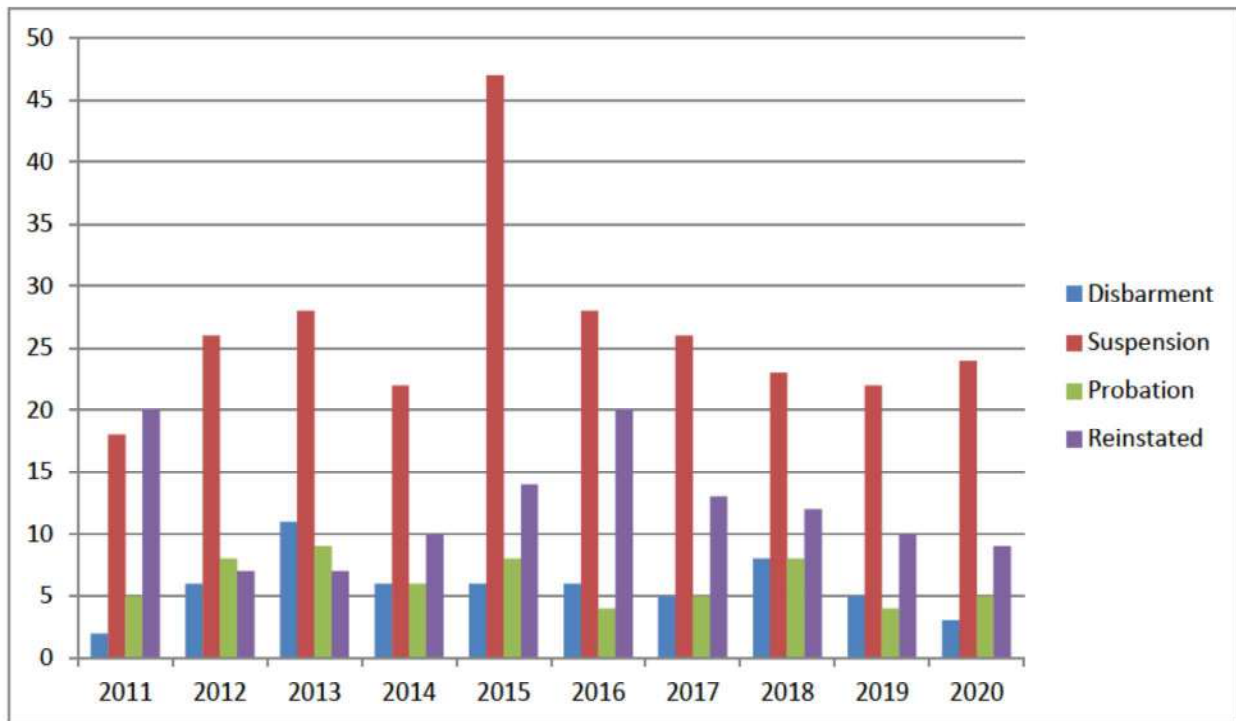
**Table I**  
**Complaint Statistics 2000–2020**

<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
2018	1107	1115
2019	1003	1029
2020	930	969

**TABLE II**  
**Supreme Court Dispositions and Reinstatements 2011-2020**  
**Number of Lawyers**

	Disbar.	Susp.	Reprimand Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
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
2018	8	23	8	6	-	12	-	6	1	1**	65
2019	5	22	4	4	-	10	1	1	1	-	48
2020	3	24	5	1	-	9	-	5	-	1*	48

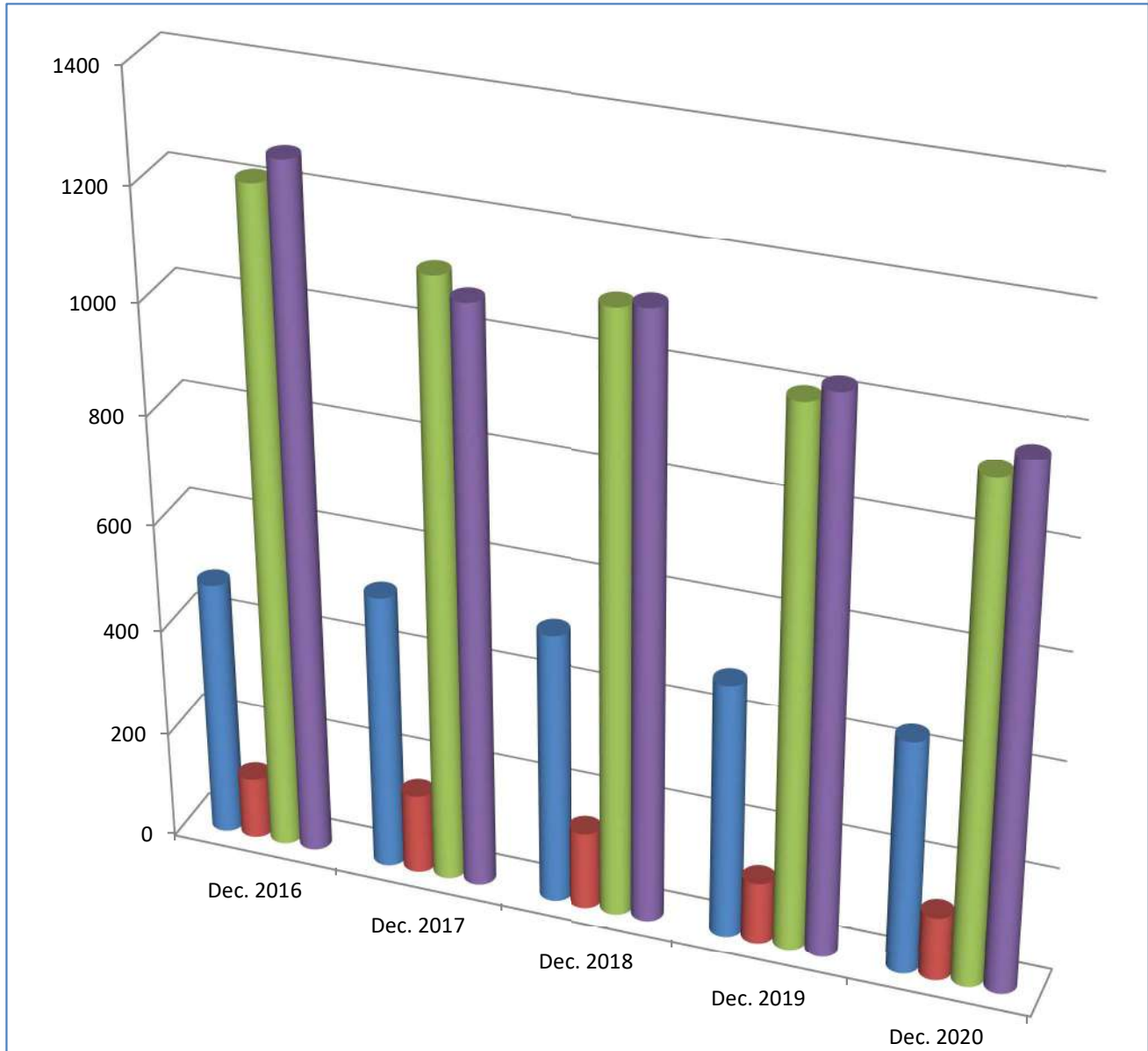
**TABLE III**  
**Disbarments, Suspensions, Probations and Reinstatements 2011-2020**



\*\*Stayed Disbarment

\*\*Reinstatement dismissed

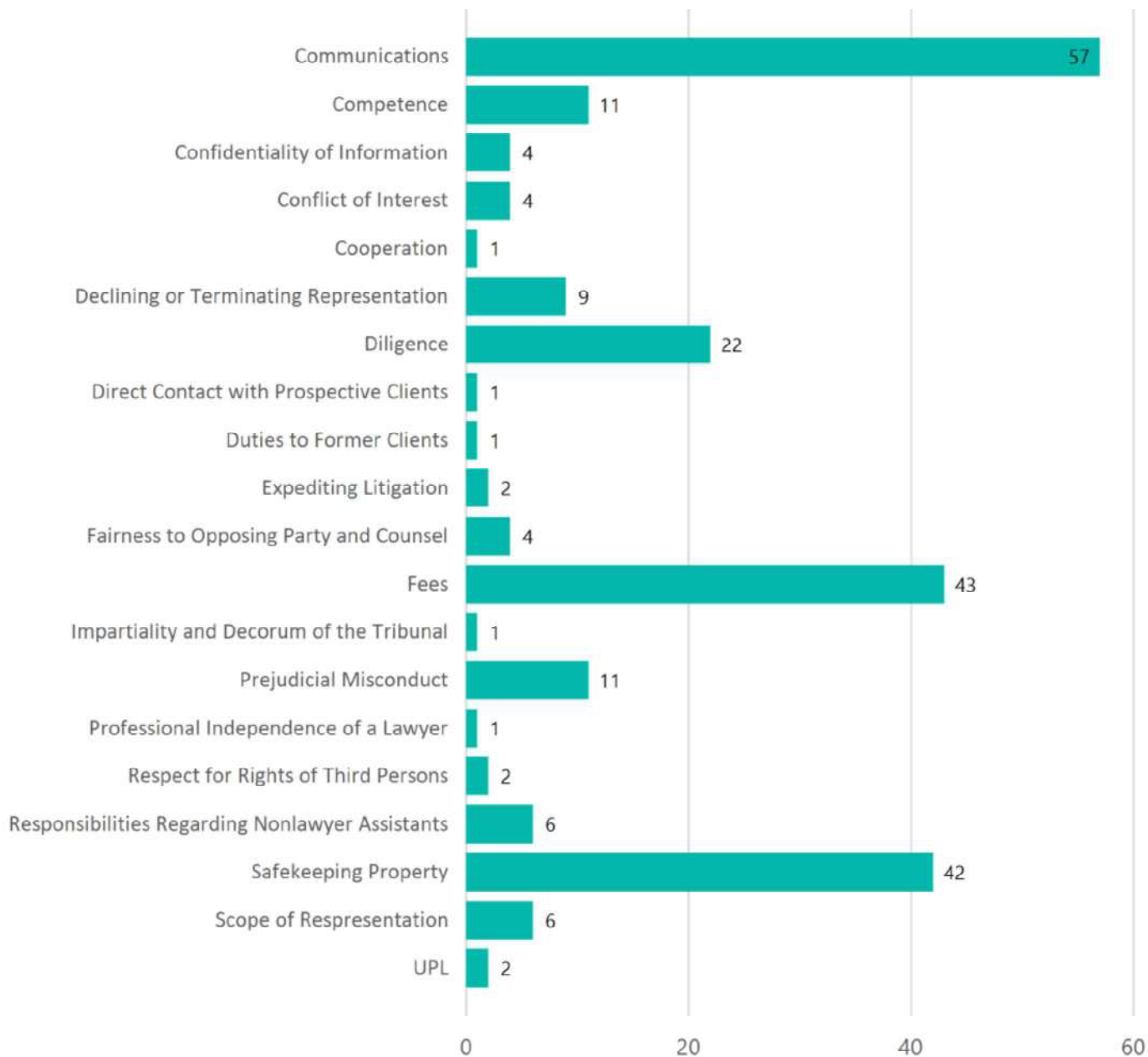
**TABLE IV**  
**File Openings, Closings and Year Old Files 2016-2020**



	Dec. 2016	Dec. 2017	Dec. 2018	Dec. 2019	Dec. 2020
Total Open Files	480	517	509	482	442
Cases at Least One Year Old	115	149	145	119	125
Complaints Received YTD	1,216	1,110	1,107	1,003	930
Files Closed YTD	1,264	1,073	1,115	1,029	969

# ANNUAL REPORT

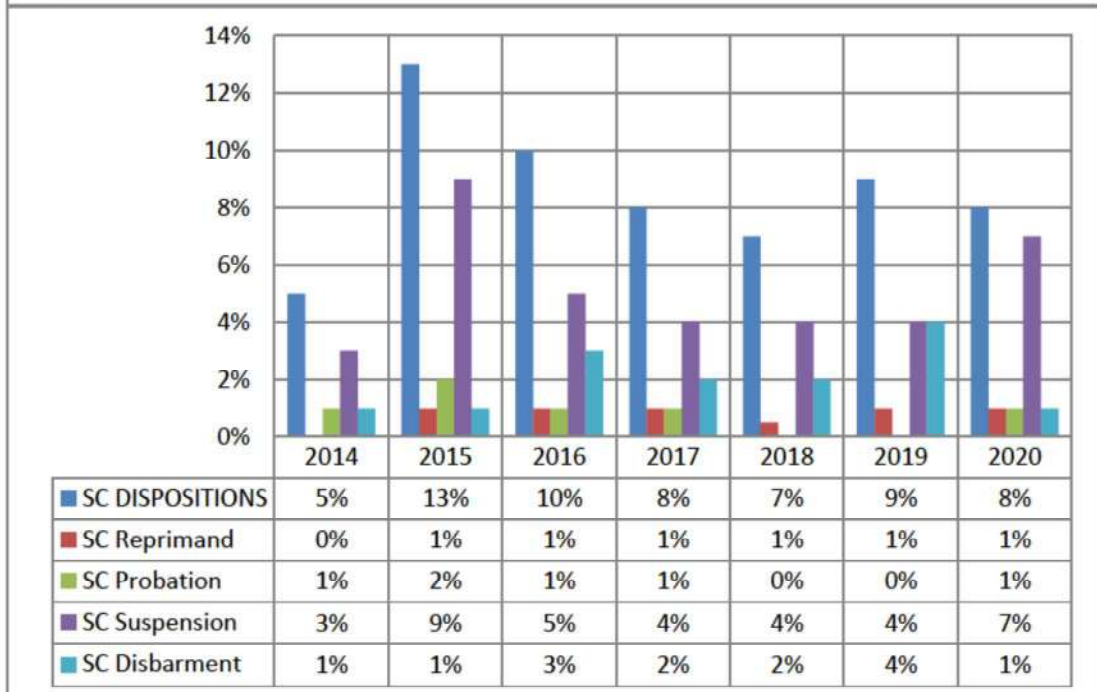
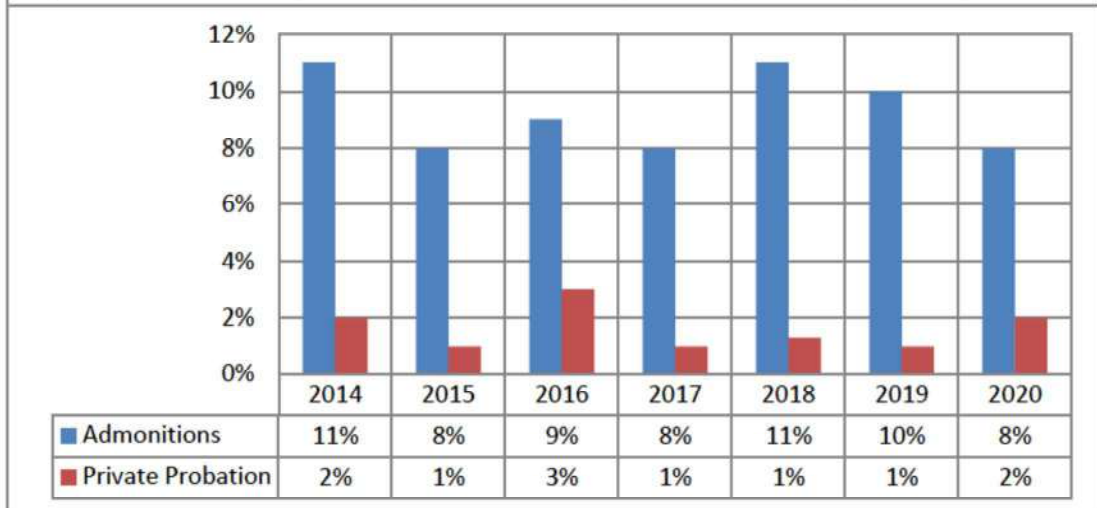
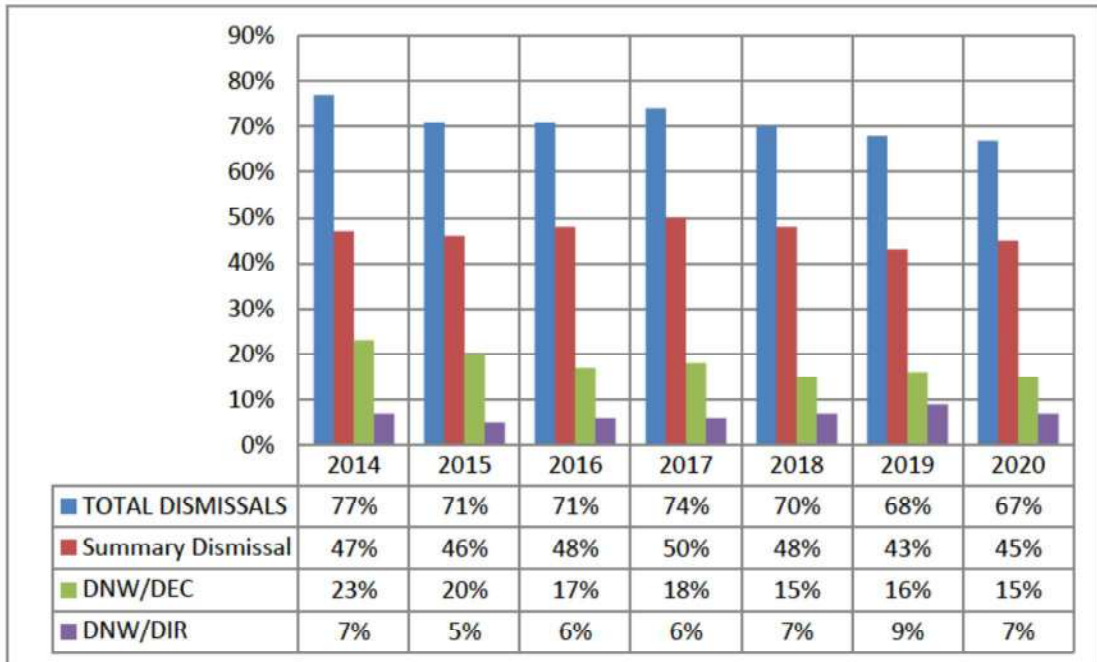
**TABLE V: AREAS OF MISCONDUCT – ADMONITIONS 2020 \***



\* Between 1/1/2020 AND 12/31/2020, the Office issued 82 admonitions involving 230 rule violations.

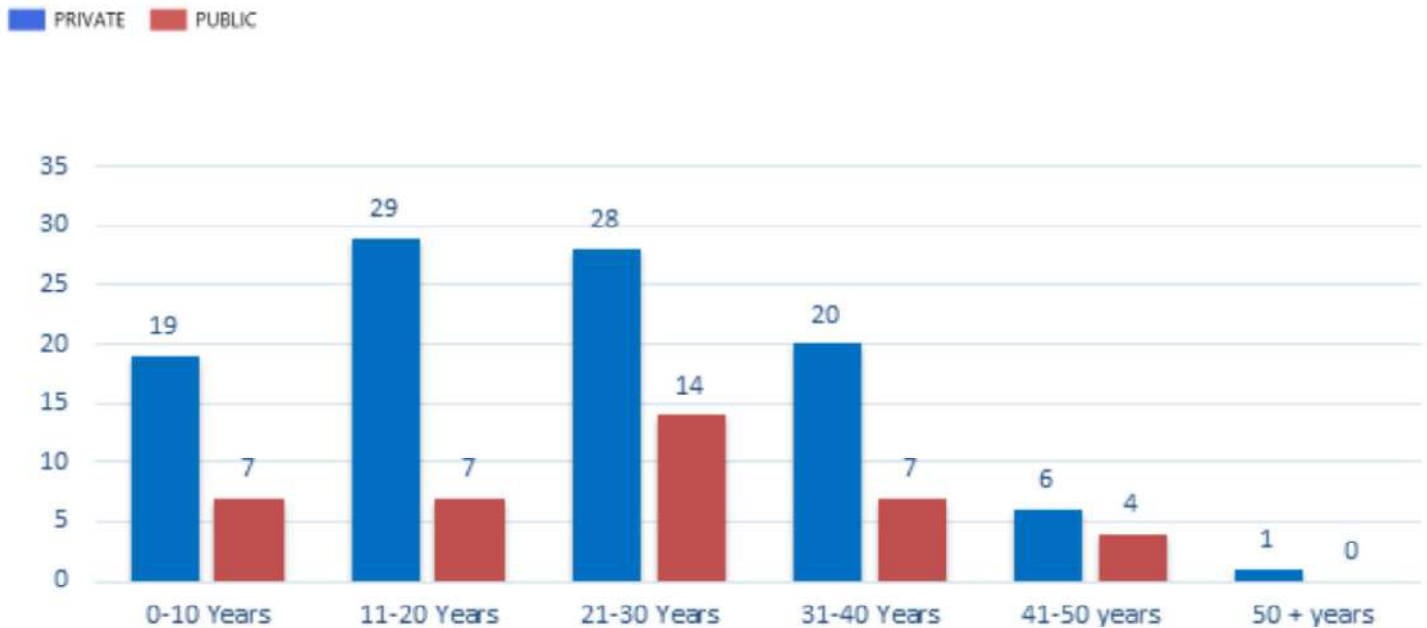
This chart reflects the number of rule violations involved in those 82 admonitions, organized by area of misconduct.

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

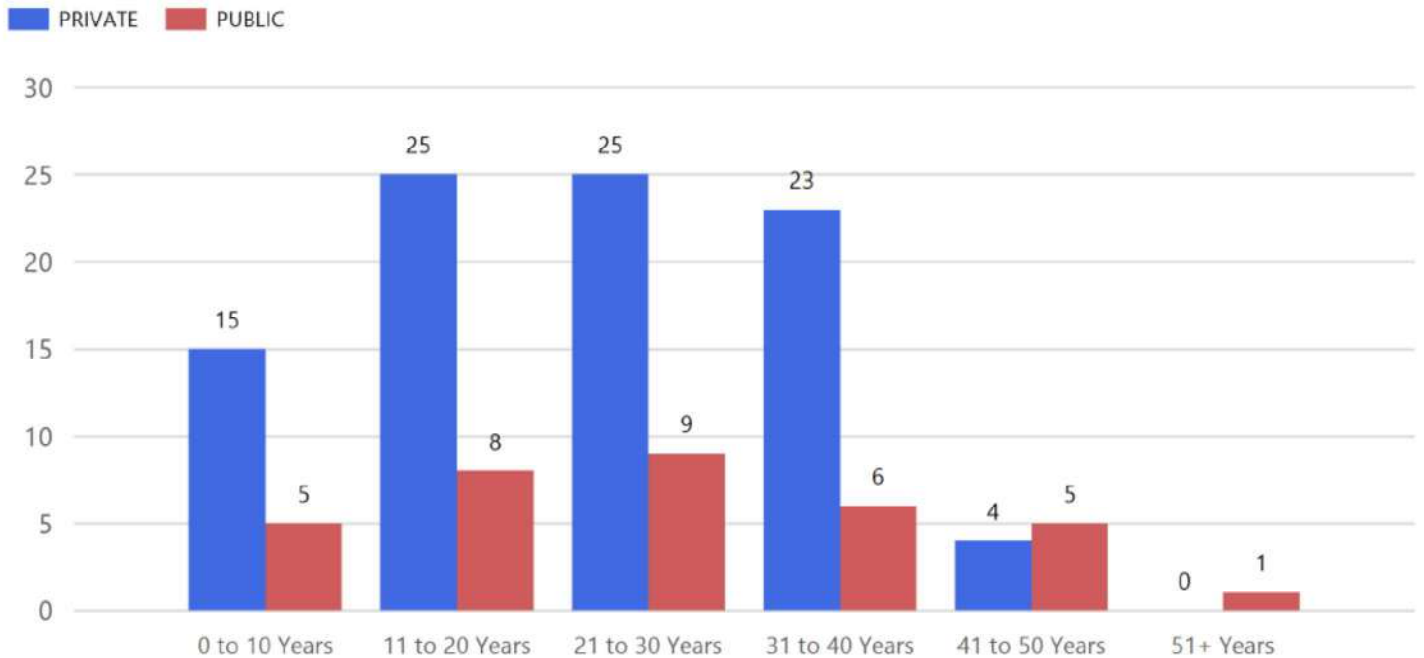


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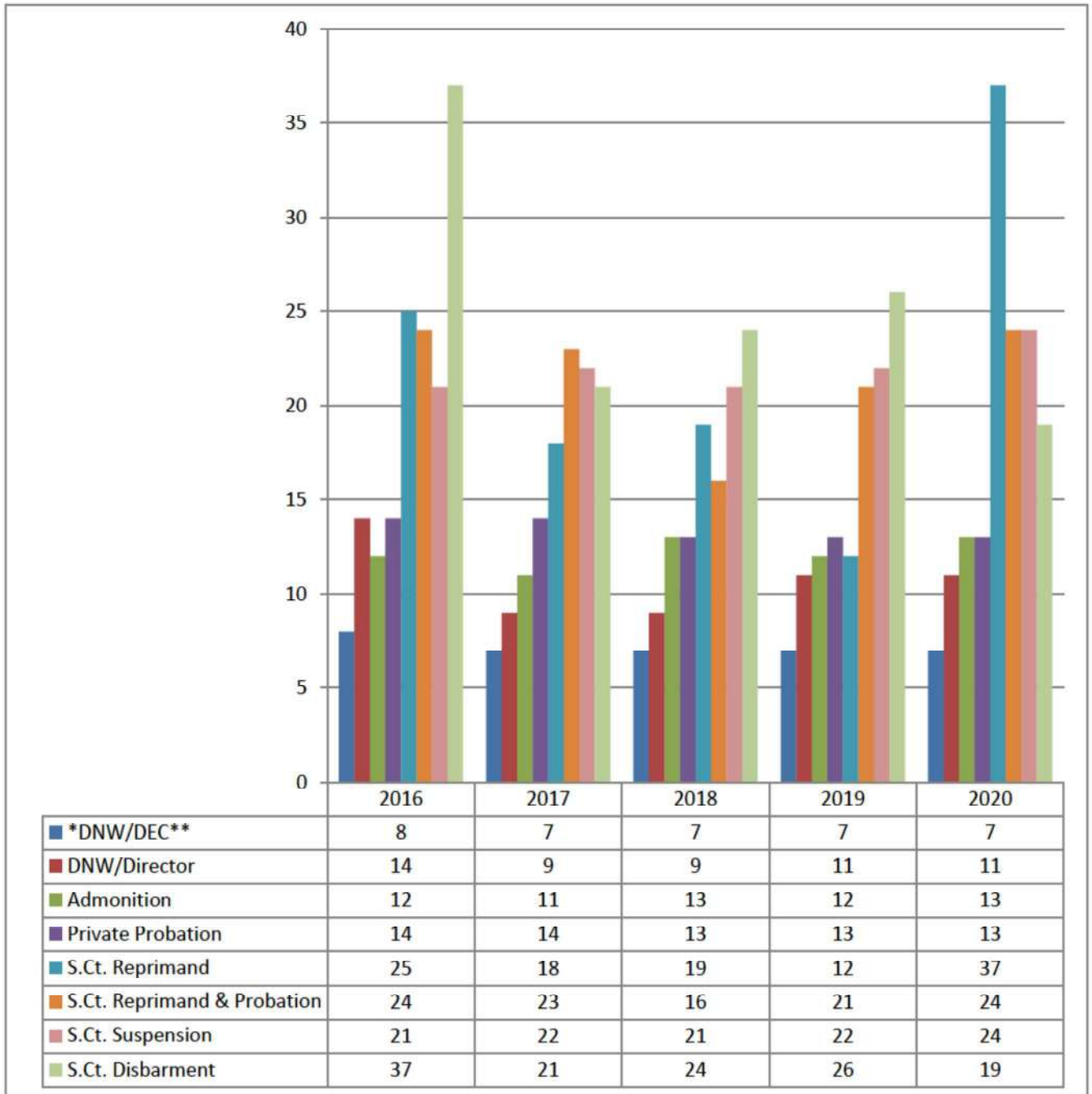
**TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2019**



**TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2020**



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



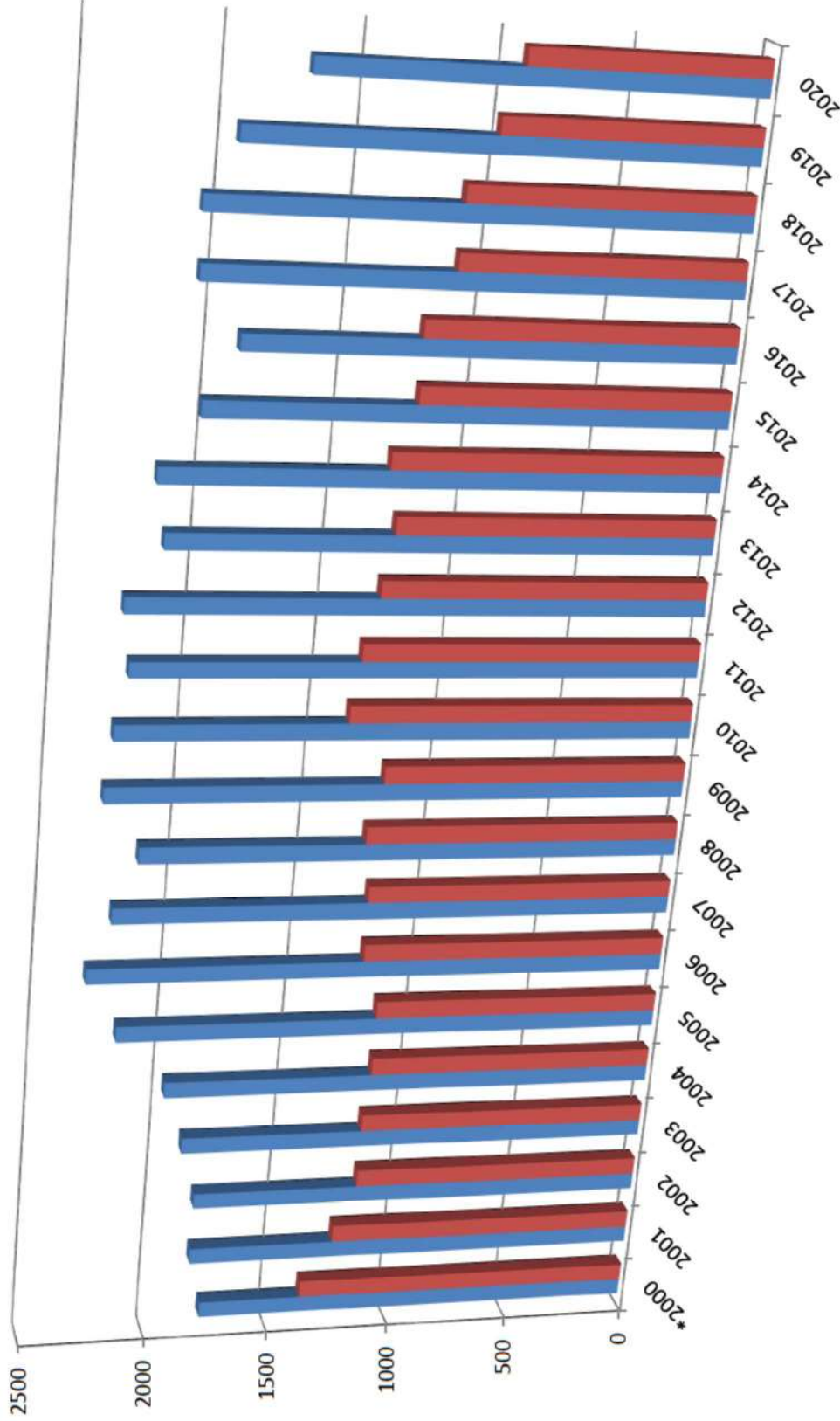
\*Discipline Not Warranted  
\*\*District Ethics Committee

## ANNUAL REPORT

TABLE X: PUBLIC DISCIPLINE DECISIONS 2020

Determination Year	Disbarments	Suspensions (all)	Reprimand and Probations	Reprimands	Year Total
1986	7	17	2	4	30
1987	5	18	4	7	34
1988	4	21	7	5	37
1989	5	18	8	3	34
1990	8	27	9	10	54
1991	8	14	10	6	38
1992	7	17	7	5	36
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	6	2	34
1998	15	18	10	2	45
1999	3	12	5	0	20
2000	6	19	10	2	37
2001	3	15	9	2	29
2002	4	18	6	1	29
2003	6	15	4	0	25
2004	5	10	3	1	19
2005	6	22	6	1	35
2006	8	26	10	5	49
2007	5	22	6	1	34
2008	4	18	13	2	37
2009	5	23	4	6	38
2010	7	9	7	3	26
2011	2	18	5	2	27
2012	6	26	8	1	41
2013	11	28	9	4	52
2014	6	22	6	5	39
2015	6	46	8	4	64
2016	6	27	4	6	43
2017	5	26	6	4	41
2018	8	23	8	6	45
2019	5	22	4	4	35
2020	3	24	5	1	33
<b>Total</b>	<b>212</b>	<b>711</b>	<b>241</b>	<b>112</b>	<b>1276</b>

**TABLE XI**  
**Advisory Opinion Requests Received**  
**and**  
**Number of Complaints Opened**  
**2000 - 2020**



	*2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Advisory Opinions Received	1770	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2156	1888	2051	2057	1943	1700
Complaints Opened	1362	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210	1216	1110	1107	1003	930

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

**TABLE XII**  
**Advisory Opinions 1991-2020**

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
2018	1901 (93%)	3 (.0%)	1904 (93%)	153 (7%)	2057
2019	1850 (95%)	5 (.0%)	1855 (95%)	88 (5%)	1943
2020	1623 (95%)	1 (.0%)	1624 (96%)	76 (4%)	1700

\* 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	2019	2020
1.1	Competence	19	22
1.2	Scope of Representation	52	57
1.3	Diligence	9	18
1.4	Communication	85	112
1.5	Fee Agreements and Fees - Generally	82	113
1.6	Client Confidentiality	297	297
1.7	Conflict of Interest - Generally	285	261
1.8	Conflict of Interest - Transactions	73	67
1.9	Conflict - Former Clients Generally	183	151
1.10	Imputed Disqualification - Generally	40	44
1.11	Government Lawyer Conflicts Generally	16	25
1.12	Former Judges & Law Clerks	13	8
1.13	Organization as Client	11	14
1.14	Disabled Client - Generally	48	42
1.15	Trust Accounts - Generally	190	196
1.16	Withdrawal from Representation	252	244
1.17	Sale or Termination of Law Practice	38	17
1.18	Prospective Clients	53	54
2.1	Advisor	1	0
2.4	Lawyer Serving as 3rd Party Neutral	2	1
3.1	Meritorius Claims	14	14
3.2	Expediting Litigation	0	0
3.3	Candor Toward the Tribunal	51	41
3.4	Fairness to Opposing Counsel	26	20
3.5	Contact with jurors or venire	8	6
3.6	Trial Publicity	1	0
3.7	Attorney as Witness	28	10
3.8	Special Prosecutor Duties	7	5
4.1	Candor to Others	11	13
4.2	Contact with Represented Party	82	74
4.3	Contact with Unrepresented Party	27	39
4.4	Respect for Third Persons' Rights	27	26
5.1	Supervisory Lawyers	3	4
5.2	Subordinate Lawyers	0	3
5.3	Non-Lawyer Employees	11	7
5.4	Professional Independence	19	18
5.5	Unauthorized Practice	96	63
5.6	Covenants Not to Compete	7	2
5.7	Responsibilities Regarding Law Related Services	7	9
5.8	Employment of Suspended Attorney	2	4
6.1	Voluntary Pro Bono	2	0
6.3	Legal Services Organizations	0	0
6.4	Law Reform Activities	0	0
6.5	Pro Bono Limited Legal Services Programs	2	1
7.1	Advertising Generally	45	30
7.2	Technical Requirements	18	17
7.3	Solicitation Generally	22	17
7.4	Specialization	2	2
7.5	Letterhead & Firm Name	21	23
8.1	Admission and Discipline	0	2
8.2	Legal Officials	1	4
8.3	Duty to Report Attorney Misconduct	70	59
8.4	Misconduct	44	43
99	Dormant File Procedures	152	107
	Totals	2555	2406

**OLPR SUMMARY OF PUBLIC MATTERS DECIDED**

DETERMINATION DATES BETWEEN: 1/1/2020 AND 12/31/2020

**48 DECISIONS INVOLVING 109 FILES**

Supreme Court Disbarment	3 ATTORNEYS	5 FILES	Supreme Court Reprimand/Probation	5 ATTORNEYS	5 FILES
HANSMEIER, PAUL R	A19-0173	1	AMPE, PAUL A	A19-1939	1
LIEBER, DANIEL M	A20-0808	3	BERG, PERRY A	A19-1049	1
PERTLER, THOMAS H	A20-0934	1	DANIELS, JOHN H	A20-1312	1
<b>Stayed Disbarment</b>	<b>1 ATTORNEYS</b>	<b>2 FILES</b>	MCCORMICK, DAVID L	A20-0935	1
LIEBER, DANIEL M	A19-48	2	NELSON, ROLF T	A20-0746	1
<b>Supreme Court Suspension</b>	<b>24 ATTORNEYS</b>	<b>68 FILES</b>	<b>Supreme Court Reprimand</b>	<b>1 ATTORNEYS</b>	<b>2 FILES</b>
ADAMS POWELL, KARLOWBA R	A18-1967	3	MICHENFELDER, PATRICK W	A20-1289	2
ALDERMAN, JUSTIN M	A19-2092	1	<b>Supreme Court Disability Status</b>	<b>5 ATTORNEYS</b>	<b>18 FILES</b>
BOSSE, RICHARD E	A19-0595	2	DUGGINS, TERRENCE P	A20-0212	12
DONNELLY, CHRISTOPHER A	A19-1454	1	EICHHORN-HICKS, TRACY R	A20-1123	3
FISCHER, BRIAN C	A20-0800	1	MUCHLINSKI, JOSEPH D	A20-1400	1
FRIEDERICHS, NORMAN P	A20-0301	1	STIELOW, JOHN A	A20-0896	1
FRIEDRICHS, KARL O	A19-631	1	SZARKE, STEVEN B	A20-1396	1
FULLER, RANDALL J	A19-969	1	<b>Reinstated</b>	<b>3 ATTORNEYS</b>	<b>3 FILES</b>
KENNEDY, DUANE A	A18-1799	2	BENTIVEGNA, JAMES M	A19-1143	1
LENNINGTON, PETER G	A20-0630	9	FRIEDRICHS, KARL O	A19-0631	1
LONDON, JOSHUA S	A20-1436	3	MOLLIN, RICHARD C	A19-0268	1
MCCOLLISTER, MATTHEW D	A20-0151	5	<b>Reinstatement/Probation</b>	<b>6 ATTORNEYS</b>	<b>6 FILES</b>
MOLLIN, RICHARD C	A19-268	2	ALDERMAN, JUSTIN M	A19-2092	1
MOULTON, DANIEL J	A19-0444	1	APPELMAN, AVERY L	A19-1335	1
PAULSON, JON E	A19-345	5	PETTY, RICHARD W	A18-0346	1
PEARSON, TODD C	A18-1932	2	SAND, RICHARD A	A18-1795	1
PENA, ANA L	A19-1689	5	SEVERIN, GRETCHEN R	A18-454	1
QUINN, MICHAEL J	A18-1890	2	TROMBLEY, CAROL T	A19-0413	1
RUDAWSKI, JEROME M	A19-2019	2			
SCHILD, CHRISTINE M	A20-1290	1			
STRUNK, KENT F	A19-0917	1			
TAYARI GARRETT, MPATANISHI S	A15-1814	1			
UDEANI, IGNATIUS C	A18-2139	14			
WOOD, RYAN J	A19-1998	2			

**PROBATION STATISTICS**

**TOTAL PROBATION FILES OPEN DURING 2020**

Public Supervised Probation Files (29%)	27	
Public Unsupervised Probation Files (26%)	<u>22</u>	
Total Public Probation Files (55%)		49
Private Supervised Probation Files (19%)	16	
Private Unsupervised Probation Files (26%)	<u>23</u>	
Total Private Probation Files (45%)		<u>39</u>
<b>Total Probation Files Open During 2020</b>		<b>88</b>

**TOTAL PROBATION FILES**

Total probation files as of 1/1/2020	59
Probation files opened during 2020	29
Probation files closed during 2020	<u>(26)</u>
<b>Total Open Probation Files as of 12/31/2020</b>	<b>62</b>

**PROBATIONS OPENED IN 2020**

**Public Probation Files**

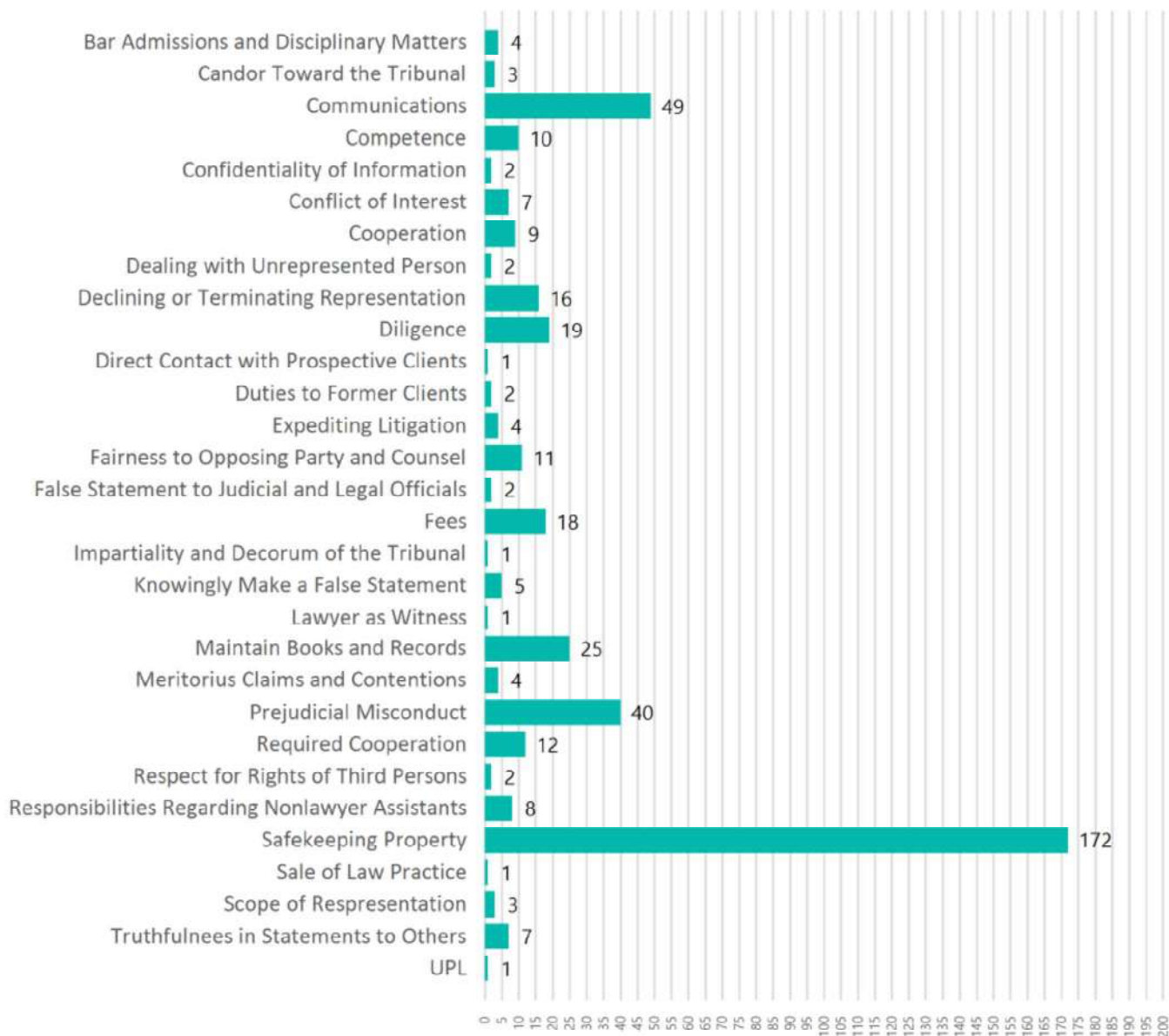
Supervised	8	
Unsupervised	<u>6</u>	
<b>Total Public Probation Files</b>		<b>14</b>

**Private Probation Files**

Supervised	6	
Unsupervised	<u>9</u>	
<b>Total Private Probation Files</b>		<b><u>15</u></b>
<b>Total New Probation Files in 2020</b>		<b>29</b>

# ANNUAL REPORT

## PROBATION AREAS OF MISCONDUCT - 2020



\* Between 1/1/2020 AND 12/31/2020, there were 88 probations involving 441 rule violations.

This chart reflects the number of rule violations involved in those 88 probations, organized by area of misconduct.

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2020 – June 2021**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>Initials</b>
7/10/20	Managing Business and Trust Accounts	Webinar	Minnesota CLE	CBH LJN
7/16/20	Business as Usual	Webcast		BTT
7/30/20	Stress in Non-Traditional Practice	Webcast	Minnesota CLE	NSF
8/6/20	Overview of OLPR and Common Rule Violations	Zoom	University of St. Thomas Law School	KMR
8/19/20	How to Communicate with Clients, Protect Data and Maintain a Thriving Business While Distancing-Ethics for COVID-19 and Beyond	Webcast	Minnesota CLE	SMH
8/20/20	Avoiding Ethical Mistakes in Cases with Co-Defendants and Confidential Informants	Webcast	Minnesota CLE	KMR
8/27/20	Beyond an Ethical Doubt: Ethical Considerations for Criminal Defense Practitioners	Webcast	Hennepin County Public Defender's Office	KMR
9/3/20	Business Law Institute-Ethical Pitfalls for In-House Counsel and Business Lawyers	Webcast	Minnesota CLE	SMH JHB
9/8/20	Ethics for Paralegals	Minneapolis	Minnesota Paralegal Association	AMH PKL
9/16/20	Ethical Best Practices for Lawyers Representing Parents in Neglect and Abuse Cases		Hennepin County Adult Representation Services	CBH
9/16/20	Family Law Section	ZoomGov	Duluth Bar Association	AMH
9/25/20	Professional Responsibility Seminar	Webinar	Office of Lawyers Professional Responsibility	SMH JSB AMH CBH KMR BTT
10/6/20	Emerging Lawyer Ethics Issue - The Intersection of Ethics Rule 3.8(d) and Brady/Giglio	Minneapolis	MSBA	JSB
10/16/20	Resolving Conflicts of Interest in Probate and Trust Cases	Virtual	Minnesota CLE	SMH
10/16/20-10/17/20	Ethics for Paralegals (pre-recorded)	Webinar	Minnesota CLE	NSF AMH
10/22/20	Panel discussion re Minnesota's Legal Paraprofessional Pilot Program	Virtual	National Federation of Paralegal Association	LJN
10/24/20	Avoiding Ethical Mistakes in Cases with Co-Defendants and Confidential Informants	Webcast	Alternate Craguns	KMR
11/12/20	Resolving Ethics Issues in Estate and Probate Matters	Webinar	Ramsey County Bar Association	SMH

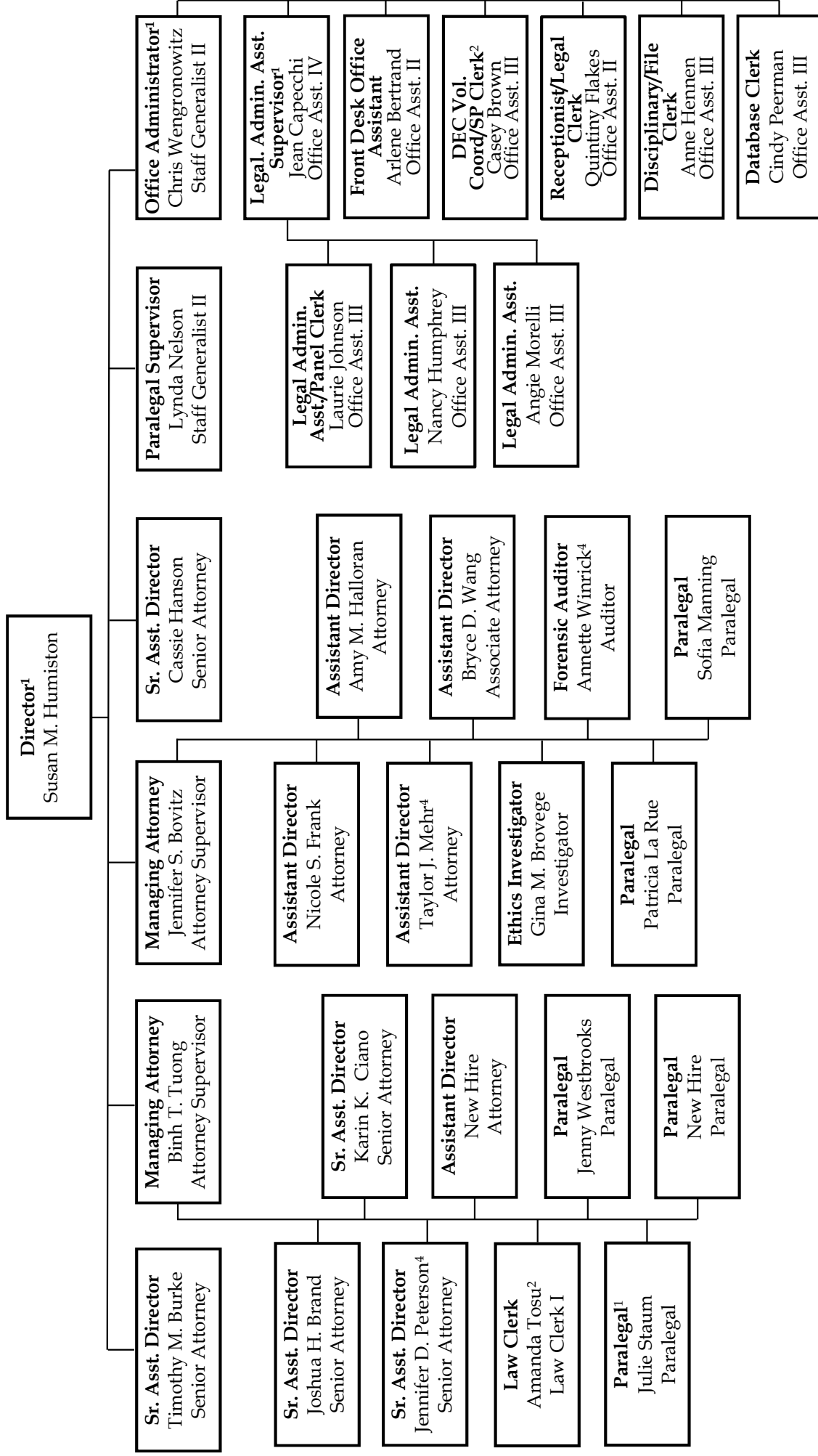
**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2020 – June 2021**

12/2/20	Avoiding Ethical Mistakes in Cases with Co-Defendants and Confidential Informants	Webinar	State Public Defender's Office	KMR
12/3/20	Sticky Ethics Issues for the Well-Intentioned Lawyer	Zoom	MNCLE	SMH
12/9/20	How In House Counsel Handle a Crisis Ethically	Zoom	MNCLE	SMH
1/19/21	Limited Scope CLE	Zoom	MSBA	SMH
1/20/21	Ethical Pitfalls for In-House Counsel and Business Lawyers	Zoom	MNCLE	SMH
1/28/21	Clients with Diminished Capacity	Zoom	MNCLE	TMB
2/8/21	Delivering Excellent Service	Zoom	University of St. Thomas School of Law	KMR
2/10/21	Character and Fitness in Reinstatement Proceedings	Zoom	NOBC	SMH
2/17/21	Complying with Your Professional Responsibility to Keep Client Data Safe	Zoom	MNCLE	JSB
2/19/21	Holding Ministers of Justice to Account	Zoom	State Public Defenders	SMH
2/19/21	Ethics and the Virtual Practice of Law	Zoom	Minnesota Association of City Attorneys	AJS
2/19/21	Beyond the Barking Dog – Ethics and Security Issues in Remote Practice	Zoom	MSBA	BTT
2/23/21	Clients with Diminished Capacity	Webinar	MNCLE	TMB
2/24/21	Conversations with Discipline Counsel	Podcast	American Immigration Lawyers Association	SMH
3/5/21	Ethical Practice in a Pandemic	Zoom	American Association of Matrimonial Lawyers	JSB
3/14/21	Year in Review	Zoom	HCBA Professionalism Committee	SMH
3/15/21	Family Law Institute: The Ethics of Virtual Family Law Practices	Zoom	MNCLE	SMH
3/15/21	Family Law Institute: How to Respond (and Not Panic) if You Receive an Ethics Complaint	Zoom	MNCLE	AJS
3/18/21	Litigating Probate and Trust Disputes	Zoom	MNCLE	SMH
3/24/21	Ethics Fundamentals— Safekeeping Property	Webinar	MNCLE	SMH
3/24/21	2020 in Review – an Update on Ethics	Webinar	MSBA	NSF
4/7/21	Ethics for Lawyers Representing Parents in Abuse and Neglect Cases	Webinar	Institute to Transform Child Protection	CBH

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2020 – June 2021**

4/14/21	Ethics for the Public Lawyer – 2021	Webinar	Attorney General’s Office	SMH
4/16/21	Ethics: The Year in Review	Zoom	Hennepin County Law Library	BTT
5/13/21	A Year in Review: Update on Attorney Discipline Matters	Zoom	MNCLE	BTT KKC
5/14/21	DEC Chairs Symposium	Zoom	LPRB/OLPR	SMH JSB KKC BDW AMH JHB
5/21/21	Solo Small Summit – Ethics of Limited Scope Agreements	Zoom	MNCLE	SMH
5/24/21	Employment Law Institute— Ethics of the Well-Intentioned Lawyer	Zoom	MNCLE	SMH
5/27/21	Ethics: How to Handle Sticky Professional Conduct Issues – Advice for the Well-Intentioned Lawyer	Zoom	MNCLE	SMH
6/24/21	Ethics Issues in Family Law and Domestic Violence Cases	Zoom	Legal Aid of Olmstead County	SMH
6/25/21	Maintaining Wellness in the Pandemic	Zoom	MSBA	JSB
6/29/21	Ethics for Plaintiffs Lawyers	Zoom	MN Association of Justice	SMH

# Office of Lawyers Professional Responsibility FY21 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

<sup>4</sup> Starting July, 2021

**Supreme Court Employees<sup>3</sup>**  
Accounting  
Lisa Pasqualini (.1 FTE allocated to OLP)R  
Tracy Wendel (.2 FTE allocated to OLP)R



# MINNESOTA

## Lawyers Professional Responsibility Board

### Office of Lawyers Professional Responsibility

445 Minnesota Street  
Suite 2400  
St. Paul, Minnesota 55101

651-296-3952  
1-800-657-3601

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## Announcements

- [Client Security Board Seeks Attorney Member](#)
- [Director Seeks Full-Time Senior Assistant Director](#)
- [Notice Regarding Non-Board Member Access to Board Meetings](#)
- [Court Appoints Public Member Antoinette M. Watkins to Lawyers Professional Responsibility Board](#)
- [Panel and referee hearings continue via Zoom through June 14, 2021](#)
- [2021 LPRB Meeting Dates](#)
- [Upcoming Public Hearings](#)
- [OLPR Courtroom COVID Procedures](#)
- [Congratulations to Judith Rush 2020 Volunteer of the Year](#)
- [COVID FAQs](#)

## What's New

- ["Avoiding ethics complaints," MN Bench and Bar, April 2021](#)
- ["Private discipline in 2020," MN Bench and Bar, March 2021](#)
- ["Public discipline summary for 2020," MN Bench and Bar, February 2021](#)
- ["Lawyers in transition," MN Bench and Bar, January 2021](#)
- ["Lawyer Well-Being: Prescribing sleep \(Part 2\), Minnesota Lawyer, March 2019](#)
- ["Lawyer Well-Being: Sleep - an amazing breakthrough for lawyers," Minnesota Lawyer, March 2019](#)

## Quick Links

FILE A  
COMPLAINT

LAWYER  
SEARCH

## Legal References

MN RULES OF  
PROFESSIONAL  
CONDUCT

FOR LAWYERS ONLY:  
ADVISORY OPINIONS

[Professional Responsibility Seminar](#)

[Trust Accounts](#)

[Professional Firms](#)

[Resignations](#)

[LPRB Opinions](#)

[Disciplinary History Request](#)

[Proposed and Pending Rules & Opinions](#)

## Contact

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Office of Lawyers Professional Responsibility

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651-296-3952  
1-800-657-3601  
Fax: 651-297-5801

TTY users call MN relay service toll free:  
1-800-627-3529

## 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

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[OLPR Lawyer Directory](#)

[Annual Reports](#)

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